

REPORT TO CITY OF VISALIA PLANNING COMMISSION



HEARING DATE: March 27, 2017

PROJECT PLANNER: Paul Bernal, Principal Planner
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SUBJECT: Conditional Use Permit No. 2017-07: A request by Verizon Wireless to install a new 80-foot high mono-pine with a 75-foot high telecommunications tower, and outdoor equipment enclosure at the base of the tower. The site is located at 2639 East Noble Avenue (APN: 100-080-003).

Variance No. 2017-05: A request by Verizon Wireless to install a new 80-foot high Mono-pine with a 75-foot high telecommunications tower which is less than the required 1 to 5 (vertical height to horizontal separation) from a property line and for the height of the mono-pine. The site is located at 2639 East Noble Avenue (APN: 100-080-003).

STAFF RECOMMENDATION

Conditional Use Permit No. 2017-07

Staff recommends approval of Conditional Use Permit No. 2017-07, as conditioned, based on the findings and conditions in Resolution No. 2017-14. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan and Zoning Ordinance.

Variance No. 2017-05

Staff recommends approval of Variance No. 2017-05, as conditioned, based on the findings and conditions in Resolution No. 2017-17. 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 adopt Resolution No. 2017-14, approving Conditional Use Permit No. 2017-07.
- I move to adopt Resolution No. 2017-17, approving Variance No. 2017-05.

PROJECT DESCRIPTION

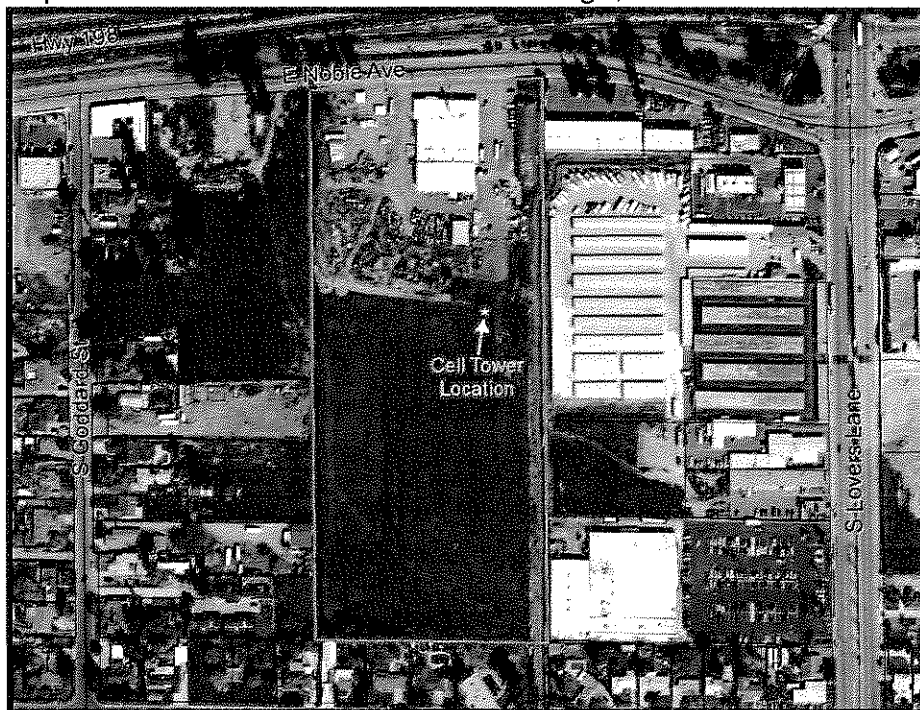
Conditional Use Permit (CUP) No. 2017-07 is a request to construct an 80-foot tall telecommunications tower designed as a mono-pine (telecommunication tower at 75-feet) and associated ground equipment as depicted in Exhibits "A-1", "A-2", "A-3", and "A-4". The stealth telecommunication tower requires a CUP to be located in the C-SO (Shopping / Office Commercial) and C-S (Service Commercial) zone. The proposed location of the mono-pine telecommunications tower (cell tower), will be located to the rear of the commercial site behind two commercial buildings, and adjacent to existing trees that have an average height of 33-feet.

Variance No. 2017-05 is a request to have a cell tower less than the required 1 to 5 vertical height to horizontal separation from a property line. This is the "Fall Zone" requirement for public safety and visual compatibility. Exhibit "A-3" shows the property lines and adjacent properties to the east, which is a self-storage facility.

In the C-SO and C-S zones, the maximum height for buildings is 50-feet. However, pursuant to Section 17.32.020.B of the Visalia Zoning Ordinance, an additional 25-feet can be added to cell towers thereby increasing the total height limit for the cell tower to 75-feet. The cell tower is planned at 75-feet, but the additional material to conceal the cell tower as a mono-pine extends the overall height of the structure to 80-feet (see Exhibits B-1 and B-2).

The applicant believes that the placement of a mono-pine cell tower at this location would blend with the area and not present a fall risk or be visually damaging to the overall general area. The applicant's findings in Exhibit "C" discuss the proposed Mono-pine cell tower design, and the need for a variance to the setback standards.

The mono-pine tower is proposed on a commercial site that is occupied by several commercial businesses including a U-Haul Truck Rental business, Truck and Auto Parts Business and furniture and antique business. Exhibit "E" is the coverage, and technical data for the proposed cell tower.



BACKGROUND INFORMATION

General Plan Land Use Designation:	Commercial Mixed Use
City Zoning:	C-SO & C-S – (Shopping / Office Commercial & Service Commercial)
Surrounding Zoning and Land Use:	North: East Noble Avenue & State Route 198 South: R-1-6 (Single-family Residential) – Single-family residential neighborhood East: C-S (Service Commercial) – Sierra Mini Storage West: R-1-6 (Single-family Residential) – Large lot single-family residential
Environmental Review:	Categorical Exemption No. 2017-16
Design Districts:	Design District "B" (changing with new ZO Update)
Site Plan Review:	SPR No. 2016-040

RELATED PROJECTS

There are no related projects for this item. Other telecommunications / cellular towers that have been approved Citywide include:

- Conditional Use Permit No. 2017-05 and Variance No. 2017-03 a request by Verizon Wireless to install a new 70-foot high Mono-pine with a 65-foot high telecommunications tower which is less than the required 1 to 5 vertical height to horizontal separation from a property line. The cell tower is located in the Colonial Shopping Center next to the Planet Fitness building. The telecommunication tower was approved by the Planning Commission on March 13, 2017.
- Conditional Use Permit No. 2013-22, a request by AT&T to install a new 89-foot telecommunications tower with 12 antennas at the Riverway Sports Park near the former BMX track complex. The telecommunication tower was approved by the Planning Commission on July 08, 2013.
- Conditional Use Permit No. 2013-01, a request by Visalia Number One, L.P. to install a new 75-foot telecommunications tower with 12 antennas and an outdoor equipment shelter at the base of the tower, located in the Regional Retail Commercial (C-R) zone. The telecommunication tower was approved by the Planning Commission on January 14, 2013.
- Conditional Use Permit No. 2011-13, a request by AT&T Mobility to install a new 72-ft. "stealth" telecommunication tower to architecturally match the Key West Shopping Center. The telecommunication tower will have 12 antennas, outdoor equipment cabinets and a back-up generator located at the base of the tower. The site is zoned C-N (Neighborhood Commercial) and the telecommunication tower is proposed to be located behind the shopping center. The Planning Commission approved the stealth telecommunication tower on July 11, 2011.
- Conditional Use Permit No. 2010-09 and Variance No. 2010-04, a request by Verizon Wireless to install a new 80-ft. telecommunications tower located on the north side of East Caldwell between South Stover Street and South Pinkham Street. The CUP and Variance were denied by the City Council on October 18, 2010.
- Conditional Use Permit No. 2010-10 and Variance No. 2010-05, a request by Verizon Wireless to install a new 75-ft. stealth mono-pine telecommunication tower was approved by the Planning Commission on July 25, 2010.
- A 70-foot slim-line cell tower was approved by the Planning Commission in 2002 for a vacant lot located near the southwest corner of Caldwell and Fairway.
- A 65-foot stealth cell tower camouflaged as a bell tower was approved by the Planning Commission at the Visalia First Church of the Nazarene located on the southwest corner of Caldwell Avenue and Dans Lane.
- A height extension to a non-conforming cell tower for a total tower of 88 feet was approved by the Planning Commission in 2001 for a site behind Howie & Sons Pizza located at 2430 S. Mooney Boulevard.
- A cell tower was erected at an unknown date on County jurisdiction north of Mooney Grove Park. The exact location is approximately ¼ mile east of S. Mooney Boulevard just north of Avenue 272.

PROJECT EVALUATION

Staff supports the requested conditional use permit for the mono-pine cell tower, and the requested variance to setbacks and total 80-foot height for the structure, based upon the project meeting the intent of the General Plan and the Zoning Ordinance, specifically Zoning Ordinance Section 17.32.163, regulating the establishment of cell towers.

Land Use Compatibility

Staff supports the establishment of a mono-pine cell tower at this location. These types of uses are considered compatible in commercial areas where potential impacts can be addressed through the CUP process. Locating cell towers in commercial areas may at times require a variance to setbacks due to the potential proximity of residential land uses near commercial sites. The location of the proposed tower addresses the City's goal of encouraging telecommunication facilities to locate in areas that allow the facilities to blend into the surrounding area.

Although new cell towers in "Commercial" areas are identified as least desirable per Zoning Ordinance Section 17.32.163-C (co-location as most desirable), the use of a mono-pine cell tower, as opposed to a standard cell pole tower, allows for the cell tower to blend into the area given its proximity to large adjacent trees, and the placement of the cell tower behind commercial buildings. The design aspects and location of the cell tower work to limit the visibility of the structure from vehicular traffic along East Noble Avenue and State Route 198, but also provide for co-location opportunities for future cellular carriers.

Required Variance Findings

Staff support of the variance to allow a 75-foot high cell tower with an 80-foot high Mono-pine structure is based upon the project meeting the intent of the regulations for cell towers. Zoning Ordinance Section 17.32.163-G-1, provides for the use of a Mono-pine structure to ensure the compatibility with the surrounding physical environment. While there are no large pine trees adjacent to the cell tower, there are various large trees adjacent to the mono-pine cell tower as well as a large oak tree along the Noble Avenue street frontage.



The applicant's variance findings listed in Exhibit "C", discuss the need for height to provide for co-location, and the need for a variance to setbacks since the tower would need to be approximately 400 feet from any property line to not need a variance to setbacks. The findings are listed below along with a discussion of each.

1. *That strict or literal interpretation and enforcement of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance.*

The height limit of 75-feet would result in less effective coverage of the target coverage area. The mono-pine collocation design allows Verizon place antennas at 75-feet and microwaves at 65-feet, which will result in a larger coverage zone for the surrounding area. RRU's will have to also be placed at below these centerlines. Additionally, a height limit of 75-feet would reduce the possibility of this facility allowing collocation by other wireless carriers, as required by the City of Visalia wireless ordinance. An 80-foot height allows for future collocation of up to three additional carriers at rad centers starting at 35-feet to 60-feet for collocation. The facility is setback approximately 681-feet to the southern property line (E. Collage Avenue), 195-feet to the eastern property line, 260-feet to the western property line (S. Goddard St.) and 410-feet to the northern property line (E. Noble Ave.).

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

In order to provide effective coverage and to make the tower collectable, a variance to the maximum height is required. The mono-pine design requires that Verizon place antennas at two centerlines, 75-feet and 65-feet. RRU's will have to also be placed at below these centerlines. The size of the parcel makes meeting the setback requirements possible and the facility will be 410-feet from the front property line. Additionally, there are 11 towers within 5 miles of this location. Nine of them are taller than 80-feet. An 80-foot tower is less than most existing facilities.

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

Wireless facilities are conditionally permitted in commercial zones. A variance to the height requirements and setback requirement is necessary to ensure that the facility is able to perform effectively. Limiting the tower to 75-feet would lead to the tower being less effective and would limit collocation opportunities.

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

There are 11 wireless towers within a 4-mile radius of this search ring. The closest tower is approximately 0.8 miles away. That tower is in a residential zone and is 500-feet. Of the 11 towers, nine of them are above 85 feet tall. There is one tower at 66-feet. Therefore, an 80-foot tower is not out of the ordinary for the City of Visalia, and is in fact shorter than the majority of existing towers.

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

The wireless facility will be at the back of a commercial lot. There is no foot traffic nearby. The tower has been designed as a mono-pine. The antenna array will be close to the pole and the visual impact will be limited as the tower will appear to be a pine tree. The difference in a 75-foot mono-pine and a 80-foot mono-pine will result in no visual impact. There are 11 other towers, all taller than 75-feet within four miles. This tower has been designed to minimize the visual impact and to blend in with the surrounding area. The equipment area is enclosed within an eight-foot tall fence with barbed wire, thereby acting as a deterrent to anyone attempting to enter the equipment area.

Equipment Enclosure and Vehicular Access Road

The equipment enclosure shown in Exhibit "D" would be fenced with a barbed wire top to prevent access to the enclosure components. Staff concurs with the applicant design, it is typical of cell tower enclosures which need protection from unauthorized access. The proposed location along the proposed drive aisle and behind existing commercial buildings provides for an inconspicuous location, which reduces the visibility of the structure.

The applicant shall construct a new drive approach along Noble Avenue near the west property line as noted on Exhibit "A-2" and is required to construct a 20-foot wide access road that will be paved. The paved access road will allow the site to be serviced by the cell provider and will keep all vehicles on a paved surface rather than driving over an unimproved surface. The 20-foot wide paved access drive is also a requirement of the Visalia Fire Department, which will allow emergency vehicles to gain access to the enclosure area in the event of an emergency.

Public Safety

The closest residential structure is approximately 700-feet from the proposed mono-pine cell tower. The closest commercial structure (i.e., mini self-storage building) is approximately 102-feet to the east of the cell tower site.

Visual Impact

Staff endorses the proposed telecommunications tower as proposed. The characteristics of the tower would not constitute a substantial visual impact to the surrounding area, which is largely open to the rear of the commercial site behind two commercial building and is adjacent to existing trees at various heights (40-ft. tall oak tree, 45-20 ft. trees adjacent to cell tower). More substantial visual impacts would be endured if such a cell tower was located in an area with less urban activity and in closer proximity to residential or institutional uses.

The proposed cell tower would be located approximately 481-feet from Noble Avenue, as measured from the tower to the closest point of the street right-of-way. This distance provides enough depth so that the tower is not in plain view sight to vehicles travelling on Noble Avenue and State Route 198, nor would the cell tower be uncharacteristically tall from a far distance. The closest residential houses from the proposed tower are located 700 feet to the south of the proposed cell tower location.

Environmental Review

The requested action is considered Categorical Exempt under Section 15303 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2017-16).

Staff determined this project meets the criteria identified in this Categorical Exemption because the project is a request to install a telecommunications tower and create a 2,500 square foot lease area on property that already has existing structures of similar height located within the immediate vicinity of the proposed tower. In addition, this exemption allows projects determined to meet this classification consisting of construction of new small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior the structure.

RECOMMENDED FINDINGS

Conditional Use Permit No. 2017-05

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.
 - 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. These types of uses are considered compatible in commercial areas where potential impacts can be addressed through the CUP process. Locating cell towers in commercial areas may at times require a variance to setbacks due to the potential proximity of residential land uses near commercial sites. The location of the proposed tower addresses the City's goal of "steering" telecommunication facilities to areas that allow a facility to blend into the surrounding area.

Although new cell towers in "Commercial" areas are identified as least desirable per Zoning Ordinance Section 17.32.163-C (collocation as most desirable), the use of a mono-pine cell tower, as opposed to a standard cell pole tower, allows for the cell tower to blend into the area given its proximity to large adjacent trees, and the placement of the cell tower behind commercial buildings. The design aspects and location of the cell tower work to limit the visibility of the structure from vehicular traffic along East Noble Avenue but also provide for co-location opportunities for future cellular carriers.

- 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.

Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.32.163, for the placement of cell towers:

- A. The proposed mono-pine provides compatibility with the surrounding neighborhoods.
 - B. That the proposed mono-pine cell tower will provide for co-location, and will be subject to all the requirements of Zoning Ordinance Section 17.32.163.
3. That the project is Categorically Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), as amended. (Categorical Exemption No. 2017-16).

Variance No. 2017-03

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

The height limit of 75-feet would result in less effective coverage of the target coverage area. The mono-pine collocation design allows Verizon place antennas at 75-feet and microwaves at 65-feet, which will result in a larger coverage zone for the surrounding area. RRU's will have to also be placed at below these centerlines. Additionally, a height limit of 75-feet would reduce the possibility of this facility allowing collocation by other wireless carriers, as required by the City of Visalia wireless ordinance. An 80-foot height allows for future collocation of up to three additional carriers at rad centers starting at 35-feet to 60-feet for collocation. The facility is setback approximately 681-feet to the southern property line

(E. Collage Avenue), 195-feet to the eastern property line, 260-feet to the western property line (S. Goddard St.) and 410-feet to the northern property line (E. Noble Ave.).

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

In order to provide effective coverage and to make the tower collectable, a variance to the maximum height is required. The mono-pine design requires that Verizon place antennas at two centerlines, 75-feet and 65-feet. RRU's will have to also be placed at below these centerlines. The size of the parcel makes meeting the setback requirements possible and the facility will be 410-feet from the front property line. Additionally, there are 11 towers within 5 miles of this location. Nine of them are taller than 80-feet. An 80-foot tower is less than most existing facilities.

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

Wireless facilities are conditionally permitted in commercial zones. A variance to the height requirements and setback requirement is necessary to ensure that the facility is able to perform effectively. Limiting the tower to 75-feet would lead to the tower being less effective and would limit collocation opportunities.

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

There are 11 wireless towers within a 4-mile radius of this search ring. The closest tower is approximately 0.8 miles away. That tower is in a residential zone and is 500-feet. Of the 11 towers, nine of them are above 85 feet tall. There is one tower at 66-feet. Therefore, an 80-foot tower is not out of the ordinary for the City of Visalia, and is in fact shorter than the majority of existing towers.

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

The wireless facility will be at the back of a commercial lot. There is no foot traffic nearby. The tower has been designed as a mono-pine. The antenna array will be close to the pole and the visual impact will be limited as the tower will appear to be a pine tree. The difference in a 75-foot mono-pine and a 80-foot mono-pine will result in no visual impact. There are 11 other towers, all taller than 75-feet within four miles. This tower has been designed to minimize the visual impact and to blend in with the surrounding area. The equipment area is enclosed within an eight-foot tall fence with barbed wire, thereby acting as a deterrent to anyone attempting to enter the equipment area.

6. That the project is considered Categorical Exempt under Section 15303 of the Guidelines for Implementation of CEQA (Categorical Exemption No. 2017-16).

RECOMMENDED CONDITIONS

Conditional Use Permit No. 2017-07

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2016-040.
2. That the site be developed in substantial compliance with the Site Plan in Exhibits "A-1", "A-2", "A-3", and "A-4" and the Elevations in Exhibit "B-1" and "B-2".

3. That the mono-pine cell tower be developed and constructed to allow co-location of other cellular providers on the mono-pine cell tower.
4. That all other conditions and requirements contained in Zoning Ordinance Section 17.32.163 shall apply and be met for this facility.
5. That Conditional Use Permit No. 2017-07 shall be null and void unless Variance No. 2017-05 is approved.
6. That signage shall be prohibited from being located on the cell tower.
7. 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. 2017-07, prior to the issuance of any building permits for this project.
8. That all other City codes and ordinances shall be met, and that the applicant and all successors in interest shall comply with all applicable federal, state and city codes and ordinances.

Variance No. 2017-05

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2016-040.
2. That the site be developed in substantial compliance with the Site Plan in Exhibits "A-1", "A-2", "A-3", and "A-4" and the Elevations in Exhibit "B-1" and "B-2".
3. That Variance No. 2017-05 shall be null and void unless Conditional Use Permit No. 2017-07 is approved.
4. That all other conditions and requirements contained in Zoning Ordinance Section 17.32.163 shall apply and be met for this facility.
5. That all other federal, state, regional, and county laws and city codes and ordinances be complied with.
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 Variance No. 2017-05, prior to the issuance of a building permit.

APPEAL INFORMATION

According to the City of Visalia Zoning Ordinance Section 17.02.145, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal with applicable fees shall be in writing and shall be filed with the City Clerk at 220 North Santa Fe St., Visalia, CA 93292. 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 and Policies
- Resolution No. 2017-14 (CUP No. 2017-07)
- Resolution No. 2017-17 (Variance No. 2017-05)
- Exhibits "A-1", "A-2", "A-3", & "A-4" – Site Plan
- Exhibits "B-1" & "B-2" – Elevations
- Exhibit "C" – Variance Findings
- Exhibit "D" – Elevation Detail of Cell Tower Equipment Enclosure
- Exhibit "E" – Coverage Maps and Information
- Site Plan Review Comments No. 2016-040
- General Plan Land Use Map
- Zoning Map
- Aerial Maps
- Vicinity Map

Related Plans & Policies

Conditional Use Permits (Chapter 17.38 of Visalia Municipal Code)

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

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)

Zoning Ordinance Chapter 17.42

VARIANCES AND EXCEPTIONS

17.42.010 Variance purposes.

The city planning commission may grant variances in order to prevent unnecessary hardships that would result from a strict or literal interpretation and enforcement of certain regulations prescribed by this title. A practical difficulty or unnecessary hardship may result from the size, shape or dimensions of a site or the location of existing structures thereon, from geographic, topographic or other physical conditions on the site or in the immediate vicinity, or from population densities, street locations or traffic conditions in the immediate vicinity. The power to grant variances does not extend to use regulations, because the flexibility necessary to avoid results inconsistent with the objectives of the zoning ordinance is provided by the conditional use provisions of this title. (Prior code § 7555)

17.42.020 Exception purposes.

A. The planning commission may grant exceptions to ordinance requirements where there is a justifiable cause or reason; provided, however, that it does not constitute a grant of special privilege inconsistent with the provisions and intentions of this title.

B. The planning commission may grant exceptions or modifications to site development standards and zoning in accordance with the provisions of Chapter 17.32, Article 2, density bonuses and other incentives for lower and very low income households and housing for senior citizens. (Prior code § 7556)

17.42.030 Variance powers of city planning commission.

The city planning commission may grant variances to the regulations prescribed by this title with respect to fences and walls, site area, width, frontage coverage, front yard, rear yard, side yards, height of structures, distance between structures and off-street parking facilities, in accordance with the procedures prescribed in this chapter. (Prior code § 7557)

17.42.040 Exception powers of city planning commission.

The city planning commission may grant exceptions to the regulations prescribed in this title, with respect to the following, consistent with the provisions and intentions of this title:

- A. Second dwelling units, pursuant to Sections 17.12.140 through 17.12.200;
- B. Downtown building design criteria, pursuant to Section 17.58.090;
- C. Fences, walls and hedges; and

D. Upon the recommendation of the historic preservation advisory board and/or the downtown design review board, site area, width, frontage, coverage, front yard, rear yard, side yards, height of structures, distance between structures and off-street parking facilities;

E. In accordance with Chapter 17.32, Article 2, density bonuses, may grant exceptions or modifications to site development standards and/or zoning codes. (Prior code § 7558)

17.42.050 Application procedures.

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

1. Name and address of the applicant;
2. Statement that the applicant is the owner of the property, is the authorized agent of the owners, or is or will be the plaintiff in an action in eminent domain to acquire the property involved;
3. Address and legal description of the property;
4. Statement of the precise nature of the variance or exception requested and the hardship or practical difficulty which would result from the strict interpretation and enforcement of this title;
5. The application shall be accompanied by such sketches or drawings which may be necessary to clearly show applicant's proposal;
6. Additional information as required by the historic preservation advisory board;
7. When reviewing requests for an exception associated with a request for density bonus as provided in Chapter 17.32, Article 2, the applicant shall submit copies of the comprehensive development plan, sketches and plans indicating the nature of the request and written justification that the requested modifications result in identifiable cost reductions required for project to reach target affordability.

B. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of handling the application. (Prior code § 7559)

17.42.060 Hearing and notice.

- A. The city planning commission shall hold a public hearing on an application for a variance.
- B. Notice of a public hearing shall be given not less than ten days or more than thirty (30) days prior to the date of the hearing by mailing a notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use which is the subject of the hearing. (Prior code § 7560)

17.42.070 Investigation and report.

The city planning staff shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the city planning commission. (Prior code § 7561)

17.42.080 Public hearing procedure.

At a public hearing the city planning commission shall review the application and the statements and drawings submitted therewith and shall receive pertinent evidence concerning the variance, particularly with respect to the findings prescribed in Section 17.42.090. (Prior code § 7562)

17.42.090 Variance action of the city planning commission.

A. The city planning commission may grant a variance to a regulation prescribed by this title with respect to fences and walls, site area, width, frontage, coverage, front yard, rear yard, side yards, height of structures, distances between structures or landscaped areas or in modified form if, on the basis of the application, the report of the city planning staff or the evidence submitted, the commission makes the following findings:

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

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

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

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

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

B. The city planning commission may grant a variance to a regulation prescribed by this title with respect to off-street parking facilities, if, on the basis of the application, the report of the city planner or the evidence submitted the commission makes the findings prescribed in subsection (A)(1) of this section and that the granting of the variance will not result in the parking of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.

C. A variance may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the commission may prescribe.

D. The city planning commission may deny a variance application. (Prior code § 7563)

17.42.100 Exception action of the city planning commission.

A. The city planning commission may grant an exception to a regulation prescribed by this title with respect to fences and walls, and, upon recommendation of the historic preservation advisory board, site area, width, frontage, coverage, front yard, rear yard, side yards, height of structures, distances between structures or landscaped areas, provided that all of the following criteria is applicable:

1. That the granting of the fence exception will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity;

2. That the granting of the exception does not create an obstructed visibility that will interfere with traffic safety in the public right-of-way or to adjacent properties;

3. That the exception proposal becomes an integral part of the existing site development (e.g., design, material, contour, height, distance, color, texture).

B. The city planning commission may grant exceptions or modifications to zoning code requirements in accordance with the provisions of Chapter 17.32, Article 2, density bonuses. The granting of the exception shall become effective upon

the granting of the density bonus by the city council. (Prior code § 7564)

17.42.110 Appeal to city council.

A. Within five (5) working days following the date of a decision of the city planning commission on a variance or exception application, the decision may be appealed to the city council by the applicant or any other interested party. An appeal shall be made on a form prescribed by the commission and shall be filed with the city clerk. The appeal shall specify errors or abuses of discretion by the commission, or decisions not supported by the evidence in the record.

B. The city clerk shall give notice to the applicant and the appellant (if the applicant is not the appellant) and may give notice to any other interested party of the time when the appeal will be considered by the city council. (Ord. 2001-13 § 4 (part), 2001: prior code § 7565)

17.42.120 Action of city council.

A. The city council shall review and may affirm, reverse or modify a decision of the city planning commission on a variance or exception application; provided, that if a decision denying a variance or exception is reversed or a decision granting a variance or exception is modified, the city council shall, on the basis of the record transmitted by the city planner and such additional evidence as

may be submitted, make the findings prerequisite to the granting of a variance or exception as prescribed in Section 17.42.090(A) or (B), or 17.42.100(A), whichever is applicable.

B. A variance which has been the subject of an appeal to the city council shall become effective immediately after review and affirmative action by the city council. (Ord. 9605 § 30 (part), 1996; prior code § 7566)

17.42.130 Lapse of variance.

A variance shall lapse and become void one year following the date on which the variance became effective, unless prior to the expiration of one year, a building permit is issued by the building official and construction is commenced and diligently pursued toward completion on the site which was the subject of the variance application, or a certificate of occupancy is issued by the building official for the site or structure which was the subject of the variance application. A variance may be renewed for an additional period of one year; provided, that prior to the expiration of one year from the date when the variance became effective, an application for renewal of the variance is made to the commission. The commission may grant or deny an application for renewal of a variance. (Prior code § 7567)

17.42.140 Revocation.

A variance granted subject to a condition or conditions shall be revoked by the city planning commission if the condition or conditions are not complied with. (Prior code § 7568)

17.42.150 New application.

Following the denial of a variance application or the revocation of a variance, no application for the same or substantially the same variance on the same or substantially the same site shall be filed within one year of the date of denial of the variance application or revocation of the variance. (Prior code § 7569)

17.32.163 Regulation of wireless telecommunication facilities.

A. Purpose and Intent.

The purpose and intent of this section is to promote quality, clarity and consistency in applying the requirements and guidelines for the acceptance, processing and approval of new wireless telecommunication facilities and modifications to existing wireless telecommunication facilities. The purpose and intent of this section is also protect the benefits derived by the city, its residents, and the general public from access to personal wireless telecommunication services while minimizing, to the greatest extent feasible, the redundancy of wireless telecommunication facilities. The city desires to balance these goals, by permitting the installation and operation of wireless telecommunication facilities where they are needed, while reducing, to the greatest extent feasible, adverse economic, safety and/or aesthetic impacts on nearby properties and the community as a whole.

B. Definitions. The definitions set for in this section shall apply to this title.

"Ancillary structure" means any development associated with a wireless telecommunications facility, including but not limited to foundations, concrete slabs on grade, guy wire anchors, generators and transmission cable supports. This definition does not include equipment cabinet.

"Antenna" means any apparatus designed for transmitting and/or receiving electromagnetic waves that includes but is not limited to, telephonic, radio or television communications. Types of antenna include, but are not limited to, omnidirectional (whip) antennas, sectorized (panel) antennas, or parabolic (dish) antennas.

"Antenna array" means a single set or group of antennas and their associated mounting hardware, transmission lines or other appurtenances which share a common attachment device such as a mounting frame or mounting support.

"Attached wireless telecommunications facility" means a wireless telecommunication facility and ancillary structures that are secured to an existing structure, as defined in Section 17.04.030, with any accompanying equipment cabinet, which may be located either on the roof or inside/outside of the

building or structure. An attached wireless telecommunications facility is considered to be an accessory use to the existing principal use on a site.

"Collocate or Collocation" means location or placement of wireless telecommunications facilities by two (2) or more wireless personal service providers on an antenna or antennas and feed lines on a common antenna support structure or other structure on which there is an existing antenna array. The term "Collocation" shall not be applied to a situation where two (2) or more wireless personal service providers independently place attached wireless telecommunication facilities on an existing building or structure.

"Combined antenna" means an antenna or antenna array designed and utilized to provide services for more than one (1) wireless provider for the same or similar type of services.

"Conceal or Concealed" means a wireless telecommunication facility in which the antenna, monopole, and/or tower, and sometimes the support equipment, are hidden from view, or effectively disguised as may reasonably be determined by the city planner or planning commission as applicable, such as in a false tree, monument, cupola, or other concealing structure which either mimics, or which also serves as, a natural or architectural feature in a compatible environment concealed wireless telecommunication facilities that do not mimic or appear as a natural or architectural feature to the average observer are not within the meaning of this definition.

"Coverage" means the geographic area served by an individual wireless telecommunications facility installation.

"Digital Antenna System (DAS)" means a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure.

"Eligible facilities request" means a request that involves collocation, removal, or replacement of wireless telecommunication facilities.

"Equipment cabinet" means a structure located at a base station that is above the base flood elevation and designed exclusively to contain radio or other equipment necessary for the transmission or reception of wireless telecommunication signals. An equipment cabinet cannot be used for storage and/or habitable space.

"Existing structures and facilities" means any wireless telecommunications facility for which a permit has been properly issued pursuant to this Section or prior to its adoption.

"Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account environmental, physical, legal, cost and technological factors.

"Lattice structure" means a tapered style of antenna support structure that typically consists of vertical and horizontal supports with multiple legs and cross-bracing and metal crossed strips or bars to support antennas.

"Location" means the area where a wireless telecommunications facility is located or proposed to be located. Reference to location shall be exact longitude and latitude, to the nearest tenth of a second, with bearing or orientation referenced to true north.

"Modification" means the change, or proposed change, of any portion of a wireless telecommunication facility from its description in a previously approved wireless telecommunication facility permit. Modification includes structural reinforcement, change in antenna type, and changes that alter the appearance, size or height of a wireless telecommunication facility.

"Monopole" means a style of freestanding antenna support structure that consists of a single shaft usually composed of two (2) or more hollow sections that are in turn attached to a foundation. This type of antenna support structure is designed to support itself without the use of guy wires or other stabilization devices. These components are mounted to a foundation that rests on or in the ground or on the roof of a building.

"Mount" means the surface upon which antennas are mounted. Mounts include, but are not limited to roof-mounts (mounted on the roof of a building) and side-mounts (mounted on the side of a building).

"Non-residential use" means uses such as churches, schools, and residential care facilities that are not a residential use but may be allowed in a residential zone typically with a conditional use permit.

"Personal wireless telecommunications services" means commercial mobile radio services, unlicensed wireless services and common carrier wireless exchange access service as identified in the Telecommunications Act of 1996.

"Siting" means the method and form of placement of a wireless telecommunications facility on a specific area of a property,

"Support equipment" means the physical, electrical and/or electronic equipment included within a wireless telecommunication facility used to house, power, and/or process signals from or to the facility's antenna or antennas.

"Utility tower" means an open framework structure or steel pole used to support electric transmission facilities.

"Wireless telecommunications facility" means a staffed or unstaffed commercial facility for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of any combination of the following for that purpose: a mount, an antenna support structure, a monopole, a lattice structure, an ancillary structure, an antenna or antenna array or combined antenna, transmission cables, support equipment, and/or equipment cabinet.

C. Preferred Zones and Locations.

When doing so would not conflict with the standards set forth in this Section or with federal law, wireless telecommunication facilities shall be located in the most appropriate location as described in this subsection (C), which range from the most appropriate to the least appropriate.

1. Collocation on existing facilities and structures located on city owned property;
2. Collocation on existing structures and facilities in the public or quasi-public zone;
3. Collocation on existing facilities and structures or attached wireless telecommunication facilities in the allowed Commercial, Office or Industrial Zones;
4. Location of new wireless telecommunication facilities on city owned property;
5. Location of new wireless telecommunication facilities in the Public or Quasi-Public Zone;
6. Location of new wireless telecommunication facilities in the allowed Commercial, Office and Industrial Zones.

D. Setbacks.

1. **Fall Zone Setback.** In order to ensure public safety, all new wireless telecommunication facilities shall maintain a setback at a 1:5 ratio, measured from property lines, based on the height of the cell tower, including any antenna or antenna array attached thereto. All new wireless telecommunication facilities shall also meet the minimum setback requirements of the underlying design district.

2. **Variance.** Setbacks for wireless telecommunication facilities may be modified if the requirements of Chapter 17.42 can be satisfied and the applicant can demonstrate that the siting for the proposed wireless telecommunication facility will be the least visually obtrusive profile, will not detract from the beauty and/or character of the area in which it is proposed to be located, and will not cause a public safety issue.

E. Height limits for new wireless telecommunication facilities.

Maximum Height

Type of Facility Maximum Height

Concealed and attached to building Shall not exceed the height of the structure on which the attached wireless telecommunication facility is attached by more than twenty-five (25) feet.

Non-concealed attached to building Shall not exceed the height of the structure on which the attached wireless telecommunication facility is attached by more than twenty-five (25) feet.

Freestanding tower Shall not exceed the height of the design district in which the wireless telecommunication facility is located by more than twenty-five (25) feet.

Collocation on existing buildings and structures (legal nonconforming) An attached wireless telecommunication facility may locate on a building or structure that is legally non-conforming with respect to height, provided that the facility does not project above the existing height by more than twenty-five (25) feet.

Height Limit Exception. The planning commission may approve additional height beyond the maximum allowed subject to the provisions Chapter 17.42 (Variance and Exceptions) of the Visalia Zoning Ordinance.

F. Concealed Wireless Telecommunications Facilities Required.

All new wireless telecommunication facilities are required to be concealed. A wireless telecommunication facility that is not concealed may be permitted so long as the following findings can be met:

1. The siting of the proposed wireless telecommunication facility will not adversely impact the use of the property, other buildings and structures on the property, or the surrounding area or neighborhood.
2. The siting of the proposed wireless telecommunication facility will result in the least intrusive visual impact to the area.
3. To the maximum extent reasonably feasible, the proposed wireless telecommunications facility has been designed to blend with the surrounding area and is appropriately designed for the specific site.

G. Concealed Wireless Telecommunication Facility Options.

1. The use of so-called "mono-pines, monopalms and other mono-trees" to conceal wireless telecommunication facilities shall be evaluated during the planned development permit process. The applicant shall demonstrate that these structures will blend in with the surrounding neighborhood in order to be considered. Photo simulations are required for a proposed mono-tree. The city planner may condition additional architectural features (mono-pine, monopalm, horizontal installation, application of color) to a wireless telecommunication facility to ensure compatibility with the surrounding physical environment. Due to environmental factors such as wind, rain and sun, the owner/applicant shall conduct an annual inspection on all mono-trees to ensure that the faux foliage continues to resemble a tree, and fully screens all antennas, antenna arrays, mounts, ancillary structures and/or support equipment. All mono-tree designs shall incorporate appropriate three-dimensional bark cladding, and shall provide for screening foliage to extend beyond all antennas by no less than twenty-four (24) inches. The design, number and placement of any branch-like structures affixed to the tower shall insure adequate camouflaging of the antennas, antenna arrays, mounts, ancillary structures and/or support equipment.
2. The use of alternative structures, including but not limited to such structures as a church cross, statue, light pole, flagpole, architectural feature such as a clock tower, shall be subject to the planned development permit process as described in subsection (1) above. Consideration as to when a wireless telecommunication facility may be concealed using an "alternative structure" will be based upon the extent to which it is designed to internally house antennas, antenna arrays, mounts, ancillary structures, and/or support equipment.

H. Collocation Required.

1. To limit the adverse visual effects of a proliferation of wireless telecommunication facilities in the city, the proposed construction of new wireless telecommunication facilities shall be designed to accommodate collocation of two (2) or more service providers. Any new wireless telecommunication

facility may be required to collocate with another existing or new facility, unless it can be demonstrated to be technically or economically infeasible.

2. Collocation on existing large towers. Collocation of the wireless telecommunication facilities of more than three (3) telecom providers on existing towers greater than seventy (70) feet in height is permitted pursuant to the planned development permit review process.

I. Substantial Change to the Physical Dimensions of Existing Structure or Facility.

1. Modifications to an existing structure or facility are permitted and do not require discretionary review where such modifications will not result in a "substantial change," as set forth in subsection (1)(2) below. Modifications resulting in a "substantial change" to an existing structure or facility shall be submitted for review under the planned development permit process as described in this section.

2. A "substantial change" to an existing structure or facility shall constitute the following:

a. The modification increases the height of the existing structure or facility by more than ten (10) percent, or the height of one (1) additional antenna array with separation from the nearest existing antenna or antenna array not to exceed twenty (20) feet, whichever is greater.

b. The modification would add an antenna, antenna array, mount, ancillary structure or support equipment that would protrude from the edge of the existing structure or facility more than twenty (20) feet or more than the width of the tower structure at the level of the antenna, antenna array, mount, ancillary structure or support equipment, whichever is greater.

c. The modification involves installing more than the standard number of equipment cabinets for the technology involved, and would add greater than four (4) equipment cabinets.

d. The modification would defeat the existing concealment elements.

e. The modification would result in the excavation or deployment outside the current boundaries of the leased or owned property and into any access, utility easements or required setbacks.

f. The modification would not comply with other conditions imposed upon the existing structure or facility unless non-compliance is due to an increase in height, increase in width, addition of equipment cabinets, or new excavation or deployment that does not exceed the substantial change thresholds of this subsection.

3. All modifications remain subject to building codes and other non-discretionary structural and safety codes.

J. Other Requirements for all Wireless Telecommunication Facilities.

1. Any attached wireless telecommunication facility or wireless telecommunication facility on or adjacent to a historic building or site shall be designed to ensure consistency with the National Historic Preservation Act or 1966, and shall be referred to the city's historic preservation advisory committee for review and approval pursuant to Chapter 17.56.

2. There shall be a seven (7) foot high screen fence or solid wall or approved architecturally-designed solid fence installed surrounding the equipment cabinet. Slatted chain-link fencing will only be considered when the equipment cabinet is substantially masked from public view or the wireless telecommunication facility is located in an industrial zone or public park.

3. New wireless telecommunication facilities shall not be permitted within one hundred (100) yards of an existing structures and facilities unless the applicant can demonstrate with substantial evidence that there are no other location alternatives to providing service to the area.

4. Wireless telecommunication facilities shall not be permitted in locations where they will interfere with the operation of the Visalia Municipal Airport. Wireless telecommunication facilities proposed for location within the airport planning area shall be referred to the airport manager or the airport land use commission for a determination of consistency with airport area standards.

5. All wireless telecommunication facilities must meet or exceed current standards and regulations of the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), and any other agency of the state or federal government with the authority to regulate wireless telecommunication facilities. If such standards and regulations are changed, the owners of the wireless telecommunication facilities governed by this section shall bring such wireless telecommunication facilities into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency.

6. All appropriate building permits are required. Compliance with applicable federal, state, and local laws, codes, and regulations are required, and are continuing obligations on applicants and permit holders hereunder.

7. A wireless telecommunication facility shall be maintained in good condition. Maintenance shall include, but not be limited to maintaining the structural and aesthetic integrity of the wireless telecommunication facility, including painting and upkeep of structures used to conceal wireless telecommunication facilities, and irrigation and upkeep of buffer areas and landscaping. If maintenance of will result in a substantial change as described in Section 17.32.163.H, the requirements shall apply.

8. Drawings and Photos Required. A plan or drawing depicting the size and configuration of the property where the wireless facility is proposed, and the size and location of existing improvements or features (buildings, driveways, sidewalks) depicting what currently exists and what physical changes are proposed. Elevation drawings shall depict all mast dimensions, placement and design features, and provide dimension to the apex of the pole from the finish grade. Accurate and reliable photos of the project site prior to the project installation or modification, and accurate and reliable photo simulations of all elements of proposed wireless telecommunication facility installation shall be provided.

K. Abandonment or Discontinuation of Use.

1. At such time that a wireless telecommunication facility owner or wireless provider plans to abandon or discontinue operation of that facility, said owner shall notify the community development department director by certified U.S. Mail of the proposed date of abandonment or discontinuation of operations.

2. In the event all legally approved use of any wireless telecommunication facility has been discontinued for a period of six (6) months (one hundred eighty (180) days) and the owner or wireless provider has not notified the community development department director, the facility shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the community development department director who shall have the right to request documentation and/or affidavits from the facility owner regarding the issue of usage, including evidence that use of the wireless telecommunication facility is imminent.

3. At such time as the community development department director determines that a wireless telecommunication facility is abandoned, the community development department director shall provide written notice of an abandonment determination by certified mail addressed to all applicants at the addresses on file with the city and to the owner of the property at the address on file with the city, the property address, if applicable, and at the address to which tax notices are sent. Failure or refusal by the facility owner or any other co-applicant to respond to such notice within sixty (60) days of the receipt of the certified letter, shall constitute prima facie evidence that the wireless telecommunication facility has been abandoned.

4. If the owner of a wireless telecommunication facility fails to respond or fails to demonstrate that the facility is not abandoned, the wireless telecommunication facility shall be considered abandoned and the owner of the facility shall apply for a new permits consistent with the requirements of this section or dismantle and physically remove the entire wireless telecommunication facility. "Physically remove" shall include restoration of the location of the wireless telecommunication facility to its natural condition, where applicable, except that any landscaping and grading shall remain in post-development condition.

5. Upon a determination of abandonment by the community development department director pursuant to this section, and the failure of the wireless telecommunication facility owner or other co-applicant to remove the facility in accordance with this section, the wireless telecommunication facility shall be deemed unfit for use and in violation of the permit requirements so as to be deemed a danger to public health and a public and private nuisance. Failure of the wireless telecommunication facility owner or other co-applicant to dismantle and physically remove the facility and related structures in accordance with the terms of this section shall result in the city taking all actions consistent with Chapter 8.40 and Chapter 1.13. (Ord. 2015-01 § 5, 2015)

RESOLUTION NO. 2017-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2017-07, A REQUEST BY VERIZON WIRELESS TO INSTALL A NEW 80-FOOT HIGH MONO-PINE WITH A 75-FOOT HIGH TELECOMMUNICATIONS TOWER, AND OUTDOOR EQUIPMENT ENCLOSURE AT THE BASE OF THE TOWER. THE SITE IS LOCATED AT 2639 EAST NOBLE AVENUE (APN: 100-080-003)

WHEREAS, Conditional Use Permit No. 2017-07, is a request by Verizon Wireless to install a new 80-foot high mono-pine with a 75-foot high telecommunications tower, and outdoor equipment enclosure at the base of the tower. The site is located at 2639 East Noble Avenue (APN: 100-080-003); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on March 27, 2017; and

WHEREAS, the Planning Commission of the City of Visalia finds the Conditional Use Permit No. 2017-07, 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 project is considered Categorical Exempt under Section 15303 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2017-16).

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.
 - 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. These types of uses are considered compatible in commercial areas where potential impacts can be addressed through the CUP process. Locating cell towers in commercial areas may at times require a variance to setbacks due to the potential proximity of residential land uses near commercial sites. The location of the proposed tower addresses the City's goal of "steering" telecommunication facilities to areas that allow a facility to blend into the surrounding area.

Although new cell towers in "Commercial" areas are identified as least desirable per Zoning Ordinance Section 17.32.163-C (collocation as most desirable), the use of a mono-pine cell tower, as opposed to a standard cell pole tower, allows for the cell tower to blend into the area given its proximity to large adjacent trees,

and the placement of the cell tower behind commercial buildings. The design aspects and location of the cell tower work to limit the visibility of the structure from vehicular traffic along East Noble Avenue but also provide for co-location opportunities for future cellular carriers.

- 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.

Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.32.163, for the placement of cell towers:

- A. The proposed mono-pine provides compatibility with the surrounding neighborhoods.
 - B. That the proposed mono-pine cell tower will provide for co-location, and will be subject to all the requirements of Zoning Ordinance Section 17.32.163.
3. That the project is Categorically Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), as amended. (Categorical Exemption No. 2017-16).

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 project be developed consistent with the comments and conditions of the Site Plan Review No. 2016-040.
2. That the site be developed in substantial compliance with the Site Plan in Exhibits "A-1", "A-2", "A-3", and "A-4" and the Elevations in Exhibit "B-1" and "B-2".
3. That the mono-pine cell tower be developed and constructed to allow co-location of other cellular providers on the mono-pine cell tower.
4. That all other conditions and requirements contained in Zoning Ordinance Section 17.32.163 shall apply and be met for this facility.
5. That Conditional Use Permit No. 2017-07 shall be null and void unless Variance No. 2017-05 is approved.
6. That signage shall be prohibited from being located on the cell tower.
7. 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. 2017-07, prior to the issuance of any building permits for this project.
8. That all other City codes and ordinances shall be met, and that the applicant and all successors in interest shall comply with all applicable federal, state and city codes and ordinances.

RESOLUTION NO. 2017-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING VARIANCE NO. 2017-05, A REQUEST BY VERIZON WIRELESS TO INSTALL A NEW 80-FOOT HIGH MONO-PINE WITH A 75-FOOT HIGH TELECOMMUNICATIONS TOWER WHICH IS LESS THAN THE REQUIRED 1 TO 5 (VERTICAL HEIGHT TO HORIZONTAL SEPARATION) FROM A PROPERTY LINE AND FOR THE HEIGHT OF THE MONO-PINE. THE SITE IS LOCATED AT 2639 EAST NOBLE AVENUE (APN: 100-080-003).

WHEREAS, Variance No. 2017-05, is a request by Verizon Wireless to install a new 80-foot high Mono-pine with a 75-foot high telecommunications tower which is less than the required 1 to 5 (vertical height to horizontal separation) from a property line and for the height of the mono-pine. The site is located at 2639 East Noble Avenue (APN: 100-080-003); and

WHEREAS, the Planning Commission of the City of Visalia, after published notice scheduled a public hearing before said commission on March 27, 2017; and

WHEREAS, the Planning Commission of the City of Visalia finds Variance No. 2017-05, as conditioned by staff, to be in accordance with Section 17.42 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 project is considered Categorically Exempt under Section 15303 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2017-16).

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 finding based on the evidence presented:

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

The height limit of 75-feet would result in less effective coverage of the target coverage area. The mono-pine collocation design allows Verizon place antennas at 75-feet and microwaves at 65-feet, which will result in a larger coverage zone for the surrounding area. RRU's will have to also be placed at below these centerlines. Additionally, a height limit of 75-feet would reduce the possibility of this facility allowing collocation by other wireless carriers, as required by the City of Visalia wireless ordinance. An 80-foot height allows for future collocation of up to three additional carriers at rad centers starting at 35-feet to 60-feet for collocation. The facility is setback approximately 681-feet to the southern property line (E. Collage

Avenue), 195-feet to the eastern property line, 260-feet to the western property line (S. Goddard St.) and 410-feet to the northern property line (E. Noble Ave.).

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

In order to provide effective coverage and to make the tower collectable, a variance to the maximum height is required. The mono-pine design requires that Verizon place antennas at two centerlines, 75-feet and 65-feet. RRU's will have to also be placed at below these centerlines. The size of the parcel makes meeting the setback requirements possible and the facility will be 410-feet from the front property line. Additionally, there are 11 towers within 5 miles of this location. Nine of them are taller than 80-feet. An 80-foot tower is less than most existing facilities.

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

Wireless facilities are conditionally permitted in commercial zones. A variance to the height requirements and setback requirement is necessary to ensure that the facility is able to perform effectively. Limiting the tower to 75-feet would lead to the tower being less effective and would limit collocation opportunities.

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

There are 11 wireless towers within a 4-mile radius of this search ring. The closest tower is approximately 0.8 miles away. That tower is in a residential zone and is 500-feet. Of the 11 towers, nine of them are above 85 feet tall. There is one tower at 66-feet. Therefore, an 80-foot tower is not out of the ordinary for the City of Visalia, and is in fact shorter than the majority of existing towers.

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

The wireless facility will be at the back of a commercial lot. There is no foot traffic nearby. The tower has been designed as a mono-pine. The antenna array will be close to the pole and the visual impact will be limited as the tower will appear to be a pine tree. The difference in a 75-foot mono-pine and a 80-foot mono-pine will result in no visual impact. There are 11 other towers, all taller than 75-feet within four miles. This tower has been designed to minimize the visual impact and to blend in with the surrounding area. The equipment area is enclosed within an eight-foot tall fence with barbed wire, thereby acting as a deterrent to anyone attempting to enter the equipment area.

6. That the project is considered Categorical Exempt under Section 15303 of the Guidelines for Implementation of CEQA (Categorical Exemption No. 2017-16).

BE IT FURTHER RESOLVED that the Planning Commission hereby approves Variance No. 2017-05, as conditioned, on the real property herein above described in accordance with the terms of this resolution under the provision of Section 17.48.110 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2016-040.
2. That the site be developed in substantial compliance with the Site Plan in Exhibits "A-1", "A-2", "A-3", and "A-4" and the Elevations in Exhibit "B-1" and "B-2".
3. That Variance No. 2017-05 shall be null and void unless Conditional Use Permit No. 2017-07 is approved.
4. That all other conditions and requirements contained in Zoning Ordinance Section 17.32.163 shall apply and be met for this facility.
5. That all other federal, state, regional, and county laws and city codes and ordinances be complied with.
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 Variance No. 2017-05, prior to the issuance of a building permit.

NOTES:
 OWNERS: EXETER MERCHANILE CO.
 APN: 100-090-003

THIS DRAWING DOES NOT REPRESENT A BOUNDARY SURVEY OF ANY PART OF LAND, NOR DOES IT IMPLY WHETHER THAT A BOUNDARY SURVEY WAS PERFORMED. THIS IS A SPECIALIZED GEOSPATIAL MAP WITH AGRICULTURAL INTERESTS AND LAND USE INFORMATION. A BOUNDARY SURVEY IS A SURVEY OF THE BOUNDARIES OF REAL PROPERTY, SHOWING THE LOCATIONS OF CORNERS, LINES AND LINES OF TITLE. WHERE NECESSARY, THE BOUNDARY SURVEY SHALL BE CONSIDERED APPROPRIATE ONLY. NO PROPERTY LINE HAS BEEN INVESTIGATED NOR SHOWN AND SHALL BE CONSIDERED APPROXIMATE ONLY. NO PROPERTY LINE HAS BEEN INVESTIGATED NOR SHOWN AND SHALL BE CONSIDERED APPROXIMATE ONLY. NO PROPERTY LINE HAS BEEN INVESTIGATED NOR SHOWN AND SHALL BE CONSIDERED APPROXIMATE ONLY. NO PROPERTY LINE HAS BEEN INVESTIGATED NOR SHOWN AND SHALL BE CONSIDERED APPROXIMATE ONLY.

THE EXISTENCE OF ANY THAT APPEAR ON THIS MAP HAVE BEEN FIELD BASED DATA ON THE BASIS OF VISUAL OBSERVATION AND/or INFORMATION RECEIVED FROM THE SURVEYOR. THE SURVEYOR HAS BEEN ADVISED BY THE UNDERGROUND UTILITIES SERVICES COMPANY THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES STATE THAT THEY ARE LOCATED AS NEARLY AS POSSIBLE. FOR THE INFORMATION AVAILABLE, THE FEDERAL CENSUS BUREAU MANAGEMENT AGENT FLOOR SALE MAP FOR COMMUNITY NO. 08012, PANEL NO. 034E, DATED APRIL 18, 2008, SHOWS THAT THE LOCATION OF THIS SITE FALLS WITHIN ZONE X, HAVING AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH SHALLOWER AREAS LESS THAN 1 SQUARE METRE AND AREAS PROTECTED BY TRENCHES FROM 18 ANNUAL CHANCE FLOOD.

THE LANTAGE AND LONGITUDE AT THE LOCATION AS SHOWN WAS DETERMINED BY GPS OBSERVATIONS.
 UTM: 50 TQ 2977 N, 1142 83
 ELEV.: 310.75 M (1018 FT.)
 UTM: 50 TQ 2637 N, 1140 83
 ELEV.: 339.65 M (1114 FT.) (BASED ON BATHYMETRY)

This information shows where meets of adjacent to the requirements set forth in FAA order 8260.150 for 1:4 accuracy ($\pm 20'$ horizontally and $\pm 3'$ vertically). The horizontal datum (Geoid-based) are expressed as approx. includes and seconds to the nearest hundredth of a second. The vertical datum (Height) are expressed as approx. to the nearest thousandth and are determined to the nearest 01' 1000.

LESSORS: EXETER, LEGAL DESCRIPTION:
 REAL PROPERTY IN THE CITY OF VISALIA COUNTY OF TULARE STATE OF CALIFORNIA, DESCRIBED AS THE EAST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 18 SOUTH, RANGE 28 EAST, MOUNT Diablo BASE AND MERIDIAN, COUNTY OF TULARE, STATE OF CALIFORNIA.
 EXCEPTING THEREFROM THAT PORTION CONVEYED TO STATE OF CALIFORNIA AS FULLY DESCRIBED IN DEED APN: 100-080-003-000
EXCEPTING THIS FROM THAT PARTITION CONVEYED TO STATE OF CALIFORNIA AS FULLY DESCRIBED IN DEED APN: 100-080-003-000

EXCEPTING THIS FROM THAT PARTITION CONVEYED TO STATE OF CALIFORNIA AS FULLY DESCRIBED IN DEED APN: 100-080-003-000

EXCEPTING THIS FROM THAT PARTITION CONVEYED TO STATE OF CALIFORNIA AS FULLY DESCRIBED IN DEED APN: 100-080-003-000

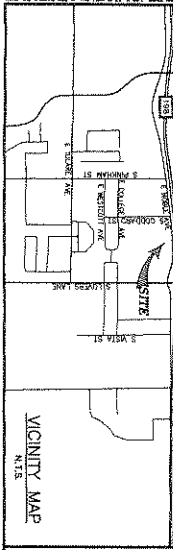
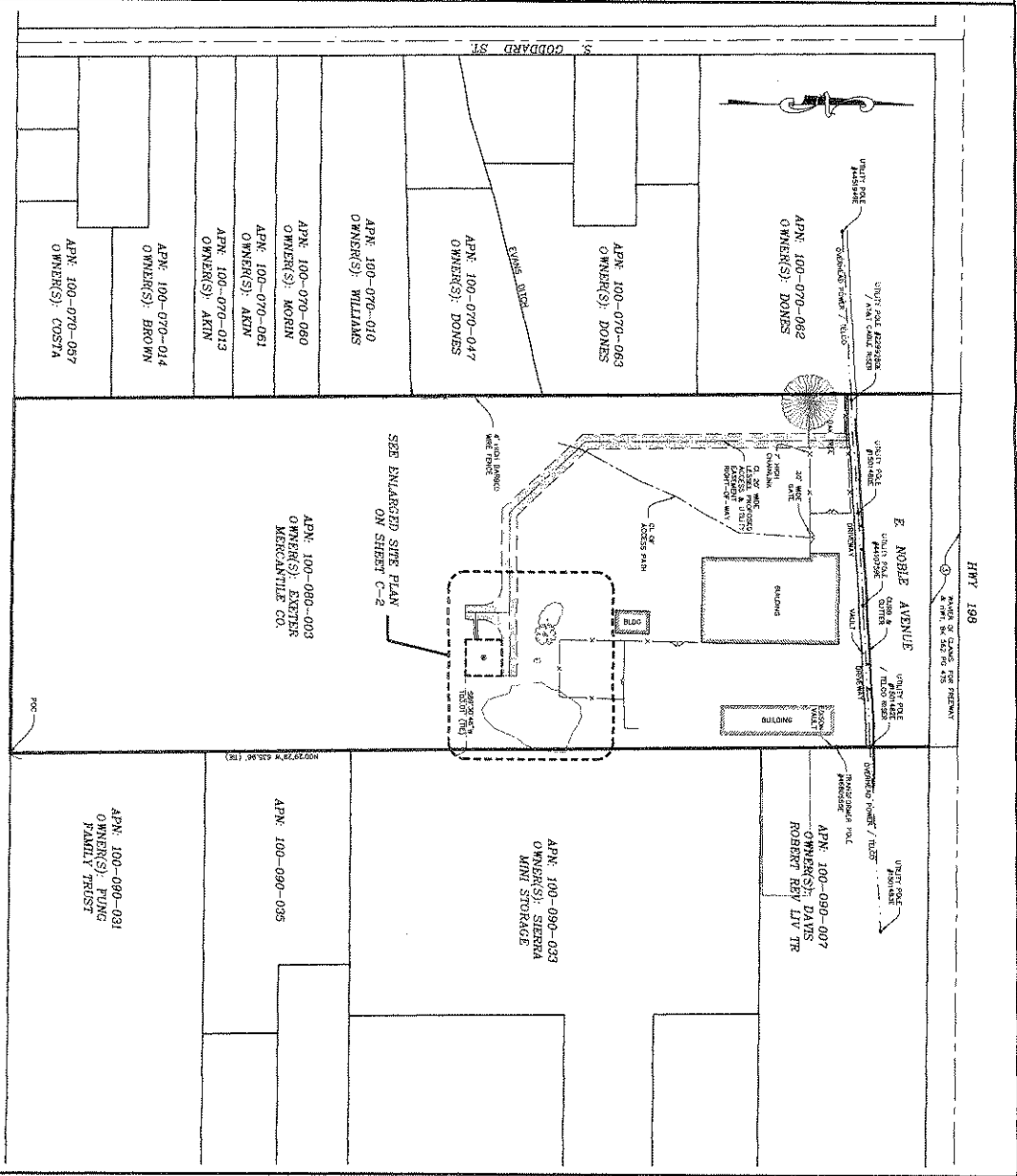
EXCEPTING THIS FROM THAT PARTITION CONVEYED TO STATE OF CALIFORNIA AS FULLY DESCRIBED IN DEED APN: 100-080-003-000

EXCEPTING THIS FROM THAT PARTITION CONVEYED TO STATE OF CALIFORNIA AS FULLY DESCRIBED IN DEED APN: 100-080-003-000

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EXCEPTING THIS FROM THAT PARTITION CONVEYED TO STATE OF CALIFORNIA AS FULLY DESCRIBED IN DEED APN: 100-080-003-000

EXCEPTING THIS FROM THAT PARTITION CONVEYED TO STATE OF CALIFORNIA AS FULLY DESCRIBED IN DEED APN: 100-080-003-000



LEGEND

- SITE BOUNDARY LINE
- OPENED POWER LINE
- BOUNDARY LINE FROM THIS SURVEY
- POWER POLE
- UTILITY LINES
- ROAD OR HIGHWAY
- CONCRETE ROAD
- POINT OF BEGINNING
- POINT OF COMMENCEMENT

SMITHCO SURVEYS ENGINEERING
 1200 S. W. 13th Street, Visalia, CA 93277
 TEL: (559) 734-2000

NO.	DATE	DESCRIPTION	BY
1	06/21/15	PRELIMINARY	TL
2	06/21/15	FINAL DESIGN	TL
3	09/21/15	TITLE BINDER	TL
4	11/09/15	REV. UTILTY	SL
5	11/09/15	REV. UTILTY	SL
6	11/22/15	REV. UTILTY	SL
7	01/27/17	FINAL DESIGN	TL
8	01/27/17	FINAL DESIGN	TL

SMITHCO WIRELESS
 800 S. W. 13th Street, Visalia, CA 93277
 TEL: (559) 734-2000

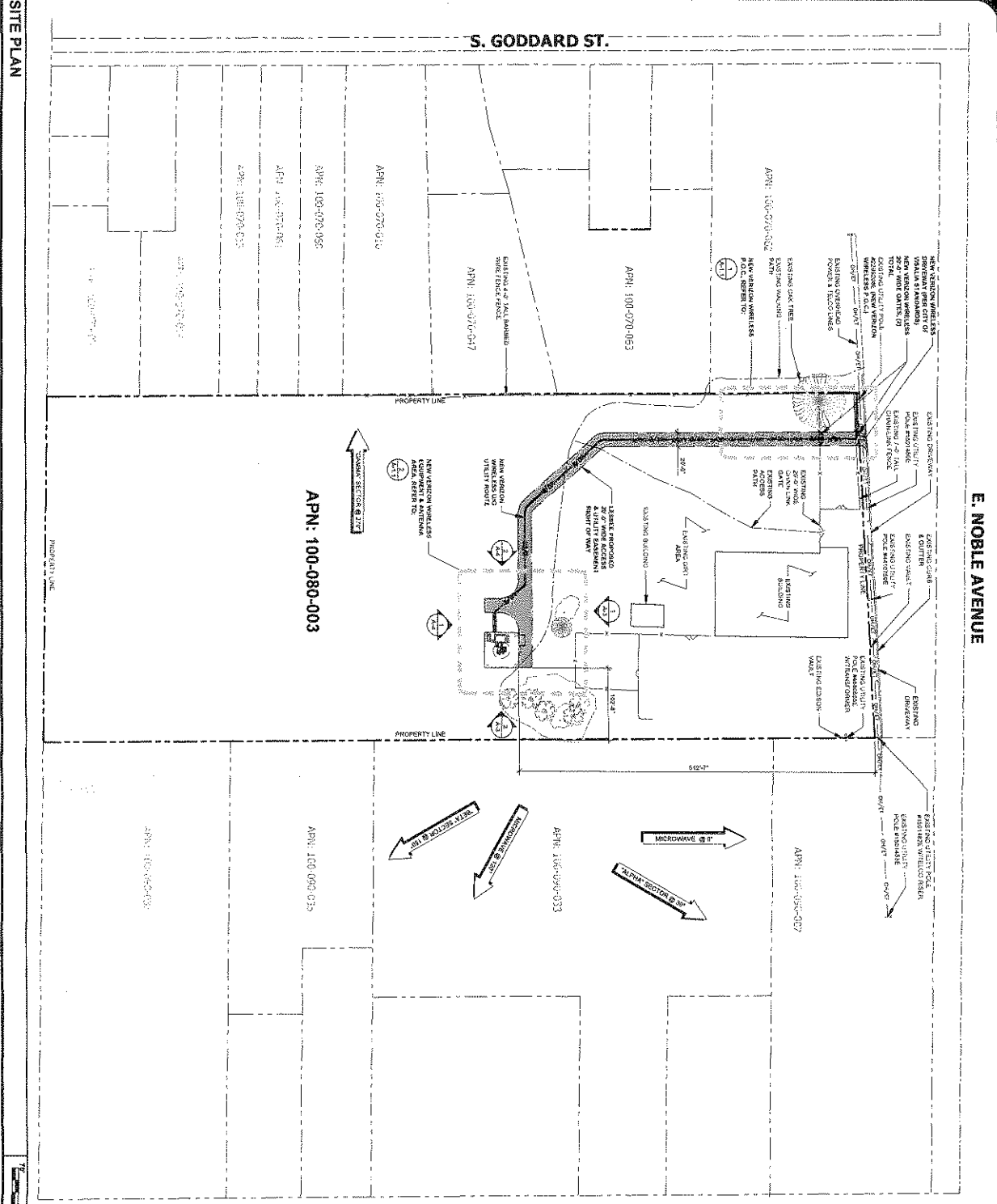
PERMITTING INFORMATION
 ALL PERMITS MUST BE OBTAINED BEFORE COMMENCING WORK.
 CONTACT YOUR LOCAL PERMITTING AGENCY FOR MORE INFORMATION.

verizon
 2785 MITCHELL DRIVE, BLDG 9
 WALNUT CREEK, CA 94598

LOVERS LANE
 2639 E. NOBLE AVE.
 VISALIA, CA 93292
 TULARE COUNTY

SHEET TITLE
 SITE SURVEY
 (001) DAWSON, 2016

Exhibit A-1



- ISSUE NOTES**
1. REPAIR MOTOR REPLACEMENT SHELVING, CROSS THE THAT HAS BROWN PATCH, SCHEDULED ON DRAWING AND MAY CONSTITUTE A TRIP/STRIKE HAZARD.
 2. REPLACE ANY CURB AND CURBS ACROSS THE PUBLIC BECOME OPEN, AND HAS CREATING AREAS WHERE WATER CAN STAND.
 3. CITY EMPLOYMENT PERMIT REQUIRED FOR ALL WORK WITHIN THE CITY LIMITS.
 4. PROPOSED WIRELESS EQUIPMENT MUST BE PLACED IN COMPLIANCE WITH CITY ORDINANCE 2357, CABLE & UTILITIES - SECTION 4-0225.
 5. MINIMUM 7 FOOTING SECTION FOR PARALLEL, 7' ASPHALT CONCRETE PAVEMENT ORDER 2" SAND CONCRETE PAVEMENT ORDER 2" SAND.
 6. FOOTING POST SHALL BE CONTAINED IN ACCORDANCE WITH THE AM ILLINOIS RULES OF SAN JOAQUIN VALLEY REQUIRED PERMIT WILL BE PROVIDED TO THE CITY.
 7. IF THE PROJECT MAKES DISCRETE APPROVAL FROM THE CITY, IT MAY BE SUBJECT TO THE SAN JOAQUIN VALLEY RULES AND REGULATIONS. ALL PERMITS MUST BE PROVIDED TO THE CITY.
 8. IF THE PROJECT MEETS THE ONE HOUR OF DISBURGANCE CRITERIA OF THE STATE'S STORM WATER PROGRAM, 2009-0000 (MS) IS REQUIRED AND A STORM WATER POLLUTION PREVENTION PLAN (SWPPP) IS REQUIRED. A SWPPP MUST BE PROVIDED TO THE CITY.
 9. ALL PERMITS MUST BE PROVIDED TO THE CITY.

ISSUE STATUS

NO.	DATE	DESCRIPTION	BY
1	02/11/23	ISSUE STATUS	WJS
2	02/11/23	ISSUE STATUS	WJS
3	02/11/23	ISSUE STATUS	WJS
4	02/11/23	ISSUE STATUS	WJS
5	02/11/23	ISSUE STATUS	WJS
6	02/11/23	ISSUE STATUS	WJS
7	02/11/23	ISSUE STATUS	WJS
8	02/11/23	ISSUE STATUS	WJS
9	02/11/23	ISSUE STATUS	WJS

PROPRIETARY INFORMATION

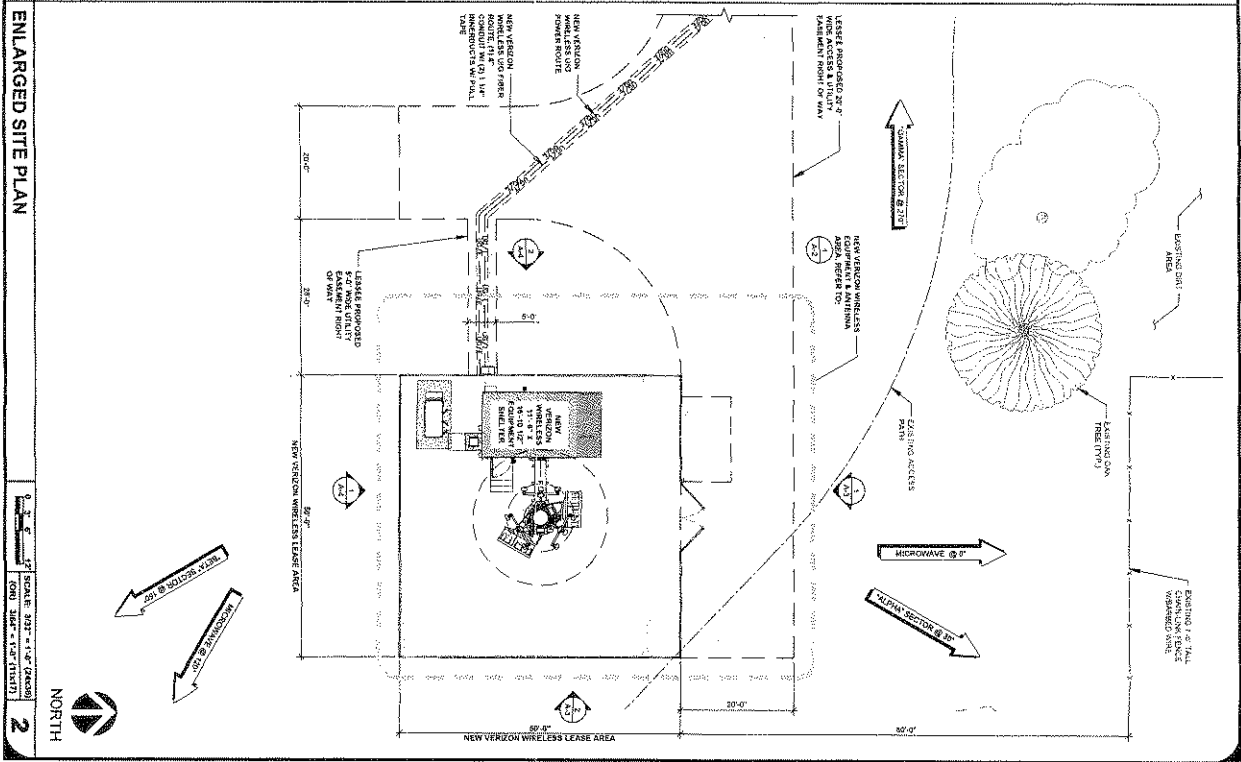
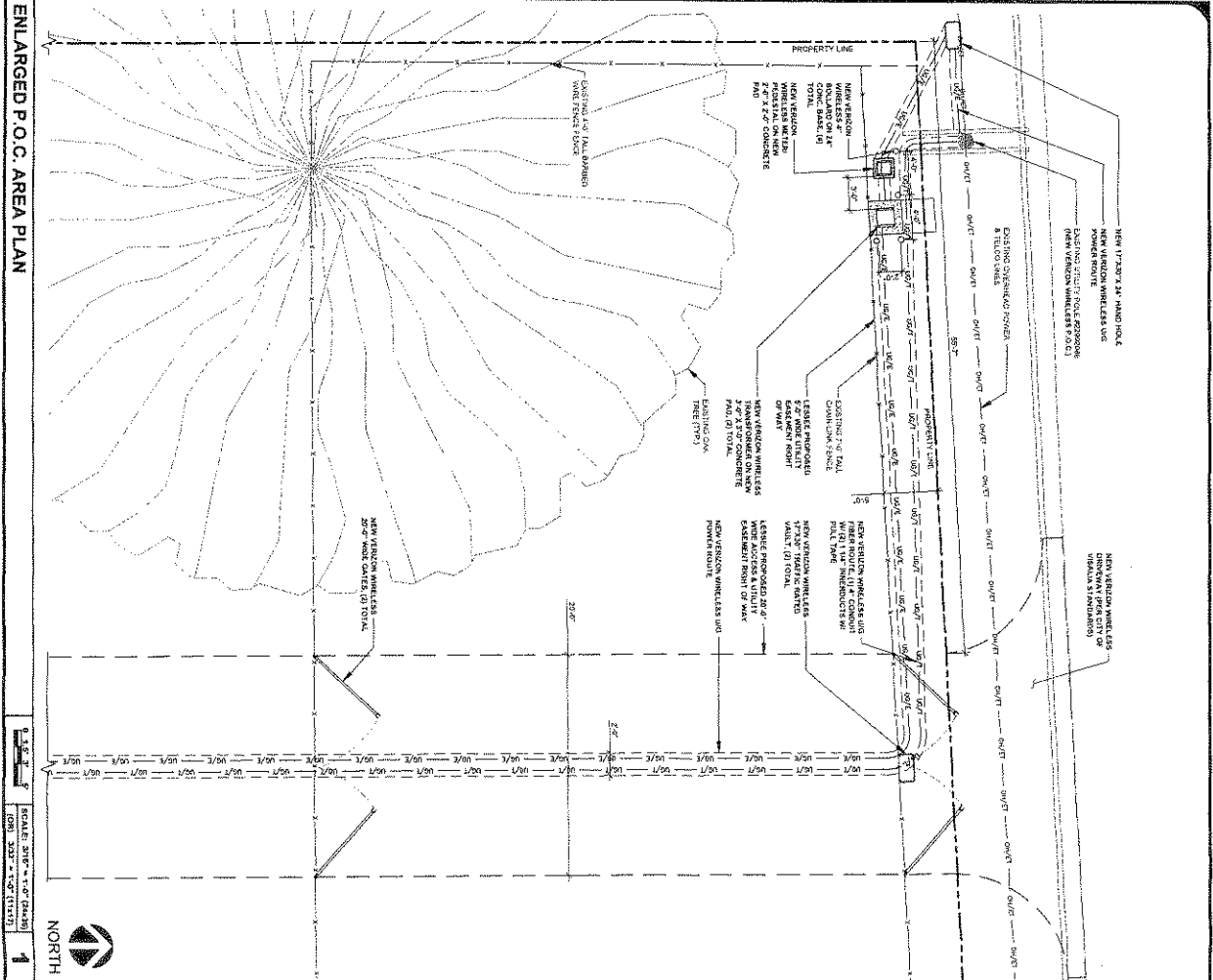
The information contained herein is the property of Sprint Nextel Corporation and is confidential. It is not to be distributed outside of the project team. All rights reserved.

2785 MITCHELL DRIVE, BLDG 9
WALNUT CREEK, CA 94598

LOVERS LANE
PSL# 303808
2639 E. NOBLE AVE.
VISALIA, CA 93292

SCALE: 1" = 10'-0" (AS SHOWN)
DATE: 02/11/23
SHEET TITLE: SITE PLAN
1

Exhibit A-3



ISSUE STATUS	DATE	DESCRIPTION	BY
1	03/21/13	ISSUE	LA
2	03/21/13	ISSUE	LA
3	03/21/13	ISSUE	LA
4	03/21/13	ISSUE	LA
5	03/21/13	ISSUE	LA
6	03/21/13	ISSUE	LA
7	03/21/13	ISSUE	LA
8	03/21/13	ISSUE	LA
9	03/21/13	ISSUE	LA
10	03/21/13	ISSUE	LA

Exhibit A-4

LOVERS LANE
 PSL# 303808
 2639 E. NOBLE AVE.
 VISALIA, CA 93292



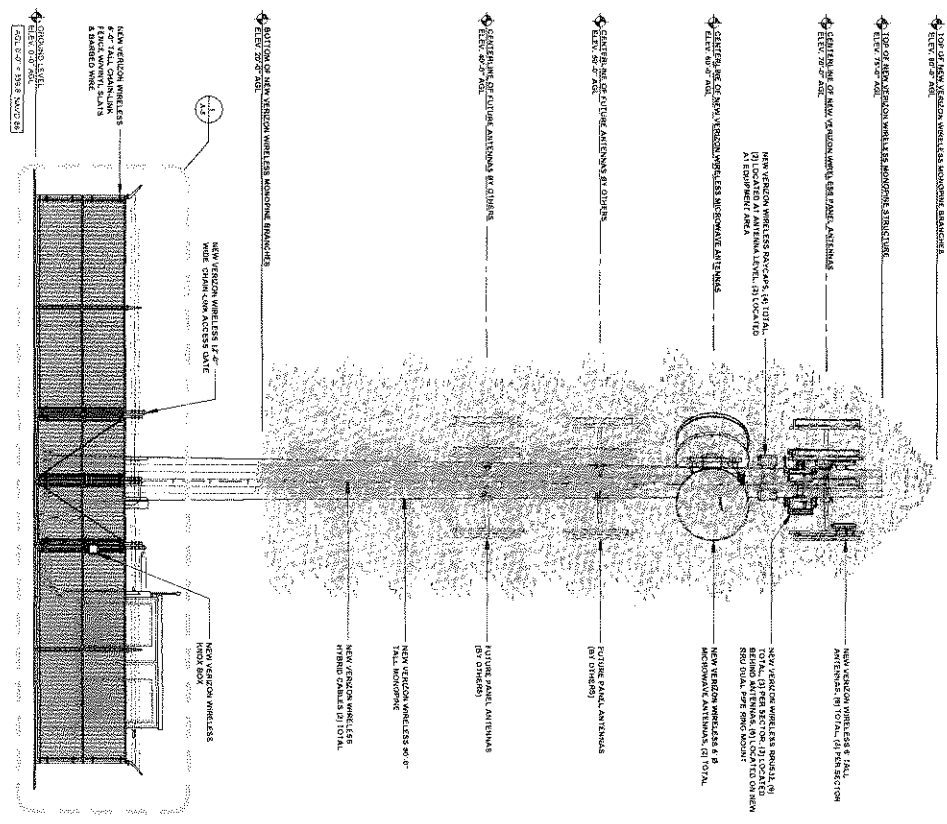
2785 MITCHELL DRIVE, BLDG 9
 WALNUT CREEK, CA 94598

PROPRIETARY INFORMATION
 THE INFORMATION CONTAINED ON THIS PLAN OR ANY OTHER DOCUMENTS OR INSTRUMENTS IS THE PROPERTY OF VERIZON WIRELESS SERVICES CORPORATION AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE EXPRESS WRITTEN PERMISSION OF VERIZON WIRELESS SERVICES CORPORATION.

VERIZON WIRELESS

3100 S. GARDEN AVENUE, SUITE 100
 WENATUCHE, CA 96095
 TEL: 916.229.7000

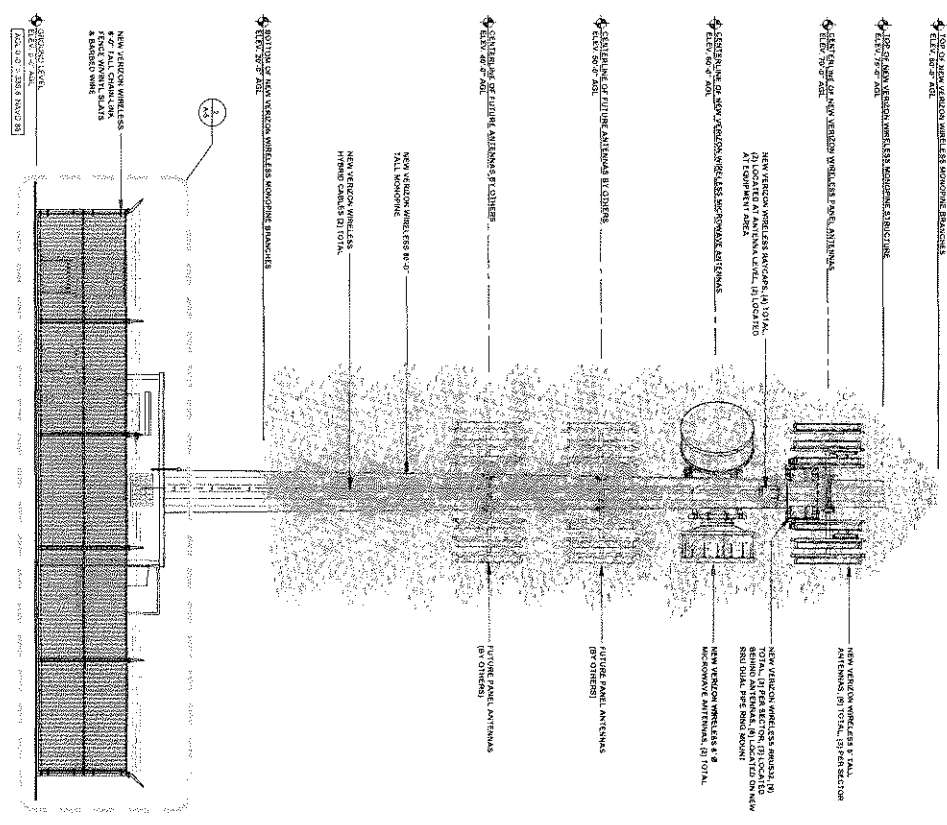
NOTE:
 PARTIAL NEW VERIZON WIRELESS
 EQUIPMENT IS SHOWN IN RED.



NORTH ELEVATION

SCALE: 3/16" = 1'-0" (GRAPH)
 (ON: 3/32" = 1'-0" (TEXT))

1



EAST ELEVATION

SCALE: 3/16" = 1'-0" (GRAPH)
 (ON: 3/32" = 1'-0" (TEXT))

2

ISSUE STATUS

NO.	DATE	DESCRIPTION	BY
1	08/11/15	ISSUE	FA
2	10/16/15	REVISED PER ZONING	MD
3	10/16/15	ISSUE	FA
4	08/19/15	ISSUE	FA
5	08/19/15	ISSUE	FA
6	08/19/15	ISSUE	FA
7	10/16/15	ISSUE	FA
8	10/16/15	ISSUE	FA

SDC
 WIRELESS

3615 SOUTHWEST PALM BLVD. STE. 100
 SUITE 100
 TUCSON, AZ 85741
 (520) 545-1234
 WWW.SDCWIRELESS.COM

PROJECT AND INFORMATION
 PROJECT: Lovers Lane PSL# 303808
 DRAWING NO: 15-0000-001
 DATE: 08/11/15
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

verizon

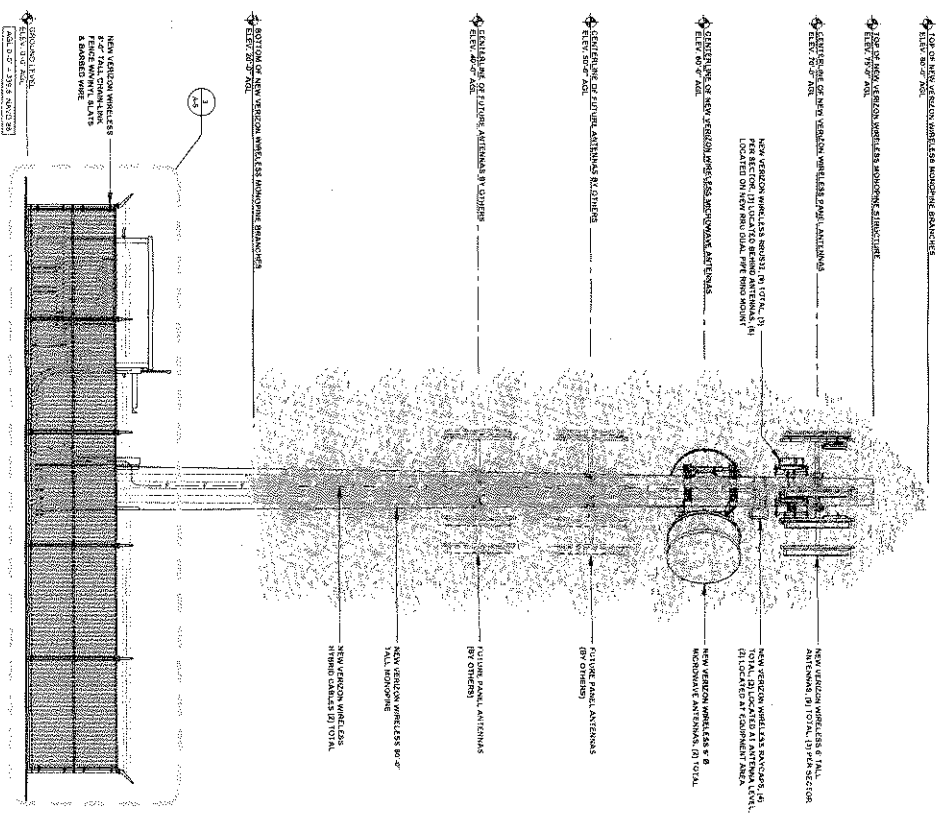
2785 MITCHELL DRIVE, BLDG 9
 WALNUT CREEK, CA 94598

LOVERS LANE
PSL# 303808
 2639 E. NOBLE AVE.
 VISALIA, CA 93292

SHEET TITLE:
**NORTH & EAST
 ELEVATIONS**

Exhibit B-1

NOTE: ALL NEW VERIZON WIRELESS EQUIPMENT IS SUBJECT TO LOCAL ORDINANCES.



SOUTH ELEVATION

SCALE: 3/8" = 1'-0" (AS SHOWN)
 (CON. 3/8" = 1'-0" (AS SHOWN))

1

WEST ELEVATION

SCALE: 3/8" = 1'-0" (AS SHOWN)
 (CON. 3/8" = 1'-0" (AS SHOWN))

2

ISSUE STATUS	NO.	DATE	DESCRIPTION
1	1/20/13	1/20/13	ISSUE FOR PERMITS
2	1/20/13	1/20/13	ISSUE FOR PERMITS
3	1/20/13	1/20/13	ISSUE FOR PERMITS
4	1/20/13	1/20/13	ISSUE FOR PERMITS
5	1/20/13	1/20/13	ISSUE FOR PERMITS
6	1/20/13	1/20/13	ISSUE FOR PERMITS
7	1/20/13	1/20/13	ISSUE FOR PERMITS
8	1/20/13	1/20/13	ISSUE FOR PERMITS
9	1/20/13	1/20/13	ISSUE FOR PERMITS
10	1/20/13	1/20/13	ISSUE FOR PERMITS

SDC WIRELESS
 9615 SADDLEBACK VALLEY DR. #100
 SAN DIEGO, CA 92123
 TEL: 619-594-9900
 FAX: 619-594-9901
 WWW.SDCWIRELESS.COM

FREQUENTLY ASKED QUESTIONS
 HOW DO I GET A PERMIT? HOW DO I GET A PERMIT?
 HOW DO I GET A PERMIT? HOW DO I GET A PERMIT?
 HOW DO I GET A PERMIT? HOW DO I GET A PERMIT?

verizon
 2785 MITCHELL DRIVE, BLDG 9
 WALNUT CREEK, CA 94598

LOVERS LANE
 PSL# 303808
 2639 E. NOBLE AVE.
 VISALIA, CA 93292

SHEET TITLE:
SOUTH & WEST ELEVATIONS

Exhibit B-2

Exhibit C

Variance/Exception supplemental application

A Variance to the height and setbacks requirement pursuant to Section 17.32.163D & E is requested. The height limit for the zone has been established at 75 feet. Below is a response to the five variance findings required.

1. The Strict or literal interpretation and enforcement of the height and setback requirement would result in practical difficulty inconsistent with the objectives of the zoning ordinance

The height limit of 75 feet would result in less effective coverage of the target coverage area. The Monopine Colocation design allows Verizon to place antennas at 75 feet and microwaves at 65 feet, which will result in a larger coverage zone for the surrounding area. RRU's will have to also be placed at below these centerlines. Additionally, a height limit of 75 feet would reduce the possibility of this facility allowing collocation by other wireless carriers, as required by the City of Visalia wireless ordinance. An 80 foot height allows for future collocation of up to 3 additional carriers at rad centers starting at 35 feet to 60 feet for collocation. The facility is setback approximately 681 feet to the southern property line (E. College Avenue), 195 feet to the eastern property line (Lovers Lane), 260 feet to the western property line (S. Goddard St.) and 410 feet to the northern property line (E. Noble Ave.).

2. There are exceptional circumstances applicable to the property which don't apply generally to other properties within this same zone.

In order to provide effective coverage and to make the tower collocatable, a variance to the maximum height is required. The monopine design requires that Verizon place antennas and microwaves at two centerlines, 75 feet and 65 feet. RRU's will have to also be placed at below these centerlines. The size of this parcel makes meeting the setback requirements possible and the facility will be 410 feet from the front property line. Additionally, there are 11 towers within 5 miles of this location. 9 of them are taller than 80 feet. An 80 foot tower is less than most existing facilities.

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

Wireless facilities are permitted in commercial zones. A variance to the height requirements and setback requirement is necessary to ensure that the facility is able to perform effectively. Limiting the tower to 75 feet would lead to the tower being less effective and would limit collocation opportunities.

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

There are 11 wireless towers within a 4 mile radius of this search ring. The closest tower is approximately .8 miles away. That tower is in a residential zone and is 500 feet. Of the 11 towers, 9 of them are above 85 feet tall. There is only one tower shorter than 70 feet, and that tower is 66 feet. Therefore, an 80 foot tower is not out of the ordinary for the City of Visalia, and is in fact shorter than the majority of existing towers.

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

The wireless facility will be on the back of a commercial lot. There is not much foot traffic nearby. The tower has been designed as a monopine. The antenna array will be close to the pole and the visual impact will be limited as the tower will appear to be a pine tree. The difference in a 75 foot monopine and an 80 foot monopine will result in no visual impact. There are 11 other towers all taller than 75 feet within 4 miles. This tower has been designed to minimize the visual impact and to blend in with the surrounding area. The equipment area is enclosed within an 8 foot tall fence with barbed wire, thereby acting as a deterrent to anyone attempting to enter the equipment area.

DATE	DESCRIPTION	BY
01/20/17	ISSUE FOR PERMITS	AV
01/20/17	ISSUE FOR PERMITS	AV
01/20/17	ISSUE FOR PERMITS	AV
01/20/17	ISSUE FOR PERMITS	AV
01/20/17	ISSUE FOR PERMITS	AV
01/20/17	ISSUE FOR PERMITS	AV
01/20/17	ISSUE FOR PERMITS	AV
01/20/17	ISSUE FOR PERMITS	AV
01/20/17	ISSUE FOR PERMITS	AV
01/20/17	ISSUE FOR PERMITS	AV

WIRELESS
 815 S WASHINGTON AVE SUITE 100
 VISALIA, CA 93292
 (562) 892-1111

PROPRIETARY INFORMATION
 THE INFORMATION CONTAINED HEREIN IS THE
 CONFIDENTIAL AND PROPRIETARY INFORMATION
 OF WIRELESS COMMUNICATIONS SERVICES, INC.
 AND IS NOT TO BE DISCLOSED TO ANY OTHER
 PARTY WITHOUT THE WRITTEN PERMISSION OF
 WIRELESS COMMUNICATIONS SERVICES, INC.

verizon

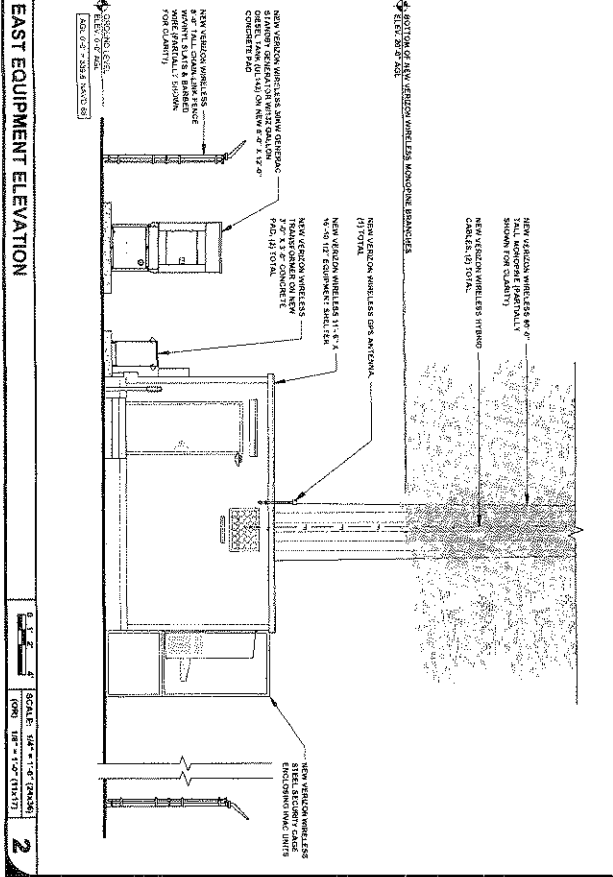
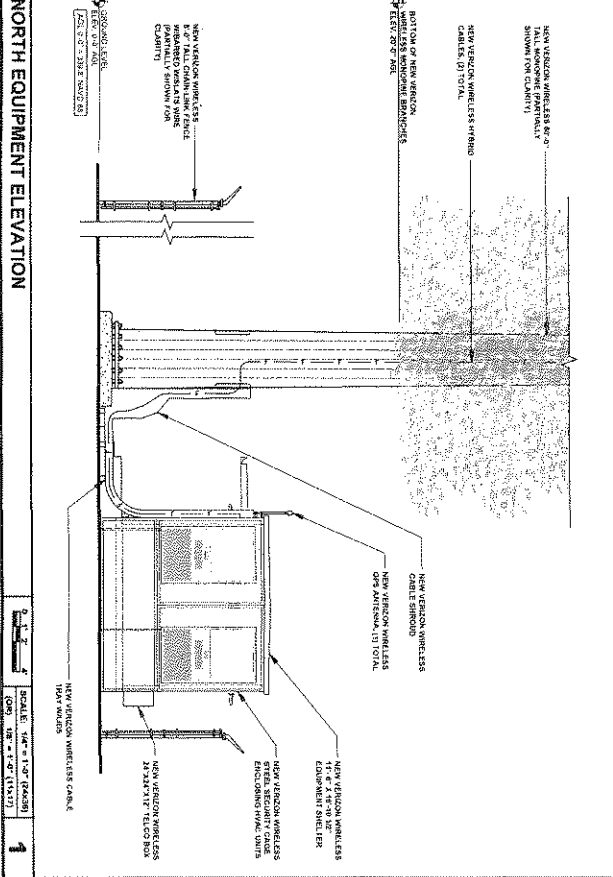
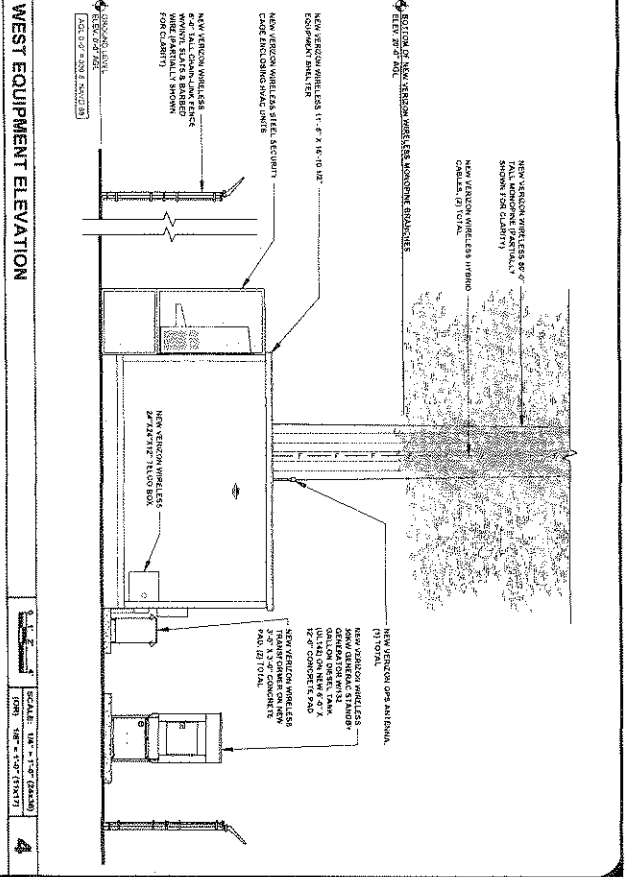
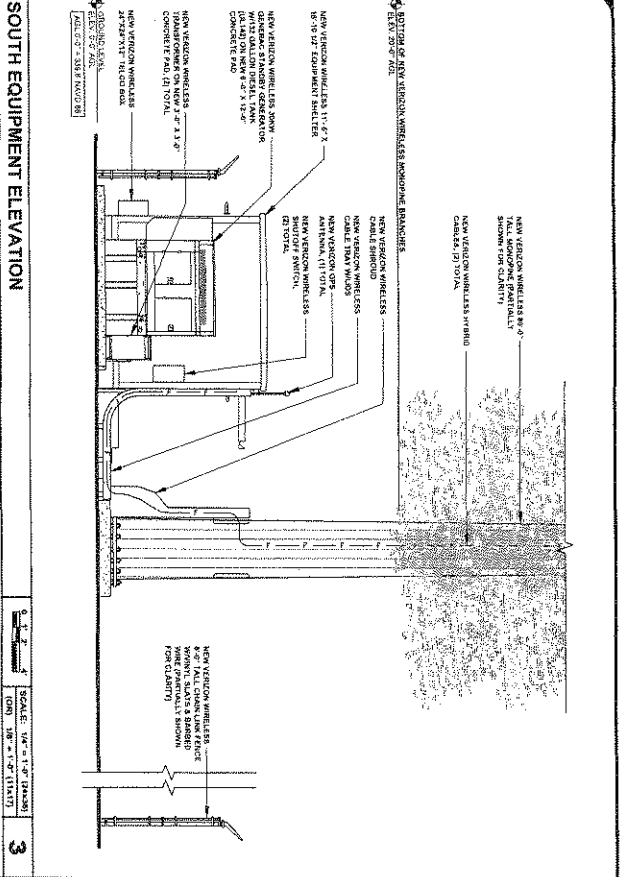
2765 MITCHELL DRIVE, BLDG 9
 WALNUT CREEK, CA 94598

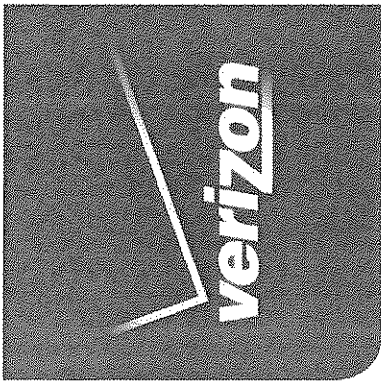
LOVERS LANE
 PSL# 303808

2639 E. NOBLE AVE.
 VISALIA, CA 93292

SHEET TITLE
EQUIPMENT ELEVATIONS

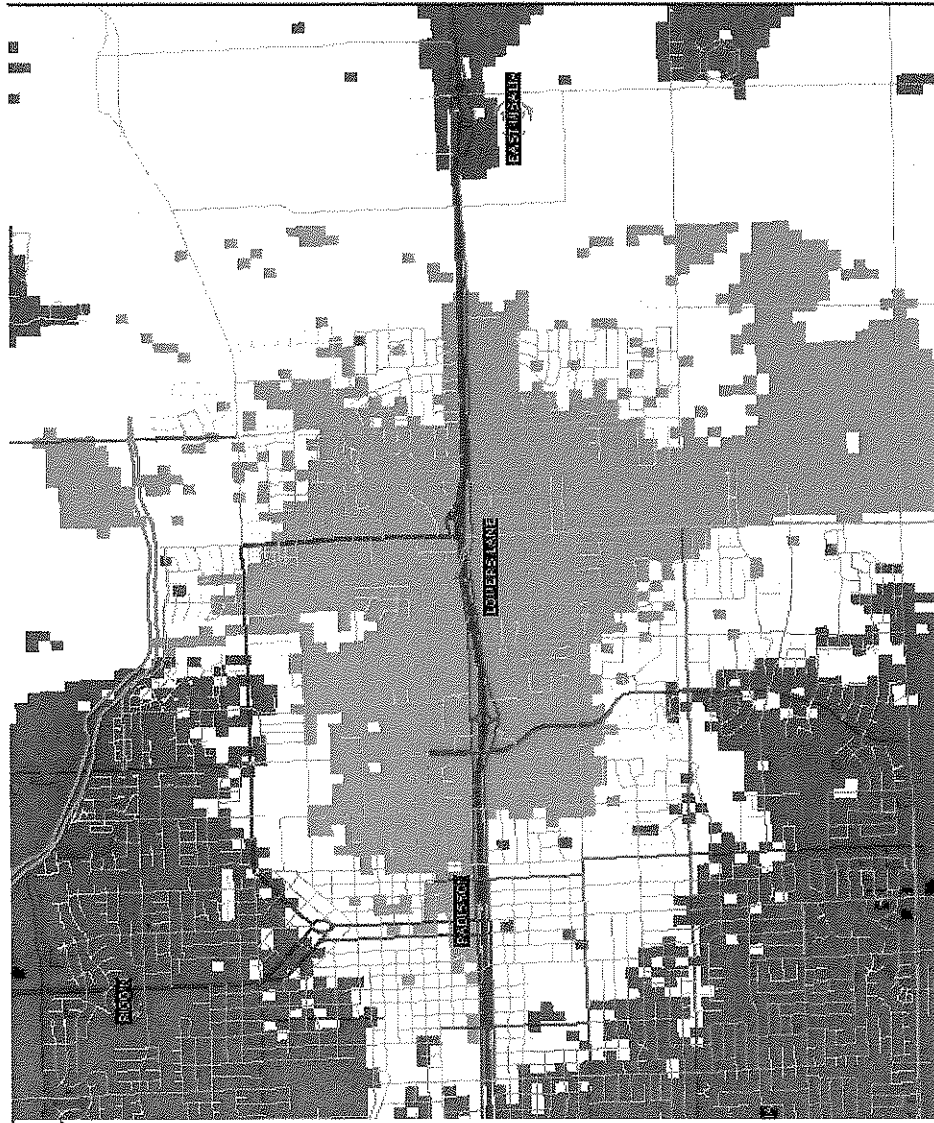
Exhibit D





Lovers Lane Area Coverage Plots

Proposed Coverage



Green

Good In Building Coverage

Yellow

Good In Vehicle Coverage

Red

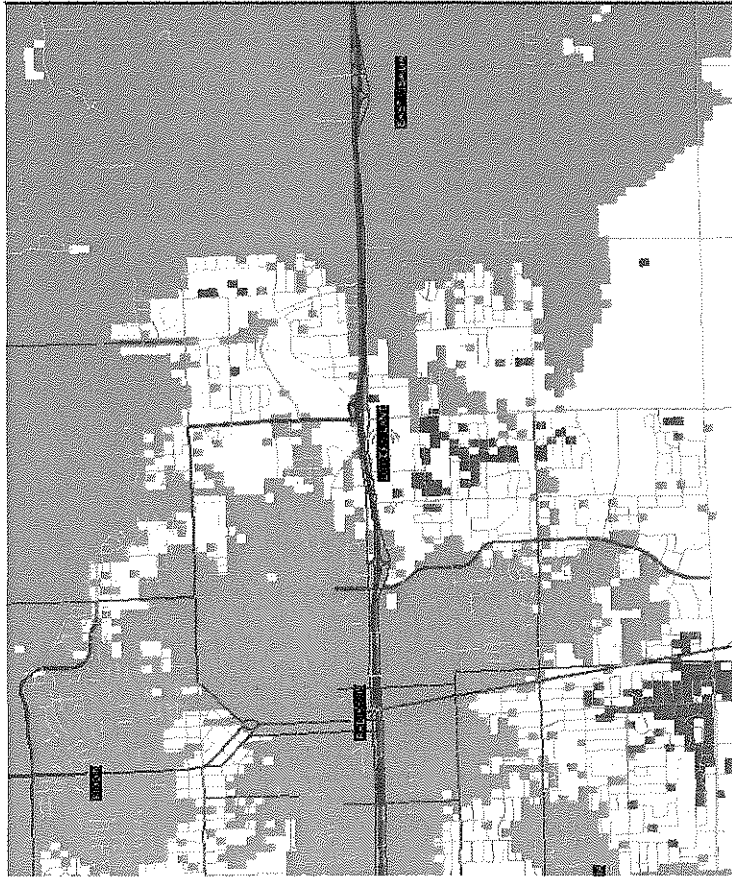
Good On Street Coverage

Exhibit E



Lovers Lane Area Coverage Plots

Existing Area Coverage



Proposed Area Coverage

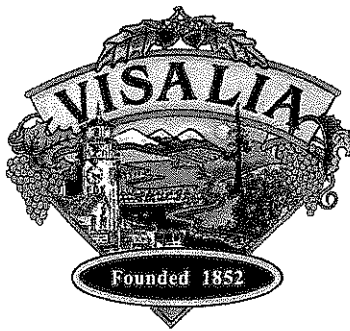


Green Good In Building Coverage

Yellow Good In Vehicle Coverage

Red Good On Street Coverage

The proposed Lovers Lane site objective is to improve coverage along Hwy. 198 and 216 and to improve in building coverage in Visalia neighborhoods.



MEETING DATE December 14, 2016
SITE PLAN NO. 16-040
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 9:00 a.m. and 4:00 p.m., Monday through Friday.

Your plans must be reviewed by:

CITY COUNCIL

REDEVELOPMENT

PLANNING COMMISSION

PARK/RECREATION

CUP & VARIANCE

HISTORIC PRESERVATION

OTHER -

ADDITIONAL COMMENTS:

If you have any questions or comments, please call Jason Huckleberry at (559) 713-4259.2
Site Plan Review Committee

ITEM NO: 1

DATE: December 14, 2016

SITE PLAN NO:

SPR16040

RESUBMIT

PROJECT TITLE:

VERIZON

DESCRIPTION:

UNMANNED TELECOMMUNICATION WIRELESS FACILITY, 50' X 50' LEASE AREA, 11'6" X 16' 10" EQUIPMENT SHELTER, 80' MONOPINE, 30 KW GENERIC STANDBY GENERATOR W/ 132 GALLON DIESEL TANK ON 6' X 12' CONCRETE PAD. (CS/CSO) (X) (D)

APPLICANT:

WAGNER JOSHUA

PROP OWNER:

EXETER MERCANTILE CO

LOCATION:

2639 E NOBLE AVE

City of Visalia Police Department

303 S. Johnson St.
Visalia, Ca. 93292
(559) 713-4370

Site Plan Review Comments

No Comment at this time.

Request opportunity to comment or make recommendations as to safety issues as plans are developed.

Public Safety Impact fee:
Ordinance No. 2001-11 Chapter 16.48 of Title 16 of the Visalia Municipal Code
Effective date - August 17, 2001

Impact fees shall be imposed by the City pursuant to this Ordinance as a condition of or in conjunction with the approval of a development project. "New Development or Development Project" means any new building, structure or improvement of any parcels of land, upon which no like building, structure of improvement previously existed. *Refer to Engineering Site Plan comments for fee estimation.

Not enough information provided. Please provide additional information pertaining to:

Territorial Reinforcement: Define property lines (private/public space).

Access Controlled / Restricted etc:

Lighting Concerns:

Landscaping Concerns:

Traffic Concerns:

Surveillance Issues:

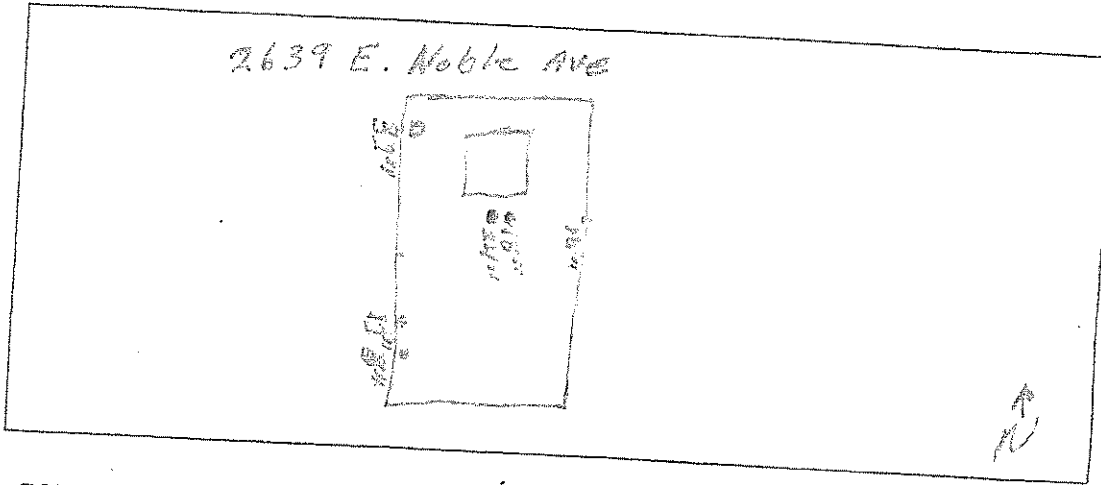
Line of Sight Issues:

Other Concerns:



Visalia Police Department

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: 1-16" Valley Oak
1-32" Valley Oak
1-12" Valley Oak
1-8" Valley Oak
1-24" Valley Oak
1-18" Valley Oak

Joel Hooyer
Parks and Urban Forestry Supervisor
559 713-4295 Fax 559 713-4818

Email: jhooyer@ci.visalia.ca.us



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: 1

DATE: December 14, 2016

SITE PLAN NO:

SPR16040

RESUBMIT

PROJECT TITLE:

VERIZON

DESCRIPTION:

UNMANNED TELECOMMUNICATION WIRELESS FACILITY, 50' X 50' LEASE AREA, 11'6" X 18' 10" EQUIPMENT SHELTER, 80' MONOPINE, 30 KW GENERIC STANDBY GENERATOR W/ 132 GALLON DIESEL TANK ON 6' X 12' CONCRETE PAD. (CS/CSO)

APPLICANT:

WAGNER JOSHUA

PROP OWNER:

EXETER MERCANTILE CO

LOCATION:

2639 E NOBLE AVE

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, bolt 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.

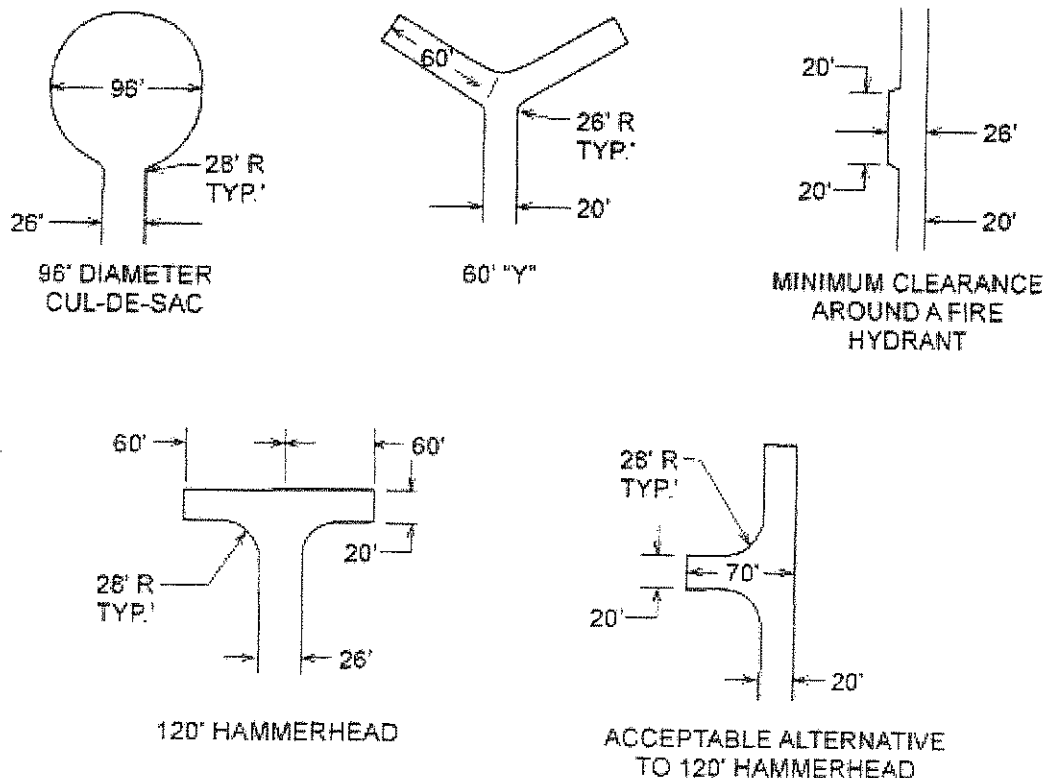


FIGURE D103.1
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND

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*

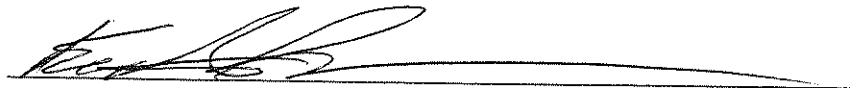
Fire Protection Systems:

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:

ACCESS ROAD SHALL BE A MINIMUM OF 20' WIDE.
POST NFPA 704 PLACARD.


Kurtis A. Brown
Fire Marshal


City of Visalia
Building: Site Plan
Review Comments

SITE PLAN NO: SPR16040 **RESUBMIT**
 PROJECT TITLE: VERIZON
 DESCRIPTION: UNMANNED TELECOMMUNICATION WIRELESS FACILITY, 50' X 50' LEASE AREA, 11'6" X 16' 10" EQUIPMENT SHELTER, 80' MONOPINE, 30 KW GENERIC STANDBY GENERATOR W/ 132 GALLON DIESEL TANK ON 6' X 12' CONCRETE PAD. (CS/CSO) (X) (D)
 APPLICANT: WAGNER JOSHUA
 PROP OWNER: EXETER MERCANTILE CO
 LOCATION: 2639 E NOBLE AVE

NOTE: These are general comments and DO NOT constitute a complete plan check for your specific project
 Please refer to the applicable California Codes & local ordinance for additional requirements.

- Business Tax Certification is required. *For information call (559) 713-4326*
- A building permit will be required. *For information call (559) 713-4444*
- Submit 4 sets of professionally prepared plans and 2 sets of calculations. (Small Tenant Improvements)
- Submit 4 sets of plans prepared by an architect or engineer. Must comply with 2013 California Building Cod Sec. 2308 for conventional light-frame construction or submit 2 sets of engineered calculations.
- Indicate abandoned wells, septic systems and excavations on construction plans.
- You are responsible to ensure compliance with the following checked items:**
- Meet State and Federal requirements for accessibility for persons with disabilities.
- A path of travel, parking, common area and public right of way must comply with requirements for access for persons with disabilities.
- Multi family units shall be accessible or adaptable for persons with disabilities.
- Maintain sound transmission control between units minimum of 50 STC.
- Maintain fire-resistive requirements at property lines.
- A demolition permit & deposit is required. *For information call (559) 713-4444*
- Obtain required clearance from San Joaquin Valley Air Pollution Board. Prior to am demolition work
For information call (661) 392-5500
- Location of cashier must provide clear view of gas pump island
- Plans must be approved by the Tulare County Health Department. *For information call (559) 624-7400*
- Project is located in flood zone _____ * Hazardous materials report.
- Arrange for an on-site inspection. (Fee for inspection \$157.00) *For information call (559) 713-4444*
- School Development fees. Commercial \$0.56 per square foot. Residential \$3.75 per square foot.
- Existing address must be changed to be consistent with city address. *For information call (559) 713-4320*
- Acceptable as submitted
- No comments
- See previous comments dated: _____

Special comments: _____


 Signature Date: 12/12/10

**BUILDING/DEVELOPMENT PLAN
REQUIREMENTS
ENGINEERING DIVISION**

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

ITEM NO: 1 DATE: DECEMBER 14, 2016

SITE PLAN NO.: 16-040 2ND RESUBMITTAL
PROJECT TITLE: VERIZON
DESCRIPTION: UNMANNED TELECOMMUNICATION WIRELESS FACILITY, 50' X 50' LEASE AREA, 11'6" X 16'10" EQUIPMENT SHELTER, 80' MONOPINE, 30KW GENERIC STANDBY GENERATOR W/ 132 GALLON DIESEL TANK ON 6' X 12' CONCRETE PAD. (CS/CSO) (X) (D)

APPLICANT: WAGNER JOSHUA
PROP OWNER: EXETER MERCANTILE CO
LOCATION: 2639 E NOBLE AVE
APN: 100-080-003

SITE PLAN REVIEW COMMENTS

REQUIREMENTS (indicated by checked boxes)

- Install curb return with ramp, with radius;
- Install curb; gutter
- Drive approach size: **18' MIN** Use radius return; **REFER TO CITY COMMERCIAL STANDARDS**
- 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. FOR ALL WORK WITHIN 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. **AS NECESSARY FOR NEW APPROACH LOCATION**
- 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. *Site plan proposes a new access drive from Noble Ave. A City standard drive approach is required to be installed and an improved surface to City std's, 20' wide minimum, for the proposed drive aisle to the telecommunication facility.*
2. *Refer to further conditions by the Urban Forestry Dept. for compliance with City ordinances and standards for construction near/within the crown drip line of any oak trees onsite.*
3. *It is recommended that no electrical outlets at the facility be accessible to the public.*
4. *The facility location appears adequate given the initial design concepts of the future Lover's Lane/CA 198 interchange master plan.*
5. *A building permit is required. Standard plan check and inspection fees will apply.*
6. *Refer to further conditions by the Planning Dept.*

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: 16-040 2nd RESUBMITTAL

Date: 12/14/2016

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:8/2/2016)

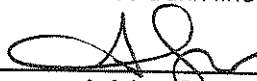
(Project type for fee rates:PERMIT REVIEW & INSPECTION)

Existing uses may qualify for credits on Development Impact Fees.

<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.



Adrian Rubalcaba

QUALITY ASSURANCE DIVISION
SITE PLAN REVIEW COMMENTS

ITEM NO: 1 DATE: December 14, 2016
SITE PLAN NO: SPR16040 *RESUBMIT*
PROJECT TITLE: VERIZON
DESCRIPTION: UNMANNED TELECOMMUNICATION WIRELESS
 FACILITY, 50' X 50' LEASE AREA, 11'6" X 16' 10"
 EQUIPMENT SHELTER, 80' MONOPINE, 30 KW
 GENERIC STANDBY GENERATOR W/ 132 GALLON
 DIESEL TANK ON 6' X 12' CONCRETE PAD. (CS/CSO)
 (X) (D)
APPLICANT: WAGNER JOSHUA
PROP OWNER: EXETER MERCANTILE CO
LOCATION: 2639 E NOBLE AVE

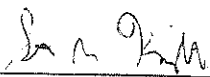
YOU ARE REQUIRED TO COMPLY WITH THE CITY OF VISALIA WASTEWATER ORDINANCE 13.08 RELATIVE TO CONNECTION TO THE SEWER, PAYMENT OF CONNECTION FEES AND MONTHLY SEWER USER CHARGES. THE ORDINANCE ALSO RESTRICTS THE DISCHARGE OF CERTAIN NON-DOMESTIC WASTES INTO THE SANITARY SEWER SYSTEM.

YOUR PROJECT IS ALSO SUBJECT TO THE FOLLOWING REQUIREMENTS:

- WASTEWATER DISCHARGE PERMIT APPLICATION
- SAND AND GREASE INTERCEPTOR - 3 COMPARTMENT _____
- GREASE INTERCEPTOR min. 1000 GAL
- GARBAGE GRINDER - ¾ HP. MAXIMUM _____
- SUBMISSION OF A DRY PROCESS DECLARATION _____
- NO SINGLE PASS COOLING WATER IS PERMITTED _____
- OTHER _____
- SITE PLAN REVIEWED - NO COMMENTS

CALL THE QUALITY ASSURANCE DIVISION AT (559) 713-4529 IF YOU HAVE ANY QUESTIONS.

CITY OF VISALIA
PUBLIC WORKS DEPARTMENT
QUALITY ASSURANCE DIVISION
7579 AVENUE 288
VISALIA, CA 93277



AUTHORIZED SIGNATURE

12-12-16

DATE

SITE PLAN REVIEW COMMENTS

Paul Bernal, Planning Division (559) 713-4025 (Andrew Chamberlain 713-4003)

Date: December 14, 2016

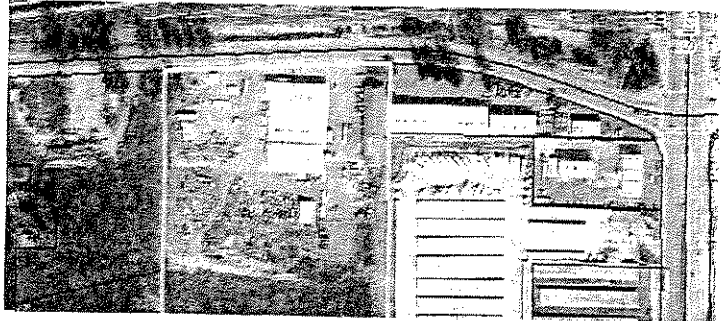
SITE PLAN NO: 2016-040 **Resubmittal**
PROJECT TITLE: NEW VERIZON CELL TOWER
DESCRIPTION: UNMANNED TELECOMMUNICATION WIRELESS FACILITY, 50' X 50' LEASE AREA, 11'6" X 16' 10" EQUIPMENT SHELTER, 80' MONOPINE, 30 KW GENERIC STANDBY GENERATOR W/ 132 GALLON DIESEL TANK ON 6' X 12' CONCRETE PAD. (CS/CSO) (X) (D)
APPLICANT: WAGNER JOSHUA
PROP. OWNER: EXETER MERCANTILE CO
LOCATION TITLE: 2639 E NOBLE AVE
APN TITLE: 100-080-003
GENERAL PLAN: Commercial Mixed Use
EXISTING ZONING: C-S & C-SO – Service Commercial & Shopping / Office Commercial

Planning Division Recommendation:

- Revise and Proceed
 Resubmit

Project Requirements

- Conditional Use Permit (CUP)
- Variance to height
- Building Permits
- Additional Information as Needed



PROJECT SPECIFIC INFORMATION: 12/14/2016

1. A CUP is required for the proposed mono-pine telecommunication tower.
2. A Variance to the mono-pine telecommunication tower is required. Per Design District "B" and Section 17.32.020 Height Limits, the maximum height for this structure is 75-feet.
3. Comply with the City's Wireless Telecommunication Ordinance Section 17.32.163 (see below).
4. Any access road is required to be a paved surface; there will need to be a fully paved access road to the facility for fire and emergency purposes. NOTE: that should an alternate access drive location such as the one proposed in this plan be approved, it will be subject to future relocation based upon the Caltrans interchange project at the HWY 198/Lovers Lane location. Barring an alternate access drive location, staff will condition the project to take access to the lease area via the sites primary access drive along Noble Avenue, with a fully paved section to the tower and enclosure.
5. Plot and protect all Valley Oak Trees on the site. NOTE: The proposed access drive appears to go under a Valley Oak Tree, and the pole/enclosure is located very close to Valley Oak Trees. This will require special construction techniques to assure "zero" impact to the trees.
6. Submit the site plan exhibit depicting the new access drive location.

PROJECT SPECIFIC INFORMATION: 03/16/2016

1. A CUP is required for the proposed mono-pine telecommunication tower.
2. A Variance to the mono-pine telecommunication tower is required. Per Design District "B" and Section 17.32.020 Height Limits, the maximum height for this structure is 75-feet.
3. Comply with the City's Wireless Telecommunication Ordinance Section 17.32.163 (see below).

4. Staff does not support the location of the proposed access road as depicted on Sheet C-2. Staff will condition the project to take access to the lease area via the sites primary access drive along Noble Avenue.
5. Submit the site plan exhibit depicting the new access drive location.
6. The mono-pine tower shall be designed to accommodate co-location.
7. A Wireless Telecommunication Facility shall be maintained in good condition. Maintenance shall include, but not be limited to maintaining the structural and aesthetic integrity of the Wireless Telecommunication Facility, including painting and upkeep of structures used to Conceal Wireless telecommunication Facilities, and irrigation and upkeep of buffer areas and landscaping. If maintenance of will result in a Substantial Change as described in Section 17.32.163.H, the requirements of that subsection shall apply.

- 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.

Design District: "B" [17.30.170]

Maximum Building Height: 50 Feet

Minimum Setbacks:

	Building	Landscaping
➤ Front	15 Feet	15 Feet
➤ Side	0 Feet	5 Feet*
➤ Street side on corner lot	10 Feet	10 Feet
➤ Side abutting residential zone	15 Feet	5 Feet
➤ Rear	0 Feet	5 Feet*
➤ Rear abutting residential zone	20 Feet	5 Feet

*(Except where building is on property line)

Minimum Site Area: 5 acres

Parking: As prescribed in Chapter 17.34

Collocation Required

1. To limit the adverse visual effects of a proliferation of Wireless Telecommunication Facilities in the City, the proposed construction of new Wireless Telecommunication Facilities shall be designed to accommodate Collocation of two (2) or more service providers. Any new Wireless Telecommunication Facility may be required to Collocate with another existing or new facility, unless it can be demonstrated to be technically or economically infeasible.
2. Collocation on existing large towers. Collocation of the Wireless Telecommunication Facilities of more than three (3) telecom providers on existing towers greater than seventy (70) feet in height is permitted pursuant to the Planned Development Permit review process.

Other Requirements for all Wireless Telecommunication Facilities

1. Any Attached Wireless Telecommunication Facility or Wireless Telecommunication Facility on or adjacent to a historic building or site shall be designed to ensure consistency with the National Historic Preservation Act or 1966, and shall be referred to the City's Historic Preservation Advisory Committee for review and approval pursuant to Chapter 17.56.
2. There shall be a seven (7) foot high screen fence or solid wall or approved architecturally-designed solid fence installed surrounding the Equipment Cabinet. Slatted chain-link fencing will only be considered when the Equipment Cabinet is substantially masked from public view or the Wireless Telecommunication Facility is located in an industrial zone or public park.

3. New Wireless Telecommunication Facilities shall not be permitted within one hundred (100) yards of an Existing Structures and Facilities unless the applicant can demonstrate with substantial evidence that there are no other location alternatives to providing service to the area.
4. Wireless Telecommunication Facilities shall not be permitted in locations where they will interfere with the operation of the Visalia Municipal Airport. Wireless Telecommunication Facilities proposed for location within the airport planning area shall be referred to the airport manager or the airport land use commission for a determination of consistency with airport area standards.
5. All Wireless Telecommunication Facilities must meet or exceed current standards and regulations of the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), and any other agency of the State or Federal government with the authority to regulate Wireless Telecommunication Facilities. If such standards and regulations are changed, the owners of the Wireless Telecommunication Facilities governed by this Section shall bring such Wireless telecommunication Facilities into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling State or Federal agency.
6. All appropriate building permits are required. Compliance with applicable federal, state, and local laws, codes, and regulations are required, and are continuing obligations on applicants and permit holders hereunder.
7. A Wireless Telecommunication Facility shall be maintained in good condition. Maintenance shall include, but not be limited to maintaining the structural and aesthetic integrity of the Wireless Telecommunication Facility, including painting and upkeep of structures used to Conceal Wireless telecommunication Facilities, and irrigation and upkeep of buffer areas and landscaping. If maintenance of will result in a Substantial Change as described in Section 17.32.163.H, the requirements of that subsection shall apply. Ordinance No. 2015-01
8. Drawings and Photos Required. A plan or drawing depicting the size and configuration of the property where the Wireless facility is proposed, and the size and location of existing improvements or features (buildings, driveways, sidewalks) depicting what currently exists and what physical changes are proposed. Elevation drawings shall depict all mast dimensions, placement and design features, and provide dimension to the apex of the pole from the finish grade. Accurate and reliable photos of the project site prior to the project installation or modification, and accurate and reliable photo simulations of all elements of proposed Wireless Telecommunication Facility installation shall be provided.

Abandonment or Discontinuation of Use

1. At such time that a Wireless Telecommunication Facility owner or wireless provider plans to abandon or discontinue operation of that facility, said owner shall notify the Community Development Department Director by certified U.S. Mail of the proposed date of abandonment or discontinuation of operations.
2. In the event all legally approved use of any Wireless Telecommunication Facility has been discontinued for a period of six months (180 days) and the owner or wireless provider has not notified the Community Development Department Director, the facility shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Community Development Department Director who shall have the right to request documentation and/or affidavits from the facility owner regarding the issue of usage, including evidence that use of the Wireless Telecommunication Facility is imminent.
3. At such time as the Community Development Department Director determines that a Wireless Telecommunication Facility is abandoned, the Community Development Department Director

shall provide written notice of an abandonment determination by certified mail addressed to all applicants at the addresses on file with the City and to the owner of the property at the address on file with the City, the property address, if applicable, and at the address to which tax notices are sent. Failure or refusal by the facility owner or any other co-applicant to respond to such notice within sixty (60) days of the receipt of the certified letter, shall constitute prima facie evidence that the Wireless Telecommunication Facility has been abandoned.

4. If the owner of a Wireless Telecommunication Facility fails to respond or fails to demonstrate that the facility is not abandoned, the Wireless Telecommunication Facility shall be considered abandoned and the owner of the facility shall apply for a new permits consistent with the requirements of this Section or dismantle and physically remove the entire Wireless Telecommunication Facility. "Physically remove" shall include restoration of the location of the Wireless Telecommunication Facility to its natural condition, where applicable, except that any landscaping and grading shall remain in post-development condition. Ordinance No. 2015-01
5. Upon a determination of abandonment by the Community Development Department Director pursuant to this Section, and the failure of the Wireless Telecommunication Facility owner or other co-applicant to remove the facility in accordance with this Section, the Wireless Telecommunication Facility shall be deemed unfit for use and in violation of the permit requirements so as to be deemed a danger to public health and a public and private nuisance. Failure of the Wireless Telecommunication Facility owner or other co-applicant to dismantle and physically remove the facility and related structures in accordance with the terms of this Section shall result in the City taking all actions consistent with Chapter 8.40 and Chapter 1.13.

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. 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.

Signature 

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

December 14, 2016

ITEM NO: 1	RESUBMTL
SITE PLAN NO:	SPR16040
PROJECT TITLE:	VERIZON
DESCRIPTION:	UNMANNED TELECOMMUNICATION WIRELESS FACILITY, 50' X 50' LEASE AREA, 11'6" X 16' 10" EQUIPMENT SHELTER, 80' MONOPINE, 30 KW GENERIC STANDBY GENERATOR W/ 132 GALLON DIESEL TANK ON 6' X 12' CONCRETE PAD. (CS/CSO) (X) (D)
APPLICANT:	WAGNER JOSHUA
PROP. OWNER:	EXETER MERCANTILE CO
LOCATION:	2639 E NOBLE AVE
APNS:	100-080-003

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.
 - Provide more traffic information such as . Depending on development size, characteristics, etc., a TIA may be required.

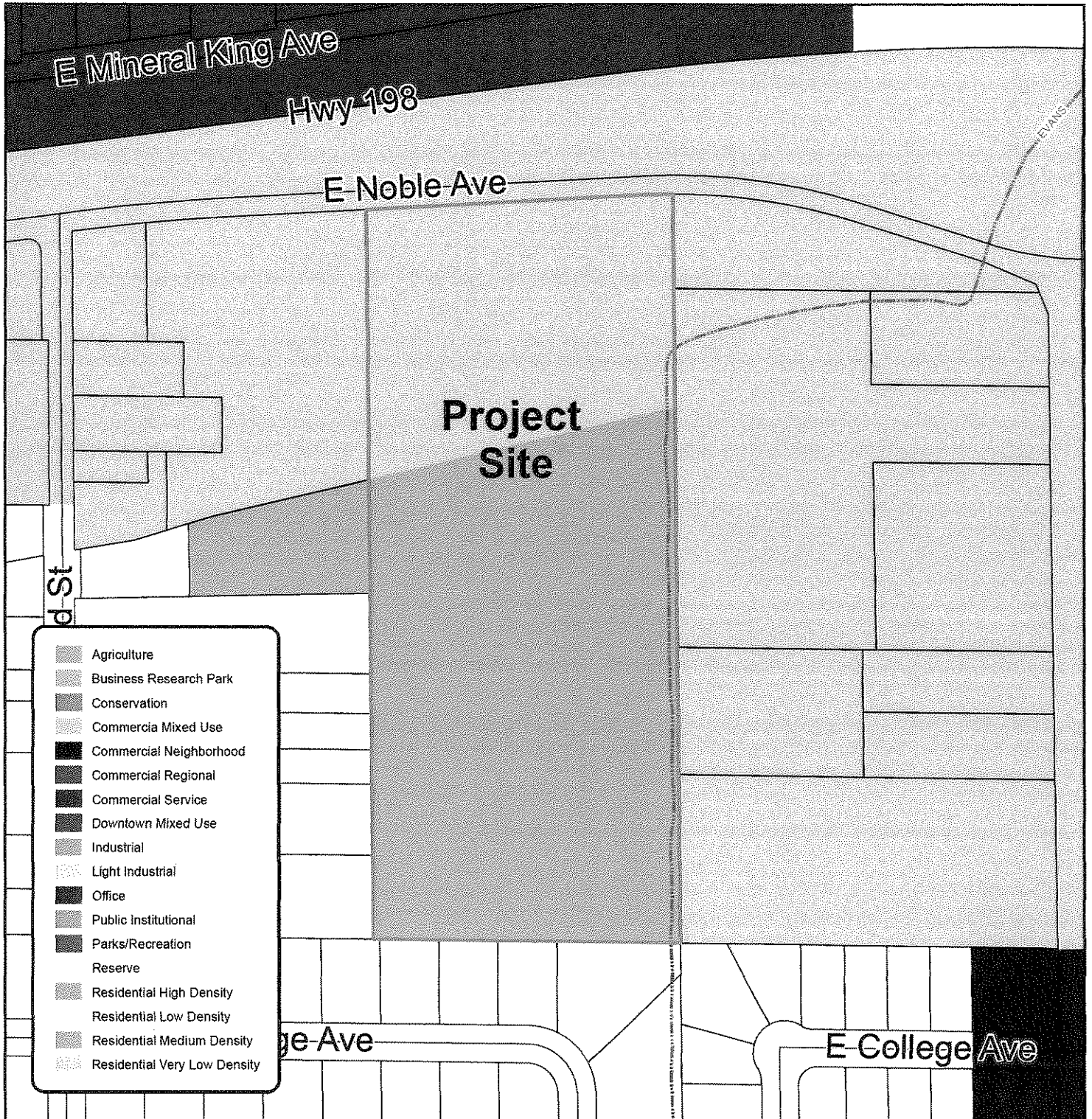
Additional Comments:



Leslie Blair

CUP No. 2017-07 & Variance No. 2017-05

APN: 100-080-003



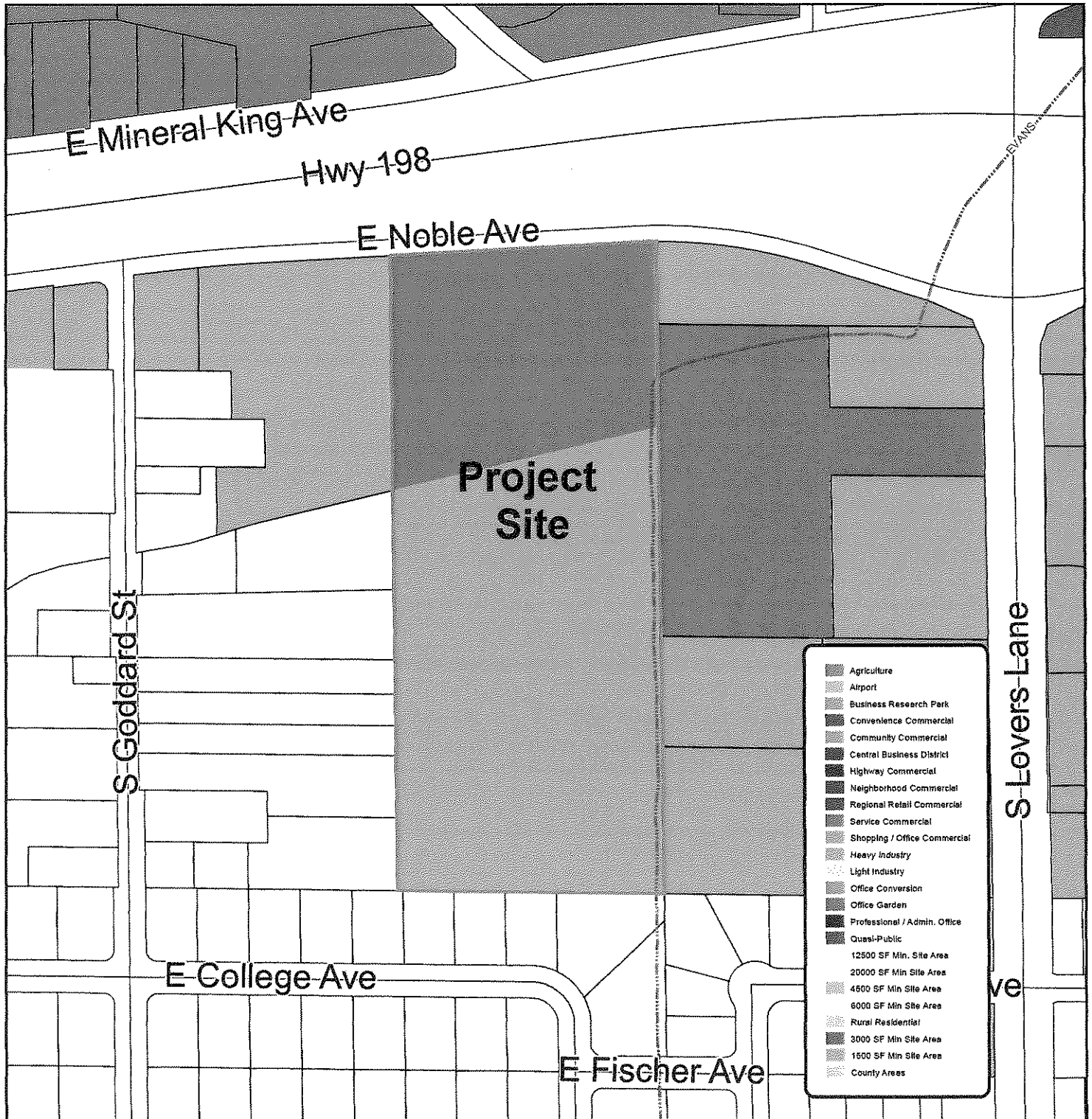
General Plan Land Use Map

100 50 0 100 200 Feet



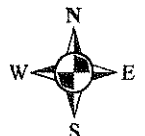
CUP No. 2017-07 & Variance No. 2017-05

APN: 100-080-003



Zoning Map

200 100 0 200 400 Feet



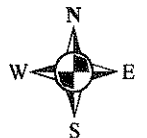
CUP No. 2017-07 & Variance No. 2017-05

APN: 100-080-003



Aerial Photo

200 100 0 200 400 Feet

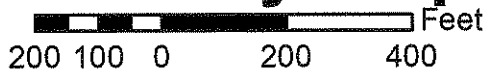


CUP No. 2017-07 & Variance No. 2017-05

APN: 100-080-003



Vicinity Map



City of Visalia

Memo



To: Planning Commission

From: Brandon Smith, Senior Planner (713-4636)

Date: March 27, 2017

Re: Variance No. 2017-06 – Request to Continue Public Hearing to a Date Specific

Recommended Action

Staff recommends that the Planning Commission continue the item to the April 24, 2017, Planning Commission meeting.

Recommended Motion

I move to continue Variance No. 2017-06 to the April 24, 2017, Planning Commission meeting.

Discussion

The applicant's written request for a continuance is attached. The applicant has verbally indicated to staff that due to scheduling conflicts the project proponents and their representatives will not be able to attend the meeting scheduled for March 27.



Custom Electric Signs

March 22nd, 2017

Mr. Brandon Smith, AICP
Senior Planner
City of Visalia
315 East Acquia Ave.
Visalia, CA 93291

RE: Formal Written Request for Continuance of Variance No. 2017-06—Sportsman's Warehouse Signage Proposal

Dear Brandon,

On behalf of our client, please accept this letter as a formal written request for a Continuance of Variance No. 2017-06 for Sportsman's Warehouse (signage proposal), located at 1650 W. Visalia Parkway. Please continue this item to be presented at the Public Hearing of the Monday, April 24th Planning Commission Meeting.

If you have any questions, please feel free to contact me at 916-993-7105 (direct line).

Thank you,

Nate Buchaklian

Nate Buchaklian
Permit / Production Coordinator
YESCO Signs, LLC-Northern California

CC: Brent Thomas
Travis Mann
Kevin Christensen

YESCO Sacramento

916-419-8101 » Phone
916-419-8108 » Fax

4119 S Market Court #10
Sacramento, CA 95834

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