

PLANNING COMMISSION AGENDA

CHAIRPERSON:
Marvin Hansen



VICE CHAIRPERSON:
Adam Peck

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

MONDAY, SEPTEMBER 12, 2022
VISALIA COUNCIL CHAMBERS
LOCATED AT 707 W. ACEQUIA AVENUE, VISALIA, CA
MEETING TIME: 7:00 PM

1. CALL TO ORDER –
2. THE PLEDGE OF ALLEGIANCE –
3. CITIZEN'S COMMENTS – This is the time for citizens to comment on subject matters that are not on the agenda but are within the jurisdiction of the Visalia Planning Commission. You may provide comments to the Planning Commission at this time, but the Planning Commission may only legally discuss those items already on tonight's agenda.

The Commission requests that a five (5) minute time limit be observed for Citizen Comments. You will be notified when your five minutes have expired.
4. CHANGES 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 – (Continued from August 22, 2022) Josh Dan, Associate Planner
Variance No. 2022-03: A request to allow Roofline Supply a variance to the maximum fence height limit of seven feet to eight-feet along the full perimeter of an industrial facility in the I-L (Light Industrial) Zone District. The project site is located at 1424 East Tulare Avenue (APN: 100-010-025). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2022-41.

7. PUBLIC HEARING – Rafael Garcia, Senior Planner

Tentative Parcel Map 2022-04: A request by M&L Land Surveying to subdivide a 2.81-acre parcel into 3 lots for residential use, in the R-1-5 (Single Family Residential) Zone. The project site is located at 3307 East Houston Avenue on the south side of East Houston Avenue approximately 1,300 feet east of North Lovers Lane (APN: 103-330-100). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315, Categorical Exemption No. 2022-31.

8. PUBLIC HEARING – Josh Dan, Associate Planner

Tentative Parcel Map No: 2022-05: A request by Coreval LLC to subdivide two parcels into four parcels and a Remainder in the O-PA (Office / Admin. Professional) Zone to facilitate the develop and construction of phase two of the Mission Oaks Office Complex. The project site is located 365-feet south of the intersection of South Peppertree Street and West Hillsdale Avenue. (Address: N/A) (APNs: 000-014-852, 000-014-853, and 000-014-854). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315, Categorical Exemption No. 2022-43.

9. PUBLIC HEARING – Josh Dan, Associate Planner

Conditional Use Permit No. 2022-07: A request by J5 Infrastructure Partners to bring a preexisting nonconforming wireless telecommunication facility on a parcel measuring less than five acres. The project site is located at 214 South Giddings Avenue, approximately 324-feet north of West Mineral King Avenue (APN: 093-210-002). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Categorical Exemption No. 2022-19.

Variance No. 2022-02: A request by J5 Infrastructure Partners to relocate existing telecommunications equipment currently on a California Water Service water tower to a new 151-foot monopine telecommunication tower not meeting the fall zone setback requirements of Section 17.32.163(D)(1)&(2). The project site is located at 214 South Giddings Avenue, approximately 324-feet north of West Mineral King Avenue (APN: 093-210-002). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Categorical Exemption No. 2022-19.

10. PUBLIC HEARING – Cristobal Carrillo, Associate Planner

Conditional Use Permit No. 2022-02: A request by Mike Hamzy and Javier Gomez to construct a 1,088 square building with a double drive-thru lane to accommodate 10 vehicles, an escape lane providing access to the parking lot, and a third lane for online pick up, on a 33,167 square foot / 0.76-acre parcel in the Riverbend Village Shopping Center. The project site is zoned C-MU (Commercial Mixed Use) and is located at 2800 North Dinuba Boulevard, along the east side of North Dinuba Boulevard, approximately 405 feet south of West Riggins Avenue (APN: 091-010-060). 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, subject to mitigation, and that Negative Declaration No. 2022-15 (State Clearinghouse # 2022080232) be adopted.

11. CITY PLANNER/ PLANNING COMMISSION DISCUSSION –

- a. The next Planning Commission meeting is scheduled for Monday September 26, 2022.
- b. The City Council approved the Shepherd Ranch GPA and COZ on September 6, 2022.
- c. Housing Element Update – Work Session on Housing Element Update to be presented to City Council at their September 19, 2022, 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 THURSDAY, SEPTEMBER 22, 2022, BEFORE 5:00 PM

According to the City of Visalia Zoning Ordinance Section 17.02.145 and Subdivision Ordinance Section 16.04.040, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal form with applicable fees shall be filed with the City Clerk at 220 N. Santa Fe, Visalia, CA 93291. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website www.visalia.city or from the City Clerk.

THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, SEPTEMBER 26, 2022



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: September 12, 2022

PROJECT PLANNER: Josh Dan
Associate Planner (559) 713-4003
josh.dan@visalia.city

SUBJECT: Conditional Use Permit No. 2022-07: A request by J5 Infrastructure Partners to bring a preexisting nonconforming wireless telecommunication facility on a parcel measuring less than five acres.

Variance No. 2022-02: A request by J5 Infrastructure Partners to relocate existing telecommunications equipment currently on a California Water Service water tower to a new 151-foot mono-pine telecommunication tower not meeting the fall zone setback requirements of Section 17.32.163(D)(1)&(2).

Location: The project site is located at 214 South Giddings Avenue approximately 324-feet north of West Mineral King Avenue (APN: 093-210-002).

STAFF RECOMMENDATION

Staff recommends that the Planning Commission deny Conditional Use Permit No. 2022-07, based upon the findings and conditions in Resolution No. 2022-20. Staff's recommendation is based on the conclusion that the request is inconsistent with Zoning Ordinance Section 17.32.163.C of the Visalia Municipal Code and premature due to no timeline given on when the existing California Water Service water tower is to be decommissioned and removed.

Staff recommends that the Planning Commission deny Variance No. 2022-02, based on the findings in Resolution no. 2022-19. Staff's recommendation is based on the conclusion that the request is inconsistent with Zoning Ordinance Section 17.32.163.C of the Visalia Municipal Code and premature due to no timeline given on when the existing California Water Service water tower is to be decommissioned and removed.

RECOMMENDED MOTION

I move to deny Conditional Use Permit No. 2022-07 based on the findings and conditions in Resolution No. 2022-20.

I move to deny Variance No. 2022-02, based on the findings in Resolution No. 2022-19.

ALTERNATIVES

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

1. Approve Conditional Use Permit No. 2022-07, with additional conditions or modifications as specified by the Planning Commission.
2. Approve Variance No. 2022-02, with additional conditions or modifications as specified by the Planning Commission.

If the Planning Commission were to approve both the conditional use permit and variance, staff will need to prepare revised resolutions that reflect the Planning Commission’s approval. Staff will bring revised resolutions back to the Planning Commission for their adoption at the next available Planning Commission meeting.

PROJECT DESCRIPTION

The requested conditional use permit and variance are to allow the placement of a 151-foot tall mono-pine with a 146-foot tall telecommunications tower as shown in Exhibits “A” and “B.

Conditional Use Permit No. 2022-07 is a request to establish a telecommunications tower and use upon the 0.27-acre parcel located at 214 South Giddings Avenue which is within the QP (Quasi-Public) zone. The conditional use permit is required because of Section 17.25.030(H) of the Visalia Municipal Code which lists wireless telecommunication facilities on parcels that are a less than five (5) acres. Exhibit “B” identifies the telecommunications tower which the applicant contends is compatible with the surrounding area and neighborhood. Please note, the cellular service equipment was legally permitted on the existing California Water Service water tower back in 2004, prior to the adoption of the wireless telecommunication ordinance adopted by the City Council in 2015.

Variance No. 2022-02 is a request to have a telecommunication tower within the required 1 to 5 vertical height to horizontal separation from a property line. This is the “Fall Zone” requirement for public safety and visual compatibility with the neighborhood. Exhibit “D” depicts the subject parcel’s property lines, three of which are all shared with Redwood High School, and the westerly property line fronting onto South Giddings Avenue. The closest structures to the tower would be the football stadium at approximately 100-feet to the south and the pedestrian bridge (crossing South Giddings Avenue) at 113-feet. Residential units to the west are approximately 384-feet from the proposed telecommunication tower; however, there are no residential dwellings within a 100-foot radius of the proposed mono-pine telecommunication tower.

The applicant contends the new telecommunication mono-pine tower is compatible with the surrounding neighborhood and is not visually damaging to the surrounding area. The applicant’s findings in Exhibit “C” discuss the proposed tower design and need for a variance to the setback and height standards. The applicant has also provided photo-simulations of a mono-pine tree design for the cell tower which is discussed in greater detail below.

BACKGROUND INFORMATION

General Plan Land Use Designation:	Public Institutional
Zoning:	Q-P (Quasi-Public)
Surrounding Zoning and Land Use:	North: Q-P / Redwood High School – VUSD South: Q-P / Redwood High School – VUSD East: Q-P / Redwood High School – VUSD West: Q-P / S. Giddings Ave. / Redwood HS – VUSD
Environmental Document	Categorical Exemption No. 2022-19
Site Plan:	Site Plan Review No. 2022-002

RELATED PROJECTS

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

- Conditional Use Permit No. 2018-05 and Variance No. 2018-04 was a request by River Management Group to install a new 105-foot-high mono-pine with a 100-foot high telecommunications tower, and outdoor equipment enclosure at the base of the tower. The site is located at 537 E. Houston Avenue. The telecommunication tower was approved by the Planning Commission on May 29, 2018.
- Conditional Use Permit No. 2017-07 and Variance No. 2017-05 was a request by Verizon Wireless to install a new 80-foot high mono-pine with a 75-foot high telecommunications tower, and outdoor equipment enclosure at the base of the tower. The site is located at 2639 East Noble Avenue. The telecommunication tower was approved by the Planning Commission on March 27, 2017.
- Conditional Use Permit No. 2017-05 and Variance No. 2017-03 a request by Verizon Wireless to install a new 70-foot high Mono-pine with a 65-foot high telecommunications tower which is less than the required 1 to 5 vertical height to horizontal separation from a property line. The cell tower is located in the Colonial Shopping Center next to the Planet Fitness building. The telecommunication tower was approved by the Planning Commission on March 13, 2017.
- Conditional Use Permit No. 2013-22, a request by AT&T to install a new 89-foot telecommunications tower with 12 antennas at the Riverway Sports Park near the former BMX track complex. The telecommunication tower was approved by the Planning Commission on July 08, 2013.
- Conditional Use Permit No. 2013-01, a request by Visalia Number One, L.P. to install a new 75-foot telecommunications tower with 12 antennas and an outdoor equipment shelter at the base of the tower, located in the Regional Retail Commercial (C-R) zone. The telecommunication tower was approved by the Planning Commission on January 14, 2013.
- Conditional Use Permit No. 2011-13, a request by AT&T Mobility to install a new 72-ft. "stealth" telecommunication tower to architecturally match the Key West Shopping Center. The telecommunication tower will have 12 antennas, outdoor equipment cabinets and a back-up generator located at the base of the tower. The site is zoned C-N (Neighborhood Commercial) and the telecommunication tower is proposed to be located behind the shopping center. The Planning Commission approved the stealth telecommunication tower on July 11, 2011.
- Conditional Use Permit No. 2010-09 and Variance No. 2010-04, a request by Verizon Wireless to install a new 80-ft. telecommunications tower located on the north side of East Caldwell between South Stover Street and South Pinkham Street. The CUP and Variance were denied by the City Council on October 18, 2010.
- Conditional Use Permit No. 2010-10 and Variance No. 2010-05, a request by Verizon Wireless to install a new 75-ft. stealth mono-pine telecommunication tower was approved by the Planning Commission on July 25, 2010.
- A 70-foot slim-line cell tower was approved by the Planning Commission in 2002 for a vacant lot located near the southwest corner of Caldwell and Fairway.
- A 65-foot stealth cell tower camouflaged as a bell tower was approved by the Planning Commission at the Visalia First Church of the Nazarene located on the southwest corner of Caldwell Avenue and Dans Lane.

- A height extension to a non-conforming cell tower for a total tower of 88 feet was approved by the Planning Commission in 2001 for a site behind Howie & Sons Pizza located at 2430 S. Mooney Boulevard.
- A cell tower was erected at an unknown date on County jurisdiction north of Mooney Grove Park. The exact location is approximately ¼ mile east of S. Mooney Boulevard just north of Avenue 272.

PROJECT EVALUATION

As proposed, staff does not support the project request at this time to establish a new wireless telecommunications facility on the site. The site currently has a California Water Service Company water tower which has a tank height of 107-feet. The elevated water tank's structural apparatus currently has cellular antenna equipment attached to it which is consistent with Section 17.32.163.C "Preferred Zones and Locations" of the Zoning Ordinance.

Wireless Telecommunication Ordinance

Zoning Ordinance Section 17.32.163.C (listed below) lists a range of six locations / scenarios were telecommunication facility locations range from the most appropriate to the least appropriate. It is evident that the most preferred locations would be collocation on existing facilities and structures:

- C. Preferred Zones and Locations. When doing so would not conflict with the standards set forth in this Section or with federal law, wireless telecommunication facilities shall be located in the most appropriate location as described in this subsection (C), which range from the most appropriate to the least appropriate.
1. Collocation on existing facilities and structures located on city owned property;
 2. Collocation on existing structures and facilities in the public or quasi-public zone;
 3. Collocation on existing facilities and structures or attached wireless telecommunication facilities in the allowed Commercial, Office or Industrial Zones;
 4. Location of new wireless telecommunication facilities on city owned property;
 5. Location of new wireless telecommunication facilities in the Public or Quasi-Public Zone;
 6. Location of new wireless telecommunication facilities in the allowed Commercial, Office and Industrial Zones.

The Wireless Telecommunication Ordinance is clear in its requirement to co-locate equipment whenever possible onto existing structures. The purpose and intent of the wireless telecommunication ordinance is to provide clarity and consistency in applying the requirements and guidelines for the acceptance, processing and approval of new wireless telecommunication facilities and modifications to existing wireless telecommunication facilities. This section also protects the benefits derived by the city, its residents, and the general public from access to personal wireless telecommunication services while minimizing, to the greatest extent feasible, the redundancy of wireless telecommunication facilities. The city desires to balance these goals, by permitting the installation and operation of wireless telecommunication facilities where they are needed, while reducing, to the greatest extent feasible, adverse economic, safety and/or aesthetic impacts on nearby properties and the community as a whole.

The applicant through the Site Plan Review process explained that the water purveyor has plans to remove the elevated water tank in the near future but could not provide a specific date as to when the tank is to be decommissioned and removed from the site. This is similar to a request in 2018 to relocate existing cellular equipment from an existing California Water Service water tower located on the 600 block of East Roosevelt Avenue to a new 105-foot-tall mono-pine with a 100-foot-high telecommunications tower on a site adjacent to the existing water tower. The request was submitted due to the applicant's contention that urgency to erect a new tower was needed to reduce any potential disruption in cellular service in the area when the water tower was to be removed. No timeline was given on the removal of the water tower on Roosevelt Avenue and that the water tower is still erected and in use by the water company. California Water Service Company has also provided a letter that notes no distinct timeline on removal of the water tower on Giddings Street (see Exhibit "E").

The City of Visalia has a consistent record of approving telecommunication towers that are consistent with the Wireless Telecommunication ordinance; however, based on the uncertainty and defined timeline as to when the water tower will be removed, staff finds the project to be inconsistent with 17.32.163.C of the Ordinance and premature. Therefore, staff recommends that the request for a new telecommunication tower be denied.

Applicant Request for New Telecommunication Tower

The applicant is requesting that the Planning Commission approve the cell tower as shown in Exhibits "A" and "B". The applicant has acknowledged that although no timeline is provided removal of the existing water tower, AT&T needs to be able to plan and construct a replacement facility so as not to disrupt vital services to the surrounding area. To facilitate their request, the applicant is designing the telecommunication tower as a 105-foot mono-pine with tower structure listed at 100-feet (see Exhibit "B").



The applicant has also provided Variance findings to support the request for a 105-foot monopine tower. The applicant's response to the findings along with staff's response are provided below:

Required Variance Findings

The Planning Commission is required to make five findings before a variance can be granted. The applicant has provided responses 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 Finding: AT&T currently is located on the Cal Water Tank. Cal Water sent AT&T a letter stating that their plans to decommission the water tank, thereby, displacing AT&T's facility. Although, not providing a "certain date", AT&T needs to be able to plan and construct a replacement facility so as not to disrupt vital services to the surrounding area. Cal Water is providing adequate space for AT&T to install a replacement facility (a new 146' Monopine) on their property so as not to disrupt service. Their lot is not large enough to comply with the fall zone set-back. To be unable to install and relocate AT&T at the required height, would impose an unnecessary hardship inconsistent with the objectives of the zoning ordinance which this project complies in every other way. Note: Site Plan Review No. 22-02 States: "Pursuant to Zoning Ordinance Chapter 17.28 the Site Plan Review process has found that your application complies with the general plan, municipal code, policies, and improvement standards of the city". The denial of this project would result in substantial degradation if not total loss of coverage – (See Coverage Maps attached herewith – Exhibit B)

Staff Finding: The existing water tower's tank height of 107-feet places the existing telecommunication equipment at a height similar to or greater than other existing telecommunication towers throughout the city. Additionally, the request to erect a new telecommunication tower when there is an existing water tank that currently facilitates cellular antennas and equipment via collocation with no decommission date identified for removal of the water tank is inconsistent with the Section 17.32.136.C 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;

Applicant Finding: The subject property is a Quasi Public small lot carved out of a larger property that is nestled between a ballfield and school grounds that's purpose has been to house, utilities, a water tank and telecommunications site. The lot's size precludes being able to comply with a 1.5 fall zone setback. It remains a unique and unusual parcel. (See Parcel Map- Exhibit C)

Staff Finding: Staff concludes that the site's limitation related to site area does provide limitations on complying with the 1 to 5 vertical height to horizontal separation from a property line as required by the Zoning Ordinance. However, staff contends that use of the water tower for collocation purposes for cellular antenna array and equipment complies with and is consistent with Section 17.32.136.C of the Zoning Ordinance and is the best suited for cellular use until a date is provided on when the water tower will be removed.

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 Finding: The High School Parcel directly adjacent to the subject property has enjoyed the variance of being able to construct Stadium Lights that do not comply with a 1.5 fall zone from Mineral King Avenue, as does the subject Water Tank that was allowed at 107'. (See Exhibit D)

Staff Finding: Staff concurs that the stadium lighting used upon the school site, which do not meet the 1 to 5 vertical height to horizontal separation from a property line, are inconsistent with the requirements of the code but were likely done by the school district through state provisions that allow school districts to exempt their projects from local zoning requirements.

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 Finding: Adjacent properties have been able to install necessary structures, i.e.; Light standards on their ball fields and stadium for safety concerns. So, granting a variance to AT&T to be able to continue vital services to the community and emergency services via wireless connectivity would not be a special privilege inconsistent with the limitations on other properties in same zone.

Staff Finding: Staff does not concur with the applicant's assessment and would reiterate the response provided for Finding No. 3.

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 Finding: The proposed facility will be designed and constructed to meet applicable governmental and industry safety standards. AT&T continues to comply with all FCC governing construction requirements, technical standards, interference protection, power limitations, and radio frequency standards. Any and all RF emissions are subject to the exclusive jurisdiction of the FCC. An Independent RF analysis was prepared by Occupational Safety & Compliance Engineering dated December 22, 2021 and determined the proposed installation at the proposed height will comply with the prevailing standards for limiting human exposure to radio frequency energy and does not cause a significant impact on the environment.

The proposed site will be entirely self-monitored by sophisticated computers which connect directly to a central office and which alert personnel to equipment malfunction or breach of security. Moreover, no smoke, debris or other nuisance will be generated by the proposed facility. The proposed facility will not be detrimental to nor will it endanger the public health, safety, morals, comfort, or general welfare of the community. The proposed facility will not pose a risk of explosion, fire or other danger to life or property due to proximity to other materials and the facility will be designed and a State of California qualified engineer will certify that the proposed facility will be structurally sound per a Structural Analysis provided as part of the building permit processing.

The proposed AT&T Telecommunications Facility enhances the general welfare of the community by providing the infrastructure by providing vital means of communication during times of emergency when traditional land lines are not available or in cases of power failure. The designed facility will allow these calls to occur while remaining a site that meets the needs of the community now and in the future.

Staff Finding: Staff concludes that the existing height of the water tank at 107-feet is at equal to or greater than other telecommunication facilities in the city. Additionally, staff would stress the requirements of the VMC regarding collocation on existing facilities especially when there is no decommission date established for the existing water tank.

Equipment Enclosure and Site Improvements

The proposal would include changes to the equipment enclosure and addition of a back-up generator. Both would be elevated upon new 2-foot 10-inch concrete pads in order to comply with building flood plain requirements. There are no site improvements requested or required with the proposal at this time.

Environmental Review

This project is considered Categorically Exempt under Section 15332 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) for in-fill development projects on parcels less than five acres and adequately served by all required utilities and public services (Categorical Exemption No. 2022-19).

RECOMMENDED FINDINGS

Conditional Use Permit No. 2022-07

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity as conditioned by staff.
2. That the proposed conditional use permit is not consistent with the policies and intent of the General Plan and Zoning Ordinance as conditioned by staff.
 - a) The proposed location of the conditional use permit is not in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located. As proposed, the project request to establish a new wireless telecommunications facility on the site. The site currently has a California Water Service Company water tower which has a tank height of 107-feet. The elevated water tank's structural apparatus currently has cellular antenna equipment attached to it which is consistent with Section 17.32.163.C "Preferred Zones and Locations" of the Zoning Ordinance. Zoning Ordinance Section 17.32.163.C (listed below) lists a range of six locations / scenarios were telecommunication facility locations range from the most appropriate to the least appropriate. Staff finds the project to be inconsistent with 17.32.163.C of the Ordinance and premature.
3. No environmental finding is required if the project is denied. However, if the project were to be approved by the Planning Commission, staff will bring back an environmental finding for the Planning Commission's consideration.

Variance No. 2022-02

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

The existing water tower's tank height of 107-feet places the existing telecommunication equipment at a height similar to or greater than other existing telecommunication towers throughout the city. Additionally, the request to erect a new telecommunication tower when there is an existing water tank that currently facilitates cellular antennas and equipment via collocation with no decommission date identified for removal of the water tank is inconsistent with the Section 17.32.136.C 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;

Staff concludes that the site's limitation related to site area does provide limitations on complying with the 1 to 5 vertical height to horizontal separation from a property line as required by the Zoning Ordinance. However, staff contends that use of the water tower for collocation purposes for cellular antenna array and equipment complies with and is consistent with Section 17.32.136.C of the Zoning Ordinance and is the best suited for cellular use until a date is provided on when the water tower will be removed.

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;

Staff does not concur with the applicant's assessment and would reiterate the response provided for Finding No 3. Staff concurs that the stadium lighting used upon the school site, which do not meet the 1 to 5 vertical height to horizontal separation from a property line, is inconsistent with the requirements of the code but were likely done by the school district through state provisions that allow school districts to exempt their projects from local zoning requirements.

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;

Staff does not concur with the applicant's assessment and would reiterate the response provided for Finding No. 3.

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

Staff find that the existing height of the water tank at 107-feet is at a height equal to, or greater other telecommunication facilities in the city. Additionally, staff would stress the requirements of the VMC regarding collocation on existing facilities especially when there is no decommission date established for the existing water tank.

RECOMMENDED CONDITIONS OF APPROVAL

No recommended conditions of approval are established as staff is recommending the Planning Commission deny the conditional use permit and variance entitlements. However, should the Planning Commission approve these entitlements, staff would request the Planning Commission identify any specified conditions or modifications to be included in project conditions. Staff will prepare revised conditions of project approval and revised resolutions that reflect the Planning Commission's approval. Staff will bring revised resolutions along with project conditions back to the Planning Commission for their adoption at the next available Planning Commission meeting.

APPEAL INFORMATION

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

Attachments:

- Related Plans and Policies
- Resolution No. 2022-19 – Variance No. 2022-02
- Resolution No. 2022-20 – CUP No. 2022-07
- Exhibit “A” – Site Plan
- Exhibit “B” – Elevation
- Exhibit “C” – Variance Findings
- Exhibit “D” – Monopine Photo-simulation
- Exhibit “E” – California Water Service letter dated November 9, 2021
- General Land Use Plan Map
- Zoning Map
- Aerial Map
- Location Map

Related Plans & Policies

Conditional Use Permits (Chapter 17.38 of Visalia Municipal Code)

17.38.010 Purposes and powers

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

17.38.020 Application procedures

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

17.38.030 Lapse of conditional use permit

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

17.38.040 Revocation

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

17.38.050 New application

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

17.38.060 Conditional use permit to run with the land

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

17.38.065 Abandonment of conditional use permit

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

17.38.070 Temporary uses or structures

17.38.080 Public hearing--Notice

- A. The planning commission shall hold at least one public hearing on each application for a conditional use permit.
- B. Notice of the public hearing shall be given not less than ten days nor more than thirty (30) days prior to the date of the hearing by mailing a notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use which is the subject of the hearing, and by publication in a newspaper of general circulation within the city. (Prior code § 7533)

17.38.090 Investigation and report

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

17.38.100 Public hearing--Procedure

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

17.38.110 Action by planning commission

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

C. The commission may deny an application for a conditional use permit. (Prior code § 7536)

17.38.120 Appeal to city council

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

17.38.130 Effective date of conditional use permit

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

Zoning Ordinance Chapter 17.42

VARIANCES AND EXCEPTIONS

17.42.010 Variance purposes.

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

17.42.020 Exception purposes.

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

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

17.42.030 Variance powers of city planning commission.

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

17.42.040 Exception powers of city planning commission.

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

A. Second dwelling units, pursuant to Sections 17.12.140 through 17.12.200;

B. Downtown building design criteria, pursuant to Section 17.58.090;

C. Fences, walls and hedges; and

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

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

17.42.050 Application procedures.

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

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

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

17.42.060 Hearing and notice.

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

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

17.42.070 Investigation and report.

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

17.42.080 Public hearing procedure.

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

17.42.090 Variance action of the city planning commission.

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

1. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance;
2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zone;
3. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone;

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

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

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

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

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

17.42.100 Exception action of the city planning commission.

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

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

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

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

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

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

17.42.110 Appeal to city council.

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

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

17.42.120 Action of city council.

A. The city council shall review and may affirm, reverse or modify a decision of the city planning commission on a variance or exception application; provided, that if a decision denying a variance or exception is reversed or a decision granting a variance or exception is modified, the city council shall, on the basis of the record transmitted by the city planner and such additional evidence as may be submitted, make the findings prerequisite to the granting of a variance or exception as prescribed in Section 17.42.090(A) or (B), or 17.42.100(A), whichever is applicable.

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

17.42.130 Lapse of variance.

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

17.42.140 Revocation.

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

17.42.150 New application.

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

17.32.163 Regulation of wireless telecommunication facilities.

A. Purpose and Intent.

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

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

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

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

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

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

"Collocate or Collocation" means location or placement of wireless telecommunications facilities by two (2) or more wireless personal service providers on an antenna or antennas and feed lines on a

common antenna support structure or other structure on which there is an existing antenna array. The term "Collocation" shall not be applied to a situation where two (2) or more wireless personal service providers independently place attached wireless telecommunication facilities on an existing building or structure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C. Preferred Zones and Locations.

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

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

D. Setbacks.

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

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

E. Height limits for new wireless telecommunication facilities.

Maximum Height

Type of Facility	Maximum Height
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Concealed and attached to building	Shall not exceed the height of the structure on which the attached wireless telecommunication facility is attached by more than twenty-five (25) feet.
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Non-concealed attached to building	Shall not exceed the height of the structure on which the attached wireless telecommunication facility is attached by more than twenty-five (25) feet.
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Freestanding tower Shall not exceed the height of the design district in which the wireless telecommunication facility is located by more than twenty-five (25) feet.

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

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

F. Concealed Wireless Telecommunications Facilities Required.

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

1. The siting of the proposed wireless telecommunication facility will not adversely impact the use of the property, other buildings and structures on the property, or the surrounding area or neighborhood.

2. The siting of the proposed wireless telecommunication facility will result in the least intrusive visual impact to the area.

3. To the maximum extent reasonably feasible, the proposed wireless telecommunications facility has been designed to blend with the surrounding area and is appropriately designed for the specific site.

G. Concealed Wireless Telecommunication Facility Options.

1. The use of so-called "monopines, monopalms and other mono-trees" to conceal wireless telecommunication facilities shall be evaluated during the planned development permit process. The applicant shall demonstrate that these structures will blend in with the surrounding neighborhood in order to be considered. Photo simulations are required for a proposed mono-tree. The city planner may condition additional architectural features (monopine, monopalm, horizontal installation, application of color) to a wireless telecommunication facility to ensure compatibility with the surrounding physical environment. Due to environmental factors such as wind, rain and sun, the owner/applicant shall conduct an annual inspection on all mono-trees to ensure that the faux foliage continues to resemble a tree, and fully screens all antennas, antenna arrays, mounts, ancillary structures and/or support equipment. All mono-tree designs shall incorporate appropriate three-dimensional bark cladding, and shall provide for screening foliage to extend beyond all antennas by no less than twenty-four (24) inches. The design, number and placement of any branch-like structures affixed to the tower shall insure adequate camouflaging of the antennas, antenna arrays, mounts, ancillary structures and/or support equipment.

2. The use of alternative structures, including but not limited to such structures as a church cross, statue, light pole, flagpole, architectural feature such as a clock tower, shall be subject to the planned development permit process as described in subsection (1) above. Consideration as to when a wireless telecommunication facility may be concealed using an "alternative structure" will be based upon the extent to which it is designed to internally house antennas, antenna arrays, mounts, ancillary structures, and/or support equipment.

H. Collocation Required.

1. To limit the adverse visual effects of a proliferation of wireless telecommunication facilities in the city, the proposed construction of new wireless telecommunication facilities shall be designed to accommodate collocation of two (2) or more service providers. Any new wireless telecommunication facility may be required to collocate with another existing or new facility, unless it can be demonstrated to be technically or economically infeasible.

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

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

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

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

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

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

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

d. The modification would defeat the existing concealment elements.

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

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

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

J. Other Requirements for all Wireless Telecommunication Facilities.

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

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

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

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

5. All wireless telecommunication facilities must meet or exceed current standards and regulations of the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), and any other agency of the state or federal government with the authority to regulate wireless telecommunication facilities. If such standards and regulations are changed, the owners of the wireless

telecommunication facilities governed by this section shall bring such wireless telecommunication facilities into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency.

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

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

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

K. Abandonment or Discontinuation of Use.

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

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

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

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

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

RESOLUTION NO. 2022-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING VARIANCE NO. 2022-02 A REQUEST BY J5 INFRASTRUCTURE PARTNERS TO RELOCATE EXISTING TELECOMMUNICATIONS EQUIPMENT CURRENTLY ON A CALIFORNIA WATER SERVICE WATER TOWER TO A NEW 151-FOOT MONO-PINE TELECOMMUNICATION TOWER NOT MEETING THE FALL ZONE SETBACK REQUIREMENTS OF SECTION 17.32.163(D)(1)&(2). THE PROJECT SITE IS LOCATED AT 214 SOUTH GIDDINGS AVENUE APPROXIMATELY 324-FEET NORTH OF WEST MINERAL KING AVENUE (APN: 093-210-002).

WHEREAS, Variance No. 2020-02, is a request by J5 Infrastructure Partners to relocate existing telecommunications equipment currently on a California Water Service water tower to a new 151-foot mono-pine telecommunication tower not meeting the fall zone setback requirements of Section 17.32.163(D)(1)&(2). The project site is located at 214 South Giddings Avenue approximately 324-feet north of West Mineral King Avenue (APN: 093-210-002); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on September 12, 2022; and

WHEREAS, the Planning Commission of the City of Visalia does not find Variance No. 2022-02 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 Categorically Exempt consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

WHEREAS, if Variance No. 2022-02 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 findings based on the evidence presented:

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

The existing water tower's tank height of 107-feet places the existing telecommunication equipment at a height similar to or greater than other existing telecommunication towers throughout the city. Additionally, the request to erect a new telecommunication tower when there is an existing water tank that currently facilitates cellular antennas and equipment via collocation with no decommission date identified for removal of the water tank is inconsistent with the Section 17.32.136.C 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;

Staff concludes that the site's limitation related to site area does provide limitations on complying with the 1 to 5 vertical height to horizontal separation from a property line as required by the Zoning Ordinance. However, staff contends that use of the water tower for collocation purposes for cellular antenna array and equipment complies with and is consistent with Section 17.32.136.C of the Zoning Ordinance and is the best suited for cellular use until a date is provided on when the water tower will be removed.

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;

Staff does not concur with the applicant's assessment and would reiterate the response provided for Finding No 3. Staff concurs that the stadium lighting used upon the school site, which do not meet the 1 to 5 vertical height to horizontal separation from a property line, is inconsistent with the requirements of the code but were likely done by the school district through state provisions that allow school districts to exempt their projects from local zoning requirements.

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;

Staff does not concur with the applicant's assessment and would reiterate the response provided for Finding No. 3.

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

Staff find that the existing height of the water tank at 107-feet is at a height equal to, or greater other telecommunication facilities in the city. Additionally, staff would stress the requirements of the VMC regarding collocation on existing facilities especially when there is no decommission date established for the existing water tank.

RESOLUTION NO. 2022-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA DENYING CONDITIONAL USE PERMIT NO. 2022-07, A REQUEST BY J5 INFRASTRUCTURE PARTNERS TO BRING A PREEXISTING NONCONFORMING WIRELESS TELECOMMUNICATION FACILITY ON A PARCEL MEASURING LESS THAN FIVE ACRES. THE PROJECT SITE IS LOCATED AT 214 SOUTH GIDDINGS AVENUE APPROXIMATELY 324-FEET NORTH OF WEST MINERAL KING AVENUE (APN: 093-210-002)

WHEREAS, Conditional Use Permit No. 2022-07, is a request by J5 Infrastructure Partners to bring a preexisting nonconforming wireless telecommunication facility on a parcel measuring less than five acres. The project site is located at 214 South Giddings Avenue approximately 324-feet north of West Mineral King Avenue (APN: 093-210-002); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on September 12, 2022; and

WHEREAS, the Planning Commission of the City of Visalia finds the Conditional Use Permit No. 2022-07 is not in accordance with Chapter 17.38.110 of the Zoning Ordinance of the City of Visalia based on the 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.

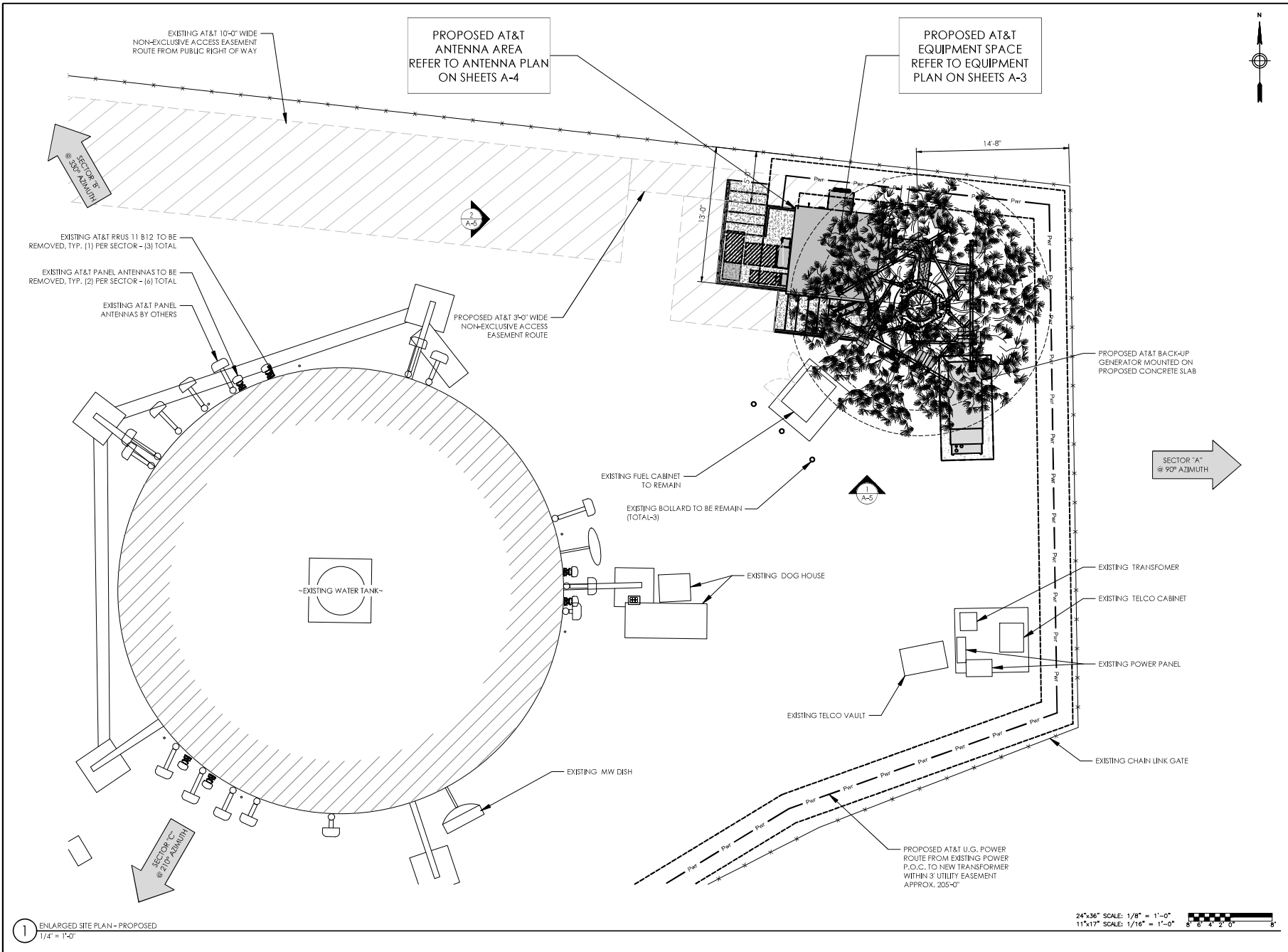
WHEREAS, if Conditional Use Permit No. 2022-07 is denied, no action needs to be taken on an environmental document subject to Section 15270 of the California Environmental Quality Act.

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

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity as conditioned by staff.
2. That the proposed conditional use permit is not consistent with the policies and intent of the General Plan and Zoning Ordinance as conditioned by staff.
 - a) The proposed location of the conditional use permit is not in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located. As proposed, the project request to establish a new wireless telecommunications facility on the site. The site currently has a California Water Service Company water tower which has a tank height of 107-feet. The elevated water tank's structural apparatus currently has cellular antenna equipment attached to it which is consistent with Section 17.32.163.C "Preferred Zones and Locations" of the Zoning Ordinance. Zoning Ordinance Section 17.32.163.C (listed below) lists a range of six locations / scenarios were telecommunication facility locations range from the

most appropriate to the least appropriate. Staff finds the project to be inconsistent with 17.32.163.C of the Ordinance and premature.

3. No environmental finding is required if the project is denied. However, if the project were to be approved by the Planning Commission, staff will bring back an environmental finding for the Planning Commission's consideration.



INFRASTRUCTURE
 23 MAUCHLY, SUITE 110
 IRVINE, CALIFORNIA 92618

AT&T
 1452 EDINGER AVE.
 TUSTIN, CALIFORNIA 92780

CVL01965
 CENTRAL VISALIA
 201 S. GIDDINGS STREET
 VISALIA, CA 93291

FA #: 15183385
 PACE#: MRSFR070452
 PT#: 3701A0TN5E

DESIGN RECORD:

REV	DATE	DESCRIPTION	INT.
6	06/22/22	REVISED 100% ID	SMR
5	04/12/22	NEW SHELTER	MM3
4	03/22/22	ARBORIST REPORT	MM3
3	03/09/22	REVISED 100% ID	JY
2	10/12/21	REVISED 100% ID	SMR
1	09/24/21	REVISED 100% ID	JY
0	07/28/21	100% ID	SMR
8	04/18/21	REVISED 90% ID	MM3
A	03/24/21	90% ID	MM3

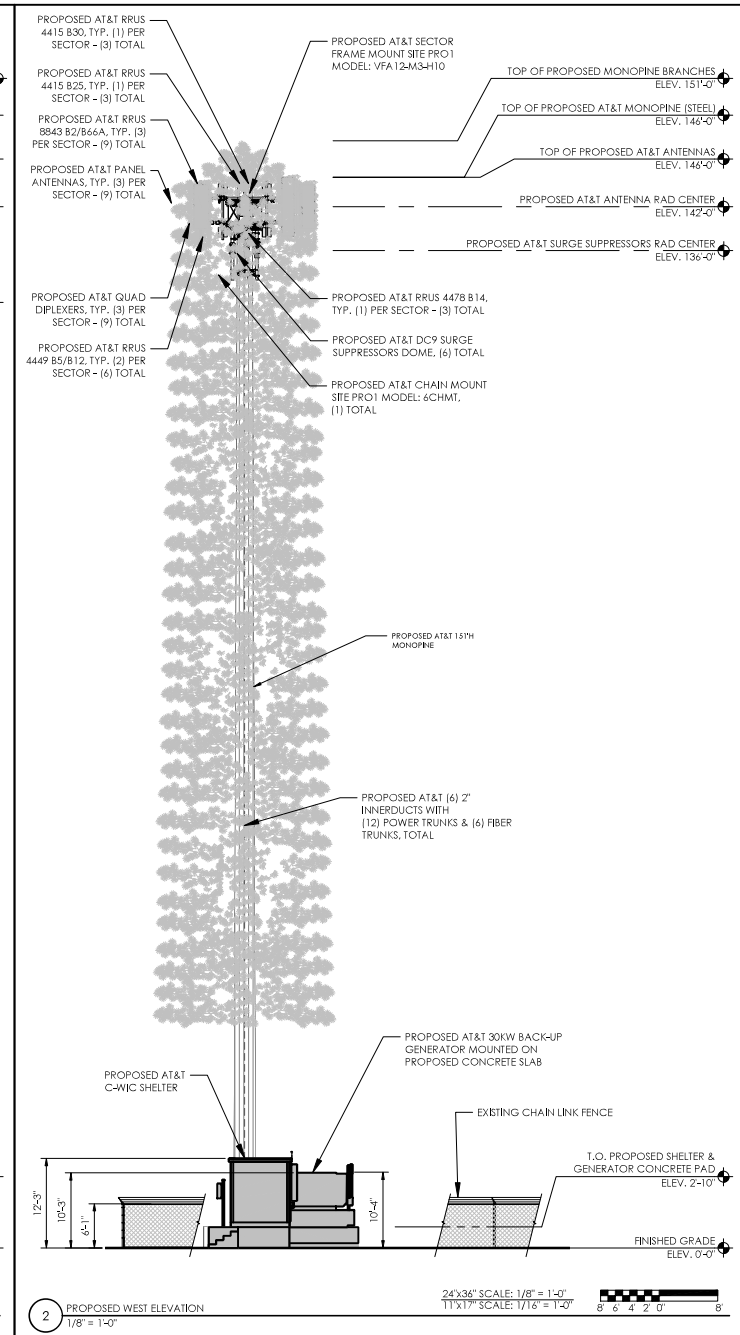
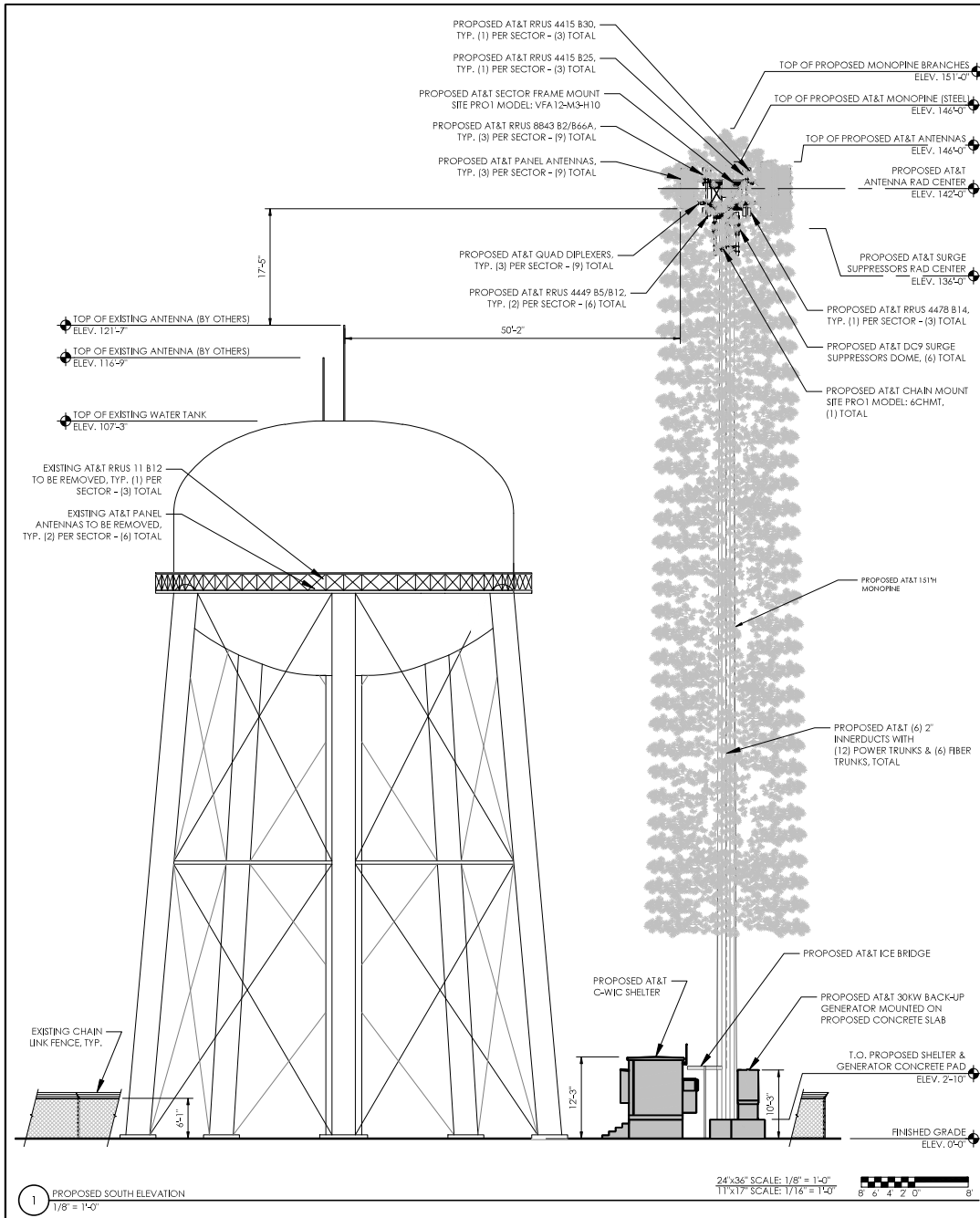
PROFESSIONAL STAMP:
 It is a violation of law for any persons, unless they are acting under the direction of a licensed professional engineer, to alter this document.

A-2

ENLARGED SITE PLAN

1 ENLARGED SITE PLAN - PROPOSED
 1/4" = 1'-0"

24"x36" SCALE: 1/8" = 1'-0"
 11"x17" SCALE: 1/16" = 1'-0"
 0 8' 16' 24' 32'



INFRASTRUCTURE
23 MAUCHLY, SUITE 110
IRVINE, CALIFORNIA 92618

AT&T
1452 EDINGER AVE.
TUSTIN, CALIFORNIA 92780

CVL01965
CENTRAL VISALIA
201 S. GIDDINGS STREET
VISALIA, CA 93291

FA #: 15183385
PACE#: MRSFRO70452
PT#: 3701A01N5E

REV	DATE	DESCRIPTION	INT.
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5	04/12/22	NEW SHELTER	MMA3
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3	03/09/22	REVISED 100% ID	JY
2	10/12/21	REVISED 100% ID	SMR
1	09/24/21	REVISED 100% ID	JY
0	07/26/21	100% ID	SMR
8	04/18/21	REVISED 90% ID	MMA3
A	03/24/21	90% ID	MMA3

It is a violation of law for any persons, unless they are acting under the direction of a licensed professional engineer, to alter this document.

A-5

PROPOSED SOUTH & WEST ELEVATIONS

Exhibit A
FINDING JUSTIFICATION

Findings:

- 1. The 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&T currently is located on the Cal Water Tank. Cal Water sent AT&T a letter stating that their plans to decommission the water tank, thereby, displacing AT&T's facility. Although, not providing a "certain date", AT&T needs to be able to plan and construct a replacement facility so as not to disrupt vital services to the surrounding area. Cal Water is providing adequate space for AT&T to install a replacement facility (a new 146' Monopine) on their property so as not to disrupt service. Their lot is not large enough to comply with the fall zone set-back. To be unable to install and relocate AT&T at the required height, would impose an unnecessary hardship inconsistent with the objectives of the zoning ordinance which this project complies in every other way. Note: Site Plan Review No. 22-02 States: "Pursuant to Zoning Ordinance Chapter 17.28 the Site Plan Review process has found that your application complies with the general plan, municipal code, policies, and improvement standards of the city". The denial of this project would result in substantial degradation if not total loss of coverage – (See Coverage Maps attached herewith – Exhibit B)

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

The subject property is a Quasi Public small lot carved out of a larger property that is nestled between a ballfield and school grounds that's purpose has been to house, utilities, a water tank and telecommunications site. The lot's size precludes being able to comply with a 1.5 fall zone setback. It remains a unique and unusual parcel. (See Parcel Map-Exhibit C)

- 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;**

The High School Parcel directly adjacent to the subject property has enjoyed the variance of being able to construct Stadium Lights that do not comply with a 1.5 fall zone from Mineral King Avenue, as does the subject Water Tank that was allowed at 107'. (See Exhibit D)

- 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;**

Adjacent properties have been able to install necessary structures, i.e.; Light standards on their ball fields and stadium for safety concerns. So, granting a variance to AT&T to be able to continue vital services to the community and emergency services via wireless connectivity would not be a special privilege inconsistent with the limitations on other properties in 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:

The proposed facility will be designed and constructed to meet applicable governmental and industry safety standards. AT&T continues to comply with all FCC governing construction requirements, technical standards, interference protection, power limitations, and radio frequency standards. Any and all RF emissions are subject to the exclusive jurisdiction of the FCC. An Independent RF analysis was prepared by Occupational Safety & Compliance Engineering dated December 22, 2021 and determined the proposed installation at the proposed height will comply with the prevailing standards for limiting human exposure to radio frequency energy and does not cause a significant impact on the environment.

The proposed site will be entirely self-monitored by sophisticated computers which connect directly to a central office and which alert personnel to equipment malfunction or breach of security. Moreover, no smoke, debris or other nuisance will be generated by the proposed facility. The proposed facility will not be detrimental to nor will it endanger the public health, safety, morals, comfort, or general welfare of the community. The proposed facility will not pose a risk of explosion, fire or other danger to life or property due to proximity to other materials and the facility will be designed and a State of California qualified engineer will certify that the proposed facility will be structurally sound per a Structural Analysis provided as part of the building permit processing.

The proposed AT&T Telecommunications Facility enhances the general welfare of the community by providing the infrastructure by providing vital means of communication during times of emergency when traditional land lines are not available or in cases of power failure. The designed facility will allow these calls to occur while remaining a site that meets the needs of the community now and in the future.

Exhibit B
Coverage with current Water Tank location
& without proposed replacement Monopine

CVL02369 Zoning Propagation Map

July 18, 2022

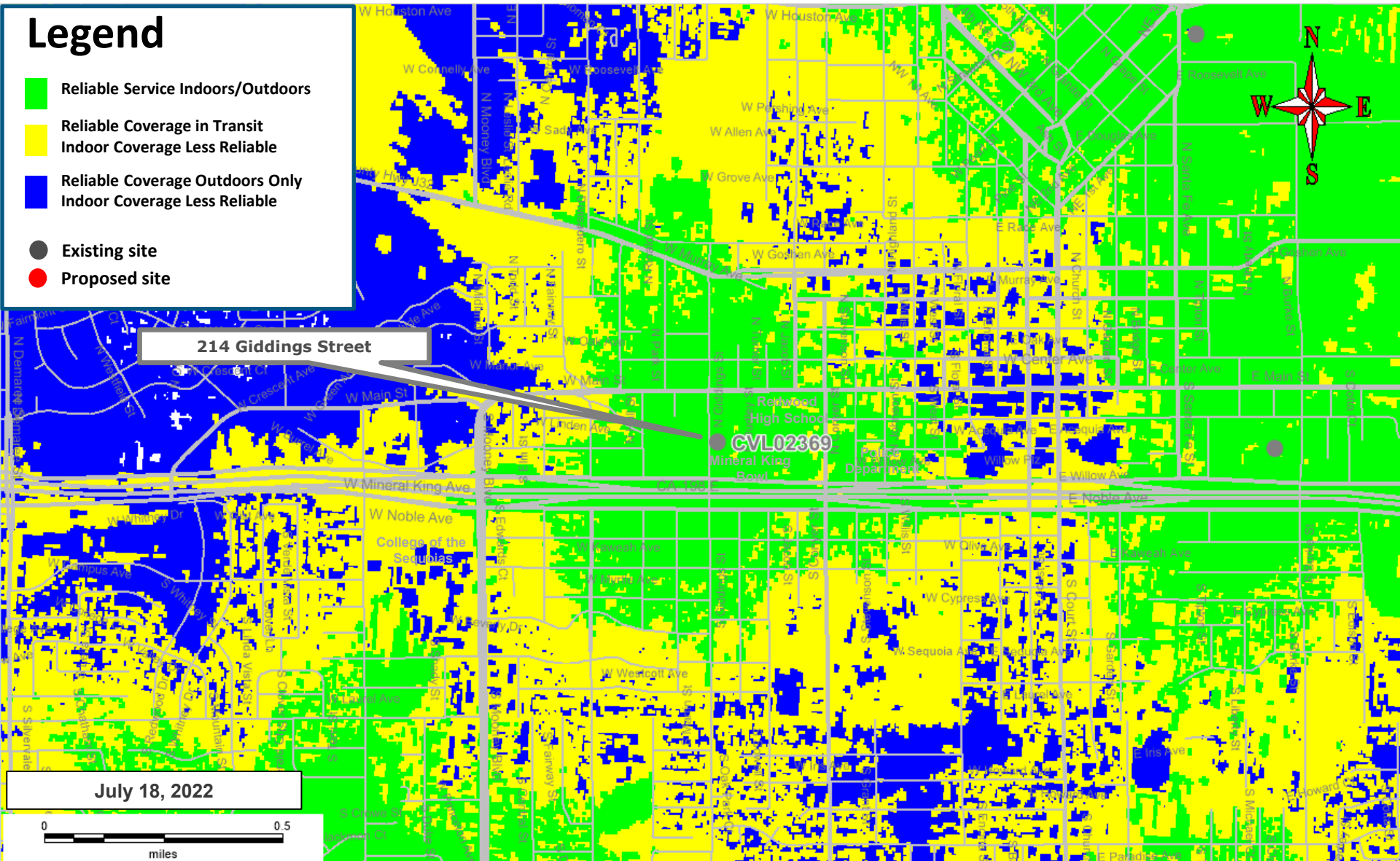
Disclaimer

“AT&T PROPRIETARY -- This information constitutes confidential trade secrets and commercial or financial information owned by AT&T and is shared for Critical Infrastructure Protection purposes only. It is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552), Exemptions (b)(3)&(4), and its disclosure is prohibited under the Trade Secrets Act (18 U.S.C. 1905), the Critical Infrastructure Information Act of 2002, 6 U.S.C. § 133, and any State or local law requiring disclosure of information or records. This information must not be copied or distributed to others not agreed upon by AT&T, but in all events do not copy or distribute to such others without notification pursuant to Executive Order 12600.”

With existing site, LTE 700 Coverage – 214 Giddings Street @ RC = 82 ft

Legend

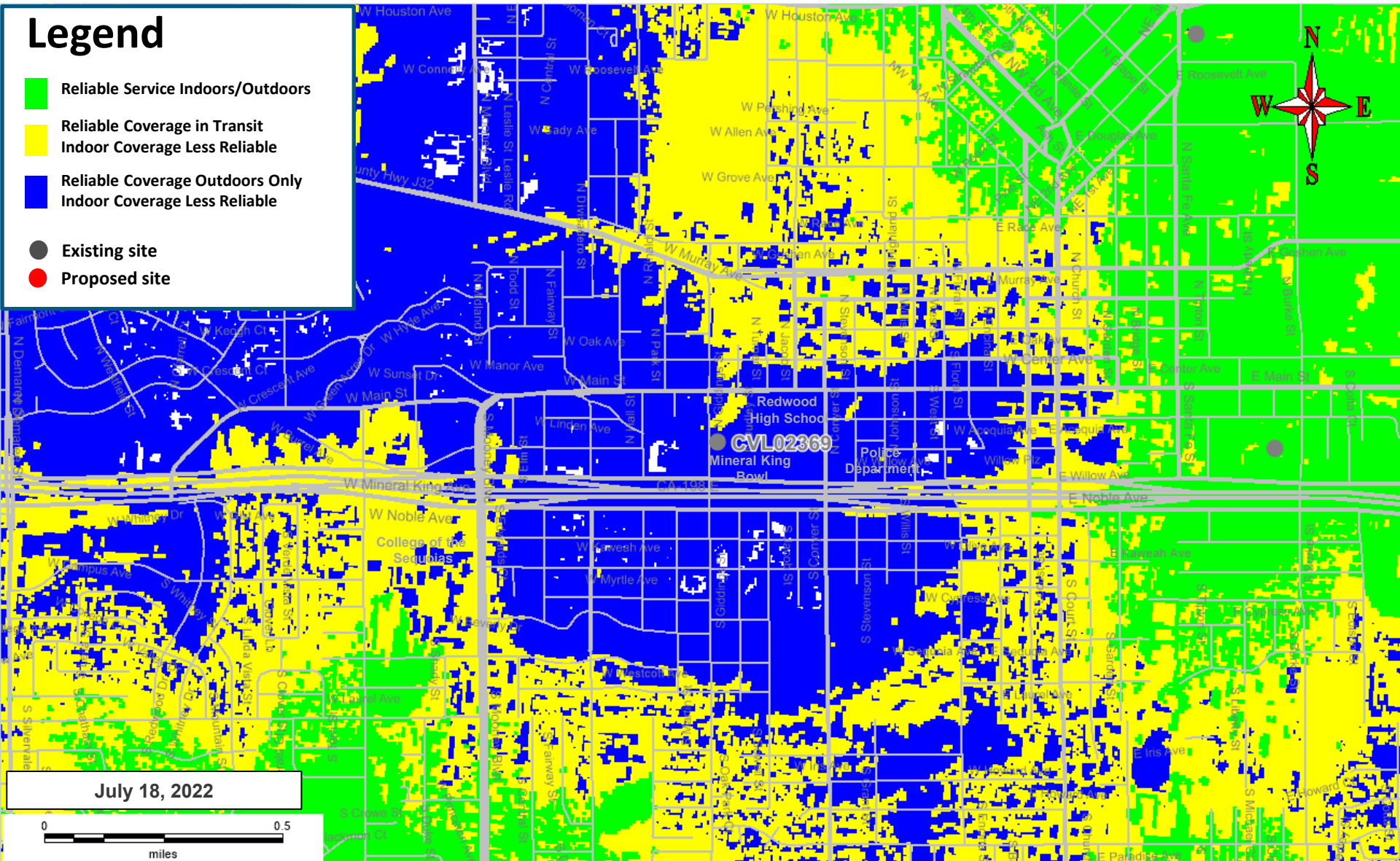
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- Reliable Coverage in Transit
Indoor Coverage Less Reliable
- Reliable Coverage Outdoors Only
Indoor Coverage Less Reliable
- Existing site
- Proposed site



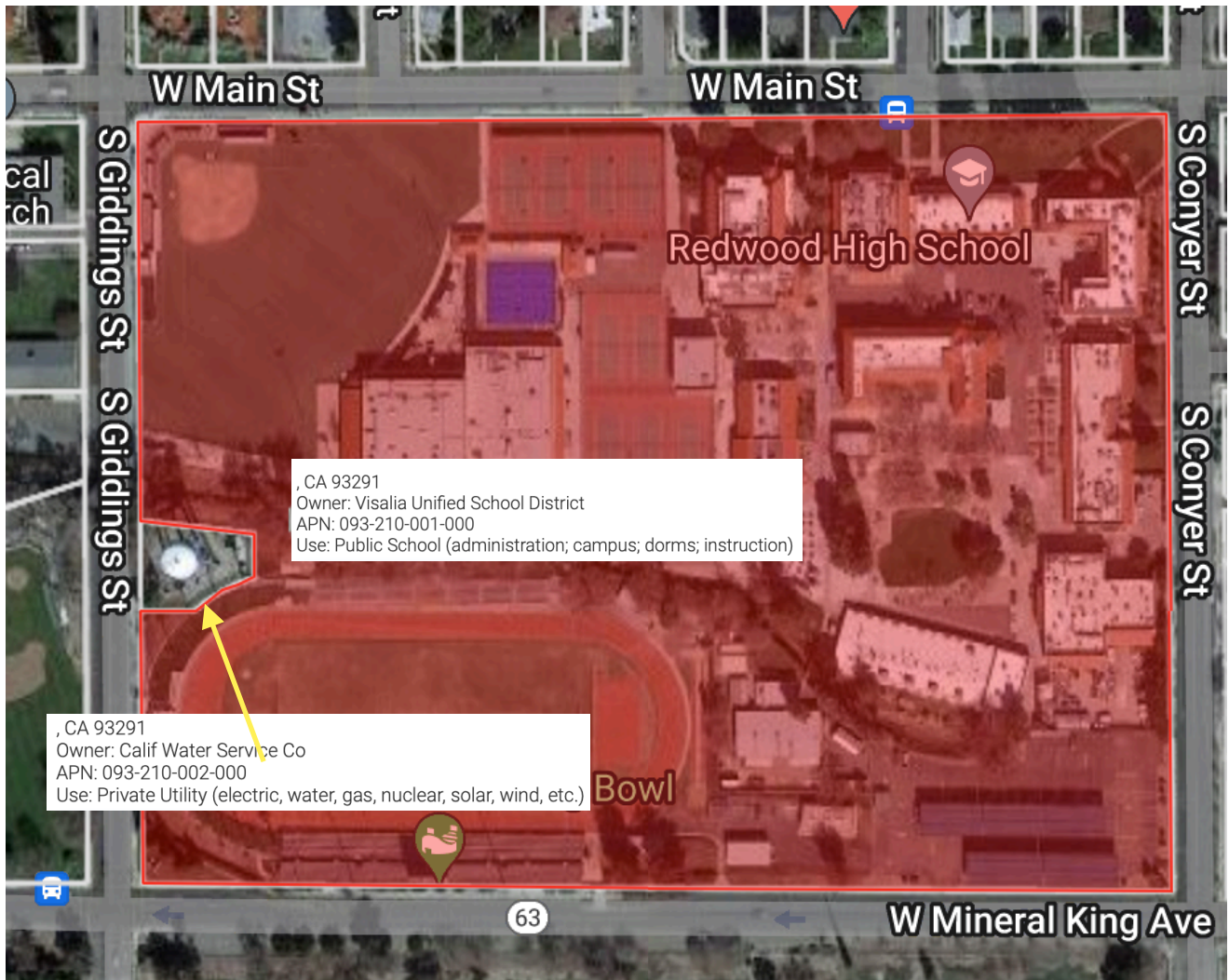
Without existing site, LTE 700 Coverage

Legend

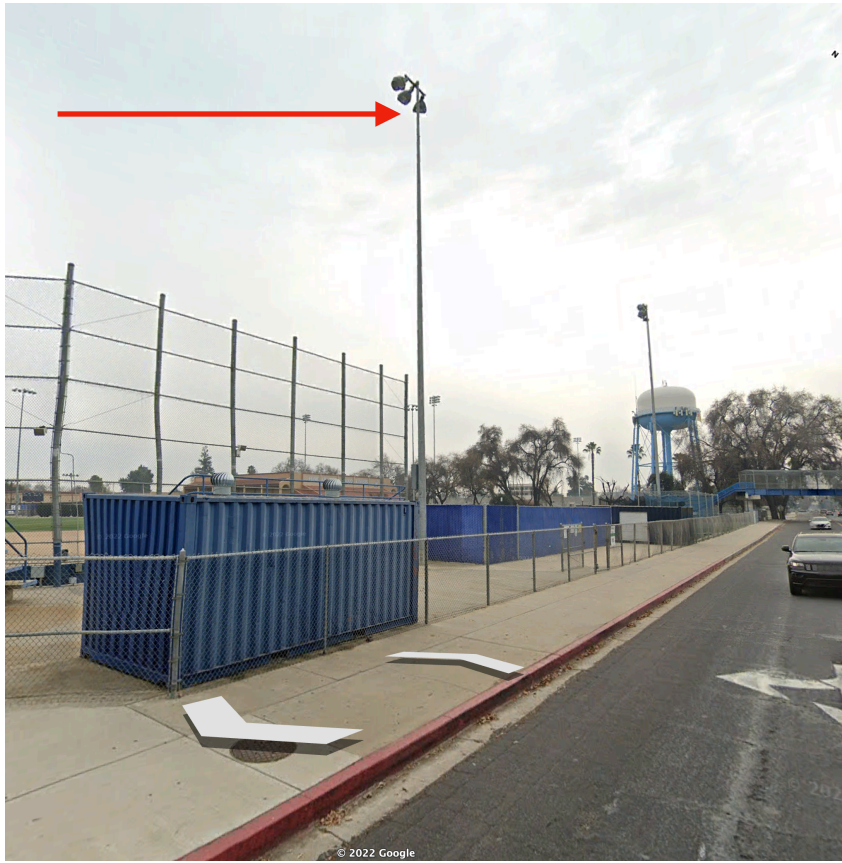
- Reliable Service Indoors/Outdoors
- Reliable Coverage in Transit
Indoor Coverage Less Reliable
- Reliable Coverage Outdoors Only
Indoor Coverage Less Reliable
- Existing site
- Proposed site



**EXHIBIT C
Parcel Map**



**Exhibit D - Examples of non-conforming
Fall Zone Set-Back Allowed**



**Stadium Light Poles on adjoining Parcel
that do not comply with a 1.5 fall zone setback.**



Existing



Proposed



view from S. Giddings Street looking northwest at site

Existing



Proposed



view from Martin Street looking southeast at site

Existing



Existing AT&T Installation

Existing AT&T Installation

Proposed



Proposed AT&T Installation

view from W. Mineral King Avenue looking northwest at site

Existing



Proposed



view from W. Main Street looking southwest at site

 **AT&T Wireless**

CVL01965 Central Visalia
201 S. Giddings Street, Visalia, CA
Photosims Produced on 7-8-2022



CALIFORNIA WATER SERVICE

Visalia District 216 North Valley Oaks Drive
Visalia, CA 93292 Tel: (559) 624-1600

November 9, 2021

VIA EMAIL

Paul Bernal, City Planner
Planning Division
City of Visalia
315 East Acequia Avenue
Visalia, CA 93291
E: Paul.Bernal@visalia.city

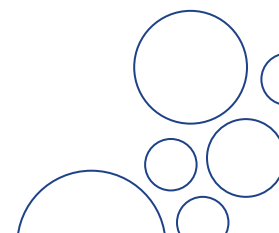
Re: 301 S. Giddings Street, Visalia, CA 93291; APN 093-210-002
Status of Decommissioning Cal Water's Elevated Water Tank

Dear Mr. Bernal:

California Water Service Company (**Cal Water**) owns the approximately 11,909-square foot parcel at 301 S. Giddings Street in Visalia, CA (the **Property**). Cal Water owns the elevated water tank and improvements for Cal Water's operations (the **Elevated Tank**) on the Property, and leases space on the Elevated Tank to cellular carriers like AT&T to mount their antenna equipment. Cal Water does not own its tenants' leasehold improvements.

We understand that AT&T plans to relocate its equipment from Cal Water's Elevated Tank to a new antenna structure on Cal Water's Property. We also understand that the City is reviewing AT&T's expected use of the Property and Cal Water's plan for decommissioning its Elevated Tank to comply with the City of Visalia Municipal Code §§ 17.52.030 and 17.32.163. In that regard, Cal Water confirms the following information concerning the Elevated Tank and AT&T's lease with Cal Water:

Cal Water is developing plans to decommission its Elevated Tank, but it does not have a firm decommission date. Cal Water's ultimate decision to decommission the Elevated Tank depends on its ongoing review of the tank and other similar assets across the company (expected to continue through 2022), regulatory approvals, and the eventual construction of appropriate replacement facilities to ensure the availability of water supply for Cal Water customers when the Elevated Tank is decommissioned.





CALIFORNIA WATER SERVICE

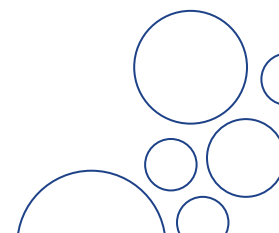
With respect to AT&T's lease with Cal Water, Cal Water confirms the lease expires on December 5, 2021. Under the lease and subject to its terms, AT&T has three unexercised 5-year options and may extend the term through December 5, 2036. If you need additional information, please call me at (559) 624-1620 ext. 74304.

Sincerely,

Stephen Johnson

Stephen Johnson
District Manager

Cc: Blake Whitacre, Contracts Manager, Cal Water (via email)
Timothy Adams, Director – NorCal, J5 Infrastructure Partners (via email)





February 9, 2022

Site Plan Review No. 22-002:

Pursuant to Zoning Ordinance Chapter 17.28 the Site Plan Review process has found that your application complies with the general plan, municipal code, policies, and improvement standards of the city. A copy of each Departments/Divisions comments that were discussed with you at the Site Plan Review meeting are attached to this document.

Based upon Zoning Ordinance Section 17.28.070, this is your Site Plan Review determination. However, your project requires discretionary action as stated on the attached Site Plan Review comments. You may now proceed with filing discretionary applications to the Planning Division.

This is your Site Plan Review Permit; your Site Plan Review became effective **January 12, 2022**. A site plan review permit shall lapse and become null and void one year following the date of approval 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.

If you have any questions regarding this action, please call the Community Development Department at (559) 713-4359.

Respectfully,

A handwritten signature in blue ink, appearing to read "Paul Bernal", is written over a white background.

Paul Bernal
Community Development Director
315 E. Acequia Ave.
Visalia, CA 93291

Attachment(s):

- Site Plan Review Comments



MEETING DATE January 12, 2022
SITE PLAN NO. 2022-002
PARCEL MAP NO.
SUBDIVISION
LOT LINE ADJUSTMENT NO.

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

RESUBMIT Major changes to your plans are required. Prior to accepting construction drawings for building permit, your project must return to the Site Plan Review Committee for review of the revised plans.

During site plan design/policy concerns were identified, schedule a meeting with

Planning Engineering prior to resubmittal plans for Site Plan Review.

Solid Waste Parks and Recreation Fire Dept.

REVISE AND PROCEED (see below)

A revised plan addressing the Committee comments and revisions must be submitted for Off-Agenda Review and approval prior to submitting for building permits or discretionary actions.

Submit plans for a building permit between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

Your plans must be reviewed by:

CITY COUNCIL

REDEVELOPMENT

PLANNING COMMISSION

PARK/RECREATION

VAR

HISTORIC PRESERVATION

OTHER –

ADDITIONAL COMMENTS:

If you have any questions or comments, please call the Site Plan Review Hotline at (559) 713-4440
Site Plan Review Committee

SITE PLAN REVIEW COMMENTS

Josh Dan, Planning Division, 559-713-4003

Date: January 12, 2022

SITE PLAN NO: 2022-002
PROJECT TITLE: California Water Tank – AT7T Cell Site
DESCRIPTION: Relocate existing telecom facility currently on the water tank due to CalWater’s plans to decommission the water tank. New monopole measuring 146’ proposed with a back up generator.
APPLICANT: Pamela Noble
PROP. OWNER: California Water Service Co.
LOCATION TITLE: 214 S. Giddings St.
APN TITLE: 093-210-002
GENERAL PLAN: QP
ZONING: Q-P – Quasi Public

Planning Division Recommendation:

- Revise and Proceed
 Resubmit

3/28/22 PN: CalWater has confirmed that they will be decommissioning the Water tank that currently holds AT&T Telecom installation, however, cannot provide a date certain. In order for AT&T to be able to provide continuous service they must be able to plan and construct an alternative structure on the parcel and thereby seek entitlement approval to erect a new 146’ monopole.

Project Requirements

- Variance (staff not supporting)
- Building Permit
- Additional Information as Needed

PROJECT SPECIFIC INFORMATION: January 12, 2022

1. The proposed new monopole would require a Variance, based on the height and potential fall area of the structure in relation to other structures within the vicinity.
2. Staff does not support the Variance or proposed new pole for the following reasons:
 - a. The proposal does not comply with the VMC 17.32.163(C), (G), and (H)-
 - i. Premature without a concrete decommission date for the water tower.
 - ii. The applicant is not proposing a mono-pine, which would blend into the area.
3. A Building Permit will be required.
4. Meet all other codes and ordinances.

Notes:

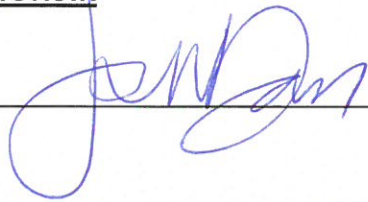
1. The applicant shall contact the San Joaquin Valley Air Pollution Control District to verify whether additional permits are required to conduct the proposed use. **n/a**
2. Prior to completion of a final building inspection for a project, a signed MWELO Certificate of Compliance shall be submitted indicating that all landscaping has been installed to MWELO standards. **Applicant will address in their application for a Building Permit**

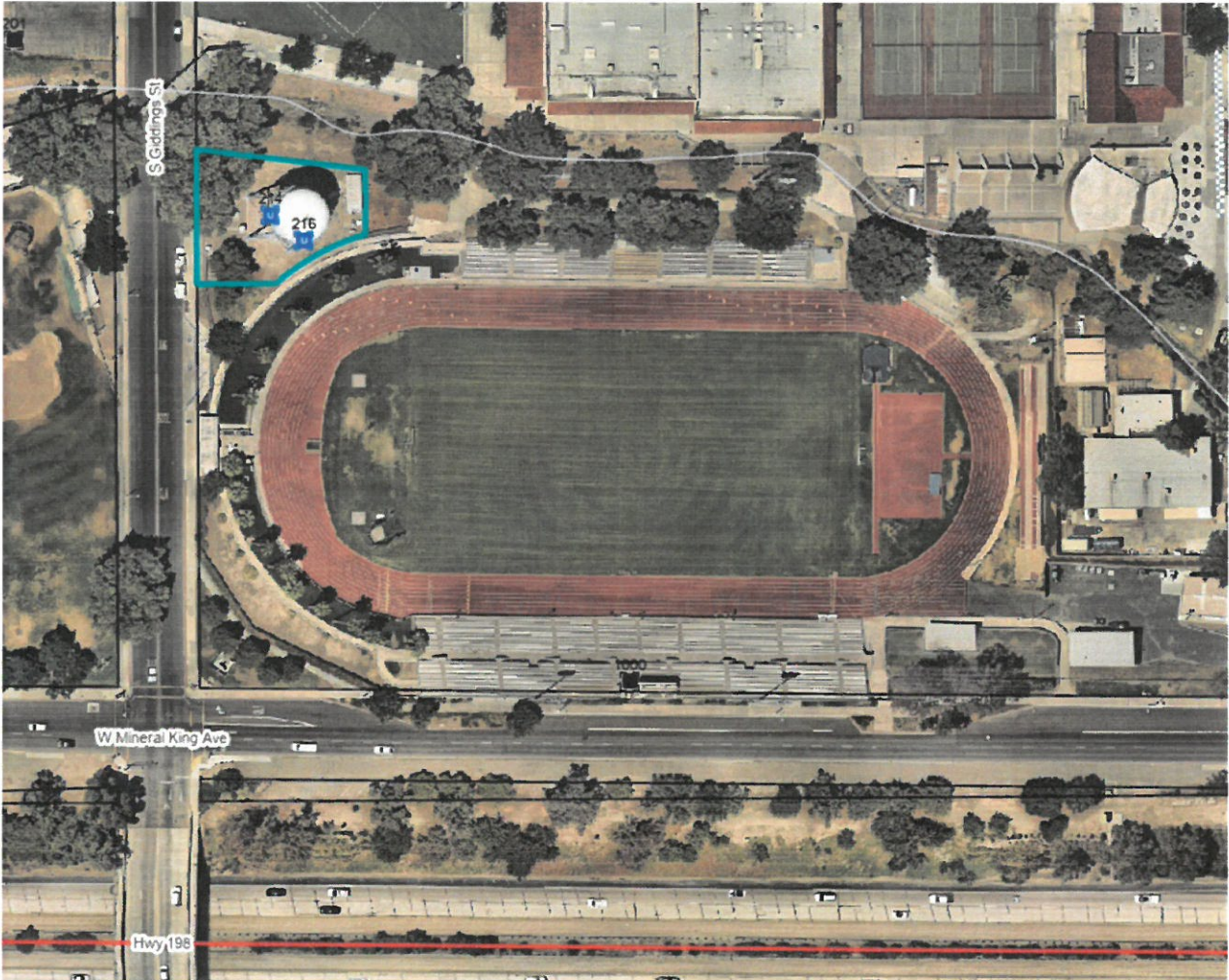
Applicable sections of the Visalia Municipal Code, Title 17 (Zoning):

17.32.163 Regulation of Wireless Telecommunication Facilities

17.36 Fences Walls and Hedges

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 _____




**BUILDING/DEVELOPMENT PLAN
REQUIREMENTS
ENGINEERING DIVISION**

<input type="checkbox"/>	Adrian Rubalcaba	713-4271
<input type="checkbox"/>	Ather Razaq	713-4268
<input checked="" type="checkbox"/>	Edelma Gonzalez	713-4364
<input type="checkbox"/>	Jaklin Rowley	713-4369
<input type="checkbox"/>	Luqman Ragabi	713-4362

ITEM NO: 3 DATE: JANUARY 12, 2022

SITE PLAN NO.: 22-002
 PROJECT TITLE: CALIFORNIA WATER TANK- AT&T CELL SITE
 DESCRIPTION: RELOCATE EXISTING TELECOMMUNICATIONS FACILITY CURRENTLY ON THE WATER TANK DUE TO CALWATER'S PLANS TO DECOMMISSION THE WATER TANK. AT&T TO RELOCATE ANTENNAS ON THE PROPOSED NEW 146' MONOPOLE WITH EQUIPMENT TO BE ADDED WITHIN EXISTING EQUIPMENTS SHELTER, PROPOSED BACK-UP GENERATOR TO BE ADDED OR A NEW 65' X 12' CONCRETE PAD

APPLICANT: PAMELA NOBEL
 PROP OWNER: CALIFORNIA WATER SERVICE CO
 LOCATION: 214 S GIDDINGS ST
 APN: 093-210-002

SITE PLAN REVIEW COMMENTS

- REQUIREMENTS (indicated by checked boxes)
- Install curb return with ramp, with radius;
- Install curb; gutter
- Drive approach size: *see comments* Use radius return;
- Sidewalk: width; parkway width at **3/28/22 PN: Applicant will repair/replace as a result of their prep/construction of proposed project.**
- Repair and/or replace any sidewalk across the public street frontage(s) of the subject site that has become uneven, cracked or damaged and may constitute a tripping hazard.
- Replace any curb and gutter across the public street frontage(s) of the subject site that has become uneven and has created areas where water can stand.
- Right-of-way dedication required. A title report is required for verification of ownership.
- Deed required prior to issuing building permit; **3/28/22 PN: BP process**
- City Encroachment Permit Required. **FOR ANY WORK NEEDED WITHIN PUBLIC RIGHT-OF-WAY**
 Insurance certificate with general & auto liability (\$1 million each) and workers compensation (\$1 million), valid business license, and appropriate contractor's license must be on file with the City, and valid Underground Service Alert # provided prior to issuing the permit. Contact Encroachment Tech. at 713-4414.
- CalTrans Encroachment Permit required. CalTrans comments required prior to issuing building permit. Contacts: David Deel (Planning) 488-4088;
- Landscape & Lighting District/Home Owners Association required prior to approval of Final Map. Landscape & Lighting District will maintain common area landscaping, street lights, street trees and local streets as applicable. Submit completed Landscape and Lighting District application and filing fee a min. of 75 days before approval of Final Map.
- Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.
- Grading & Drainage plan required. If the project is phased, then a master plan is required for the entire project area that shall include pipe network sizing and grades and street grades. Prepared by registered civil engineer or project architect. All elevations shall be based on the City's benchmark network. Storm run-off from the project shall be handled as follows: a) directed to the City's existing storm drainage system; b) directed to a permanent on-site basin; or c) directed to a temporary on-site basin is required until a connection with adequate capacity is available to the City's storm drainage system. On-site basin: : maximum side slopes, perimeter fencing required, provide access ramp to bottom for maintenance.
- Grading permit is required for clearing and earthwork performed prior to issuance of the building permit.
- Show finish elevations. (Minimum slopes: A.C. pavement = 1%, Concrete pavement = 0.25%. Curb & Gutter = .020%, V-gutter = 0.25%) **3/28/22 PN: Plans dated 3/25/22, Page A-5 Elevations**
- Show adjacent property grade elevations. A retaining wall will be required for grade differences greater than 0.5 feet at the property line.

- All public streets within the project limits and across the project frontage shall be improved to their full width, subject to available right of way, in accordance with City policies, standards and specifications.
- Traffic indexes per city standards:
- Install street striping as required by the City Engineer.
- Install landscape curbing (typical at parking lot planters).
- Minimum paving section for parking: 2" asphalt concrete paving over 4" Class 2 Agg. Base, or 4" concrete pavement over 2" sand.
- Design Paving section to traffic index of 5.0 min. for solid waste truck travel path.
- Provide "R" value tests: each at
- Written comments required from ditch company Contacts: James Silva 747-1177 for Modoc, Persian, Watson, Oakes, Flemming, Evans Ditch and Peoples Ditch; Jerry Hill 686-3425 for Tulare Irrigation Canal, Packwood and Cameron Creeks; Bruce George 747-5601 for Mill Creek and St. John's River.
- Access required on ditch bank, 15' minimum Provide wide riparian dedication from top of bank.
- Show Valley Oak trees with drip lines and adjacent grade elevations. Protect Valley Oak trees during construction in accordance with City requirements. **3/28/22 PN: See Arborist Report Dated March 2022**
- A permit is required to remove Valley Oak trees. Contact Public Works Admin at 713-4428 for a Valley Oak tree evaluation or permit to remove. A pre-construction conference is required.
- Relocate existing utility poles and/or facilities.
- Underground all existing overhead utilities within the project limits. Existing overhead electrical lines over 50kV shall be exempt from undergrounding.
- Subject to existing Reimbursement Agreement to reimburse prior developer:
- Fugitive dust will be controlled in accordance with the applicable rules of San Joaquin Valley Air District's Regulation VIII. Copies of any required permits will be provided to the City. **3/28/22 PN: Applicant will comply, BP processing.**
- If the project requires discretionary approval from the City, it may be subject to the San Joaquin Valley Air District's Rule 9510 Indirect Source Review per the rule's applicability criteria. A copy of the approved AIA application will be provided to the City.
- If the project meets the one acre of disturbance criteria of the State's Storm Water Program, then coverage under General Permit Order 2009-0009-DWQ is required and a Storm Water Pollution Prevention Plan (SWPPP) is needed. A copy of the approved permit and the SWPPP will be provided to the City.
- Comply with prior comments. Resubmit with additional information. Redesign required.

Additional Comments:

- 1. Proposed project will not incur impact fees.** **3/28/22 PN: Applicant will comply with BP application & requirements.**
- 2. A building permit is required, standard plan check and inspection fees will apply.**
- 3. Project in floodzone AE. New Concrete pad for proposed back-up generator minimum 1ft above BFE to comply with FEMA. EC required** **3/28/22 PN: Revised Plans Dated 3/25/22, A-5 - Concrete pad 2'10" above grade**
- 4. Replace damaged drive approach/curb ramp use for access. Modified curb ramp design will be necessary for replacement.**

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: **22-002**
Date: **01/12/2022**

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

(Fee Schedule Date:**01/01/2022**)
(Project type for fee rates:)

Existing uses may qualify for credits on Development Impact Fees.

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

Reimbursement:

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

Edelma Gonzalez

SPR 22002
AT&T CELL SITE
214 S GADDINGS ST

City of Visalia
Building: Site Plan
Review Comments

3/28/22 PN: Applicant will apply and comply with Building Permit Applications Requirements and Standards.

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

- A building permit will be required. *For information call (559) 713-4444*
- Submit 1 digital set of professionally prepared plans and 1 set of calculations. (Small Tenant Improvements)
- Submit 1 digital set of plans prepared by an architect or engineer. Must comply with 2016 California Building Cod Sec. 2308 for conventional light-frame construction or submit 1 digital set of engineered calculations.
- Indicate abandoned wells, septic systems and excavations on construction plans.
- You are responsible to ensure compliance with the following checked items:**
- Meet State and Federal requirements for accessibility for persons with disabilities.
- A path of travel, parking and common area must comply with requirements for access for persons with disabilities.
- All accessible units required to be adaptable for persons with disabilities.
- Maintain sound transmission control between units minimum of 50 STC.
- Maintain fire-resistive requirements at property lines.
- A demolition permit & deposit is required. *For information call (559) 713-4444*
- Obtain required permits from San Joaquin Valley Air Pollution Board. *For information call (661) 392-5500*
- Plans must be approved by the Tulare County Health Department. *For information call (559) 624-8011*
- Project is located in flood zone AE * Hazardous materials report. **MEET FEMA FLOOD REQUIREMENTS.**
- Arrange for an on-site inspection. (Fee for inspection \$157.00) *For information call (559) 713-4444*
- School Development fees. Commercial \$0.66 per square foot & Self-Storage \$.23 per sf. Residential.
- Park Development fee \$ _____, per unit collected with building permits.
- Additional address may be required for each structure located on the site. *For information call (559) 713-4320*
- Acceptable as submitted
- No comments at this time

Additional comments: _____

VAL GARCIA 1/12/22
Signature

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

January 12, 2022

ITEM NO: 3

SITE PLAN NO: SPR22002

PROJECT TITLE: California Water Tank - AT&T Cell Site

DESCRIPTION: Relocate Existing Telecommunications Facility Currently on the Water Tank Due to CalWater's Plans to Decommission the Water Tank. ATT to Relocate Antennas on a Proposed New 146' Monopole with Equipment to be Added Within Existing Equipment Shelter. Proposed Back-up Generator to be Added or a New 5' x 12' Concrete Pad. (QP)

APPLICANT: Pamela Nobel

OWNER: CALIF WATER SERVICE CO

APN: 093210002

LOCATION: 214 S GIDDINGS ST

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

- No Comments
- See Previous Site Plan Comments
- Install Street Light(s) per City Standards.
- Install Street Name Blades at Locations.
- Install Stop Signs at Locations.
- Construct parking per City Standards PK-1 through PK-4.
- Construct drive approach per City Standards.
- Traffic Impact Analysis required (CUP)
 - Provide more traffic information such as . Depending on development size, characteristics, etc., a TIA may be required.
- Additional traffic information required (Non Discretionary)
 - Trip Generation - Provide documentation as to concurrence with General Plan.
 - Site Specific - Evaluate access points and provide documentation of conformance with COV standards. If noncomplying, provide explanation.
 - Traffic Impact Fee (TIF) Program - Identify improvements needed in concurrence with TIF.

Additional Comments:

Leslie Blair

Leslie Blair

CITY OF VISALIA
SOLID WASTE DIVISION
336 N. BEN MADDOX
VISALIA CA. 93291
713 - 4532
COMMERCIAL BIN SERVICE

22002

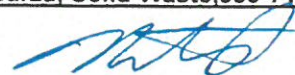
January 12, 2022

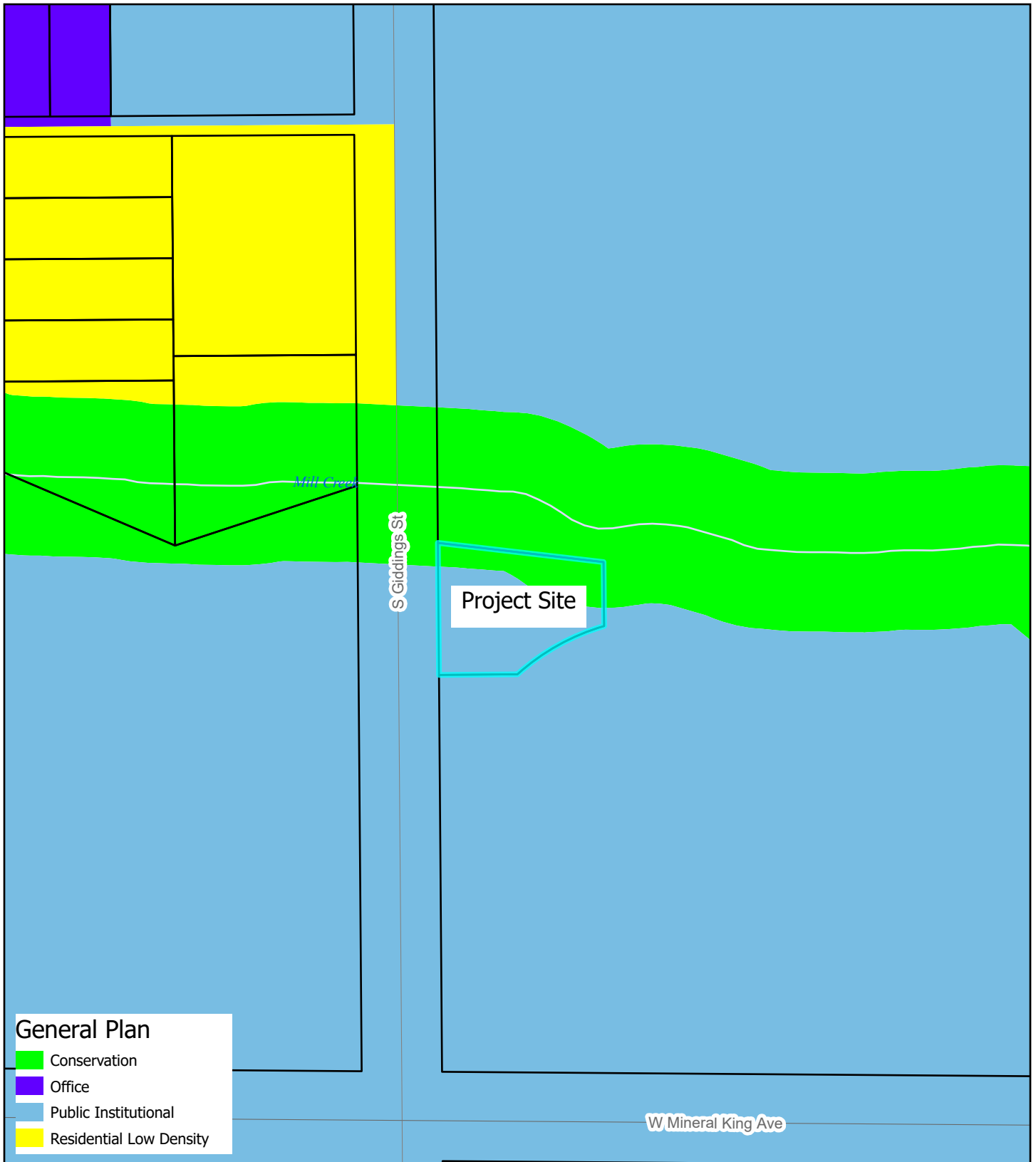
- No comments.
- See comments below
- Revisions required prior to submitting final plans. See comments below.
- Resubmittal required. See comments below.
- Customer responsible for all cardboard and other bulky recyclables to be broken down before disposing of in recycle containers
- ALL refuse enclosures must be R-3 OR R-4
- Customer must provide combination or keys for access to locked gates/bins
- Type of refuse service not indicated.
- Location of bin enclosure not acceptable. See comments below.
- Bin enclosure not to city standards double.
- Inadequate number of bins to provide sufficient service. See comments below.
- Drive approach too narrow for refuse trucks access. See comments below.
- Area not adequate for allowing refuse truck turning radius of : Commercial 50 ft. outside 36 ft. inside; Residential 35 ft. outside, 20 ft. inside.
- Paved areas should be engineered to withstand a 55,000 lb. refuse truck.
- Bin enclosure gates are required
- Hammerhead turnaround must be built per city standards.
- Cul - de - sac must be built per city standards.
- Bin enclosures are for city refuse containers only. Grease drums or any other items are not allowed to be stored inside bin enclosures.
- Area in front of refuse enclosure must be marked off indicating no parking
- Enclosure will have to be designed and located for a STAB service (DIRECT ACCESS) with no less than 38' clear space in front of the bin, included the front concrete pad.
- Customer will be required to roll container out to curb for service.
- Must be a concrete slab in front of enclosure as per city standards, the width of the enclosure by ten(10) feet, minimum of six(6) inches in depth.
- Roll off compactor's must have a clearance of 3 feet from any wall on both sides and there must be a minimum of 53 feet clearance in front of the compactor to allow the truck enough room to provide service.

City ordinance 8.28.120-130 (effective 07/19/18) requires contractor to contract with City for removal of construction debris unless transported in equipment owned by contractor or unless contracting with a franchise permittee for removal of debris utilizing roll-off boxes.

Comment Solid Waste has no additional comments for this agenda item.

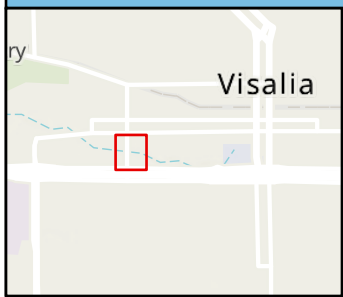
Jason Serpa, Solid Waste Manager, 559-713-4533
Edward Zuniga, Solid Waste Supervisor, 559-713-4338

Nathan Garza, Solid Waste, 559-713-4532




General Plan

- Conservation
- Office
- Public Institutional
- Residential Low Density



General Plan Land Use Map

City of Visalia, Fresno County Dept. PWP, California State Parks, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, Esri, NASA, NGA, USGS, FEMA

2022

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere

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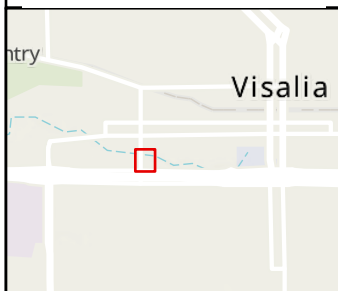
0 70 140
Feet

0 90 180
Feet



Zoning

- Quasi-Public
- 5000 SF Min Site Area



<h1>Zoning Map</h1>	
City of Visalia, Fresno County Dept. PWP, California State Parks, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, Esri, NASA, NGA, USGS, FEMA	2022
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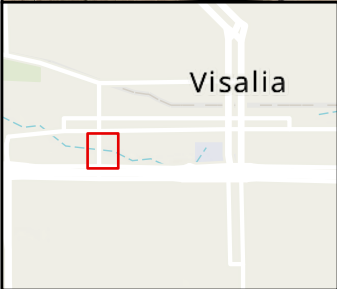
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Project Site

S Giddings St

W Mineral King Ave



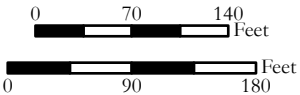
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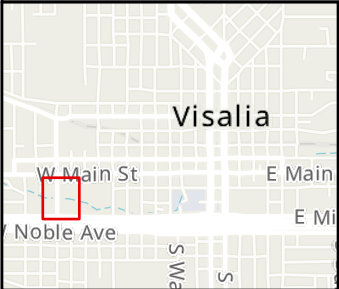
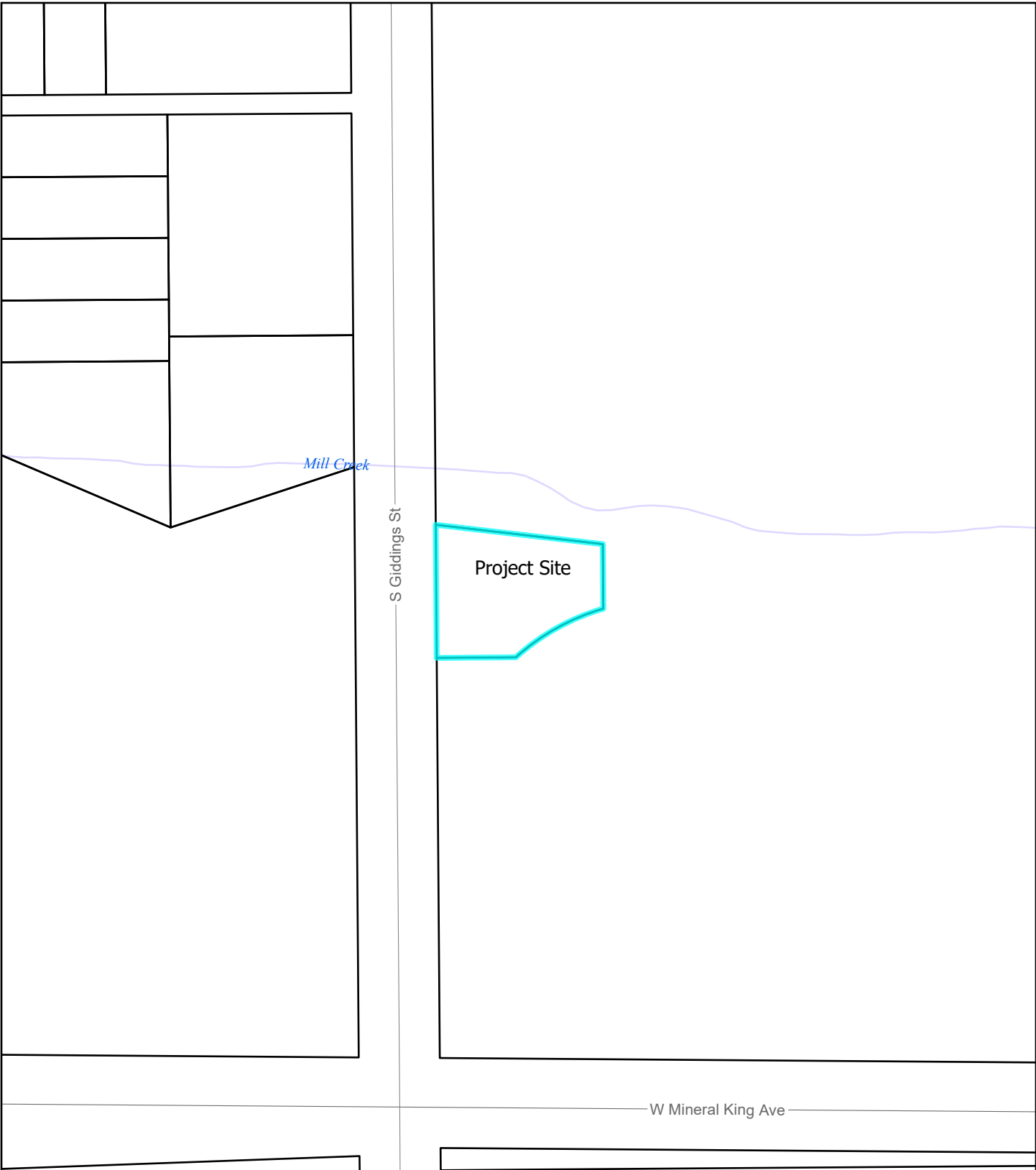
Aerial Map

City of Visalia, Fresno County Dept. PWP, California State Parks, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, Esri, NASA, NGA, USGS, FEMA

2022

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere





Vicinity Map

City of Visalia, Fresno County Dept. PWP, California State Parks, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, Esri, NASA, NGA, USGS, FEMA

2022

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