

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Adam Peck



VICE CHAIRPERSON:

Roland Soltesz

COMMISSIONERS: Adam Peck, Roland Soltesz, Brett Taylor, Liz Wynn, Lawrence Segrue

MONDAY, APRIL 13, 2015; 4 PM WORKSESSION, 7 PM REGULAR MEETING,
COUNCIL CHAMBERS, 707 W. ACEQUIA, VISALIA CA

1. WORK SESSION – *CONTINUED FROM MARCH 23, 2015*
Zoning Text Amendment No. 2015-05: A request by the City of Visalia to repeal Chapter 17.48 (Signs) of the Visalia Municipal Code Title 17 (Zoning Ordinance) and adopt a new Chapter 17.48 of the Visalia Municipal Code pertaining to sign regulations.
2. BREAK –
3. THE PLEDGE OF ALLEGIANCE –
4. 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. The Commission requests that a 5-minute time limit be observed for comments. Please begin your comments by stating and spelling your name and providing your street name and city. Please note that issues raised under Citizen's Comments are informational only and the Commission will not take action at this time.
5. CHANGES OR COMMENTS TO THE AGENDA--
6. 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
 - Planning Division Fee Amendments: Consideration of revisions to the Planning Division fees as contained in City of Visalia Fee Resolution No. 2014-25.
7. PUBLIC HEARING – Brandon Smith
Conditional Use Permit No. 2015-05: A request by Luis & Rachel Patlan, to allow a 1,337 sq. ft. wine tasting retail business with live music in the C-DT (Central Business District Retail) zone. The project site is located at 115 E. Main Street. (APN: 094-298-004) The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2015-019

8. PUBLIC HEARING – Andy Chamberlain
Conditional Use Permit No. 2015-07: a request by Donahue Schriber Realty Group to allow a check cashing business, in the CCM (Community Commercial) zone. The site is located at 3206 N. Dinuba Boulevard, Suite 2-E. (APN: 079-310-015) The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2015-018

9. PUBLIC HEARING – Andy Chamberlain
Conditional Use Permit No. 2015-02: a request by The Visalia Rotary Community Foundation to allow a two unit respite house for use by Kaweah Delta Health Care District, in the R-1-6 (Single Family Residential) zone. The site is located at 669 S. Watson Street. (APN: 096-143-004) The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303, Categorical Exemption No. 2015-016

10. PUBLIC HEARING – Andy Chamberlain
Exception No. 2015-02: A request by Sandra De Azevedo property owner, to allow a six-foot high chain link fence in the front setback along NW 2nd and West Streets, in the Single Family Residential (R-1-6) zone. The site is located at 405 NW 2nd Avenue (APN: 094-044-001) The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2015-015

11. PUBLIC HEARING – Paul Bernal
Conditional Use Permit No. 2015-06: A request by Chandi Group to construct a new ARCO fueling station with a 6,000 square foot convenience store with a drive-thru lane. The ACRO fueling station is proposed to be constructed within the Square at Plaza Drive master-planned development located on the southwest corner of North Plaza Drive and West Crowley Avenue (APNs: 081-170-001, 081-170-002, 081-170-003, 081-170-009, 081-170-010, and 081-170-014). The revised gas station site plan has no new effects that could occur, or new mitigation measures that would be required that have not been addressed within the scope of the previously approved Mitigated Negative Declaration No. 2014-53. The Mitigated Negative Declaration prepared for the entire 25-acre master planned Business Research Park was approved by Resolution Nos. 2014-29 and 2014-30. No further environmental review is required.

12. DIRECTOR'S REPORT/ PLANNING COMMISSION DISCUSSION-

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 the hearing impaired, if signing is desired, please call (559) 713-4359 twenty-four (24) hours in advance of the scheduled meeting time to request these services. For the visually impaired, if enlarged print or Braille copy is desired, please call (559) 713-4359 for this assistance in advance of the meeting and such services will be provided as soon as possible following the meeting.

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, APRIL 23, 2015 BEFORE 5 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 425 E. Oak Avenue, Suite 301, 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.ci.visalia.ca.us or from the City Clerk.

THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, APRIL 27, 2015

City of Visalia

Memo



To: Planning Commission
From: Planning Division
Date: April 13, 2015
Re: Follow-up to issues raised at the March 23, 2015 Planning Commission Work Session Meeting regarding the Sign Ordinance Update

SUMMARY

At the work session item for the Sign Ordinance Update conducted on March 23, 2015, the Planning Commission received a presentation, took public comment, and directed staff to provide additional information on certain topical areas. The materials are organized into nine topic areas, and are analyzed in the order they were introduced during the discussion.

Based on some of these responses, staff is recommending revisions to the Draft Visalia Sign Ordinance dated March 17, 2015. These revisions are addressed in the topical discussion that follows, and are incorporated into an amended resolution recommending that the City Council adopt the Sign Ordinance Update (Zoning Text Amendment No. 2015-05).

The Planning Commission's motions to approve the actions can be tailored to reflect the consensus preferences on each of the topical areas.

RECOMMENDED MOTION

That the Planning Commission adopt Resolution No. 2015-13, as amended, recommending that the City Council approve Zoning Text Amendment No. 2015-05 adopting the Visalia Draft Sign Ordinance incorporating the revisions addressed in this memo.

LIST OF TOPICS

1. Regarding residential subdivision signs, the draft wording regarding maximum 2 on-site signs or one per every 300 lineal feet is confusing.
2. Regarding portable and A-frame signs in the downtown right-of-way, is an encroachment permit required? Is a four foot clear zone sufficient for a clear path of travel?
3. What are applicable window sign codes for downtown tenants whose windows are recessed from property line?
4. Regarding grand opening signs, there needs to be clarification of the "60 consecutive days" so that there are no loopholes or manipulation of the 60 day maximum.
5. Regarding construction signs, should multiple signs be allowed for multiple contractors/companies working on a building?
6. What is the legal basis for regulating outdoor advertising displays differently from on-site signs?
7. What is the legal basis for prohibiting mobile billboards? Is there a free speech issue? Is there an air quality issue?
8. Is the 30% limitation on window signs firmly grounded in traffic safety and aesthetic considerations; if not, why not allow larger window signs under the proposed exemption?
9. Have the rules on real estate signs been so "relaxed" as to represent a return to prior regulations which allowed a proliferation of temporary subdivision for sale signage?

Topic 1: Residential Subdivision Signs

Issue: The draft wording stating that residential subdivisions are allotted “a maximum of either two signs or up to one per every 300 lineal feet that the subdivision perimeter fronts upon a public street” is confusing.

Response: A simplification of the proposed rule - an either-or choice - is recommended to make it clearer.

Revision to Ordinance Section 17.48.110.H.3. On-Site Temporary Subdivision Signs:

“a. A residential subdivision may erect within its boundaries, ~~a maximum of either two signs or up to one sign~~ per every 300 lineal feet that the subdivision perimeter fronts upon a public street.”

Topic 2: Portable and A-frame signs in the downtown right-of-way

Issue: The draft ordinance wording for portable signs in the downtown did not accurately reflect the recommendation of the Technical Advisory Committee. The Commission also raised questions regarding whether the current placement language that reflects a minimum four-foot clearance does not pose a conflict with established accessibility codes.

Response: Revisions to the wording are recommended to eliminate the requirement of an encroachment permit, consistent with the recommendation of the Technical Advisory Committee. Revisions are also recommended to address the requirement of maintaining a pedestrian accessible route which addresses other City Divisions’ (i.e. Building, Engineering) regulations for maintaining an accessible clearance. The additional wording is intended to cover all scenarios pertaining to accessibility.

Revision to Ordinance Section 17.48.120.G. Portable Signs:

“Portable signs, including A-frames and easels, are allowed to advertise the location, goods or services offered on the premises. They must be made of a durable, rigid material such as, without limitation, wood, plastic or metal and conform to the following standards. No sign permit is required, ~~unless a portable sign is to be placed in a public right-of-way, in which case an encroachment permit is required.~~” ...

“5. Placement: A portable sign shall be placed so that a ~~minimum four feet pedestrian circulation path and “accessible route”~~ as required by the Americans with Disabilities Act and implementing regulations is left clear for pedestrian passage on all sidewalks and walkways. The path must contain a four-foot wide minimum continuous pedestrian access route and must be free of all obstacles, protruding objects, and any vertical obstructions hazardous to pedestrians. They shall only be placed at grade level and shall not be placed on walls, boulders, planters, vehicles, other signs or any other type of structure.”

Topic 3: Applicable sign codes for windows recessed from property line in the downtown.

Issue: The question was raised as to whether signs within windows of downtown storefronts that are recessed from property line are subject to the same regulations as signs within windows located on property line.

Response: A clarification is recommended to reflect more accurately the idea that any window sign that is intended to be viewed from the exterior of a building, whether it is centered on the property line, recessed, or otherwise setback from the property line, including signs in windows that are along courts within the Downtown is exempt from a permit requirement, provided it meets the standards of the Sign Ordinance.

Revision to Ordinance Section 17.48.030 Exempt Signs:

“Window Signs. Window signs intended to be viewed from the public right-of-way, subject to the following standards: ...”

Topic 4: Clarification on Grand Opening Signs

Issue: The draft wording, which allows grand opening signs for a period not exceeding 60 days, needs to be clarified so that there are no loopholes or manipulation of the 60 day maximum.

Response: Removal of the word consecutive days is recommended to simplify the wording.

Revision to Ordinance Section 17.48.130.A.1. Sign Area and Dimensions:

“a. One “grand opening” sign or banner, not exceeding 60 square feet, is allowed for a period not exceeding 60 ~~consecutive~~ days to announce a newly opened or reopened establishment at the site where the banner is to be displayed and potentially display information about promotional events, discounts or special services associated with the grand opening. ...”

Topic 5: Multiple Construction Signs

Issue: The draft code does not address the allowance of multiple signs for multiple contractors/companies working on a building.

Response: A clarification is recommended wherein multiple construction signs for individual vendors that may be involved in a project may be permitted as long as the cumulative sign area does not exceed the maximum allotted sign area. The maximum allotted sign area has not changed.

Revision to Ordinance Section 17.48.030 Exempt Signs:

“Construction Signs. A single sign or multiple signs related to construction or landscaping work and related financing of such work may be placed upon a site where a building is being constructed or remodeled, or the landscaping is being replaced, subject to the following standards.

1. Maximum Sign Area. The total sign area of ~~C~~construction signs on a site shall be no more than:

- a. Four square feet in Agricultural and Residential Districts; and
- b. 32 square feet in non-residential districts. ...”

Topic 6: Regulation of outdoor advertising displays differently from on-site signs

Issue: The question posed is whether cities may legally prohibit outdoor advertising displays (i.e. billboards) given the constitutional right of free speech.

Response: In California, local jurisdictions are expressly authorized by the Government Code to regulate the placement of signs and billboards (Gov. Code 38774). This authority is premised on the police power, as justified by governmental interests in traffic safety and aesthetics. Case law related to the authority of municipalities to prohibit billboards within their jurisdictions establishes that content-neutral regulations that serve to directly advance a substantial governmental interest, that are narrowly tailored, and that allow for alternative channels of communication, are legal under the U.S. and California constitutions.

For stationary outdoor advertising displays, or billboards, *Metromedia, Inc. v. City of San Diego*¹ is the leading U.S. Supreme Court sign case. Recent Ninth Circuit appellate decisions, *Metro Lights, L.L.C. v. City of Los Angeles*² in 2009, and *World Wide Rush, LLC v. City of Los Angeles*³ in 2010 also reiterate the findings from the Metromedia case and, thus, affirm federal law on this question.

In *Metromedia*, seven of the nine justices on the U.S. Supreme Court agreed that a city may ban billboards, and that the restriction on free speech is justified by community interests in safety and community appearance. The plurality of four justices explained:

“In the first place, whether onsite advertising is permitted or not, the prohibition of offsite advertising is directly related to the stated objectives of traffic safety and aesthetics. This is not altered by the fact that the ordinance is underinclusive because it permits onsite advertising. Second, the city may believe that offsite advertising, with its periodically changing content, presents a more acute problem than does onsite advertising. . . . Third, San Diego has obviously chosen to value one kind of commercial speech – onsite advertising – more than another kind of commercial speech – offsite advertising. The ordinance reflects a decision by the city that the former interest, but not the latter, is stronger than the city’s interests in traffic safety and aesthetics. The city has decided that in a limited instance – onsite commercial advertising – its interests should yield. We do not reject that judgment. As we see it, the city could reasonably conclude that a commercial enterprise – as well as the interested public – has a stronger interest in identifying its place of business and advertising the products or services available there than it has in using or leasing its available space for the purpose of advertising commercial enterprises located elsewhere. . . . It does not follow from the fact that the city has concluded that some commercial interests outweigh its municipal interests in this context that it must give similar weight to all other commercial advertising. Thus, offsite commercial billboards may be prohibited while onsite commercial billboards are permitted.”

Because of the huge cash flows that can be generated by a well-positioned billboards, many lawsuits have been filed by billboard companies seeking permits for new billboard signs, or to save existing inventory. In spite of the *Metromedia* case, holding that cities may ban billboards, outdoor advertising companies often claim that defects in the local sign ordinance render the law unconstitutional and

¹ *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490 (1981).

² *Metro Lights, L.L.C. v. City of Los Angeles*, 551 F. 3d 898 (9th Cir. 2009).

³ *World Wide Rush, LLC v. City of Los Angeles*, 606 F. 3d 676 (9th Cir. 2010).

unenforceable, and thus the city has no legal basis for denying a permit. The billboard companies have lost the vast majority of such cases.

With these legal decisions in mind, no changes in the recommendations of the Draft Sign Ordinance are judged necessary.

Topic 7: Prohibition of mobile billboards

Issue: The question posed is whether cities may legally prohibit mobile billboards? Does this conflict with any free speech protections or pose an air quality issue?

Response: A California Court of Appeal case, *Showing Animals Respect and Kindness (SHARK) et al. v. City of West Hollywood*⁴ in 2008, upheld the prohibition of mobile billboard advertising which had been adopted by the City of West Hollywood. The California Legislature subsequently amended the California Vehicle Code to grant express authority to cities and counties to prohibit mobile billboards and to clarify enforcement mechanisms that can be used by cities and counties.

In *SHARK*, the City of West Hollywood's ordinance completely banned mobile billboard advertising. This ordinance was challenged on the meaning of the term "advertise" and whether "advertising" applied only to commercial speech. It was held that the term "advertise" is not limited to calling the public's attention to a product or business, and applies to both commercial and noncommercial speech. The Court noted that the City's ordinance that exempts buses and other vehicles displaying advertisements or business identifications of its owner does not support the conclusion that the ordinance was intended to affect only commercial advertising. The Court further held that the business identification provision in the ordinance that allows certain commercial vehicles going about their usual business in the city is consistent with, rather than an exception to the ordinance definition of mobile billboard advertising because such vehicles are not used for "the primary purpose of advertising" and would be on the streets even without business identification markings on such vehicles. Because the ordinance was determined to be a content-neutral regulation of the time, place, or manner of speech the Court evaluated the ordinance based on whether it served a significant government interest, was narrowly tailored to that interest, and left open alternative avenues of communication. In sum, the Appellate Court found that the ordinance satisfied the required test because it advanced the government's interest in protecting its community's aesthetics, traffic safety, and air quality, and therefore did not violate the free speech clause of the First Amendment. The Draft Sign Ordinance was prepared with this case law in mind, and no changes in the recommendations embodied in this ordinance are warranted because of federal or state case law.

A revision to the City's Draft Ordinance however is recommended to reflect more precisely the definition of a mobile billboard in the California Vehicle Code, added by Assembly Bill 2756 (Chap. 615, 2010 Stats.), which authorizes local jurisdictions to regulate mobile billboard advertising displays, as defined, including the establishment of penalties.

Revision to Ordinance Section 17.48.180 Definitions:

"Mobile Billboard. An advertising display that is attached to a vehicle or any mobile, nonmotorized vehicle or device that carries, pulls, or transports a sign or billboard (outdoor advertising display), and is for the primary purpose of advertising ~~Any vehicle, or wheeled conveyance which carries, conveys, pulls, displays, or transports any sign or billboard for~~

⁴ *Showing Animals Respect and Kindness et al. v. City of West Hollywood*, No. B201721, 2008 Cal. Ct. App. <http://caseslaw.findlaw.com/ca-court-of-appeal/1198746.html> (2nd Dist., Div. 1, Sept. 9, 2008) (unpublished).

~~the primary purpose of advertising~~ a commercial or noncommercial message, or other general advertising for hire.”

An additional revision to the Draft Ordinance is recommended to reflect more accurately the provisions in the California Vehicle Code related to mobile billboards and case law which upholds the right of a City to ban mobile billboards, but also allow them on bus shelters and other municipal property (*Metro Lights, L.L.C. v. City of Los Angeles*, 551 F. 3d 898 (9th Cir. 2009); *World Wide Rush, LLC v. City of Los Angeles*, 606 F. 3d 676 (9th Cir. 2010)). Because taxicabs are not municipal property, they should not be accorded the same exemption as bus advertising.

Revision to Ordinance Section 17.48.040 Prohibited Signs:

“E. Mobile Billboards. The City prohibits any person to conduct, or cause to be conducted, any mobile billboard advertising upon any street, or other public place within the City in which the public has the right of travel and on private property. The purpose of this prohibition is to eliminate mobile billboard advertising within the City in order to reduce traffic congestion, promote the safe movement of vehicular traffic, to reduce air pollution, and to improve the aesthetic appearance of the City. This prohibition does not apply to signage on a licensed commercial vehicle that is related to the goods or services provided by the vehicle owner or operator and to public transit/public carrier graphics on properly licensed buses and ~~taxicabs.~~”

Topic 8: Limitation of Window Sign Area

Issue: Comments were raised bringing into question why an arbitrary number (i.e. 30%) was recommended as the maximum coverage allowed for permanent window signs. Is a minimum amount of unobstructed window area required for compliance with public safety or building code regulations, or is a maximum being proposed to maintain aesthetic relief and reduce visual clutter?

Response: The Technical Advisory Committee (TAC) deliberated on specific wording for a new regulation in the Sign Ordinance pertaining to window signs. The TAC consensus was in favor of allowing window sign regulations, but thoughts widely varied with regard to the measurement and allowed area. Ideas were presented to consider increased percentage of coverage (i.e. 30% or 40%), and a 30% coverage is recommended in the draft regulations.

The 30% coverage was viewed as a reasonable limit, consistent with current practice of several existing retailers in Visalia. The proposed regulation reflects a limited amount of signage for traffic safety and aesthetic purposes. Increasing the allowance so that no limit would apply to window signs could result in “information overload” for drivers, degradation of the visual environment by creating more signage overall, and detract from the City’s goals for this Ordinance. Increasing the allowance also could confer a special privilege for those with large plate glass windows, conferring an advantage not enjoyed by business owners with less visible window area. For these reasons, the 30% limitation continues to be recommended as a fair and prudent rule, responsive to the concerns expressed and the deliberations of the TAC and consistent with current limitations on wall and window signage.

This rule does not impinge on the owner’s ability to present product displays. It only regulates signs that are specifically designed to be viewed from the exterior of the building. Interior signage intended for customers within the store is not regulated. Additionally, by limiting the

window area for signage the rule enables more visibility for goods displayed within the store and for inviting interior eating and drinking spaces and office/service space.

The proposed standard for window signs is slightly more generous than the rule in the City of Lemoore (a maximum of 25% of window area) and significantly more generous than the standard in Fresno (no more than 6 square feet). The City of Tulare does not provide a separate exemption for window signs, treating them as any other wall or building-mounted sign. The Visalia Police Department does not have a specific requirement for maintaining visibility, although the State Department of Alcoholic Beverage Control commonly includes a condition that no more than 33% of windows shall be covered with advertising or signs.

On this basis, no changes in the recommendations of the Draft Sign Ordinance are recommended.

Topic 9: Change in Real Estate and Subdivision Sign Regulations

Issue: A concern was raised wherein the rules on real estate signs may have been “relaxed” as to represent a return to prior regulations which allowed a proliferation of temporary subdivision for sale signage.

Response: The Draft Sign Ordinance largely reflects all of the current requirements of residential signage. The only substantial changes are

- 1) the increase in the size of for sale/for rent signs in residential zones from four square feet per face to eight square feet per face,
- 2) the increase in the number of permanent entry signs allowed for a subdivision or multi-family housing complex, and
- 3) changes to the subdivision sign ordinance as requested by written correspondence to the Technical Advisory Committee (refer to March 23, 2015 staff report).

The Ordinance would not change the standards for temporary open house signs related to size, height, number, location and time limits, nor would it change the dimensional limits that apply to the entry signs (size and height). With this in mind, the changes that the City adopted a few years ago will be largely carried forward. The increase in the size of for sale/for rent signs is modest, and consistent with best practices in peer communities in the Valley. For these reasons, no changes in the recommendations for real estate sign standards are proposed in response to Commission comments and public testimony.

On this basis, no changes in the recommendations of the Draft Sign Ordinance are recommended.

CORRESPONDENCE

Staff received one letter of correspondence since the last sign ordinance discussion at the March 23, 2015 work session. The Tulare County Association of Realtors submitted correspondence that supports the draft sign ordinance as recommended by the TAC with petitioned changes to the real estate sign regulations, and requests two changes to the draft ordinance. The changes are being requested to match conditions in the current sign ordinance. Following a review of the draft sign ordinance, staff has determined that the draft sign ordinance already addresses the issues raised by the Association of Realtors and that no changes to the Draft Sign Ordinance are needed.

Signs in Agriculture Zone. The correspondence asks that the size of "for sale signs" in agriculture zones match the current standard of 32 square feet. In fact, the Draft Ordinance upholds a maximum sign area of 32 sq. ft. for permanent signs (current ordinance: 17.48.070.A.1; draft ordinance: 17.48.090.D.3) and a maximum sign area of 4 sq. ft. for "for sale" signs (current ordinance: 17.48.070.A.3; draft ordinance: 17.48.090.G.4).

Commercial / Industrial For-Sale Signs. The correspondence states that the draft ordinance does not address "for sale" signs for commercial and industrial properties. In fact, the draft ordinance does contain standards located at Section 17.48.100.D which covers all other zones besides Agriculture and Residential. The maximum sign area hasn't changed from the existing standard of two signs at 32 sq. ft. each, found at current ordinance Section 17.48.060.E.

ATTACHMENTS

- Exhibit "A" – Correspondence from Tulare County Association of Realtors dated April 7, 2015
- Resolution No. 2015-13 (Revised), recommending adoption of ZTA No. 2015-05 (Draft Sign Ordinance)
- Planning Commission staff report dated March 23, 2015 (previously distributed and incorporated by reference)

4/7/2015

Visalia Planning Department

RE: New Sign Ordinance

Dear Planning Commission,

The City Council and the Tulare County Association of Realtors, worked together a few years ago in order to update the sign ordinance that covers "Real Estate Signs". We were able to come together and make an ordinance that satisfied both of our organization's needs.

During the recent update process, the Sign Ordinance Technical Advisory Committee made the recommendation to keep the ordinance how it is currently written with one minor change. We petitioned to change the size of residential for sale signs from four square feet to eight square feet. This request was granted.

Upon reviewing the draft sign ordinance that was presented to our organization, we noticed that under the section that covers "Real Estate Signs" there is no mention of "for sale signs" in the Commercial or Industrial zones. We are asking that you include these zones in the Sign Ordinance. Also for consistency purposes, we are requesting that you change the size of the Agricultural "for sale signs" to match that of the current sign ordinance. Excerpts from the current ordinance are attached for your reference.

We are asking that you support the sign ordinance as it was recommended from the TAC. Attached to this letter is the current sign ordinance for all other non-residential zones. Thank you for all of your hard work.

Sincerely,



Brad L. Maaske – Chairman of Local Government Relations
Tulare County Association of Realtors

The following is a copy of the Sign Ordinance:

A. Agricultural Zone (No permit required).

1. Signs, not exceeding thirty-two (32) square feet in area, identifying the sale of products raised on the premises is permitted. Such signs shall not exceed six feet in overall height;
2. One nameplate, not exceeding two square feet in area, containing the name and address of the occupant, is permitted for each residence;

Exhibit "A"

3. Two signs pertaining to the sale, lease, rental or display of a structure or land. The signs may have two faces. Each face shall not exceed an area of four square feet and shall not exceed a height of six feet above the surface of the ground.

C. Signing in P-C-C and P-C-N Zones (Permit required). Buildings signs are permitted for each commercial use, as follows:

1. Two square feet of sign area is permitted for each foot of linear occupancy frontage to a maximum of fifty (50) square feet;

2. Users may choose which exterior side of the building will be used for the purpose of calculating the permitted sign area. The building signs, however, shall be mounted on the side of the building used to calculate the permitted sign area.

3. Additional signs of a maximum twenty-five (25) percent of the sign area as calculated in Section 17.48.070(C)(1) shall be allowed for each remaining exterior wall; provided, that the sign for any given wall does not exceed two square feet per linear foot of the wall length;

4. Pedestrian Oriented Sign. One double faced sign not exceeding an area of three square feet per face nor a height of twelve (12) feet;

5. The sign area as calculated for the occupancy frontage may be used on the occupancy frontage or may be divided between the occupancy frontage and any other exterior walls; provided, that the total sign area does not exceed that as calculated for the occupancy frontage or that the sign area on any exterior wall does not exceed two square feet per one foot of linear occupancy frontage;

6. Each building may display a reader board of a maximum area of twenty (20) square feet indicating the name, address and type of business of the businesses within the building. If the reader board is located on a part of the building qualifying as an occupancy frontage for which sign area may be calculated, the sign area used for the reader board shall be deducted from the total permitted for that occupancy;

7. Reader boards shall be designed as one with each copy panel consisting of similar materials and design. Permits for reader boards shall not be issued without consent of the property owner.

D. Signing in P-PA and P-OG Zones (Except Design District G). One square foot of sign area is permitted for each two feet of linear occupancy frontage to a maximum of thirty (30) square feet. Sign may be freestanding or wall mounted, or a combination of both. If freestanding, the sign shall not exceed a height of six feet. Each office building is permitted twelve (12) square feet of sign area, regardless of occupancy frontage.

E. Signing in Airport Zone (Permit required). Signs may be located in the airport zone upon approval of the planning department. Specific requirements for signs in this zone shall be determined by the planning department based upon building design, site layout, site design, and consistent with the intent of the sign ordinance. (Ord. 2010-09, § 2, 2010; Prior code § 7616)

RESOLUTION NO. 2015-13

RESOLUTION OF THE VISALIA PLANNING COMMISSION
RECOMMENDING APPROVAL OF ZONING ORDINANCE TEXT AMENDMENT NO.
2015-05: A REQUEST BY THE CITY OF VISALIA TO REPEAL CHAPTER
17.48 (SIGNS) OF THE VISALIA MUNICIPAL CODE TITLE 17 (ZONING
ORDINANCE) AND ADOPT A NEW CHAPTER 17.48 OF THE VISALIA
MUNICIPAL CODE PERTAINING TO SIGN REGULATIONS.

WHEREAS, Zoning Ordinance Text Amendment No. 2015-05, is a request by the City of Visalia to repeal Chapter 17.48 (Signs) of the Visalia Municipal Code Title 17 (Zoning Ordinance) and adopt a new Chapter 17.48 of the Visalia Municipal Code pertaining to sign regulations; and

WHEREAS, Title 17, Chapter 17.48 of the Visalia Municipal Code sets forth certain regulations regarding signs; and

WHEREAS, the City Council of the City of Visalia has directed that the Sign Ordinance be comprehensively updated, for reasons including to address the Ordinance's shortcomings in addressing current issues and enforcement and in addressing case law issues in current ordinance language; and

WHEREAS, a Technical Advisory Committee was assembled to help identify issues in the Ordinance and to provide recommendations on regulations during the update, and in the course of six meetings – each of which included opportunity for public comment – the Committee developed a set of recommendations for a draft ordinance; and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission on March 23, 2015, to consider the adoption of the new sign regulations, and continued said hearing to a specific date of April 13, 2015; and

WHEREAS, the Planning Commission of the City of Visalia concluded said public hearing on April 13, 2015; and,

WHEREAS, the Planning Commission of the City of Visalia finds Zone Ordinance Text Amendment No. 2015-03 to be in accordance with Section 17.44.070 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 Categorical 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 15061(b)(3) of the CEQA Guidelines and is also categorically exempt pursuant to Section 15305 of the CEQA Guidelines.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia recommends approval of Zone Ordinance Text Amendment No. 2015-05 based on the following specific findings and evidence presented:

1. That the proposed Zoning Ordinance Text Amendment is consistent with the intent of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed Zoning Ordinance Text Amendment is not inconsistent with any other Element of the General Plan.
3. That the project is Categorically Exempt from environmental review under California Environmental Quality Act (CEQA) Guidelines pursuant to CEQA Guidelines Section 15061(b)(3) (no significant effect on the environment) and is also categorically exempt pursuant to CEQA Guidelines Section 15305, and Notice of Exemption No. 2015-17 has been prepared for this project.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia recommends approval of the Zoning Ordinance Text Amendment No. 2015-05 as provided in Exhibit "A", in accordance with the terms of this resolution and under the provisions of Section 17.44.070 of the Ordinance Code of the City of Visalia.

BE IT FURTHER RESOLVED, that the Planning Commission of the City of Visalia recommends that the Draft Sign Ordinance proposed under Zoning Ordinance Text Amendment No. 2015-05 incorporate revisions hereto attached as Exhibit "B" of Resolution No. 2015-13.

EXHIBIT "A" OF RESOLUTION NO. 2015-13

The existing regulations in Title 17, Chapter 17.48 of the Visalia Municipal Code is repealed in its entirety, and is replaced by the regulations as follows:

Chapter 17.48 Signs

Sections:

- 17.48.010 Purpose
- 17.48.020 Applicability
- 17.48.030 Exempt Signs
- 17.48.040 Prohibited Signs
- 17.48.050 Permits Required
- 17.48.060 Sign Design Principles
- 17.48.070 Rules for Sign Measurement
- 17.48.080 General Sign Standards
- 17.48.090 Sign Standards for Agricultural and Residential Zones
- 17.48.100 Sign Standards for Other Zones
- 17.48.110 Standards for Specific Sign Types
- 17.48.120 Downtown Retail Design District Sign Standards
- 17.48.130 Temporary Signs
- 17.48.140 Master Sign Program
- 17.48.150 Variances and Exceptions
- 17.48.160 Nonconforming Signs
- 17.48.170 Maintenance, Abandonment, and Enforcement
- 17.48.180 Definitions

17.48.010 Purpose

The purpose of this Chapter is to regulate signs as an information system that preserves and enhances the aesthetic character and environmental values of Visalia, its residential neighborhoods, its Downtown, and commercial/industrial areas, while also providing an effective means for members of the public to express themselves through the display of signs. These regulations recognize the importance of business activity to the economic vitality of the City as well as the need to protect the visual environment. Specifically, these regulations are intended to implement the General Plan and:

- A. Provide minimum standards to safeguard life, health, property, public welfare, and traffic safety by controlling the design, quality of materials, construction, illumination, size, location and maintenance of signs and sign structures;
- B. Preserve and enhance the visual attractiveness of the City for residents, businesses, and visitors;

- C. Protect and enhance property values and community appearance by encouraging signs that are compatible with the architectural style, character, and scale of the building to which they relate and with adjacent buildings and businesses;
- D. Restrict signs that may create visual clutter or a nuisance to nearby properties, violate privacy, create hazards or unreasonable distractions for pedestrians and drivers;
- E. Provide adequate opportunity for the exercise of the free speech by display of a message or image on a sign, while balancing that opportunity with other community and public interests;
- F. Ensure that commercial signs are accessory or auxiliary to a principal business or establishment on the same premises, rather than functioning as general advertising for hire; and
- G. Prohibit signs that may cause traffic or pedestrian safety hazards or interfere with ingress and egress.

17.48.020 Applicability

This Chapter regulates signs that are located or mounted on private property within the jurisdictional boundaries of Visalia. The provisions in this Chapter apply in all Zoning Districts within the City. No sign within the regulatory scope of this Chapter shall be erected or maintained anywhere in the City except in conformity with this Chapter.

17.48.030 Exempt Signs

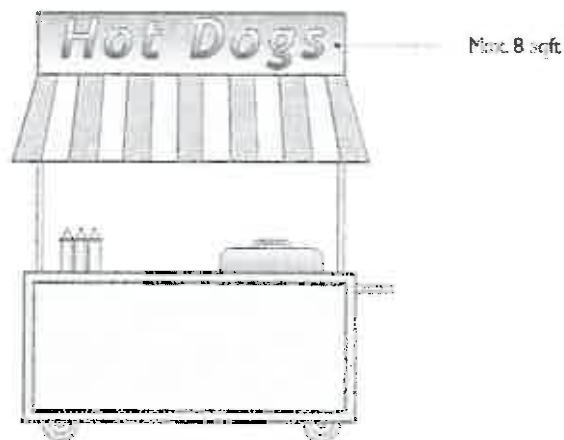
The following signs are exempt from the permit requirements of this Chapter and do not count toward the total sign area limit for a site, provided that they conform to applicable standards:

- A. Address Signs. One nameplate, not exceeding two square feet in area, containing the name and address of the occupant.
- B. Barber Poles. Barber poles, not exceeding 18 inches in height, located on a commercial property and containing no lettering.
- C. Change of Business Signs. A temporary attachment or covering of wood, plastic, or canvas over a permanent sign indicating a change of ownership or activity may be displayed for no longer than 60 days following the change of ownership or activity for which the sign is intended. The sign must be no larger than the previously permitted permanent sign.
- D. Commemorative Signs. Commemorative plaques, memorial signs or tablets, or signs indicating names of buildings and dates of building erection, either attached to or cut into the surfaces of buildings, provided that no such sign exceeds three square feet in area. Plaques commemorating the site of a historical event, the residence or workplace of a historical figure, or a building whose architectural or historical character is recognized by the City, State, or federal government. Plaques shall not exceed three square feet in area.
- E. Commercial Displays On Vehicles. Signs on vehicles may be displayed, provided that:
 - 1. The message pertains to the establishment of which the vehicle is an instrument or tool; and

2. The message does not utilize changeable copy or special illumination.
- F. Construction Signs. A sign related to construction or landscaping work and related financing of such work may be placed upon a site where a building is being constructed or remodeled, or the landscaping is being replaced, subject to the following standards.
1. Maximum Sign Area. Construction signs shall be no more than:
 - a. Four square feet in Agricultural and Residential Districts; and
 - b. 32 square feet in non-residential districts.
 2. Duration. Construction signs may be installed up to 60 days before commencing construction and must be removed at the time that construction of the project is completed.
- G. Decorations. Holiday and cultural observance decorations on private property. Decorations cannot include commercial advertising. This exemption includes strings of lights associated with a holiday decoration.
- H. Equipment Signs. Signs incorporated into permitted displays, machinery, or equipment by a manufacturer, distributor, or vendor and identifying or advertising only the product or service dispensers by the machine or equipment, such as fuel pumps at gas stations.
- I. Flags. Flags of a governmental entity or a civic, philanthropic, educational, or religious organization may be erected and located in accordance with the following standards:
1. Location. Flagpoles must not be located within any required side yard setbacks.
 2. Maximum Flagpole Height. If a flag is on a flag pole, the pole height must not exceed 30 feet or the distance from the base of the pole to the closest lot line plus two feet, whichever is less.
 3. Maximum Size. The maximum individual flag area on a lot is 24 square feet in R districts and 32 square feet in all other districts.
- Pennant banner flags and streamers are not included in this exemption and are regulated under Section 17.48.130, Temporary Signs.
- J. Garage Sale Signs. One sign not exceeding two feet by two feet in size may be posted on the property where the sale is being held during the duration of the sale only. No signs regarding such sale shall be posted on any property other than where the sale is held.
- K. Government Signs. Official notices issued by a court, public body or office and posted in the performance of a public duty; notices posted by a utility or other quasi-public agency; signs erected by a governmental body to direct or regulate pedestrian or vehicular traffic; noncommercial bus stop signs erected by a public transit agency, or other signs required or authorized by law. This exemption also covers signs and banners for special civic events sponsored by the City, which may be displayed in public rights of way.
- L. Incidental Business Sign. A small sign or decal that indicates incidental business information about the conduct of the business, such as credit cards accepted, trading stamps offered, trade affiliations, and similar matters.

- M. Informational Signs. Non-commercial informational signs located wholly on private property, not exceeding two square feet in area, erected for the convenience of the public, such as signs identifying restrooms, public telephones, walkways, and similar features or facilities.
- N. Interior Signs. Signs that are located entirely within a building or enclosed structure and not visible from the public right of way.
- O. Manufacturers Marks. Marks on consumer or industrial products, which are integral to the product and identify the maker, seller, provider or product and which customarily remain to the product after the sale.
- P. Menu Display Boards. Menu displays that are mounted on a wall or window near the main entrance of establishments serving food. Menu displays are limited to four square feet in area. This exemption does not apply to stand-alone menu boards in drive-through establishments.
- Q. Mobile Vendor Signs. Signs and menu display boards fixed to mobile vending carts or food trucks that identify or advertise the name, product, or service provided by the vendor. Each mobile vending cart or food truck is limited to a maximum of eight square feet of sign area, plus a menu display board.

FIGURE 17.48.030(Q): MOBILE VENDOR SIGNS

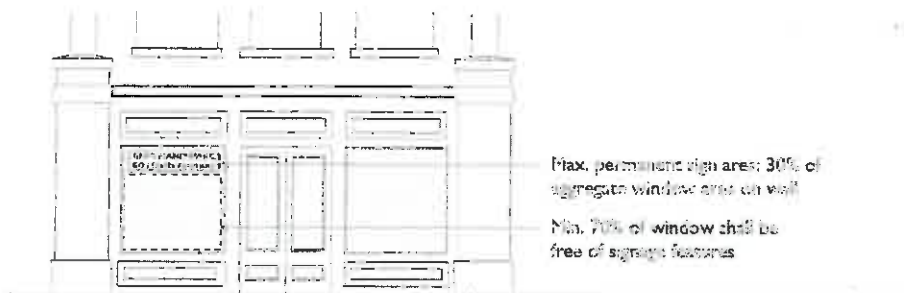


- R. Newspaper Stands. Signs that are part of newspaper stands provided the sign area does not exceed four square feet.
- S. Portable Signs. A-frame signs and other portable signs that conform to the standards of this Chapter.
- T. Public Carrier Graphics. Graphic images mounted on carrier vehicles such as buses, taxicabs, and limousines that legally pass through the City.
- U. Small Service Signs. Small signs, not exceeding four square feet in size, identifying a service provided to a site, such as security, landscaping or roofing, as well as membership logo stickers.
- V. Sponsorship Signs and Banners. One sponsorship sign or banner for each sponsor or one sign or banner for all sponsors, which sponsor and contribute to civic activities upon public or private premises, not to exceed 18 square feet in area, is permitted for a period not to exceed one year preceding the event. Such sign or banner must be removed

within 15 days after the event or the sporting season. All sponsorship signs banners must meet material specifications established by the City and may be restricted to locations approved by the City Council.

- W. Time and Temperature Devices. Time and temperature devices, not taller in height than permitted signs or larger than 12 square feet, located wholly on private property and bearing no commercial message.
- X. Vehicle Insignia. License plates, license plate frames, registration insignia and other messages affixed to vehicles that advertise, identify, or provide direction to a use or activity not related to making deliveries or sales of merchandise or messages relating to the proposed sale, lease or exchange of the vehicle. This includes vehicles making deliveries as a regular part of their business (U.S. Postal Service, U.P.S., etc.). The total area of such exempt signage must not exceed one square foot per lineal foot of length of the vehicle or watercraft.
- Y. Window Signs. Window signs, subject to the following standards:
1. Surface Area. No more than 30 percent of the aggregate window area on a single window for permanent signage; up to 10 percent of the aggregate window area may be used for temporary window signage that conforms to the standards of Section 17.48.130(A).
 2. Transparency. A minimum of 70 percent of the window shall be transparent and free of signage features. Any permanent sign either hung or within two feet of a window or attached to a display located within two feet of a window is considered a window sign.
 3. Interior electronic signs and digital displays. Interior digital displays, within two feet of a window, are allowed provided they are no larger than 30 percent of the aggregate allowable window area for permanent signage.

FIGURE 17.48.030(Y): WINDOW SIGNS



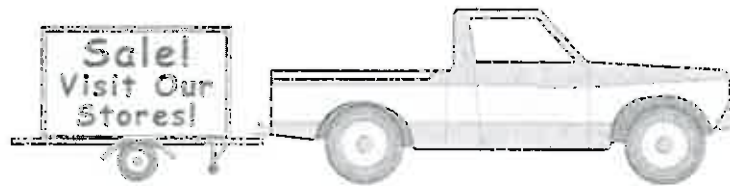
17.48.040 Prohibited Signs

Unless expressly allowed by another Section of this Chapter or other applicable law, the following signs, locations, and materials are prohibited:

- A. Animated or Moving Signs. Animated, flashing, blinking, reflecting, revolving, or other similar sign with visibly moving or rotating parts or visible mechanical movement of any kind, unless expressly permitted under this Chapter. This prohibition does not apply to signs using digital display technology, such as LED (light emitting diodes) or functionally equivalent display methods, which are permitted, subject to the regulations of this Chapter.

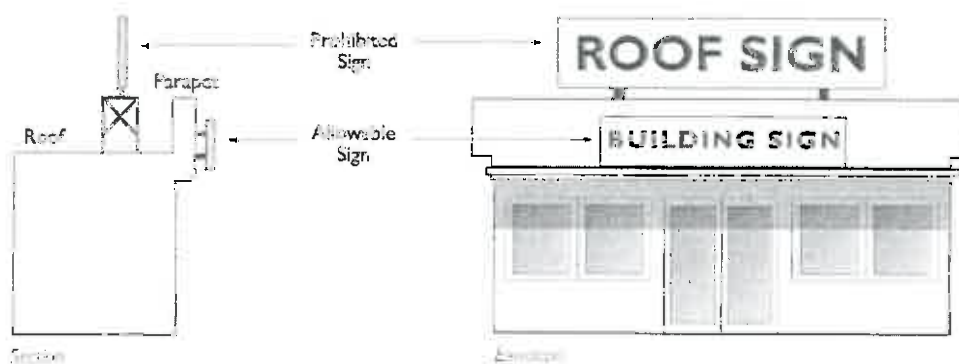
- B. Banners, Balloons, Inflatable Signs, Streamers, Pennants and Other Attention-Getting Devices. Banners, balloons, inflatable signs, streamers, pennants and other attention-getting devices, made of light-weight fabric or similar material, designed to rotate or move with the wind or activated by forced air, that direct, promote, or that are otherwise designed to attract attention for outdoor advertising purposes are prohibited in all zoning districts, unless permitted as a Temporary Sign under subsection 17.48.130.E.
- C. General Advertising (for Hire). Temporary or hand-held signs that publicize or promote other businesses or causes using methods of advertising (in contrast to self-promotion, on-site sales, or on-site advertising). General advertising is also known as advertising for hire.
- D. Mobile Billboards. The City prohibits any person to conduct, or cause to be conducted, any mobile billboard advertising upon any street, or other public place within the City in which the public has the right of travel. The purpose of this prohibition is to eliminate mobile billboard advertising within the City in order to reduce traffic congestion, promote the safe movement of vehicular traffic, to reduce air pollution, and to improve the aesthetic appearance of the City. This prohibition does not apply to signage on a licensed commercial vehicle that is related to the goods or services provided by the vehicle owner or operator and to public transit/public carrier graphics on properly licensed buses and taxicabs.

FIGURE 17.48.040(D): MOBILE BILLBOARDS



- E. Murals. Murals which contain advertising copy or function as advertising. Murals without advertising copy must be approved by the City Council under the provisions of the City's adopted mural policy.
- F. Outdoor Advertising Displays ("Billboards"). Signs that display outdoor advertising for hire are prohibited in all zones.
- G. Roof Signs. Roof signs, including signs mounted or painted on roofs, except those painted on a flat roof and not visible from the public right of way.

FIGURE 17.48.040(G): ROOF SIGNS



- H. Search Lights and Klieg Lights. Search and Klieg lights when used as attention attracting devices for commercial uses. They may be allowed with a temporary conditional use permit for special events.
- I. Signs in the Public Right-of-Way without an Encroachment Permit. Other than government signage, no sign can be placed in the public right-of-way in median strips or islands, sidewalks, on street trees or retaining walls, on bridges, public benches, traffic signals, public fences, street poles, utility poles and equipment, street lighting, traffic signs, or within a railroad right-of-way, unless it has been authorized by an encroachment permit issued by the City.
- J. Signs on Doors, Windows, or Fire Escapes. Signs shall not be located or installed on any door, window, or fire escape that will prevent free ingress or egress. No sign shall be attached to any standpipe or fire escape, except those required by other codes.
- K. Signs that Create a Traffic Hazard or Affect Pedestrian Safety. Signs located in such a manner as to constitute a safety hazard or to impede the public use of the public right of way. These signs include but are not limited to:
 - 1. Signs located in such a manner as to constitute a traffic hazard or obstruct the view of traffic or any authorized traffic sign or signal device.
 - 2. Signs that may create confusion with any authorized traffic sign, signal, or traffic control device because their color, design, illumination, location or wording, or use of any phrase, symbol, or character which interferes with, misleads, or confuses vehicular drivers in their use of roads or conflicts with any traffic control sign or device.
 - 3. Signs within five feet of a fire hydrant, street sign, or traffic signal.
 - 4. Signs erected at or near the intersections of public and/or private rights-of-way in such a manner as to create a safety hazard by obstructing clear view of pedestrian and vehicular traffic.
- L. Signs that Produce Noise or Emissions. Signs that produce visible smoke, vapor, particles, odor, noise, or sounds that can be heard at the property line, excluding voice units at menu boards and devices for servicing customers from their vehicles, such as drive up windows at banks or pharmacies, provided these latter units comply with the standards of the City's Noise Ordinance.
- M. Snipe Signs. Signs tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, trailers, temporary construction barriers or other supporting structures.

17.48.050 Permits Required

- A. Sign Permit Required. No sign shall be erected, altered, reconstructed or relocated without a sign permit. A permit is not required for ordinary maintenance and repairs to signs and for portable signs on private property that conform to the standards of this Chapter. The Planning Department will review all applications for sign permits for consistency with this Chapter.

- B. Encroachment Permit. Signs that project over or extend into a public street or sidewalk shall be subject to Encroachment Permit approval by the Public Works Department pursuant to the provisions of Chapter 12 of the Municipal Code.
- C. Conditional Use Permit Required. A Conditional Use Permit, issued pursuant to Chapter 17.38 of the Visalia Municipal Code, is required for Master Sign Programs (see paragraph E below) and electronic signs, excluding interior electronic signs and digital displays that are regulated as window signs and are exempt from permit requirements.
- D. Owner's Consent Required. Consent of the property owner or business owner is required before any sign may be displayed on any real or personal property in the City.
- E. Master Sign Program. A Master Sign Program, prepared pursuant to Section 17.48.130, is required for the following projects:
 - 1. New or remodeled non-residential or mixed used projects on a site of five or more acres; and
 - 2. Any development in the BRP zone.

17.48.060 Sign Design Principles

The following sign design principles should be used as criteria for review and approval of sign permits and Master Sign Programs.

- A. Architectural Compatibility. A sign, including its supporting structure, if any, should be designed as an integral design element of a building's architecture and be architecturally compatible, including color and scale, with any building to which the sign is to be attached and with surrounding structures. A sign that covers a window or that spills over "natural" boundaries or architectural features and obliterates parts of upper floors of buildings is detrimental to visual order and will not be permitted. Common indicators of compatibility include:
 - 1. Quality sign design and construction;
 - 2. Proportional size and scale; and
 - 3. Use of materials, shapes and colors that complement the building's architectural style and the surrounding environment.
- B. Legibility. The size and proportion of the elements of the sign's message, including logos, letters, icons and other graphic images, should be selected based on the average distance and average travel speed of the viewer. Sign messages oriented towards pedestrians may be smaller than those oriented towards automobile drivers. Colors chosen for the sign text and/or graphics should have sufficient contrast with the sign background in order to be easily read during both day and night. Symbols and logos can be used in place of words. Substantial contrast should be provided between the color and materials of the background and the letters or symbols to make the sign easier to read in both day and night.
- C. Readability. A sign message should be easily recognized and designed in a clear, unambiguous and concise manner, so that a viewer can understand or make sense of what appears on the sign.

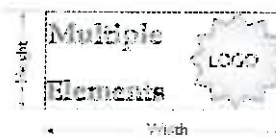
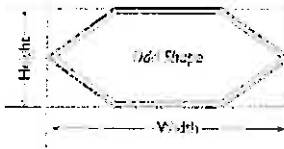
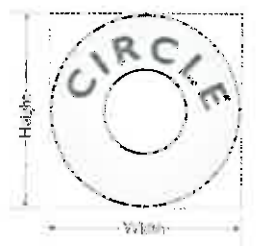
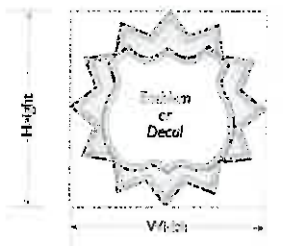
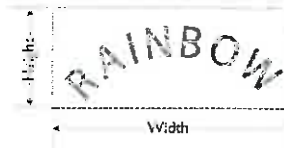
- D. **Visibility.** A sign should be conspicuous and readily distinguishable from its surroundings so a viewer can easily see the information it communicates.
- E. **Placement.** Often, a building's architectural details create logical places for signage. Signs should not cover or interrupt architectural details or ornaments of a building's façade. On buildings with a monolithic or plain façade, signs can establish or continue appropriate design rhythm, scale and proportion. Well-designed and well-located retail signs create visual interest and continuity with other storefronts on the same or adjacent buildings. Signs should not obstruct windows or doors.

17.48.070 Rules for Sign Measurement

- A. **Calculation of Sign Area.** The area of an individual sign must be calculated as follows:
 - 1. **Single-Faced Signs.** Sign area includes the entire area within a single continuous perimeter composed of squares or rectangles that enclose the extreme limits of all sign elements, including, but not limited to, sign structures or borders, written copy, logos, symbols, illustrations, and color. Supporting structures such as sign bases and columns are not included in sign area provided that they contain no lettering or graphics except for addresses or required tags. The calculation of sign area for various types of single-faced signs is illustrated in Figure 17.48.070(A)(2).
 - 2. **Double-Faced Signs.** Where two faces of a double-faced sign are located two feet or less from one another at all points, or located at an interior angle of 45 degrees or less from one another, the sign area must be computed as the area of one face. Where the two faces are not equal in size, the larger sign face will be used. Where two faces of a double-faced sign are located more than two feet or 45 degrees from one another, both sign faces will be counted toward sign area. See Figure 17.48.070(A)(3).

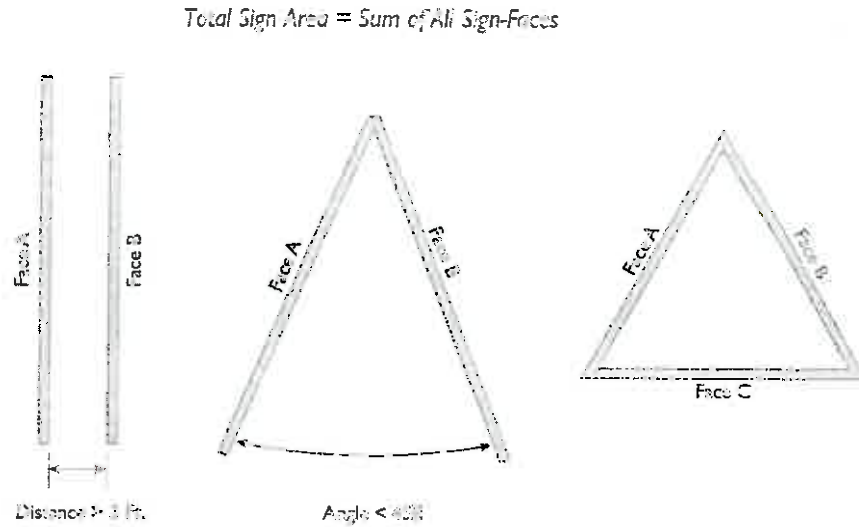
FIGURE 17.48.070(A)(2): MEASUREMENT OF SIGN AREA

Sign Area = Height x Width



3. Multi-Faced Signs. On a three-faced sign, where at least one interior angle is 45 degrees or less, the area of two faces (the largest and smallest face) must be summed to determine sign area. In all other situations involving a sign with three or more sides, sign area will be calculated as the sum of all faces.

FIGURE 17.48.070(A)(3): MEASUREMENT OF MULTI-FACED SIGNS



4. **Three-Dimensional Signs.** Signs that consist of, or have attached to them, one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), may have a sign area that is the sum of two adjacent sides of the smallest cube that will encompass the sign. See Figure 17.48.070(A)(4).

FIGURE 17.48.070(A)(4): MEASUREMENT OF 3-DIMENSIONAL SIGNS

Sign Area = Sum of Two Adjacent Sides



- B. **Calculation of Lot Frontage.** If a lot fronts on two streets, both frontages may be used for calculating the allowable sign area. On lots with three or more frontages on a public street, the length of only two contiguous sides shall be added together to determine allowable sign area.
- C. **Measuring Sign Height.** The height of a sign is the vertical distance measured from the ground level directly beneath the sign to the highest point at the top of the sign, including any structural or architectural components of the sign. The ground level shall be either the natural grade or finished grade, whichever is lowest.
 1. **Height of Freestanding Signs.** The height of freestanding signs shall be measured as the vertical distance from grade at the edge of the right-of-way along which a sign is placed to the highest point of the sign, including any

structural or architectural components of the sign. When the grade at the edge of the right-of-way is higher than the site on which the sign is placed, that portion of the sign below the grade at the edge of the right-of-way shall not be included in determining the sign's overall height. Signs oriented towards a freeway shall be measured from the project site grade or pad, whichever is lower.

- D. Measuring Sign Clearance. Sign clearance shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.
- E. Building Frontage. Building frontage is the building facade that directly abuts a public street, private street, parking lot driveway, or parking spaces in which main customer access is provided to the business. A building's frontage is considered continuous if projections or recesses in a building wall do not exceed 10 feet in any direction. For buildings with two or more frontages, the length of the wall and allowable sign area shall be calculated separately for each building frontage.

17.48.080 General Sign Standards

- A. Message Neutrality. It is the City's policy to regulate signs in a constitutional manner that is content neutral as to noncommercial messages which are within the protections of the First Amendment to the U.S. Constitution and the corollary provisions of the California Constitution.
- B. Maximum Sign Area. The maximum allowable, permissible sign area for permanent signs, exclusive of area of exempt signs, is based on the Zoning District in which the sign is located and the type of sign to be installed. These standards are established in subsequent Sections of this Chapter.
- C. Message Substitution. A noncommercial message of any type may be substituted, in whole or in part, for any duly permitted commercial message, and any on-site noncommercial message may be substituted, in whole or in part, for any other on-site noncommercial message.
 - 1. No Additional Approval. Such substitution of message may be made without any additional approvals. The purpose of this Section is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message.
 - 2. Limitations. This message substitution provision does not: 1) create a right to increase the total amount of signage on a parcel, lot or land use; 2) affect the requirement that a sign structure or mounting device be properly permitted; 3) allow a change in the physical structure of a sign or its mounting device; or 4) authorize the substitution of an off-site commercial message in place of an on-site commercial message or in place of a noncommercial message.
- D. Changeable Copy. Non-electronic changeable copy shall represent no more than 20 percent of the total allowable sign area, except for the following uses which are allowed up to 75 percent of the maximum allowable sign area to be changeable copy: all public and civic uses, indoor theaters, other public assembly uses, and fuel price signs. Copy shall not be changed more than once every 24 hours.
- E. Electronic Copy.

1. Location. Electronic copy is allowed as a display medium wherever monument signs are allowed, but not in the Downtown Retail District. A Conditional Use Permit, issued pursuant to Chapter 17.38 of the Visalia Municipal Code, is required for the installation of any electronic sign except an interior electronic sign or digital display, which are regulated as window signs.
 2. Physical Standards.
 - a. The sign display face must be directed in a manner that is not visible from the front or side yards of residential properties located in a residential zone district.
 - b. Electronic display faces must be an integral part of the remainder of the sign area.
 3. Operational Standards.
 - a. Electronic display shall be limited to no more than 30 lumens output, measured at 10 feet from the sign face.
 - b. No portion of the electronic display (either sign copy or pictures) shall change more frequently than once every six seconds.
 - c. No audible output from any portion of the sign shall be permitted.
 - d. Electronic signs shall be operative only during the hours of operation of the associated business.
 - e. Sign copy or electronic picture displays shall be limited to advertising related to the use(s) on the property for which the monument sign is located, except for message substitution, as allowed in Section 17.48.080 D.
 - f. No change of lighting intensity may occur during a display or between displays except to respond to a change in ambient lighting conditions.
 - g. No display shall create a potential distraction to drivers by virtue of the frequency of changes of images (i.e. the time between images expressed in seconds), and the Planning Commission may impose limitations on the number of images that can be displayed over a specified time period for reasons of traffic safety.
- F. Illumination. The illumination of signs, from either an internal or external source, must be designed to avoid negative impacts on surrounding rights-of-way and properties. The following standards apply to all illuminated signs:
1. Light Intensity. Sign lighting must not be of an intensity or brightness that will create a nuisance for residential buildings in a direct line of sight to the sign.
 2. Shielding Required. External light sources must be directed, shielded, and filtered to limit direct illumination of any object other than the sign, according to Table 17.48.080.F.2 below.

TABLE 17.48.080 F.2: REQUIREMENTS FOR SHIELDING AND FILTERING		
Fixture Lamp Type	Shielding Required	Filtering Required
Low Pressure Sodium ¹	None	None
High Pressure Sodium	Fully	None
Metal Halide	Fully	Yes ⁴
Fluorescent	Fully ⁵	Yes ²
Quartz ³	Fully	None
Incandescent Greater than 100W	Fully	None
Incandescent 100W or less	None	None
LED	Fully	None
Mercury Vapor	Not permitted.	
Fossil Fuel	None	None
Glass Tubes filled with neon, argon, or krypton	None	None
Other Sources	As approved by the Director.	
<p>1. This is the preferred light source to minimize undesirable light into the night sky affecting astronomical observations.</p> <p>2. Warm white natural lamps are preferred to minimize detrimental effects.</p> <p>3. For the purposes of this article, quartz lamps are not considered an incandescent light source.</p> <p>4. Most glass, acrylic, or translucent enclosures satisfy these filter requirements.</p> <p>5. Outdoor signs constructed of translucent materials and wholly illuminated from within do not require shielding.</p>		

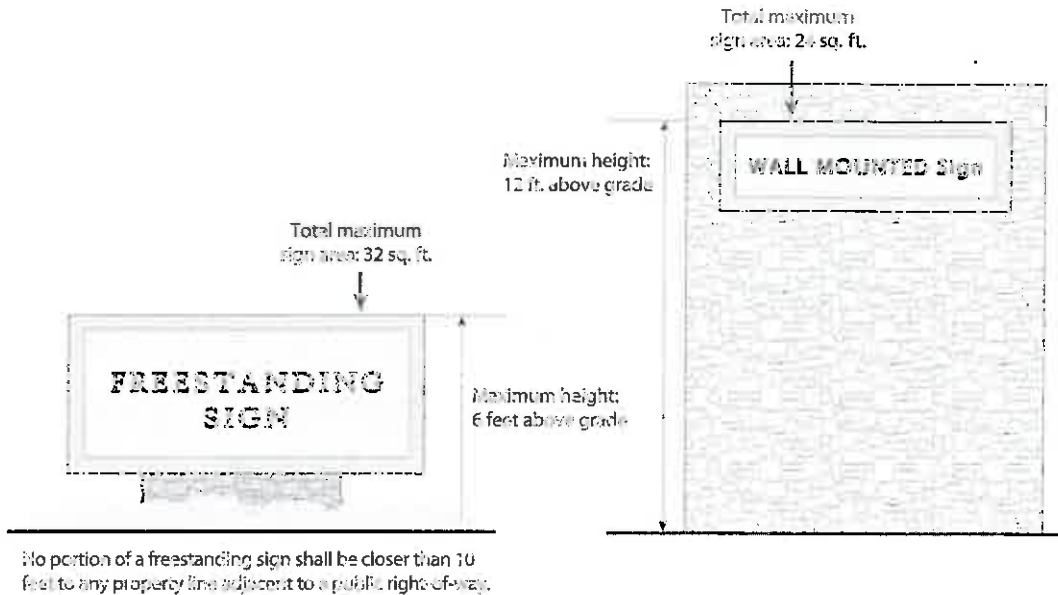
3. Energy Conservation. Light sources shall be hard-wired fluorescent or compact florescent lamps, or other lighting technology that is of equal or greater energy efficiency. Incandescent lamps are prohibited, except when used in signs of historic character as part of the architectural design.
 4. Light Sources Adjacent to Residential Areas. Illuminated signs located adjacent to any residential area shall be controlled by a rheostat or other acceptable method to reduce glare that will create a nuisance for residential buildings in a direct line of sight to the sign.
- G. Materials. Signs shall be made of sturdy, durable materials. Paper, cardboard, or other material subject to rapid deterioration can only be used for signs that comply with applicable requirements for Temporary Signs in Section 17.48.130. Fabric signs are restricted to Awnings, Canopies, and Temporary Signs.
- H. Mounting Required. All permanent signs shall be firmly anchored and comply with all requirements for public safety and codes.
- I. Minimum Clearance from Utilities. Signs and their supporting structures shall maintain clearance from and not interfere with electrical conductors, communications equipment, or lines, underground facilities and conduits.
- J. Concealed Electrical Systems. External conduits, boxes, and other connections related to the function of a sign and associated lighting shall not be exposed. A switch disconnecting each circuit shall be placed in plain sight and near the inspection opening.

17.48.090 Sign Standards for Agricultural and Residential Zones

- A. Purpose and Applicability. This Section establishes standards for non-exempt signs associated with specific types of land use in Agricultural and Residential zones. Unless otherwise specified below, each sign type also is subject to the standards established in Section 17.48.120, Standards for Specific Sign Types.
- B. Commercial Signs Prohibited for Residential Zones. Unless otherwise allowed or exempted by this Chapter, signs displaying a commercial message are prohibited in Residential Zones.
- C. Sign Area Allowed for Noncommercial Signs in Residential Zones. The basic sign area allowance for all signs containing noncommercial messages on a lot in Agricultural and Residential Zones, excluding exempt signs or signs otherwise allowed by this Chapter, is 16 square feet.
 - 1. Sign Types. Signs may be freestanding signs, window signs, or wall-mounted signs.
 - 2. Location. Signs may be posted or displayed from the yard, window, door, balcony, or outside wall of a building.
 - 3. Maximum Height. Six feet for freestanding signs. Wall signs must not be more than 12 feet above grade.
 - 4. Maximum Number. One freestanding sign and one wall sign.
- D. Agricultural Operations. Signs for agricultural operations conducted in Agricultural Zones may be erected subject to the following standards:
 - 1. Maximum Number of Signs. One sign per street frontage, which may be either a freestanding sign or a wall sign.
 - 2. Location. Signs shall be setback a minimum of five feet from the public right-of-way.
 - 3. Maximum Sign Area per Sign. 32 square feet.
 - 4. Maximum Height. Six feet.
 - 5. Copy. Signs shall display only the name of the operation, directions to its location, slogan (if any), and products sold or raised on the premises.
- E. Public and Quasi-Public Uses. Signs for Public and Quasi-Public Uses (those listed as permitted and conditional in Chapter 17.52 of the Visalia Municipal Code) in Residential Zones may be erected subject to the following standards:
 - 1. Maximum Number of Signs: One freestanding sign and one wall sign.
 - 2. Maximum Sign Area per Sign: Freestanding signs shall not be more than 32 square feet in area. Wall signs shall not be more than 24 square feet in area.
 - 3. Maximum Sign Height. Freestanding signs shall not be more than 6 feet in height above grade. Wall mounted signs shall not be more than 12 feet in height above grade.

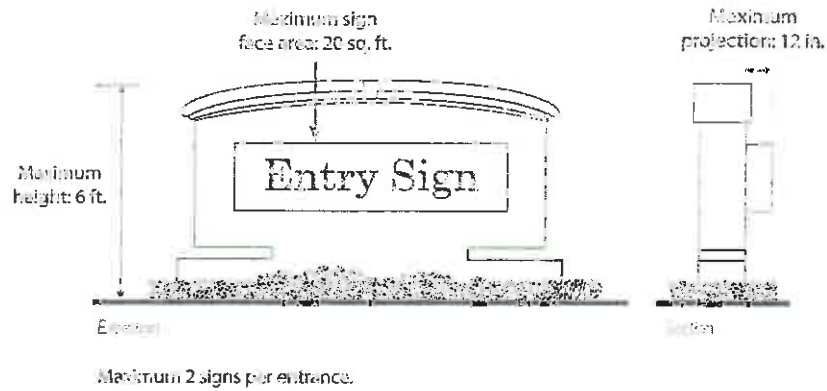
4. **Setback, Freestanding Signs:** Freestanding signs shall be setback a minimum of 10 feet from the public right-of-way.
5. **Illumination:** Signs may be internally illuminated.

FIGURE 17.48.090(D): PUBLIC AND QUASI-PUBLIC USES



- F. **Entrance Signs.** Entrance signs for residential areas with more than 10 residential parcels or multi-family development apartment or condominium units shall be permitted to have identifying signage for the development subject to the following standards:
1. **Maximum Number:** Two signs per entrance.
 2. **Maximum Sign Face per Sign:** 20 square feet.
 3. **Maximum Height:** Six feet.
 4. **Maximum Projection:** 12 inches from sign surface.
 5. **Location:** Identifying signs may be attached to a wall, fence, or project identification feature located at or within 100 feet of the entrance to a development.
 6. **Copy and Graphics:** Limited to the name and address of the development.
 7. **Illumination.** Entrance signs shall be externally illuminated.

FIGURE 17.48.090(E): ENTRANCE SIGNS



G. Real Estate Signs. On-premise signs conveying information about the sale, rental, or lease of the lot, dwelling, premises, or structure, must comply with the following standards.

1. Subdivision Exempted from this Section. Subdivisions, defined as a housing project within a recorded tract with 10 or more parcels being offered for sale, are subject to the requirements of 17.48.130 Master Sign Program below.
2. General. Any property owner or their agent may display or have displayed on the real property, or on real property owned by another with that person's consent, a sign that advertises the property for sale, rent, or lease provided said sign(s) meet the requirements of this subsection.
 - a. Real estate signs are prohibited on private property or within the public right-of-way if the location obstructs, impedes or otherwise disturbs the safe and convenient use by the public of any street or sidewalk.
3. Number of Signs. Two signs per property.
4. Maximum Sign Area.
 - a. Residential Districts. Eight square feet.
 - b. Agricultural Districts. Four square feet.
5. Location and Required Setback. Real estate signs are only allowed on private property and public right-of-way, and must be setback at least 18 inches from the curb of the property and at least five feet from all intersections and crosswalks.
6. Identification Required. Every person who places or maintains a real estate sign shall have their name (or company name) and contact information affixed to the sign.
7. Illumination. Real estate signs, including directional and open house signs, shall not be illuminated.
8. Directional Signs and Open House Signs. Up to six signs per property for sale giving directions to the subject property or open house signs may be displayed on private property, with the consent of the owner, and within the right-of-way while the property is on the market, subject to the following standards.

- a. **Maximum Size.** Six square feet (total face area).
 - b. **Maximum Height.** Three feet above existing grade.
 - c. **Type.** Temporary Directional and Open House Signs shall be an A-frame or "in ground light weight wire based" signs, shall be maintained in good condition at all times, and shall be constructed out of materials normally used in professional signage.
 - d. **Time.** Temporary Directional and Open House Signs shall only be displayed during the "open house" and not earlier than 8:00 a.m.; and must be removed no later than dusk or 6:00 p.m., whichever is earlier.
9. **Limitations.** Balloons, flags, and other promotional signs cannot be affixed to a real estate sign.

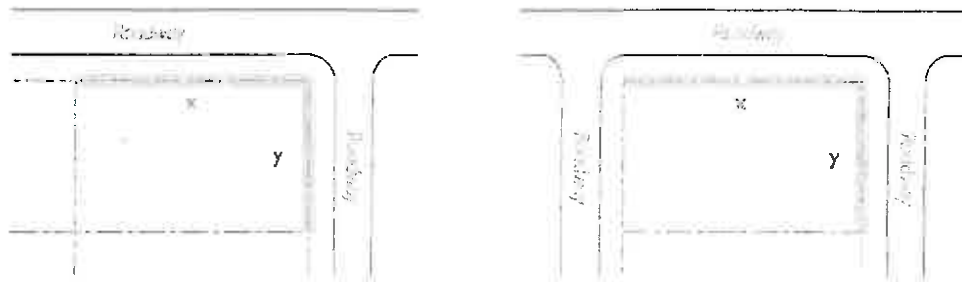
17.48.100 Sign Standards for Other Zones

- A. **Purpose and Applicability.** This Section establishes sign area allowances for specific Zones as well as dimensional standards for the type of signs permitted. Unless otherwise specified below, standards for each sign type are in Section 17.48.110.
- B. **Aggregate Wall Sign Area.** In all Zones other than Agricultural and Residential Zones, the basic sign area allowance for all wall signs on a lot or site, excluding signs for which no permit is required under Section 17.48.030 (Exempt Signs), is as follows:

TABLE 17.48.100 B: MAXIMUM AREA FOR WALL SIGNS BY ZONE				
	Commercial Zones	Office Zones	Industrial Zones	Quasi-Public Zones
Total Sign Area Allowed*	2 sq. ft. x ln. ft. of frontage Maximum 150 sq. ft.	1 sq. ft x 2 ln. ft. of frontage Maximum 30 sq. ft.	1 sq. ft x ln. ft. of frontage Maximum 100 sq. ft.	0.5 sq. ft x ln. ft. of frontage Maximum 100 sq. ft.
* Total Sign Area is based on an allowance in square feet per lineal foot (ln. ft.) of street frontage. (1): Unless the standards in the specific Design District state otherwise.				

- 1. **Sites with Multiple Frontages.** On lots and sites with more than one frontage on a public street (excluding alleys), the maximum permitted wall sign area is calculated as follows:
 - a. **Corner and Through Lots.** Where a lot fronts on two streets (a corner or "through lot"), either both the front and side, or front and rear lot lines as related to the applicable frontages may be used for calculating the allowable wall sign area.
 - b. **Three or More Frontages.** Where a lot has three or more frontages on a public street, the length of only two contiguous sides, one of which must be the principal street frontage, are added together to determine allowable wall sign area.

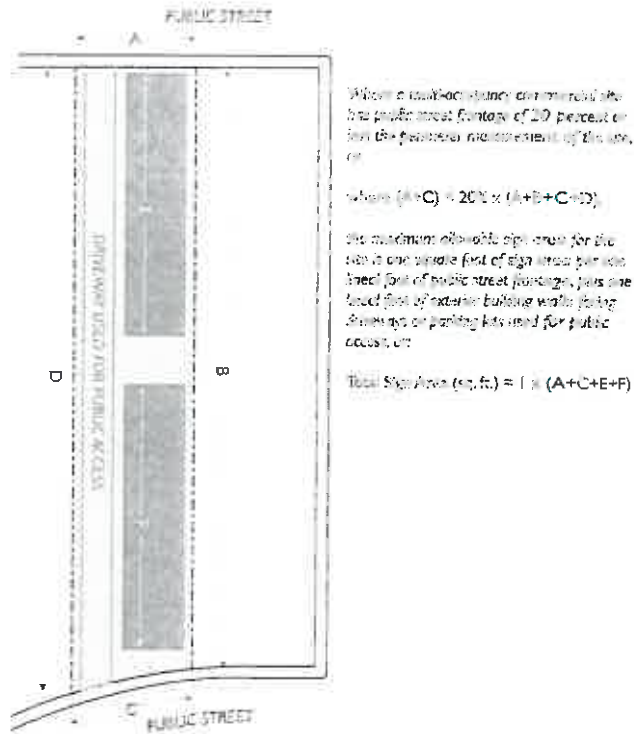
FIGURE 17.48.100(B)(1): SITES WITH MULTIPLE FRONTAGES



Lot Frontage for Determining Allowable Sign Area = $x + y$

2. Multiple-Occupancy Commercial Sites with Limited Frontage. Where a multiple-occupancy commercial site has public street frontage equal to 20 percent or less of the perimeter measurement of the site, the maximum allowable wall sign area for the site is calculated as follows (see Figure 17.48.100(B)(2)):
 - a. One square foot of sign area per one lineal foot of public street frontage; plus
 - b. One lineal foot of exterior building walls fronting on driveways and parking lots that are generally used for public access and are located on the same site.
 - c. Pedestrian-only passageways that are lined on both sides by building walls are considered interior spaces, and although signs may be placed on such walls, the area of such walls is not included in the calculation of the maximum allowable sign area for the site.

FIGURE 17.48.100(B)(2): CALCULATION OF AGGREGATE SIGN AREA FOR MULTI-OCCUPANCY COMMERCIAL SITES WITH LIMITED FRONTAGE



3. **Additional Allowance for Signs in Shopping Centers.** Shopping centers may exceed the basic sign allowance by up to 25 percent through the approval of a Conditional Use Permit issued pursuant to Chapter 17.38 of the Visalia Municipal Code.
4. **Minimum Allowance in Multi-Tenant Projects.** For multi-tenant commercial projects, the aggregate sign area may be increased to the extent that each tenant has a minimum of 0.5 square feet of sign area per lineal foot of business frontage on a primary access way.

C. **Dimensional Standards for Signs.** The Table below presents the dimensional standards for signs in Zoning Districts other than Agricultural and Residential Zones. Detailed controls by sign type are located in Section 17.48.110.

TABLE 17.48.100.C: STANDARDS FOR SIGNS IN NON-RESIDENTIAL ZONING DISTRICTS					
Sign Type	Maximum Number Permitted	Maximum Area per Individual Sign	Maximum Height	Maximum Horizontal Projection from Wall	Additional Regulations
A-Frame Sign	1 per business establishment	7.5 sq. ft.	4 ft.	N/A	

TABLE 17.48.100.C: STANDARDS FOR SIGNS IN NON-RESIDENTIAL ZONING DISTRICTS

Sign Type	Maximum Number Permitted	Maximum Area per Individual Sign	Maximum Height	Maximum Horizontal Projection from Wall	Additional Regulations
Awning or Canopy Sign	N/A	25% of exterior surface of awning or canopy	N/A	N/A	Minimum 8 ft. vertical clearance.
Freestanding Sign	1 per street frontage	35 sq. ft. per face; 70 sq. ft. total	12 ft. in Commercial Districts; 6 ft. in Office and Industrial Districts	N/A	
Projecting Sign	1 per building frontage or tenant space	8 sq. ft. per face; 3 sq. ft. per face if under awning canopy	18 ft. but not above the ground floor of the frontage or tenant space	4 ft.	
Wall Sign	N/A	See Table 17.48.100.B.	The height of the wall of the building	6 in.	
Window Sign	N/A	30 % of aggregate window area plus 10% for temporary signage	N/A	N/A	

D. Real Estate Signs. On-premise signs conveying information about the sale, rental, or lease of the lot, dwelling, premises, or structure, must comply with the following standards.

1. General. Any property owner or their agent may display or have displayed on the real property, or on real property owned by another with that person's consent, a sign that advertises the property for sale, rent, or lease provided said sign(s) meet the requirements of this subsection.
 - a. Real estate signs are prohibited on private property or within the public right-of-way if the location obstructs, impedes or otherwise disturbs the safe and convenient use by the public of any street or sidewalk.
2. Number of Signs. Two signs per property.
3. Maximum Sign Area. 32 square feet.
4. Location and Required Setback. Real estate signs are only allowed on private property and public right-of-way, and must be setback at least 18 inches from the curb of the property and at least five feet from all intersections and crosswalks.

5. Identification Required. Every person who places or maintains a real estate sign shall have their name (or company name) and contact information affixed to the sign.
6. Illumination. Real estate signs, including directional and open house signs, shall not be illuminated.
7. Directional Signs and Open House Signs. Up to six signs per property for sale giving directions to the subject property or open house signs may be displayed on private property, with the consent of the owner, and within the right-of-way while the property is on the market, subject to the following standards.
 - a. Maximum Size. Six square feet (total face area).
 - b. Maximum Height. Three feet above existing grade.
 - c. Type. Temporary Directional and Open House Signs shall be an A-frame or "in ground light weight wire based" signs, shall be maintained in good condition at all times, and shall be constructed out of materials normally used in professional signage.
 - d. Time. Signs shall only be displayed during the "open house" and not earlier than 8:00 a.m.; and must be removed no later than dusk or 6:00 p.m., whichever is earlier.
8. Limitations. Balloons, flags, and other promotional signs cannot be affixed to a real estate sign.

17.48.110 Standards for Specific Sign Types

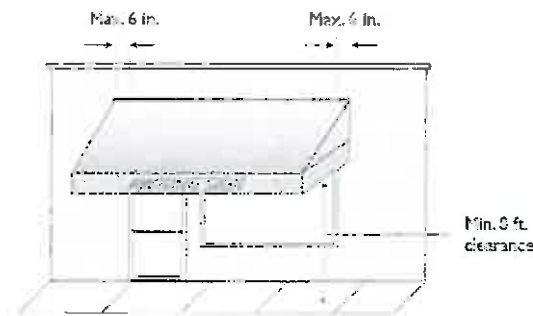
- A. Purpose. This Section establishes location and other general standards for specific sign types that apply to all areas where such signs are permitted. Additional standards applicable to these signs in specific Zoning Districts are located in Sections 17.48.090 and 17.48.100.
- B. A-Frame Signs. A-Frame signs are allowed subject to the following standards:
 1. Maximum Number. Each business establishment shall not have more than one sign.
 2. Placement. A-Frame signs shall be placed directly in front of the business it is identifying.
 3. Hours of Display. A-Frame signs shall be removed during hours when the establishment is not open to the public and shall not be displayed after the activity with which they are associated with is over.
 4. Maximum Size. 7.5 square feet.
 5. Maximum Height. Four feet.
 6. Permit Required. No permit is required for A-Frame signs.

7. **Directional and Non-Advertising Signs in Parking Lots.** Business owners may place A-Frame signs in parking lots associated with their business for the purpose of providing directions and/or non-advertising messages, meaning these signs can not be used for off-site outdoor advertising. Such signs shall not obstruct the vehicular flow of traffic in a parking lot or obstruct parking stalls. They also are subject to the above regulations regarding Hours of Display, Maximum Size, and Maximum Height.

C. **Awning and Canopy Signs.** The installation of awnings and canopies and signage located on awnings and canopies are subject to the following standards:

1. **Location.** Awning signs shall be located on the ground floor of buildings and the maximum height above grade shall not exceed 14 feet.
2. **Minimum Vertical Clearance.** Eight feet.
3. **Width.** Awnings shall be designed to fit the width of the storefront opening or individual window opening. Awnings shall not extend more than six inches on either side of the storefront or window opening.
4. **Materials.** Awning signs must be made of durable, long lasting materials.
5. **Type.** Awnings may have a flexible or fixed skirt, be open or closed on the sides, and be fixed or retractable.
6. **Signs on Awnings.** Sign copy may be located on permitted awnings in lieu of other signage but may not exceed the total aggregate sign area. The area of the sign copy shall not exceed 25 percent of the exterior surface of the awning or canopy.

FIGURE 17.48.110(C): AWNING AND CANOPY SIGNS



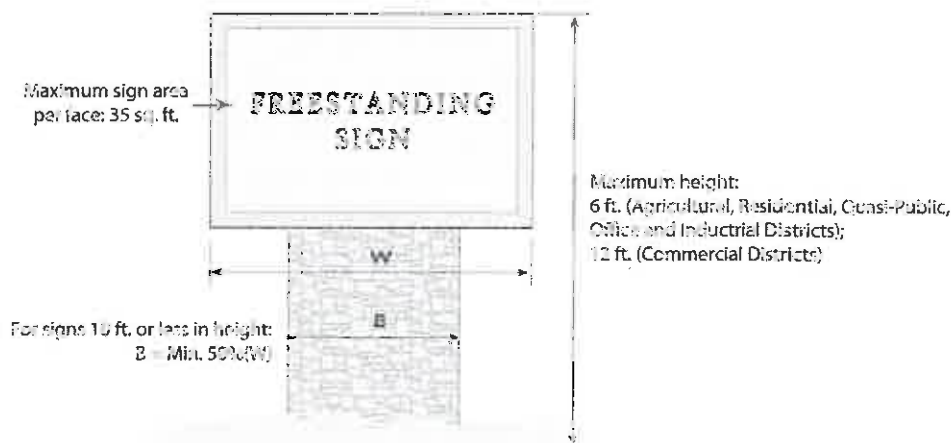
- D. **Directional Signs.** Directional and/or informational signage is allowed provided it is limited to outlining/assisting vehicle and pedestrian circulation within a site, egress, ingress, and any public facilities such as restrooms, telephones, walkways, and other similar features.

E. **Freestanding Signs.** Freestanding signs are subject to the following standards:

1. **Where Allowed.** The base of the supporting structure must be setback at least five feet from the street right-of-way.
2. **Maximum Number.** One per street frontage or one per occupancy/tenant.

3. **Maximum Height.**
 - a. Agricultural, Residential, and Quasi-Public Districts. Six feet.
 - b. Commercial Districts. 12 feet.
 - c. Office and Industrial Districts. Six feet.
4. **Maximum Area.** The sign area must not exceed 35 square feet per face, not to exceed 70 square feet in total. The total aggregate surface of the sign faces and sign structure shall not exceed 140 square feet.
5. **Setback.** Freestanding signs may be located within the required setback areas as long as they are a minimum of five feet from the front property line, and 20 feet from any interior side property line.
6. **Sign Base.** Freestanding signs of 10 feet or less shall be mounted on a base, the width of which shall not be less than 50 percent of the width of the widest part of the sign.

FIGURE 17.48.110(F): FREESTANDING SIGNS



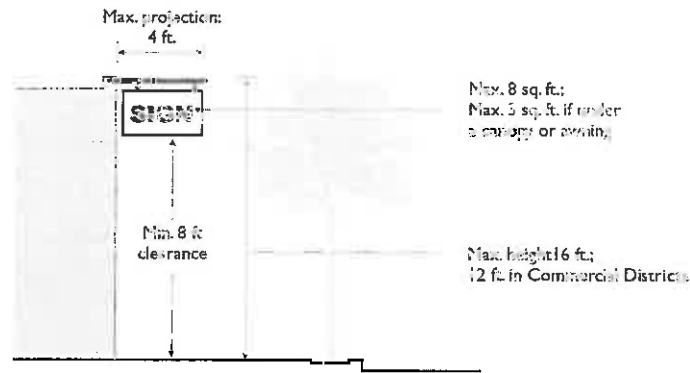
Max. 1 freestanding sign per street frontage or 1 per occupancy/tenant.

Max. total sign face area: 70 sq.ft.; Max. total aggregate sign face and sign structure area: 140 sq.ft.

7. **Monument Base Exception.** The City Planner, or their designee, may approve a post or similar style sign structure instead of the required monument base for properties which are residential conversions wherein all of the following criteria are met:
 - a. The sign structure is designed to match the primary structure on the site in architectural style and general appearance.
 - b. All other sign requirements are met.
 - c. The primary structure is a residential conversion which has maintained a residential character/appearance.
8. **Open Air Uses.** For open air uses such as automobile dealerships, the additional standards apply to freestanding signs:

- a. **Maximum Sign Area.** 35 square feet per face, with the total sign area not exceeding 70 square feet.
 - b. **Setback.** 20 feet from any interior side property line
- F. **Historic Signs.** The Planning Commission may designate historic signs through the granting of an exception, subject to Chapter 17.42 of the Visalia Municipal Code. If the sign is within a historic district or on or associated with a structure that is on the local register of historic structures, the Commission shall refer the proposal to the Historic Committee for comment, and the Committee will have 30 days to review the proposed designation and report back to the Commission.
 1. **Criteria.** Historic signs must meet defined criteria, including but not limited to the fact that the sign is 50 or more years old and has significance to the Visalia community because it is associated with a significant historical event or it is associated with a historic business.
 2. **Allowances for Historic Signs.**
 - a. **Structural Improvements.** Historic signs may have structural improvements completed in order to extend the life of the sign.
 - b. **Damage Repairs.** If the sign is damaged, it may be repaired and replaced with the original sign area and original height, even if the sign does not conform to the standards of this Chapter.
- G. **Projecting Signs.** A sign may project horizontally from the exterior wall of a building or beneath a canopy structure subject to the following standards:
 1. **Maximum Number.** One per building or tenant space.
 2. **Maximum Size.**
 - a. **Projecting Signs.** Eight square feet.
 - b. **Under Canopy of Awning Signs.** Three square feet.
 3. **Maximum Height.** 18 feet; 12 feet in Commercial Districts.
 4. **Minimum Vertical Clearance.** Eight feet.
 5. **Projection Allowed.** A projecting sign cannot extend more than four feet from the building to which it is attached and shall be designed and located so as to cause no harm to street trees.

FIGURE 17.48.110(G): PROJECTING SIGNS



H. Residential Subdivisions: Signage for residential subdivisions shall meet the following standards:

1. General Requirements.

- a. Permit Required. Temporary subdivision signs for a residential subdivision shall require a sign permit.
- b. Subdivision Defined. A residential subdivision is defined as a housing project within a recorded tract with 10 or more parcels being offered for sale with existing new units or units to be constructed by the developer of the residential subdivision.
- c. Master Sign Program. A Master Sign Program permit shall be issued on a per residential subdivision basis for all temporary subdivision signs attributable to a particular residential subdivision. The Master Sign Program shall specify the type, location, and duration of the signage.
- d. Duration. Sign permits for all offsite temporary subdivision signs shall expire not later than six months after issuance. The Planning Department shall have the discretion to grant an extension or extensions of the permit's duration, however, under no circumstances shall the permit extend beyond such time that the residential subdivision developer has completed the sale of all dwelling units in the residential subdivision.
- e. Owners Consent. Written evidence of the property owner's consent must be presented with an application for a sign permit for temporary subdivision signs not located on the applicant's property.

2. Offsite Temporary Subdivision Signs.

- a. Up to four offsite temporary subdivision signs with a size not to exceed four feet by eight feet per sign (32 square feet per face) and a height not to exceed eight feet may be permitted per residential subdivision. Signs may be single- or double-faced or V-shaped if the angle between the two faces does not exceed 45 degrees. Signs shall be located on private, non-residential zoned parcels, or on private, residential zoned parcels that are part of an undeveloped residential subdivision and that

are unoccupied, vacant and otherwise free from any structures or buildings. Signs shall not be made or constructed from cloth, bunting, plastic, paper or similar material. Banners and flags with or without an advertising message shall not be permitted offsite.

- b. In addition to any sign permitted pursuant to Subsection (H)(2)(a) above, up to four offsite temporary subdivision signs in an A-frame configuration, with a size not to exceed 12 square feet per face or four feet in height, shall be permitted per residential subdivision. A-frame signs shall be located on private, non-residential property or on public property behind any existing sidewalks, and in such a manner so as to not to create a safety hazard by obstructing the clear view of, or otherwise hinder or impede, pedestrian and vehicular traffic. A-frame signs shall only be displayed during the operating hours for the residential subdivision sales office, and shall be located no further than 1,500 feet from the subject residential subdivision entry. A-frame signs may be allowed on residential zoned parcels within an undeveloped residential subdivision that is unoccupied, vacant and otherwise free from any structures or buildings.
- c. Offsite temporary subdivision signs shall only contain commercial messages thereon pertaining to the sale of units in a residential subdivision, and shall not be illuminated.
- d. No more than three offsite temporary subdivision signs per parcel or no more than four off-site temporary subdivision signs for parcels over five acres shall be allowed.

3. Onsite Temporary Subdivision Signs.

- a. A residential subdivision may erect within its boundaries, a maximum of either two signs or up to one sign per every 300 lineal feet that the subdivision perimeter fronts upon a public street.
- b. Onsite temporary subdivision signs shall be non-illuminated, shall not be made or constructed from cloth, bunting, plastic, paper or similar material, and shall have dimensions which shall not exceed four feet by eight feet per sign and 32 square feet per sign face, or a height of eight feet, or if located behind an exterior wall of a residential subdivision, at a height not to exceed 12 feet.
- c. The temporary subdivision signs may be erected and maintained within a subdivision until all parcels within the subdivision are sold.
- d. The signs shall be no closer than 300 feet from each other.
- e. Additional signs, banners, reader board, pedestrian oriented signs, and flags with or without an advertising message may be maintained within the boundaries of a residential subdivision provided that they do not create a safety hazard by obstructing the clear view of pedestrian and vehicular traffic within the residential subdivision.
- f. Banners or wall mounted signs not exceeding 80 square feet in the aggregate are allowed on an exterior wall of a residential subdivision for a period not to exceed six months.

- g. Inflatable signs, designed to move with the wind or activated by helium, are only allowed to be displayed on Saturdays and Sundays.

I. Service Station Signs. Service station signs are subject to the following standards:

1. Maximum Number. One freestanding sign; one sign per street-facing canopy structure.
2. Maximum Height. Twelve feet for freestanding signs.
3. Maximum Sign Area. 35 square feet per face.
4. Canopy Sign Area. The sign area on a canopy shall not exceed 50 square feet.
5. Electronic Copy. Electronic copy is limited to gasoline prices.
6. Illumination. Freestanding service station signs may be illuminated. Canopy signs may have neon or LED lighting if oriented to the street.

J. Theater Signs. Theater signs are subject to the following standards:

1. Wall Sign. One square foot of sign is permitted for each foot of linear occupancy frontage to a maximum of 150 square feet.
2. Freestanding Sign. Each theater is permitted one freestanding sign not to exceed 150 square feet per face. Freestanding signs shall not exceed 20 feet in height. Freestanding signs 10 feet or less shall be mounted on a base, the width of which is not less than 50 percent of the width of the widest part of the sign.

K. Vehicle Dealerships. Flags, banners and pennants are permitted on vehicle dealership sites, provided that they comply with the following criteria:

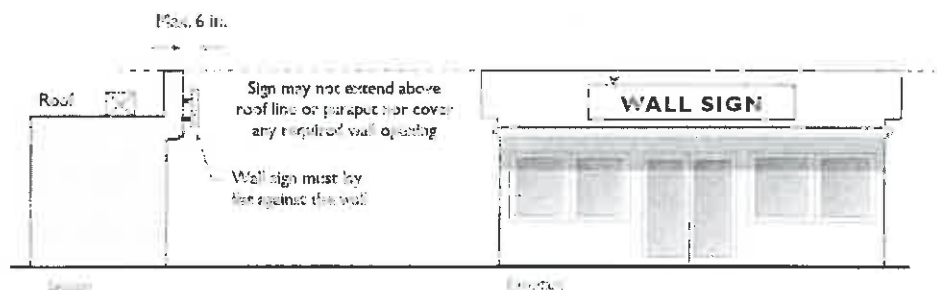
1. On-site directional signs are allowed only to provide direction to the location of parts and service and other uses that may occur on the site related to automobile sales.
2. Flags/banners are allowed only if they are affixed to flag poles or on-site light standards, do not exceed 24 square feet in sign area, and are not more than 20 feet above the ground.
3. Dealership sites are allowed no more than one in-ground flag/banner per 60 feet of public street frontage. In-ground flag/banners may be displayed for a maximum of 60 days, and a period of 30 days must lapse before displaying another flag/banner.
4. Special Promotional Signs and Banners are allowed, subject to Section 17.48.130.G.
5. No additional temporary signage shall be permitted.

L. Wall Signs. Wall signs are subject to the following standards:

1. Maximum Number. No limit, provided that the total area of wall signs does not exceed the limits in Table 17.48.100.B.

2. Maximum Height. No higher than the roof line or the parapet of the wall of the building to which the sign is attached, whichever is lower.
3. Maximum Sign Area per Sign. See Table 17.48.100.B.
4. Projection Allowed. Wall signs shall not extend more than six inches beyond the face of the wall to which they are attached.
5. Placement. No wall sign may cover, wholly or partially, any required wall opening.
6. Orientation. Unless a different orientation is specifically authorized, each wall-mounted sign shall be placed flat against the wall of the building.

FIGURE 17.48.110(K): WALL SIGNS



7. Rear Facades. Where a property has two facades and both are visible from the public right-of-way, a wall sign may be installed on the rear (non-primary) façade if it meets the following:
 - a. Size. Maximum of 25 percent of the allowed sign area calculated for the primary occupancy frontage.
 - b. Illumination. Signs on rear facades may not be internally illuminated.

17.48.120 Downtown Retail Design District Sign Standards

The following standards apply to all signage within the Downtown Retail Design District.

A. Size Standards.

1. Two square feet of sign area is permitted for each lineal foot of occupancy frontage to a maximum of 50 square feet.
2. Users may choose any exterior side of the building as the primary frontage for the purpose of calculating the permitted sign area. The building sign so calculated must then be mounted on that side of the building.
3. A building sign may be affixed to or incorporated as a part of the design of an awning; however, such sign area shall be deducted from that calculated for the exterior building wall to which the awning is attached. Numerals used for the purpose of identifying street addresses need not be deducted from the calculated sign area.

4. Additional signs of a maximum 25 percent of the sign area calculated for the primary occupancy frontage will be allowed for each remaining exterior wall, provided that the sign for any given wall does not exceed two square feet per linear foot of the wall length. This subsection does not apply to alley frontages or buildings that have frontages on two streets with no common visibility for vehicles or pedestrians. In these latter two cases, the allowable signage is in addition to the amount calculated above, and shall be calculated on the basis of two square feet of sign area per lineal foot of public street or alley frontage.
- B. Projecting Signs Beneath a Canopy/Awning Structure.
1. One double-faced sign not exceeding an area of three square feet per face is permitted. Signs shall be a minimum of 7 feet above the sidewalk and shall not exceed a maximum height of 12 feet.
 2. A sign may also be affixed to or incorporated into the design of the side valance of awnings which are perpendicular to the store frontage. Both side valances of an awning may be so utilized, however, only one sign face per awning side is allowed. Each sign face shall not exceed three square feet for each individual shop or tenant.
- C. Alley Signs. The maximum building sign area on an alley frontage is calculated separately from that permitted for the primary occupancy frontage, using the same allowance as for the primary occupancy frontage (two square feet per linear foot of the wall length).
- D. Reader Boards and Multi-Tenant Buildings.
1. Each building may display a reader board of a maximum area of 20 square feet indicating the name, address and type of business of the businesses within the building. If the reader board is located on a part of the building qualifying as an occupancy frontage for which sign area is calculated, the sign area used for the reader board shall be deducted from the total permitted for that building; otherwise it is considered exempt from sign area limits. Reader boards shall be designed as one with each copy panel consisting of similar materials and designs. Permits for reader boards shall not be issued without the consent of the property owner.
 2. Each commercial use which has direct pedestrian access through an exterior building wall which is visible from a public right-of-way, shall be allowed at least 10 square feet of building sign area, regardless of building occupancy frontage. Commercial uses have a sole access from the interior of any building or from an enclosed lobby or court shall not be allowed the minimum building sign area referred to in this section.
- E. Display Window Signage. See Sections 17.48.030 and 17.30.130.A.1.b.
- F. Temporary Signs. See Section 17.48.130.G.
- G. Portable Signs. Portable signs, including A-frames and easels, are allowed to advertise the location, goods or services offered on the premises. They must be made of a durable, rigid material such as, without limitation, wood, plastic or metal and conform to the following standards. No sign permit is required, unless a portable sign is to be placed in a public right-of-way, in which case an encroachment permit is required.

1. Prohibitions. Portable signs are prohibited from any form of broadcasting or audio presentation.
2. Locations Allowed. Portable signs are allowed within a front or corner side setback area and in the public right-of-way directly in front of a business. They are not permitted in planters, flower beds or tree wells, nor in site visibility triangles.
3. Maximum Height and Area. The portable sign, when placed in an open position must not exceed a height of four feet from ground level to the top of the sign and be no more than 7.5 square feet per sign face.
4. Maximum Number: one per business, which does not count against maximum allowed sign area. They must be removed at the close of business.
5. Placement: A portable sign shall be placed so that a minimum four feet is left clear for pedestrian passage on all sidewalks and walkways. They shall only be placed at grade level and shall not be placed on walls, boulders, planters, vehicles, other signs or any other type of structure.
6. City's Right to Remove: If at any time any portion of the public right-of-way occupied and used by the portable sign may be needed or required by the City, or the business fails to maintain the permitted sign, it may be removed by the City.

H. Projecting Signs Mounted to Building Face.

1. Projecting signs shall be located no higher than the cornice or parapet line, whichever is lower, and must be located so as to not obscure any architectural detail of the façade. A double face projecting sign shall be considered one sign.
2. The maximum size of a projecting sign shall be 40 square feet (20 square feet per side). Projecting signs shall not project more than five feet horizontally. In no case may the sign come within 2.5 feet of the curb.
3. Projecting signs shall be clear of street trees, traffic signals, street lighting and regulatory signs.
4. Projecting signs shall be counted against overall allowed signage square footage per location.
5. Projecting signs shall not be internally illuminated. External illumination is allowed.

17.48.130 Temporary Signs

A. General Requirements.

1. Sign Area and Dimensions. Temporary signage must comply with the following limits unless specifically modified by subsequent standards for specific types of temporary signs in subsequent paragraphs of this section in which case the more restrictive provisions apply:

- a. One "grand opening" sign or banner, not exceeding 60 square feet, is allowed for a period not exceeding 60 consecutive days to announce a newly opened or reopened establishment at the site where the banner is to be displayed and potentially display information about promotional events, discounts or special services associated with the grand opening. No content limitation applies to such a sign or banner. The banner must be stretched and secured flat against the building surface and not extend higher than the building eave or the building parapet wall. No more than one banner is permitted per street frontage.
 - b. Temporary window signs that do not exceed a combined area of 40 square feet or 10 percent of the total window area, whichever is less, are allowed for a period not exceeding 60 consecutive days. Such signs may be painted directly onto the window in water-soluble paints or constructed of paper, wood, fabric, plastic, vinyl or similar materials and securely adhered to, or oriented toward the street or public right-of-way.
2. **Material.** Exterior signs have to be made of a durable material other than standard paper.
 3. **Illumination.** Temporary signs cannot be illuminated.
- B. Non-profit Off-site Special Event Signs.** A temporary sign related to social or civic events of limited duration hosted by a non-profit organization, such as special evening or weekend events, fairs, and other similar temporary events, may be placed on the site subject to the following standards:
1. **Maximum Number.** Two per street frontage.
 2. **Maximum Sign Area.** 16 square feet per side.
 3. **Location.** Only allowed on private property.
 4. **Required Setback.** If freestanding, five feet from the property line.
 5. **Height Limit.** Six feet.
 6. **Duration.** Special event signs shall be installed no earlier than 60 days prior to the event with which they are associated and removed within two working days of completion of the event.
 7. **Location.** Special event signs may be posted on poles, stakes, and fences upon approval by the City Planner or designee.
 8. **Special Event Signs within Downtown Visalia.** Special event signs within the geographic area subject to oversight by Downtown Visalians shall be referred to that organization for review and comment. A permit for such signs may not be allowed if they do not conform to the design principles and standards of this Chapter after consideration of comments submitted by Downtown Visalians.
- C. Political Signage.** Political signage is subject to the following standards:
1. Any such sign shall be erected not earlier than the first date for filing as a candidate for an elected office or as a sponsor of a ballot measure and shall be

removed within 15 days after the election at which the candidate or the measure is considered.

2. Each candidate is allowed one political sign per parcel. On residential sites, the sign may be a maximum of 16 square feet in area and erected to a maximum height of six feet. On commercial or vacant sites, the sign may be a maximum of 32 square feet in area and erected to a maximum height of six feet except as provided in Subsection (5) below.
 3. For the purpose of this provision, "residential site" means a lot or parcel which has a residential use or structure built on it and "commercial site" means a lot or parcel which has a commercial use or site on it. These terms are not intended to reflect the zoning of the property.
 4. Political or campaign signs may not be attached to trees, fence posts or utility poles except on private property where written permission from the property owners has been obtained.
 5. Portable A-frame type signs are prohibited.
 6. V-shaped signs (two surfaces with two edges connected and the other two edges spread apart so that the faces read from different directions) are permitted subject to the criteria that they are supported with a maximum of three posts placed with an interior angle of not more than 90 degrees.
 7. No political or campaign signs shall be attached and erected on public property or within the public right-of-way and shall not obstruct sight line visibility at intersections.
 8. In cases where political or campaign signs are not removed within the specified time period, the City Planning Department shall cause to be removed those signs which remain and the cost and expense of such activity shall be paid by the candidate.
- D. Portable Signs. Portable signs are allowed in Commercial Zones and for public assembly uses, subject to the following standards.
1. Relation to Associated Business. Portable signs may be located a maximum of 300 feet away from the business though still within the development site with property owner authorization.
 2. Maximum Number. Each business establishment shall not have more than one portable sign.
 3. Maximum Size and Sign Area. The portable sign, when placed in an open position, must not exceed a height of four feet above the ground level, to the top of the sign, nor have a maximum sign area greater than 7.5 square feet.
 4. Placement. The portable signs shall be placed on private property on the same lot as the establishment that qualifies for such sign and, with an encroachment permit, may be placed in the public right of way in front of the associated use or on the nearest sidewalk provided a four-foot wide pedestrian clear zone is maintained. They must be a minimum of seven feet from the back of the curb, or edge of pavement where no curb exists.
 5. Prohibited Locations. Portable signs shall not be located:

- a. In medians;
 - b. Across any street from the business being advertised;
 - c. In parking aisles or stalls;
 - d. In driving lanes or any public right-of-way;
 - e. On multi-use trails or sidewalks if they would block a four-foot wide pedestrian clear zone;
 - f. At any location where they would block pedestrian access;
 - g. Within 100 feet on either side, or in front of a monument sign;
 - h. Within 20 feet from any other portable sign; and
 - i. Within 30 feet from a shopping center access drive or street intersection.
6. Hours for Display. Portable signs are permitted during the hours a business is open for business and one-half hour before opening and one-half hour after closing. They must be removed during hours when the establishment is not open to the public. They also shall not be displayed after the event with which they are associated is over.
- E. Special Promotional Signs and Banners. Special promotional signs, such as air-inflated signs, balloons, inflatable signs, feather signs, strings of ornamental fringes, streamers, and similar signs, and banners, are allowed for establishments within non-residential districts, subject to the following standards:
- 1. Maximum Number. One promotional sign and one banner is allowed per street frontage. Where a building has a street frontage exceeding 75 lineal feet, one promotional sign and one banner is allowed for each 75-foot segment of street frontage.
 - 2. Maximum Size. The total area for promotional signs and banners on a site shall not exceed 60 square feet.
 - 3. Maximum Height. Promotional signs and banners shall not extend above the roofline or the parapet of a wall.
 - 4. Maximum Duration. No promotional sign or banner shall be displayed for more than 60 days and a period of 30 days must lapse before displaying another promotional sign or banner. On a calendar year basis, promotional signs and banners shall not be displayed for more than four 60-day periods.
 - 5. Allowable Locations. Special promotional signs and banners are only allowed on sites where permanent signs are allowed.

17.48.140 Master Sign Program

- A. Purpose. The purpose of a Master Sign Program is to provide a method for an applicant to integrate the design and placement of signs within a project with the overall design of the development to achieve a more unified appearance. Master Sign Programs may

also be used for subdivision projects with a phased development and/or sales plan. Minor variations in dimensional standards and other limitations of this Section may be approved, provided they achieve a result that is superior to what would otherwise be allowed. The Sign Program must demonstrate how it:

1. Improves the safety and welfare of the general public by minimizing distractions, hazards, and obstructions from sign design or placement;
2. Provides for sign design or placement appropriate for the area;
3. Incorporates sign design and placement related to architectural and landscape features on site; and
4. Incorporates sign design, scale, and placement oriented to pedestrian traffic.

B. Applicability and Approval Required.

1. Master Sign Program Required. A Master Sign Program approved by the Planning Commission is required for:
 - a. New or remodeled non-residential or mixed used projects on sites of five acres or more;
 - b. Multiple tenant commercial or mixed use buildings where the entire façade is being remodeled; and
 - c. Any development in the BRP Zone.
2. Optional Sign Program. A Master Sign Program may be substituted for specific sign designs and individual applications if requested by an applicant and approved by the Planning Commission.

C. Required Submittals. Applications for a Master Sign Program must include the following plans and text:

1. A site plan showing the location of buildings, parking lots, driveways and landscaped areas;
2. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed, if proposed;
3. An accurate indication on the site plan of the proposed location of each proposed sign and existing sign which is to remain;
4. Color schemes, lettering and graphic style (if tenants are not known, generic styles may be presented);
5. Lighting and sign construction materials; and
6. Sign dimensions (if tenants are not known, generic dimensions may be presented); and
7. A written program of standards for all sign types to be distributed to future tenants, including color, size, illumination, construction details, and sign placement.

- D. Findings. The Planning Commission will only approve a Master Sign Program if the following findings are made:
1. That the proposed signs are in harmony and visually related to:
 - a. Other Signs Included in the Master Sign Program. This may be accomplished by incorporating several common design elements such as materials, letter style, colors, illumination, sign type or sign shape.
 - b. The Buildings They Identify. This may be accomplished by utilizing materials, colors or design motifs included in the building being identified.
 - c. The Surrounding Development. Approval of a planned sign program must not adversely affect surrounding land uses or obscure adjacent conforming signs.
 2. That the proposed signs will comply with all the provision of this Section, except with regard to:
 - a. Number of signs allowed; and
 - b. Location and height of signs.
- E. Conditions. Reasonable conditions of approval may be imposed by the Planning Commission to achieve the purposes of this Section and ensure compatibility with adjacent land uses and signage.
- F. Post-Approval Procedures. After approval of a Master Sign Program, no signs shall be erected, placed, painted, or maintained, except in conformance with such Program, and such Program may be enforced in the same way as any provision in this Section.
1. Lease Agreements. The Master Sign Program and all conditions of approval shall be attached to the lease agreements for all leasable space within a project.
 2. Individual Signs. Any sign that conforms to an approved Master Sign Program may be approved by the City Planner or designee; however, approval of a Master Sign Program does not waive the permit requirements for individual signs.
 3. Amendments. The City Planner or designee may approve minor amendments to a Master Sign Program that are in substantial conformance with the original approval. All other amendments, including amendments to conditions of approval shall be processed as a new application.

17.48.150 Variances and Exceptions

- A. Purposes.
1. **Variances.** The Planning Commission may grant variances for setbacks, locational and dimensional standards that apply to signs in order to prevent unnecessary hardships that would result from a strict or literal interpretation and enforcement of certain regulations prescribed by this chapter. 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 street locations or traffic conditions in the immediate vicinity that would affect the signing of a site or building.

2. Exception. The Planning Commission may grant an exception to the physical design standards if it can be demonstrated that such an exception is necessary to facilitate an improved aesthetic relationship between a sign and the structures upon which it is mounted.
- B. Application Procedures. Application for a sign variance or sign exception shall be submitted to the City Planner on an approved form and include the following:
1. Name and address of the applicant;
 2. Statement that the applicant is the owner of the property, is the authorized agent of the owner(s), 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 which would result from the strict interpretation and enforcement of the standards in this Chapter;
 5. The application shall be accompanied by such sketches or drawings as may be necessary to clearly show applicant's proposal in comparison with the standards that otherwise would apply; and
 6. The required fee or deposit.

The application shall be reviewed by the City Planner, who shall determine whether it is complete or, if not, what additional information is needed. Once the application is determined to be complete, the City Planner shall give notice to the applicant of the time when the application will be considered by the Planning Commission. The City Planning also may give notice of the time to any other interested party.

- C. Public Notice and Hearing.
1. Notice of a public hearing on a sign variance or sign exception shall be given not less than ten days nor more than 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 which is the subject of the hearing.
 2. After the required notice has been provided, the Planning Commission shall hold a public hearing on an application for a variance.
- D. Staff Report. The City Planner shall prepare a staff report on the application, including a recommendation, which shall be submitted to the Planning Commission.
- E. Public Hearing Procedure. At a public hearing the Planning Commission shall review the application and the statements and drawings submitted by the applicant and the staff report and the evidence presented in that report with respect to the findings listed below, that are required to approve a variance or exception.

F. Findings Required for a Variance.

1. The Planning Commission may grant a variance to a regulation or standard prescribed by this Chapter, as applied for or as modified by the Commission, provided that, on the basis of the application and staff report and/or evidence submitted, the Commission determines:
 - a. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the sign regulations;
 - b. That there are exceptional or extraordinary circumstances or conditions applicable to the property which do not apply generally to other properties classified in the same zoning district;
 - c. 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 zoning district;
 - d. 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 zoning district; and
 - e. 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.
2. A variance may be revocable, may be granted for a limited time period, or may be granted subject to such reasonable conditions as the Commission may prescribe.
3. The Planning Commission must deny a variance application if the required findings can not be made.

G. Findings Required for an Exception. The Planning Commission may approve, conditionally approve or deny a request for an exception to the physical design standards of this chapter. For the Planning Commission to approve or conditionally approve an exception, the following findings must be made:

1. That the granting of the exception is necessary to attain a high aesthetic sign design which would be restricted if the provisions and standards of this Chapter were strictly applied;
2. That the granting of an exception would not adversely affect the visibility of signs on adjacent properties; and
3. That the granting of an exception would not constitute a granting of a special privilege.

H. Appeal to City Council. The decision of the Planning Commission on a variance or exception application shall be subject to the appeal provisions of the zoning ordinance.

I. Revocation. A variance or exception granted subject to a condition or conditions shall be revoked by the Planning Commission if the applicant fails to comply with any the condition of approval.

- J. Time Limits for Filing a New Application. Following the denial of a variance or exception application or the revocation of a variance or exception, no application for the same or substantially the same sign shall be filed within one year of the date of denial of the variance or exception application or the date of revocation of the variance or exception.

17.48.160 Nonconforming Signs

- A. Purpose. A nonconforming sign is a sign that was lawfully constructed and maintained prior to the adoption of the regulations codified in this Chapter but which does not conform to the provisions of this Chapter. The purpose of the regulations in this Section is to limit the number and extent of nonconforming signage by prohibiting alteration or enlargement of such signage so as to increase the discrepancy between their condition and the standards and requirements of this Chapter.
- B. Continuance and Maintenance. Reasonable and routine maintenance and repairs may be performed on signs that are nonconforming provided there is no expansion of any nonconformity with the current requirements of this Chapter.
- C. Abandonment of Nonconforming Sign. Whenever a nonconforming sign has been abandoned, or the use of the property has been discontinued for a continuous period of 30 days, the nonconforming sign must be removed.
- D. Restoration of a Damaged Sign. An on-premise sign may be restored that meets any of the following criteria:
1. A sign with damage that does not exceed 50 percent of the total sign area, including hardware and attachments, provided that the repairs start within 30 days and diligently pursued to completion.
 2. A sign that is a danger to the public or is unsafe as determined by the Building Official.
- E. Signs Rendered Nonconforming by Annexation. Any sign that becomes non-conforming subsequent to the effective date of this Chapter by reason of annexation to the City of the site upon which the sign is located is subject to the provisions of this Section.

17.48.170 Maintenance, Abandonment, and Enforcement

- A. Maintenance Required. All signs and associated supporting structures shall be maintained in good condition, without rips, tears, and similar damage.
1. Deteriorated Signs. Any sign or sign structure that is sagging, leaning, fallen, decayed, broken, deteriorated, or other dilapidated condition shall be promptly repaired, to the satisfaction of the City, or removed.
 2. Graffiti. Graffiti on a sign shall be removed within two days of notice of its placement on such sign.
 3. Maintenance Standards. All parts, portions, units and materials composing a sign, together with the frame, background, surface, support or enclosure shall be maintained in a safe condition, painted, and adequately protected from weathering with all braces, bolts and structural parts and supporting frames and

fastenings reasonably free from deterioration, rot, rust, and loosening so that they do not create a hazard to persons or property or constitute a nuisance.

4. Summary Removal of Hazards. Whenever any sign, by virtue of its physical nature and condition, poses an immediate and serious threat to the public safety, the same may be removed by City personnel, or its physical deficiency cured, to the extent necessary to protect the public safety. The cost of such removal or repair shall be assessed against the sign owner.
- B. Abandoned or Obsolete Sign. An on-premise sign advertising an activity, business, service or product must be removed within 30 days following the actual discontinuance of the activity, business, service or product. If the sign is not so removed, the City Planner or designee may have the sign removed in accordance with the public nuisance abatement provisions of this Code.
 - C. Illegal Signs. Any sign, banner, or sign structure not erected, constructed or located in conformance with this Chapter and not classified as a legal nonconforming sign is an illegal sign and is subject to abatement in accordance with the public nuisance abatement procedures set forth elsewhere in the Visalia Municipal Code.
 - D. Enforcement. Signs which do not conform to the provisions of this Chapter and are erected after its effective date and signs erected after the effective date of this Chapter without obtaining the permit required thereby are declared to be unlawful and a public nuisance. All signs declared to be unlawful by this Section and all persons erecting or maintaining them shall be subject to the terms of Chapter 17.46, Administration and Enforcement, specifically Sections 17.46.010 to 17.46.060, of this Code and all amendments thereof. The City Planner or designee shall forthwith take all necessary actions or proceedings for the abatement, removal and enjoinder pursuant of said sections of the Visalia Municipal Code. The remedies provided for in this Section are cumulative and nonexclusive.

17.48.180 Definitions

The following definitions apply within this Chapter, regardless of how the terms may be defined in the Municipal Code.

A-Frame Sign. A portable upright, rigid, self-supporting frame sign in the form of a triangle or letter "A".

Abandoned Sign. A sign remaining in place or not maintained for 30 days that does not provide direction for, advertise, or identify a legally established business, product, or service available on the business premises where the sign is located.

Animated Sign. A sign with messages that visually change, or images that move or appear to move, flash on or off, wink or blink with varying light intensity, show motion or create the illusion of motion, or revolve to create an illusion of being on or off. This definition does not include traditional barber poles, hand-held signs, personally attended signs, commercial mascots, scoreboards, or signs that merely display time or temperature nor does it include "digital displays" and "electronic signs", which are defined separately.

Awning. Any structure made of flexible fabric or similar material covering a metal frame attached to a building, whether or not the same is so erected as to permit its being raised to a position flat against the building when not in use.

Awning or Canopy Sign. Sign copy placed on an awning or any other projecting structure made of flexible fabric or similar material covering a metal frame supported by the ground or sidewalk.

Banner Sign. Any sign of lightweight fabric or similar material that is mounted to a pole or a building at one or more edges with no enclosing framework on which a message or image is painted or otherwise affixed. Flags are not within this definition.

Billboard: See Outdoor Advertising Display.

Blade Signs: See Projecting Sign.

Business Directory Sign. A freestanding or wall sign that identifies all businesses and other establishments located within a building or complex.

Business Sign. A sign that directs attention to the principal business, profession, or industry located on the premises where the sign is displayed; to the type of products sold, manufactured or assembled; or to services or entertainment offered on such premises.

Changeable Copy Sign. A sign constructed or designed to allow for periodic changes of copy, and for which the copy is changed not more than once each 24 hour period. Examples include signs for an auditorium, theater, school, church, meeting hall, or similar uses characterized by public assembly and changing programs or events, or gas station prices. This definition does not include animated signs or electronic signs.

Commercial Message. A message on a sign, or portion of a sign, that promotes, informs, or proposes an economic transaction, primarily concerns the economic interests of the sign sponsor and/or audience, or is intended to further discussion in the marketplace of goods and services.

Construction Sign. A temporary sign displayed on the site of a construction, remodeling, or major landscaping project during the period of time of actual construction activity.

Copy. Any letters, numerals, or symbols displayed on a sign face conveying a message to the public.

Digital Display. A method of displaying a visual image that uses liquid crystal cells or other types of light emitting diodes (LEDs) or their functional equivalent allow for the message or image to be easily changed, typically by remote control or computer programming. This definition applies to signs displaying a series of still images.

Directional Sign. Any sign, other than a highway marker or any sign erected and maintained by public authority, or a public utility which is designed, erected and maintained for the purpose of directing persons to a place, structure, or activity.

Electronic Sign. A sign that is capable of presenting variable message displays by projecting an electronically controlled pattern and which can be programmed to periodically change the message display. See also Digital Display.

Exempt Sign. A sign which may be legally displayed, erected or maintained, but is not subject to a sign permit requirement.

Externally Illuminated Sign. Any sign that is lit by a light source that is external to the sign directed towards and shining on the face of the sign.

Face. That portion of a sign upon which the copy is mounted or displayed.

Feather Banner. A type of vertical banner made of flexible materials (e.g., cloth, paper, or plastic), the longer dimension of which is typically attached to a pole or rod that is driven into the ground or supported by an individual stand. Also called a "swooper" or "teardrop" banner.

Flag. Any fabric or banner containing distinctive colors, patterns, or design that displays the symbol(s) of a nation, state, local government, company, organization, belief system, idea, or other meaning.

Freestanding Sign. A permanent sign that is self-supporting in a fixed location and not attached to a building. It includes monument signs, which are connected or attached to a sign structure, fence, or wall that is not an integral part of a building, and pole signs, which is mounted on a

pole(s) or other support(s) that is placed on and anchored in the ground or on a base and that is independent from any building or other structure. Freestanding signs are of two types: monument and pole. Flag poles are not within this definition.

Fuel Pricing Sign. A sign that indicates, and is limited to, the brand or trade name, method of sale, grade designation, and price per gallon of gasoline or other motor vehicle fuel offered for sale on the business premises, and such other information as may be required by county ordinance or State law.

Graffiti. Marks, such as inscriptions, drawings, or designs, which are placed, scratched, etched, painted, or sprayed on public or private property without the owner's consent.

Grand Opening Sign. A temporary sign used to announce or commemorate the official opening or reopening of a new business or a new business location. It may include offers of special promotional items or discounts.

Illuminated Sign. A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign. This includes signs made from neon or other gas tube(s) that are bent to form letters, symbols, or other shapes. Ambient lighting, by itself, does not make a sign "illuminated."

Incidental Business Sign. A small sign that indicates incidental business information about the conduct of the business, such as credit cards accepted, trading stamps offered, trade affiliations, and similar matters.

Inflatable Sign. A form of inflatable device (e.g., shaped as an animal, blimp, or other object) that is displayed, printed, or painted on the surface of an inflatable background, and is primarily installed outside a building to attract attention to or to advertise a business, a business location, a service, a product, or an event.

Master Sign Program. A coordinated sign plan which includes details of all signs (not including exempt or temporary signs) which are or will be placed on a site, including master identification, individual business and directory signs.

Mobile Billboard. Any vehicle, or wheeled conveyance which carries, conveys, pulls, displays, or transports any sign or billboard for the primary purpose of advertising a commercial or noncommercial message, or other general advertising for hire.

Monument Sign. See Freestanding Sign.

Moving Sign. A sign or any portion thereof that rotates, moves, or appears to move in some manner by mechanical, electrical, natural, or other means.

Mural. A work of graphic art on an exterior building wall that may or may not contain a commercial logo or trademark but does not serve to advertise or promote any business, product, activity, service, interest, or entertainment.

Name Plate. A sign that identifies an occupant and/or address.

Noncommercial Message. A message or image on a sign, or portion of a sign, which displays noncommercial speech, e.g., commentary or advocacy on topics of public debate and concern. This definition shall be construed and interpreted in light of relevant court decisions. Noncommercial messages do not have a location factor, such as on-site or off-site.

Non-Communicative Aspects. Those aspects of a sign that are not directly communicative, such as physical structure, mounting device, size and height, setback, illumination, spacing, and scale relative to other structures.

Nonconforming Sign. A sign lawfully erected and legally existing on the effective date of this Section, or of amendments thereto, but which does not conform to the provisions of this Chapter.

On-Site or On-Premise Sign. Any sign or portion thereof that identifies, advertises, or attracts attention to a business, product, service, event or activity sold, existing or offered upon the

same property or land use as the sign. The off-site/on-site distinction applies only to commercial messages.

Outdoor Advertising Display. A sign that identifies, advertises or attracts attention to a business, product, service, event or activity sold, existing or offered at a different location or which identifies by brand name a service or product which, although sold on the premises, does not constitute the principal item for sale on the premises. The off-site/on-site distinction applies only to commercial messages. This type of sign is also known as a billboard.

Pennant. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, attached to a rope, wire, or string, usually in a series, designed to move in the wind and attract attention. Flags and banners are not within this definition.

Pole Sign. See Freestanding Sign.

Political Sign. A sign that advertises a candidate, a political party, or a political issue related to a local, state, or national election.

Portable Sign. A movable sign that is not permanently attached to the ground or a building. The definition includes A-frame type signs and other portable signs.

Projecting Sign. A single or double faced sign that is perpendicular to the face of a building and projects more than 18 inches from the face. This category includes awning and under canopy signs.

Primary Building Face. The wall of a building which contains the principal entrance(s) to the building. If there are principal entrances in more than one wall, the longest of the walls in which principal entrances are located shall be the primary building face. "Primary building face" shall include not only the wall itself but all doors, windows, or other openings therein and projections therefrom.

Readerboard. A sign structure or mounting device on which at least a portion of the display face may be used for changeable copy that is either non-commercial or commercial, electronic or manual.

Real Estate Sign. Any sign with copy that concerns a proposed sale, rent, lease or exchange of real property. This definition does not include occupancy signs at establishments offering transient occupancy, such as hotels, motels and "bed and breakfast" facilities.

Roofline. The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

Roof Sign. Any sign located on a roof of a building or having its major structural supports attached to a roof.

Sign. Any identification, description, illustration, or device illuminated or non-illuminated, which is visible to the general public from any exterior public right-of-way, and directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, or placard designed to advertise, identify, or convey information. A display, device, or thing need not contain lettering to be a sign. Notwithstanding the generality of the foregoing, the following are not within this definition:

- A. Architectural features. Decorative or architectural features of buildings (not including lettering, trademarks or moving parts), that do not perform a communicative function;
- B. Fireworks, etc. The legal use of fireworks, candles and artificial lighting not otherwise regulated by this Code;
- C. Foundation stones, cornerstones;
- D. Grave markers, grave stones, headstones, mausoleums, shrines, and other markers of the deceased;

- E. Personal Appearance. Items or devices of personal apparel, decoration or appearance, including tattoos, makeup, wigs, costumes, and masks, but not including commercial mascots or hand-held signs; and
- F. Symbols Embedded in Architecture. Symbols of noncommercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building, including stained glass windows on churches, carved or bas relief doors or walls, bells, and religious statuary.

Sign Area. The area contained within a single continuous perimeter enclosing all parts of such sign copy, excluding any structural elements outside the limits of the sign required to support the sign.

Sign Face. An exterior display surface of a sign, including non-structural trim, exclusive of the supporting structure. It includes the area of a sign which is available for mounting and public display of the visually communicative image.

Temporary Sign. A structure or device used for the public display of visual messages or images, which is typically made of lightweight or flimsy materials which is not intended for or suitable for long term or permanent display.

Vehicle Display Sign. A sign mounted, attached, affixed, or painted upon any surface of a motor vehicle, trailer, or similar conveyance parked on public or private property for the purpose of general advertising for hire.

Wall Sign. Any sign attached to, erected against or painted upon the wall of a building or structure, the face of which is in a single plane parallel to the plane of the wall. Wall signs also include signs on a false or mansard roof.

Window Sign. Any permanent or temporary sign painted, etched or otherwise affixed to an exterior window of a building, or in the interior of the building, within three feet of a window, intended to be viewed from the exterior of such building. On-site advisory signs are not considered window signs.

EXHIBIT "B" OF RESOLUTION NO. 2015-13

The sign ordinance regulations included in Exhibit "A" of Resolution No. 2015-13 shall be revised as follows, wherein edits are shown in underline/strikethrough format delineating additions/deletions respectively, ellipsis denotes deleted text in which no changes are proposed, and italics is not intended to be included in the sign ordinance regulations:

Revision to Ordinance Section 17.48.030 Exempt Signs:

"Construction Signs. A single sign or multiple signs related to construction or landscaping work and related financing of such work may be placed upon a site where a building is being constructed or remodeled, or the landscaping is being replaced, subject to the following standards.

1. Maximum Sign Area. The total sign area of Cconstruction signs on a site shall be no more than:
 - a. Four square feet in Agricultural and Residential Districts; and
 - b. 32 square feet in non-residential districts. ..."

Revision to Ordinance Section 17.48.030 Exempt Signs:

"Window Signs. Window signs intended to be viewed from the public right-of-way, subject to the following standards: ..."

Revision to Ordinance Section 17.48.040 Prohibited Signs:

"E. Mobile Billboards. The City prohibits any person to conduct, or cause to be conducted, any mobile billboard advertising upon any street, or other public place within the City in which the public has the right of travel and on private property. The purpose of this prohibition is to eliminate mobile billboard advertising within the City in order to reduce traffic congestion, promote the safe movement of vehicular traffic, to reduce air pollution, and to improve the aesthetic appearance of the City. This prohibition does not apply to signage on a licensed commercial vehicle that is related to the goods or services provided by the vehicle owner or operator and to public transit/public carrier graphics on properly licensed buses ~~and taxicabs~~."

Revision to Ordinance Section 17.48.110.H.3. On-Site Temporary Subdivision Signs:

"a. A residential subdivision may erect within its boundaries, ~~a maximum of either two signs or up to one sign per every 300 lineal feet that the subdivision perimeter fronts upon a public street.~~"

Revision to Ordinance Section 17.48.120.G. Portable Signs:

"Portable signs, including A-frames and easels, are allowed to advertise the location, goods or services offered on the premises. They must be made of a durable, rigid material such as, without limitation, wood, plastic or metal and conform to the following standards. No sign permit is required, ~~unless a portable sign is to be placed in a public right-of-way, in which case an encroachment permit is required.~~" ...

"5. Placement: A portable sign shall be placed so that a ~~minimum four-foot~~ pedestrian circulation path and "accessible route" as required by the Americans with Disabilities Act

and implementing regulations is left clear for pedestrian passage on all sidewalks and walkways. The path must contain a four-foot wide minimum continuous pedestrian access route and must be free of all obstacles, protruding objects, and any vertical obstructions hazardous to pedestrians. They shall only be placed at grade level and shall not be placed on walls, boulders, planters, vehicles, other signs or any other type of structure.”

Revision to Ordinance Section 17.48.130.A.1. Sign Area and Dimensions:

“a. One “grand opening” sign or banner, not exceeding 60 square feet, is allowed for a period not exceeding 60 ~~consecutive~~ days to announce a newly opened or reopened establishment at the site where the banner is to be displayed and potentially display information about promotional events, discounts or special services associated with the grand opening. ...”

Revision to Ordinance Section 17.48.180 Definitions:

“Mobile Billboard. An advertising display that is attached to a vehicle or any mobile, nonmotorized vehicle or device that carries, pulls, or transports a sign or billboard (outdoor advertising display), and is for the primary purpose of advertising. ~~Any vehicle, or wheeled conveyance which carries, conveys, pulls, displays, or transports any sign or billboard for the primary purpose of advertising~~ a commercial or noncommercial message, or other general advertising for hire.”

City of Visalia

Memo



To: Planning Commission
From: Brandon Smith, Senior Planner
Date: March 23, 2015
Re: Staff Report for Recommendation to Adopt Zoning Text Amendment No. 2015-05: A request by the City of Visalia to repeal Chapter 17.48 (Signs) of the Visalia Municipal Code Title 17 (Zoning Ordinance) and adopt a new Chapter 17.48 of the Visalia Municipal Code pertaining to sign regulations.

SUMMARY / STAFF RECOMMENDATION

The amended "Draft" Sign Ordinance (Chapter 17.48 of the Visalia Zoning Ordinance) is provided to the Planning Commission for review and consideration. Staff recommends that the Planning Commission receive a staff presentation and public testimony, and make a recommendation of approval to the City Council for the adoption of the amended Sign Ordinance.

RECOMMENDED MOTION

That the Planning Commission recommend approval of Zoning Text Amendment No. 2015-05 by adoption of Resolution No. 2015-13, recommending that the City Council adopt the amended Sign Ordinance.

BACKGROUND

The Sign Ordinance is a chapter of the Zoning Ordinance wherein its purpose is to provide standards for the placement and size of signs. The Ordinance addresses building and freestanding signs and, to a lesser extent, temporary signage including portable signs and banners.

The current Sign Ordinance was adopted as part of the Zoning Ordinance Update in 1993. While Visalia and the surrounding region have seen changes to development patterns and rapid advancement in technology over the last 20 years, its Sign Ordinance has not kept pace with these changes. Over the last few years the Planning Commission and City Council have examined, and in some cases amended, the Sign Ordinance to address certain emerging issues. These issues have included electronic LED animated signs (for public and non-public uses), subdivision signs, and real estate signs. Through the years, the Planning Commission has also reviewed requests for Variances to the sign regulations and requests for the establishment of sign programs associated with new development.

In 2013, the City Council directed staff to initiate a comprehensive update to the City's Sign Ordinance ahead of the Zoning Ordinance Update. The Council's action to move forward with the update was based on a number of issues related to signage, including the current ordinance's shortcomings in addressing current issues and enforcement, the need for targeted community outreach, and addressing case law issues in current ordinance language. Later in the year, the City Council authorized entering into a contract with planning consultant Dyett & Bhatia for the preparation of a comprehensive update, and authorized the formation of a Technical Advisory Committee (TAC) to help identify issues in the current ordinance and to provide recommendations on regulations during the update.

TECHNICAL ADVISORY COMMITTEE (TAC) REVIEW

The first TAC meeting was preceded by a series of stakeholder interviews held by the consultant. The TAC met six times between May 2014 and January 2015, with each meeting being well attended by members of the public and business community. The meetings focused on garnering the main issues of the update and thoroughly reviewing a preliminary set of regulations with the objective of reaching consensus on a recommended "draft" ordinance.

The TAC meetings culminated in the development of the Draft Sign Ordinance document dated March 17, 2015 (included as Attachment "B"), for review by the Planning Commission and City Council.

Although the TAC made a series of recommendations which formed the basis for the amended Sign Ordinance, staff anticipates that several issues will be discussed in the adoption hearings before final action is taken by the City Council. Furthermore, the TAC was not always unanimous in reaching consensus on issues. Viewpoints that were dissenting from the TAC consensus were noted and are shared alongside with the consensus recommendations in the analysis.

OVERVIEW OF AMENDED "DRAFT" SIGN ORDINANCE

The Zone Text Amendment proposes to repeal the existing Sign Ordinance (Chapter 17.48) in its entirety and replace it with the amended Sign Ordinance attached as Exhibit "B". The amended Sign Ordinance has different formatting and organization as a result of the consolidation of some existing regulations and the addition of new sections.

New Sections. New sections in the Ordinance are:

- 17.48.020 Applicability
- 17.48.060 Sign Design Principles
- 17.48.070 Rules for Sign Measurement
- 17.48.120 Downtown Retail Design District Sign Standards
- 17.48.130 Temporary Signs
- 17.48.140 Master Sign Program
- 17.48.170 Maintenance, Abandonment and Enforcement

Expanded Sections for Exempt & Prohibited Signs and Definitions. Sections for Exempt Signs (17.48.030), Prohibited Signs (17.48.040), and Definitions (17.48.180) have been significantly expanded. Many of these are existing regulations found in different sections of the existing Sign Ordinance that have been moved and consolidated to establish a more comprehensive listing of these types of signs. Billboards, once allowed in limited areas of the City, are entirely prohibited along with all forms of off-site "for-hire" advertising.

Permanent Signage. A majority of the City's sign regulations applicable to permanent signage (i.e. wall, freestanding) have been retained, as the regulations have generally served the City well in retaining a pleasant aesthetic character that is uniform among the different land uses. Additionally there were very minimal comments raised by TAC members or the public regarding these regulations. One of the most significant organizational changes affecting permanent signage is that these regulations are now based on zoning type and not based on design district (Section 17.48.100 contains standards for the non-residential zones).

Real Estate and Subdivision Signs. Regulations for real estate signs and subdivision signs were retained in the amended Sign Ordinance, as these subjects were recently reviewed and updated through separate actions by the City Council. There were some changes made to these regulations following considerable public dialogue during the TAC meetings, as explained in Attachment "A".

New Signs / Sign Regulations. Among the most significant new sign types and/or expanded regulations found in the Ordinance are as follows:

- 17.48.030.Y Window Signs
- 17.48.050.E Master Sign Program (discussed more fully in 17.48.140)
- 17.48.080.E Electronic Signs
- 17.48.110.B A-Frame Signs (a type of portable sign, regulated in 17.48.130.D)
- 17.48.130.B Non-Profit Off-site Special Event Signs
- 17.48.130.E Special Promotional Signs and Banners

Legal Review. After the TAC concluded its deliberations and made its policy recommendations, a revised draft was prepared for legal review by the City Attorney. The Attorney's comments are incorporated into the Draft document and are explained where applicable in Attachment "A".

The discussion in Attachment "A" provides an overview of each section in the Sign Ordinance and provides analysis and a summary of the TAC's actions on those regulations.

Environmental Review

The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), acting on "the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." The project is also categorically exempt pursuant to Section 15305 (minor land use limitations).

RECOMMENDED FINDINGS

1. That the proposed Zoning Ordinance Text Amendment is consistent with the intent of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed Zoning Ordinance Text Amendment is not inconsistent with any other Element of the General Plan.
3. That the project is Categorically Exempt from environmental review under California Environmental Quality Act (CEQA) Guidelines pursuant to CEQA Guidelines Section 15061(b)(3) (no significant effect on the environment) and is also categorically exempt pursuant to CEQA Guidelines Section 15305, and Notice of Exemption No. 2015-17 has been prepared for this project.

ATTACHMENTS

- Attachment "A" – Draft Sign Ordinance Review & Analysis of Changes
- Resolution No. 2015-13, Recommending approval of Zoning Ordinance Text Amendment No. 2015-02
- Attachment "B" – Amended Sign Ordinance, Chapter 17.48 of Visalia Municipal Code

ATTACHMENT "A"

DRAFT SIGN ORDINANCE REVIEW & ANALYSIS OF CHANGES

17.48.010 Purpose

Analysis: Replaces VMC Section 17.48.010. This Section has been carried over and elaborated on to establish the public purpose for the regulations in this Chapter and can be used as a basis for discretionary decisions. No discussion by TAC.

17.48.020 Applicability

Analysis: New Section. This Section describes the scope and applicability of the regulations in this Chapter. No discussion by TAC.

17.48.030 Exempt Signs

The following signs are exempt from the permit requirements of this Chapter and do not count toward the total sign area limit for a site, provided that they conform to applicable standards:

A. Address Signs. One nameplate, not exceeding two square feet in area, containing the name and address of the occupant.

Analysis: No change; replaces VMC Section 17.48.060.C. No discussion by TAC.

B. Barber Poles. Barber poles, not exceeding 18 inches in height, located on a commercial property and containing no lettering.

Analysis: No change; replaces VMC Section 17.48.050.D and E. No discussion by TAC.

C. Change of Business Signs. A temporary attachment or covering of wood, plastic, or canvas over a permanent sign indicating a change of ownership or activity may be displayed for no longer than 60 days following the change of ownership or activity for which the sign is intended. The sign must be no larger than the previously permitted permanent sign.

Analysis: New regulation. No discussion by TAC.

D. Commemorative Signs. Commemorative plaques, memorial signs or tablets, or signs indicating names of buildings and dates of building erection, either attached to or cut into the surfaces of buildings, provided that no such sign exceeds three square feet in area. Plaques commemorating the site of a historical event, the residence or workplace of a historical figure, or a building whose architectural or historical character is recognized by the City, State, or federal government. Plaques shall not exceed three square feet in area.

Analysis: New regulation. No discussion by TAC. Following City Attorney review, the regulation was revised to include a separate exemption for historical plaques.

E. Commercial Displays On Vehicles. Signs on vehicles may be displayed, provided that:

1. The message pertains to the establishment of which the vehicle is an instrument or tool, and
2. The message does not utilize changeable copy or special illumination.

Analysis: New regulation.

TAC Discussion: Following public comment, there was consensus by the TAC to eliminate qualifying criteria that the message on the vehicle is not "general advertising for hire".

F. Construction Signs. A sign related to construction or landscaping work and related financing of such work may be placed upon a site where a building is being constructed or remodeled, or the landscaping is being replaced, subject to the following standards.

1. **Maximum Sign Area.** Construction signs shall be no more than:
 - a. Four square feet in Agricultural and Residential Districts; and
 - b. 32 square feet in non-residential districts.
2. **Duration.** Construction signs may be installed up to 60 days before commencing construction and must be removed at the time that construction of the project is completed.

Analysis: Update to regulation, replaces VMC Section 17.48.060 E.

TAC Discussion: The TAC discussed appropriate size and duration. Consensus was that a construction sign size of 32 sq. ft. is acceptable, and a duration should be somewhere between 60 to 90 days before construction (building permit issued) and final development of the project. A duration of 60 days was applied in the draft ordinance.

G. Decorations. Holiday and cultural observance decorations on private property. Decorations cannot include commercial advertising. This exemption includes strings of lights associated with a holiday decoration.

Analysis: No change, replaces VMC Section 17.48.060 D.

TAC Discussion: Consensus to not include a maximum duration on decorations and to exempt light strings.

H. Equipment Signs. Signs incorporated into permitted displays, machinery, or equipment by a manufacturer, distributor, or vendor and identifying or advertising only the product or service dispensers by the machine or equipment, such as fuel pumps at gas stations.

Analysis: New regulation. No discussion by TAC.

I. Flags. Flags of a governmental entity or a civic, philanthropic, educational, or religious organization may be erected and located in accordance with the following standards:

1. **Location.** Flagpoles must not be located within any required side yard setbacks.
2. **Maximum Flagpole Height.** If a flag is on a flag pole, the pole height must not exceed 30 feet or the distance from the base of the pole to the closest lot line plus two feet, whichever is less.
3. **Maximum Size.** The maximum individual flag area on a lot is 24 square feet in R districts and 32 square feet in all other districts.

Pennant banner flags and streamers are not included in this exemption and are regulated under Section 17.48.130, Temporary Signs.

Analysis: New regulation. No discussion by TAC. Following City Attorney review, the regulation was revised to not exempt only government flags by allowing "no-commercial flags", excluding pennant flags.

J. Garage Sale Signs. One sign not exceeding two feet by two feet in size may be posted on the property where the sale is being held during the duration of the sale only. No signs regarding such sale shall be posted on any property other than where the sale is held.

Analysis: New section referencing existing regulations found at VMC Section 5.24.020.C. No discussion by TAC.

K. Government Signs. Official notices issued by a court, public body or office and posted in the performance of a public duty; notices posted by a utility or other quasi-public agency; signs erected by a governmental body to direct or regulate pedestrian or vehicular traffic; noncommercial bus stop signs erected by a public transit agency, or other signs required or authorized by law. This exemption also covers signs and banners for special civic events sponsored by the City, which may be displayed in public rights of way.

Analysis: No change; replaces VMC Section 17.48.060.A and B. No discussion by TAC.

L. Incidental Business Sign. A small sign or decal that indicates incidental business information about the conduct of the business, such as credit cards accepted, trading stamps offered, trade affiliations, and similar matters.

Analysis: New regulation. No discussion by TAC.

M. Informational Signs. Non-commercial informational signs located wholly on private property, not exceeding two square feet in area, erected for the convenience of the public, such as signs identifying rest rooms, public telephones, walkways, and similar features or facilities.

Analysis: No change; replaces VMC Section 17.48.040.G. No discussion by TAC.

N. Interior Signs. Signs that are located entirely within a building or enclosed structure and not visible from the public right of way.

Analysis: No change; replaces VMC Section 17.48.040.O. No discussion by TAC.

O. Manufacturers Marks. Marks on consumer or industrial products, which are integral to the product and identify the maker, seller, provider or product and which customarily remain to the product after the sale.

Analysis: New regulation. No discussion by TAC.

P. Menu Display Boards. Menu displays that are mounted on a wall or window near the main entrance of establishments serving food. Menu displays are limited to four square feet in area. This exemption does not apply to stand-alone menu boards in drive-through establishments.

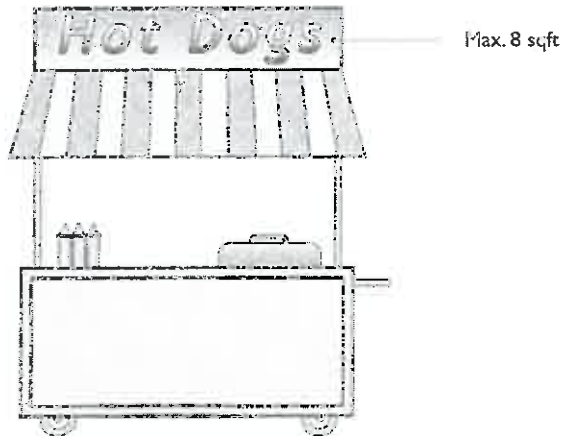
Analysis: New regulation. No discussion by TAC.

Q. Mobile Vendor Signs. Signs and menu display boards fixed to mobile vending carts or food trucks that identify or advertise the name, product, or service provided by the vendor. Each mobile vending cart or food truck is limited to a maximum of eight square feet of sign area, plus a menu display board.

Analysis: New regulation.

TAC Discussion: Consensus that menu boards are not counted as allowed sign area, as written.

Figure 17.48.030(R): Mobile Vendor Signs



R. Newspaper Stands. Signs that are part of newspaper stands provided the sign area does not exceed four square feet.

Analysis: New regulation. No discussion by TAC.

S. Portable Signs. A-frame signs that conform to the standards of this Chapter.

Analysis: New regulation. The TAC discussed portable signs as part of Sections 17.48.110.A (A-Frame Sign Standards), 17.48.120 (Downtown Retail Design District Sign Standards), and 17.48.130 (Temporary Signs).

T. Public Carrier Graphics. Graphic images mounted on carrier vehicles such as buses, taxicabs, and limousines that legally pass through the City.

Analysis: New regulation. No discussion by TAC.

U. Small Service Signs. Small signs, not exceeding four square feet in size, identifying a service provided to a site, such as security, landscaping or roofing, as well as membership logo stickers.

Analysis: New regulation.

TAC Discussion: Description expanded to include membership logo stickers.

V. Sponsorship Signs and Banners. One sponsorship sign or banner for each sponsor or one sign or banner for all sponsors, which sponsor and contribute to civic activities upon public or private premises, not to exceed 18 square feet in area, is permitted for a period not to exceed one year preceding the event. Such sign or banner must be removed within 15 days after the event or the sporting season. All sponsorship signs banners must meet material specifications established by the City and may be restricted to locations approved by the City Council.

Analysis: New regulation. No discussion by TAC.

W. Time and Temperature Devices. Time and temperature devices, not taller in height than permitted signs or larger than 12 square feet, located wholly on private property and bearing no commercial message.

Analysis: Update to regulation; replaces VMC Section 17.48.040.H. Time and Temperature Signs – a conditionally-permitted use in the current Sign Ordinance – will no longer be a

conditional use based on the performance standards included with the description. No discussion by TAC.

X. Vehicle Insignia. License plates, license plate frames, registration insignia and other messages affixed to vehicles that advertise, identify, or provide direction to a use or activity not related to making deliveries or sales of merchandise or messages relating to the proposed sale, lease or exchange of the vehicle. This includes vehicles making deliveries as a regular part of their business (U.S. Postal Service, U.P.S., etc.). The total area of such exempt signage must not exceed one square foot per lineal foot of length of the vehicle or watercraft.

Analysis: New regulation. No discussion by TAC. Following City Attorney review, the regulation was revised to not read as broad.

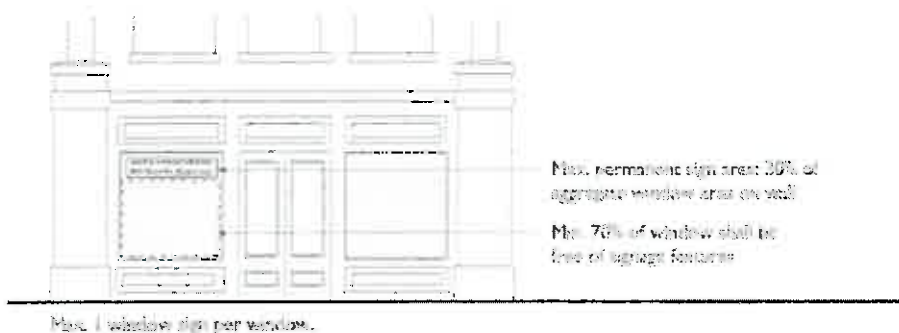
Y. Window Signs. Window signs, subject to the following standards:

1. **Surface Area.** No more than 30 percent of the aggregate window area on a single window for permanent signage; up to 10 percent of the aggregate window area may be used for temporary window signage that conforms to the standards of Section 17.48.130(A).
2. **Transparency.** A minimum of 70 percent of the window shall be transparent and free of signage features. Any permanent sign either hung or within two feet of a window or attached to a display located within two feet of a window is considered a window sign.
3. **Interior electronic signs and digital displays.** Interior digital displays, within two feet of a window, are allowed provided they are no larger than 30 percent of the aggregate allowable window area for permanent signage.

Analysis: Update to regulation; replaces VMC Section 17.48.030.A.1. The existing Sign Ordinance does not address window signage beyond "lettering covering no more than ten percent of the aggregate window area on a single wall, stating the name, business type, hours and address of business only." The draft regulations include provision to accommodate the common practice of many businesses throughout the City that install temporary and/or permanent window signage.

TAC Discussion: The TAC consensus was in favor of expanded window sign regulations, but thoughts widely varied with regard to the measurement and allowed area. Ideas were presented to consider increased percentage of coverage (i.e. 30% or 40%). A 30% coverage is suggested in the draft regulations. Following City Attorney review, the coverage was revised to not be limited to one sign per window.

Figure 17.48.030(Z): Window Signs



17.48.040 Prohibited Signs

Unless expressly allowed by another Section of this Chapter or other applicable law, the following signs, locations, and materials are prohibited:

A. Animated or Moving Signs. Animated, flashing, blinking, reflecting, revolving, or other similar sign with visibly moving or rotating parts or visible mechanical movement of any kind, unless expressly permitted under this Chapter. This prohibition does not apply to signs using digital display technology, such as LED (light emitting diodes) or functionally equivalent display methods, which are permitted, subject to the regulations of this Chapter.

Analysis: No change; replaces VMC Section 17.48.050.D. No discussion by TAC.

B. Banners, Balloons, Inflatable Signs, Streamers, Pennants and Other Attention-Getting Devices. Banners, balloons, inflatable signs, streamers, pennants and other attention-getting devices, made of light-weight fabric or similar material, designed to rotate or move with the wind or activated by forced air, that direct, promote, or that are otherwise designed to attract attention for outdoor advertising purposes are prohibited in all zoning districts, unless permitted as a Temporary Sign under subsection 17.48.120.F.

Analysis: Update to regulation; replaces VMC Section 17.48.050.D. No discussion by TAC. This is included to clarify and clearly prohibit these types of signs in situations where they are not otherwise provided for as part of Section 17.48.130.G (Temporary Signs).

C. General Advertising (for Hire). Temporary or hand-held signs that publicize or promote other businesses or causes using methods of advertising (in contrast to self-promotion, on-site sales, or on-site advertising). General advertising is also known as advertising for hire.

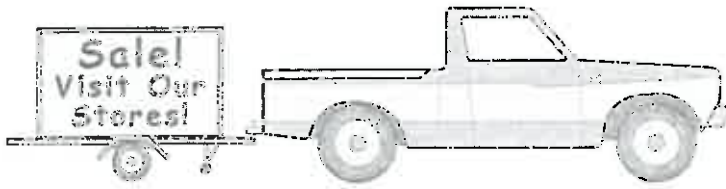
Analysis: New regulation. No discussion by TAC.

D. Mobile Billboards. The City prohibits any person to conduct, or cause to be conducted, any mobile billboard advertising upon any street, or other public place within the City in which the public has the right of travel. The purpose of this prohibition is to eliminate mobile billboard advertising within the City in order to reduce traffic congestion, promote the safe movement of vehicular traffic, to reduce air pollution, and to improve the aesthetic appearance of the City. This prohibition does not apply to signage on a licensed commercial vehicle that is related to the goods or services provided by the vehicle owner or operator and to public transit/public carrier graphics on properly licensed buses and taxicabs.

Analysis: New regulation. Mobile billboards, as defined, are billboards that are capable of being transported by a vehicle around public streets, and are used for the primary purpose of for-hire advertising. These do not include trailers which typically contain commercial displays pertaining to the same trade for which the trailer is being used for.

TAC Discussion: The TAC received public comments in favor of allowing this type of billboard. Further questions came from the public regarding the fairness of public buses and taxicabs being allowed to display advertising. The TAC commented that such vehicles are used for the primary purpose of transporting persons and not for the primary purpose of advertising. Rather, for-hire advertising is an ancillary function of these vehicles that provide a public service. The TAC came to the consensus to leave mobile billboards as a prohibited sign, with added clarification allowing advertising on buses and taxicabs.

Figure 17.48.040(D): Mobile Billboards



E. Murals. Murals which contain advertising copy or function as advertising. Murals without advertising copy must be approved by the City Council under the provisions of the City's adopted mural policy.

Analysis: No change; replaces VMC Section 17.48.040.S and 17.48.050.I. The regulation reflects the City's current stance on murals and differentiates between murals with or without advertising copy. This prohibition does not apply to advertising copy directly on a business for the purpose of advertising that business, which is not considered as a mural. This would be considered as signage counted toward the business's allotted sign copy area. The TAC was in favor of leaving the proposed regulation as is.

F. Outdoor Advertising Displays ("Billboards"). Signs that display outdoor advertising for hire are prohibited in all zones.

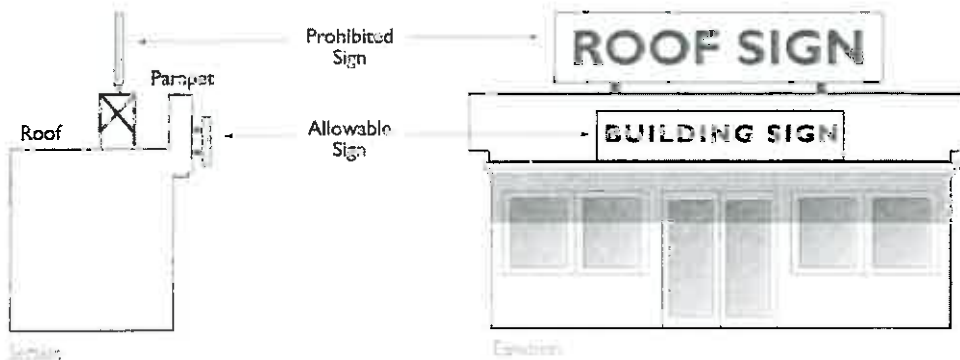
Analysis: Update to regulation; replaces VMC Section 17.48.040.E. Outdoor advertising displays, as defined, are also known as billboards and refer to the advertisement of any product or service generally not sold on the premises. The current Sign Ordinance only allowed for these types of signs in certain zones not within a specified distance from state highways. All existing billboards in the City limits that were legally erected would become nonconforming signs.

TAC Discussion: The TAC received public comments in favor of allowing this type of billboard, and came to the consensus to leave billboards as a prohibited sign.

G. Roof Signs. Roof signs, including signs mounted or painted on roofs, except those painted on a flat roof and not visible from the public right of way.

Analysis: No change; replaces VMC Section 17.48.040.F. No discussion by TAC.

Figure 17.48.040(H): Roof Signs



H. Search Lights and Klieg Lights. Search and Klieg lights when used as attention attracting devices for commercial uses. They may be allowed with a temporary conditional use permit for special events.

Analysis: New regulation. Searchlights may be viewed as an acceptable means of advertising for a special or limited time event, in limited cases. The recommended change proposes allowing searchlights in association with a special event only (such as a grand opening), provided that a temporary conditional permit is obtained for the use.

I. Signs in the Public Right-of-Way without an Encroachment Permit. Other than government signage, no sign can be placed in the public right-of-way in median strips or islands, sidewalks, on street trees or retaining walls, on bridges, public benches, traffic signals, public fences, street poles, utility poles and equipment, street lighting, or traffic signs unless it has be authorized by an encroachment permit issued by the City.

Analysis: Update to regulation; replaces VMC Section 17.48.050.B. No discussion by TAC.

J. Signs on Doors, Windows, or Fire Escapes. Signs shall not be located or installed on any door, window, or fire escape that will prevent free ingress or egress. No sign shall be attached to any standpipe or fire escape, except those required by other codes.

Analysis: No change; replaces VMC Section 17.48.050.A. No discussion by TAC.

K. Signs that Create a Traffic Hazard or Affect Pedestrian Safety. Signs located in such a manner as to constitute a safety hazard or to impede the public use of the public right of way. These signs include but are not limited to:

1. Signs located in such a manner as to constitute a traffic hazard or obstruct the view of traffic or any authorized traffic sign or signal device.
2. Signs that may create confusion with any authorized traffic sign, signal, or traffic control device because their color, design, illumination, location or wording, or use of any phrase, symbol, or character which interferes with, misleads, or confuses vehicular drivers in their use of roads or conflicts with any traffic control sign or device.
3. Signs within five feet of a fire hydrant, street sign, or traffic signal.
4. Signs erected at or near the intersections of public and/or private rights-of-way in such a manner as to create a safety hazard by obstructing clear view of pedestrian and vehicular traffic.

Analysis: No change; replaces VMC Section 17.48.050.A. No discussion by TAC.

L. Signs that Produce Noise or Emissions. Signs that produce visible smoke, vapor, particles, odor, noise, or sounds that can be heard at the property line, excluding voice units at menu boards and devices for servicing customers from their vehicles, such as drive up windows at banks or pharmacies, provided these latter units comply with the standards of the City's Noise Ordinance.

Analysis: No change; replaces VMC Section 17.48.050.G. No discussion by TAC.

M. Snipe Signs. Signs tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, trailers, temporary construction barriers or other supporting structures.

Analysis: New regulation. No discussion by TAC.

17.48.050 Permits Required

Analysis: Replaces and updates VMC Section 17.48.030 (Procedures). This Section clearly states the types of permits required before the modification or installation of any signage.

The Section identifies the sign types that require a Conditional Use Permit: Master Sign Program and Electronic Signs.

The Section also identifies the types of projects which require a Master Sign Program: Any development in the BRP zone, and new or remodeled non-residential or mixed used projects on a site of five or more acres. The regulations pertaining to Master Sign Programs are found in Section 17.48.140. No discussion by TAC.

17.48.060 Sign Design Principles

Analysis: New Section. This Section establishes principles for sign design that will be used as criteria for review and approval of sign permits and Master Sign Programs. Although the principles are permissive rather than mandatory, the City will have the ability to use these standards as a guide for reviewing Master Sign Programs or in any instance where a proposed sign could be seen as detrimental to safety or welfare. No discussion by TAC.

17.48.070 Rules for Sign Measurement

Analysis: New Section. This Section outlines rules for the measurement of sign area and height with graphics illustrating key provisions. Inclusion of measurement criteria into the Sign Ordinance helps to provide clarity, eliminate ambiguity, and reduce the need to make interpretation calls in the review of sign permits. No discussion by TAC.

17.48.080 General Sign Standards

Analysis: Replaces and updates VMC Section 17.48.040 (General provisions). The material located in current Section 17.48.040 (General provisions) contains an assortment of standards that for the most part have been reorganized and placed into more logical locations within the Sign Ordinance. Regulations now found in this section for the most part can be applicable to any sign installed in City jurisdiction (i.e. message neutrality, message substitution, materials). Certain regulations will apply strictly to illuminated signs (i.e. illumination, concealed electric systems).

TAC Discussion: The TAC had no concerns with this section excepting the regulations pertaining to subsection E. Electronic signs. The subsection is reprinted below and followed by analysis discussion.

Revisions following legal review: The City Attorney recommended editing the regulations pertaining to subsection C: Message Substitution to entitle on-site non-commercial message substitution rather than on-site commercial message substitution. This would mean that any substitution of on-site commercial message will require approvals as regulated by the Sign Ordinance and limitations stated within.

E. Electronic Copy.

1. Location. Electronic copy is allowed as a display medium wherever monument signs are allowed, but not in the Downtown Retail District. A Conditional Use Permit, issued pursuant to

Chapter 17.38 of the Visalia Municipal Code, is required for the installation of any electronic sign except an interior electronic sign or digital display, which are regulated as window signs.

2. Physical Standards.

- a) The sign display face must be directed in a manner that is not visible from the front or side yards of residential properties located in a residential zone district.
- b) Electronic display faces must be an integral part of the remainder of the sign area.

3. Operational Standards.

- a) Electronic display shall be limited to no more than 30 lumens output, measured at 10 feet from the sign face.
- b) No portion of the electronic display (either sign copy or pictures) shall change more frequently than once every six seconds.
- c) No audible output from any portion of the sign shall be permitted.
- d) Electronic signs shall be operative only during the hours of operation of the associated business.
- e) Sign copy or electronic picture displays shall be limited to advertising related to the use(s) on the property for which the monument sign is located, except for message substitution, as allowed in Section 17.48.080 D.
- f) No change of lighting intensity may occur during a display or between displays except to respond to a change in ambient lighting conditions.
- g) No display shall create a potential distraction to drivers by virtue of the frequency of changes of images (i.e. the time between images expressed in seconds), and the Planning Commission may impose limitations on the number of images that can be displayed over a specified time period for reasons of traffic safety.

Analysis: New regulation. Under the current Sign Ordinance, electronic signs have only been authorized for quasi-public uses upon approval of a Conditional Use Permit. Several public schools have installed electronic signs, as have two private schools which received Conditional Use Permits for the signs.

The new regulation proposes to extend the allowance to non-residential uses as well as (quasi) public uses in most zones upon approval of a Conditional Use Permit. The Downtown Retail Design District is expressly called out in not allowing electronic signs. The proposed regulatory and operating standards are an example of commonly applied industry standards where the intent is to permit electronic signage in a manner that avoids competitive "one upsmanship" among electronic signs, or to create a "Vegas Strip" effect along a given corridor. This intent of controlling competition is largely achieved by allowing electronic display only on the sign copy area associated with permitted freestanding signs. Other operational controls imposed in the regulations limit brightness or luminosity and the use of moving sign copy.

TAC Discussion: Several questions were raised by the TAC in the recommendation towards electronic signs, emphasizing the use of strict standards with regards to height limitation and the discretionary permitting process.

The TAC consensus was to endorse the new regulations as suggested in the draft wording. However, the TAC was not unanimous in their support of expanding the sign regulations to allow electronic sign copy to non-residential uses. A particular concern voiced by a TAC member was that allowing electronic signs to uses beyond schools may open the door to garish competition and inconsistencies among signs.

17.48.090 Sign Standards for Agricultural and Residential Zones

Analysis: Replaces and updates VMC Sections 17.48.070.A and B (Sign regulation for zones). Standards for signs in Agriculture zones are largely unchanged from the current Sign Ordinance. The existing Ordinance codes for signs in Residential zones have been regrouped with new sections for Real Estate signs. This section has been expanded to include new regulations for other land uses which may be found in Residential zones, broken down into public and quasi-public uses and other non-residential uses.

TAC Discussion: No discussion by TAC, except for Real Estate signs as described below.

Revisions following legal review: The City Attorney recommended adding subsection B. Commercial Signs Prohibited for Residential Zones in order to clarify that such signs are prohibited unless otherwise allowed or exempted.

Subsection C. Sign Area Allowed for Noncommercial Signs in Residential Zones contains revised wording and a maximum sign area allowance of 16 square feet instead of one square foot of sign area per lineal foot of public street frontage.

Subsection F. Entrance Signs was revised to include multi-family development units in addition to residential subdivisions.

The subsection for Real Estate signs is reprinted below and followed by analysis discussion.

G. Real Estate Signs. On-premises signs conveying information about the sale, rental, or lease of the lot, dwelling, premises, or structure, must comply with the following standards.

1. Subdivision Exempted from this Section. On-premise signs conveying information about the sale, rental, or lease of the lot, dwelling, premises, or structure, must comply with the following standards.

2. General. Any property owner or their agent may display or have displayed on the real property, or on real property owned by another with that person's consent, a sign that advertises the property for sale, rent, or lease provided said sign(s) meet the requirements of this subsection.

- a) Real estate signs are prohibited on private property or within the public right-of-way if the location obstructs, impedes or otherwise disturbs the safe and convenient use by the public of any street or sidewalk.

3. Number of Signs. Two signs per property.

4. Maximum Sign Area.

- a) Residential Districts. Eight square feet.
- b) Agricultural Districts. Four square feet.

5. Location and Required Setback. Real estate signs are only allowed on private property and public right-of-way, and must be setback at least 18 inches from the curb of the property and at least five feet from all intersections and crosswalks.

6. Identification Required. Every person who places or maintains a real estate sign shall have their name (or company name) and contact information affixed to the sign.

7. Illumination. Real estate signs, including directional and open house signs, shall not be illuminated.

8. Directional Signs and Open House Signs. Up to six signs per property for sale giving directions to the subject property or open house signs may be displayed on private property, with the consent of the owner, and within the right-of-way while the property is on the market, subject to the following standards.

- a) *Maximum Size.* Six square feet (total face area).
- b) *Maximum Height.* Three feet above existing grade.
- c) *Type.* Temporary Directional and Open House Signs shall be an A-frame or "in ground light weight wire based" signs, shall be maintained in good condition at all times, and shall be constructed out of materials normally used in professional signage.
- d) *Time.* Signs shall only be displayed during the "open house" and not earlier than 8:00 a.m.; and must be removed no later than dusk or 6:00 p.m., whichever is earlier.

9. Limitations. Balloons, flags, and other promotional signs cannot be affixed to a real estate sign.

Analysis: Replaces and Updates VMC Sections 17.48.070 B, 5, 6, and 7 (Temporary Open House signs). The Real Estate Sign regulations provide reorganized regulations and more specificity beyond the regulations in the current Sign Ordinance. The Real Estate Sign regulations give criteria for residential "for sale" and "open house" signs. In recent years the City revised its codes for real estate signs which have resulted in few if any complaints, although Code Enforcement staff has had to remove signs in the public r.o.w. that are in violation of the Code.

TAC Discussion: The TAC received written comments from the Association of Realtors citing support towards retaining most regulations in the existing Sign Ordinance based on the recent updates. The Association drew particular attention to the size of the "for sale" signs. The TAC consensus was to utilize the standards in the existing Sign Ordinance with a revision to the "for sale" signs expanding the allotted area to 8 sq. ft. per side.

Revisions following legal review: Following the TAC's review and recommendation towards the draft regulations, certain changes were made to the Section as suggested by the City Attorney. Most notable, the entire regulations for Real Estate Signs have been moved from Section 17.48.130 (Temporary Signs) to this section. Although these signs could equally be categorized as temporary, they are almost exclusively found in and are more commonly associated with residential zoning districts.

17.48.100 Sign Standards for Other Zones

Analysis: Replaces and updates VMC Sections 17.48.070.C, D (Sign regulation for zones); 17.48.080.A, B, C, H, I (Sign regulations for design districts). This new Section does away with design districts as the means for determining permitted signs and sign area in most areas within the City. In the draft Sign Ordinance, these criteria are now strictly based on the zoning designation of the site. The draft establishes aggregate wall sign areas for each land use type based on zoning Commercial, Office, Industrial, and Quasi-Public. The ratios and total square footage have been brought over from the existing code. Some changes to

existing code are incorporated in the new sign standards that are reflective of current industry practice. These changes include:

- Increasing maximum height of freestanding signs in Commercial zones from 10 to 12 feet;
- Identifying one A-frame sign per business establishment as an allowed use.

Details on how to calculate sign area on sites with multiple frontages is added along with a graphic illustration. The standards for specific signs are summarized in a table which incorporates many of the existing provisions for the specific type of signs. This table is intended to make it easier to understand the basic requirements such as number, size, and height.

The elimination of design districts as a means for determining permitted signs and sign area came as a result of staff input of streamlining the code, eliminating redundancy, and not relying on a map other than the Zoning Map to determine sign regulations.

TAC Discussion: No discussion by TAC.

17.48.110 Sign Standards for Specific Sign Types

Analysis: Replaces and updates VMC Sections 17.48.040 (General provisions), 17.48.080 A, B, D, E, F (Sign regulations for design districts). This new Section consolidates standards established in the existing Code for sign types. Sign standards for specific land uses, such as for theaters and gas stations have been carried over with no changes in dimensional standards. New regulations for "A-Frame" signs - currently a prohibited sign type - are included in this Section. The standards in this Section provide greater detail than in Table 17.48.100.C which is intended to serve as a quick-reference chart. The Section provides in-depth detail on setbacks, location, clearance, width, and other specifics related to each sign type.

TAC Discussion: No discussion by TAC except on subsections below.

The subsections for A-Frame signs, Subdivision Signs, and Vehicle Dealership signs are reprinted below and followed by analysis discussion.

B. A-Frame Signs. A-Frame signs are allowed subject to the following standards:

- 1. Maximum Number.** Each business establishment shall not have more than one sign.
- 2. Placement.** A-Frame signs shall be placed directly in front of the business it is identifying.
- 3. Hours of Display.** A-Frame signs shall be removed during hours when the establishment is not open to the public and shall not be displayed after the activity with which they are associated with is over.
- 4. Maximum Size.** 7.5 square feet.
- 5. Maximum Height.** Four feet.
- 6. Permit Required.** No permit is required for A-Frame signs.
- 7. Directional and Non-Advertising Signs in Parking Lots.** Business owners may place A-Frame signs in parking lots associated with their business for the purpose of providing directions and/or non-advertising messages, meaning these signs can not be used for off-site outdoor advertising. Such signs shall not obstruct the vehicular flow of traffic in a

parking lot or obstruct parking stalls. They also are subject to the above regulations regarding Hours of Display, Maximum Size, and Maximum Height.

Analysis: New Section. The draft Sign Ordinance allows each business establishment to have one A-Frame sign subject to standards as listed. No permit is required for the sign.

TAC Discussion: The TAC deferred discussion regarding A-Frame sign for locations outside of Downtown until after they were discussed in the context of Downtown Sign Standards. The TAC discussed and provided consensus direction on the same maximum size and height standards for A-frame signs as allowed for Downtown.

H. Residential Subdivisions. Signage for residential subdivisions shall meet the following standards:

1. General Requirements.

- a) *Permit Required.* Temporary subdivision signs for a residential subdivision shall require a sign permit.
- b) *Subdivision Defined.* A residential subdivision is defined as a housing project within a recorded tract with 10 or more parcels being offered for sale with existing new units or units to be constructed by the developer of the residential subdivision.
- c) *Master Sign Program.* A Master Sign Program permit shall be issued on a per residential subdivision basis for all temporary subdivision signs attributable to a particular residential subdivision. The Master Sign Program shall specify the type, location, and duration of the signage.
- d) *Duration.* Sign permits for all offsite temporary subdivision signs shall expire not later than six months after issuance. The Planning Department shall have the discretion to grant an extension or extensions of the permit's duration, however, under no circumstances shall the permit extend beyond such time that the residential subdivision developer has completed the sale of all dwelling units in the residential subdivision.
- e) *Owners Consent.* Written evidence of the property owner's consent must be presented with an application for a sign permit for temporary subdivision signs not located on the applicant's property.

2. Offsite Temporary Subdivision Signs.

- a) Up to four offsite temporary subdivision signs with a size not to exceed four feet by eight feet per sign (32 square feet per face) and a height not to exceed eight feet may be permitted per residential subdivision. Signs may be single- or double-faced or V-shaped if the angle between the two faces does not exceed 45 degrees. Signs shall be located on private, non-residential zoned parcels, or on private, residential zoned parcels that are part of an undeveloped residential subdivision and that are unoccupied, vacant and otherwise free from any structures or buildings. Signs shall not be made or constructed from cloth, bunting, plastic, paper or similar material. Banners and flags with or without an advertising message shall not be permitted offsite.
- b) In addition to any sign permitted pursuant to Subsection (H)(2)(a) above, up to four offsite temporary subdivision signs in an A-frame configuration, with a size not to exceed 12 square feet per face or four feet in height, shall be permitted per residential subdivision. A-frame signs shall be located on private, non-residential property or on public property behind any existing sidewalks, and in such a manner so as to not to create a safety hazard by obstructing the clear view of, or otherwise

hinder or impede, pedestrian and vehicular traffic. A-frame signs shall only be displayed during the operating hours for the residential subdivision sales office, and shall be located no further than 1,500 feet from the subject residential subdivision entry. A-frame signs may be allowed on residential zoned parcels within an undeveloped residential subdivision that is unoccupied, vacant and otherwise free from any structures or buildings.

- c) Offsite temporary subdivision signs shall only contain commercial messages thereon pertaining to the sale of units in a residential subdivision, and shall not be illuminated.
- d) No more than three offsite temporary subdivision signs per parcel or no more than four off-site temporary subdivision signs for parcels over five acres shall be allowed.

3. Onsite Temporary Subdivision Signs.

- a) A residential subdivision may erect within its boundaries, a maximum of either two signs or up to one sign per every 300 lineal feet that the subdivision perimeter fronts upon a public street.
- b) Onsite temporary subdivision signs shall be non-illuminated, shall not be made or constructed from cloth, bunting, plastic, paper or similar material, and shall have dimensions which shall not exceed four feet by eight feet per sign and 32 square feet per sign face, or a height of eight feet, or if located behind an exterior wall of a residential subdivision, at a height not to exceed 12 feet.
- c) The temporary subdivision signs may be erected and maintained within a subdivision until all parcels within the subdivision are sold.
- d) The signs shall be no closer than 300 feet from each other.
- e) Additional signs, banners, reader board, pedestrian oriented signs, and flags with or without an advertising message may be maintained within the boundaries of a residential subdivision provided that they do not create a safety hazard by obstructing the clear view of pedestrian and vehicular traffic within the residential subdivision.
- f) Banners or wall mounted signs not exceeding 80 square feet in the aggregate are allowed on an exterior wall of a residential subdivision for a period not to exceed six months.
- g) Inflatable signs, designed to move with the wind or activated by helium, are only allowed to be displayed on Saturdays and Sundays.

Analysis: Replaces VMC Section 17.48.030.F (Temporary Subdivision signs). These regulations give criteria for both off-site and on-site residential subdivision signs. The Subdivision Sign regulations are unchanged from the adopted 2011 Subdivision Sign Ordinance, with exception to the changes requested from a subdivision sign production company (see below).

TAC Discussion: The TAC received written comments from a subdivision sign production company requesting changes to certain aspect of the Subdivision Sign regulations. The changes being requested are summarized as follows, with the overall objective being to help direct drivers to communities with new home sales:

- 2.d: Remove restriction of only one off-site temporary subdivision sign per parcel.
- 3.e: Allow flags within a residential subdivision to be visible from outside of the subdivision.
- 3.f: Change banners on outside walls from being prohibited to being allowed subject to criteria.

- 3 g Change "prohibited signs" to allow inflatable signs on weekends only

The TAC considered each request separately and recommended in favor of the changes, which are incorporated into the draft regulations. One dissenting viewpoint was given by a TAC member regarding the allowance of inflatable signs on weekends.

Revisions following legal review: Based on the City Attorney's recommendation, the entire regulations for Subdivision Signs have been moved from Section 17.48.130 (Temporary Signs) to Section 17.48.110. This was done for the reason that not all of these signs are categorized as temporary and could be in place for a prolonged period of time, and because a master sign program is required.

K. Vehicle Dealerships. Flags, banners and pennants are permitted on vehicle dealership sites, provided that they comply with the following criteria:

1. On-site directional signs are allowed only to provide direction to the location of parts and service and other uses that may occur on the site related to automobile sales.
2. Flags/banners are allowed only if they are affixed to flag poles or on-site light standards, do not exceed 24 square feet in sign area, and are not more than 20 feet above the ground.
3. Dealership sites are allowed no more than one in-ground flag/banner per 60 feet of public street frontage. In-ground flag/banners may be displayed for a maximum of 60 days, and a period of 30 days must lapse before displaying another flag/banner.
4. Special Promotional Signs and Banners are allowed, subject to Section 17.48.130.G.
5. No additional temporary signage shall be permitted.

Analysis: New section. This would allow promotional banners for auto dealerships. Windshield surveys of valley regional auto dealerships show that this type of signage is standard advertising display. The new section was recommended for inclusion on the basis that consistency with regional standards will ensure a level playing field between Visalia and adjacent communities.

TAC Discussion: The TAC received verbal comments and recommendations from a local auto dealership owner. The TAC favored adding regulations for auto dealerships, and reached consensus on the language to be added.

Revisions following legal review: Based on the City Attorney's recommendation, the entire regulations for Vehicle Dealerships have been moved from Section 17.48.130 (Temporary Signs) to Section 17.48.110. This was done for the reason that the signs are more closely categorized as a specific sign type.

17.48.120 Downtown Retail Design District Sign Standards

Analysis: Replaces and updates VMC Section 17.48.080 G (Sign regulations for design districts). The current Sign Ordinance does not include sign criteria for the Downtown Retail Design District, which covers a majority of Visalia's downtown retail district. The effective regulations for this district are the Downtown Retail Design District Building Design Criteria (Section A.3 Signs), which were last amended in 1996 by City Council Resolution No. 96-35 with input from the Downtown Visalians. A majority of the sign standards prepared for the District were written for the original Building Design Criteria adopted in 1985. The Criteria are not a part of the Zoning Ordinance.

The Draft Sign Ordinance regulations now include updated sign regulations for the Downtown District using the adopted Building Design Criteria as the base document. Representatives of the Downtown Visalians business owners' organization were heavily engaged in the Sign Ordinance Update process and provided comments and recommendations for the draft document.

The Draft regulations for building signage in the Downtown district are largely unchanged from the existing standards. Prohibitions of plastic as a primary sign material and internally illuminated signs excepting neon and halo lighting, which have long been viewed as impediments for signage in the downtown, have been removed in the draft ordinance.

The Draft regulations for display window signage and temporary signs are now the same regulations that are applied to other commercial zones citywide. Specific regulations for portable signs and A-frame signs in the downtown have been updated.

TAC Discussion. The review of the Downtown District standards were the focus of a single TAC meeting held on December 18, 2014, with additional review held on January 15, 2015. The Downtown Visalia provided comments on preliminary draft regulations, and the TAC reviewed these comments point by point and made recommendations on these comments. Strong attention was given towards regulations for portable signs and A-frame signs in the downtown.

The new subsection for portable signs in downtown is reprinted below and followed by analysis discussion.

G. Portable Signs. Portable signs, including A-frames and easels, are allowed to advertise the location, goods or services offered on the premises. They must be made of a durable, rigid material such as, without limitation, wood, plastic or metal and conform to the following standards. No sign permit is required, unless a portable sign is to be placed in a public right-of-way, in which case an encroachment permit is required.

1. **Prohibitions.** Portable signs are prohibited from any form of broadcasting or audio presentation.
2. **Locations Allowed.** Portable signs are allowed within a front or corner side setback area and in the public right-of-way directly in front of a business. They are not permitted in planters, flower beds or tree wells, nor in site visibility triangles.
3. **Maximum Height and Area.** The portable sign, when placed in an open position must not exceed a height of four feet from ground level to the top of the sign and be no more than 7.5 square feet per sign face.
4. **Maximum Number:** one per business, which does not count against maximum allowed sign area. They must be removed at the close of business.
5. **Placement:** A portable sign shall be placed so that a minimum four feet is left clear for pedestrian passage on all sidewalks and walkways. They shall only be placed at grade level and shall not be placed on walls, boulders, planters, vehicles, other signs or any other type of structure.
6. **City's Right to Remove:** If at any time any portion of the public right-of-way occupied and used by the portable sign may be needed or required by the City, or the business fails to maintain the permitted sign, it may be removed by the City.

Analysis Replaces and updates Subsection A.3.1 in Building Design Criteria. This subsection regulates the portable signs which are typically but not always found in front of businesses in the downtown. Compared to the existing regulations, the draft regulations no longer require administrative approval by the Planning Division. Signs may be placed in the

sidewalk but require a minimum pedestrian clearance and an Encroachment Permit if the sign is to be placed in the public right-of-way.

TAC Discussion: Several comments from TAC members were raised, including the placement of multiple signs on street corners and the number of signs allowed per establishment. The TAC also received and discussed recommendations from Downtown Visalians regarding portable signs. The TAC was also apprised by staff of risk liability issues associated with signs in the public r.o.w. The TAC came to the consensus of allowing portable signs without requiring a permit except for an encroachment permit if in the public r.o.w. Consensus was also reached regarding maximum height, size, and placement. The TAC received public comments not in favor of allowing portable signs in the public r.o.w.

17.48.130 Temporary Signs

Analysis: New section, updates VMC Section 17.48.040.K (General provisions: banners) and 17.48.090 (Political, campaign or nonprofit organization signs). This section expands heavily on the types of temporary signs permitted in the city and the standards by which they are subject to. Banners and other promotional signs are discussed in Section 17.48.130.E. Portable signs, which include A-Frame type signs, are regulated in Section 17.48.130.D. Non-profit off-site special event signs are regulated in Section 17.48.130.B.

A. General Requirements.

6. **Sign Area and Dimensions.** Temporary signage must comply with the following limits unless specifically modified by subsequent standards for specific types of temporary signs in subsequent paragraphs of this section in which case the more restrictive provisions apply:
 - a) One "grand opening" sign or banner, not exceeding 60 square feet, is allowed for a period not exceeding 60 consecutive days to announce a newly opened or reopened establishment at the site where the banner is to be displayed and potentially display information about promotional events, discounts or special services associated with the grand opening. No content limitation applies to such a sign or banner. The banner must be stretched and secured flat against the building surface and not extend higher than the building eave or the building parapet wall. No more than one banner is permitted per street frontage.
 - b) Temporary window signs that do not exceed a combined area of 40 square feet or 10 percent of the total window area, whichever is less, are allowed for a period not exceeding 60 consecutive days. Such signs may be painted directly onto the window in water-soluble paints or constructed of paper, wood, fabric, plastic, vinyl or similar materials and securely adhered to, or oriented toward the street or public right-of-way.
7. **Material.** Exterior signs have to be made of a durable material other than standard paper.
8. **Illumination.** Temporary signs cannot be illuminated.

Analysis: This subsection provides general requirements applicable to all temporary signs. Banners are discussed in greater detail in Section 17.48.130.E.

TAC Discussion: The TAC reached consensus that banners for grand opening events may be erected for a period of 90 days. The TAC was also in favor of the temporary window sign regulations as 10% above the allowance for permanent window signs as described in Section 17.48.030.

Revisions following legal review: Following the TAC's review and recommendation towards the draft regulations, the City Attorney suggested that the duration for grand opening signs and all other temporary signs have a uniform duration. Thus, the proposed regulation is 60 days.

B. Non-profit Off-site Special Event Signs. A temporary sign related to social or civic events of limited duration hosted by a non-profit organization, such as special evening or weekend events, fairs, and other similar temporary events, may be placed on the site subject to the following standards:

1. **Maximum Number.** Two per street frontage.
2. **Maximum Sign Area.** 16 square feet per side.
3. **Location.** Only allowed on private property.
4. **Required Setback.** If freestanding, five feet from the property line.
5. **Height Limit.** Six feet.
6. **Duration.** Special event signs shall be installed no earlier than 60 days prior to the event with which they are associated and removed within two working days of completion of the event.
7. **Location.** Special event signs may be posted on poles, stakes, and fences upon approval by the City Planner or designee.
8. **Special Event Signs within Downtown Visalia.** Special event signs within the geographic area subject to oversight by Downtown Visalians shall be referred to that organization for review and comment. A permit for such signs may not be allowed if they do not conform to the design principles and standards of this Chapter after consideration of comments submitted by Downtown Visalians.

Analysis: Non-profit off-site special event signs are no longer subject to the same standards as political signs as in the current ordinance.

The Downtown Visalians recommended introducing a program wherein organizations seeking to hold and advertise their events downtown must file an application with the Downtown Visalians. The program would be implemented and administered strictly by Downtown Visalians. The signs would include all off-site signs, including banners displayed from light poles along the streets in downtown. The Downtown Visalians staff would evaluate the applications and check against the established program for consistency.

TAC Discussion: The TAC was in favor of adding a new section strictly for non-profit event signs. The TAC reached consensus on maximum sign area and height limit. One TAC member suggested that these types of signs shall not be permitted in Residential zones.

Regarding the Downtown Visalians proposal, the TAC received written material and verbal dialogue on the proposal and suggested that the program and application process be integrated as part of the Special Events Committee application packet. The banner program and application were not incorporated into the draft regulations.

Revisions following legal review: Following the TAC's review and recommendation towards the draft regulations, the City Attorney suggested that the duration for special event signs and all other temporary signs have a uniform duration. Thus, the proposed regulation is 60 days.

C. Political Signage. Political signage is subject to the following standards:

1. Any such sign shall be erected not earlier than the first date for filing as a candidate for an elected office or as a sponsor of a ballot measure and shall be removed within 15 days after the election at which the candidate or the measure is considered.
2. Each candidate is allowed one political sign per parcel. On residential sites, the sign may be a maximum of 16 square feet in area and erected to a maximum height of six feet. On commercial or vacant sites, the sign may be a maximum of 32 square feet in area and erected to a maximum height of six feet except as provided in Subsection (5) below.
3. For the purpose of this provision, "residential site" means a lot or parcel which has a residential use or structure built on it and "commercial site" means a lot or parcel which has a commercial use or site on it. These terms are not intended to reflect the zoning of the property.
4. Political or campaign signs may not be attached to trees, fence posts or utility poles except on private property where written permission from the property owners has been obtained.
5. Portable A-frame type signs are prohibited.
6. V-shaped signs (two surfaces with two edges connected and the other two edges spread apart so that the faces read from different directions) are permitted subject to the criteria that they are supported with a maximum of three posts placed with an interior angle of not more than 90 degrees.
7. No political or campaign signs shall be attached and erected on public property or within the public right-of-way and shall not obstruct sight line visibility at intersections.
8. In cases where political or campaign signs are not removed within the specified time period, the City Planning Department shall cause to be removed those signs which remain and the cost and expense of such activity shall be paid by the candidate.

Analysis: Political sign regulations were carried over from the existing Sign Ordinance.

TAC Discussion: No discussion.

Revisions following legal review: The City Attorney suggested that the duration for political signs not have an arbitrary time limit. Thus, the duration for erecting and removing signs has been changed to be associated with specific events.

D. Portable Signs. Portable signs are allowed in Commercial Zones and for public assembly uses, subject to the following standards.

1. **Relation to Associated Business.** Portable signs may be located a maximum of 300 feet away from the business though still within the development site with property owner authorization.
2. **Maximum Number.** Each business establishment shall not have more than one portable sign.
3. **Maximum Size and Sign Area.** The portable sign, when placed in an open position, must not exceed a height of four feet above the ground level, to the top of the sign, nor have a maximum sign area greater than 7.5 square feet.
4. **Placement.** The portable signs shall be placed on private property on the same lot as the establishment that qualifies for such sign and, with an encroachment permit, may be placed in the public right of way in front of the associated use or on the nearest sidewalk provided a four-foot wide pedestrian clear zone is maintained. They must be a minimum of seven feet from the back of the curb, or edge of pavement where no curb exists.

5. **Prohibited Locations.** Portable signs shall not be located:
 - a. In medians;
 - b. Across any street from the business being advertised;
 - c. In parking aisles or stalls;
 - d. In driving lanes or any public right-of-way;
 - e. On multi-use trails or sidewalks if they would block a four-foot wide pedestrian clear zone;
 - f. At any location where they would block pedestrian access;
 - g. Within 100 feet on either side, or in front of a monument sign;
 - h. Within 20 feet from any other portable sign; and
 - i. Within 30 feet from a shopping center access drive or street intersection.
6. **Hours for Display.** Portable signs are permitted during the hours a business is open for business and one-half hour before opening and one-half hour after closing. They must be removed during hours when the establishment is not open to the public. They also shall not be displayed after the event with which they are associated is over.

Analysis: New section regarding portable signs, which include A-frame signs.

TAC Discussion: The TAC was in favor of the new section for portable signs. Consensus was reached regarding one sign per business as opposed to one sign per building.

Revisions following legal review: The City Attorney suggested to consistently use the term "portable sign" rather than switch back and forth between "portable sign" and "A-frame sign". A-frame signs are defined in the Definitions section as a type of portable sign.

E. Special Promotional Signs and Banners. Special promotional signs, such as air-inflated signs, balloons, inflatable signs, feather signs, strings of ornamental fringes, streamers, and similar signs, and banners, are allowed for establishments within non-residential districts, subject to the following standards:

1. **Maximum Number.** One promotional sign and one banner is allowed per street frontage. Where a building has a street frontage exceeding 75 lineal feet, one promotional sign and one banner is allowed for each 75-foot segment of street frontage.
2. **Maximum Size.** The total area for promotional signs and banners on a site shall not exceed 60 square feet.
3. **Maximum Height.** Promotional signs and banners shall not be extend above the roofline or the parapet of a wall.
4. **Maximum Duration.** No promotional sign or banner shall be displayed for more than 60 days and a period of 30 days must lapse before displaying another promotional sign or banner. On a calendar year basis, promotional signs and banners shall not be displayed for more than four 60-day periods.
5. **Allowable Locations.** Special promotional signs and banners are only allowed on sites where permanent signs are allowed.

Analysis: Expanded section regarding banners, which includes other attention-getting devices such as inflatable signs.

TAC Discussion: The TAC reached consensus in allowing one promotional sign and one banner per a certain amount of linear frontage possessed by the building. A figure of 75 lineal feet was used for the Draft. The TAC also reached consensus on the duration of 4 periods allowed per year, no minimum separation, and applying the same rules downtown.

Revisions following legal review: Following the TAC's review and recommendation towards the draft regulations, the City Attorney suggested that the duration for grand opening signs and all other temporary signs have a uniform duration. Thus, the proposed regulation is 60 days.

17.48.140 Master Sign Program

Analysis: New section. This new Section establishes requirements for sign programs to be considered after the effective date of the updated Sign Ordinance. The intent of this program is to encourage a cohesive sign program, including design, placement, location, and size. This Section also provides the application requirements and required Planning Commission findings. No discussion by TAC.

17.48.150 Variances and Exceptions

Analysis: Replaces VMC Section 17.48.110 (Variance and exceptions). This Section has been carried over without any change to the code. It outlines the procedures and findings required to grant a variance or exception to a regulation prescribed by the Sign Ordinance. No discussion by TAC.

17.48.160 Nonconforming Signs

Analysis: Replaces and updates VMC Section 17.48.100 (Nonconforming signs). This Section elaborates on the existing regulations. A purpose for the section is added, which calls for reducing the number of signs that do not conform to the revised regulations and providing for the eventual removal of nonconforming signs. As with the existing code, a sign is considered to be abandoned after 30 days or if the use has been discontinued for a continuous period of 30 days. No discussion by TAC.

17.48.170 Maintenance, Abandonment, and Enforcement

Analysis: New section. This Section elaborates on basic maintenance requirements, mandating the removal of graffiti and deteriorated signs. It allows the City to remove hazardous signs and pass the costs to the building owner. No discussion by TAC.

17.48.180 Definitions

Analysis: Replaces and updates VMC Section 17.48.020 (Definitions). This Section has been relocated from the beginning of the Chapter to the end. All definitions have been updated to reflect the revised terminology and signage language used in this Chapter. To avoid the possibility of conflicts between different Chapters of the Zoning Code, most of the definitions in this Section do not duplicate any terms and definitions used elsewhere. The Definitions section of the Sign Ordinance is intended to clarify the meanings of terms in the Sign Ordinance and to revise provisions that are outdated or eliminated in the revised Chapter. The intent is not nor should it be construed as

providing regulation on any particular aspect on the Sign Ordinance. No discussion by TAC.

Revisions following legal review The City Attorney recommended removing definitions which were not referenced anywhere in the regulations.

The definition for Digital Display was revised to remove reference to signs presenting the "appearance of motion" which is already prohibited through the standards for electronic signs.



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: April 13, 2015

PREPARED BY: Paul Scheibel, AICP, Principal Planner (phone: 713-4636)

SUBJECT: Planning Division Fee Amendments: Consideration of revisions to the Planning Division fees as contained in City of Visalia Fee Resolution No. 2014-25.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission consider the proposed revisions to the Planning Division's fees, and recommend that the City Council amend the Fee Resolution as contained in this report.

RECOMMENDED MOTION

I move to recommend that the City Council amend the Fee Resolution as contained in this report.

BACKGROUND, DISCUSSION AND ANALYSIS

Background and Discussion: From time to time, the City considers adjusting its processing fees charged for various services. The City last amended the Planning Division fees in 2014. The 2015 fee amendment for Planning Division fees only reflects increases in the Consumer Price Index (CPI) for 2014. The 2014 CPI increase was calculated at 1.83%. The Planning Division fee increases were rounded to the nearest dollar.

The Planning Division has reviewed the Fee Schedule based on its average processing costs, and determined that the existing fee schedule accurately reflects the range of billable services performed by the Division. The costs are directly related to staff processing time and materials. Staff costs were calculated at an average of \$85.54/hour (previous hourly rate of \$84 plus the CPI) for all staff positions. This average hourly rate includes all employee benefits and City facilities overhead costs, which are charged to the Planning Division under the City's accounting methods.

Next Step: The Planning Commission's actions in this regard are advisory only. The final action to revise the Fee Schedule will be considered by the City Council in June, 2015. The Planning Commission's review and comments will provide the City Council with the benefit of its practical experience in reviewing the project materials, conducting hearings, and by taking testimony from applicants and Community members in the course of its discretionary review process.

Attachment: Current Fee Resolution also showing CPI increases

Community Development Planning

	<u>FY 14-15</u>	<u>FY 15-16</u>	
Administrative Adjustment			
\$ 136.00	136.00	138.00	Administrative Adjustment
Adult-Oriented Business			
197.00	197.00	201.00	Performer Permit Application Fee
1,308.00	1,308.00	1,332.00	Regulatory Permit Application Fee
197.00	197.00	201.00	Performer Permit - Renewal Fee
197.00	197.00	201.00	Regulatory Permit - Renewal Fee
Agricultural Preserve			
1,871.00	1,871.00	1,905.00	Disestablishment
623.00	623.00	634.00	New Contract
125.00	125.00	127.00	Notice of Full Nonrenewal
499.00	499.00	508.00	Notice of Partial Nonrenewal
3,117.00	3,117.00	3,174.00	Cancellation
Annexation			
2,105.00	2,105.00	2,144.00	Amendment to Pre-Annexation Agreement
4,212.00	4,212.00	4,289.00	up to 15 acres
7,605.00	7,605.00	7,744.00	over 15 acres and up to 50 acres
10,974.00	10,974.00	11,175.00	over 50 acres up to 100 acres
13,723.00	13,723.00	13,974.00	Over 100 acres plus ...
			<i>Applicants also pay fees adopted by LAFCO and State Board of Equalization Fees</i>
Appeal			
467.00	467.00	476.00	Appeal of Planning Commission action to City Council or Appeal of Site Plan Review (SPR)
Certificate of Compliance			
474.00	474.00	483.00	Certificate of Compliance
Conditional Use Permit			
1,228.00	1,228.00	1,250.00	Minor / Amendment to Approved CUP
3,805.00	3,805.00	3,875.00	Regular / PUD / PRD
5,708.00	5,708.00	5,812.00	Master CUP
136.00	136.00	138.00	Temporary – Counter
220.00	220.00	224.00	Temporary – Requiring Site Plan Review
407.00	407.00	414.00	Temporary – To Planning Commission

Community Development Planning

Planning (cont.)

<u>FY 14-15</u>	<u>FY 15-16</u>	
Development Agreement		
3,984.00	4,057.00	Development Agreement
1,277.00	1,300.00	Amendment to Development Agreement
Downtown News Rack Permit		
\$ 30.00	31.00	Newsrack Permit in the Downtown Design District
<u>ENVIRONMENTAL APPLICATIONS</u>		
Categorical Exemption		
66.00	67.00	Categorical Exemption
Environmental Impact Report (EIR)		
7 1/2% of Contract	7 1/2% of Contract	Processing fee
Actual Cost + 10% contract	Actual Cost + 10% contract	City Managed Consultant Work
Environmental Notices		
127.00	129.00	Environmental Notices per year; renewal needed each year
Finding of Consistency		
204.00	208.00	Finding of Consistency
Initial Study / Negative Declaration or Mitigated Negative Declaration		
203.00	207.00	Review of Technical Study
669.00	681.00	Simple
2,550.00	2,597.00	Complex
NEPA Environmental Review		
679.00	691.00	Simple
3,397.00	3,459.00	Complex
General Plan Amendment		
2,173.00	2,213.00	Simple
9,649.00	9,826.00	Complex
General Plan Maintenance Fee		
362.00	369.00	per acre for new annexation Paid when LAFCO approves annexation

Community Development Planning

Planning (cont.)

	<u>FY 14-15</u>	<u>FY 15-16</u>	
Home Occupation Permit	63.00	64.00	Home Occupation Permit
Lot Line Adjustment			
\$	553.00	563.00	Lot Line Adjustment
	136.00	138.00	Legal Description Resubmittal (each)
Maps			
	6,862.00	6,988.00	Tentative Subdivision Map
	6,862.00	6,988.00	Tentative Parcel Map - commercial - over 4 lots
	2,786.00	2,837.00	Tentative Parcel Map - 4 lots or less
Noise Variance			
	136.00	138.00	Administrative
	2,105.00	2,144.00	City Council
Programmatic Subdivision Sign Permit			
	173.00	176.00	Initial
	86.00	88.00	Renewal
Sidewalk Dining Permit			
	63.00	64.00	Sidewalk Dining Permit
Specific Plan			
	11,416.00	11,625.00	Commercial / Residential
Specific Plan Amendment			
	4,824.00	4,912.00	Commercial / Residential
Subdivision Sign Program			
	44.00	45.00	Amendment
Text Amendment			
	3,532.00	3,597.00	Text Amendment
Time Extension			
	204.00	208.00	Time Extension
Tulare County Recording Fee			
	60.00	61.00	Tulare County Recording Fee (separate check payable to Tulare County Clerk)
Variance / Exception			
	779.00	793.00	Single Family – No Site Plan
	1,318.00	1,342.00	Single Family
	2,474.00	2,519.00	Other

Community Development Planning

Planning (cont.)

	<u>FY 14-15</u>	<u>FY 15-16</u>	
Zone Change	3,532.00	3,597.00	Change of Zone
	609.00	620.00	Conditional Zone Agreement
	1,765.00	1,797.00	Amendment to Conditional Zone Agreement
 <u>OTHER ADMINISTRATIVE FEES</u>			
Census Information			
\$	3.00	3.00	Per Jurisdiction
	6.00	6.00	Per set
Copies (per page) - Citywide Fee			
0.20		0.20	Single-sided
0.25		0.25	Double-sided
0.25		0.25	Legal
0.30		0.30	Legal double-sided
1.00		1.00	Color Letter/Legal Size
2.00		2.00	Color 11X17
5.00		5.00	Black and White 24 X 36
3.50		4.00	Fax - First Page
1.90		2.00	Fax - Add'l Pages
1.00		1.00	Micro fiche
14.00		14.00	Audio Duplication per CD
Documents			
\$5 to \$100 ea		\$5 to \$100 ea	Documents
\$24 to \$39		\$24 to \$39	Document Retrieval
32.00		33.00	Zoning Verification Letters
65.00		66.00	300' Radius Map and Labels
Maps			
See GIS		See GIS	General Plan Land Use Map
See GIS		See GIS	Zone map 600 scale 11X17 black and white
See GIS		See GIS	1000 scale City with Street index
See GIS		See GIS	City aerial photo
See GIS		See GIS	General Plan Land Use Policies
Planning Commission			
34.00		35.00	Agenda - mailed
34.00		35.00	Action Agenda - mailed
Special Services Fee/Inspections			
Direct Salary Cost		Direct Salary Cost	Special Services Fee/Inspections



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: April 13, 2015

PROJECT PLANNER: Brandon Smith, Senior Planner
Phone No: (559) 713-4636

SUBJECT: Conditional Use Permit No. 2015-05: A request by Luis & Rachel Patlan, to allow a 1,337 sq. ft. wine tasting retail business with live music in the C-DT (Central Business District Retail) zone. The project site is located at 115 E. Main Street. (APN: 094-298-004)

STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2015-05 based upon the findings and conditions in Resolution No. 2015-12. Staff's recommendation is based on the conclusion that the request is consistent with the General Plan and Zoning Ordinance.

RECOMMENDED MOTION

I move to approve Conditional Use Permit No. 2015-05 based on the findings and conditions in Resolution No. 2015-12.

PROJECT DESCRIPTION

Conditional Use Permit No. 2014-04 is a request to establish a wine tasting retail store in a portion of an existing commercial building located at 115 E. Main Street. The business will occupy 1,337 square feet of the ground floor as shown in the site plan attached as Exhibit "A". The ground floor of the building was the former location of Link's clothing store and is currently being remodeled into two tenant spaces. The remainder of the building is being converted into dwelling units, approved through a previous Conditional Use Permit in 2014.

The layout of the proposed business will primarily consist of a retail display in the entry of the building and lounge and patio areas where customers may dine and/or consume wine purchased on-site. A portion of the front tenant space is being converted and will be used as a recessed outdoor patio area. A kitchenette, office, and restrooms are located in the rear of the business. Live music will be offered on occasional evenings at the business, intended to enhance the ambience of the setting. There will be no cover charge or dancing associated with the music.



According to the operational statement attached as Exhibit "B", any person 21 and over will be permitted to purchase bottled wine and participate in tastings from the retail area. Persons wanting to purchase a bottle for on-site consumption or purchase wine by the glass must pay a one-time fee to become a private club member which also entitles the person access to the private lounge area.

BACKGROUND INFORMATION

General Plan Land Use Designation: Central Business District
Zoning: P-C-DT (Planned Central Business District Retail)
Surrounding Land Uses and Zoning: North: P-C-DT / Commercial retail – Chelsea Street Boutique
South: P-C-DT / City of Visalia Parking Lot
East: P-C-DT / Commercial retail – Future tenant space
West: P-C-DT / Commercial retail – Colima Mexican Restaurant
Environmental Review: Categorical Exemption No. 2015-19
Special Districts: Design District "DRD"
Site Plan: 2014-104

RELATED PLANS & POLICIES

The Zoning Ordinance Matrix specifies that wine tasting is a conditional use in five commercial zones including Central Business District Retail Commercial. See attached summary of related plans and policies for CUP requirements.

RELATED PROJECTS:

On February 24, 2014, the Visalia Planning Commission approved Conditional Use Permit No. 2014-04, a request by Sam Sciacca (Robert & Pamela Link, owners) to allow remodel of the 7,316 sq. ft. commercial building at 115 E. Main Street to include six residential dwelling units. Since then building permits have been applied for and issued for the remodel of the building to facilitate two retail spaces on the ground floor and the residential dwelling units.

The Planning Commission in 2002 approved Conditional Use Permit No. 2002-30 for a retail store with wine tasting to locate at 209 West Main Street, Suite C.

PROJECT EVALUATION

Staff recommends approval of the Conditional Use Permit No. 2015-05, as conditioned, based on the project's consistency with the General Plan and the Zoning Ordinance.

Land Use Compatibility

The site is situated within the core of the C-DT-zoned downtown core area and the core of Main Street. This area supports a wide mix of restaurant, retail, and office uses in its intent towards promoting the continued vitality of the downtown Visalia area, according to Section 17.18.010 of the Zoning Ordinance. The proposed wine tasting retail shop will bring an activity to the downtown that would complement surrounding uses on the block, which primarily consist of restaurant and retail uses. As stipulated in the City's Zoning Ordinance Matrix of Allowed Uses, wine tasting is considered a compatible use in the C-DT zone, subject to the granting of a conditional use permit.

It is important to note that stand-alone bars and taverns are not an allowed use in the C-DT zone and are only allowed in conjunction with a restaurant. By contrast, wine tasting is called out as a separate line item in the Zoning Ordinance Matrix and is an allowed use in the C-DT zone.

Staff has concluded that the proposed use as depicted in the floor plan and as described in its operation statement clearly emphasizes a wine tasting establishment as opposed to a bar, tavern, or lounge. This is further highlighted by the retail store component and the availability of a menu for ordering sandwiches and appetizers.

Staff is further recommending conditions of approval to accentuate the use as a wine tasting establishment only. The recommended conditions of approval include limiting hours of operation to 11:00 p.m. on Fridays and Saturdays and to 9:00 p.m. on all other days, prohibiting the sale of beer and distilled spirits, and meeting all conditions of the State-issued Alcoholic Beverage Control license.

Live Entertainment

The business proposes having live music on occasion to complement the primary operation of a wine tasting retail shop. According to the operation statement, the music will be calendared once or twice a month and would consist of a variety of musical styles. No cover charge will be imposed and no dancing will be permitted with the live music. The applicant has stated that the live music would set up and perform in the private lounge area of the floor plan.

Staff is recommending conditions of approval to address the minimal live entertainment aspects of the business as addressed in the operational statement. The recommended conditions of approval include limiting live music to periods when food and beverages are being served, and prohibiting any dancing with the live music.

Parking

The building is located within the Central Business District Parking Zone. The central business district parking zone was formed to ensure that uses established within this zone meet the parking requirements of the VMC or, that uses pay in-lieu fees for future downtown parking facilities. These fees would be used exclusively for the purpose of acquiring and developing off-street parking facilities to serve the central business district.

The tenant space, including ground floor and mezzanine, was formerly occupied by Link's clothing store, a retail use. The proposed use, based on the retail sales of wine, will not require additional parking.

Conditional Use Permit Revocation Process

Pursuant to Visalia Municipal Code Section 17.38.040, a failure by the owner/operator to comply with the conditions of project approval will result in a Notice of Conditional Use Permit Suspension Order to Cease and Desist. The City of Visalia has the authority to automatically

suspend a Conditional Use Permit for failure to comply with the condition(s) of the permit. Upon suspending a Conditional Use Permit the Planning Commission shall hold a public hearing within 60 days, in accordance with the Public Hearing Notice producers, and if not satisfied that the regulation, general provision, or conditions are being complied with, may revoke the permit, or take action as may be necessary to insure compliance with the regulation, general provision, or condition(s).

Environmental Review

This project is considered Categorical Exempt under Section 15301 (Class 1) of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) as an existing facility project (Categorical Exemption No. 2015-19).

Projects determined to meet this classification consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of the use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized in the Class 1 are not intended to be all-inclusive of the types of projects.

RECOMMENDED FINDINGS

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required finding of the Zoning Ordinance Section 17.38.110:
 - The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
 - The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That the project is considered Categorical Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2015-19).

RECOMMENDED CONDITIONS OF APPROVAL

1. That the site be developed in substantial compliance with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan Review No. 2014-104.
2. That the site be developed in compliance with the site plan and floor plan shown in Exhibit "A". Substantial changes to the site plan and/or floor plan may require an amendment to the Conditional Use Permit.
3. That the site be operated in compliance with the operation statement shown in Exhibit "B". Prior to any operational changes in the site, the changes shall be reviewed by City staff for consistency with this permit. Substantial changes to the operation statement may require an amendment to the Conditional Use Permit.
4. That the hours of operation be limited to between 11:00 a.m. and 9:00 p.m. Sunday through Thursday and between 11:00 a.m. and 11:00 p.m. Friday and Saturday.

5. That the tasting and lounge areas are limiting to serving only wine and other non-alcoholic drinks only. Beer and distilled spirits are not permitted to be served at the site.
6. That the live entertainment shall be restricted only to live musical acts performing during business hours when wine tastings and menu items are offered. Any subsequent change to the nature of the live entertainment shall require an amendment to the Conditional Use Permit.
7. That dancing not be allowed in association with live music or channeled music.
8. That the maximum occupancy limits established by the Visalia Building Department and Fire Marshal shall be posted and not exceeded.
9. That all conditions and responsibilities associated with the Conditional Use Permit shall run with the land. The business operator shall provide a copy of this resolution and conditions of approval to any and all subsequent business operators who shall also be subject to all of the conditions herein, unless amended or revoked.
10. That all applicable federal, state, regional, county and city laws, codes and ordinances be met.
11. That the applicant shall obtain and meet all applicable conditions of a license issued by State of California Alcoholic Beverage Control.
12. The City Planner may initiate a Conditional Use Permit revocation hearing pursuant to Visalia Municipal Code Section 17.38.040, based on documented evidence of failure to comply with any conditions of:
 - a. Conditional Use Permit No. 2015-05;
 - b. The Alcoholic Beverage Control license for the business;
 - c. Any and all applicable federal, state and city laws, codes and ordinances.
13. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2015-05.

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 425 East Oak Avenue, Suite 301, 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.ci.visalia.ca.us or from the City Clerk.

Attachments:

- Related Plans & Policies
- Resolution
- Exhibit "A" – Site Plan / Floor Plan
- Exhibit "B" – Operation Statement
- Site Plan Review Comments
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Vicinity Map

RELATED PLANS AND POLICIES

Visalia Municipal Code
Title 17: Zoning Ordinance
Chapter 17.38: Conditional Use Permits

17.38.010 Purposes and powers.

In certain zones conditional uses are permitted subject to the granting of a conditional use permit. Because of their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to the objectives of the zoning ordinance and with respect to their effects on surrounding properties. In order to achieve these purposes and thus give the zone use regulations the flexibility necessary to achieve the objectives of this title, the planning commission is empowered to grant or deny applications for conditional use permits and to impose reasonable conditions upon the granting of such permits. (Prior code § 7525)

17.38.030 Lapse of conditional use permit.

A conditional use permit shall lapse and shall become void twenty-four (24) months after the date on which it became effective, unless the conditions of the permit allowed a shorter or greater time limit, or unless prior to the expiration of twenty-four (24) months a building permit is issued by the city and construction is commenced and diligently pursued toward completion on the site which was the subject of the permit. A permit may be renewed for an additional period of one year; provided, that prior to the expiration of twenty-four (24) months from the date the permit originally became effective, an application for renewal is filed with the planning commission. The commission may grant or deny an application for renewal of a conditional use permit. In the case of a planned residential development, the recording of a final map and improvements thereto shall be deemed the same as a building permit in relation to this section. (Ord. 2001-13 § 4 (part), 2001: prior code § 7527)

17.38.040 Revocation.

Upon violation of any applicable provision of this title, or, if granted subject to a condition or conditions, upon failure to comply with the condition or conditions, a conditional use permit shall be suspended automatically. The planning commission shall hold a public hearing within sixty (60) days, in accordance with the procedure prescribed in Section 17.38.080, and if not satisfied that the regulation, general provision or condition is being complied with, may revoke the permit or take such action as may be necessary to insure compliance with the regulation, general provision or condition. Appeals of the decision of the planning commission may be made to the city council as provided in Section 17.38.120. (Prior code § 7528)

17.38.060 Conditional use permit to run with the land.

A conditional use permit granted pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the permit application subject to the provisions of Section 17.38.065. (Prior code § 7531)

17.38.065 Abandonment of conditional use permit.

If the use for which a conditional use permit was approved is discontinued for a period of one hundred eighty (180) days, the use shall be considered abandoned and any future use of the site as a conditional use will require the approval of a new conditional use permit.

17.38.080 Public hearing--Notice.

- A. The planning commission shall hold at least one public hearing on each application for a conditional use permit.

- B. Notice of the public hearing shall be given not less than ten days nor 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 which is the subject of the hearing, and by publication in a newspaper of general circulation within the city. (Prior code § 7533)

17.38.090 Investigation and report.

The planning staff shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the planning commission. (Prior code § 7534)

17.38.100 Public hearing--Procedure.

At the public hearing the planning commission shall review the application and the statement and drawing submitted therewith and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the findings prescribed in Section 17.38.110. The planning commission may continue a public hearing from time to time as it deems necessary. (Prior code § 7535)

17.38.110 Action by planning commission.

- A. The planning commission may grant an application for a conditional use permit as requested or in modified form, if, on the basis of the application and the evidence submitted, the commission makes the following findings:
1. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the zone in which the site is located;
 2. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
- B. A conditional use permit may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the commission may prescribe. The commission may grant conditional approval for a permit subject to the effective date of a change of zone or other ordinance amendment.
- C. The commission may deny an application for a conditional use permit. (Prior code § 7536)

17.38.120 Appeal to city council.

The decision of the City planning commission on a conditional use permit shall be subject to the appeal provisions of Section 17.02.145. (Prior code § 7537) (Ord. 2006-18 § 6, 2007)

17.38.130 Effective date of conditional use permit.

A conditional use permit shall become effective immediately when granted or affirmed by the council, or upon the sixth working day following the granting of the conditional use permit by the planning commission if no appeal has been filed. (Prior code § 7539)

RESOLUTION NO. 2015-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2015-05, A REQUEST BY LUIS & RACHEL PATLAN, TO ALLOW A 1,337 SQ. FT. WINE TASTING RETAIL BUSINESS WITH LIVE MUSIC IN THE C-DT (CENTRAL BUSINESS DISTRICT RETAIL) ZONE. THE PROJECT SITE IS LOCATED AT 115 E. MAIN STREET. (APN: 094-298-004)

WHEREAS, Conditional Use Permit No. 2015-05, is a request by Luis & Rachel Patlan, to allow a 1,337 sq. ft. wine tasting retail business with live music in the C-DT (Central Business District Retail) zone. The project site is located at 115 E. Main Street. (APN: 094-298-004); and

WHEREAS, the Planning Commission of the City of Visalia, after published notice scheduled a public hearing before said Commission on April 13, 2015; and

WHEREAS, the Planning Commission of the City of Visalia finds the Conditional Use Permit, as conditioned, to be in accordance with Chapter 17.38.110 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 the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required finding of the Zoning Ordinance Section 17.38.110:
 - The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
 - The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.

3. That the project is considered Categorical Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2015-19).

BE IT FURTHER RESOLVED that the Planning Commission hereby approves the Conditional Use Permit on the real property here described in accordance with the terms of this resolution under the provisions of Section 17.38.110 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the site be developed in substantial compliance with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan Review No. 2014-104.
2. That the site be developed in compliance with the site plan and floor plan shown in Exhibit "A". Substantial changes to the site plan and/or floor plan may require an amendment to the Conditional Use Permit.
3. That the site be operated in compliance with the operation statement shown in Exhibit "B". Prior to any operational changes in the site, the changes shall be reviewed by City staff for consistency with this permit. Substantial changes to the operation statement may require an amendment to the Conditional Use Permit.
4. That the hours of operation be limited to between 11:00 a.m. and 9:00 p.m. Sunday through Thursday and between 11:00 a.m. and 11:00 p.m. Friday and Saturday.
5. That the tasting and lounge areas are limiting to serving only wine and other non-alcoholic drinks only. Beer and distilled spirits are not permitted to be served at the site.
6. That the live entertainment shall be restricted only to live musical acts performing during business hours when wine tastings and menu items are offered. Any subsequent change to the nature of the live entertainment shall require an amendment to the Conditional Use Permit.
7. That dancing not be allowed in association with live music or channeled music.
8. That the maximum occupancy limits established by the Visalia Building Department and Fire Marshal shall be posted and not exceeded.
9. That all conditions and responsibilities associated with the Conditional Use Permit shall run with the land. The business operator shall provide a copy of this resolution and conditions of approval to any and all subsequent business operators who shall also be subject to all of the conditions herein, unless amended or revoked.
10. That all applicable federal, state, regional, county and city laws, codes and ordinances be met.
11. That the applicant shall obtain and meet all applicable conditions of a license issued by State of California Alcoholic Beverage Control.
12. The City Planner may initiate a Conditional Use Permit revocation hearing pursuant to Visalia Municipal Code Section 17.38.040, based on documented evidence of failure to comply with any conditions of:
 - a. Conditional Use Permit No. 2015-05;

- b. The Alcoholic Beverage Control license for the business;
 - c. Any and all applicable federal, state and city laws, codes and ordinances.
13. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2015-05.



Operating Statement
Blend Wine Room

1. **Business Name:** Blend Wine Room
2. **Ownership Structure:** Blend Wine Room, LLC
Rachel Garza – Co-Owner
Luis Patlan – Co-Owner
Manager – Megan Letson
3. **Existing Location:** Blend Wine Room is located in Downtown Kingsburg, Ca. This business has been in operation for three years.
4. **Proposed Second Location:** A second Blend Wine Room & Bistro is proposed to be located at 115 E. Main Street in the former Link's men clothing store in Downtown Visalia, which is now owned by Mr. and Mrs. Sam Sciacca.
5. **Facility and Layout:** The tenant space encompasses approximately 1,168 square feet for the retail and lounge area plus another 169 square feet recessed covered outdoor patio area for a total of 1,337 square feet. The enclosed site plan reflects the overall concept for the retail wine and tasting room. Moving from the front to the back of the space, a recessed covered patio with seating for 8 to 12 people will be located at the main entry behind the sidewalk. As customers enter the tasting room, wine will be displayed in wood cabinetry against both walls with several island displays placed in rows on the floor. Customers will be able to browse through the many bottles of wines offered for retail sale. Beyond the retail area is a tasting counter where customers can taste featured wines. Past the tasting counter is a lounge area for private club members to enjoy a glass of wine. Just south of the lounge is a 200 square foot kitchenette that will be used for preparing food and washing station for glassware. A commercial refrigerator, dishwasher, microwave, convection oven, ice maker and panini grill will be used in the kitchenette. Beyond the lounge area is a hallway that leads to a separate 100 square foot office/storage area, unisex bathroom and rear exit to the alley.
6. **Operational Summary**
 - a. **Targeted Customers:** Blend Wine Room will cater to a mature clientele from the novice to the wine connoisseur. The ambiance will feature a quite elegance where patrons can sit back, relax and enjoy their favorite wine. The customers at the Kingsburg location range in age between 30 and 60 with a vast majority in their 40's. Although a younger clientele is welcome, our success has been in offering a safe, comfortable and friendly environment for the mature wine enthusiast.
 - b. **Hours of Operation:** Monday-Thursday, 11am to 9 pm; Friday-Saturday, 11 am to 11 pm



- c. **Retail Wine:** Wood cabinet shelving and island racking will be situated in the front of the shop for displaying wine and accessories for retail sale. Patrons can browse through a broad selection of wines from California's various appellations (Napa, Central Coast, and Paso Robles) including wines from other states (Washington State and Oregon) and from around the world (Argentina, Chile Spain, Italy, New Zealand, Germany, France and Australia). A variety of vintages and varietals will be retailed from value, mid-range, to premium price points. Customers can purchase wine by the bottle to take home or for consumption on the premises if they join our private club membership.
- d. **Daily Wine Tasting:** Ten to fifteen wines will be served by the glass daily. Customers will be able to sample three to five wines from the daily flights. The tasting will consist of a 1 oz. pour of each wine selected. Tastings will be limited to one tasting per customer. Customers can then purchase a bottle for take home or for consumption in the lounge if they join the private club membership. Wines served by the glass daily will be rotated every one to two months.
- e. **Private Club Membership:** Customers will be offered a private club membership. For a one-time fee, customers who become private club members will have exclusive access to the lounge/patio area and will enjoy discounts on wines and food including invitations to special events such as private tastings with featured wine makers, tasting of new vintages and wine maker dinners.
- f. **Monthly Wine Club:** A three-tiered monthly wine club membership (Vintner, Estate, and Collector Level) will be offered for the wine enthusiast. The Wine Club allows members to enjoy a selection of fine artisanal wines at a discount price points. The Vintner Level will offer two value-priced wines. The Estate Level will feature three mid-range priced wines. The Collector Level will offer three premium-priced wines. Wine club pick up will be every Wednesday of the month and will include light appetizers.
- g. **Private Lounge:** Access to the lounge area will be restricted to private club members. Non-private club members will be limited to one wine tasting and/or purchase of retail wines for take home. Private club members will be able to purchase a bottle or a glass of wine for consumption in the lounge/patio area.
- h. **Menu:** Small bites will be served to members and non-members during business hours. Only private club members can order a glass of wine with food items. The menu will include:
 - i. **Aperitifs:** nut trio (pecans, almonds, and cashews); olive tray (Kalamata, Spanish, and black olives); ; humus with pita strips; cheese and charcuterie platter (assorted artisan cheeses, cured meats, dried fruit and nuts); bread boards served with an olive oil and balsamic mix; bruschetta (avocado, tomato, and shrimp).
 - ii. **Flatbreads:** artichoke & sausage; brie, pear & bacon; Hawaiian; pepperoni; sausage & peppers.
 - iii. **Grill Panini sandwiches:** gremalota, salami, chicken, and pulled pork



- iv. **Dessert:** assorted gourmet chocolates; baked brie with apricot or raspberry preserve served with crackers; Baklava mini bites; Baklava chocolate triangles; pecan queen Baklava.
- i. **Music:** Soft background music will be played during business hours through wall/ceiling mounted speakers. Live music will be calendared once or twice per month featuring single and duo acts focused on jazz, flamenco, and adult contemporary music. The light music will add to the casual ambiance and compliment the wine tasting experience. Musicians will typically perform from 6 pm to 9 pm on a Friday or Saturday. There will be no cover charge and no dancing during live music.
- j. **Recessed Covered Patio:** A 169 square foot recessed covered patio at the main entrance with seating for 12 to 16 patrons will provide outdoor seating area for private club members and non-members to enjoy food items during business hours. Only club members can enjoy a glass of wine in the patio. The patio will add ambiance and enhance the wine tasting experience, which will complement the existing pedestrian oriented character of Downtown Visalia.
- k. **On-Site Dinners:** Wine maker dinners will be held once per quarter. The business will be closed to the public during the wine maker dinners. For a set price per person, customers will enjoy a four to five course meal provided by local restaurants paired with wines from a selected wine maker. Customers enjoy great food while learning about wines and the wine making process directly from the vintner. For example, at Blend Wine Room in Kingsburg we have held dinners with wine makers from Chamisol (Paso Robles), Maestro Scheidt (Napa), Stephen Vincent (Napa), and Catena (Argentina) with food catered by Jonathan's from Kingsburg, Chef David Scheidt from Napa, and Limon Peruvian Cuisine from Fresno. Wine dinners accommodate approximately 25 to 30 people.
- l. **Equipment:** The following equipment will be used for the business:
 - i. Stainless steel 3 compartment sink
 - ii. Stainless steel mop sink
 - iii. Stainless steel preparation table
 - iv. Dishwasher
 - v. Commercial refrigerator
 - vi. Wine cooler for storage of wine
 - vii. Microwave
 - viii. Convection oven
 - ix. Panini grill
 - x. Ice maker
 - xi. Flat screen television(s)
 - xii. Computer, fax/printer and telephones
- m. **Number of Employees:** In addition to the co-owners and manager, 2 to 6 employees will be hired.



- n. Deliveries: Approximately one to two deliveries per week via small to medium sized trucks. Deliveries will be made through the alley during the day.
7. ABC License: A type 20 ABC license for on and off-sale of wine will be purchased for the business and/or a catering license. The site plan for the business will be submitted to the Alcohol and Beverage Control for review and approval. The business is conditioned upon approval of an on and off-sale ABC license.
8. Health Permit: A health permit will be obtained from the Tulare County Health Department. The site plan and plans for the kitchenette will be submitted to the health department for review and approval. The business is conditioned upon approval of a health permit.
9. Conclusion: Owners Luis and Rachel Patlan have owned and operated a successful retail wine and tasting room in Downtown Kingsburg, Ca for the past three years. They participate in many local community fundraising events and are members of the Chamber of Commerce. Their business success is based on providing customer service and offering value-priced, quality wines for customers to enjoy in a safe, comfortable and friendly environment.

As small business owners, we appreciate the opportunity to submit this operating statement for our proposed Blend Wine Room in Downtown Visalia. Our goal is locate a successful business that adds to the character and experience of Downtown Visalia. We look forward to working with the City of Visalia on obtaining approval for Blend Wine Room.



MEETING DATE August 20, 2014
SITE PLAN NO. 14-104
PARCEL MAP NO.
SUBDIVISION
LOT LINE ADJUSTMENT NO.

Enclosed for your review are the comments and decisions of the Site Plan Review committee. Please review all comments since they may impact your project.

- RESUBMIT** Major changes to your plans are required. Prior to accepting construction drawings for building permit, your project must return to the Site Plan Review Committee for review of the revised plans.
- During site plan design/policy concerns were identified, schedule a meeting with
- Planning Engineering prior to resubmittal plans for Site Plan Review.
- Solid Waste Parks and Recreation Fire Dept.

- REVISE AND PROCEED** (see below)
- A revised plan addressing the Committee comments and revisions must be submitted for Off-Agenda Review and approval prior to submitting for building permits or discretionary actions.
- Submit plans for a building permit between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday.
- Your plans must be reviewed by:
- CITY COUNCIL REDEVELOPMENT
 PLANNING COMMISSION PARK/RECREATION
 HISTORIC PRESERVATION OTHER _____

ADDITIONAL COMMENTS This project requires a Conditional Use Permit.

If you have any questions or comments, please call Jason Huckleberry at (559) 713-4259.



Site Plan Review Comments For:

Visalia Fire Department
Kurtis A. Brown,
Assistant Fire Marshal
707 W Acequia
Visalia, CA 93291
559-713-4261 *office*
559-713-4808 *fax*

ITEM NO: 5

DATE: August 20, 2014

SITE PLAN NO: SPR14104 **RESUBMIT**
PROJECT TITLE: BLEND WINE ROOM
DESCRIPTION: RETAIL WINE AND TASTING ROOM IN EXISTING
1,336 SF BUILDING ON 2,300 SF AREA (CDT ZONED)
(X/AE) (DISTRICT DRD)
APPLICANT: PATLAN LUIS
PROP OWNER: SCIACCA SAM A & MARLENE E(TRS)(FAM REV T
LOCATION: 115 E MAIN ST
APN(S): 094-298-004

The following comments are applicable when checked:

- The Site Plan Review comments are issued as general overview of your project. With further details, additional requirements will be enforced at the Plan Review stage. Please refer to the 2013 California Fire Code (CFC), 2013 California Building Codes (CBC) and City of Visalia Municipal Codes.
- All fire detection, alarm, and extinguishing systems in existing buildings shall be maintained in an operative condition at all times and shall be replaced or repaired where defective. If building has been vacant for a significant amount of time, the fire detection, alarm, and or extinguishing systems may need to be evaluated by a licensed professional. *2013 CFC 901.6*
- No fire protection items required for parcel map or lot line adjustment; however, any future projects will be subject to fire & life safety requirements including fire protection.
- More information is needed before a Site Plan Review can be conducted. Please submit plans with more detail. Please include information on

General:

- Address numbers must be placed on the exterior of the building in such a position as to be clearly and plainly visible from the street. Numbers will be at least four inches (4") high and shall be of a color to contrast with their background. If multiple addresses served are by a common driveway, the range of numbers shall be posted at the roadway/driveway. *2013 CFC 505.1*
- A Knox Box key lock system is required. Where access to or within a structure or an area is restricted because of secured openings (doors and/or gates) or for fire-fighting purposes, a key box is to be installed in an approved location. (Note: Knox boxes shall be ordered using an approved application that can be found at Fire Administration Office located at 707 W. Acequia Ave. Please allow adequate time for shipping and installation.) *2013 CFC 506.1*
- All hardware on exit doors shall comply with Chapter 10 of the 2013 California Fire Code. This includes all locks, latches, dolt locks, and panic and fire exit hardware.
- Provide Illuminated exit signs and emergency lighting through-out building. *2013 CFC 1011*
- When portion of the building are built upon a property line or in close proximity to another structure the exterior wall shall be constructed as to comply *2013 California Building Code Table 508.4 and Table 602.*

- Commercial dumpsters with 1.5 cubic yards or more shall not be stored or placed within 5 feet of combustible walls, openings, or a combustible roof eave line except when protected by a fire sprinkler system. *2013 CFC 304.3.3*
- If your business handles hazardous material in amounts that exceed the Maximum Allowable Quantities listed on *Table 5003.1.1(1), 5003.1.1(2), 5003.1.1(3) and 5003.1.1(4) of the 2013 California Fire Code*, you are required to submit an emergency response plan to the Tulare County Health Department. Also you shall indicate the quantities on your building plans and prior to the building final inspection a copy of your emergency response plan and Safety Data Sheets shall be submitted to the Visalia Fire Department.

Water Supply:

- Construction and demolition sites shall have an approved water supply for fire protection, either temporary or permanent, and shall be made available as soon as combustible material arrives on the site. *2013 CFC 3312*
- No additional fire hydrants are required for this project; however, additional fire hydrants may be required for any future development.
- There is/are fire hydrants required for this project. (See marked plans for fire hydrant locations.)
- Fire hydrant spacing shall comply with the following requirements:
The exact location of fire hydrants and final decision as to the number of fire hydrants shall be at the discretion of the fire marshal, fire chief and/or their designee. *Visalia Municipal Code 16.36.120 & 16.36.120(8)*
 - Single-family residential developments shall be provided with fire hydrants every six hundred (600) lineal feet of residential frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.
 - Multi-family, zero lot line clearance, mobile home park or condominium developments shall be provided with fire hydrants every four hundred (400) lineal feet of frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.
 - Multi-family or condominium developments with one hundred (100) percent coverage fire sprinkler systems shall be provided with fire hydrants every six (600) lineal feet of frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.
 - Commercial or industrial developments shall be provided with fire hydrants every three hundred (300) lineal feet of frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.
 - Commercial or industrial developments with one hundred (100) percent coverage fire sprinkler systems shall be provided with fire hydrants every five hundred (500) lineal feet of frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.
- When any portion of a building is in excess of one hundred fifty (150) feet from a water supply on a public street there shall be provided on site fire hydrants and water mains capable of supplying the required fire flow. *Visalia Municipal Code 16.36.120(6)*

Emergency Access:

- A construction access road is required and shall be a minimum of 20 feet wide. The road shall be an all-weather driving surface accessible prior to and during construction. The access road shall be capable of holding 75,000 pound piece of fire apparatus, and shall provide access to within 100 feet of temporary or permanent fire department connections. *2013 CFC 3310*
- Buildings or portions of buildings or facilities with a vertical distance between the grade plans and the highest roof surface exceed 30 feet shall provide an approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders. Access routes shall be located within a minimum of 15 feet and maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. *2013 CFC D105*
- A fire apparatus access roads shall be provide and must comply with the CFC and extend to within 150 of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Minimum turning radius for emergency fire apparatus shall be 20 feet inside radius and 43 feet outside radius. *2013 CFC 503.1.1*
- Fire apparatus access roads in excess of 150 feet and dead end shall be provided with a turnaround. Length 151-500 feet shall be a minimum of 20 feet in width and have a 120 foot Hammerhead, 60-foot "Y" or 96-Foot diameter Cul-de-sac in accordance with Figure D103.1 of the 2013 CFC. Length 501-750 feet shall be 26 feet in width and have a 120 foot Hammerhead, 60-foot "Y" or 96-Foot diameter Cul-de-sac in accordance with Figure D103.1 of the 2013 CFC.

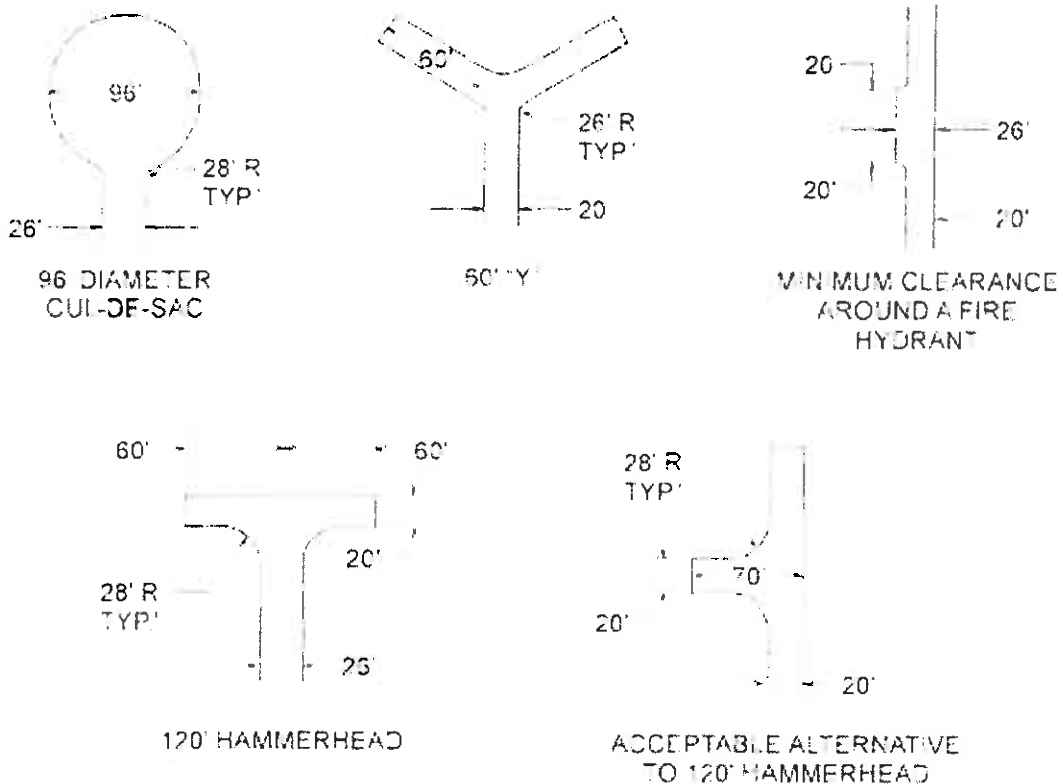


FIGURE D103.1
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND

- Gates on access roads shall be a minimum width of 20 feet and shall comply with the following:
2013 CFC D103.5
- Typical chain and lock shall be the type that can be cut with a common bolt cutter, or the developer may opt to provide a Knox Box key lock system.
 - Gates shall be of the swinging or sliding type.
 - Gates shall allow manual operation by one person. (power outages)
 - Gates shall be maintained in an operative condition at all times.
 - Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. (Note: Knox boxes shall be ordered using an approved application that can be found at Fire Administration Office located at 707 W. Acequia Ave. Please allow adequate time for shipping and installation.)
- In any and all new One- or two-family dwellings residential developments regardless of the number of units, street width shall be a minimum of 36 feet from curb to curb to allow fire department access and to permit parking on both sides of the street. A minimum of 20 feet shall be provided for developments that don't allow parking on the streets. *2013 CFC D107.2*

Fire Protection Systems:

- An automatic fire sprinkler system will be required for this building. Also a fire hydrant is required within 50 feet of the Fire Department Connection (FDC). *2013 CFC 903 and Visalia Municipal Code 16.36.120(7)*
- Commercial cooking appliances and domestic cooking appliances used for commercial purposes that produces grease laden vapors shall be provided with a Type 1 Hood, in accordance with the California Mechanical Code, and an automatic fire extinguishing system. *2013 CFC 904.11 & 609.2*

Special Comments:



Kurtis A. Brown
Assistant Fire Marshal

SITE PLAN REVIEW COMMENTS

Paul Bernal, Planning Division (559) 713-4025

Date: August 20, 2014

SITE PLAN NO: 2014-104 RESUBMITTAL
PROJECT TITLE: BLEND WINE ROOM
DESCRIPTION: RETAIL WINE AND TASTING ROOM IN EXISTING 1,336 SF BUILDING ON 2,300 SF AREA (CDT ZONED) (X/AE) (DISTRICT DRD)
APPLICANT: PATLAN LUIS
PROP. OWNER: SCIACCA SAM A & MARLENE E(TRS)(FAM REV TR
LOCATION TITLE: 115 E MAIN ST
APN TITLE: 094-298-004

General Plan: CDT – Central Business District
Existing Zoning: CDT – Central Business District

Planning Division Recommendation:

- Revise and Proceed
 Resubmit

Project Requirements

- Conditional Use Permit for Wine Tasting & Live Entertainment
- Lounge/Bar/Tavern is prohibited in CDT zone
- Operational Statement
- Additional Information as needed

PROJECT SPECIFIC INFORMATION: 08/20/2014

1. A CUP is required for "Wine Tasting" in the CDT zone; retail sales of wine and ancillary items are a "Permitted" Use in the CDT zone.
2. The CUP will be conditioned to comply with the operational statement. Changes to the daily operations may result in a re-review of the use.
3. Other conditions may be included emphasizing that the use cannot operate as a lounge/bar.

PREVIOUS COMMENTS

PROJECT SPECIFIC INFORMATION: 08/06/2014

1. Staff supports wine bottle retail sales; wine tasting associated with the wine products sold within the business, and live entertainment as described in the operational statement for the Blend Wine business.
2. Based on information presented in the operational statement, a wine lounge (i.e., bar) as a primary use is not allowed in the CDT (Central Business District) zone. A lounge associated with a sit-down restaurant is Permitted subject to the bar area not exceeding 25% of the public use area. The business operation is required to be modified due to the businesses primary use as a "lounge".
3. Resubmit a revised operational statement that identifies changes to the business operation to comply with zoning requirements for the CDT zone.
4. A Conditional Use Permit (CUP) is required for wine tasting and live entertainment. The filing of the CUP will cover both uses. Staff may condition the project limiting the number of wine tasting an individual may purchase per visit to the commercial establishment. The reasoning to limit the onsite consumption would be to address any misconception that the business is operating a "bar/lounge/tavern".
5. Live entertainment would be conditioned based on the operational statement.

CITY GENERAL PLAN CONSISTENCY

Staff initial finding is that the proposed Wine Retail Sales, Wine Tasting and Live Entertainment IS CONSISTENT with the City General Plan and Zoning Ordinance. Because this project requires discretionary approval by the City Council and/or Planning Commission the final determination of consistency will be made by the Planning Commission and/or City Council.

Downtown Parking District: [Zoning Ordinance Section 17.30.019A Article 2]

1. The site was formally occupied by a retail men's clothing store. The first floor has a parking credit established at the retail rate (1 spacer per 300 sq. ft. of floor area). The proposed project, based on the retail sales of wine does not require additional parking.
2. The building is located in PBID (Property Based Improvement District) and meets the Change-in-use requirements and is not subject to additional Parking In-lieu fees.

Signage: [see Zoning Ordinance Section 17.48]

1. All signs require a building permit.
2. Signs for this business are subject to the Downtown Retail Design District requirements.

Signs – signs should contribute to the commercial quality and character of the district. Within the district, the following standards for signage are prescribed:

- 1) Primary Signage
 - a) Material: Plastic is prohibited as a primary sign material.
 - b) Size:
 - i) Two (2) square feet of sign area is permitted for each one (1) foot of linear occupancy frontage top a maximum of fifty (50) square feet.
 - ii) The sign area as calculated for the occupancy frontage may be used on the occupancy frontage, or may be divided between the occupancy frontage And any other exterior wall. (see DRD for more)
 - c) Location: Users may choose which exterior side of the building will be used for the purpose of calculating the permitted sign area. The exterior side chosen is the primary occupancy frontage. The building sign so calculated shall be mounted on the primary occupancy frontage.
- 2) On Awnings: A building sign may be affixed to or incorporated as a part of the design of the front valance only of an awning; however, such sign area shall be deducted from that calculated for the exterior building wall to which the awning is attached. Numerals used for the purpose of identifying street addresses need not be deducted from the calculated sign area.
- 3) Street addresses
- 4) Additional signs of a maximum twenty-five percent of the sign area calculated for the primary occupancy frontage will be allowed for each remaining exterior wall, provided that the sign for any given wall does not exceed two square feet per linear foot of the wall length. This subsection does not apply to alley frontages visible from center or Acequia streets.
- 5) Pedestrian oriented sign: one double faced sign not exceeding an area of three (3) square feet per face, to be constructed of wood, with a carved and/or painted logo. Pedestrian oriented signs shall be a minimum of 8 feet above the sidewalk and shall not exceed a maximum height of 12 feet.
- 6) A pedestrian oriented sign may also be affixed to or incorporated into the design of the side valance of awnings which are perpendicular to the store frontage. Both side valances of an awning may be so utilized, however, only one sign face per awning side is allowed. Each sign

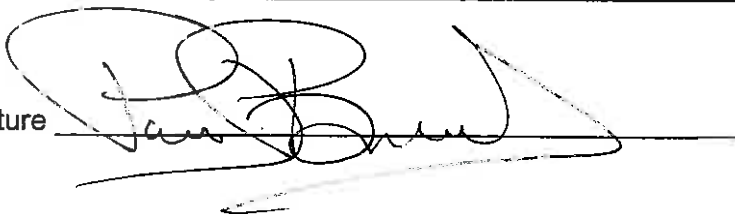
face shall not exceed three (3) square feet. If this option is chosen, no other pedestrian oriented sign is allowed.

- 7) The building sign area as calculated on the primary occupancy frontage may also be used on the alley frontage for those businesses with direct pedestrian entrances from alleyways, where such entrances and frontages are visible from center or Acequia streets. In no case shall the sign area used on the alley frontage exceed that permitted for the primary occupancy frontage.
- 8) Each building may display a reader board of a maximum area of twenty (20) square feet indicating the name, address and type of business of the businesses within the building. If the reader board is located on a part of the building qualifying as an occupancy frontage for which sign area is calculated, the sign area used for the reader board shall be deducted from the total permitted for that building. Reader boards shall be designed as one with each copy panel consisting of similar materials and designs. Permits for reader boards shall not be issued without consent of the property owner.
- 9) Within the district, internally illuminated signs are prohibited, with the exception of neon.
- 10) Plastic is prohibited as a primary sign material.
- 11) Each commercial use which has direct pedestrian access through an exterior building wall which is visible from a public right-of-way, shall be allowed at least ten (10) square feet of building sign area, regardless of building occupancy frontage. Commercial uses having a sole access from the interior of any building or from an enclosed lobby or court shall not be allowed the minimum building sign area referred to in this section.
- 12) Permanent signage painted or affixed to the surface of retail display windows shall cover no more than twenty percent (20%) of the display window area and shall be allowed in addition to the calculated building sign area.
- 13) Temporary signs pertaining to special store events or sales lasting no more than thirty (30) days may be painted or affixed to display windows provided that their total area shall not exceed thirty percent (30%) of the window. Such temporary sign or signs shall be removed within seven (7) days of the completion of said event or sale. No permit is required for such temporary sign(s).

The comments found on this document pertain to the site plan submitted for review on the above referenced date. Any changes made to the plan submitted must be submitted for additional review.

NOTE: Staff recommendations contained in this document are not to be considered support for a particular action or project unless otherwise stated in the comments.

Signature

A handwritten signature in black ink, appearing to be "Jan B. [unclear]", written over a horizontal line. The signature is stylized and somewhat illegible.

**BUILDING/DEVELOPMENT PLAN
REQUIREMENTS
ENGINEERING DIVISION**

- Jason Huckleberry 713-4259
- Adrian Rubalcaba 713-4271

ITEM NO: 5 DATE: AUGUST 20, 2014

SITE PLAN NO.: 14-104 RESUBMITTAL
 PROJECT TITLE: BLEND WINE ROOM
 DESCRIPTION: RETAIL WINE AND TASTING ROOM IN EXISTING
 1,336 SF BUILDING ON 2,300 SF AREA (CDT
 ZONED) (X/AE) (DISTRICT DRD)
 APPLICANT: PATLAN LUIS
 PROP OWNER: SCIACCA SAM A & MARLENE E (TRS)(FAM REV
 TR)
 LOCATION: 115 E MAIN ST
 APN: 094-298-004

SITE PLAN REVIEW COMMENTS

REQUIREMENTS (indicated by checked boxes)

- Install curb return with ramp, with _____ radius;
- Install curb; gutter
- Drive approach size: Use radius return;
- Sidewalk: _____ width; parkway width at _____
- Repair and/or replace any sidewalk across the public street frontage(s) of the subject site that has become uneven, cracked or damaged and may constitute a tripping hazard.
- Replace any curb and gutter across the public street frontage(s) of the subject site that has become uneven and has created areas where water can stand.
- Right-of-way dedication required. A title report is required for verification of ownership.
- Deed required prior to issuing building permit;
- City Encroachment Permit Required.

Insurance certificate with general & auto liability (\$1 million each) and workers compensation (\$1 million), valid business license, and appropriate contractor's license must be on file with the City, and valid Underground Service Alert # provided prior to issuing the permit. Contact Rafael Magallan, 713-4414.

- CalTrans Encroachment Permit required. CalTrans comments required prior to issuing building permit. Contacts: David Deel (Planning) 488-4088;
- Landscape & Lighting District/Home Owners Association required prior to approval of Final Map. Landscape & Lighting District will maintain common area landscaping, street lights, street trees and local streets as applicable. Submit completed Landscape and Lighting District application and filing fee a min. of 75 days before approval of Final Map.
- Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.
- Grading & Drainage plan required. If the project is phased, then a master plan is required for the entire project area that shall include pipe network sizing and grades and street grades. Prepared by registered civil engineer or project architect. All elevations shall be based on the City's benchmark network. Storm run-off from the project shall be handled as follows: a) directed to the City's existing storm drainage system; b) directed to a permanent on-site basin; or c) directed to a temporary on-site basin is required until a connection with adequate capacity is available to the City's storm drainage system. On-site basin: _____ : _____ maximum side slopes, perimeter fencing required, provide access ramp to bottom for maintenance.
- Grading permit is required for clearing and earthwork performed prior to issuance of the building permit.
- Show finish elevations. (Minimum slopes: A.C. pavement = 1%, Concrete pavement = 0.25%. Curb & Gutter = .020%, V-gutter = 0.25%)
- Show adjacent property grade elevations. A retaining wall will be required for grade differences greater than 0.5 feet at the property line.
- All public streets within the project limits and across the project frontage shall be improved to their full width, subject to available right of way, in accordance with City policies, standards and specifications.

- Traffic indexes per city standards:
- Install street striping as required by the City Engineer.
- Install landscape curbing (typical at parking lot planters).
- Minimum paving section for parking: 2" asphalt concrete paving over 4" Class 2 Agg. Base, or 4" concrete pavement over 2" sand.
- Design Paving section to traffic index of 5.0 min. for solid waste truck travel path.
- Provide "R" value tests: each at
- Written comments required from ditch company Contacts: James Silva 747-1177 for Modoc, Persian, Watson, Oakes, Flemming, Evans Ditch and Peoples Ditch; Jerry Hill 686-3425 for Tulare Irrigation Canal, Packwood and Cameron Creeks; Bruce George 747-5601 for Mill Creek and St. John's River.
- Access required on ditch bank, 15' minimum Provide wide riparian dedication from top of bank.
- Show Oak trees with drip lines and adjacent grade elevations. Protect Oak trees during construction in accordance with City requirements.
- A permit is required to remove oak trees. Contact Joel Hooyer at 713-4295 for an Oak tree evaluation or permit to remove. A pre-construction conference is required.
- Relocate existing utility poles and/or facilities.
- Underground all existing overhead utilities within the project limits. Existing overhead electrical lines over 50kV shall be exempt from undergrounding.
- Subject to existing Reimbursement Agreement to reimburse prior developer:
- Fugitive dust will be controlled in accordance with the applicable rules of San Joaquin Valley Air District's Regulation VIII. Copies of any required permits will be provided to the City.
- If the project requires discretionary approval from the City, it may be subject to the San Joaquin Valley Air District's Rule 9510 Indirect Source Review per the rule's applicability criteria. A copy of the approved AIA application will be provided to the City.
- If the project meets the one acre of disturbance criteria of the State's Storm Water Program, then coverage under General Permit Order 2009-0009-DWQ is required and a Storm Water Pollution Prevention Plan (SWPPP) is needed. A copy of the approved permit and the SWPPP will be provided to the City.
- Comply with prior comments. Resubmit with additional information. Redesign required.

Additional Comments:

1. Shell permit for existing building will need to be "finaled" prior to proposed tenant improvement permit issuance.

2. Proposed wine bar and limited food menu will be assessed under retail impact fees; already credited by previous use.

3. Building permit plan check and inspection fees apply.

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: **14-104 RESUBMITTAL**

Date: **8/20/2014**

Summary of applicable Development Impact Fees to be collected at the time of building permit:

(Preliminary estimate only! Final fees will be based on the development fee schedule in effect at the time of building permit issuance.)

(Fee Schedule Date:**8/15/2014**)

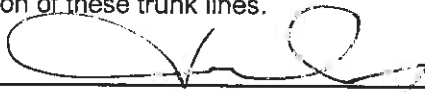
(Project type for fee rates:**RETAIL BAR**)

Existing uses may qualify for credits on Development Impact Fees. **RETAIL**

<u>FEE ITEM</u>	<u>FEE RATE</u>
<input type="checkbox"/> Groundwater Overdraft Mitigation Fee	
<input type="checkbox"/> Transportation Impact Fee	
<input type="checkbox"/> Trunk Line Capacity Fee	
<input type="checkbox"/> Sewer Front Foot Fee	
<input type="checkbox"/> Storm Drain Acq/Dev Fee	
<input type="checkbox"/> Park Acq/Dev Fee	
<input type="checkbox"/> Northeast Specific Plan Fees	
<input type="checkbox"/> Waterways Acquisition Fee	
<input type="checkbox"/> Public Safety Impact Fee: Police	
<input type="checkbox"/> Public Safety Impact Fee: Fire	
<input type="checkbox"/> Public Facility Impact Fee	
<input type="checkbox"/> Parking In-Lieu	

Reimbursement:

- 1.) No reimbursement shall be made except as provided in a written reimbursement agreement between the City and the developer entered into prior to commencement of construction of the subject facilities.
- 2.) Reimbursement is available for the development of arterial/collector streets as shown in the City's Circulation Element and funded in the City's transportation impact fee program. The developer will be reimbursed for construction costs and right of way dedications as outlined in Municipal Code Section 16.44. Reimbursement unit costs will be subject to those unit costs utilized as the basis for the transportation impact fee.
- 3.) Reimbursement is available for the construction of storm drain trunk lines and sanitary sewer trunk lines shown in the City's Storm Water Master Plan and Sanitary Sewer System Master Plan. The developer will be reimbursed for construction costs associated with the installation of these trunk lines.



Jason Huckleberry

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

August 20, 2014

ITEM NO: 5	RESUBMITL
SITE PLAN NO: SPR14104	
PROJECT TITLE: BLEND WINE ROOM	
DESCRIPTION: RETAIL WINE AND TASTING ROOM IN EXISTING 1,336 SF BUILDING ON 2,333 SF AREA (COT ZONED) (X/AE) (DISTRICT ORD)	
APPLICANT: PATLAN LUIS	
PROP. OWNER: SCIACCA SAM A. & MARLENE C (TRSFAM REV TR)	
LOCATION: 115 S MAIN ST	
APN(S): 094-298-004	

THE TRAFFIC DIVISION WILL PROHIBIT ON-STREET PARKING AS DEEMED NECESSARY

- No Comments
- See Previous Site Plan Comments
- Install Street Light(s) per City Standards.
- Install Street Name Blades at Locations.
- Install Stop Signs at Locations.
- Construct parking per City Standards PK-1 through PK-4.
- Construct drive approach per City Standards.
- Traffic Impact Questionnaire required.

Additional Comments:

•



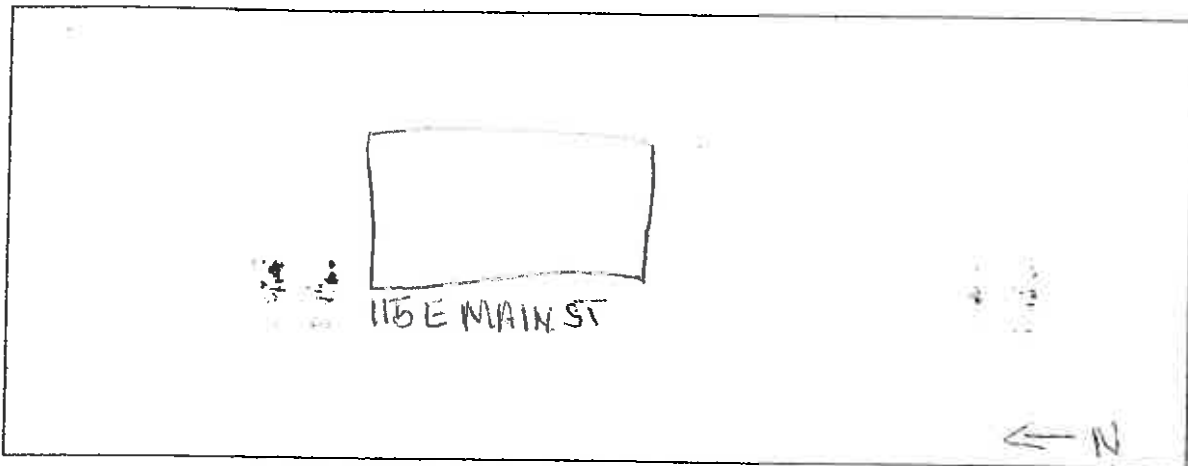
Leslie Blair

City of Visalia
Parks and Urban Forestry
336 N. Ben Maddox Way
Visalia, CA 93292

Date: 8-11-14

Site Plan Review # 14-104

SITE PLAN REVIEW COMMENTS



COMMENTS: See Below None

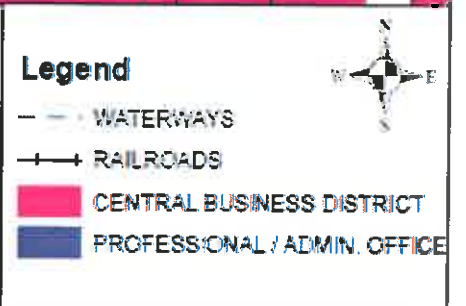
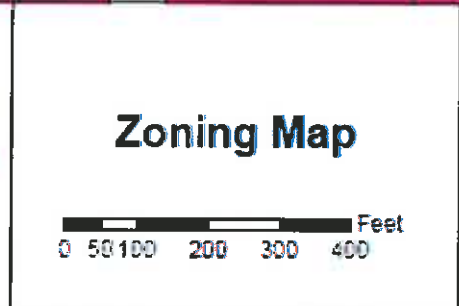
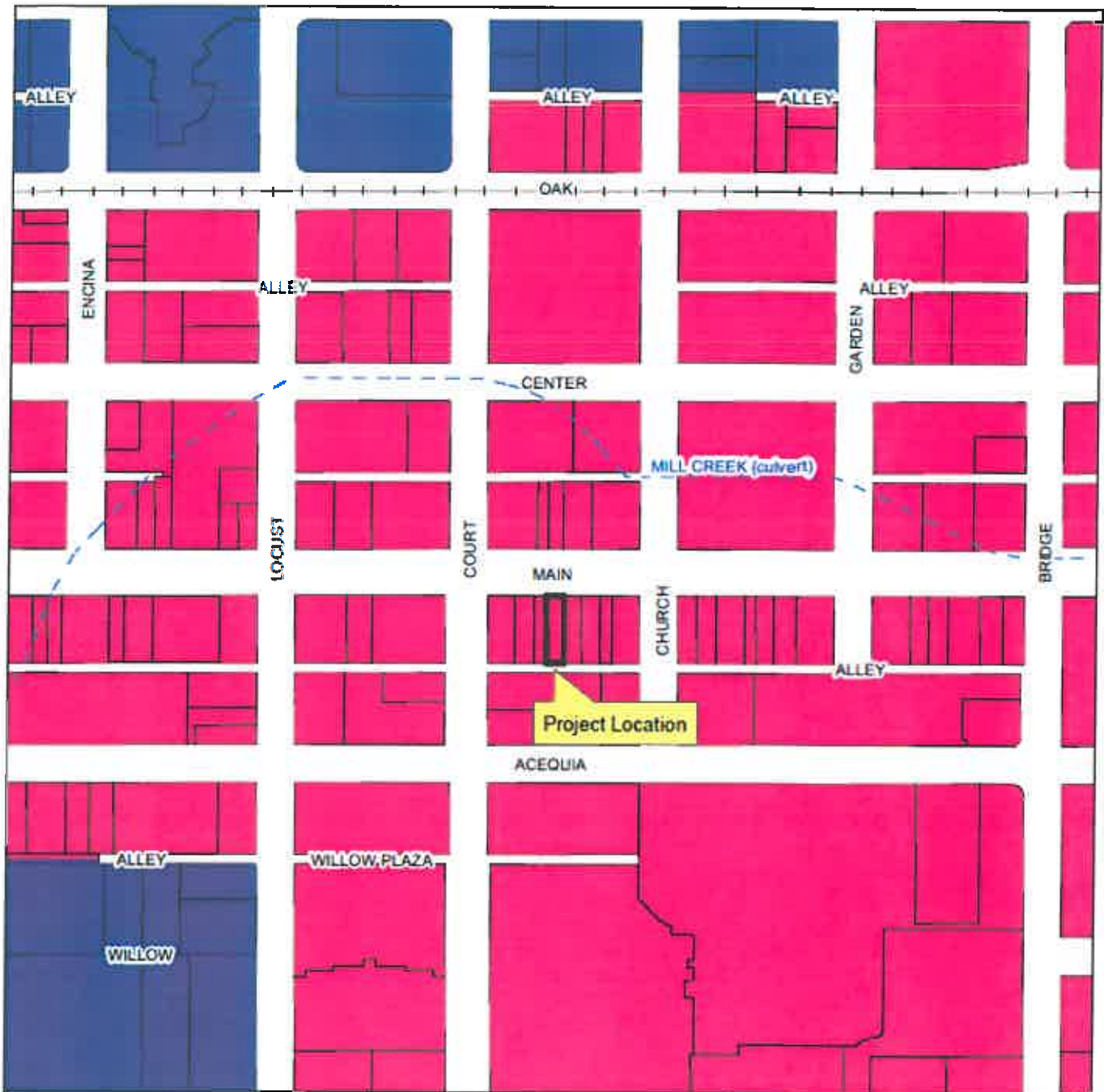
- Please plot and protect all Valley Oak Trees.
- Landscape along parkway to be planted by developer and maintained by a maintenance district.
- All drainage from curb and gutter along streets to be connected to storm drain system.
- All trees planted in street right-of-way to be approved by the Public Works Superintendent of Parks.
- Tie-ins to existing infrastructure may require a bore. Check with the Public Works Department prior to any street cut.

Other Comments: _____

Paul Hoover

Conditional Use Permit No. 2015-05

The subject site is located at 115 E. Main Street,
on the south side of Main Street between Court and Church Streets. (APN: D94-298-004)



Conditional Use Permit No. 2015-05

The subject site is located at 115 E. Main Street,
on the south side of Main Street between Court and Church Streets. (APN: 094-298-004)



Aerial Photo

Photo Taken March 2012

0 25 50 100 150 Feet

Legend

- WATERWAYS
- + RAILROADS



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: April 13, 2015

PROJECT PLANNER: Andrew Chamberlain, Senior Planner
Phone No.: (559) 713-4003

SUBJECT: Conditional Use Permit No. 2015-07: A request by Donahue Schriber Realty Group to allow a check cashing business, in the CCM (Community Commercial) zone. The site is located at 3206 N. Dinuba Boulevard, Suite 2-E. (APN: 079-310-015)

STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2015-07, based on the findings and conditions in Resolution No. 2015-15. Staff's recommendation is based on the project's consistency with the policies and intent of the City's General Plan, Zoning Ordinance, and the Orchard Walk Specific Plan.

RECOMMENDED MOTION

I move to approve Conditional Use Permit No. 2015-07 based on the findings and conditions in Resolution No. 2015-15.

PROJECT DESCRIPTION

Conditional Use Permit No. 2015-07 is a request to establish a 1,288 square foot check cashing business in the Community Commercial zone. The project site is located on the east side of Dinuba Boulevard as shown in Exhibit "A", which is part of the Orchard Walk Specific Plan. The check cashing service will be located next to a Pacific Dental office in a new 10,032 square foot multi-tenant pad building as shown in Exhibit "B". The pad has parking along the east side and a large parking field across the drive aisle to the east.

The applicant's Operational Statement in Exhibit "C" states that the hours would typically be Monday through Saturday from 9:00 am to 8:00 pm, and Sunday from 12 noon to 5 pm. There will be two employees at most times providing check cashing, money order and related services.

BACKGROUND INFORMATION

General Plan Land Use Designation:	Community Commercial
Zoning:	CCM (Community Commercial)
Special Districts:	Design District "K" Orchard Walk Specific Plan
Surrounding Zoning and Land Use	North: County – Vacant South: CSO (Comm. Shopping Office) - Vacant East: CCM (Community Commercial) Existing Orchard Walk East Development West: RM2 (Multi-Family Residential) and CCM (Community Commercial) – Dinuba Blvd Orchard Walk West Vacant Lot

Environmental Review:

Categorical Exemption No. 2015-18

Site Plan:

NA

RELATED PROJECTS

On April 14, 2014 the Planning Commission approved CUP No. 2014-13 to allow the Pacific Dental clinic use in this same building.

On October 28, 2013 the Planning Commission approved CUP No. 2013-28 to allow a drive thru for a fast food restaurant in this same building at the south end.

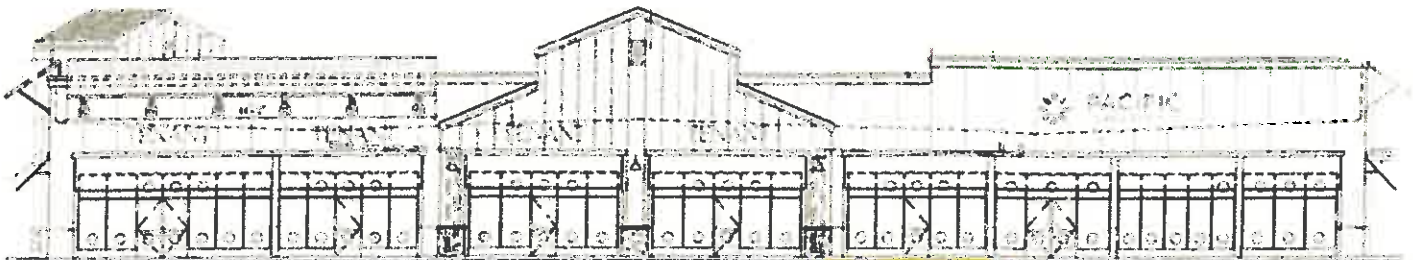
The City Council on May 29, 2007 approved Specific Plan No. 2007-02 (Orchard Walk Shopping Center). This Specific Plan was a request by Donahue Schriber to adopt the Orchard Walk Specific Plan. The mixed-use development is comprised of 425,812 sq. ft. of commercial/retail floor area and 224 multi-family residential dwelling units. The site is located generally on the north side of Riggan Avenue between Conyer and Santa Fe Streets.

PROJECT EVALUATION

Staff recommends approval of the Conditional Use Permit No. 2015-07, based on the project's consistency with the General Plan, the Zoning Ordinance, and the Orchard Walk Specific Plan.

Consistency with Adopted Plans

The project is consistent with the City's General Plan, Zoning Ordinance and the Orchard Walk Specific Plan. The building pad is part of the original Specific Plan. The proposed check cashing is consistent with the intent of the Orchard Walk Specific Plan, and will not have an impact upon the architectural design of the building or center.



Access and Parking

This site is accessed through the existing vehicle access and circulation for the center as illustrated in Exhibit "A". The parking established for the center was developed to accommodate a mix of uses including medical offices and restaurants which have some of the highest parking demands. No changes to the approved parking and access for the center would occur as a result of the proposed check cashing services.

Check Cashing

Staff has concluded that the proposed check cashing use is consistent with the center based upon the operational statement in Exhibit "C". The proposed services include check cashing, bill payments, money orders, and prepaid debit cards. The Orchard Walk Specific Plan was established to accommodate a broad variety of uses of which check cashing uses are a conditionally allowed use as presented in this request.

Environmental Review

The requested action is considered Categorical Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2015-18).

RECOMMENDED FINDINGS

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and the Zoning Ordinance. Specifically, the project is consistent with the required findings of the Zoning Ordinance Section 17.38.110:
 - a) The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
 - b) The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That the proposed project conforms to the policies and standards in the adopted Orchard Walk Specific Plan.
4. That the project is considered Categorical Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2015-18).

RECOMMENDED CONDITIONS OF APPROVAL

1. That the proposed project is subject to the policies and standards in the adopted Orchard Walk Specific Plan.
2. That the project be developed in substantial compliance with the Site Plan in Exhibit "A".
3. That the facility operate consistent with the operational Statement in Exhibit "C".
4. That the building signage comply with the Orchard Walk Specific Plan and shall be obtained under a separate permit.
5. That all applicable federal, state and city codes and ordinances be met.
6. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2015-07.

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 425 East Oak Avenue, Suite 301, 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. 2015-15
- Exhibit "A" – Site Plan – Orchard Walk
- Exhibit "B" – Site Plan – Pad – "B"
- Exhibit "C" – Operational Statement
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Location Map

Related Plans & Policies Conditional Use Permits

17.38.010 Purposes and powers

In certain zones conditional uses are permitted subject to the granting of a conditional use permit. Because of their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to the objectives of the zoning ordinance and with respect to their effects on surrounding properties. In order to achieve these purposes and thus give the zone use regulations the flexibility necessary to achieve the objectives of this title, the planning commission is empowered to grant or deny applications for conditional use permits and to impose reasonable conditions upon the granting of such permits. (Prior code § 7525)

17.38.020 Application procedures

- A. Application for a conditional use permit shall be made to the planning commission on a form prescribed by the commission which shall include the following data:
1. Name and address of the applicant;
 2. Statement that the applicant is the owner of the property or is the authorized agent of the owner;
 3. Address and legal description of the property;
 4. The application shall be accompanied by such sketches or drawings as may be necessary by the planning division to clearly show the applicant's proposal;
 5. The purposes of the conditional use permit and the general description of the use proposed;
 6. Additional information as required by the historic preservation advisory committee.
- 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. (Prior code § 7526)

17.38.030 Lapse of conditional use permit

A conditional use permit shall lapse and shall become void twenty-four (24) months after the date on which it became effective, unless the conditions of the permit allowed a shorter or greater time limit, or unless prior to the expiration of twenty-four (24) months a building permit is issued by the city and construction is commenced and diligently pursued toward completion on the site which was the subject of the permit. A permit may be renewed for an additional period of one year; provided, that prior to the expiration of twenty-four (24) months from the date the permit originally became effective, an application for renewal is filed with the planning commission. The commission may grant or deny an application for renewal of a conditional use permit. In the case of a planned residential development, the recording of a final map and improvements thereto shall be deemed the same as a building permit in relation to this section. (Ord. 2001-13 § 4 (part), 2001: prior code § 7527)

17.38.040 Revocation

Upon violation of any applicable provision of this title, or, if granted subject to a condition or conditions, upon failure to comply with the condition or conditions, a conditional use permit shall be suspended automatically. The planning commission shall hold a public hearing within sixty (60) days, in accordance with the procedure prescribed in Section 17.38.080, and if not satisfied that the regulation, general provision or condition is being complied with, may revoke the permit or take such action as may be necessary to insure compliance with the regulation, general provision or condition. Appeals of the decision of the planning commission may be made to the city council as provided in Section 17.38.120. (Prior code § 7528)

17.38.050 New application

Following the denial of a conditional use permit application or the revocation of a conditional use permit, no application for a conditional use permit for the same or substantially the same conditional use on the same or substantially the same site shall be filed within one year from the date of denial or revocation of the permit unless such denial was a denial without prejudice by the planning commission or city council. (Prior code § 7530)

17.38.060 Conditional use permit to run with the land

A conditional use permit granted pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the permit application subject to the provisions of Section 17.38.065. (Prior code § 7531)

17.38.065 Abandonment of conditional use permit

If the use for which a conditional use permit was approved is discontinued for a period of one hundred eighty (180) days, the use shall be considered abandoned and any future use of the site as a conditional use will require the approval of a new conditional use permit.

17.38.070 Temporary uses or structures

- A. Conditional use permits for temporary uses or structures may be processed as administrative matters by the city planner and/or planning division staff. However, the city planner may, at his/her discretion, refer such application to the planning commission for consideration.
- B. The city planner and/or planning division staff is authorized to review applications and to issue such temporary permits, subject to the following conditions:
 1. Conditional use permits granted pursuant to this section shall be for a fixed period not to exceed thirty (30) days for each temporary use not occupying a structure, including promotional enterprises, or six months for all other uses or structures.
 2. Ingress and egress shall be limited to that designated by the planning division. Appropriate directional signing, barricades, fences or landscaping shall be provided where required. A security officer may be required for promotional events.
 3. Off-street parking facilities shall be provided on the site of each temporary use as prescribed in Section 17.34.020.
 4. Upon termination of the temporary permit, or abandonment of the site, the applicant shall remove all materials and equipment and restore the premises to their original condition.
 5. Opening and closing times for promotional enterprises shall coincide with the hours of operation of the sponsoring commercial establishment. Reasonable time limits for other uses may be set by the city planner and planning division staff.
 6. Applicants for a temporary conditional use permit shall have all applicable licenses and permits prior to issuance of a conditional use permit.
 7. Signing for temporary uses shall be subject to the approval of the city planner.
 8. Notwithstanding underlying zoning, temporary conditional use permits may be granted for fruit and vegetable stands on properties primarily within undeveloped agricultural areas. In reviewing applications for such stands, issues of traffic safety and land use compatibility shall be evaluated and mitigation measures and conditions may be imposed to ensure that the stands are built and are operated consistent with appropriate construction standards, vehicular access and off-street parking. All fruits and vegetables sold at such stands shall be grown by the owner/operator or purchased by said party directly from a grower/farmer.

- C. The applicant may appeal an administrative decision to the planning commission. (Ord. 9605 § 30 (part), 1996: prior code § 7532).

17.38.080 Public hearing--Notice

- A. The planning commission shall hold at least one public hearing on each application for a conditional use permit.
- B. Notice of the public hearing shall be given not less than ten days nor 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 which is the subject of the hearing, and by publication in a newspaper of general circulation within the city. (Prior code § 7533)

17.38.090 Investigation and report

The planning staff shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the planning commission. (Prior code § 7534)

17.38.100 Public hearing--Procedure

At the public hearing the planning commission shall review the application and the statement and drawing submitted therewith and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the findings prescribed in Section 17.38.110. The planning commission may continue a public hearing from time to time as it deems necessary. (Prior code § 7535)

17.38.110 Action by planning commission

- A. The planning commission may grant an application for a conditional use permit as requested or in modified form, if, on the basis of the application and the evidence submitted, the commission makes the following findings:
1. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the zone in which the site is located;
 2. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
- B. A conditional use permit may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the commission may prescribe. The commission may grant conditional approval for a permit subject to the effective date of a change of zone or other ordinance amendment.
- C. The commission may deny an application for a conditional use permit. (Prior code § 7536)

17.38.120 Appeal to city council

The decision of the City planning commission on a conditional use permit shall be subject to the appeal provisions of Section 17.02.145. (Prior code § 7537) (Ord. 2006-18 § 6, 2007)

17.38.130 Effective date of conditional use permit

A conditional use permit shall become effective immediately when granted or affirmed by the council, or upon the sixth working day following the granting of the conditional use permit by the planning commission if no appeal has been filed. (Prior code § 7539)

RESOLUTION NO. 2015-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2015-07, A REQUEST BY DONAHUE SCHRIBER REALTY GROUP L.P. TO ALLOW A CHECK CASHING BUSINESS, IN THE CCM (COMMUNITY COMMERCIAL) ZONE. THE SITE IS LOCATED AT 3206 N. DINUBA BOULEVARD, SUITE 2-E. (APN: 079-310-015).

WHEREAS, Conditional Use Permit No. 2015-07, is a request by Donahue Schriber Realty Group L.P. to allow a check cashing business, in the CCM (Community Commercial) zone. The site is located at 3206 N. Dinuba Boulevard, Suite 2-E. (APN: 079-310-015); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on April 13, 2015; and

WHEREAS, the Planning Commission of the City of Visalia finds the Conditional Use Permit No. 2015-07, as conditioned by staff, to be in accordance with Chapter 17.38.110 of the Zoning Ordinance of the City of Visalia as well as the Orchard Walk Specific Plan 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 (Categorical Exemption No. 2015-18).

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15305.

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 the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and the Zoning Ordinance. Specifically, the project is consistent with the required findings of the Zoning Ordinance Section 17.38.110:
 - a) The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
 - b) The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That the proposed project conforms to the policies and standards in the adopted Orchard Walk Specific Plan.

EXHIBIT - "A"

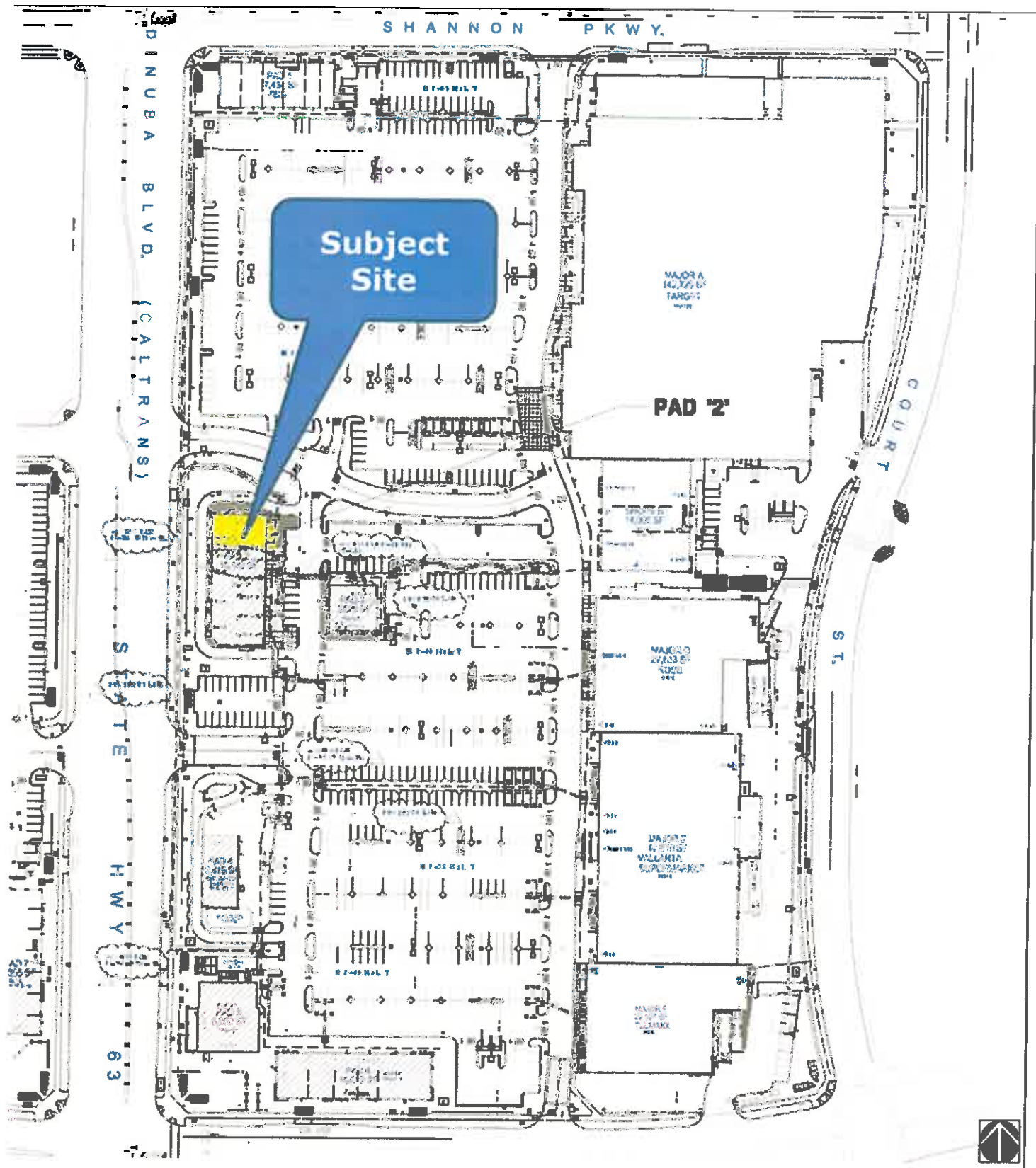
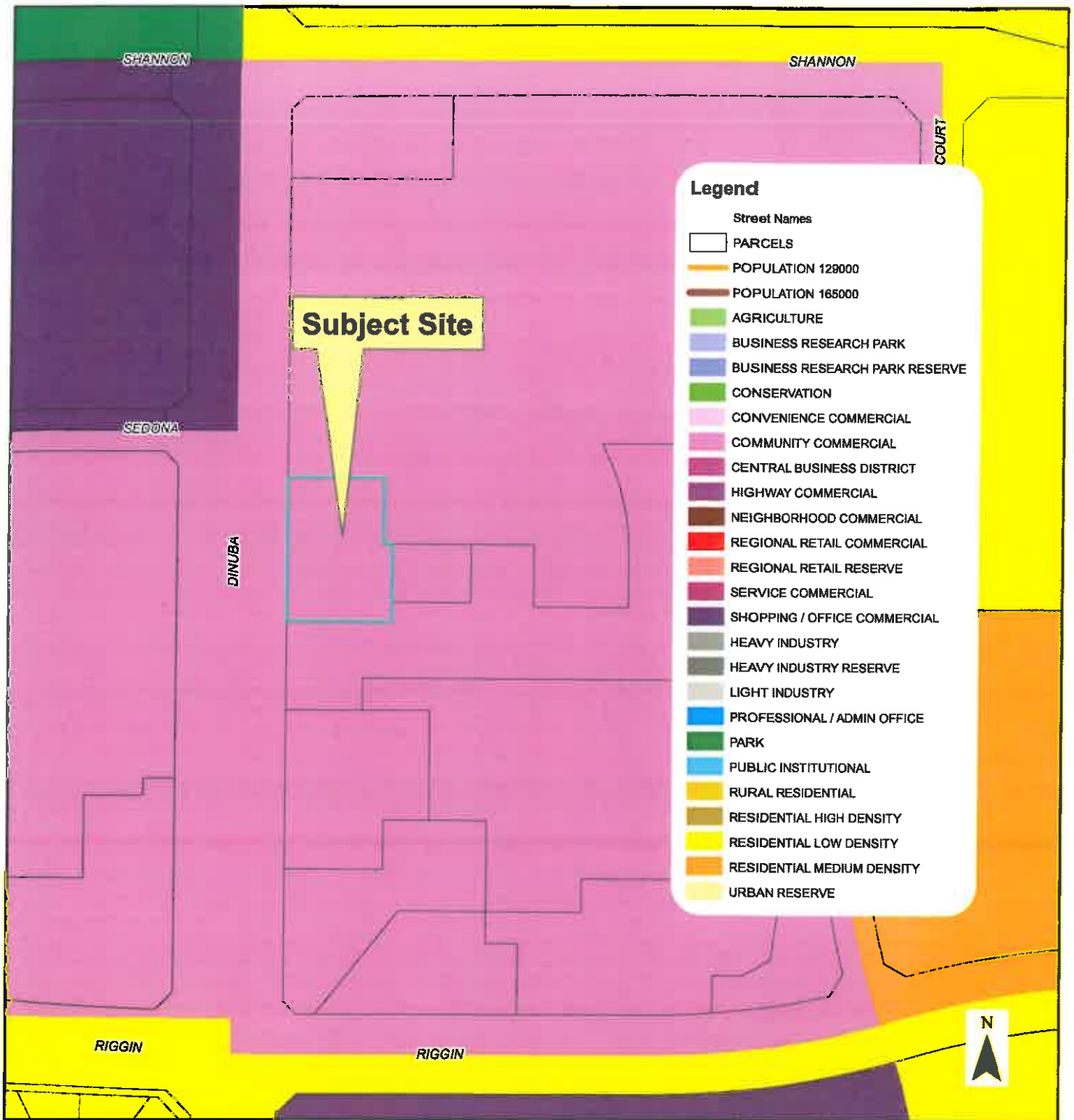


EXHIBIT - "A"

City of Visalia

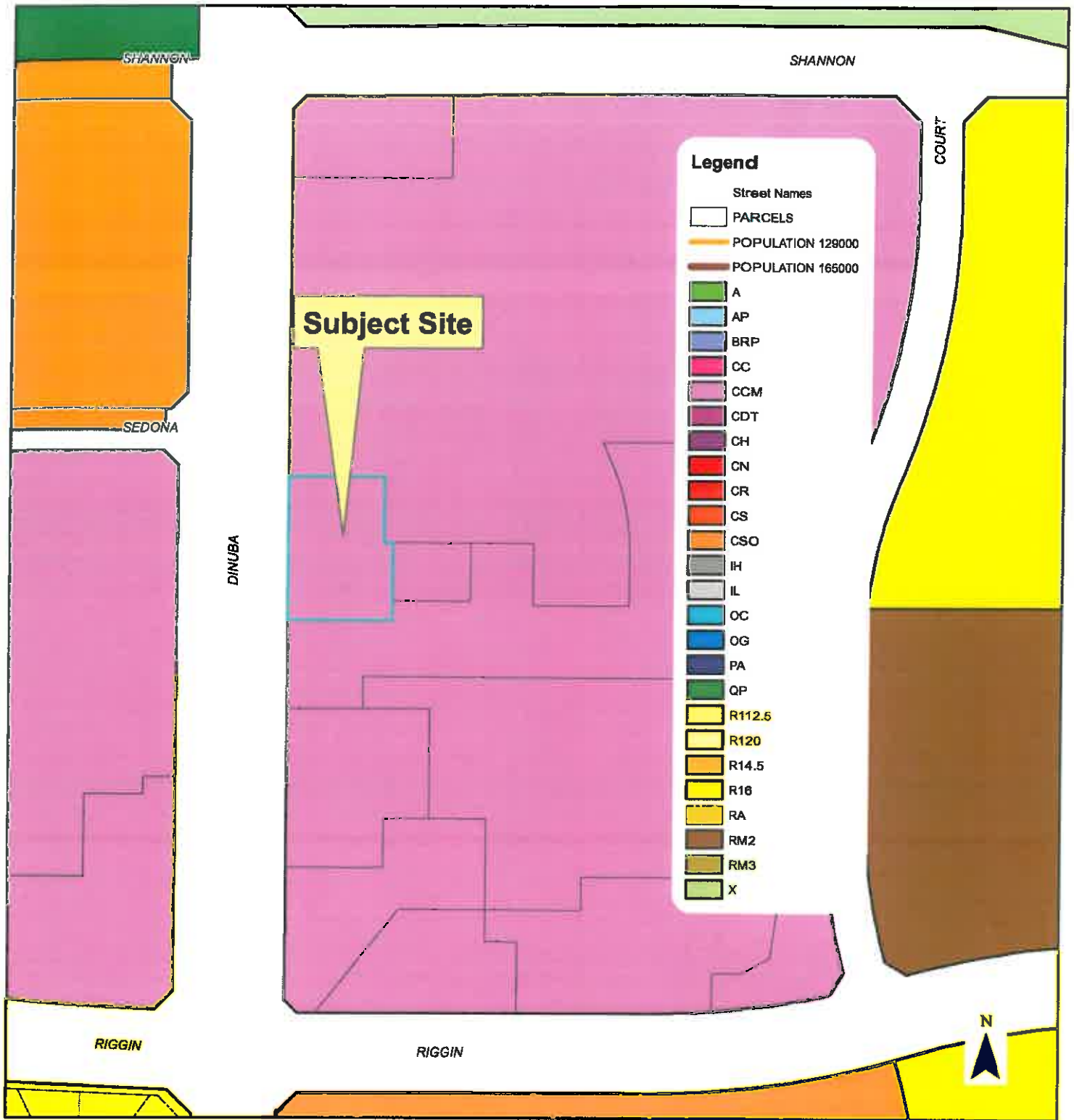


Land Use Designations



CUP No. 2015-07

City of Visalia



Zoning Designations

0 40 80 160 240 320 Feet

CUP No. 2015-07

City of Visalia



Aerial Photo

0 40 80 160 240 320 Feet

CUP No. 2015-07



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: April 13, 2015

PROJECT PLANNER: Andrew Chamberlain, Senior Planner
Phone No.: (559) 713-4003

SUBJECT: Conditional Use Permit No. 2015-02: A request by The Visalia Rotary Community Foundation to allow a two unit respite house for use by Kaweah Delta Health Care District, in the R-1-6 (Single Family Residential) zone. The site is located at 669 S. Watson Street. (APN: 096-143-004).

STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2015-02, as conditioned, based upon the findings and conditions in Resolution No. 2015-08. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan and Zoning Ordinance.

RECOMMENDED MOTION

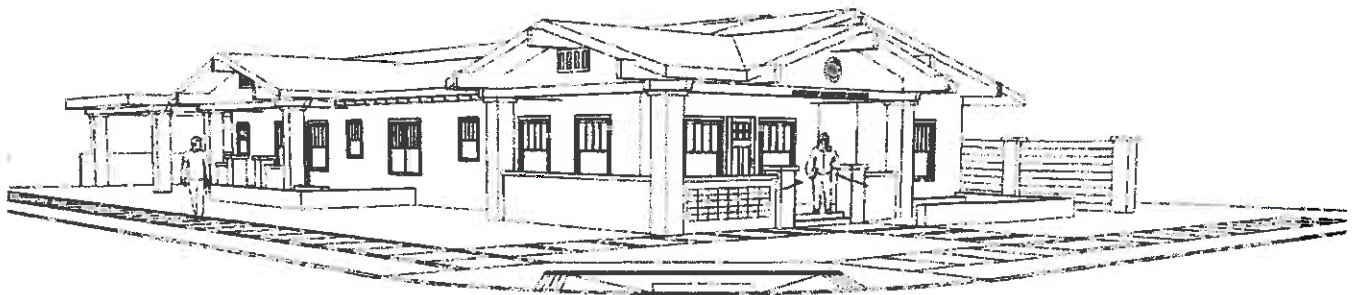
I move to approve Conditional Use Permit No. 2015-02, based on the findings and conditions in Resolution No. 2015-08.

PROJECT DESCRIPTION

Conditional Use Permit No. 2015-02 is a request by The Visalia Rotary Community Foundation to allow a two unit respite house for use by Kaweah Delta Health Care District, in the R-1-6 (Single Family Residential) zone. The proposed project would demolish an existing house that is in extremely poor condition and rebuild a two unit residential structure which closely matches the façade of the existing structure as shown in the site plan in Exhibit "A" and elevations in Exhibit "B". The site is within the Historic District wherein the replacement structure has been designed to architecturally match the existing bungalow structure and character of the neighborhood.

The proposed structure would have two residential units, a three bedroom unit and a two bedroom unit, with a carport at the west end of the structure. The three room unit would face out to the corner at Watson and Myrtle, with a second covered porch and entrance along Myrtle Avenue for the second unit. The curb, gutters and sidewalks would be reconstructed for this project.

As described in the Operational Statement in Exhibit "C", the units would be used by Kaweah Delta Hospital as respite houses for out of town families with members in the hospital. The site is within walking distance of the hospital to allow easy access for the residing families.



BACKGROUND INFORMATION

General Plan Land Use Designation:	Low Density Residential (No Change GPLUE Update 2014)
Zoning:	R-1-6 Single Family Residential
Surrounding Land Use and Zoning:	North: R-1-6 / Single-family residences South: R-1-6 / Single-family residences East: QP / Public Park West: R-1-6 / Single-family residences
Environmental Review:	Categorical Exemption No. 2015-16
Special District:	Historic District
Site Plan Review No:	2015-021

RELATED PLANS & POLICIES

Please see attached summary of related plans and policies. The proposed project is consistent with applicable plans and policies.

RELATED ACTIONS

HPAC No. 2014-12 – The Historic Preservation Advisory Committee approved the demolition of the existing structure based upon the approval of a replacement structure and conditional use permit for the respite house, which is the subject of CUP No. 2015-02.

HPAC No. 2015-03 – The Historic Preservation Advisory Committee reviewed and approved the proposed site plan and elevations contained in this report, with a recommendation to the Planning Commission to approve CUP No. 2015-02.

PROJECT EVALUATION

Staff supports the conditional use permit, as conditioned, based on the project's consistency with the General Plan and the Zoning Ordinance policies for approval of conditional use permits and changes to properties within the Historic District.

Land Use Compatibility

The subject site is zoned R-1-6 (Single Family Residential) which provides for single family residential uses. Through the conditional use permit process, public and private charitable institutions, hospitals and similar uses may be established, including duplex units on corner lots.



The proposed project would replace an existing 1,100 sq. ft. single family residence with a 2,922 sq. ft. architecturally consistent bungalow style structure with two units and an attached carport as shown in Exhibits "A" and "B". The site is within a historic single family residential neighborhood that contains single and multiple family residential units with an overall single family residential character. The size and placement of the unit is generally consistent with

the neighborhood, and single family in appearance. The Historic Preservation Advisory Committee has reviewed the unit design and site plan and found it to be consistent with the historic character of the neighborhood.

Operational Statement

The operational statement in Exhibit "C" discusses the use of the proposed structure as a respite house for the Kaweah Delta Health Care District in association with the hospital. The Rotary Foundation would construct the unit and lease it to Kaweah Delta, with the hospital being responsible for the upkeep and maintenance of the site and structure. The Historic Preservation Advisory Committee recommendation for approval includes a recommendation to apply the Good Neighbor policies to the project. The inclusion of the Good Neighbor Policies as part of the project's Conditions of Approval is to ensure that this facility maintains the site and residential structure in a visually compatible manner with respect to the surrounding residential properties. This condition has been applied to several similar facilities located throughout the community. Staff has included this recommendation as Condition No. 6.

Staff finds that as proposed and conditioned herein the respite house facility would be consistent with the historic character of the neighborhood and surrounding residential land uses.

Historic Preservation Advisory Committee Review

The Historic Preservation Advisory Committee has reviewed the proposed plan and recommends that the Planning Commission approve the proposed project based upon the site plan, elevations, and operational statement contained in this report. At the Historic Preservation meeting on March 11, 2015, the Committee recommended that the carport portion of the structure be shortened to 24 feet deep, and the roof be flat instead of pitched like the porch covers. The applicant has made these changes, which are reflected in the site plan and elevations.

At a previous Historic Preservation meeting the Committee approved the demolition of the existing residential structure based upon the replacement structure being architecturally consistent with the existing structure, and that a use permit was approved for the respite house facility. The applicant has met the architectural requirements, and approval of this proposed use permit would meet the remaining Historic Preservation requirements for this project.

Setbacks

Through the conditional use permit process, minor deviations in setbacks and standards may be approved. The following section describes the setbacks and staff support of the proposed building layout.

The **front setback** along Watson Street is proposed at 16 feet to the porch post and 21 feet to the enclosed habitable space. The existing structure has a setback of 25 feet to the porch and 28 feet to the habitable space. This meets the minimum 15 feet of setback to habitable space.

Other units along this section of Watson Street are setback approximately 25 to 30 feet with the exception of the patio on the unit south of the subject site which has a setback of approximately 21 feet, and 33 feet to the habitable space.

While this puts the proposed unit closer to the street than other units along the west side of Watson Street, staff believes this is consistent with the overall streetscape due to the large open front porch and the location on a corner lot.

The **street side setback** along Myrtle Avenue is 15 feet to the main porch at the corner, 14 feet to the second western porch, and 10 feet to the carport posts. The minimum setback is 10 feet to habitable space and 22 feet to garages along the street side. The existing unit is approximately 14 feet to the porch post and 22 feet to the habitable space.

The habitable space for the proposed unit meets the setback requirements. The proposed carport does not meet the setbacks. At approximately 24 feet deep, the carport was designed to accommodate parking for two units. The applicant has indicated that the extension of the carport out past the porches was to break up and stagger the Myrtle Avenue building fascia. As an open carport with a 3-foot high stem wall along the west side, the appearance is intended to not visually bring building mass out towards the street, while providing architectural consistency with the unit and neighborhood.

Staff is supportive of the setbacks along the Myrtle Street frontage. The variation in the porches and carport does provide visual interest and breaks up what could be a long linear appearance.

As shown in Exhibit "A", the proposed structure does not meet R-1-6 zone **rear yard setback** along the west or north property lines. The proposal is to provide five feet, instead of the minimum setback of 25 feet. On corner lots the owner may choose which side is to be designated the rear, in this case the north setback is five and a half feet and the west side is five feet. Either one, the north or west setbacks, could be at five feet, but the other should be 20-25 feet. Currently, the north property line has a typical setback of 5-7 feet.

Staff supports the requested setback since it could be at five feet along the north or west property lines. The loss of private rear yard open space is not a critical issue based upon the intended use of the property. Since both the west and north property lines could be the rear yard, or the side yard with five-foot setbacks, staff does not find the proposed setbacks inconsistent with overall development patterns in the area.

Lot Coverage

There are no lot coverage standards for the R-1-6 zone. Based upon the intended use of the units, the provision of large porches and landscaping along the street frontages and the proximity to a park across the street, staff feels the provision of open space for the project is met in these circumstances.

Parking

The carport is at the west end of the site along the Myrtle Avenue



frontage. It has been designed to accommodate covered parking for two vehicles and will allow tandem parking for two more vehicles to provide a total of four parking stalls on the site.

The proximity to the hospital will allow for users to walk to the hospital rather than driving which should result in reduced vehicle trips to and from the site. As a corner lot, the site has ample on-street parking available.

Environmental Review

This project is considered Categorical Exempt under Section 15303 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) for approval of new construction or conversion of small structures including single-family residence in an urbanized area that are consistent with the general plan designation and applicable zoning designations and regulations (Categorical Exemption No. 2015-16).

RECOMMENDED FINDINGS

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan, and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
 - a) The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
 - b) The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That the Historic Preservation Advisory Committee has reviewed and recommended approval of this project, finding that it is consistent with the historic character of the neighborhood and the Historic Preservation Ordinance and Element.
4. That the removal and replacement of a structure in the Historic District with an architecturally matching structure, as approved by the Historic Preservation Advisory Committee, is consistent with the Historic Ordinance and Element.
5. That the removal and replacement of a structure in the Historic District with a matching structure as approved by the Historic Preservation Advisory Committee would not be detrimental to the Historic District or surrounding properties.
6. That the project is Categorical Exempt under Section 15303 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), as amended. (Categorical Exemption No. 2015-16).

RECOMMENDED CONDITIONS OF APPROVAL

1. That the site be developed consistent with the comments and conditions of the Site Plan Review No. 2015-021.
2. That the site be developed in substantial compliance with the site plan, floor plan, and elevations in Exhibits "A" and "B".
3. That the facility operates as outlined in the operational statement in Exhibit "C", and as conditioned per the conditions of approval.
4. That any changes in the operational profile and/or the site of the facility be submitted to the Planning Division for review to determine consistency with the conditional use permit or if an amendment to this use permit would be warranted.
5. That all applicable conditions of HPAC 2015-03 and HPAC 2014-12 shall met.
6. That the facility shall be subject to the following "good neighbor" policy conditions:
 - a. All development standards, city codes and ordinances shall be continuously met for this use. Buildings and premises, including paint/siding, roofs, windows, fences, and landscaping shall be kept in good repair. Premises shall be kept free of junk and debris.
 - b. Provide a regular program for the control of infestation by insects, rodents, and other pests.
 - c. Maintain all electrical, plumbing, heating, and other facilities in good working order.
 - d. Maintain all structures in reasonably weather tight condition and good exterior appearance.
 - e. Remove graffiti on the site or in the public right of way in front of the site within 24 hours of it having been observed.
 - f. That the site shall always be maintained in keeping with the residential character of the surrounding neighborhood.
 - g. All on-site landscaping shall be maintained in a well groomed residential character.
 - h. At least one operator of the program shall be available by phone at all times to respond to management and maintenance issues raised by any concerned individual.
 - i. Provide 24-hour access for Visalia Police Department to facility staff. Staff shall be either on-site or available by telephone or pager at all times, with phone numbers to be provided to the Police Department dispatch center and kept current at all times.
7. That all applicable federal, state and city codes and ordinances be met.
8. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and/or property owner, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2015-02.

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 425 East Oak Avenue, Suite 301, 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.ci.visalia.ca.us or from the City Clerk.

Attachments:

- Related Plans & Policies
- Resolution No. 2015-08
- Exhibit "A" – Site Plan/Floor Plans
- Exhibit "B" – Elevations
- Exhibit "C" –Operational Statement
- Site Plan Review No. 2015-021
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Vicinity Map

RESOLUTION NO. 2015-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2015-02, A REQUEST BY THE VISALIA ROTARY COMMUNITY FOUNDATION TO ALLOW A TWO UNIT RESPITE HOUSE FOR USE BY KAWEAH DELTA HEALTH CARE DISTRICT, IN THE R-1-6 (SINGLE FAMILY RESIDENTIAL) ZONE. THE SITE IS LOCATED AT 669 S. WATSON STREET. (APN: 096-143-004)

WHEREAS, Conditional Use Permit No. 2015-02, is a request by The Visalia Rotary Community Foundation to allow a two unit respite house for use by Kaweah Delta Health Care District, in the R-1-6 (Single Family Residential) zone. The site is located at 669 S. Watson Street. (APN: 096-143-004); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on April 13, 2015; and

WHEREAS, the Planning Commission of the City of Visalia finds the Conditional Use Permit No. 2015-02, as conditioned by staff, to be in accordance with Chapter 17.38.110 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 (Categorical Exemption No. 2015-16).

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15303.

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 the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan, and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
 - a) The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
 - b) The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That the Historic Preservation Advisory Committee has reviewed and recommended approval of this project, finding that it is consistent with the historic character of the neighborhood and the Historic Preservation Ordinance and Element.

4. That the removal and replacement of a structure in the Historic District with an architecturally matching structure as approved by the Historic Preservation Advisory Committee would not be detrimental to the Historic District or surrounding properties.
5. That the project is Categorically Exempt under Section 15303 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), as amended. (Categorical Exemption No. 2015-16).

BE IT FURTHER RESOLVED that the Planning Commission hereby approves the Conditional Use Permit on the real property here described in accordance with the terms of this resolution under the provisions of Section 17.38.110 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the site be developed consistent with the comments and conditions of the Site Plan Review No. 2015-021.
2. That the site be developed in substantial compliance with the site plan, floor plan, and elevations in Exhibits "A" and "B".
3. That the facility operates as outlined in the operational statement in Exhibit "C", and as conditioned per the conditions of approval.
4. That any changes in the operational profile and/or the site of the facility be submitted to the Planning Division for review to determine consistency with the conditional use permit or if an amendment to this use permit would be warranted.
5. That all applicable conditions of HPAC 2015-03 and HPAC 2014-12 shall met.
6. That the facility shall be subject to the following "good neighbor" policy conditions:
 - a. All development standards, city codes and ordinances shall be continuously met for this use. Buildings and premises, including paint/siding, roofs, windows, fences, and landscaping shall be kept in good repair. Premises shall be kept free of junk and debris.
 - b. Provide a regular program for the control of infestation by insects, rodents, and other pests.
 - c. Maintain all electrical, plumbing, heating, and other facilities in good working order.
 - d. Maintain all structures in reasonably weather tight condition and good exterior appearance.
 - e. Remove graffiti on the site or in the public right of way in front of the site within 24 hours of it having been observed.
 - f. That the site shall always be maintained in keeping with the residential character of the surrounding neighborhood.
 - g. All on-site landscaping shall be maintained in a well groomed residential character.
 - h. At least one operator of the program shall be available by phone at all times to respond to management and maintenance issues raised by any concerned individual.
 - i. Provide 24-hour access for Visalia Police Department to facility staff. Staff shall be either on-site or available by telephone or pager at all times, with

phone numbers to be provided to the Police Department dispatch center and kept current at all times

7. That all applicable federal, state and city codes and ordinances be met.
8. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and/or property owner, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2015-02.

Exhibit "A"

MATSON STREET

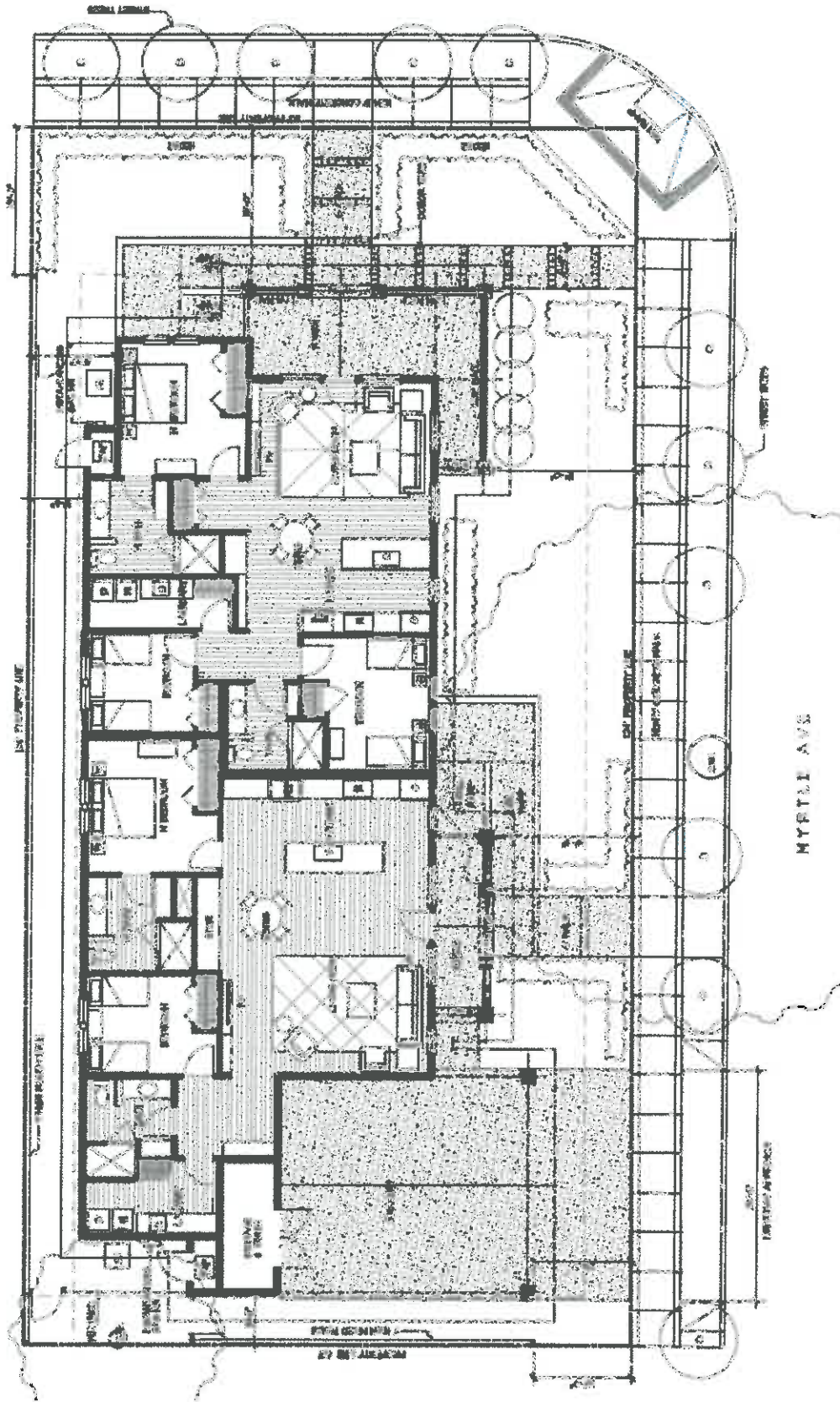
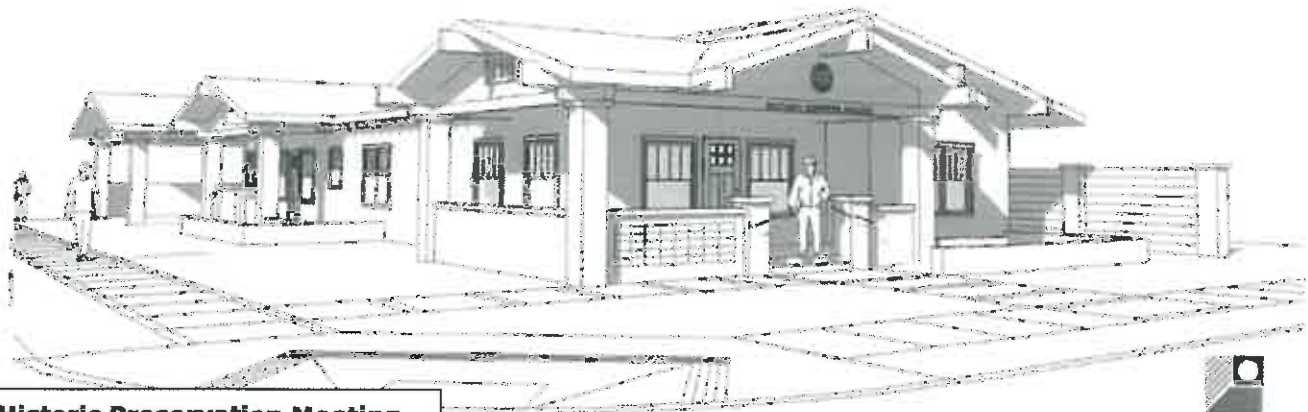
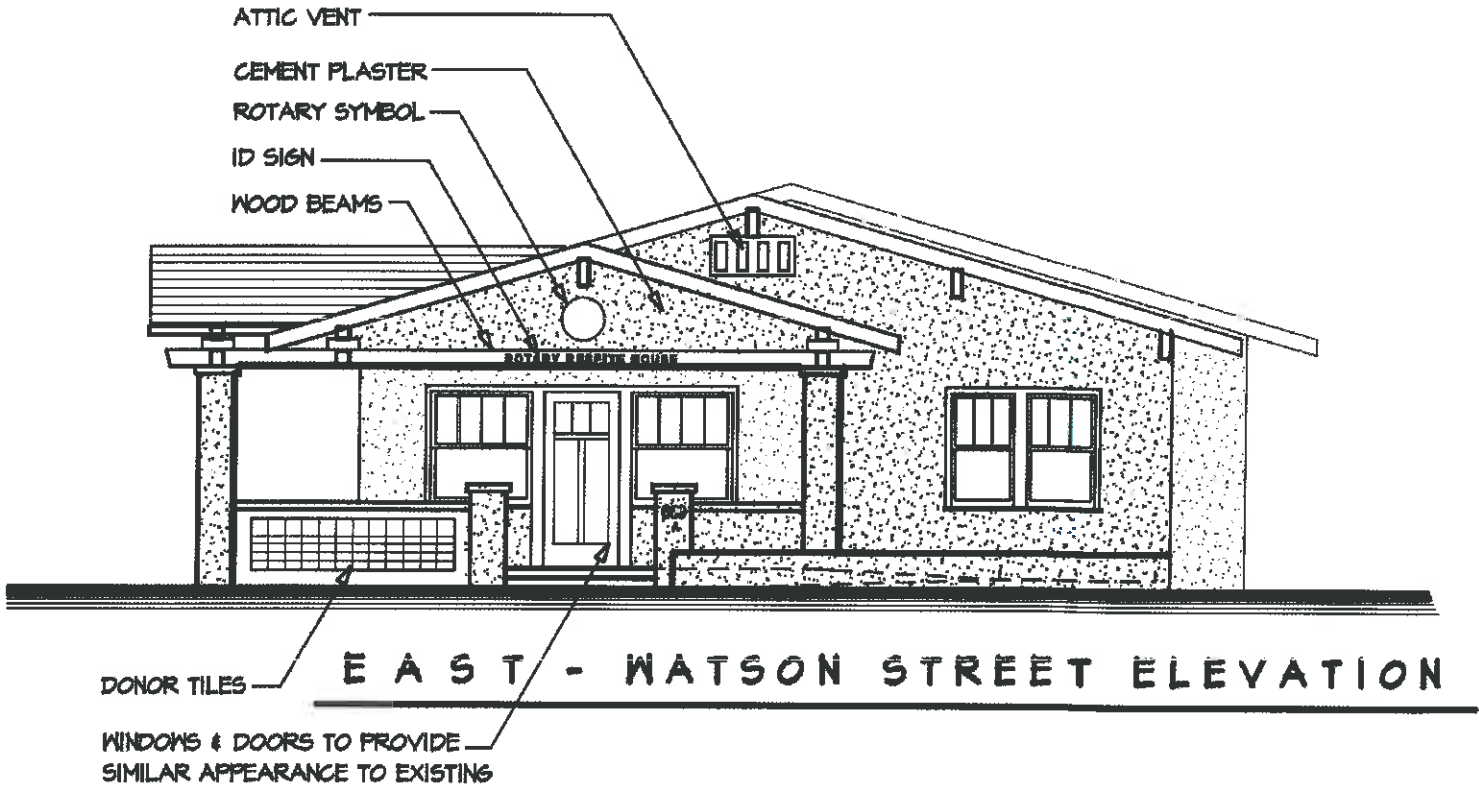


Exhibit "A"

Exhibit - B



Historic Preservation Meeting Perspective with Pitched Carport Roof



Exhibit - B

Exhibit "B"

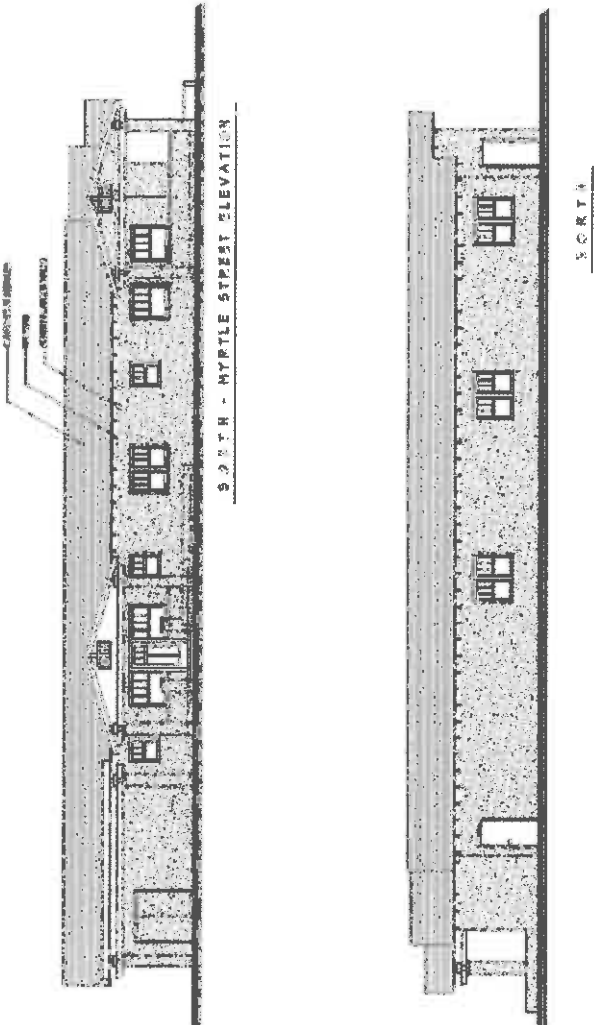
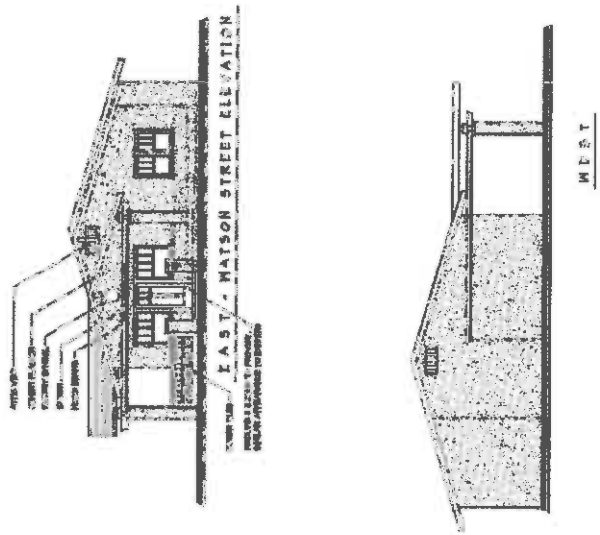


Exhibit - B

Exhibit "C"

OPERATIONAL STATEMENT

For
Rotary Respite House, 669 S. Watson, Visalia, CA

Background

Over 11 years ago Christ Lutheran Church offered a 3 bedroom 2 bath home on its campus to Kaweah Delta Hospital. The simple purpose was to offer free housing to folks with a loved one in the hospital. Christ Lutheran maintained it, but the Social Services Department operated it within basic guidelines that were mutually acceptable. Christ Lutheran needed to use the home for a different purpose, so effective July 1, 2013 the relationship was terminated.

The Need

It was obvious that there was a huge need based on the 11 years of usage. It was also obvious that such a house needed to be within walking distance to Kaweah Delta. Thus, the hunt began. In 2014 The Visalia Rotary Community Foundation agreed to donate \$200,000 for making a new location happen. Finally, a great location was found and through the efforts of many folks, The Visalia Rotary Community Foundation gained Title to the subject property.

The Status

A Memorandum of Understanding has been executed between The Visalia Rotary Community Foundation and Kaweah Delta Health Care District. Upon all necessary permits and approvals the current building will be demolished. A brand new du-plex consisting of (1) 3BR 2Bath unit and (1) 2BR 2 Bath unit. Each unit will have indoor laundry rooms and covered parking on site for 1 car per unit. Once the building is completed, the hospital will rent the property from the Visalia Rotary Community Foundation for \$1 per year. This will be done on a Triple Net Lease basis. The initial term is would be for 10 years.

The Operation and Responsibilities:

The Social Services Department at Kaweah Delta will have sole operation authority to include, but not limited to: selection of occupants, length of stay. It will be operated within all governmental guidelines. Kaweah Health Care District will be responsible for:

- Repairs and maintenance
- Landscape maintenance
- Noise control
- Correction of any code violations
- Utility costs

Summary:

Occupants will move in and out of property as directed by their need and the guidelines of Kaweah Delta Health Care District. At NO time will there ever be more than one family occupying each unit. At this time it is not know the amount of usage but based on past experience, it would be reasonable to assume around 250-300 nights per year of occupancy.

Two units with parking

Users placed by Social Services Department at Kaweah Delta

Occupancy – 250 to 300 nights per year

Walking distance to Hospital

Exhibit "C"



MEETING DATE February 4, 2015
SITE PLAN NO. 15-021
PARCEL MAP NO.
SUBDIVISION
LOT LINE ADJUSTMENT NO.

Enclosed for your review are the comments and decisions of the Site Plan Review committee. Please review all comments since they may impact your project.

- RESUBMIT** Major changes to your plans are required. Prior to accepting construction drawings for building permit, your project must return to the Site Plan Review Committee for review of the revised plans.
- During site plan design/policy concerns were identified, schedule a meeting with
- Planning Engineering prior to resubmittal plans for Site Plan Review.
- Solid Waste Parks and Recreation Fire Dept.

REVISE AND PROCEED (see below)

- A revised plan addressing the Committee comments and revisions must be submitted for Off-Agenda Review and approval prior to submitting for building permits or discretionary actions.
- Submit plans for a building permit between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday.
- Your plans must be reviewed by:
- CITY COUNCIL REDEVELOPMENT
 PLANNING COMMISSION PARK/RECREATION
 HISTORIC PRESERVATION OTHER _____

ADDITIONAL COMMENTS _____

If you have any questions or comments, please call Jason Huckleberry at (559) 713-4259.

**BUILDING/DEVELOPMENT PLAN
REQUIREMENTS
ENGINEERING DIVISION**

- Jason Huckleberry 713-4259
 Adrian Rubalcaba 713-4271

ITEM NO: 6 DATE: FEBRUARY 4, 2015

SITE PLAN NO.: 15-021
PROJECT TITLE: ROTARY RESPITE HOUSE
DESCRIPTION: DEMOLISH EXISTING RESIDENCE AND BUILD NEW 3,004 SF DUPLEX TO BE LOANED OUT AS HOUSING FOR KDDH PATIENTS FAMILIES ON 7,688 SF AREA (R16 ZONED) (X) (HISTORIC)
APPLICANT: SCOTT & ASSOCIATES - SCOTT FRED
PROP OWNER: VISALIA ROTARY COMMUNITY FOUNDATION
LOCATION: 669 S WATSON ST
APN: 096-143-004

SITE PLAN REVIEW COMMENTS

REQUIREMENTS (indicated by checked boxes)

Install curb return with ramp, with 20' radius;

Install curb: gutter

Drive approach size: 18' MIN. Use radius return;

Sidewalk: 5' width; 5' parkway width at **WATSON & MYRTLE**

Repair and/or replace any sidewalk across the public street frontage(s) of the subject site that has become uneven, cracked or damaged and may constitute a tripping hazard.

Replace any curb and gutter across the public street frontage(s) of the subject site that has become uneven and has created areas where water can stand.

Right-of-way dedication required. A title report is required for verification of ownership. **AREA FOR RAMP**

Deed required prior to issuing building permit;

City Encroachment Permit Required. **ALL WORK IN PUBLIC RIGHT-OF-WAY**

Insurance certificate with general & auto liability (\$1 million each) and workers compensation (\$1 million), valid business license, and appropriate contractor's license must be on file with the City, and valid Underground Service Alert # provided prior to issuing the permit. Contact Encroachment Tech. at 713-4414.

CalTrans Encroachment Permit required. CalTrans comments required prior to issuing building permit. Contacts: David Deel (Planning) 488-4088;

Landscape & Lighting District/Home Owners Association required prior to approval of Final Map. Landscape & Lighting District will maintain common area landscaping, street lights, street trees and local streets as applicable. Submit completed Landscape and Lighting District application and filing fee a min. of 75 days before approval of Final Map.

Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.

Grading & Drainage plan required. If the project is phased, then a master plan is required for the entire project area that shall include pipe network sizing and grades and street grades. Prepared by registered civil engineer or project architect. All elevations shall be based on the City's benchmark network. Storm run-off from the project shall be handled as follows: a) directed to the City's existing storm drainage system; b) directed to a permanent on-site basin; or c) directed to a temporary on-site basin is required until a connection with adequate capacity is available to the City's storm drainage system. On-site basin: : maximum side slopes, perimeter fencing required, provide access ramp to bottom for maintenance.

Grading permit is required for clearing and earthwork performed prior to issuance of the building permit.

Show finish elevations. (Minimum slopes: A.C. pavement = 1%, Concrete pavement = 0.25%. Curb & Gutter = .020%, V-gutter = 0.25%)

Show adjacent property grade elevations. A retaining wall will be required for grade differences greater than 0.5 feet at the property line.

All public streets within the project limits and across the project frontage shall be improved to their full width, subject to available right of way, in accordance with City policies, standards and specifications.

- Traffic indexes per city standards:
- Install street striping as required by the City Engineer.
- Install landscape curbing (typical at parking lot planters).
- Minimum paving section for parking: 2" asphalt concrete paving over 4" Class 2 Agg. Base, or 4" concrete pavement over 2" sand.
- Design Paving section to traffic index of 5.0 min. for solid waste truck travel path.
- Provide "R" value tests: each at
- Written comments required from ditch company Contacts: James Silva 747-1177 for Modoc, Persian, Watson, Oakes, Flemming, Evans Ditch and Peoples Ditch; Jerry Hill 686-3425 for Tulare Irrigation Canal, Packwood and Cameron Creeks; Bruce George 747-5601 for Mill Creek and St. John's River.
- Access required on ditch bank, 15' minimum Provide wide riparian dedication from top of bank.
- Show Oak trees with drip lines and adjacent grade elevations. Protect Oak trees during construction in accordance with City requirements.
- A permit is required to remove oak trees. Contact Joel Hooyer at 713-4295 for an Oak tree evaluation or permit to remove. A pre-construction conference is required.
- Relocate existing utility poles and/or facilities.
- Underground all existing overhead utilities within the project limits. Existing overhead electrical lines over 50kV shall be exempt from undergrounding.
- Subject to existing Reimbursement Agreement to reimburse prior developer:
- Fugitive dust will be controlled in accordance with the applicable rules of San Joaquin Valley Air District's Regulation VIII. Copies of any required permits will be provided to the City.
- If the project requires discretionary approval from the City, it may be subject to the San Joaquin Valley Air District's Rule 9510 Indirect Source Review per the rule's applicability criteria. A copy of the approved AIA application will be provided to the City.
- If the project meets the one acre of disturbance criteria of the State's Storm Water Program, then coverage under General Permit Order 2009-0009-DWQ is required and a Storm Water Pollution Prevention Plan (SWPPP) is needed. A copy of the approved permit and the SWPPP will be provided to the City.
- Comply with prior comments. Resubmit with additional information. Redesign required.

Additional Comments:

- 1. Comply with current City standards.**
- 2. New 20' radius curb return is required. Additional improvements to pavement and adjoining curb and gutter will be required to comply with City standard curb return design specifications.**
- 3. Conform to requirements and prohibitions around Valley Oaks; refer to Urban Forestry Dept. conditions of approval.**
- 4. Additional right-of-way is required to be deeded to the City for the portion of curb ramp beyond property line. Refer to City standard procedure and format for a Grant Deed, available on the City's website.**
- 5. The proposed new 5' sidewalk is adequate. Meandering of the sidewalk around existing oak tree may be required. An easement to the City will be required if for portion of sidewalk on private property. Refer to City standard procedure and document format for a Grant of Easement, available on the City's website.**
- 6. Relocation or removal of utility pole located where new ramp will be installed is required.**
- 7. Impact fees apply to proposed duplex. A credit for the single family dwelling will be applied towards applicable impact fee assessment. Refer to page 3 for fee summary; total estimate = \$5,784**
- 8. Building permit plan check and inspection fees apply.**

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: 15-021
Date: 2/4/2015

Summary of applicable Development Impact Fees to be collected at the time of building permit:
(Preliminary estimate only! Final fees will be based on the development fee schedule in effect at the time of building permit issuance.)

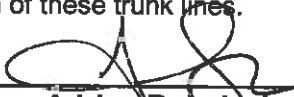
(Fee Schedule Date:8/15/2014)
(Project type for fee rates:MULTI-FAMILY)

Existing uses may qualify for credits on Development Impact Fees. SFD

<u>FEE ITEM</u>	<u>FEE RATE</u>
<input type="checkbox"/> Groundwater Overdraft Mitigation Fee	
<input checked="" type="checkbox"/> Transportation Impact Fee	\$3,376/UNIT X 2 - (\$4,808CR) = \$1,944
<input checked="" type="checkbox"/> Trunk Line Capacity Fee	\$404/UNIT X 2 - (\$715CR) = \$93. TREATMENT PLANT FEE: \$709/UNIT X 1 = \$709
<input type="checkbox"/> Sewer Front Foot Fee	
<input type="checkbox"/> Storm Drain Acq/Dev Fee	
<input checked="" type="checkbox"/> Park Acq/Dev Fee	\$2,912/UNIT X 2 - (\$3,306CR) = \$2,518
<input type="checkbox"/> Northeast Specific Plan Fees	
<input type="checkbox"/> Waterways Acquisition Fee	
<input type="checkbox"/> Public Safety Impact Fee: Police	
<input type="checkbox"/> Public Safety Impact Fee: Fire	
<input checked="" type="checkbox"/> Public Facility Impact Fee	\$520/UNIT X 1 = \$520
<input type="checkbox"/> Parking In-Lieu	

Reimbursement:

- 1.) No reimbursement shall be made except as provided in a written reimbursement agreement between the City and the developer entered into prior to commencement of construction of the subject facilities.
- 2.) Reimbursement is available for the development of arterial/collector streets as shown in the City's Circulation Element and funded in the City's transportation impact fee program. The developer will be reimbursed for construction costs and right of way dedications as outlined in Municipal Code Section 16.44. Reimbursement unit costs will be subject to those unit costs utilized as the basis for the transportation impact fee.
- 3.) Reimbursement is available for the construction of storm drain trunk lines and sanitary sewer trunk lines shown in the City's Storm Water Master Plan and Sanitary Sewer System Master Plan. The developer will be reimbursed for construction costs associated with the installation of these trunk lines.



Adrian Rubalcaba



Site Plan Review Comments For:
 Visalia Fire Department
 Kurtis A. Brown,
 Fire Marshal
 707 W Acequia
 Visalia, CA 93291
 559-713-4261 office
 559-713-4808 fax

ITEM NO: 6 DATE: February 04, 2015
 SITE PLAN NO: SPR15021
 PROJECT TITLE: ROTARY RESPITE HOUSE
 DESCRIPTION: DEMOLISH EXISTING RESIDENCE AND BUILD NEW 3,004 SF DUPLEX TO BE LOANED OUT AS HOUSING FOR KDDH PATIENTS FAMILIES ON 7,688 SF AREA (R16 ZONED) (X) (HISTORIC)
 APPLICANT: SCOTT & ASSOCIATES - SCOTT FRED
 PROP OWNER: VISALIA ROTARY COMMUNITY FOUNDATION
 LOCATION: 669 S WATSON ST
 APN(S): 096-143-004

The following comments are applicable when checked:

- The Site Plan Review comments are issued as general overview of your project. With further details, additional requirements will be enforced at the Plan Review stage. Please refer to the 2013 California Fire Code (CFC), 2013 California Building Codes (CBC) and City of Visalia Municipal Codes.
- All fire detection, alarm, and extinguishing systems in existing buildings shall be maintained in an operative condition at all times and shall be replaced or repaired where defective. If building has been vacant for a significant amount of time, the fire detection, alarm, and or extinguishing systems may need to be evaluated by a licensed professional. *2013 CFC 901.6*
- No fire protection items required for parcel map or lot line adjustment; however, any future projects will be subject to fire & life safety requirements including fire protection.
- More information is needed before a Site Plan Review can be conducted. Please submit plans with more detail. Please include information on

General:

- Address numbers must be placed on the exterior of the building in such a position as to be clearly and plainly visible from the street. Numbers will be at least four inches (4") high and shall be of a color to contrast with their background. If multiple addresses served are by a common driveway, the range of numbers shall be posted at the roadway/driveway. *2013 CFC 505.1*
- A Knox Box key lock system is required. Where access to or within a structure or an area is restricted because of secured openings (doors and/or gates) or for fire-fighting purposes, a key box is to be installed in an approved location. (Note: Knox boxes shall be ordered using an approved application that can be found at Fire Administration Office located at 707 W. Acequia Ave. Please allow adequate time for shipping and installation.) *2013 CFC 506.1*
- All hardware on exit doors shall comply with Chapter 10 of the 2013 California Fire Code. This includes all locks, latches, dolt locks, and panic and fire exit hardware.
- Provide Illuminated exit signs and emergency lighting through-out building. *2013 CFC 1011*
- When portion of the building are built upon a property line or in close proximity to another structure the exterior wall shall be constructed as to comply *2013 California Building Code Table 508.4 and Table 602.*

Commercial dumpsters with 1.5 cubic yards or more shall not be stored or placed within 5 feet of combustibles walls, openings, or a combustibles roof eave line except when protected by a fire sprinkler system. 2013 CFC 304.3.3

- If your business handles hazardous material in amounts that exceed the Maximum Allowable Quantities listed on *Table 5003.1.1(1), 5003.1.1(2), 5003.1.1(3) and 5003.1.1(4) of the 2013 California Fire Code*, you are required to submit an emergency response plan to the Tulare County Health Department. Also you shall indicate the quantities on your building plans and prior to the building final inspection a copy of your emergency response plan and Safety Data Sheets shall be submitted to the Visalia Fire Department.

Water Supply:

- Construction and demolition sites shall have an approved water supply for fire protection, either temporary or permanent, and shall be made available as soon as combustibles material arrives on the site. 2013 CFC 3312

- No additional fire hydrants are required for this project; however, additional fire hydrants may be required for any future development.

- There is/are fire hydrants required for this project. (See marked plans for fire hydrant locations.)

- Fire hydrant spacing shall comply with the following requirements:

The exact location of fire hydrants and final decision as to the number of fire hydrants shall be at the discretion of the fire marshal, fire chief and/or their designee. *Visalia Municipal Code 16.36.120 & 16.36.120(8)*

Single-family residential developments shall be provided with fire hydrants every six hundred (600) lineal feet of residential frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.

Multi-family, zero lot line clearance, mobile home park or condominium developments shall be provided with fire hydrants every four hundred (400) lineal feet of frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.

Multi-family or condominium developments with one hundred (100) percent coverage fire sprinkler systems shall be provided with fire hydrants every six (600) lineal feet of frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.

Commercial or industrial developments shall be provided with fire hydrants every three hundred (300) lineal feet of frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.

Commercial or industrial developments with one hundred (100) percent coverage fire sprinkler systems shall be provided with fire hydrants every five hundred (500) lineal feet of frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.

- When any portion of a building is in excess of one hundred fifty (150) feet from a water supply on a public street there shall be provided on site fire hydrants and water mains capable of supplying the required fire flow. *Visalia Municipal Code 16.36.120(6)*

Emergency Access:

- A construction access road is required and shall be a minimum of 20 feet wide. The road shall be an all-weather driving surface accessible prior to and during construction. The access road shall be capable of holding 75,000 pound piece of fire apparatus, and shall provide access to within 100 feet of temporary or permanent fire department connections. 2013 CFC 3310
- Buildings or portions of buildings or facilities with a vertical distance between the grade plans and the highest roof surface exceed 30 feet shall provide an approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders. Access routes shall be located within a minimum of 15 feet and maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. 2013 CFC D105
- A fire apparatus access roads shall be provide and must comply with the CFC and extend to within 150 of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Minimum turning radius for emergency fire apparatus shall be 20 feet inside radius and 43 feet outside radius. 2013 CFC 503.1.1
- Fire apparatus access roads in excess of 150 feet and dead end shall be provided with a turnaround. Length 151-500 feet shall be a minimum of 20 feet in width and have a 120 foot Hammerhead, 60-foot "Y" or 96-Foot diameter Cul-de-sac in accordance with Figure D103.1 of the 2013 CFC. Length 501-750 feet shall be 26 feet in width and have a 120 foot Hammerhead, 60-foot "Y" or 96-Foot diameter Cul-de-sac in accordance with Figure D103.1 of the 2013 CFC.

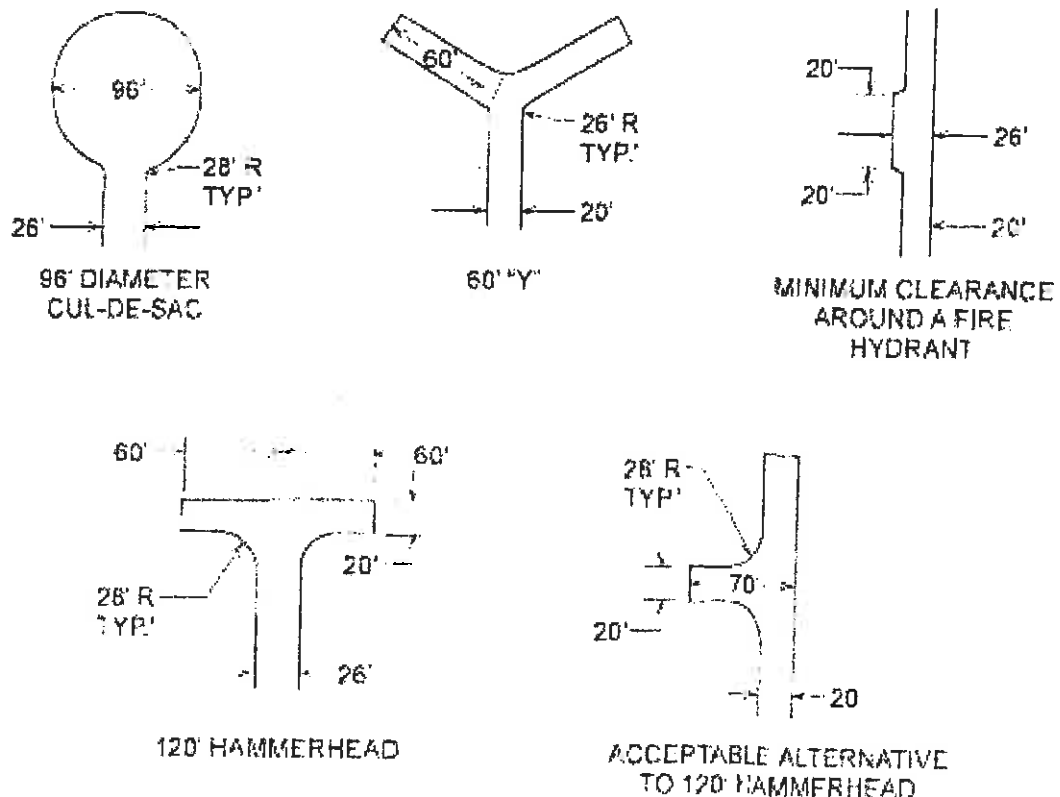


FIGURE D103.1
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUNDS


- Gates on access roads shall be a minimum width of 20 feet and shall comply with the following:
2013 CFC D103.5
- Typical chain and lock shall be the type that can be cut with a common bolt cutter, or the developer may opt to provide a Knox Box key lock system.
 - Gates shall be of the swinging or sliding type.
 - Gates shall allow manual operation by one person. (power outages)
 - Gates shall be maintained in an operative condition at all times.
 - Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. (Note: Knox boxes shall be ordered using an approved application that can be found at Fire Administration Office located at 707 W. Acequia Ave. Please allow adequate time for shipping and installation.)
- In any and all new One- or two-family dwellings residential developments regardless of the number of units, street width shall be a minimum of 36 feet from curb to curb to allow fire department access and to permit parking on both sides of the street. A minimum of 20 feet shall be provided for developments that don't allow parking on the streets. *2013 CFC D107.2*

Fire Protection Systems:

- An automatic fire sprinkler system will be required for this building. Also a fire hydrant is required within 50 feet of the Fire Department Connection (FDC). *2013 CFC 903 and Visalia Municipal Code 16.36.120(7)*
- Commercial cooking appliances and domestic cooking appliances used for commercial purposes that produces grease laden vapors shall be provided with a Type 1 Hood, in accordance with the California Mechanical Code, and an automatic fire extinguishing system. *2013 CFC 904.11 & 609.2*

Special Comments:

130 SPRINKLER SYSTEM.



Maribel Vasquez
Fire Inspector

CITY OF VISALIA
SOLID WASTE DIVISION
336 N. BEN MADDOX
VISALIA CA. 93291
713 - 4500

COMMERCIAL BIN SERVICE

ITEM NO: **6** DATE: **February 04, 2015**
SITE PLAN NO: SPR15021
PROJECT TITLE: ROTARY RESPITE HOUSE
DESCRIPTION: DEMOLISH EXISTING RESIDENCE AND BUILD NEW
 3,004 SF DUPLEX TO BE LOANED OUT AS HOUSING
 FOR KDDH PATIENTS FAMILIES ON 7,688 SF AREA
 (R16 ZONED) (X) (HISTORIC)
APPLICANT: SCOTT & ASSOCIATES - SCOTT FRED
PROP OWNER: VISALIA ROTARY COMMUNITY FOUNDATION
LOCATION: 669 S WATSON ST
APN(S): 096-143-004

No comments.

Same comments as as

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

Resubmittal required. See comments below.

**Customer responsible for all cardboard and other bulky recyclables to be broken down
be fore disposing of in recycle containers.**

ALL refuse enclosures must be R-3 or R-4

Customer must provide combination or keys for access to locked gates/bins

Type of refuse service not indicated.

Location of bin enclosure not acceptable. See comments below.

Bin enclosure not to city standards double.

Inadequate number of bins to provide sufficient service. See comments below.

Drive approach too narrow for refuse trucks access. See comments below.

**Area not adequate for allowing refuse truck turning radius of :
Commercial (X) 50 ft. outside 36 ft. inside; Residential () 35 ft. outside, 20 ft. inside.**

Paved areas should be engineered to withstand a 55,000 lb. refuse truck.

Bin enclosure gates are required

Hammerhead turnaround must be built per city standards.

Cul - de - sac must be built per city standards.

**Bin enclosures are for city refuse containers only. Grease drums or any other
items are not allowed to be stored inside bin enclosures.**

Area in front of refuse enclosure must be marked off indicating no parking

Enclosure will have to be designed and located for a STAB service (DIRECT ACCESS)

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

Must be a concrete slab in front of enclosure as per city standards

The width of the enclosure by ten(10) feet, minimum of six(6) inches in depth.

Roll off compactor's must have a clearance of 3 feet from any wall on both sides and there must be a minimum of 53 feet clearance in front of the compactor to allow the truck enough room to provide service.

Bin enclosure gates must open 180 degrees and also hinges must be mounted in front of post see page 2 for instructions

EXISTING REFUSE RESIDENTIAL CAN SERVICE OK.

Javier Hernandez, Solid Waste Front Load Supervisor 713-4338

CITY OF VISALIA
SOLID WASTE DIVISION
336 N. BEN MADDOX
VISALIA CA. 93291
713 - 4500

COMMERCIAL BIN SERVICE

ITEM NO: 6 DATE: February 04, 2015

SITE PLAN NO: SPR15021
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APPLICANT: SCOTT & ASSOCIATES - SCOTT FRED
PROP OWNER: VISALIA ROTARY COMMUNITY FOUNDATION
LOCATION: 669 S WATSON ST
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- No comments.
- Same comments as as
- Revisions required prior to submitting final plans. See comments below.
- Resubmittal required. See comments below.
- Customer responsible for all cardboard and other bulky recyclables to be broken down be fore disposing of in recycle containers.
ALL refuse enclosures must be R-3 or R-4
- Customer must provide combination or keys for access to locked gates/bins
- Type of refuse service not indicated.
- Location of bin enclosure not acceptable. See comments below.
- Bin enclosure not to city standards double.
- Inadequate number of bins to provide sufficient service. See comments below.
- Drive approach too narrow for refuse trucks access. See comments below.
- Area not adequate for allowing refuse truck turning radius of :
Commercial (X) 50 ft. outside 36 ft. inside; Residential () 35 ft. outside, 20 ft. inside.
- Paved areas should be engineered to withstand a 55,000 lb. refuse truck.
- Bin enclosure gates are required
- Hammerhead turnaround must be built per city standards.
- Cul - de - sac must be built per city standards.
- Bin enclosures are for city refuse containers only. Grease drums or any other items are not allowed to be stored inside bin enclosures.
- Area in front of refuse enclosure must be marked off indicating no parking
- Enclosure will have to be designed and located for a STAB service (DIRECT ACCESS)
- Customer will be required to roll container out to curb for service.
- Must be a concrete slab in front of enclosure as per city standards

The width of the enclosure by ten(10) feet, minimum of six(6) inches in depth.

Roll off compactor's must have a clearance of 3 feet from any wall on both sides and there must be a minimum of 53 feet clearance in front of the compactor to allow the truck enough room to provide service.

Bin enclosure gates must open 180 degrees and also hinges must be mounted in front of post see page 2 for instructions

EXISTING REFUSE RESIDENTIAL CAN SERVICE OK.

Javier Hernandez, Solid Waste Front Load Supervisor 713-4338

SITE PLAN REVIEW COMMENTS

Paul Bernal, Planning Division (559) 713-4025

Date: February 4, 2015

SITE PLAN NO: 2015-021
PROJECT TITLE: ROTARY RESPITE HOUSE
DESCRIPTION: DEMOLISH EXISTING RESIDENCE AND BUILD NEW 3,004 SF DUPLEX TO BE LOANED OUT AS HOUSING FOR KDDH PATIENTS FAMILIES ON 7,688 SF AREA (R16 ZONED) (X) (HISTORIC)
APPLICANT: SCOTT & ASSOCIATES - SCOTT FRED
PROP. OWNER: VISALIA ROTARY COMMUNITY FOUNDATION
LOCATION TITLE: 669 S WATSON ST
APN TITLE: 096-143-004
GENERAL PLAN: RLD (Residential Low Density)
EXISTING ZONING: R-1-6 (Single-Family Residential 6,000 sq. ft. min. site area)

Planning Division Recommendation:

- Revise and Proceed
 Resubmit

Project Requirements

- Conditional Use Permit (CUP)
- Historic District Preservation Review Required
- Building Permit
- Additional Information as Needed

PROJECT SPECIFIC INFORMATION: 02/03/2015

1. A CUP is required for the Rotary Respite House, including the minor deviations to the R-1-6 setback standards.
2. This item also requires review and approval by the City's Historic Preservation Review Committee. The Historic Preservation Advisory Committee is required under Zoning Ordinance Section 17.56.050.C.1 to review and provide a recommendation to the Planning Commission on discretionary actions for Historic District and Local Register sites.
3. Applications for both the CUP and HPAC review can be submitted concurrently. HPAC review will be scheduled first prior to the public hearing for the CUP. This will allow staff to incorporate the action taken by Historic Preservation Review Committee.
4. A condition requiring the carport to be strictly used for covered parking shall be included as a condition of the CUP.
5. Provide a detailed operational statement with the CUP submittal. The operational statement should also state how maintenance/yard care is provided.
6. Good Neighbor Policies will be included as conditions of project approval. Good Neighbor Policies ensure that the site is maintained in a manner consistent with the residential neighborhood (see below for more information on Good Neighbor Policies).
7. Provide detailed sign information with the CUP application submittal. Staff will incorporate the sign request into the CUP review for Planning Commission consideration.
8. The block wall height shall be reduced to 3-feet when located in the required 15-foot front yard setback (Watson frontage).
9. Comply with the City's Valley Oak Tree ordinance when working near and around valley oaks.

Staff initial finding is that the proposed site plan IS CONSISTENT with the City General Plan. Because this project requires discretionary approval by the City Council and/or Planning Commission the final determination of consistency will be made by the Planning Commission and/or City Council.

R-1-6 Single Family Residential Zone [17.12]

Maximum Building Height: 35 Feet

<u>Minimum Setbacks:</u>	Building	Landscaping
➤ Front	15 Feet	15 Feet
➤ Front Garage (garage w/door to street)	22 Feet	22 Feet
➤ Side	5 Feet	5 Feet
➤ Street side on corner lot	10 Feet	10 Feet
➤ Rear	25 Feet*	25 Feet

Minimum Site Area: 6,000 square feet

Accessory Structures:

Maximum Height: 12 feet (as measured from average grade next to the structure)

Maximum Coverage: 20% of required Rear Yard (last 25 feet by the width)

Reverse Corner Lots: No structure in the 25 feet of adjacent lot's front yard area, see Zoning Ordinance Section 17.12.100 for complete standards and requirements.

Parking:

1. Provide covered parking spaces for each unit (see Zoning Ordinance Section 17.34.020).

Fencing and Screening:

1. NOTE: The maximum height of block walls and fences is 7-feet in the appropriate areas; this height is measured on the tallest side of the fence. If the height difference is such that the fence on the inside of the project site is not of sufficient height, the fence height should be discussed with Planning Staff prior to the filing of applications to determine if an Exception to fence/wall height should also be submitted.

Landscaping:

1. The City has adopted the State Water Efficient Landscape Ordinance. The ordinance applies to projects installing 2,500 square feet or more of landscaping. It requires that landscaping and irrigation plans be certified by a qualified entity (i.e., Landscape Architect) as meeting the State water conservation requirements. The City's implementation of this new State law will be accomplished by self-certification of the final landscape and irrigation plans by a California licensed landscape architect or other qualified entity with sections signed by appropriately licensed or certified persons as required by the ordinance. **NOTE: Prior to a final for the project, a signed Certificate of Compliance for the MWELO standards is required indicating that the landscaping has been installed to MWELO standards.**
2. Provide street trees at an average of 20-feet on center along street frontages. All trees to be 15-gallon minimum size (Zoning Ordinance Section 17.30.130.C).
3. Locate existing oak trees on site and provide protection for all oak trees greater than 2" diameter (see Oak Tree Preservation Ordinance).

Maintenance of landscaped areas. - A landscaped area provided in compliance with the regulations prescribed in this title or as a condition of a use permit or variance shall be planted with materials suitable for screening or ornamenting the site, whichever is appropriate, and plant materials shall be maintained and replaced as needed, to screen or ornament the site. (Prior code § 7484)

The Model Good Neighbor Policies are adopted by Resolution 2006-60 to read as follows:

17.16.190 Model Good Neighbor Policies.

Before issuance of building permits, project proponents of multi-family residential developments in the R-M zones that are subject to approval by the Site Plan Review Committee or the Planning Commission, shall enter into an operational management plan (Plan), in a form approved by the City for the long term maintenance and management of the development. The Plan shall include but not be limited to: The maintenance of landscaping for the associated properties; the maintenance of private drives and open space parking; the maintenance of the fences, on-site lighting and other improvements that are not along the public street frontages; enforcing all provisions covered by covenants, conditions and restrictions that are placed on the property; and, enforcing all provisions of the model Good Neighbor Policies as specified by Resolution of the Planning Commission, and as may be amended by resolution. A statement referencing the applicability of the Plan to the project, and noting the Plan's availability at the City Community Development Department shall be recorded with the Tulare County Recorder. This Section shall be enforceable on a continuous basis pursuant to Chapter 17.46.

A. Operational Management Plan Required

Before issuance of a building permit for a multi-family project in the R-M zone that is subject to review and approval by the Site Plan Review Committee or the Planning Commission, an operational management plan (Plan) shall be established for the long-term maintenance and management of the project. The Plan shall include but not be limited to the following:

- a. The maintenance of landscaping for the associated properties;
- b. The maintenance of private drives and open space parking;
- c. The maintenance of the fences, on-site lighting and other improvements that are not along the public street frontages;
- d. Enforcing all provisions covered by covenants, conditions and restrictions that are placed on the property; and
- e. Enforcing all provisions of the model Good Neighbor Policies as specified by Resolution of the Planning Commission.

B. Plan Shall Be Recorded

Before issuance of a building permit for the project, applicant shall prepare a statement in a form approved by the Planning Director, referencing the applicability of the Plan to the project, and noting the Plan's availability at the City Community Development Department. The statement shall be recorded with the Tulare County Recorder.

C. Maintenance and Operations

1. All development standards, City codes, and ordinances shall be continuously met for this apartment/residential complex. Buildings and premises, including paint/siding, roofs, windows, fences, parking lots, and landscaping shall be kept in good repair. Premises shall be kept free of junk, debris.
2. Provide a regular program for the control of infestation by insects, rodents, and other pests at the initiation of the tenancy and control infestation during the tenancy.
3. Where the condition is attributable to normal wear and tear, make repairs and arrangements necessary to put and keep the premise in as good condition as it by law or rental agreement should have been at the commencement of tenant occupation.

4. Maintain all electrical, plumbing, heating, and other facilities in good working order.
5. Maintain all dwelling units in reasonably weather tight condition and good exterior appearance.
6. Remove graffiti within 24 hours of it having been observed.
7. Recreation facilities shall be for tenant use only.
8. Provide 24-hour access for Visalia Police Department to Maintenance and/or Management Staff. Maintenance and/or Management Staff shall be available by telephone or pager at all times, with phone numbers to be provided to the Police Department dispatch center and kept current at all times.
9. Establish and conduct a regular program of routine maintenance for the apartment/residential complex. Such a program shall include, but not necessarily be limited to regular inspections of common areas and scheduled re-paintings, re-plantings, and other similar activities that typically require attention at periodic intervals but not necessarily continuously.
10. The name and phone number of the management company shall be posted in a prominent location at the front of the property.

D. Landscape Care and Maintenance

1. Automatic irrigation systems shall be maintained.
2. All plant materials (trees, shrubs, and groundcover) shall be maintained so that harm from physical damage or injury arising from vehicle damage, lack of water, chemical damage, insects, and other pests is minimized.
3. It is the responsibility of the property owners to seek professional advice and spray and treat trees, shrubs, and groundcover for diseases which can be successfully controlled if such untreated diseases are capable of destroying an infected tree or other trees within a project.
4. Maintain decorative planting so as not to obstruct or diminish lighting level throughout the apartment/residential complex. Landscaping shall not obscure common areas.

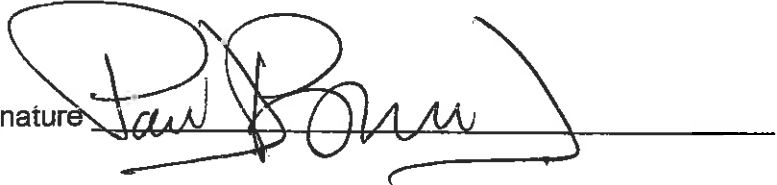
E. Parking - The parking of inoperative vehicles on-site, and boats, trucks (one-ton capacity and over), trailers, and/or recreational vehicles in the apartment/residential complex is not allowed.

F. Tenant Agreement - The tenant agreement for the complex must contain the following:

1. Standards of aesthetics for renters in regard to the use and conditions of the areas of the units visible from the outside (patios, entryways).
2. Hours when noise is not acceptable, based upon Community Noise Standards, additional standards may be applied within the apartment/residential complex.
3. Rules for use of open areas/recreational areas of the site in regard to drinking, congregating, or public nuisance activities.
4. Prohibition on inoperable vehicles on-site, and boats, trucks (one-ton capacity and over), trailers and/or recreational vehicles.
5. Standards of behavior for tenants that could lead to eviction.
6. All tenants shall read and receive a copy of the Tenant Agreement.

The comments found on this document pertain to the site plan submitted for review on the above referenced date. Any changes made to the plan submitted must be submitted for additional review.

NOTE: Staff recommendations contained in this document are not to be considered support for a particular action or project unless otherwise stated in the comments.

Signature  A handwritten signature in black ink is written over a horizontal line. The signature is stylized and appears to read "Lawson".

The proposed Rotary House project:

CUP required for the use and the minor deviations from setback standards.

17.12.040 Conditional uses.

In the R-1 single-family residential zone, the following conditional uses may be permitted in accordance with the provisions of Chapter 17.38:

A. Planned unit development subject to the provisions of Chapter 17.26;

B. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges; nursery schools, licensed day care facilities for more than fourteen (14) children; churches, parsonages and other religious institutions;

C. Public and private charitable institutions, general hospitals, sanitariums, nursing and convalescent homes; not including specialized hospitals, sanitariums, or nursing, rest and convalescent homes including care for acute psychiatric, drug addiction or alcoholism cases;

CUP process:

Historic Preservation Advisory Committee review required prior to filing CUP.

HPAC review will require:

Detailed Site Plan

Complete elevations with material call-outs (north, south, east, west)

Detailed Operational Statement

Details of new fencing and any other structures which fall within HPAC's required review

Planning Commission review will require:

Detailed Site Plan

Complete elevations

Detailed Operational Statement

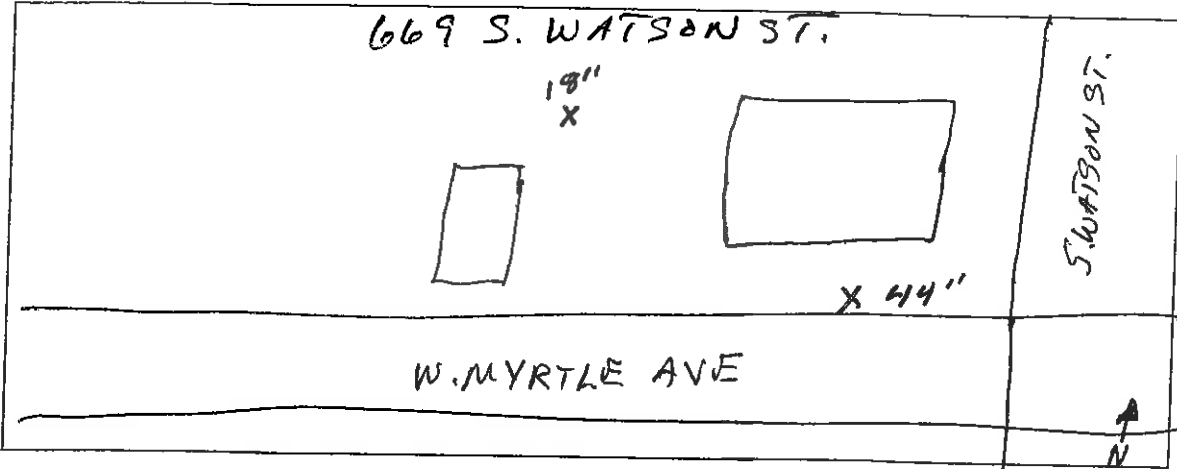
Historic Preservation Advisory Committee Review

The Historic Preservation Advisory Committee is required under Zoning Ordinance Section 17.56.050-C-1 to review and provide a recommendation to the Planning Commission on discretionary actions for Historic District and Local Register sites.

City of Visalia
Parks and Urban Forestry
336 N. Ben Maddox Way
Visalia, CA 93292

Date: 2/4/15
Site Plan Review # 15021

SITE PLAN REVIEW COMMENTS



COMMENTS: See Below None

- Please plot and protect all Valley Oak Trees.
- Landscape along parkway to be planted by developer and maintained by a maintenance district.
- All drainage from curb and gutter along streets to be connected to storm drain system.
- All trees planted in street right-of-way to be approved by the Public Works Superintendent of Parks.
- Tie-ins to existing infrastructure may require a bore. Check with the Public Works Department prior to any street cut.

Other Comments: _____

Joel Hooyer
Joel Hooyer
Parks and Urban Forestry Supervisor
559 713-4295 Fax 559 713-4818

Email: jhooyer@ci.visalia.ca.us

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

February 4, 2015

ITEM NO: 6
SITE PLAN NO: SPR15021
PROJECT TITLE: ROTARY RESPITE HOUSE
DESCRIPTION: DEMOLISH EXISTING RESIDENCE AND BUILD NEW 3,004 SF DUPLEX TO BE LOANED OUT AS HOUSING FOR KDDH PATIENTS FAMILIES ON 7,688 SF AREA (R16 ZONED) (X)
(HISTORIC)
APPLICANT: SCOTT & ASSOCIATES - SCOTT FRED
PROP. OWNER: VISALIA ROTARY COMMUNITY FOUNDATION
LOCATION: 669 S WATSON ST
APN(S): 096-143-004

THE TRAFFIC DIVISION WILL PROHIBIT ON-STREET PARKING AS DEEMED NECESSARY

- No Comments
- See Previous Site Plan Comments
- Install Street Light(s) per City Standards.
- Install Street Name Blades at Locations.
- Install Stop Signs at Locations.
- Construct parking per City Standards PK-1 through PK-4.
- Construct drive approach per City Standards.
- Traffic Impact Analysis required.

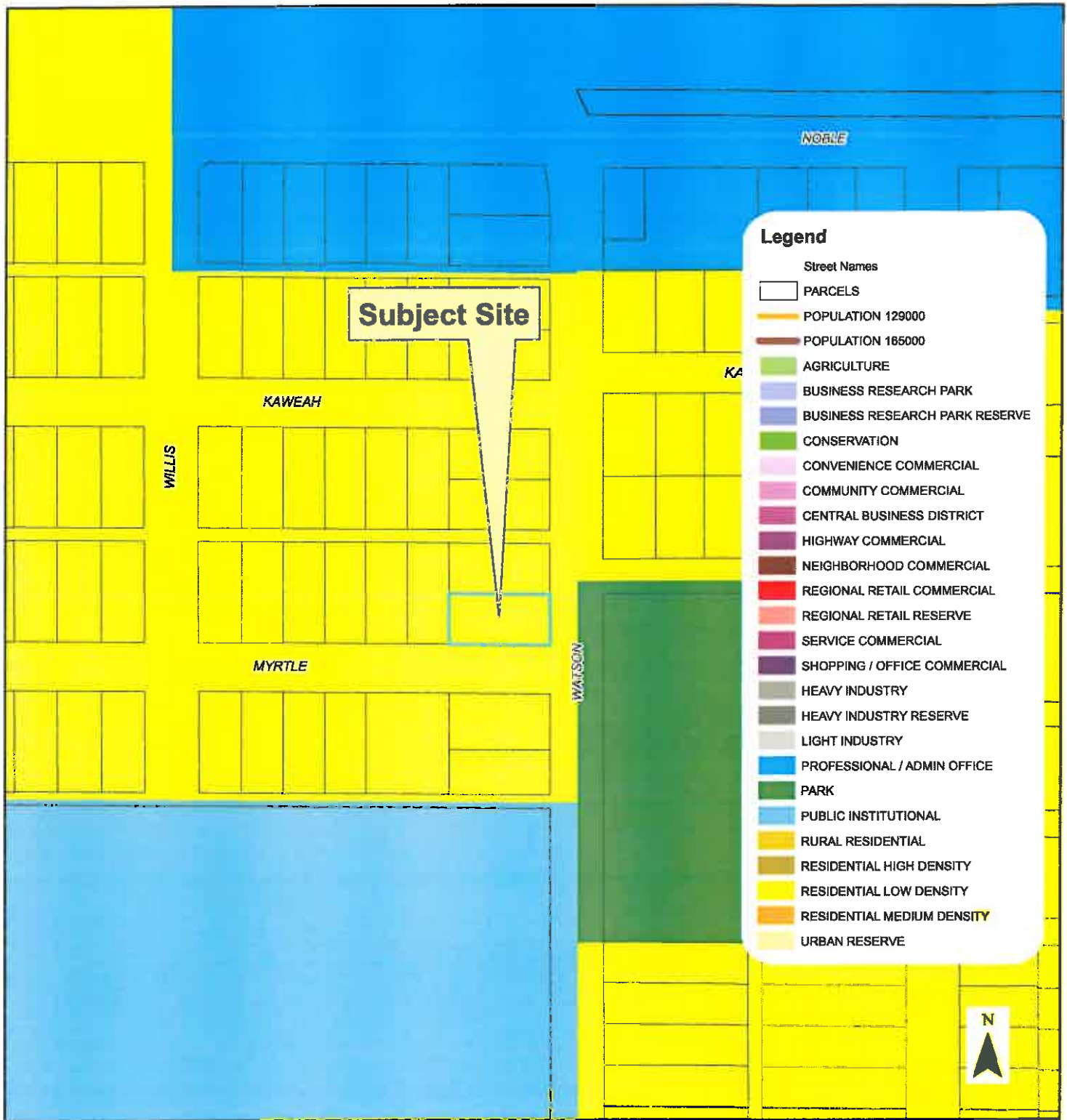
Additional Comments:

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Leslie Blair

City of Visalia

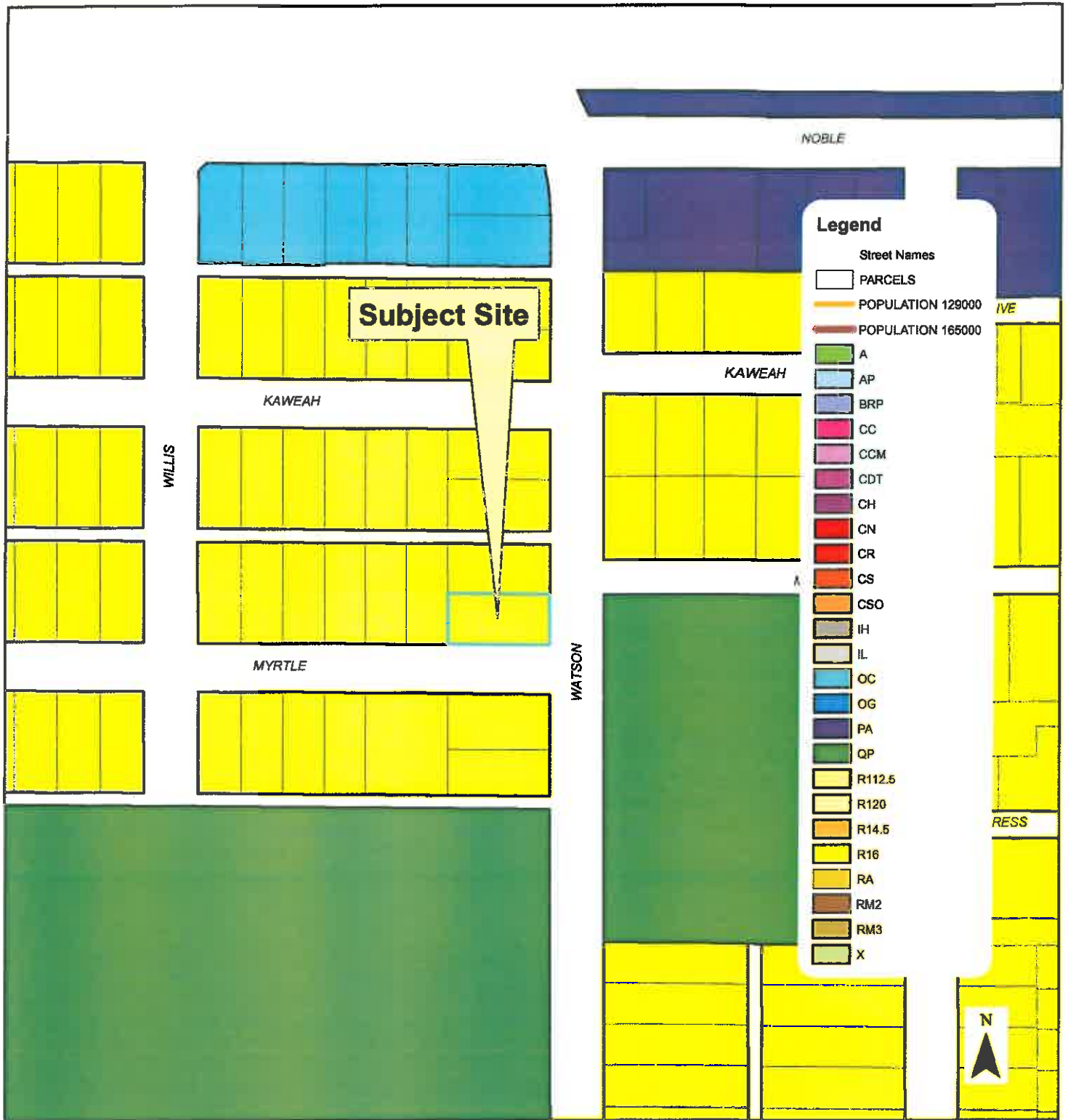


Land Use Designations



CUP No. 2015-02

City of Visalia



Zoning Designations

0 37.575 150 225 300 Feet

CUP No. 2015-02

City of Visalia



Aerial Photo

012.525 50 75 100 Feet

CUP No. 2015-02

City of Visalia



Aerial Photo

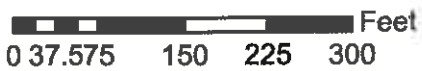
0 5 10 20 30 40 Feet

CUP No. 2015-02

City of Visalia



Location Map



CUP No. 2015-02