

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Brett Taylor



VICE CHAIRPERSON:

Liz Wynn

COMMISSIONERS: Brett Taylor, Liz Wynn, Chris Gomez, Marvin Hansen, Sarrah Peariso

MONDAY JUNE 24, 2019; 7:00 P.M., COUNCIL CHAMBERS, 707 W. ACEQUIA, VISALIA CA

1. THE PLEDGE OF ALLEGIANCE –
2. CITIZEN'S COMMENTS – This is the time for citizens to comment on subject matters that are not on the agenda but are within the jurisdiction of the Visalia Planning Commission. The Commission requests that a 5-minute time limit be observed for comments. Please begin your comments by stating and spelling your name and city. Please note that issues raised under Citizen's Comments are informational only and the Commission will not take action at this time.
3. ELECTION OF NEW CHAIR AND VICE CHAIR–
4. CHANGES OR COMMENTS TO THE AGENDA–
5. CONSENT CALENDAR - All items under the consent calendar are to be considered routine and will be enacted by one motion. For any discussion of an item on the consent calendar, it will be removed at the request of the Commission and made a part of the regular agenda.
 - No Consent Calendar Items
6. PUBLIC HEARING – Paul Scheibel
Variance No. 2019-05: A request by Electric Guard Dog (EGD) to allow a variance to the maximum fence height of 7 feet to 8 ½ feet along the full perimeter of a rental facility yard in the C-S (Service Commercial) Zone District. The project site is located at 925 N. Ben Maddox Way (APN: 094-160-029). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15311, Categorical Exemption No. 2019-40.
7. PUBLIC HEARING – Paul Scheibel
Tentative Parcel Map No. 2019-05: A request by Graham & Associates to subdivide one 101-acre parcel into four lots. The site is zoned I (Industrial) and is located on the south side of W. Riggin Ave. between the future N. Clancy St. and N. Kelsey St. (APN 000-012-348). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315, Categorical Exemption No. 2019-42.
8. PUBLIC HEARING – Cristobal Carrillo
Conditional Use Permit No. 2019-23: A request by Tamryn Tanimoto to establish an after school tutoring center within an existing shopping center in the C-N (Neighborhood Commercial) Zone. The project site is located at 5139 W. Walnut Avenue (APN: 119-650-004). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2019-43.

9. PUBLIC HEARING – Cristobal Carrillo

Conditional Use Permit No. 2019-16: A request to allow a massage therapy facility within an existing building in the C-N (Neighborhood Commercial) Zone. The site is located at 143 W. Walnut Avenue (APN: 123-260-010). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2019-36.

10. PUBLIC HEARING –

Conditional Use Permit No. 2019-21: A request to allow an amendment to Conditional Use Permit No. 2011-26, to allow the development of a 67,606 sq. ft. four-story 113-room hotel on 3.50-acre parcel within the 13-acre “Gateway Business Park” master-planned development. The 3.50-acre site is zoned BRP (Business Research Park) and the Gateway Business Park master-planned development is located on the southeast corner of N. Plaza Drive and W. Crowley Avenue (APNs: 081-170-019, 020, & 021). An Initial Study, with addendum, was prepared for this project, consistent with the California Environmental Quality Act (CEQA). The Initial Study disclosed that environmental impacts are determined to not be significant. Therefore, staff recommends that Negative Declaration No. 2011-065, with addendum, contained within the staff report be adopted for this project.

11. DIRECTOR’S REPORT/ PLANNING COMMISSION DISCUSSION-

- July 8, 2019 Planning Commission Meeting

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

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

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

APPEAL PROCEDURE

THE LAST DAY TO FILE AN APPEAL IS FRIDAY, JULY 5, 2019 BEFORE 5 PM

According to the City of Visalia Zoning Ordinance Section 17.02.145 and Subdivision Ordinance Section 16.04.040, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal form with applicable fees shall be filed with the City Clerk at 220 N. Santa Fe, 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.visalia.city or from the City Clerk.

THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, JULY 8, 2019



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: June 24, 2019

PROJECT PLANNER: Paul Scheibel, Principal Planner
Phone:(559) 713-4369
E-mail: paul.scheibel@visalia.city

SUBJECT: Variance No. 2019-05: A request by Electric Guard Dog (EGD) to allow a variance to the maximum fence height of 7 feet to 8 ½ feet along the full perimeter of a rental facility yard in the C-S (Service Commercial) Zone District. The project site is located at 925 N. Ben Maddox Way (APN: 094-160-029)

STAFF RECOMMENDATION

Staff recommends that the Planning Commission deny Variance No. 2019-05, as submitted, based on the findings in Resolution No. 2019-35. Staff's recommendation is based on the conclusion that the findings to approve the Variance cannot be made, and that approving the Variance would incur unintended adverse impacts on similar properties and public spaces in the general vicinity of the project site.

RECOMMENDED MOTION

I move to deny Variance No. 2019-05, based on the findings in Resolution No. 2019-35.

PROJECT DESCRIPTION

The proponent desires to erect an electrified 8 ½ foot-tall fence behind the existing 7-foot tall wrought iron fence that encompasses the open yard area of their equipment rental facility located at the southwest corner of N. Ben Maddox Way and E. Douglas Avenue (see Exhibit "A"). The applicant states that the taller electrified fence is necessary to preclude illegal entry onto the site that has resulted in substantial theft losses and disruption of their business.

The fence material would be a tight metal mesh material that would fill the four-inch wide spaces between the bars of the existing wrought iron perimeter fence. It would be placed within 6 to 12 inches of the existing wrought iron fence and the existing fencing located along the south and west property lines. The new electric fence would rise approximately 1 ½ feet above the top of the wrought iron fence. In addition to the electric fence, yellow-colored 12-inch by 9-inch warning signs will be placed at 30-foot intervals along the full length of the electrified fence. The three rolling gates along Ben



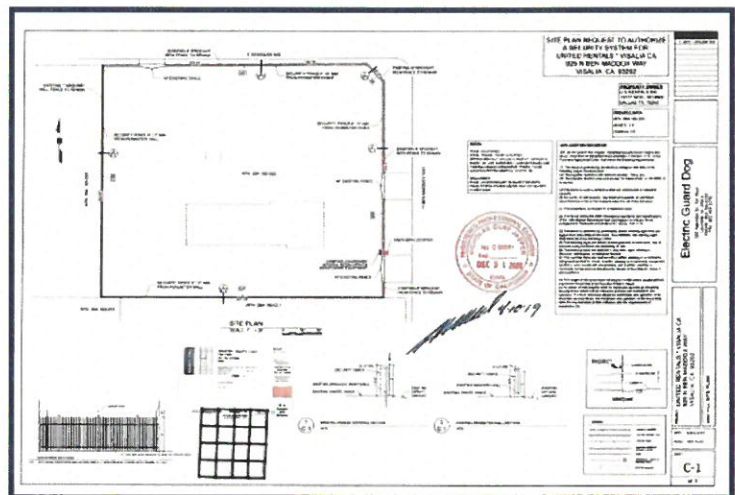
Maddox Way and Douglas Ave. are proposed to remain the same as they are presently constructed.

The existing 7-foot tall wrought iron fence is located 10 feet inside of the property lines along both Ben Maddox Way and Douglas Avenue. There is a grass parkway between the fence and the street sidewalk. The parkway is 20 feet wide on Ben Maddox Way and ten feet wide on Douglas Avenue. There is also a 33-foot right-of-way dedication to the City along this parcel frontage for the additional future street widening of Ben Maddox Way.

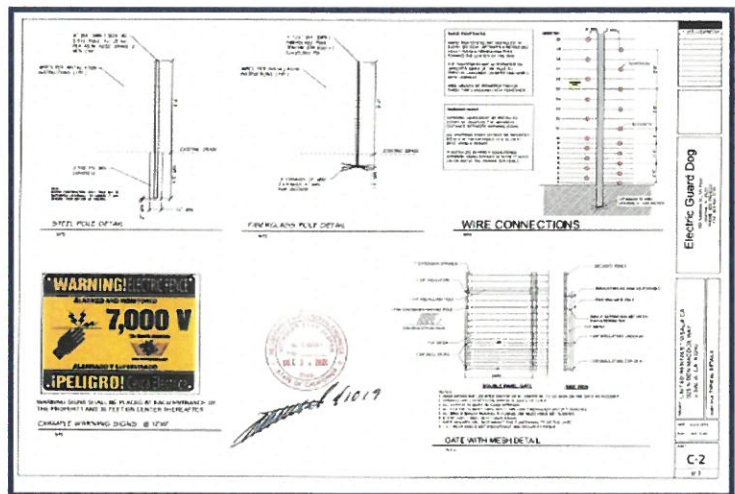
The existing wrought iron fence complies with the Zoning Ordinance (ZO) sections that pertain to location, height and materials allowed for fences in Commercial Zone districts. The wrought iron fence does not comply with the requirement of ZO Section 17.36.050.C, that requires outdoor storage to be fully screened from view by a solid masonry wall. However, this is not an issue or consideration related to the Variance request.



The issue that precipitates the Variance request is the City's application of Zoning Ordinance Sections 17.18.080.D.2. & D.4. (Development Standards in the C-S zone, side and rear yard setbacks), and ZO Section 17.36.010 (Fences Walls and Hedges, Purpose). The existing fence for the United Rental Site meets the setbacks required in the C-S Zone District. However, the electric fence proposed on the property lines of the rear and side property boundaries do not meet the maximum seven-foot height requirement. Consequently, the setback for the south and west property lines would need to be at a definable distance from these property lines in order to exceed the maximum seven feet in height as specified in ZO Section 17.36.050.D. (Fences, Walls, and Hedges, Commercial and Mixed Use Zones).



In addition, the City has strictly applied to all zone districts the specific prohibition on electrified fences and barbed wire that are applied to residential zones, as cited in ZO Section 17.36.010. The City has denied permits for barbed or concertina fencing on innumerable projects in recent years.



This Variance request constitutes the first time an electrified fence has been requested. The

City's approach is to treat it identically as it has treated previous requests for barbed or concertina wire.

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

BACKGROUND INFORMATION

General Plan Land Use Designation	CS (Service Commercial)
Zoning	C-S (Service Commercial)
Surrounding Zoning and Land Use	North: C-S, Douglas Ave. Burger King restaurant beyond South: C-S, Auto repair business East: C-S, Auto repair/parts business West: C-S, Multi-tenant service commercial buildings
Environmental Review	Categorical Exemption No. 2019-40
Special District	None
Site Plan Review	2019-067

RELATED PLANS & POLICIES

Please see attached summary of related plans and policies pertaining to Fences, Walls, and Hedges, and the C-S (Service Commercial) Zone District.

RELATED PROJECTS

There are no Variance requests related to fences in Commercial zones. The Planning Commission has previously approved Variances for fence locations and heights. However, these Variance requests applied to residential properties.

PROJECT EVALUATION

The staff recommendation is to deny the applicant's request for the variance to the maximum fence height in the required yard setback, and for the electrified-type fence. Staff's recommended conclusion is that the findings to justify the Variance fail to satisfy the general requirement that the site or the circumstances regarding its use are unique to an extent that the Zoning Code could not have foreseen its necessity, and therefore compel the City to grant the Variance.

Additionally, it is staff's conclusion that if the City were to grant the Variance, there would be adverse impacts to the immediate area in the form of general blight resulting from the excessive height of the fence structure and a prevalence of warning signs directed at the general public along the public right-of-way. The fence and warning signs would introduce visual warnings that the general area is unsafe to a degree that extraordinary security measures are necessitated. Should the Variance be granted, other similar businesses in the area would reasonably feel their properties are under-secured; and, consequently expect similar concessions.

The City appreciates the business' concern for security, and shares its desire to remain a viable corporate neighbor and partner. Unfortunately, the requested Variance carries too many

negative impacts to warrant its recommendation for approval. These conclusions were offered to the applicant at the Site Plan Review (SPR) meeting. The proponent may wish to amend their request to limit the taller (up to 100 inches) electrified fence to the non-street frontage portions of the perimeter. This could be accomplished through an Administrative Adjustment which can be approved at the staff level. Staff has related this position, and a proposed alternative solution in the comments in SPR 2019-067 on April 12, 2019, and in follow-up discussion with the applicant on June 3, 2019.

Required Variance Findings

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

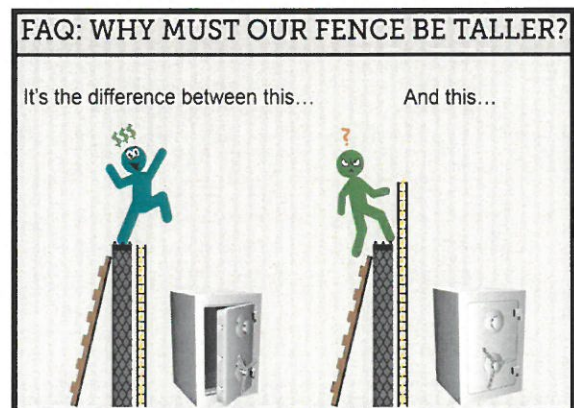
1. *That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance;*

Applicant's Findings:

At present, UR's perimeter barriers (wrought iron and block wall) are insufficient to deter and prevent the criminal class from breaking in, trespassing onto the property, and stealing valuable equipment stored onsite. Existing fences/walls, security cameras/guards, and IR intrusion detection systems have proven ineffective for their security needs. UR has determined that EGD is reasonable and practicable solution to prevent crime and theft problems.

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

Currently, City regulations do not permit a fence height of 8'-6" height. This height is required for the efficacy of the proposed electrified security fence, which is located inside of the existing perimeter barrier by 6"-12" (not affixed to the perimeter fence / wall). The additional height above the perimeter barrier prevents the perpetrators from simply hurdling both the perimeter fence (or wall), and electrified security fence as a single barrier in one continuous motion. They would be required to navigate 2 unequal barriers to access the property for purposes of criminal intent. This design configuration is essential and a significant deterrent for the criminal class.



Due to the size and nature of rental equipment, UR must store these valuable assets in their outside lot. And due to the expanse of the perimeter area(s), it is not possible for the police and security guards to effectively and constantly monitor the entire lot.

Staff Analysis:

The purpose of the City's ordinance on fences, according to Municipal Code Section 17.36.010, is to "control the location and height of fences as may be required by city laws, rules and regulations to safeguard life or limb, property, and public welfare". The regulations permit properties to install up to a seven foot tall fence except in a required front yard or in some cases a street side yard. In this case, the perimeter fence is see-through wrought iron, rather than the Code-specified solid wall. Staff concurs with and supports all measures that provide visibility into the site from the adjacent streets.

Staff does not concur that an electrified fence at a taller height is the optimal solution to preventing illegal entry into the yard. Further, the applicant provides no more than supposition to support their contention that the electric fence is either the only or even the optimal security solution. Similarly, if the fence was installed and intrusion and thefts continued to occur, its negative impacts (a highly visible generally threatening feature exposed to the streets and other properties) would still be present at the intersection. In addition, if the criminal activity that has occurred on the applicant's property were to abate for reasons other than the fence, the fence would still remain as an extraordinary security measure for a problem that has already subsided on its own. It should also be noted that the applicant's proposal would still leave the three gates (totaling 120 linear feet) along Ben Maddox Way and Douglas Street non-electrified and at their current height.

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

Applicant's Findings:

United Rental (UR) is one of the State's largest equipment rental businesses with over 20 locations in California and a Fortune 500 company. It has been in business for over 20 years and 75% of their equipment must be stored outside.

Special conditions unique to the property are:

- a. **Parcel Shape:** Parcel is rectangular, at the intersection of Ben Maddox and E. Douglas with the longest, non-viewable property boundaries being the west and south sides. The western and southern portions of the parcel currently give thieves easy access to the site unforeseen by anyone driving down Ben Maddox Way and E. Douglas Avenue. Furthermore, due to the existing landscaping, the frontage perimeter fence is only partially viewable by law enforcement from Ben Maddox Way and E Douglas Avenue.



- b. **High Value of Inventory:** the inventory of expensive equipment and tools needs to be secured behind a perimeter barrier. Due to the large size and nature of most equipment, it **must** be stored within the outside lot and cannot be stored inside a building.
- c. **No "Effective" Alternative Means of Theft Deterrence:** Since the storage area is over 1,521 linear feet in perimeter, it is not feasible for a security guard or video surveillance cameras to effectively and continually monitor the entire lot.

- d. **Locational Contributing Factors to Crime:** More than half of the perimeter is not accessible via road frontage and is surrounded by two businesses. It is very easy to trespass and breach the existing perimeter barrier without being seen because of the low trafficked location during the evening and early morning hours. Due to the logistical location of the property, it is easy for criminals to steal and make a quick escape on various arterial streets.

Staff Analysis:

Staff's finding is that there are no exceptional or extraordinary circumstances or conditions associated with this site in comparison to other similar zoned or situated sites in Visalia. Staff does concur with the applicant that the western and southern perimeters, which do not have street visibility, are the most likely illegal entry points onto the site. Staff has offered support for installing the electrified fence at the taller height along the western and southern portions of the perimeter, which are not visible from the public right-of-way. However, the applicant has rejected this alternative.

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

Applicant's Findings:

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

Next, this Variance is justified to preserve the substantial property right to reasonably use this property for its intended zoned use – the outdoor storage and display of rental equipment. UR has no option other than to store its large equipment, tools and trucks in their outdoor storage area.

Staff Analysis:

The applicant is not being deprived of property rights already being enjoyed by other similar properties and uses in the area. Rather, there are six similar businesses that front Ben Maddox Way whose storage yards have fences limited to those allowed by the Zoning Ordinance. Granting this Variance would justify all similar businesses to erect taller electric fences for their respective businesses.

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

Applicant's Findings:

The granting of the Variance will be in harmony with the general purpose and intent of the provisions of this article and the General Plan. A Variance is the necessary mechanism to relieve a practical difficulty and resulting hardship experienced by UR.

Much more effective and reliable than other means of security, Electric Guard Dog will provide UR with an affordable means to protect their assets and employees. In turn, this will allow them to invest financial resources into further growth, resulting in continued

employment and an increased tax base for the community. With UR's extensive theft and loss history, they require our effective security system immediately to remain a viable business for the community of Visalia. The business is a reputable business, located in appropriate zoning and complies with all other local ordinances.

Staff Analysis:

Staff disagrees with the applicant's finding for the same reasons explained in Finding No. 3. The applicant is not being deprived of property rights already being enjoyed by other similar properties and uses in the area. Rather, there are six similar businesses that front Ben Maddox Way whose storage yards have fences limited to those allowed by the Zoning Ordinance. Granting this Variance would justify all similar businesses to erect taller electric fences for their respective businesses.

Additionally, the applicant cites their good business record which is not in dispute, nor can this serve as the sole justification to approve the Variance.

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

Applicant's Findings:

The granting of the Variance will not be materially detrimental to public welfare, injurious to property or improvements in the vicinity or district where the property is located. It is installed completely inside the existing perimeter fence and therefore not exposed to the public. To come in contact with the EGD security system, one would have to be intentionally trespassing by, first, breaking through or scaling the existing perimeter barrier.

The general safety and welfare of the public is also maintained, crime is prevented, and the City can redirect law enforcement resources toward more serious crimes other than property break-ins and theft. Cameras record crime and don't prevent it, guards are unreliable (don't show up for work, sleep on the job, and at times are complicit in the criminal action), and typical alarm systems only monitor buildings.

The EGD security system is the most reliable, economical, and safest perimeter security application available. The installation of the system will secure the property, increase the security of the surrounding properties and the immediate area by deterring the criminal element from visiting the neighborhood.

Staff Analysis:

Staff disagrees with the applicant's claim that the electric fence will not be materially detrimental to the general public or to properties in the area. As noted in Findings 1, 2, and 3, the taller electrified fence, along with very prominently displayed warning signs would suggest that the area, not just the project site, is an inherently criminally plagued area. This would have an undue negative influence on the general public transiting the site as it pertains to the perception of safety and security in the area.

Environmental Review

The project is considered Categorical Exempt under Section 15311 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2019-40). Additionally, projects that are denied are not subject to CEQA.

RECOMMENDED FINDINGS

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

The purpose of the City's ordinance on fences, according to Municipal Code Section 17.36.010, is to "control the location and height of fences as may be required by city laws, rules and regulations to safeguard life or limb, property, and public welfare". The regulations permit properties to install up to a seven foot tall fence except in a required front yard or in some cases a street side yard. In this case, the perimeter fence is see-through wrought iron, rather than the Code-specified solid wall. The City concurs with and supports all measures that provide visibility into the site from the adjacent streets.

The City does not concur that an electrified fence at a taller height is the optimal solution to preventing illegal entry into the yard. Further, the applicant provides no more than supposition to support their contention that the electric fence is either the only or even the optimal security solution.

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

The City finds is that there are no exceptional or extraordinary circumstances or conditions associated with this site in comparison to other similar zoned or situated sites in Visalia. Staff does concur with the applicant that the western and southern perimeters, which do not have street visibility, are the most likely illegal entry points onto the site. However, the Variance request is for the entire perimeter, including highly visible street frontages, which cannot be supported.

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

The applicant is not being deprived of property rights already being enjoyed by other similar properties and uses in the area. Rather, there are six similar businesses that front Ben Maddox Way whose storage yards have fences limited to those allowed by the Zoning Ordinance. Granting this Variance would justify all similar businesses to erect taller electric fences for their respective businesses.

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

The City disagrees with the applicant's finding for the same reasons explained in Finding No. 3. Additionally, the applicant cites their good business record which is not in dispute, nor can this serve as the sole justification to approve the Variance.

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

The City disagrees with the applicant's claim that the electric fence will not be materially detrimental to the general public or to properties in the area. As noted in Findings 1, 2, and 3, the taller electrified fence, along with very prominently displayed warning signs would suggest that the area- not just the project site, is an inherently criminally plagued area. This would have an undue negative influence on the general public transiting the site as it pertains to the perception of safety and security in the area.

6. That the project is considered Categorical Exempt under Section 15311 of the Guidelines for Implementation of CEQA (Categorical Exemption No. 2019-40).

APPEAL INFORMATION

According to the City of Visalia Zoning Ordinance Section 17.02.145, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal form with applicable fees shall be filed with the City Clerk at 220 N. Santa Fe Street, Visalia, CA 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.visalia.city or from the City Clerk.

Attachments:

- Related Plans and Policies
- Resolution No. 2019-35
- Exhibit "A" – Site Plan
- Exhibit "B" – Fence Details
- Exhibit "C" – Variance/Exception Findings submitted by applicant
- Site Plan Review (SPR) 2019-067 Comments
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Location Sketch

RELATED PLANS AND POLICIES

Zoning Ordinance

17.18.080 Development standards in the C-S zone.

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

- A. Minimum site area: five thousand (5,000) square feet.
- B. Maximum building height: sixty (60) feet.
- C. Minimum required yards (building setbacks):
 - 1. Front: ten (10) feet;
 - 2. Rear: zero (0) feet;
 - 3. Rear yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 - 4. Side: zero (0) feet;
 - 5. Side yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 - 6. Street side yard on corner lot: ten (10) feet.
- D. Minimum required landscaped yard (setback) areas:
 - 1. Front: ten (10) feet;
 - 2. Rear: five (5) feet (except where a building is located on side property line);
 - 3. Rear yards abutting an R-1 or R-M zone district: five (5) feet;
 - 4. Side: five (5) feet (except where a building is located on side property line);
 - 5. Side yards abutting an R-1 or R-M zone district: five (5) feet;
 - 6. Street side on corner lot: ten (10) feet.

Chapter 17.36 FENCES, WALLS AND HEDGES

Sections:

- 17.36.010 Purpose.
- 17.36.015 Fence, wall or hedge height measurement.
- 17.36.020 [Reserved]
- 17.36.030 Single-family residential zones.
- 17.36.040 Multiple-family residential zones.
- 17.36.050 Commercial and mixed use zones.
- 17.36.060 Office zones (O-PA, O-C, BRP).
- 17.36.070 Industrial zones.

17.36.010 Purpose.

The purpose of this chapter is to control location and height of fences as may be required by city laws, rules and regulations to safeguard life or limb, property and public welfare. Fences may be constructed of any generally acceptable material except that barbed wire and electric charged fences are specifically prohibited in any R-1 or R-M zone.

17.36.015 Fence, wall or hedge height measurement.

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

17.36.020 [Reserved]

17.36.030 Single-family residential zones.

The following standards shall apply to sites within an R-1 zone:

- A. Fences, walls and hedges not exceeding seven feet in height shall be permitted, except that in a required front yard or within five feet of a street side property line on a corner or side on cul-de-sac lot, a fence, wall or hedge shall not exceed three feet in height. A fence or wall may be allowed to a height of four feet provided that the additional one-foot height at least fifty (50) percent open.

B. Required block walls for residential developments along arterial or collector roadways shall be designed to provide pedestrian access between the arterial or collector to the residential development. A Pedestrian access shall always be required as part of the block wall design abutting an arterial or collector roadway when a transit stop is located within one-quarter mile of the residential development.

C. Exceptions may be granted in accordance with Chapter 17.42.

17.36.040 Multiple-family residential zones.

The following standards shall apply to sites within an R-M zone:

A. Fences, walls and hedges not exceeding seven feet in height shall be permitted except that in a required front yard, or a required side yard on a corner or side on cul-de-sac lot, a fence, wall or hedge shall not exceed three feet in height. A fence or wall may be allowed to a height of four feet provided that the additional one-foot height is at least fifty (50) percent open.

B. Wrought Iron Fences. A decorative open metal fence of wrought iron or tubular steel (not chain link) not exceeding seven feet in height shall be permitted along the front and street side property lines or within the front yard and street side yard setback areas of multi-family uses. This subsection does not authorize solid walls or fences composed of woven wire (chain link), wood, or other materials other than open metal wrought iron or tubular steel. A post or pilaster consisting of masonry, brick, or other solid material not exceeding 18 inches square and seven feet tall may be used to support a wrought iron or tubular steel fence at a minimum distance of six feet between the posts or pilasters.

C. Required block walls, fences, wrought iron fences for multi-family developments along arterial or collector roadways shall be designed to provide pedestrian access between the arterial or collector to the multi-family residential development. A Pedestrian access shall always be required as part of the block wall, fences or wrought iron fence design abutting an arterial or collector roadway when a transit stop is located within one-quarter mile of the multi-family residential development.

D. Exceptions may be granted in accordance with Chapter 17.42.

17.36.050 Commercial and mixed use zones.

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

A. Where a site in the C-N, C-R, C-S, C-MU, or D-MU zone adjoins an R-1 or R-M zone, either a concrete block masonry wall not less than seven feet in height shall be located on the property line except in a required front yard and suitably maintained or a landscaped buffer be provided as approved by the planning commission.

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

C. Open storage of materials and equipment, except commercial vehicles and used car sales lots, shall be permitted only within an area surrounded and screened by a concrete block or masonry wall not less than six feet in height; provided, that no materials or equipment shall be stored to a height greater than that of the wall or fence.

D. No fence or wall shall exceed seven feet in height if located in a required side or rear yard or three feet in height if located in a required front yard. A fence or wall may be allowed in a required front yard to a height of four feet provided that the additional one-foot height is not of a solid material, upon approval of the city planner.

E. Exceptions may be granted in accordance with Chapter 17.42.

17.36.060 Office zones (O-PA, O-C, BRP).

The following standards shall apply to sites within a O-PA, O-C, or BRP zone:

A. Where a site in the OPA, O-C, or BRP zone adjoins an R-A, R-1 or R-M zone a concrete or masonry wall not less than seven feet in height shall be located on the property line except in a required front yard, and suitably maintained. A landscaped buffer can be approved by the planning commission in place of the wall as an exception.

B. No fence or wall in the OPA, O-C, or BRP zone shall exceed seven feet in height if located in a required side or rear yard or three feet in height if located in a required front yard. A fence or wall may be allowed in a required front yard to a height of four feet provided that the additional one-foot height is not of a solid material, upon approval of the city planner.

C. Exceptions may be granted in accordance with Chapter 17.42.

17.36.070 Planned industrial.

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

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

Chapter 17.42

VARIANCES AND EXCEPTIONS

17.42.010 Variance purposes.

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

17.42.020 [Reserved]

17.42.030 Variance powers of city planning commission.

The city planning commission may grant variances to the regulations prescribed by this title with respect to fences and walls, site area, width, frontage coverage, front yard, rear yard, side yards, height of structures, distance between structures, off-street parking facilities, accessory dwelling unit standards pursuant to Sections 17.12.140 through 17.12.200, and downtown building design criteria pursuant to Section 17.58.082 through 17.58.088; in accordance with the procedures prescribed in this chapter.

17.42.040 [Reserved]

17.42.050 Application procedures.

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

1. Name and address of the applicant;
2. Statement that the applicant is the owner of the property, is the authorized agent of the owners, or is or will be the plaintiff in an action in eminent domain to acquire the property involved;
3. Address and legal description of the property;
4. Statement of the precise nature of the variance or exception requested and the hardship or practical difficulty that would result from the strict interpretation and enforcement of this title;
5. The application shall be accompanied by such sketches or drawings that may be necessary to clearly show applicant's proposal;

6. Additional information as required by the historic preservation advisory board;

7. When reviewing requests for an exception associated with a request for density bonus as provided in Chapter 17.32, Article 2, the applicant shall submit copies of the comprehensive development plan, sketches and plans indicating the nature of the request and written justification that the requested modifications result in identifiable cost reductions required for project to reach target affordability.

B. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of handling the application.

17.42.060 Hearing and notice.

A. The city planning commission shall hold a public hearing on an application for a variance.

B. Notice of a public hearing shall be given not less than ten days or more than thirty (30) days prior to the date of the hearing by mailing a notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use that is the subject of the hearing.

17.42.070 Investigation and report.

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

17.42.080 Public hearing procedure.

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

17.42.090 Variance action of the city planning commission.

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

1. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance;
2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zone;
3. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone;
4. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone;
5. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

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

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

D. The city planning commission may deny a variance application.

17.42.100 [Reserved]

17.42.110 Appeal to city council.

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

17.42.120 Lapse of variance.

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

17.42.130 Revocation.

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

17.42.140 New application.

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

RESOLUTION NO. 2019-35

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA DENYING VARIANCE NO. 2019-05: A REQUEST BY ELECTRIC GUARD DOG TO ALLOW A VARIANCE TO THE MAXIMUM FENCE HEIGHT OF ~~SEVEN~~ FEET TO 8 ½ FEET ALONG THE FULL PERIMETER OF A RENTAL FACILITY YARD IN THE C-S (SERVICE COMMERCIAL) ZONE DISTRICT. THE PROJECT SITE IS LOCATED AT 925 N. BEN MADDOX WAY (APN: 094-160-029)

WHEREAS, Variance No. 2019-05 is a request by Electric Guard Dog to allow a variance to the maximum fence height of seven feet to 8 ½ feet along the full perimeter of a rental facility yard in the C-S (Service Commercial) Zone District. In addition, the subject fence is to be an electrified fence. The project site is located at 925 N. Ben Maddox Way (APN: 094-160-029); and,

WHEREAS, the Planning Commission of the City of Visalia, after published notice scheduled a public hearing before said commission on June 24, 2019; and,

WHEREAS, the Planning Commission of the City of Visalia does not find Variance No. 2019-05 to be in accordance with Chapter 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 Planning Commission of the City of Visalia finds the project to be Categorical Exempt consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

WHEREAS, if Variance No. 2019-05 is denied, no action needs to be taken on an environmental document subject to Section 15270 of the California Environmental Quality Act.

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

The purpose of the City's ordinance on fences, according to Municipal Code Section 17.36.010, is to "control the location and height of fences as may be required by city laws, rules and regulations to safeguard life or limb, property, and public welfare". The regulations permit properties to install up to a seven foot tall fence except in a required front yard or in some cases a street side yard. In this case, the perimeter fence is see-through wrought iron, rather than the Code-specified solid wall. The City concurs with and supports all measures that provide visibility into the site from the adjacent streets.

The City does not concur that an electrified fence at a taller height is the optimal solution to preventing illegal entry into the yard. Further, the applicant provides no more than supposition to support their contention that the electric fence is either the only or even the optimal security solution.

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

The City finds is that there are no exceptional or extraordinary circumstances or conditions associated with this site in comparison to other similar zoned or situated sites in Visalia. Staff does concur with the applicant that the western and southern perimeters, which do not have street visibility are the most likely illegal entry points onto the site. However, the Variance request is for the entire perimeter, including highly street frontages, which cannot be supported.

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

The applicant is not being deprived of property rights already being enjoyed by other similar properties and uses in the area. Rather, there are six similar businesses that front Ben Maddox Way who's storage yards have fences limited to those allowed by the Zoning Ordinance. Granting this Variance would justify all similar businesses to erect taller electric fences for their respective businesses.

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

The City disagrees with the applicant's finding for the same reasons explained in Finding No. 3. Additionally, the applicant cites their good business record which is not in dispute, nor can serve as the sole justification to approve the Variance.

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

The City disagrees with the applicant's claim that the electric fence will not be materially detrimental to the general public or to properties in the area. As noted in Findings 1, 2, and 3, the taller electrified fence, along with very prominently displayed warning signs would suggest that the area- not just the project site, is an inherently criminally plagued area. This would have an undue negative influence on the general public transiting the site as it pertains to the perception of safety and security in the area.

BE IT FURTHER RESOLVED that the Planning Commission hereby denies Variance No. 2019-05 on the real property herein above described in accordance with the terms of this resolution under the provision of Section 17.42.090 of the Ordinance Code of the City of Visalia.

SITE PLAN REVIEW COMMENTS

Andrew Chamberlain, Planning Division (559) 713-4003

Date: April 10, 2019

SITE PLAN NO: 2019-067
PROJECT: United Rentals/Electric Guard Dog
DESCRIPTION: INSTALLATION OF AN 8'4" PERIMETER SECURITY SYSTEM INSIDE THE EXISTING PERIMETER BARRIER
APPLICANT: ELECTRIC GUARD DOG LLC (KEITH KANEKO/CAROL BAUSINGER)
PROP. OWNER: UNITED RENTALS/ELECTRIC GUARD DOG
LOCATION TITLE: 925 N. BEN MADDOX WAY
APN TITLE: 094-160-029
GENERAL PLAN: Service Commercial
ZONING: C-S (Service Commercial)

Planning Division Recommendation:

- Revise and Proceed
 Resubmit

Project Requirements

- Variance required for fence height

PROJECT SPECIFIC INFORMATION: April 10, 2019

1. Staff does not support the use of electrified fencing in commercial/office areas where the fencing is located along and visible from the public right-of-way. Electrified fencing with "WARNING" signs every 30 feet is not the community image that the City desires along street frontages.
2. Staff does not support fencing in excess of the seven-foot height limit.
3. Meet all other codes and requirements.

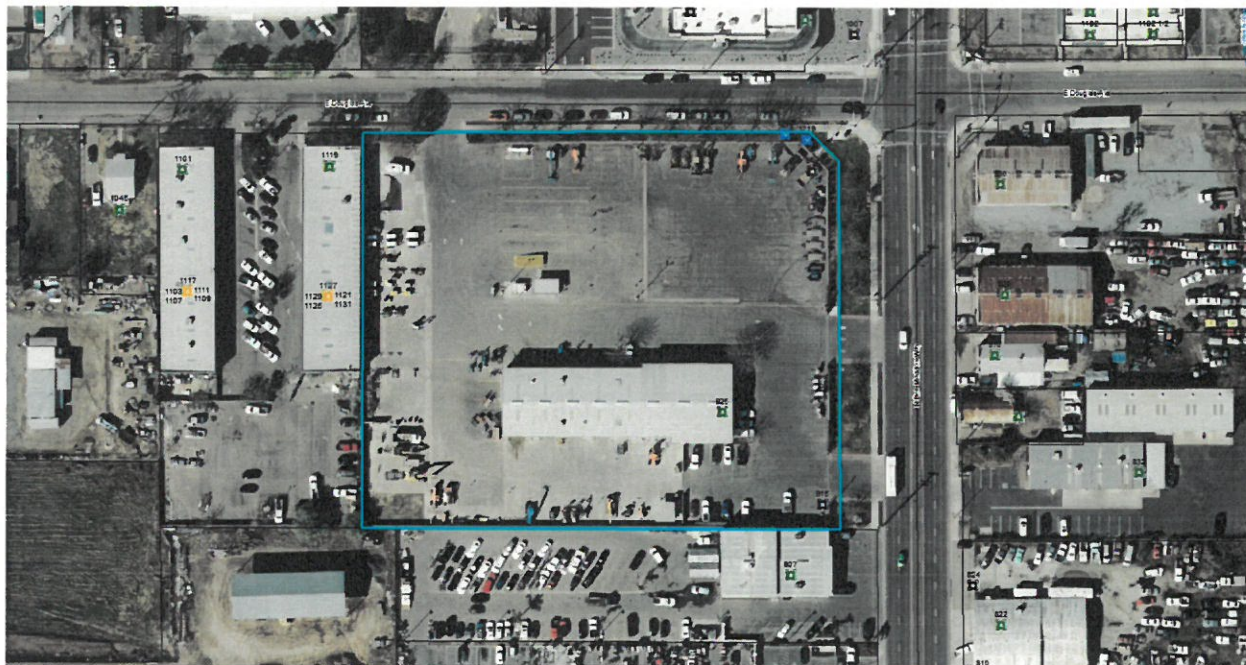
17.18.080 Development standards in the C-S zone.

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

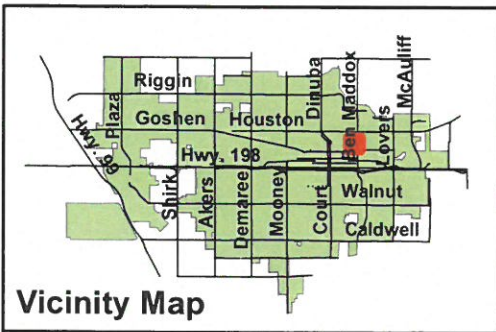
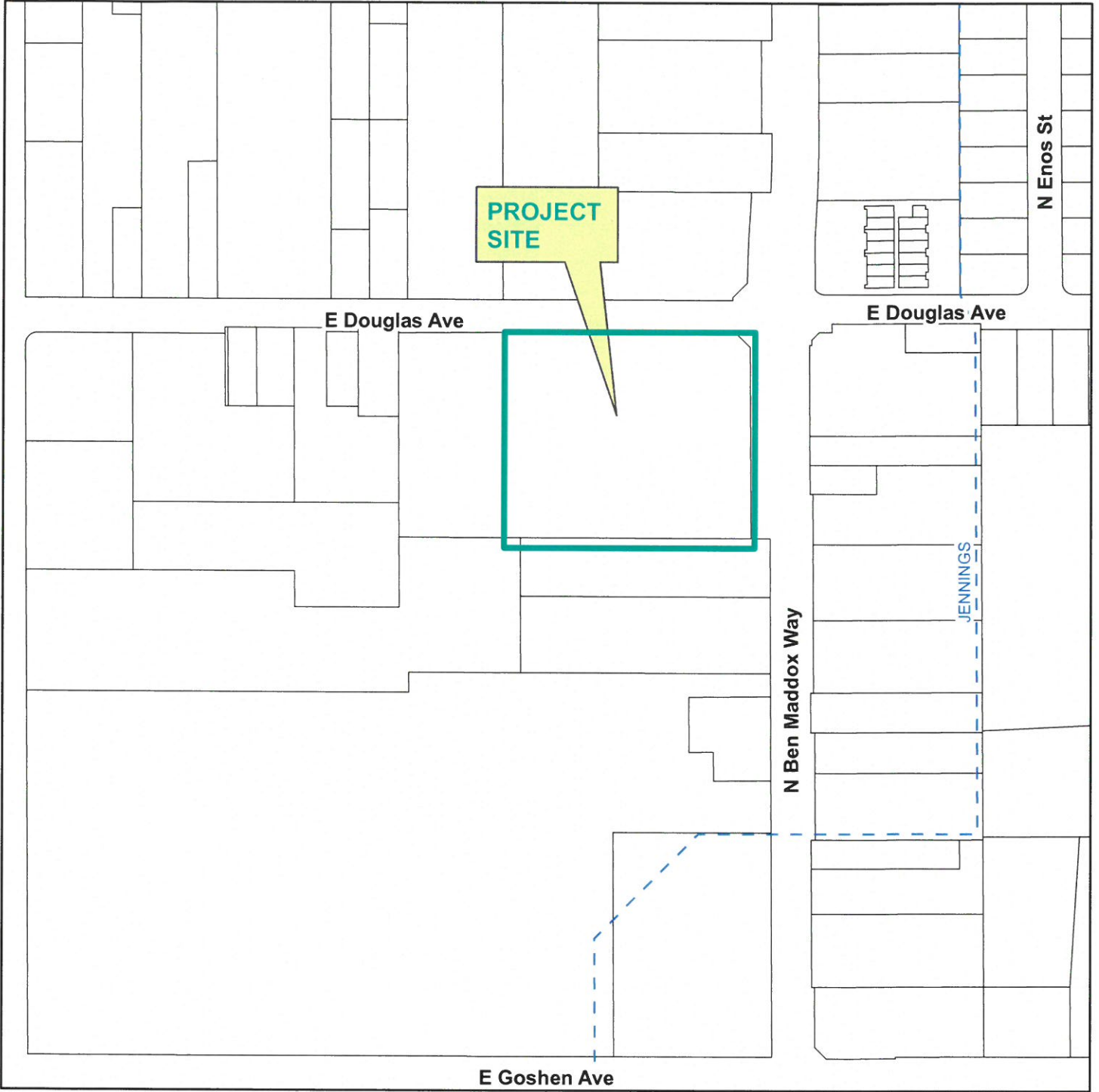
- A. Minimum site area: five thousand (5,000) square feet.
- B. Maximum building height: sixty (60) feet.
- C. Minimum required yards (building setbacks):
 1. Front: ten (10) feet;
 2. Rear: zero (0) feet;
 3. Rear yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 4. Side: zero (0) feet;
 5. Side yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 6. Street side yard on corner lot: ten (10) feet.
- D. Minimum required landscaped yard (setback) areas:
 1. Front: ten (10) feet;
 2. Rear: five (5) feet (except where a building is located on side property line);
 3. Rear yards abutting an R-1 or R-M zone district: five (5) feet;
 4. Side: five (5) feet (except where a building is located on side property line);
 5. Side yards abutting an R-1 or R-M zone district: five (5) feet;
 6. Street side on corner lot: ten (10) feet.

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 _____



VAR 2019-05

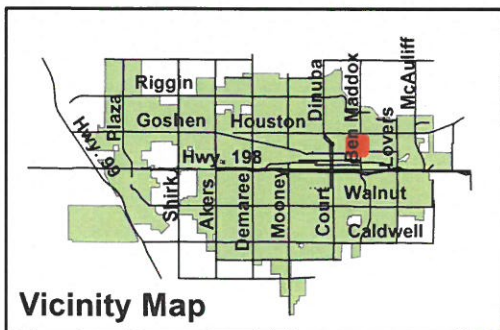


Vicinity Map

Vicinity Map



VAR 2019-05



Aerial Map



#	DATE	DESCRIPTION

**SITE PLAN REQUEST TO AUTHORIZE
A SECURITY SYSTEM FOR:
UNITED RENTALS • VISALIA CA
925 N BEN MADDOX WAY
VISALIA, CA 93292**

PROPERTY OWNER
U'S RENTALS INC
1377 MODEL RD #900
DALLAS TX 75240

PROJECT DATA
APN: 094-180-029
ACRES: 3.41
ZONING: C8

DESIGN CODES/REVISIONS/REMARKS

(1) The fence is used to protect and secure commercial or industrial property located in the City of Visalia, California, and is subject to the provisions of the Fire and Agricultural Code, and meets the following requirements:

(1) The fence is constructed with both of the following material characteristics:
(A) The fence is constructed with a minimum height of 10 feet, 6 inches.
(B) The fence is constructed with a minimum height of 10 feet, 6 inches.

(2) The fence is used to protect and secure commercial or industrial property located in the City of Visalia, California, and is subject to the provisions of the Fire and Agricultural Code, and meets the following requirements:
(A) An owner of real property may build and operate an electrical security fence on the lot or parcel of land, provided that the fence is subject to the following:
(1) The property is not located in a residential zone.
(2) The fence meets the 2008 International standards and specifications of the International Electrotechnical Commission for electric fence compliance in "Technical Specification C 62323 Part 4-1".
(3) The fence is constructed with a minimum height of 10 feet, 6 inches.
(4) The fence is constructed with a minimum height of 10 feet, 6 inches.
(5) The fence is constructed with a minimum height of 10 feet, 6 inches.
(6) The fence is constructed with a minimum height of 10 feet, 6 inches.
(7) The fence is constructed with a minimum height of 10 feet, 6 inches.
(8) The fence is constructed with a minimum height of 10 feet, 6 inches.
(9) The fence is constructed with a minimum height of 10 feet, 6 inches.
(10) The fence is constructed with a minimum height of 10 feet, 6 inches.

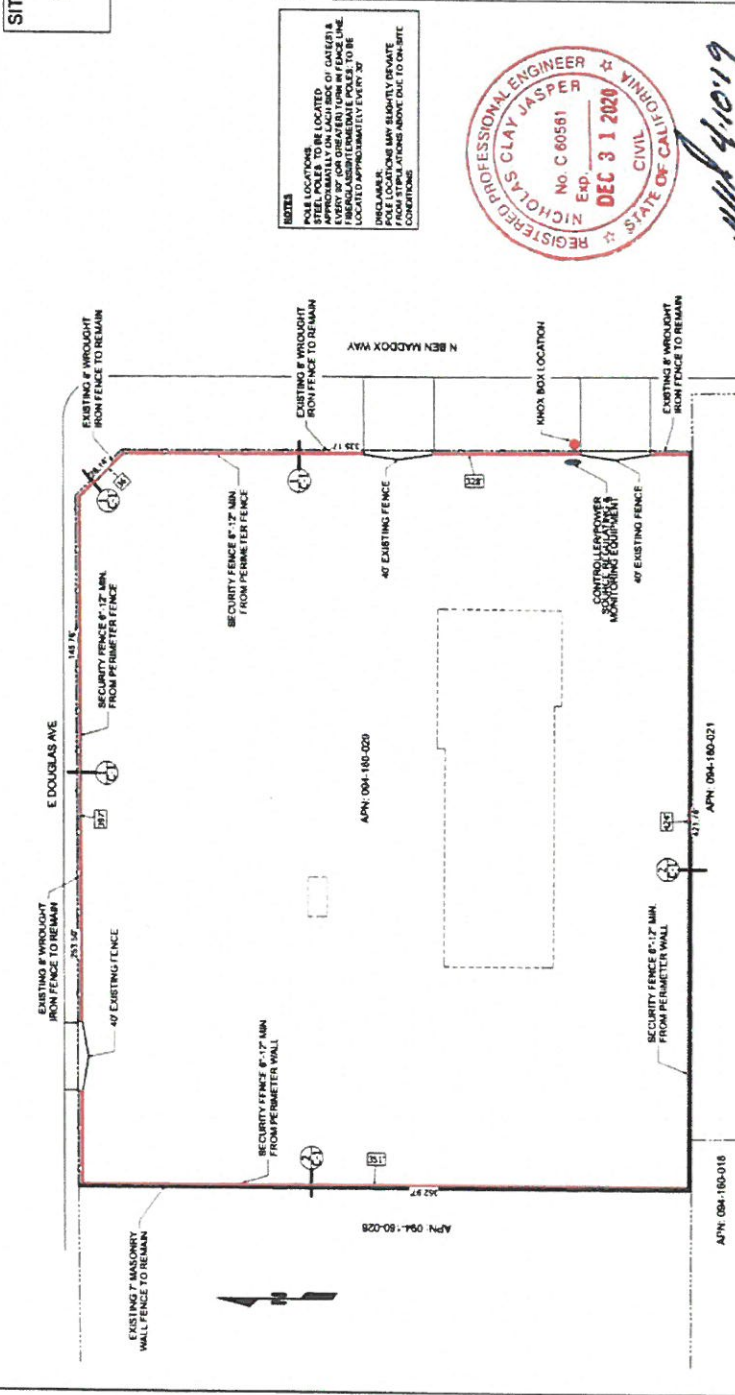
NOTES

POLE LOCATIONS
STEEL POLES TO BE LOCATED APPROXIMATELY ON EACH SIDE OF GALLERY & CONTROL ROOMS. TERMINAL POLES TO BE LOCATED APPROXIMATELY EVERY 30'.

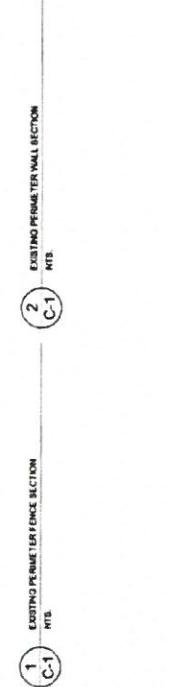
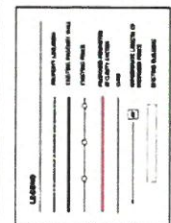
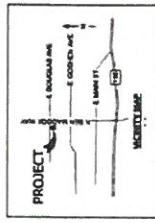
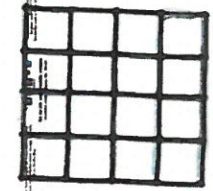
UNCLAMBER
UNCLAMBER SHALL BE SUBJECT TO PRIVATE PROPERTY RIGHTS ABOVE SHOWN TO ON-SITE CONDITIONS.



1/11/19



SITE PLAN
SCALE: 1" = 30'





The #1 Theft Deterrent Service in the U.S.

**550 Assembly St., 5th Floor
Columbia, SC 29201**

**Justification for Variance Approval
925 N BEN MADDOX WAY-UNITED RENTALS**

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

Summary of Variance Proposal

This request is founded on the functionality and aesthetics of the property.

- Proposed electrified security fence to be located running concurrent with the existing perimeter barrier (6-12-inch separation between fence/wall and EGD)
- Proposed electrified security fence height to be 8'-6" tall inside the existing perimeter barrier (fence/wall)

Below are statements justifying the need for this requested Variance:

(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.

At present, UR's perimeter barriers (wrought iron and block wall) are insufficient to deter and prevent the criminal class from breaking in, trespassing onto the property, and stealing valuable equipment stored onsite. Existing fences/walls, security cameras/guards, and IR intrusion detection systems have proven ineffective for their security needs. UR has determined that EGD is reasonable and practicable solution to prevent crime and theft problems.

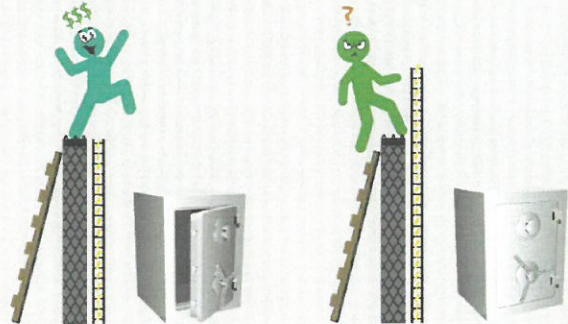
Most significantly, this branch has incurred practical difficulties in being able to serve its customers when reserved equipment and tools are stolen and/or damaged. This not only creates an unnecessary financial hardship for the branch (replacement, repairs, and associated labor hours), but also has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

Currently, City regulations do not permit a fence height of 8'-6" height. This height is required for the efficacy of the proposed electrified security fence, which is located inside of the existing perimeter barrier by 6"-12" (not affixed to the perimeter fence / wall). The additional height above the perimeter barrier prevents the perpetrators from simply hurdling both the perimeter fence (or wall) and electrified security fence as a single barrier in one continuous motion. They would be required to navigate 2 unequal barriers to access the property for purposes of criminal intent. This design configuration is essential and a significant deterrent for the criminal class.

FAQ: WHY MUST OUR FENCE BE TALLER?

It's the difference between this...

And this...



Due to the size and nature of rental equipment, UR must store these valuable assets in their outside lot. And due to the expanse of the perimeter area(s), it is not possible for the police and security guards to effectively and constantly monitor the entire lot.

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

UNITED RENTALS is one of the State's largest equipment rental businesses with over 20 locations in California and a Fortune 500 company. It has been in business for over 20 years and 75% of their equipment must be stored outside.

Special conditions unique to the property are:

- a. **Parcel Shape:** Parcel is rectangular, at the intersection of Ben Maddox and E. Douglas with the longest, non-viewable property boundaries being the west and south sides. The western and southern portions of the parcel currently give thieves easy access to the site unforeseen by anyone driving down Ben Maddox Way and E. Douglas Avenue. Furthermore, due to the existing landscaping, the frontage perimeter fence is only partially viewable by law enforcement from Ben Maddox Way and E Douglas Avenue.



- b. **High Value of Inventory:** the inventory of expensive equipment and tools needs to be secured behind a perimeter barrier. Due to the large size and nature of most equipment, it **must** be stored within the outside lot and cannot be stored inside a building.
- c. **No “Effective” Alternative Means of Theft Deterrence:** Since the storage area is over 1521 linear feet in perimeter, it is not feasible for a security guard or video surveillance cameras to effectively and continually monitor the entire lot.
- d. **Locational Contributing Factors to Crime:** More than half of the perimeter is not accessible via road frontage and is surrounded by two businesses. It is very easy to trespass and breach the existing perimeter barrier without being seen because of the low trafficked location during the evening and early morning hours. Due to the logistical location of the property, it is easy for criminals to steal and make a quick escape on various arterial streets.

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

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

Next, this Variance is justified to preserve the substantial property right to reasonably use this property for its intended zoned use – the outdoor storage and display of rental equipment. UR has no option other than to store its large equipment, tools and trucks in their outdoor storage area.

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

The granting of the Variance will be in harmony with the general purpose and intent of the provisions of this article and the General Plan. A Variance is the necessary mechanism to relieve a practical difficulty and resulting hardship experienced by UR.

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

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

The granting of the Variance will not be materially detrimental to public welfare, injurious to property or improvements in the vicinity or district where the property is located. It is installed completely

inside the existing perimeter fence and therefore not exposed to the public. To come in contact with the EGD security system, one would have to be intentionally trespassing by, first, breaking through or scaling the existing perimeter barrier.

The general safety and welfare of the public is also maintained, crime is prevented, and the City can redirect law enforcement resources toward more serious crimes other than property break-ins and theft. Cameras record crime and don't prevent it, guards are unreliable (don't show up for work, sleep on the job, and at times are complicit in the criminal action), and typical alarm systems only monitor buildings.

The EGD security system is the most reliable, economical, and safest perimeter security application available. The installation of the system will secure the property, increase the security of the surrounding properties and the immediate area by deterring the criminal element from visiting the neighborhood.

Based on the information and evidence presented above, we respectfully request the granting of this Variance for UR. Much appreciated.



**#Relentlessly
Protecting**



Keith Kaneko

Director of Business Development

Electric Guard Dog, LLC

916-532-6012

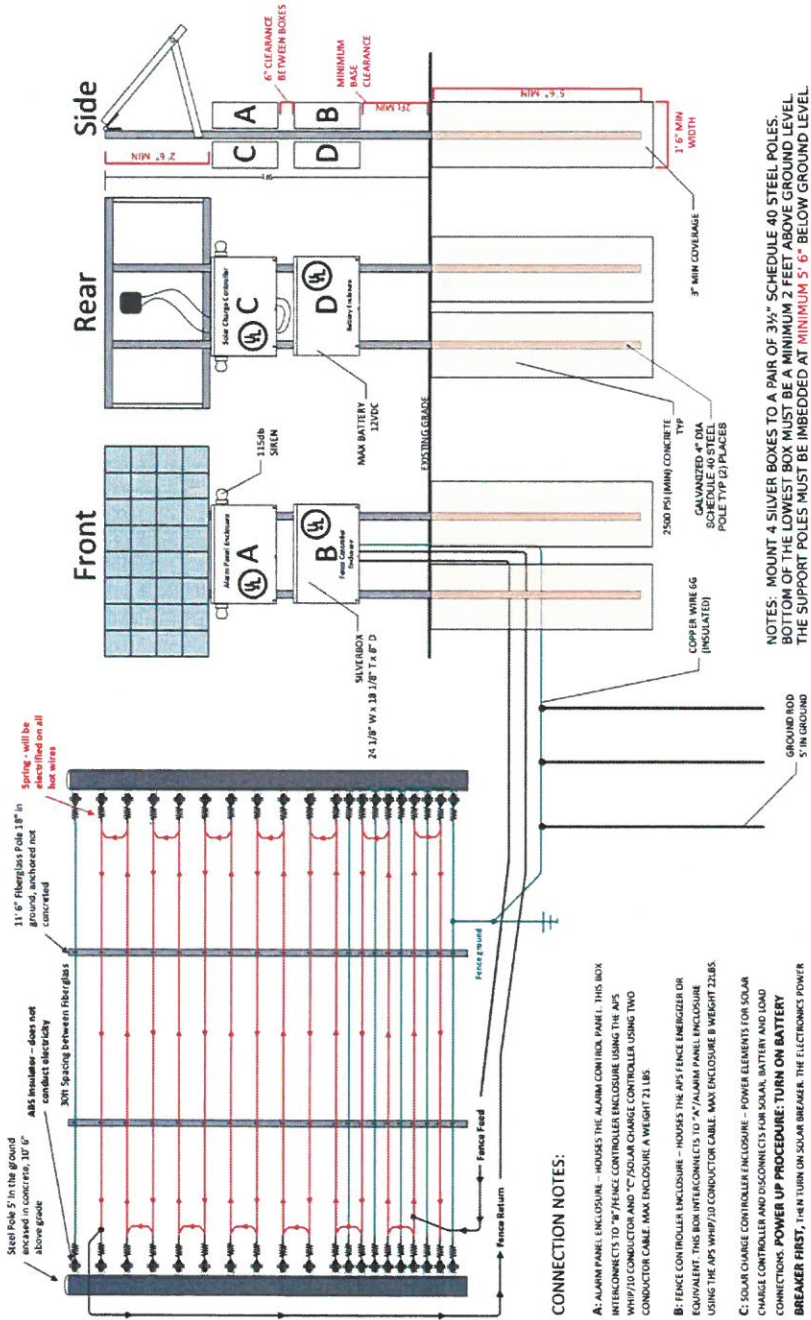
kkaneko@electricguarddog.com

electricguarddog.com

Follow us:



WIRE RUN DETAILS & OUTSIDE MOUNTED ELECTRONICS/CONTROLLER WITH/STEEL POLE DETAIL



CONNECTION NOTES:

- A: ALUMINUM PANEL ENCLOSURE - HOUSES THE ALUMINUM CONTROL PANEL. THIS BOX INTERCONNECTS TO 'B' FENCE CONTROLLER ENCLOSURE USING THE APS WHIP/JO CONDUCTOR AND 'C' SOLAR CHARGE CONTROLLER USING TWO CONDUCTOR CABLE. MAX ENCLOSURE A WEIGHT 21 LBS.
- B: FENCE CONTROLLER ENCLOSURE - HOUSES THE APS FENCE BREAKER OR EQUIVALENT. THIS BOX INTERCONNECTS TO 'A' ALUMINUM PANEL ENCLOSURE USING THE APS WHIP/JO CONDUCTOR CABLE. MAX ENCLOSURE B WEIGHT 22 LBS.
- C: SOLAR CHARGE CONTROLLER ENCLOSURE - POWER ELEMENTS FOR SOLAR CHARGE CONTROLLER AND DISCONNECTS FOR SOLAR, BATTERY AND LOAD CONNECTIONS. **POWER UP PROCEDURE: TURN ON BATTERY BREAKER FIRST, THEN TURN ON SOLAR BREAKER.** THE ELECTRONICS POWER IS CONTROLLER BY THE LOAD BREAKER. MAX SOLAR CHARGE CONTROLLER ENCLOSURE WEIGHT 25 LBS.
- D: BATTERY ENCLOSURE - THIS ENCLOSURE INTERCONNECTS TO 'C' SOLAR CHARGE CONTROLLER ENCLOSURE USING TWO CONDUCTOR 14G OR 10G THHN. MAX BATTERY ENCLOSURE WEIGHT 52 LBS. BATTERY WILL NOT EXCEED 70 WHV.



Nicholas Jasper 4.10.19

Electric Guard Dog
550 Assembly St., 5th Floor
Columbia, SC 29201
PHONE: 803-786-6333
FAX: 803-404-5378

PROJECT: UNITED RENTALS • VISALIA CA
925 N BEN MADDOX WAY
VISALIA, CA 93292

DATE: 4/10/2019
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C-3

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