

# PLANNING COMMISSION AGENDA

CHAIRPERSON:  
Marvin Hansen



VICE CHAIRPERSON:  
Adam Peck

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

**MONDAY, AUGUST 9, 2021**  
**VISALIA CONVENTION CENTER**  
**LOCATED AT 303 E. ACEQUIA AVE. VISALIA, CA**  
**MEETING TIME: 7:00 PM**

**Citizens may appear at the Planning Commission meeting in person and will be asked to maintain appropriate, physical distancing from others and wear a mask or face shield pursuant to the Governor's Executive Orders and public health guidance during the COVID-19 situation.**

1. CALL TO ORDER –
2. THE PLEDGE OF ALLEGIANCE –
3. CITIZEN'S COMMENTS – This is the time for citizens to comment on subject matters that are not on the agenda but are within the jurisdiction of the Visalia Planning Commission. You may provide comments to the Planning Commission at this time, but the Planning Commission may only legally discuss those items already on tonight's agenda.  
  
The Commission requests that a five (5) minute time limit be observed for Citizen Comments. You will be notified when your five minutes have expired.
4. CHANGES OR COMMENTS TO THE AGENDA –
5. CONSENT CALENDAR – All items under the consent calendar are to be considered routine and will be enacted by one motion. For any discussion of an item on the consent calendar, it will be removed at the request of the Commission and made a part of the regular agenda.
  - No items on the consent calendar
6. PUBLIC HEARING – Josh Dan, Associate Planner *Continued Item from 07/26/2021*  
Variance No. 2021-02: A request to allow the placement of an eight-foot tall, electrified fence along the full perimeter of a rental facility yard in the Industrial Zone. The project site is located at 1220 North Century Street (APNs: 081-100-021, 081-100-022, & 081-100-024). The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15311, Categorical Exemption No. 2021-29.

7. PUBLIC HEARING – Josh Dan, Associate Planner  
Conditional Use Permit No. 2021-17: A request by Tommy's Carwash to develop an automated carwash on a 1.28-acre site within the Orchard Walk Specific Plan Area in the C-MU (Commercial Mixed Use) zone. The project is located on the northwest corner of North Dinuba Blvd. and West Riggan Ave, 205 feet north of Riggan Avenue (APN: 078-120-050). An Initial Study was prepared for this project, consistent with the California Environmental Quality Act (CEQA), which disclosed that environmental impacts are determined to be not significant, and that Negative Declaration No. 2021-25 be adopted.
8. CITY PLANNER / PLANNING COMMISSION DISCUSSION –
  - a. General Plan Amendment No. 2021-01 amending Land Use Policy LU-P-34 approved by City Council at their August 2, 2021, meeting
  - b. County Island Annexation for Akers / Ferguson approved by LAFCO
  - c. Moving back to Council Chambers in September
  - d. Next Planning Commission Meeting is Monday, August 23, 2021

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 Ave. Visalia, CA 93291, during normal business hours.

### **APPEAL PROCEDURE**

**THE LAST DAY TO FILE AN APPEAL IS THURSDAY, AUGUST 19, 2021 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](http://www.visalia.city) or from the City Clerk.

**THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, AUGUST 23, 2021**



## REPORT TO CITY OF VISALIA PLANNING COMMISSION

**HEARING DATE:** August 9, 2021. (This item was continued from the July 26<sup>th</sup> Planning Commission Meeting at the request of the applicant.)

**PROJECT PLANNER:** Josh Dan, Associate Planner  
Phone:(559) 713-4003  
E-mail: [josh.dan@visalia.city](mailto:josh.dan@visalia.city)

**SUBJECT: Variance No. 2021-02:** A request to allow the placement of an eight-foot tall, electrified fence along the full perimeter of a rental facility yard in the Industrial Zone. The project site is located at 1220 North Century Street (APNs: 081-100-021, 081-100-022, & 081-100-024).

### STAFF RECOMMENDATION

Staff recommends that the Planning Commission deny Variance No. 2021-02, as submitted, based on the findings in Resolution No. 2021-32. 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 other properties and public spaces in the general vicinity of the project site.

### RECOMMENDED MOTION

I move to deny Variance No. 2021-02, based on the findings in Resolution No. 2021-32.

### ALTERNATIVES

The Planning Commission may, in lieu of the recommended motion specified above, consider the following alternative motion:

I move to approve Variance No. 2021-02, based on the findings as specified by the Planning Commission and subject to the recommended conditions for the alternative motion of approval contained in this staff report.

If the Planning Commission approves the Variance, staff will prepare a revised resolution that reflects the Planning Commission's approval for adoption at the next available meeting.

### PROJECT DESCRIPTION

The proponent is requesting to erect an electrified eight-foot-tall fence behind an existing chain link fence that encompasses the Sunbelt Rentals open yard equipment rental facility located at the southeast corner of North Century Street and West Placer Avenue (see Exhibit "A"). The applicant states that the taller electrified fence is necessary to preclude illegal entry onto the site during non-business hours.

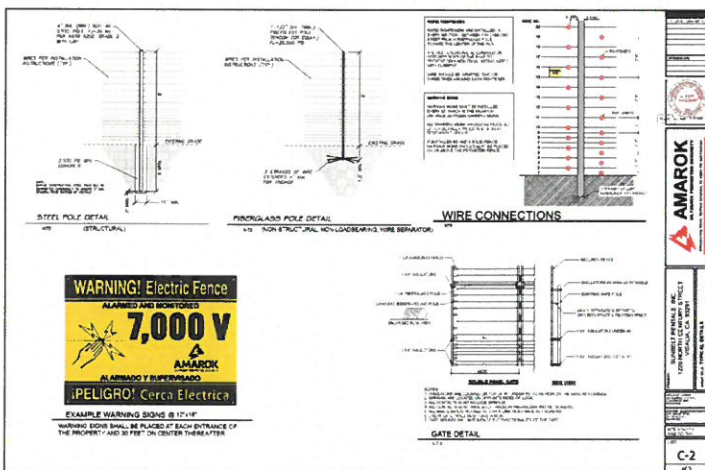
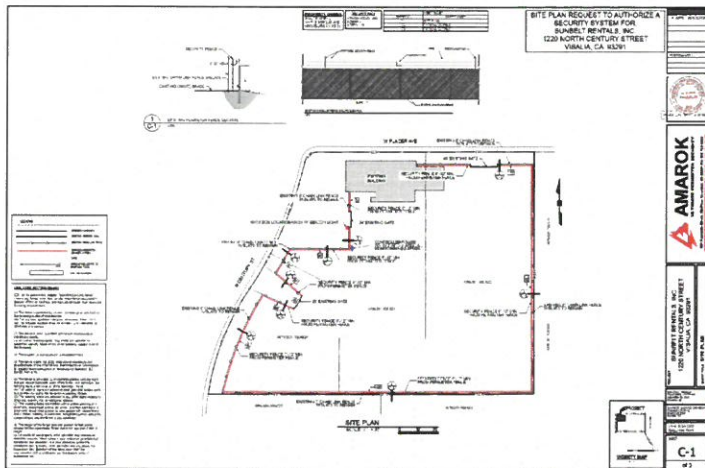
The proposed installation consists of placing the electrified fence behind the existing chain link fence at a spacing of six to 12-inches from the chain link fence. The new electrified fence will have a height of eight feet and would rise approximately two feet above the top of the existing chain link fence. The site plan identifies an existing chain link fence with six-foot height around the perimeter; however, a field visit to the site identified that barbed wire and razor wire are installed along the top of the chain link fence resulting in an overall fence height of eight feet. Additional improvements include yellow-colored 12-inch by 18-inch warning signs placed at 30-

foot intervals along the full length of the electrified fence. Entrance ways and gates along Century Street and Placer Avenue are proposed to remain the same.

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

In addition, the City has strictly applied to all zone districts the specific prohibition on electrified fences and barbed wire that are applied to residential zones, as cited in Section 17.36.010. The City has denied permits for barbed or concertina fencing on several building permits, and extends such prohibitions towards Variance requests.

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



**BACKGROUND INFORMATION**

General Plan Land Use Designation	I (Industrial)
Zoning	I (Industrial)
Surrounding Zoning and Land Use	North: I, Industrial User / Contractor South: I, Central California Gymnastics / Retail oxygen East: I, Property Mgmt. Company / SP Laundry West: I, Industrial users / contractor storage yards
Environmental Review	Categorical Exemption No. 2021-29
Special District	None
Site Plan Review	N/A

**RELATED PLANS & POLICIES**

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

**RELATED PROJECTS**

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

## **PROJECT EVALUATION**

Staff's recommended conclusion is that the findings to justify the Variance 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 public and neighboring businesses along the public right-of-way and shared property lines. 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 may reasonably feel their properties are under-secured and expect similar concessions based on precedence.

### **Background on 2019 Electrified Fence Request**

The proponent requesting the installation of an electric fence also requested approval of the same electric fence for the Untied Rentals site located at 925 N. Ben Maddox Way (i.e., Variance No. 2019-05).

Although Variance No. 2019-05 was denied by the Planning Commission, the City Council subsequently overturned the denial and approved the use of an electric fence at 8-1/2 feet height as requested by the applicant. The Council's decision to approve the use of an electric fence was a result of the applicant demonstrating the need to use this measure because of the constant theft of equipment that was occurring at the United Rental site. However, the Council stated in their decision to approve this request that they do not wish to create a policy change that would consent to the use of electric fences in specific zones. The City Council discussion on this matter favored giving consideration on a case-by-case basis, resulting in individual requests being heard and reviewed by the Planning Commission first. In the event that the Commission cannot make necessary findings of approval, resulting in a denial of the request, the applicant has the option to appeal to Council.

### **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:**

Sunbelt has incurred substantial financial loss from theft and resultant damage to their equipment, vehicles, and perimeter fencing. At present, Sunbelt's perimeter fence is insufficient to deter and prevent criminals from breaking in, trespassing onto the property, and stealing valuable equipment and tools stored onsite. Existing fences with barbed wire,

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

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

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

#### Staff Analysis:

The City's ordinance on variances, according to Section 17.42.10, is for the Planning Commission to grant variances when, "*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.*" Staff does not concur that the applicant's request for an electrified fence would constitute a need by any one of these listed determinations. If the criminal activity that has occurred on the applicant's property were to abate for reasons other than the fence, the fence would 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 two gates (totaling 60 linear feet) along Century Street and Placer Ave 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:

Sunbelt Rentals is a Fortune 500 company and is one of the nation's largest equipment rental companies with over 70 locations in California. The exceptional circumstance for their operation is that more than 75% of their assets (equipment, tools, and vehicles) must be stored in an outdoor yard, thereby fully exposed to criminals.

Extraordinary conditions unique to the property are:

- a. **Parcel Shape:** Parcel is rectangular-shaped, with two street frontage access points along N. Century St. and W. Placer Ave. The street frontage sides have dense shrubbery, providing concealment for criminals to break into the property unseen by law enforcement or concerned citizens passing by. The longest, non-viewable property boundaries are on the east and south sides. These portions of the property abut neighboring unsecured properties, providing thieves easy access to the site unforeseen by anyone driving down N. Century or W. Placer Avenue.



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

- b. **High Value of Inventory:** the inventory of high-value equipment, tools, and vehicles need to be secured behind a secure perimeter barrier. Due to the large size and nature of most equipment and vehicles, they **must** be stored in the outdoor yard and cannot be stored inside a building.
- c. **No “Effective” Alternative Means of Theft Deterrence:** Since the storage area is over 1,500 linear feet around the perimeter, it is not feasible for a security guard or video surveillance cameras to continually and effectively monitor the entire lot. Sunbelt has experienced breach and trespass from various areas of the property.
- d. **Locational Contributing Factors to Crime:** More than half of the perimeter is not accessible via road frontage and is surrounded by multiple 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 geographic location of the property, it is easy for criminals to steal and make a quick escape on various arterial streets (N. Plaza Dr. and/or W. Goshen Ave.)

#### 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. The subject parcel's shape is not considered irregular, and is quite similar in dimension and

profile to many other parcels of similar use and location (street corner). Staff does concur with the applicant that the eastern and southern perimeters, which do not have street visibility, are the most likely illegal entry points onto the site.

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

Applicant's Findings:

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

Finally, this variance is justified to preserve the substantial property right to reasonably use this property for its intended zoned use – the outdoor storage of vehicles and equipment. Sunbelt has no option other than to store its valuable assets 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 five businesses in proximity to the subject parcel whose outdoor storage yards have fences limited to those allowed by the Zoning Ordinance. Granting this Variance would justify all similar businesses to erect taller and/or 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 not constitute a grant of *special privilege* inconsistent with the limitation on other properties or improvements in the area. Security is universal, and Sunbelt's need to enhance its perimeter security has been clearly evidenced – it is essential to its viability and operability as business in Visalia. Security is not only fundamental, but it is a business's obligation to its customers and employees. This variance is the necessary mechanism to relieve a practical difficulty and resultant hardship that is being experienced by Sunbelt.

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

Staff Analysis:

Staff 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 five businesses in proximity to the subject parcel whose outdoor storage yards have fences limited to those allowed by the Zoning



Ordinance. Granting this Variance would justify all similar businesses to erect taller and/or electric fences for their respective businesses.

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

Applicant's Findings:

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

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

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

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

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

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. 2021-29). However, 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 City's ordinance on variances, according to Section 17.42.10, is for the Planning Commission to grant variances when, "*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.*" Staff does not concur that the applicant's request for an electrified fence would constitute a need by any one of these listed determinations. If the criminal activity that has occurred on the applicant's property were to abate for reasons other than the fence, the fence would 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 two gates (totaling 60 linear feet) along Century Street and Placer Ave non-electrified and at their current height.

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 similarly 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.

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 five businesses in proximity to the subject parcel whose outdoor storage yards have fences limited to those allowed by the Zoning Ordinance. Granting this Variance would justify all similar businesses to erect taller and/or 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. The applicant is not being deprived of property rights already being enjoyed by other similar properties and uses in the area. Rather, there are five businesses in proximity to the subject parcel whose outdoor storage yards have fences limited to those allowed by the Zoning Ordinance. Granting this Variance would justify all similar businesses to erect taller and/or electric fences for their respective businesses

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. 2021-29).

### **RECOMMENDED CONDITIONS FOR ALTERNATIVE MOTION OF APPROVAL**

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

1. That Variance No. 2021-02 shall be developed consistent with the site plan and fencing details included as Exhibits "A" and "B".
2. That the existing, non-conforming razor wire be removed from the entire perimeter fencing.
3. That all other federal, state, regional, and county laws and city codes and ordinances be complied with.

### **APPEAL INFORMATION**

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

#### **Attachments:**

- Related Plans and Policies
- Resolution No. 2021-32
- Exhibit "A" – Site Plan
- Exhibit "B" – Fence Details
- Exhibit "C" – Variance/Exception Findings submitted by applicant
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Location Sketch

## RELATED PLANS AND POLICIES

### Zoning Ordinance

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

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

### Chapter 17.36

#### FENCES, WALLS AND HEDGES

##### 17.36.010 Purpose.

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

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

17.36.015 Fence, wall or hedge height measurement.

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

17.36.070 Planned industrial.

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

A. Where a site within an I-L or I zone adjoins an R-A, R-1 or R-M zone a concrete block or masonry wall not less than seven feet in height shall be located on the property line except in a required front yard and suitably maintained.

B. A use not conducted entirely within an enclosed structure, on a site across a street or alley from an R-A, R-1 or R-M zone shall be screened by a concrete block or masonry wall not less than seven feet in height, if the site plan review committee finds said use to be unsightly.

C. Open storage of materials and equipment shall be permitted only within an area screened by a concrete block or masonry wall not less than six feet in height, which is adjacent to a public street or a residence provided that no materials or equipment shall be stored to a height greater than that of the wall or fence.

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

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

## **Chapter 17.42**

### **VARIANCES AND EXCEPTIONS**

#### **17.42.010 Variance purposes.**

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

#### **17.42.020 [Reserved]**

#### **17.42.030 Variance powers of city planning commission.**

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

#### **17.42.040 [Reserved]**

#### **17.42.050 Application procedures.**

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

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

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

**17.42.060 Hearing and notice.**

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

**17.42.070 Investigation and report.**

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

**17.42.080 Public hearing procedure.**

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

**17.42.090 Variance action of the city planning commission.**

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

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

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

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

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

**17.42.100 [Reserved]**

**17.42.110 Appeal to city council.**

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

**17.42.120 Lapse of variance.**

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

**17.42.130 Revocation.**

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

**17.42.140 New application.**

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

RESOLUTION NO. 2021-32

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING VARIANCE NO. 2021-02, A REQUEST TO ALLOW THE PLACEMENT OF AN EIGHT-FOOT TALL, ELECTRIFIED FENCE ALONG THE FULL PERIMETER OF A RENTAL FACILITY YARD IN THE INDUSTRIAL ZONE. THE PROJECT SITE IS LOCATED AT 1220 NORTH CENTURY STREET (APNS: 081-100-021, 081-100-022, & 081-100-024).

**WHEREAS**, Variance No. 2021-02, is a request to allow the placement of an eight-foot tall, electrified fence along the full perimeter of a rental facility yard in the Industrial Zone. The project site is located at 1220 North Century Street (APNs: 081-100-021, 081-100-022, & 081-100-024); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on August 9, 2021; and

**WHEREAS**, the Planning Commission of the City of Visalia finds Variance No. 2021-02, as conditioned by staff, to be in accordance with Chapter 17.42.080 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

**WHEREAS**, the Planning Commission finds the project to be Categorically Exempt consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

**NOW, THEREFORE, BE IT RESOLVED** that the project is exempt from further environmental review pursuant to CEQA Section 15311.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia makes the following specific findings based on the evidence presented:

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

The City's ordinance on variances, according to Section 17.42.10, is for the Planning Commission to grant variances when, "*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.*" Staff does not concur that the applicant's request for an electrified fence would constitute a need by any one of these listed determinations. If the criminal activity that has occurred on the applicant's property were to abate for reasons other than the fence, the fence would 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 two gates (totaling 60 linear feet) along Century Street and Placer Ave non-electrified and at their current height.



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 similarly 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.

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 five businesses in proximity to the subject parcel whose outdoor storage yards have fences limited to those allowed by the Zoning Ordinance. Granting this Variance would justify all similar businesses to erect taller and/or 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. The applicant is not being deprived of property rights already being enjoyed by other similar properties and uses in the area. Rather, there are five businesses in proximity to the subject parcel whose outdoor storage yards have fences limited to those allowed by the Zoning Ordinance. Granting this Variance would justify all similar businesses to erect taller and/or electric fences for their respective businesses

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.

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

**BE IT FURTHER RESOLVED** that the Planning Commission hereby approves the Variance on the real property here described in accordance with the terms of this resolution under the provisions of Section 17.42.080 of the Ordinance Code of the City of Visalia, subject to the following conditions:

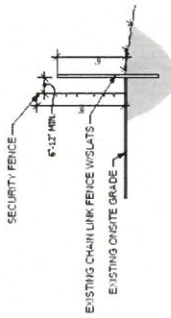
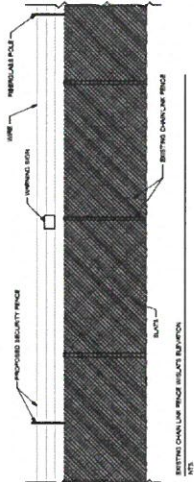
Should the Planning Commission approve the request, staff would recommend the following conditions be adopted:

1. That Variance No. 2021-02 shall be developed consistent with the site plan and fencing details included as Exhibits "A" and "B".
2. That the existing, non-conforming razor wire be removed from the entire perimeter fencing.
3. That all other federal, state, regional, and county laws and city codes and ordinances be complied with.

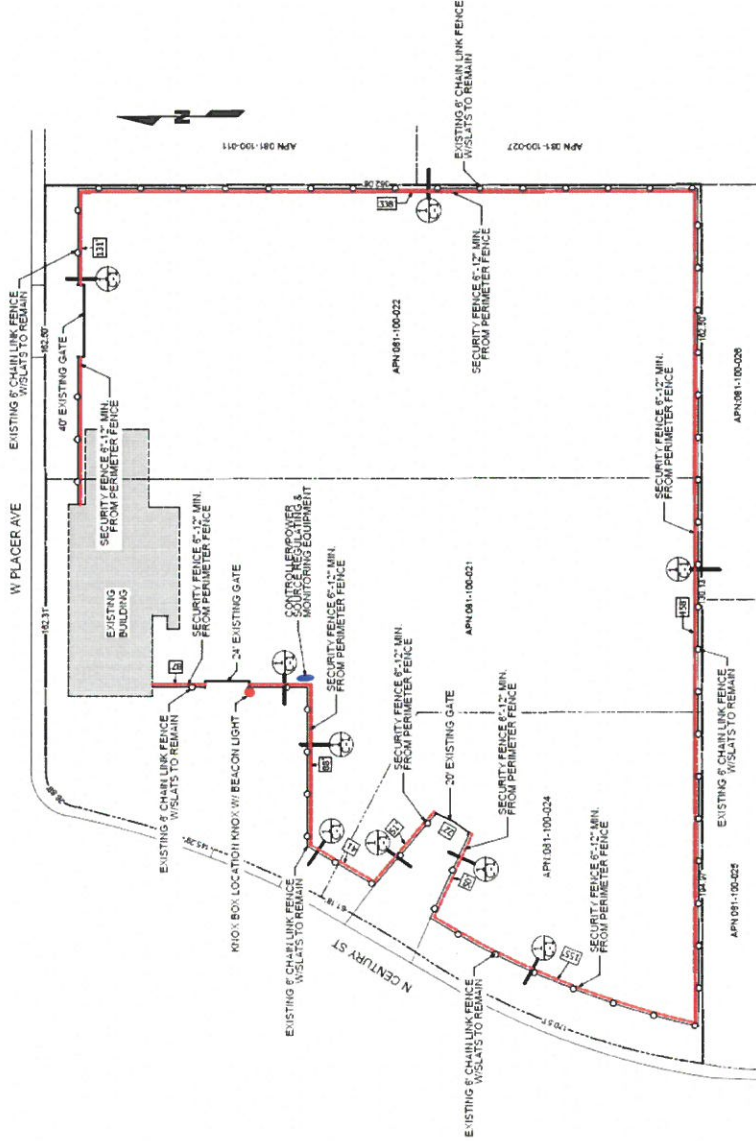
# EXHIBIT "A"

**SITE PLAN REQUEST TO AUTHORIZE A SECURITY SYSTEM FOR:**  
**SUNBELT RENTALS, INC.**  
 1220 NORTH CENTURY STREET  
 VISALIA, CA 93291

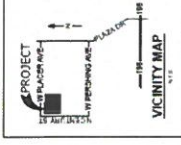
<b>PROPERTY OWNER</b>	<b>PROJ. NO.</b>	<b>SHEET INDEX</b>
TAYLOR MARK J.	APN 081-100-021-000	SITE PLAN
1100 S. WASHINGTON ST.	C2	TYPICAL DETAILS
MANASSAS CA 93905	C3	



1  
C-1  
EXISTING PERIMETER FENCE SECTION  
1/8" = 1' ITS.



**SITE PLAN**  
 SCALE 1" = 30'



C-1  
of 3

**AMAROK**  
 ULTIMATE PERIMETER SECURITY  
 559 Albany Street, 5th Floor, Columbia, SC 29201 PH: 803-786-4233

**SUNBELT RENTALS, INC.**  
 1220 NORTH CENTURY STREET  
 VISALIA, CA 93291  
 PROJECT: SITE PLAN

APPLICANT: AMAROK, INC.  
 PROJECT NO.: 2023-001  
 DATE: 8/24/2023  
 SCALE: SEE PLAN  
 SHEET

**LEGEND**

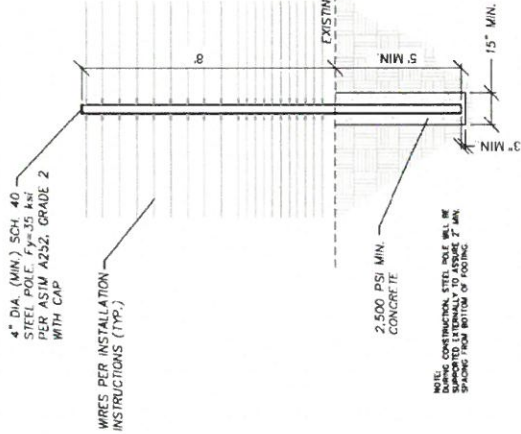
[Symbol]	PROPERTY LINE
[Symbol]	EXISTING PERIMETER WALL
[Symbol]	EXISTING CHAIN LINK FENCE
[Symbol]	SECURITY SYSTEM
[Symbol]	DRIVE
[Symbol]	EXISTING BUILDING
[Symbol]	EXISTING PERIMETER FENCE
[Symbol]	EXISTING CHAIN LINK FENCE
[Symbol]	EXISTING PERIMETER FENCE
[Symbol]	EXISTING CHAIN LINK FENCE
[Symbol]	EXISTING PERIMETER FENCE

**CODE SECTION 05851**

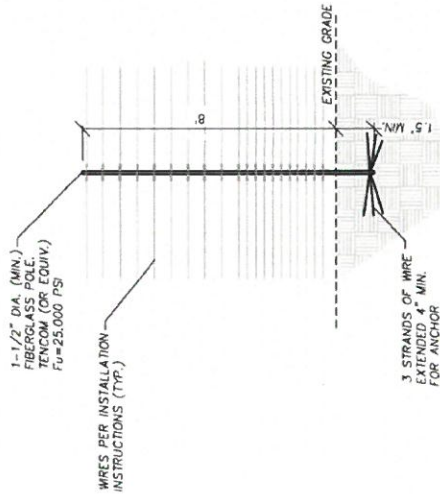
05851 - An order in the chapter "Security Fence" in Section 11.11 of the Fire and Agricultural Code that meets the following requirements:

- The fence is powered by an electrical awgauge with both of the following:
  - The electrical awgauge does not exceed 110 volts AC.
  - The electrical awgauge does not exceed 15 milliseconds, or 15000 cycles per second.
- The fence is used to protect and secure commercial or residential property.
- The fence is not located in a residential zone.
- The fence meets the 2009 International Standards and Specifications of the International Electrotechnical Commission (IEC) 60335-1 Part 4-71.
- The fence is identified by permanently placed warning signs that are visible from both sides of the fence. At a minimum, the signs shall include the following:
  - The warning signs are placed at each gate and access point.
  - The warning signs are placed to any other signs relating to electrical, biological hazards, or other safety hazards.
  - A warning sign is placed at each gate and access point, and a warning sign is placed at each access point.
  - A warning sign is placed at each gate and access point, and a warning sign is placed at each access point.
- The height of the fence does not exceed 10 feet and is located behind a perimeter fence that is not less than 5 feet in height.
- No owner of real property shall install and operate an electrical awgauge system for the purpose of protecting the real property and operation of the fence and security fence. The installation and operation of the fence and security fence shall comply with the requirements of the ordinance and the requirements of Subsection (b).

**EXHIBIT "B"**



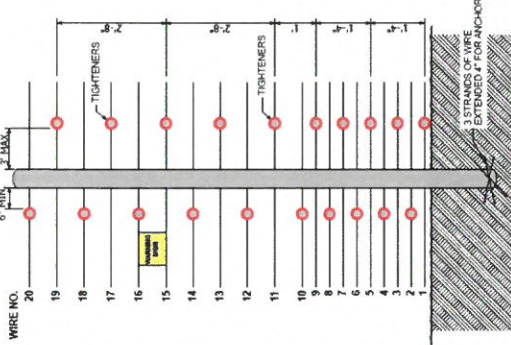
**STEEL POLE DETAIL**  
NTS (STRUCTURAL)



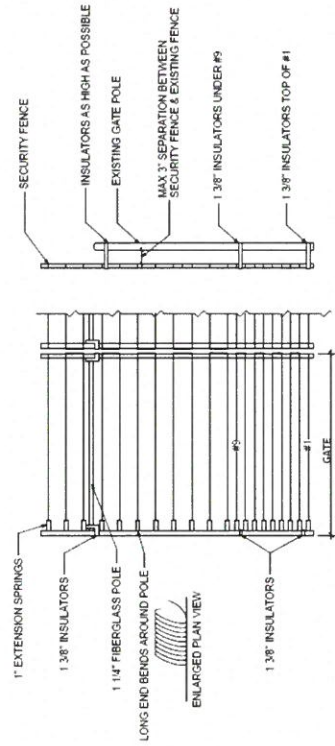
**FIBERGLASS POLE DETAIL**  
NTS (NON-STRUCTURAL, NON-LOADBEARING, WIRE SEPARATOR)

**RAPID TIGHTENERS**  
RAPID TIGHTENERS ARE INSTALLED IN EVERY SECTION BETWEEN WIRING AND 3 FEET FROM A FIBERGLASS POLE TOWARD THE CENTER OF THE RIN. THE TIGHTENERS ARE ALTERNATED ON OPPOSITE SIDES OF THE POLE TO PREVENT GROUNDS FROM HITTING WIRES WITH CURRENT. WIRE SHOULD BE WRAPPED TWO OR THREE TIMES AROUND EACH TIGHTENER.

**WARNING SIGNS**  
WARNING SIGNS MUST BE INSTALLED EVERY 30' WHICH IS THE MAXIMUM DISTANCE BETWEEN WARNING SIGNS. ALL WARNING SIGNS SHOULD BE MOUNTED EITHER BETWEEN WIRES 15 & 16 OR AT BEST VISIBLE HEIGHT. IF INSTALLED BEHIND A SOLID FENCE, WARNING SIGNS SHOULD ALSO BE PLACED ON OR ABOVE THE PERIMETER FENCE.



**WIRE CONNECTIONS**  
NTS



**DOUBLE PANEL GATE**

**NOTES:**  
1. INSULATORS ARE LOCATED ON TOP OF #1, UNDER #9 TO AS HIGH ON THE GATE AS POSSIBLE.  
2. SPRINGS ARE LOCATED ON OPPOSITE SIDES OF LOCK.  
3. ALL CONTACTS MUST HAVE BOLT THROUGH FIBERGLASS (NO SET SCREENS).  
4. ALL BRACE BANDS MUST BE HOOKED TO CHAIN LINK MUST HAVE SET SCREENS.  
5. EVERY GATE PANEL MUST HAVE A SIGN.  
6. GATE MOUNTS WILL NOT IMPACT THE FUNCTIONALITY OF THE GATE.

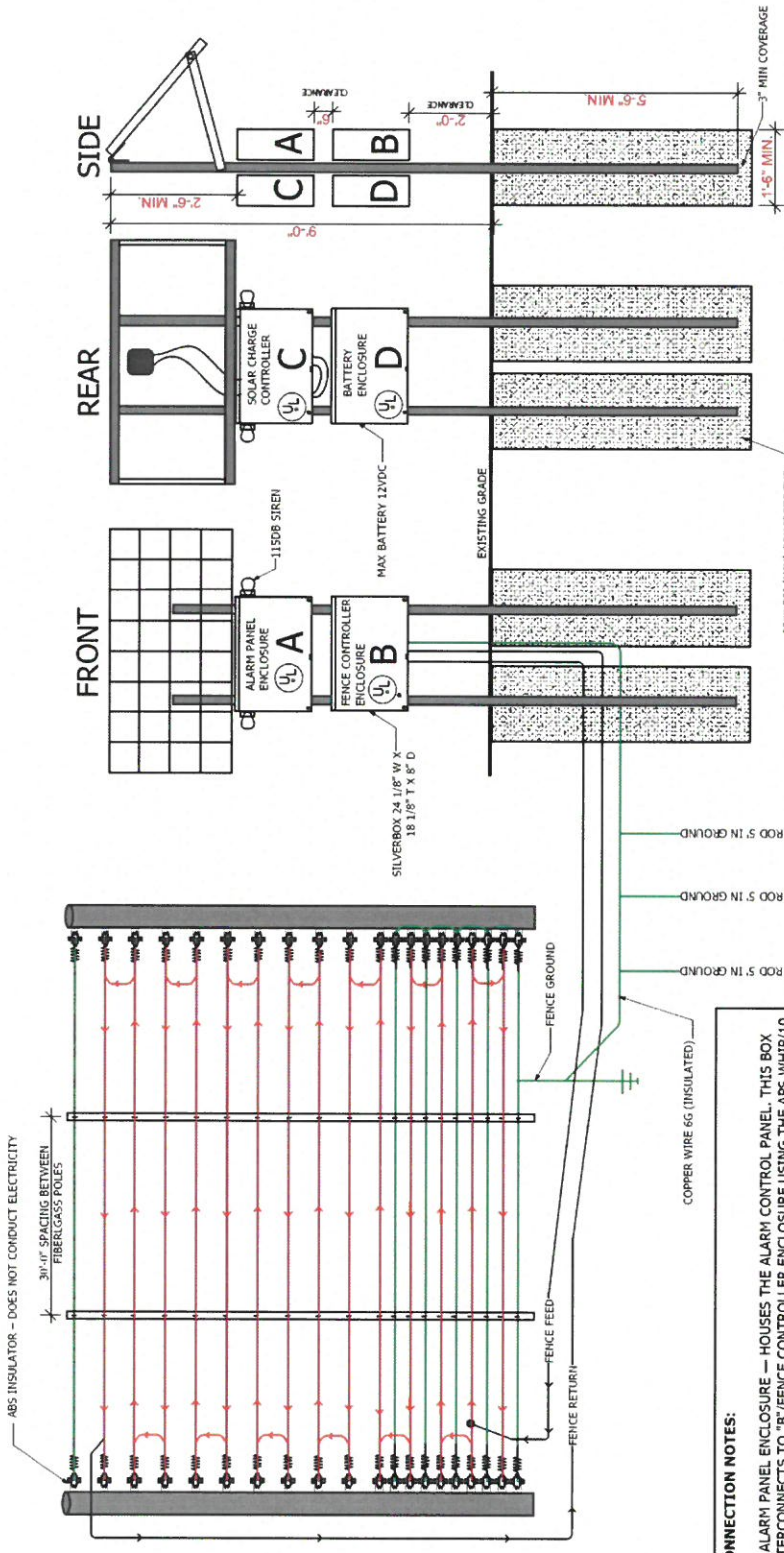
**GATE DETAIL**  
NTS

**WARNING! Electric Fence**  
ALARMED AND MONITORED  
**7,000 V**  
AMAROK  
ULTIMATE PERIMETER SECURITY  
ALARMADO Y SUPERVISADO  
**¡PELIGRO! Cerca Eléctrica**

EXAMPLE WARNING SIGNS @ 12' X 18"  
WARNING SIGNS SHALL BE PLACED AT EACH ENTRANCE OF THE PROPERTY AND 30 FEET ON CENTER THEREAFTER

# EXHIBIT "B"

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



NOTES:  
 MOUNT 4 SILVER BOXES TO A PAIR OF 4"x4"x120 GALVANIZED ASTM A500 STEEL POLES. BOTTOM OF THE LOWEST BOX MUST BE A MINIMUM 2 FEET ABOVE GROUND LEVEL. THE SUPPORT POLES MUST BE EMBEDDED AT MINIMUM 5'-6" BELOW GROUND LEVEL.

**CONNECTION NOTES:**

A: ALARM PANEL ENCLOSURE — HOUSES THE ALARM CONTROL PANEL. THIS BOX INTERCONNECTS TO "B"/FENCE CONTROLLER ENCLOSURE USING THE APS WHIP/10 CONDUCTOR AND "C"/SOLAR CHARGE CONTROLLER USING TWO CONDUCTOR CABLE. MAX ENCLOSURE A WEIGHT 21LBS.

B: FENCE CONTROLLER ENCLOSURE — HOUSES THE FENCE ENERGIZER OR EQUIVALENT. THIS BOX INTERCONNECTS TO "A"/ALARM PANEL ENCLOSURE USING THE APS WHIP/10 CONDUCTOR CABLE. MAX ENCLOSURE B WEIGHT 22LBS.

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 CONTROLLED BY THE LOAD BREAKER. MAX SOLAR CHARGE CONTROLLER ENCLOSURE WEIGHT 25LBS.

D: BATTERY ENCLOSURE—THIS ENCLOSURE INTERCONNECTS TO "C"/SOLAR CHARGE CONTROLLER ENCLOSURE USING TWO CONDUCTOR 14G AND 10G THWN. MAX BATTERY ENCLOSURE WEIGHT 52LBS.

BATTERY WILL NOT EXCEED 70KV/H

550 Assembly Street, 9th Floor Columbia, SC 29201 POC: 803-706-6333  
**AMAROK**  
 ULTIMATE PERIMETER SECURITY

SHEET TITLE: TYPICAL DETAILS  
 PRODUCT: SUNBELT RENTALS, INC.  
 1220 NORTH CENTURY STREET  
 VISALIA, CA 93291

DATE: 02/01/2021  
 DRAWN BY: J. W. WILSON  
 CHECKED BY: J. W. WILSON  
 SCALE: SEE PLAN

SHEET: C-3  
 OF 3



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## Justification for Variance Approval (Electrified Security Fence) 1220 N CENTURY STREET – SUNBELT RENTALS

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

### Summary of Variance Proposal

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

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

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

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

Most significantly, Sunbelt has incurred practical difficulties in being able to serve its customers when reserved equipment and tools are stolen and/or damaged due to criminal activity. This not only creates an unnecessary financial hardship (replacement, repairs, and associated labor hours), but also has the ripple effect of impacting its

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customers' construction schedules as well. One singular event of theft has a cascading affect, creating hardships beyond just those of Sunbelt. And finally, there are the intangible hardships of Sunbelt's reputation being damaged from being unable to deliver reserved equipment and the degradation of employee morale. Sunbelt employs residents of Visalia, and the feeling of a safe and secure workplace is essential.

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

- (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.**

Sunbelt Rentals is a Fortune 500 company and is one of the nation's largest equipment rental companies with over 70 locations in California. The exceptional circumstance for their operation is that more than 75% of their assets (equipment, tools, and vehicles) must be stored in an outdoor yard, thereby fully exposed to criminals.

Extraordinary conditions unique to the property are:

- a. **Parcel Shape/Configuration:** Parcel is rectangular-shaped, with two street frontage access points along N. Century St. and W. Placer Ave. The street frontage sides have dense shrubbery, providing concealment for criminals to break into the property unseen by law enforcement or concerned citizens passing by. The longest, non-viewable property boundaries are on the east and south sides. These portions of the property abut neighboring unsecured properties, providing thieves easy access to the site unforeseen by anyone driving down N. Century or W. Placer Avenue.





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

- b. High Value of Inventory:** the inventory of high-value equipment, tools, and vehicles need to be secured behind a secure perimeter barrier. Due to the large size and nature of most equipment and vehicles, they **must** be stored in the outdoor yard and cannot be stored inside a building.
- c. No "Effective" Alternative Means of Theft Deterrence:** Since the storage area is over 1,500 linear feet around the perimeter, it is not feasible for a security guard or video surveillance cameras to continually and effectively monitor the entire lot. Sunbelt has experienced breach and trespass from various areas of the property.
- d. Locational Contributing Factors to Crime:** More than half of the perimeter is not accessible via road frontage and is surrounded by multiple 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 geographic location of the property, it is easy for criminals to steal and make a quick escape on various arterial streets (N. Plaza Dr. and/or W. Goshen Ave.)





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

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

Finally, this variance is justified to preserve the substantial property right to reasonably use this property for its intended zoned use – the outdoor storage of vehicles and equipment. Sunbelt has no option other than to store its valuable assets in their outdoor storage area.

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

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

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

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

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

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



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make a concerted effort to trespass by breaching through or scaling over the existing perimeter fence.

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

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

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

**NOTICE OF EXEMPTION**

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

To: County Clerk  
County of Tulare  
County Civic Center  
Visalia, CA 93291-4593

Variance No. 2021-02

**PROJECT TITLE**

The project site is located at 1220 N. Century St. (APNs: 081-100-021, 081-100-022, & 081-100-024).

**PROJECT LOCATION**

Visalia

Tulare

**PROJECT LOCATION - CITY**

**COUNTY**

A request to allow a variance to the maximum fence height limit of seven feet to 8-feet along the full perimeter of a rental facility yard in the I (Industrial) Zone District.

**DESCRIPTION - Nature, Purpose, & Beneficiaries of Project**

City of Visalia

**NAME OF PUBLIC AGENCY APPROVING PROJECT**

Carol Bausinger and/or Keith Kaneko, Amarok LLC., 550 Assembly St. 5<sup>th</sup> fl, Columbia, SC, 29201  
803-404-6189

**NAME AND ADDRESS OF APPLICANT CARRYING OUT PROJECT**

Carol Bausinger and/or Keith Kaneko, Amarok LLC., 550 Assembly St. 5<sup>th</sup> fl, Columbia, SC, 29201  
803-404-6189

**NAME AND ADDRESS OF AGENT CARRYING OUT PROJECT**

**EXEMPT STATUS:** (Check one)

- Ministerial - Section 15073
- Emergency Project - Section 15071
- Categorical Exemption - State type and Section number: **Section 15301**
- Statutory Exemptions- State code number:

A request is considered a minor alteration to an existing private structure, but not an expansion to the existing use.

**REASON FOR PROJECT EXEMPTION**

Josh Dan, Associate Planner

(559) 713-4003

**CONTACT PERSON**

**AREA CODE/PHONE**

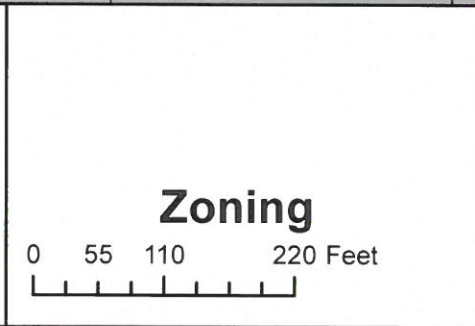
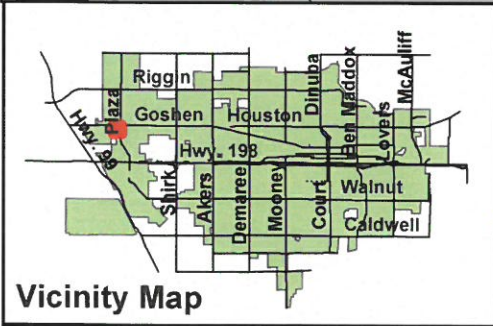
August 9, 2021

**DATE**

**Brandon Smith, AICP  
Environmental Coordinator**

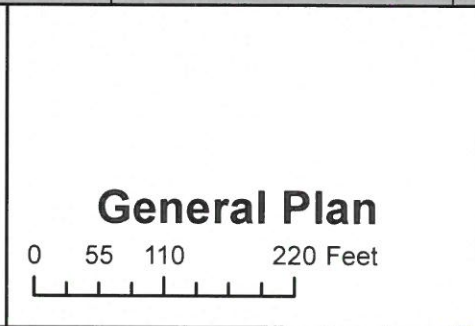
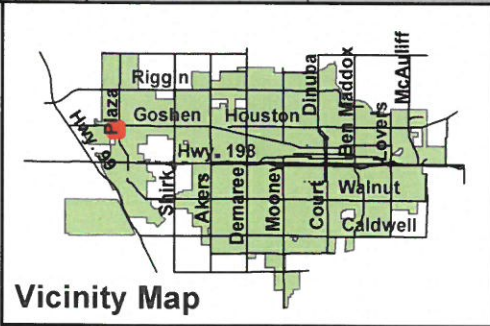
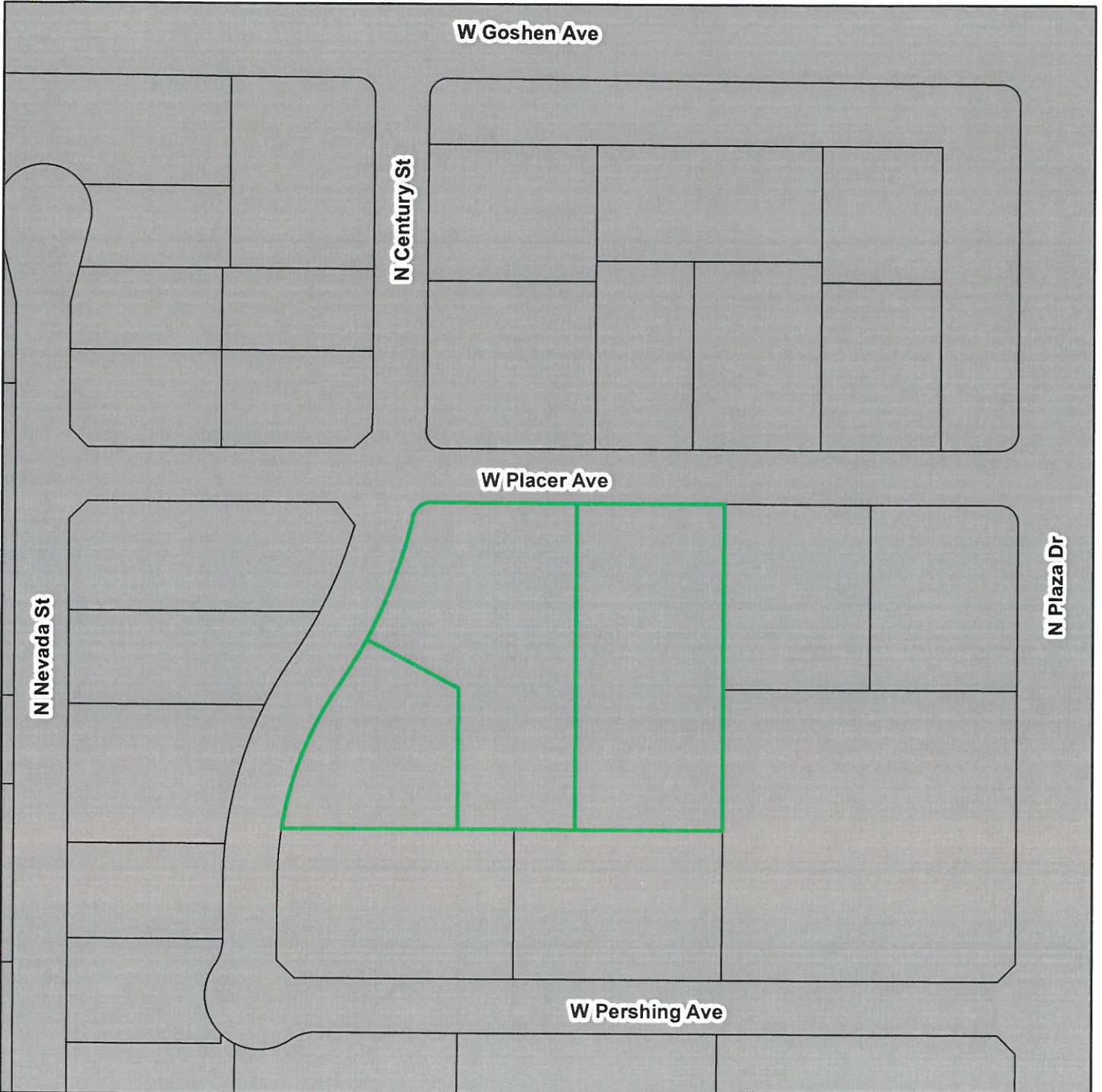
# Variance No. 2021-02

The project site is located at  
1220 North Century Street  
(APNs: 081-100-021, 081-100-022, & 081-100-024).



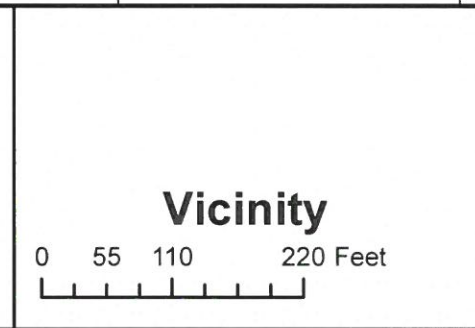
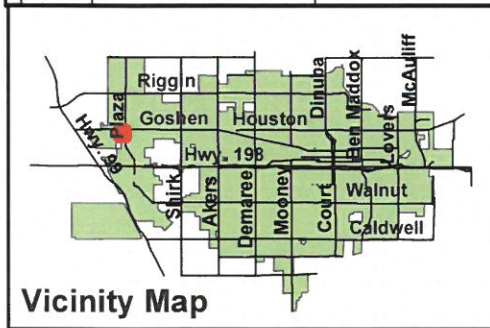
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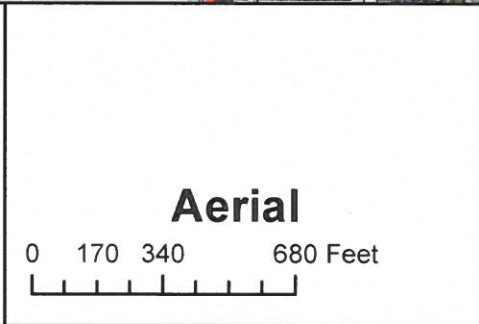
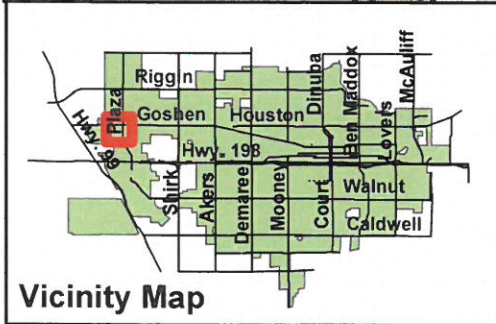
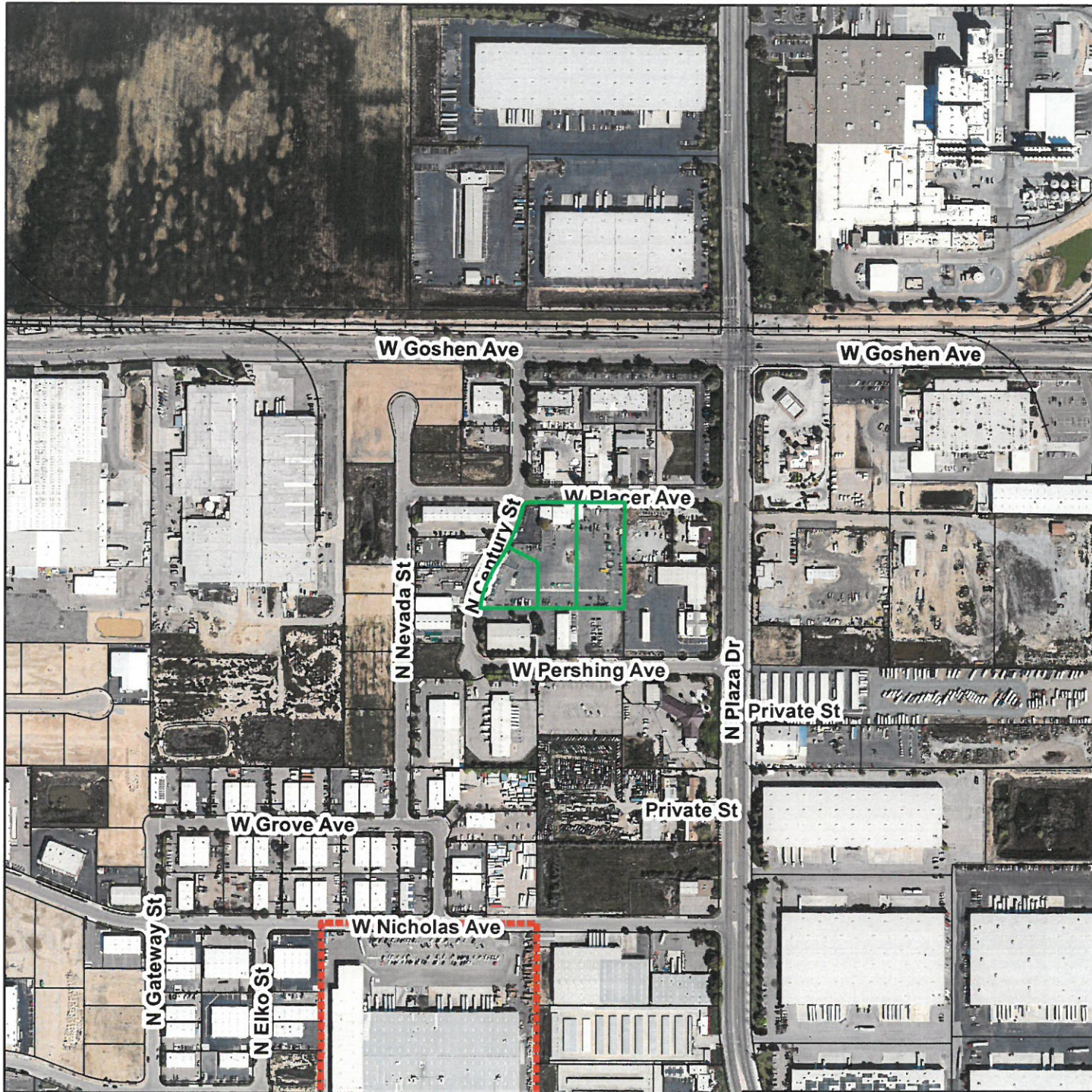
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# Variance No. 2021-02

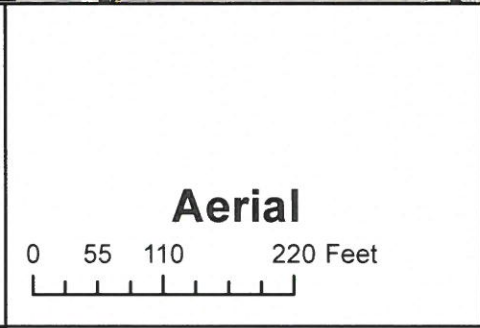
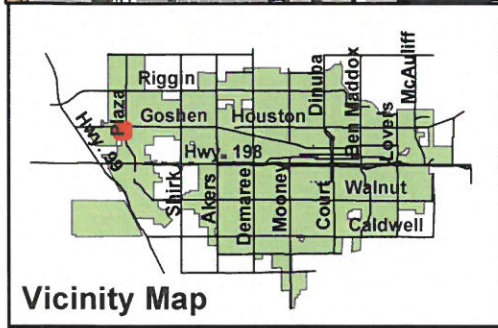
The project site is located at  
1220 North Century Street  
(APNs: 081-100-021, 081-100-022, & 081-100-024).



Parcels  
Project Site

# Variance No. 2021-02

The project site is located at  
1220 North Century Street  
(APNs: 081-100-021, 081-100-022, & 081-100-024).



Legend:

- Parcels (represented by a white rectangle)
- Project Site (represented by a green outline)