

Regular Meeting Agenda

Visalia City Council



Mayor: Bob Link
Vice Mayor: Amy Shuklian
Council Member: Warren Gubler
Council Member: Mike Lane
Council Member: Steve Nelsen

Tuesday, January 19, 2010

City Hall Council Chambers, 707 W. Acequia, Visalia CA 93291


Closed Session 4:00 p.m. – Work Session 5:00 p.m.

Regular Session 7:00 p.m.

4:00 p.m. **CLOSED SESSION**

1. Conference with Legal Counsel – Anticipated Litigation - Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 3 potential cases
2. Conference with Labor Negotiators (G.C. Section 54957.6)
Agency designated representatives: Steve Salomon, Eric Frost
Employee Organization: All Bargaining Units

5:00 p.m. **WORK SESSION AND ACTION ITEMS (as described)**

-  3. Update on progress toward the implementation of the recommendations approved by Council regarding FEMA's revised Flood Insurance Rate Maps (FIRMs). **Receive public comment.**

- 5:15 p.m.
4. Update on progress made toward implementation of the recommendations made by the Downtown Parking Committee regarding: on-street parking opportunities; parking signage; Acequia parking structures; parking enforcement. **Receive public comment.**

The time listed for each work session item is an estimate of the time the Council will address that portion of the agenda. Members of the public should be aware that the estimated times may vary. Any items not completed prior to Closed Session may be continued to the evening session at the discretion of the Council.

The Council will return to closed session (if needed) following the Work Session in order to complete any remaining items of business noted on the closed session agenda above.

7:00 p.m. CALL TO ORDER REGULAR SESSION

PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Karl Schafer, 1st Presbyterian Church

SPECIAL PRESENTATIONS/RECOGNITION

ITEMS OF INTEREST

PUBLIC COMMENTS - *This is the time for citizens to comment on subject matters that are not on the agenda that are within the jurisdiction of the Visalia City Council.*

This is also the time for citizens to comment on items listed on the Consent Calendar or to request an item from the Consent Calendar be pulled for discussion purposes. Comments related to Regular or Public Hearing Items that are listed on this agenda will be heard at the time that item is discussed or at the time the Public Hearing is opened for comment.

In fairness to all who wish to speak tonight, each speaker from the public will be allowed three minutes (timing lights mounted on the lectern will notify you with a flashing red light when your time has expired). Please begin your comments by stating and spelling your name and providing your street name and city.

5. **CONSENT CALENDAR** - *Consent Calendar items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made and then the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.*

a) Authorization to read ordinances by title only.

b) Receive, review and file the 2008-2009 Impact Fee Report as required by State law.

c) Award the landscape maintenance contract for the Shannon Ranch District to Erin Bell, Westscapes Inc. per specifications of RFB 09-10-14.

REGULAR ITEMS AND PUBLIC HEARINGS - *Comments related to Regular Items and Public Hearing Items are limited to three minutes per speaker, for a maximum of 30 minutes per item, unless otherwise extended by the Mayor.*

6. **PUBLIC HEARING** –*Appeal of the Planning Commission’s denial of Variance No. 2009-10 by Ad Art Sign Company and Visalia Properties to erect a 35-foot high/72 square foot double face freestanding sign for the Orchard Supply Hardware store located in the C-R (Regional Retail Commercial) Zone. The site is located at 2230 West Walnut Avenue. (APN: 095-134-045 & 046). **Resolution No. 2010-03 required.** Postponed from October 19, 2009, November 16, 2009 and January 11, 2010 at request of applicant.*

CLOSED SESSION REPORT (if any)

Upcoming Council Meetings *(Meeting dates/times are subject to change, check posted agenda for correct details)*

- Monday, January 25, 2010, 6:00 p.m. Joint Meeting with Kaweah Delta Health Care District, 400 W. Mineral King, Blue Room Conference Room
- Monday, February 1, 2010, 4:00 p.m. Work Session; Regular Session 7:00 p.m., Council Chambers 707 W. Acequia
- Tues, February 2, 2010, Joint Meeting with VUSD Board of Trustees, 6:00 p.m. 5000 W. Cypress
- Fri/Sat, February 5-6, 2010, Council Workshop, Fri. Noon-8 pm; Sat 8-5 pm; Convention Center 303 E. Acequia

In compliance with the American Disabilities Act, if you need special assistance to participate in meetings call (559) 713-4512 48-hours in advance of the meeting. For Hearing-Impaired - Call (559) 713-4900 (TDD) 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 Council after distribution of the agenda packet are available for public inspection in the Office of the City Clerk, 425 E. Oak Street, Visalia, CA 93291, during normal business hours.

The City's newsletter, Inside City Hall, is published after all regular City Council meetings. To self-subscribe, go to http://www.ci.visalia.ca.us/about/inside_city_hall_newsletter.asp. For more information, contact Community Relations Manager Nancy Loliva at nloliva@ci.visalia.ca.us.

*A quote from
Visalia's past:*

"That the practice of dumping trash in the streets, alleys and side walks of the city must cease was the declaration of City Street Superintendent Henry, Saturday. The equivalent of 1,000 ordinary wagon loads of trash were hauled away by the city, the Street Superintendent said, during the recent cleanup campaign. The cost to the city was about \$400." Visalia Morning Delta, May 3, 1914.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: January 19, 2010

Agenda Item Number (Assigned by City Clerk): 3

Agenda Item Wording: Update regarding the recommendations approved by Council regarding FEMA's revised Flood Insurance Rate Maps (FIRMs).

Deadline for Action: N/A

Submitting Department: Community Development Department/
Engineering Division

Contact Name and Phone Number:
Chris Young, Assistant Community Dev. Director – 713-4392

Department Recommendation: Staff requests that the City Council accepts this update and provides any comments or direction it deems appropriate.

Introduction: There are an estimated 41,700 parcels within the City of Visalia. The new FEMA Flood Insurance Rate Maps indicated that approximately 12,600 of these parcels were in a Special Flood Hazard Area (SFHA). An estimated 8,900 of these parcels were not in the SFHAs prior to the FEMA remapping. Most owners of homes (on these 12,600 parcels in the SFHAs) were required to carry flood insurance unless their homes were "mortgage free". City staff made recommendations to the Council aimed at removing as many parcels as possible from the Special Flood Hazard Areas. Council "approved" these recommendations on May 4, 2009. Staff continues to work toward achieving these goals.

Summary of Accomplishments to Date:

1. *The "Local Working Group" has been established. It has had three productive meetings and made recommendations to staff (currently being implemented).*
2. *Group's recommendation to hire a flood study consultant is moving forward*
3. *Thousands of residents have been assisted with flood zone determinations/letters and exhibit maps enabling them to obtain the lowest flood insurance rate possible*
4. *541 parcels have been removed from the Special Flood Hazard Areas*
5. *Staff, working with the Council and our lobbyist, continues to pursue the extension of the Preferred Risk Program*
6. *Staff continues to work with FEMA to obtain insurance discounts thru the Community Rating System*

For action by:

City Council
 Redev. Agency Bd.
 Cap. Impr. Corp.
 VPFA

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 25

Review:

Dept. Head _____
(Initials & date required)

Finance N/A
City Atty N/A
(Initials & date required or N/A)

City Mgr _____
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

Background Information and Updates:

#1 – Progress of the “Local Working Group”: Council approved a staff recommendation to establish a local working group of engineers, and other interested residents that have related knowledge or expertise in this field of study to act as an informal steering committee regarding floodplain related issues. The committee membership includes Mayor Link, Councilmember Nelsen, several engineers/land surveyors, an insurance professional, a developer, a representative of the Kaweah Delta Water Conservation District, a representative of the Tulare County RMA, several Visalia residents, and members of City staff. The committee has met three times and its technical subgroup has met once.

In late June, the City obtained the flood study “data” (and related background information) from FEMA. This information was used by FEMA’s consultant (Northwest Hydraulic Consultants or “NHC”) to formulate the “new” FIRMs.

At its July meeting, the local working group formed a technical subcommittee with the following responsibilities:

- Perform a cursory review of the flood study background data obtained from FEMA
- Report back to the whole committee (the local working group) with their recommendations

On October 1, 2009 the technical subcommittee’s recommendations were presented to the whole committee. Its primary recommendation was for the City to contact FEMA’s study consultant (NHC) and request that they perform a presentation of their study work and methodology to the whole committee. As part of this presentation, NHC would participate in a question and answer session with the whole committee. NHC would also be asked to make preliminary recommendations regarding potential “floodwater mitigation projects”.

#2 – Recommended Hiring of a Flood Study Consultant (NHC): Staff concurs with the technical subcommittee’s recommendation to hire Northwest Hydraulic Consultants. NHC is a highly qualified firm specializing in the protection, management and development of water resources. They have one of the largest hydraulic modeling “operations” in North America and have offices in Sacramento, Pasadena, Seattle, Alberta, Vancouver, etc. and have worked with FEMA on a number of projects.

As FEMA’s flood study consultant (for the Visalia/Tulare County area), NHC gathered, modeled and produced the technical information used in the flood mapping process. The mapping process took over four years to complete at a cost of several million dollars. Contracting with NHC, and utilizing their existing data, will result in a substantial cost savings to the City (hundreds of thousands of dollars).

Initially, NHC will have an extended meeting with the Local Working Group, participating in a question and answer session and making an initial presentation regarding flood study methodology, discussing both sources of flooding and potential flood mitigation measures/projects. After this initial presentation, a decision will be made on whether or not to further utilize NHC’s services. Potentially, these further services would include the following:

- Assisting the City with an “overall” Cost/Benefit Analysis
- Assisting with the further identification of flood mitigation measures/projects
- Preparing preliminary layouts and hydraulic calculations to assess mitigation measures
- Preparing concept level cost estimates for flood mitigation measures
- Summarizing results in a technical memo or report

City staff has had several very productive phone conferences with NHC. Staff is currently reviewing a preliminary scope of work and cost proposal for both the initial presentation, and potentially, the additional services listed above. Staff will bring an update and proposal to the City Council at its February 1, 2010 meeting. Tentatively, the presentation to the Local Work Group ("FEMA Committee") will occur during the second or third week in February.

#3 City Staff's Level of Effort: City staff (staff handling phone calls, e-mails, and counter calls regarding the Flood Insurance Rate Maps) has been recently reduced from an initial six members, to four members, as the result of a gradually decreasing demand for information. City staff continues to man a dedicated phone line and e-mail address to answer questions, make flood zone determinations, and to advise property owners and insurance agents regarding the best possible course to take for a given property.

In addition to standard flood zone determinations, City staff continues to receive requests to provide letters indicating whether or not a home is classified as "Post-FIRM" and therefore eligible (under FEMA's grandfathering rules) to receive a discounted flood insurance rate. These letters, containing building construction dates and historic FIRM information, have been effective in obtaining insurance policies for homeowners at the lowest possible rate.

Over the past seven months, the City team has made over 4,700 flood zone determinations, prepared over 2,200 letters for individual properties, and created 1,000 exhibit maps in order to help property owners either cancel flood insurance or get them the best possible policy. Presently, we are experiencing approximately 10 phone calls per day and 30 e-mails per month. A majority of these requests come from insurance agents seeking Post-FIRM information on specific properties.

#4 - LOMA/LOMR Filings Update (541 parcels removed): City staff was successful in removing 312 parcels from the Special Floodplain Hazard Area thru FEMA's "revalidation" process. Since the June 16, 2009 effective date of the new flood maps, there have been an additional 229 existing residential homes changed from the AE Zone to the X Zone designation through the successful filings of LOMAs (Letters of Map Acceptance) or LOMRs (Letters of Map Revision) with FEMA. These were filed by the individual property owners or by the professional land surveyors or engineers that they hired.

#5 - Efforts to Extend the Preferred Risk Program (PRP): Currently, the PRP provides for a substantial discount on the flood insurance rate during the initial one-year period following the implementation of the new FIRMs. Following this initial period, the insurance rate will increase substantially. The Council and staff have continually worked toward having FEMA grant an extension of the PRP for at least an additional year. There have been many formal requests made to FEMA (from cities all around the country) to extend the PRP rate period. The City's lobbyist (Van Scoyoc Associates, Inc.) is "monitoring" FEMA's progress toward potential PRP policy changes. Staff will continue to report back to Council on the progress of potential FEMA PRP amendments.

#6 - Community Rating System (CRS) Update: City staff has made contact with FEMA and their consultant that manages the Community Rating System (CRS) program (and met with the consultant several times). The CRS is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum National Floodplain Insurance Program (NFIP) requirements. As a result, flood insurance premium rates are discounted to reflect the reduced flood risk resulting from the community actions.

A preliminary review of the City's current flood management practices indicates that we clearly qualify for a 5% discount and may possibly qualify for a 10% discount. The CRS program also

requires that the City either update its floodplain ordinance to “meet” certain FEMA requirements or adopt FEMA’s model ordinance. Staff has submitted an “updated” draft ordinance to FEMA for their review. Once this submission/review process is completed, the updated ordinance will be brought to Council.

City staff will continue to provide regular updates regarding the implementation of the recommendations approved by Council.

Prior Council/Board Actions:

- December 15, 2003: Authorized the Mayor to send a letter to FEMA requesting that the City’s flood maps be updated
- April 19, 2004: Authorized \$100,000 to be submitted to FEMA for the update of the City’s flood maps and authorized the City Manager to sign a Cooperating Technical Partners Memorandum of Agreement with FEMA*
- May 4, 2009: Council directed staff to implement the seven recommendations made to the Council regarding FEMA’s revise Flood Insurance Study and Flood Insurance Rate Maps
- May 28, 2009: Council voted to support Congressman’s Nunes’ request to FEMA to extend the period of the Preferred Risk Policies, and to solicit support from Senators Boxer and Feinstein on several issues related to FEMA flood mapping
- June 6, 2009: Council received an update from staff regarding FEMA’s revised Flood Insurance Rate Maps (FIRMs)
- September 21, 2009: Council received an update from staff, directed staff to work with our lobbyist on the PRP extension and to submit CRS application.

*FEMA Memorandum 34 – “Interim Guidance for Studies Including Levees” was issued on August 22, 2005. This memo outlined FEMA’s new levee policy.

Committee/Commission Review and Actions:

Alternatives: N/A

<p>Recommended Motion (and Alternative Motions if expected): Motion that Council accepts this update from staff.</p>

**City of Visalia
Agenda Item Transmittal**

Meeting Date: January 19, 2010

Agenda Item Number (Assigned by City Clerk): 4

Agenda Item Wording:

Update to Council of City staff's progress toward the possible implementation of the recommendations made by the Downtown Parking Committee on the following items:

1. On-street parking opportunities
2. Parking signage (direction to parking structures)
3. Change in parking enforcement hours of operation
4. Parking enforcement (tiered parking citations)
5. Acequia parking structures – "Pay for Parking System"

Deadline for Action: None

Submitting Department: Community Development Department/
Engineering Division

Contact Name and Phone Number:

Eric Bons, Senior Civil Engineer, 713-4350
Chris Tavarez, Management Analyst, 713-4540
Chris Young, Assistant Community Dev. Director, 713-4392

Recommendation:

Staff requests that City Council accepts this update, provides any comments or direction that it deems appropriate, and authorizes staff to proceed as directed regarding the following Downtown Parking Committee recommendations:

1. On-street parking opportunities
2. Parking signage (direction to parking structures)
3. Change in parking enforcement hours of operation
4. Parking enforcement (tiered parking citations)
5. Acequia parking structures – "Pay for Parking System"

Staff's recommendations to Council are listed below with the discussion of each of the Downtown Parking Committee's recommendations.

Summary:

The City Council established the Downtown Parking Committee (with members appointed by Council) to make recommendations toward improving the downtown parking "experience" and to identify funding sources for the maintenance of parking facilities. This committee was comprised of downtown property, business owners, other interested parties, a Planning Commissioner, and two Council Members. The committee was assisted by City staff. The committee met on a number of occasions and spent a substantial amount of time discussing

For action by:

City Council
 Redev. Agency Bd.
 Cap. Impr. Corp.
 VPFA

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 20.

Review:

Dept. Head _____
(Initials & date required)

Finance _____ N/A
City Atty _____ N/A
(Initials & date required or N/A)

City Mgr _____
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

and analyzing downtown parking issues. These discussions resulted in the recommendations listed above that were endorsed unanimously by the committee.

In recent months, City staff has spent many hours analyzing the Committee's recommendations, meeting with, and making presentations to, the various stakeholders (PBID, the Downtown Visalians, downtown merchants, etc.). Background information, summaries of staff's research and staff's recommendations are listed below regarding each of the Downtown Parking Committee's recommendations.

Background:

On-Street Parking

Staff Recommendation #1

Staff recommends that Council direct staff to continue to review the downtown area and to implement on-street parking opportunities.

City staff has surveyed the downtown area in search of areas to increase the on-street parking within the downtown area. Staff has also inventoried the existing curb markings to determine where the curb markings may be changed to provide additional on-site parking. Staff will continue to review the downtown area for the potential elimination of driveway approaches that are no longer being used due to the change in use.

For example, a loading zone on Floral Street (at the northeast corner of Main Street and Floral Street) has been eliminated and converted back to the two-hour parking restriction since the adjacent business which had used the loading zone has relocated within the downtown.

Staff has identified an opportunity to increase the on-street parking in the segments of Dudley Street and Turner Street located between Center Avenue and the alley to the north. Turner Street is currently one-way in the northbound direction and Dudley could be converted to a one-way street in the southbound direction to create a loop with Turner Street and the alley. There are few driveways so the angled parking can be maximized. This area would benefit the local residents, businesses and Recreation Park. This conversion would generate an additional two (2) angled parking stalls on Dudley Street and four (4) on Turner Street. The additional on-street parking stalls would be utilized by the adjacent properties and Recreation Park guests. The cost associated with this conversion would be approximately \$3,500. As a next step, City staff will meet with the adjacent residents and property owners to explain what is being proposed and to receive their input.

Staff is also in the preliminary stages of reviewing several possible downtown street segments for conversion from two-way to one-way traffic. If these street conversions move forward, additional diagonal parking opportunities will be made available. The street segments being reviewed by staff are Garden Street (between Main Street and Center Street), and Main Street (between Garden Street and Santa Fe Street). Meetings with area property owners, business owners and downtown groups are being scheduled to discuss these possible conversions.

Directional Signage to Parking Garages

Staff Recommendation #2

Staff recommends that Council direct staff to work with PBID to install directional signs that are in accordance with City standards.

The PBID Board has directed its staff to work with the City of Visalia for the installation of additional directional signs leading to the two parking structures on Acequia Avenue. The PBID

Board also authorized the expenditure of \$10,000 of its funds for the purchasing of these signs. They have identified approximately 50 locations for the installation of the directional signs within the downtown area. The area is south of Oak Avenue, west of Santa Fe Street, north of Highway 198, and east of Willis Street.

City staff has received the tentative locations identified by PBID for the locations of the additional directional signs and will work with PBID to finalize the locations of the additional directional signs. The signs should be ordered by PBID in February 2010 for installation in the month following the delivery of the directional signs.

Change in Parking Enforcement Hours

Staff Recommendation #3:

City staff is seeking input, direction and authorization from City Council for the development of a program/policy that will modify the hours of enforcement for the downtown area. The input and direction provided by the City Council will be used by staff to develop a policy (along with a cost analysis) which would be brought back to City Council for approval prior to implementation.

Several stakeholders have suggested, and staff is evaluating, the possibility of shifting the hours of enforcement and adding enforcement on Saturday to improve on-street parking availability and “turnover” for downtown customers.

The concept involves changing the “signed” hours of enforcement from 8:00 AM - 5:00 PM to 8:00 AM - 8:00 PM (for the downtown area and not the “courthouse area”). The stakeholders also requested that the days of enforcement be extended to include Monday thru Saturday (it is currently Monday thru Saturday). This change would allow for the actual enforcement hours/days to be “staggered” at the discretion of the Police Department. The impact to the Police Department is being analyzed. This policy change would involve some modification of work hours for the parking enforcement officers. If the hours of enforcement are changed, all the parking signage with the hours of restricted parking will need to be modified or replaced.

The later enforcement hours could impact the restaurants and entertainment venues within the downtown area. The proposed change in the hours of enforcement is based on the fact that most of the downtown businesses do not open until later in the morning and continue to operate into the evening hours.

Parking Enforcement (tiered parking citations and hours of enforcement)

Staff Recommendation #4:

City staff is seeking direction and input from City Council regarding the possible development of a tiered parking citation program/policy for the Downtown and County Courthouse areas. The input and direction provided by the City Council could be used by staff to develop a policy which would be brought back to City Council for approval prior to implementation (if Council directs staff to pursue this recommendation further).

The Downtown Parking Committee recommended the investigation of a tiered parking citation program to discourage the repeat offenders of the 2-hour parking restrictions in the downtown and County Courthouse areas. The Downtown Parking Committee felt that the repeat offenders were the employees of the downtown merchants and so the committee recommended the implementation of a tiered parking citation program to target the repeat offender of the 2-hour parking restrictions. The downtown merchants have stressed the importance of having the parking turnover to keep the businesses thriving.

A tiered citation program would increase the fines for the repeat offenders of the two-hour parking limits in the downtown area within each calendar month. The intent is to discourage the abuse of the 2-hour parking restrictions and to encourage the turn over of the on-street parking. The tiered citation structure is directed at the habitual offender of the existing parking restrictions and not those who abide by the posted restrictions. The parking citations would be increased by one of the two options shown in the table below.

<u>Number of Offenses Per Month</u>	<u>Parking Citation Amount</u>	
	<u>Option "A" Current Amount</u>	<u>Option "B" (recommended)</u>
First offense	The current fine amount: \$33	The current fine amount: \$33
Second offense	The current fine amount: \$33	The current fine amount plus \$10.
Third offense	The current fine amount: \$33	The current fine amount plus \$15.
Fourth or greater offense	The current fine amount: \$33	The current fine amount plus \$20.

The tiered parking citation program would be implemented for the downtown on-street parking and the Courthouse parking areas only. The program would be implemented utilizing parking enforcement personnel and police officers who currently provide parking enforcement in these two areas. The parking enforcement personnel currently use computerized ticket books that utilize the Auto-Cites System software to track the number citations issued to each vehicle. Staff has consulted with Auto Cites System's representatives and they state that their software can be modified to provide enforcement personnel with the added information needed to track repeat offenders and apply the appropriate tiered citation amount to a parking citation. They state that this software system "modification" has been utilized in a number of cities.

The implementation of this program will require the purchasing of additional computer software as well as additional equipment. Costs associated with the implementation of the tiered parking citations are shown in the following table:

<u>Preliminary Cost Opinion</u>	
3 new computerized ticket books (\$3,000 each)	\$9,000
New software module for computerized ticket system	\$8,000
Computerized ticket book docking station	\$3,000
Training of personnel on new software	\$1,000
New citation books with tiered fine structure	<u>\$2,000</u>
Total Cost:	\$23,000

In the process of working with the Police Department, some topics were brought to light that need to be considered in the development of a tiered parking citation program. The topics are as follows;

- If a shared/company vehicle is cited multiple times, who is responsible?
- Will the citations with multiple offenses will likely be challenged and would increase the cost of the additional contested hearings?
- Will the increase in citation amounts result in an increase of complaints which the Police Department and/or City staff will need to address?
- The tracking of the monthly citations will need to be monitored in greater detail which will increase Police Department staff time.

Acequia Parking Structures - Pay for Parking System

Staff Recommendation #5:

Staff recommends that Council authorize the issuance of an RFP for implementation of a pay for parking system in the two Acequia Parking Structures. Staff would then come back to Council with a recommended proposal for approval, a final financing plan and implementation outline.

Based on prior Council direction as recommended by the Downtown Parking Committee, staff from various departments including Administration, Convention Center, Engineering, Fire and Police have reviewed and discussed alternatives for pay for parking systems. Staff's analysis is shown below.

A Gated Walk-up system provides flexibility for patrons to pay anytime before they exit the structure, while keeping any increase in costs for enforcement, maintenance and upkeep to a minimum. Based on preliminary discussion with parking companies and research on existing equipment, online 'real-time' control would be available for administrative decision making such as changes to entry fees and when fees are active. The ability to control when and how much fees are charged would be available to be changed as needed. For example, the Convention Center, if needed would be able to eliminate fees or increase fees as determined by special events. Any system would be required to have emergency personnel override capabilities and have enhanced security protocols, including enhanced lighting, to limit vandalism or theft of equipment. Table 1 shows some advantages and disadvantages of this type of system.

Table 1

Gated Walk Up System Advantage/Disadvantage Comparison	
<u>Advantages</u>	<u>Disadvantages</u>
All forms of payment accepted	Cash payment/ Fraud and Theft chance increases and personnel needed to collect and deposit to bank
No vehicle congestion at entrances and exits for payment	Possible congestion when paying
Additional parking enforcement not required	Maintenance of equipment
Automated/No personnel needed to operate and collect money	
Online Administrative access	

This system would have the capability of indicating when a parking structure is full. Other benefits include a potential increase in security due to less random vehicle entry (cars would need to pay to get out); future funding could help offset parking structure maintenance, increased security patrol, improved signage and fund future downtown parking projects. Staff also recommends the pay for parking system incorporate a validation system. A validation system would allow downtown businesses to purchase a machine that would mark or generate a parking pass for their customers to allow promotion of free parking or a reduced rate for in the downtown parking structures based on purchases. This option is suggested to be revenue neutral, meaning businesses would pay the City for the parking revenue from their customers. The main benefit of a validation system is that it would provide businesses the opportunity to promote free parking for employees and/or customers.

Steps for entry/exit would be:

1. Gated entry into parking structure; Ticket dispensed or automatic
2. Vehicle Parks at available spot or pre-designated area (pass holders)

3. Non pass holders would walk-up to pay stations on bottom floor and pay for daily pass
4. Vehicle would exit upon insertion of paid daily parking ticket or pass holder card into an 'Exit Station'



In order to facilitate a smooth transition for the public into using a pay for parking system, a suggested flat fee of \$1 per day with re-entry access for the paid time period (12 hour period. i.e. – 6am to 6pm) be initially setup and up to a \$10 per day (12 hour period) rate for special events to be determined by Convention Center management or City Administration as events arise. After one year, a review should be completed by staff to study revenues and corresponding vehicle traffic so Council will have factual information on which to base future parking rates.

Preliminary estimates of the costs to implement the recommended system in the parking structures are \$400,000 for the East Parking Structure and \$350,000 for the West Parking Structure. It is important to note that these estimates are rough preliminary projections and after formal proposals are reviewed and costs analyzed a better cost projection can be provided. In order to finance the construction of the improvements to the parking structures the Downtown Parking Fund (6111) could be used and revenues collected would be used to pay back the installation costs, maintenance of the parking structures, and payment of the outstanding parking structure loan, with potential excess revenues to go to the Downtown Parking Fund for future projects. Assuming a \$1 per day rate and \$5 per day for special events, annual maintenance and administrative costs and a 50% decrease in vehicle traffic from current use it could take a minimum of 2 ½ years to pay back installation costs with projected revenues about \$300,000 annually. The RFP will be structured to have proposers include an alternative for phased implementation (one structure right away and the other in the future) so the Council can consider a phased implementation of pay for parking systems.

Staff's recommended system is a "user friendly" system that will cause minimal vehicle traffic congestion, and has a relatively quick return on investment.

Prior Council/Board Actions:

- March 26, 2007, City Council formed the Downtown Parking Committee
- June 11, 2007, City Council appointed members to the Downtown Parking Committee
- January 5, 2009, City Council accepted recommendations of Downtown Parking Committee for staff to perform necessary studies on the above items

Attachments: none

Recommended Motion (and Alternative Motions if expected):

That Council accepts this update and authorizes staff to proceed on:

- Continue to survey the downtown area and increase parking where it is feasible
- Install parking directional signs to be purchased by PBID to improve navigation to parking structures and other downtown parking
- Developing a plan to implement the modification of the hours of enforcement for the Downtown area. The implementation plan will be brought back to Council for approval
- Developing a new downtown tiered parking fee system (incorporating Council direction) and plan to modify the hours of parking enforcement and bring implementation plans back to Council for approval
- Issuance of an RFP for a Pay for Parking System in Acequia Parking Structures, staff will come back to Council with a recommended system, finance plan, and implementation outline

Environmental Assessment Status

CEQA Review: N/A

NEPA Review: N/A

City of Visalia Agenda Item Transmittal

Meeting Date: January 19, 2010

Agenda Item Number (Assigned by City Clerk): 5b

Agenda Item Wording: The City Council receive, review, and file the 2008-09 Impact Fee Report as required by State Law.

Deadline for Action: January 19, 2009

Submitting Department: Finance Department

Contact Name and Phone Number:

Eric Frost, Administrative Services Director (ext. 4474)
Melody Murch, Financial Analyst (ext. 4298)

Department Recommendation: The 2008-09 Impact Fee Report is in compliance with the State Law, Government Code Section 66006(a) and (b), therefore no action is required other than to receive, review, and file the report.

Government Code Section 66006 requires agencies to provide information on each fund or account established for the collection of impact fees. Within 180 days after the last day of each fiscal year this information must be made available to the public for the period covered by that fiscal year. The information must provide the following:

- 1) A brief description of the type of fee in the fund.
- 2) The amount of the fee.
- 3) The beginning and ending balances of the fund.
- 4) The amount of fees collected and the interest earned.
- 5) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the improvement that was funded with fees.
- 6) An identification of an approximate date by which the construction of the public improvement will commence if the City determines that sufficient funds have collected to complete financing on an incomplete public improvement.
- 7) A description of each inter-fund transfer or loan made from the fund, including the public improvement on which the transferred or loaned fees will be expended, and in the case of

For action by:

City Council
 Redev. Agency Bd.
 Cap. Impr. Corp.
 VPFA

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty _____
(Initials & date required or N/A)

City Mgr _____
(Initials Required)

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an inter-fund loan, the date on which the loan will be repaid and the rate of interest that will be received on the loan.

- 8) The amount of refunds made per Government Code Section 66001 (e).

Once the information is available to the public, but not less than 15 days from the date it is made available, the City Council must review the information at its next regularly scheduled meeting. A notice of the time and place of this meeting, including the address where the information may be reviewed, must be mailed at least 15 days prior to the meeting to any interested party who files a written request with the City for mailed notice of the meeting.

The 2008-09 Impact Fee Report provides information on the following Impact Fee Funds:

- 1) Public Facility - Civic Center (1041)
- 2) Public Facility - Corporation Yard (1043)
- 3) Public Facility - Library (1045)
- 4) Police Impact Fund (1051)
- 5) Fire Impact Fund (1061)
- 6) Park & Recreational Facilities Fund (1211)
- 7) Storm Sewer Construction Fund (1221)
- 8) Wastewater Trunk Line Construction Fund(1231)
- 9) Sewer Connection Fund (1232)
- 10) Transportation Impact Fund (1241)
- 11) Waterways Fund (1251)
- 12) Northeast Capital Improvement Fund (1711)

The purpose of the report is to assure that all impact fees are being expended in accordance with their planned use. If more funds are collected than needed, fees should be returned or the plan revised.

The Public Facility - Civic Center, Public Facility - Corporation Yard, and the Public Facility – Library Funds are relatively new funds and FY 08/09 is the fourth entire year of collecting these impact fees.

All Impact Funds are in compliance with the State Law, as shown below in Table 1 – Impact Fund Summary. Table 1 is a summary of all the Impact Funds and shows the future revenue required in each fund to pay for both current projects and those included in the Capital Budget plan through 2013/14. With the exception of the Public Facilities - Civic Center and Corporation Yard Funds, all cash in the Impact Funds is committed to capital projects.

Civic Center-Public Facility Fees: This first step towards a new Civic Center to be located near the currently proposed public safety building in the East Downtown area is the completion of an environmental impact report (EIR). Funding for the environmental Impact Report (EIR) for the Civic Center project was provided in the 2008/09 CIP and will be used to fund the larger General Plan project. Current economic conditions will require the City to evaluate the funding that will be available for this project before moving forward with plans after the EIR is complete.

Corporation Yard-Public Facilities Fees: The purchase of the remaining Edison property (adjacent to the existing Corporation Yard) was included in the 2008/09 CIP budget for the General Fund, Transit, and the Solid Waste funds. This purchase was delayed by soil

contamination concerns. The cleanup of this property has recently been completed and the purchase is moving forward. At the time this purchase is brought to Council for approval, the portion to be paid by the Corp Yard impact fee will be determined.

The Sewer Connection Fund does not show any capital improvement needs; however, the sewer connection impact fees are repaying a loan from the Wastewater Operations Fund for prior year capital improvements. The balance remaining on the loan from the Wastewater Operations Fund as of June 30, 2009 is \$2,515,757. In addition to the loan, the Sewer Connection Fund has an outstanding bond of \$2,694,289. The loan and bond represent the Sewer Connection Funds portion of the 2001 Wastewater Treatment Plant (WWTP) expansion.

Table 1 – Impact Fund Summary (\$ in thousands)

Fund	Beg. Cash Balance 7/1/08	Total Revenue	Total Expenses	Ending Cash Balance 6/30/09	Projects Approp. 6/30/09	Ending Resources Available	Bond/ Internal Loan/ Dev Loan Balances	Future Projects 2009/10 - 2013/14	Future Required Revenue
Public Facility - Civic Center Impact Fund	\$2,519	\$239	(\$3)	\$2,755	(\$75)	\$2,680	\$0	\$0	N/A
Public Facility - Corporation Yard Impact Fund	385	40	(1)	425	0	425	0	0	N/A
Public Facility - Library Impact Fund	(55)	4	(2)	(53)	(250)	(303)	0	0	303
Police Impact Fund	(875)	211	(35)	(699)	(1,750)	(2,449)	0	0	2,449
Fire Impact Fund	1,001	255	(3,468)	(2,211)	(810)	(3,021)	0	(165)	3,186
Park & Recreation Facilities Fund	10,988	1,296	(2,608)	9,676	(7,506)	2,171	0	(17,423)	15,252
Storm Sewer Construction Fund	2,238	685	(1,198)	1,725	(2,715)	(990)	0	(6,358)	7,348
Wastewater Trunk Line Construction Fund	5,786	2,162	(785)	7,163	(5,450)	1,713	(1,352)	(9,410)	9,049
Sewer Connection Fund	(8)	514	(513)	(7)	0	(7)	(5,210)	0	5,217
Transportation Impact Fund	8,307	4,533	(8,816)	4,023	(6,606)	(2,583)	(982)	(36,005)	39,570
Waterways Fund	1,555	431	(806)	1,181	(1,765)	(585)	0	(3,333)	3,918
Northeast Capital Improvement Fund	234	14	(37)	212	(67)	145	0	(197)	52
Total	\$32,075	\$10,386	(\$18,273)	\$24,188	(\$26,993)	(\$2,805)	(\$7,544)	(\$72,891)	\$86,344

The Impact Fee Report shows an amount for future projects. This future project amount is taken from the 6 Year Capital Plan that was adopted with the City's 2 Year Budget in June 2008.

In accordance with Government Code section 66006(b)(2), a copy of the 2008-09 Impact Fee Report was provided to the following interested party:

Mr. Robert Keenan of the Home Builders Association (HBA).

Summary/background:

Prior Council/Board Actions: Approval of the various Impact Fees and the 2008-2010 C.I.P. Budget.

Committee/Commission Review and Actions:

Alternatives:

Attachments: 2008-09 Impact Fee Report

Recommended Motion (and Alternative Motions if expected):

I move the City Council receive and file the 2008-09 Impact fee Report as required by Government Code Section 66006 (a) and (b).

Environmental Assessment Status

CEQA Review:

NEPA Review:

Tracking Information: *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

**City of Visalia
Agenda Item Transmittal**

Meeting Date: January 19th, 2010

Agenda Item Number (Assigned by City Clerk): 5c

Agenda Item Wording: Award Landscape Maintenance Contract For The Shannon Ranch District to Erin Bell, Westscape Inc., per specifications of RFB 09-10-14.

Deadline for Action: January 19th, 2010

Submitting Department: Parks and Recreation Department,
Urban Forestry Division

Contact Name and Phone Number:

David Pendergraft, Parks & Urban Forestry Supervisor, 713-4295

Department Recommendation:

Staff recommends that Erin Bell, Westscapes Inc. be awarded the landscape maintenance contract for the Shannon Ranch District, which is 656,660 sq. ft. @ \$73,672.44 per year. This district has a total of 15.07 acres of landscaped area.

Background:

For the last five years the landscape and lighting district, Shannon Ranch has been maintained by Primow Landscape Maintenance. The contract for Primow Landscape expires January 31st. 2010. Per the Cities Purchasing Policy, all contracts will be re-bid after the fifth year.

On November 13th and 18th, 2009, bids were solicited by advertising in the Visalia Times Delta and by mailing bid notices to contractors. In addition, the bid was also posted on Bid-Net November 13th and approximately 150 letters were sent out to various companies from Fresno to Bakersfield and in between.

Twelve contractors submitted bids as shown below.

For action by:

City Council
 Redev. Agency Bd.
 Cap. Impr. Corp.
 VPFA

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty _____
(Initials & date required or N/A)

City Mgr _____
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

Shannon Ranch Bidders List

Bidders Name	Monthly Cost	Yearly cost
Westscapes Inc., Hanford	\$6,139.87 / mo	\$ 73,859.22 / yr
Primow Landscape, Visalia	\$6,566.60 / mo.	\$ 78,799.20 / yr.
Briner and Son Inc., Fresno	\$7,551.60 / mo.	\$ 90,619.20 / yr.
Quality Landscape, Visalia	\$7,593.88 / mo.	\$ 91,126.56 / yr
Ray's Landscape, Sanger	\$8,208.25 / mo	\$ 98,499.00 / yr
Evergreen Lawn Care, Clovis	\$9,059.21 / mo	\$108,710.52 / yr.
Perfect Care, Tulare	\$9,247.94 / mo	\$110,975.28 / yr.
Clean Cut Landscape, Clovis	\$9,749.33 / mo	\$116,991.96 /yr.
Sunset Landscape Inc., Fresno	\$9,788.43 / mo	\$117,461.16 / yr.
Nish – Ko Inc., Fresno	\$9,997.41 / mo	\$119,968.92 / yr.
EMTS Inc., Clovis	\$10,869.78 / mo	\$130,437.36 / yr.
All Commercial, Fresno	\$13,401.26 / mo	\$160,815.12 / yr.

Erin Bell, Westscapes Inc. was the lowest most qualified bidder at \$73,859.22 / year for Shannon Ranch, 656,660 sq. ft., an 15.07 acre contract. Erin has been maintaining districts A, a 35.6 acre contract and district B, a 26.1 acre contract for the City of Visalia since February of 2009. Staff has requested a list of equipment, personnel and are satisfied Westscape's has the equipment and man power to maintain the Shannon Ranch contract. Erin will be maintaining a total of 76.77 acres of landscape area. Staff has called the references listed and all were very positive with their level of work.

Annual price increase adjustments at time of renewal of contract are based on the Consumer Price Index. Cost for future additions to the project area (if necessary) will be calculated by multiplying the Contractor's Unit Price by the square footage of area being added to contract.

The contractual agreement is for a one-year period, but can be extended by the City for a period not-to-exceed five years providing satisfactory performance is provided by Westscapes Inc. The services for this contract are budgeted in the Landscape and Lighting Fund (1513) and will not need a budget amendment.

Attachments: None

Recommended Motion (and Alternative Motions if expected):

City staff recommends that Erin Bell, Westscape, Inc. be awarded the maintenance contract for Shannon Ranch in the amount of \$73,859.22 per year per specifications of RFB -09-10-14.

Environmental Assessment Status

CEQA Review:

NEPA Review:

Tracking Information: *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

**City of Visalia
Agenda Item Transmittal**

Meeting Date: January 19, 2010 (continued from January 11, 2010, November 16 & October 19, 2009 at the request of the applicant)

Agenda Item Number (Assigned by City Clerk): 6

Agenda Item Wording:

Public hearing for:

- Appeal of the Planning Commission's denial of Variance No. 2009-10 Ad Art Sign Company and Visalia Properties:** A request by Ad Art Sign Company to erect a 35-foot high/72 square foot double face freestanding sign for the Orchard Supply Hardware store located in the C-R (Regional Retail Commercial) Zone. The site is located at 2230 West Walnut Avenue. (APN: 095-134-045 & 046). **Resolution No. 2010-03 required.**

Deadline for Action: October 19, 2009. Per Visalia Municipal Code Section 17.02.045.B, an appeal before the City Council must be heard within 30 days of the appeal filing date. This appeal was filed on September 24, 2009, requiring the appeal to be heard by October 19, 2009. Due to the applicant's request to continue the item from previous City Council meetings, staff recommends that the City Council make a final decision on the item on January 11, 2010, thereby enabling the City to proceed with the street widening project along the Mooney/Walnut intersection.

Submitting Department: Community Development - Planning

Contact Name and Phone Number:

Paul Scheibel, AICP, Planning Service Manager, (559) 713-4369
Paul Bernal, Associate Planner (559) 713-4025

For action by:

City Council
 Redev. Agency Bd.
 Cap. Impr. Corp.
 VPFA

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.):30mins

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty _____
(Initials & date required or N/A)

City Mgr _____
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

Department

Recommendation: It is recommended that the City Council hear the item and adopt the resolution upholding the denial by the Planning Commission on September 14, 2009, and deny the appeal. This recommendation is based on the conclusion that the Planning Commission's denial was made in conformance with the Visalia Municipal Code, and consistent with previous Planning Commission actions on similar projects.

Background on Variance No. 2009-10: The variance is a request by Ad Art Sign Company to erect a 35-foot high/72 square foot double face freestanding sign for the Orchard Supply Hardware (OSH) site. The location and dimensions of the pole sign are depicted on Exhibits "A" and "B" (pgs. 51-52). The Planning Commission staff report is included as Exhibit 2 (pgs. 15-30).

The site is zoned C-R (Regional Retail Commercial) and is located in Design District "A". The City's zoning regulations stipulate that each commercial site within Design District "A" is permitted one freestanding sign, not exceeding 10 feet in height and not exceeding an area of 35 square feet of sign copy area per face. Freestanding signs shall be mounted on a base, the width of which is not less than 50 percent of the width of the widest part of the sign.

This request is an outgrowth of ongoing negotiations to purchase additional right-of-way from the Orchard Supply Hardware property to facilitate widening of the Walnut Avenue approach to Mooney Boulevard. The existing Orchard Supply Hardware sign is located in the area needed for right-of-way. As part of the right-of-way negotiations, the City's representatives offered to re-locate the existing, code compliant monument sign approximately five (5) feet north of its existing location. The property owner, Visalia Properties, has not accepted the offer to re-locate the existing monument sign, arguing that the relocation will make the sign less visible from Mooney Boulevard. The property owner is therefore requesting a much taller and larger pole sign to be placed at the new sign location, significantly exceeding the City's maximum sign allowances.

Staff has provided the appellant with a sign alternative, see Exhibit "6" (pg. 50). The reason for the alternative would be to give the applicant, its tenant and city staff the opportunity to further discuss an alternative variance approach. For example, city staff has suggested that they could support a variance that does not involve a new pole sign, but rather provides for a modest 20% expansion of the existing monument style sign. For example an increase in sign height (10 feet to 16 feet) and area (35 sq. ft. to 42 sq. ft.) would provide added visibility but not violate the central prohibition against pole signs the City has attempted to enforce in the Mooney corridor. The City Engineer recommends a 9 ft. vertical clearance be maintained from the sidewalk to the bottom of the sign. This 9 ft. vertical clearance will prevent the sign from becoming a pedestrian obstruction along the Walnut Avenue sidewalk. The appellant has not responded to the exhibit provided by staff to date; staff will update the Council on any response received by the appellant prior to the January 19th meeting.

Size Comparison

	Maximum Allowed by Code	Proposed Sign Variance	Staff Alternative
Height (to top of sign)	10 ft.	35 ft.	16 ft.
Area	35 sq. ft.	72 sq. ft.	42 sq. ft.
Base	Monument	Pole	Monument
Vertical clearance from public right-of-way (i.e., to bottom of sign)	N/A (sign located within landscape setback)	29 ft.	9 ft. (due to 3 ft. encroachment into public right-of-way (i.e., sidewalk))

Planning Commission Action: The Planning Commission held a public hearing on September 14, 2009, and denied Variance No. 2009-10 by a 4-1 vote (Commissioner Soltesz voting no). The applicant provided five findings for the variance, see Exhibit "2" (pgs 26-30) which discuss the resulting street widening project impacting the visibility of the Orchard Supply Hardware store. The applicant contends the street widening project along Walnut Avenue will result in the loss of the existing monument sign thus necessitating the request to install a 35 foot tall/72 square foot pole sign.

During the public hearing, three persons spoke on the item. David Esajan Ad Art Sign Company, Patrick Walsh, attorney for property owner and Craig Vanryn, Orchard Supply Hardware store manager, spoke in favor of approving the Variance.

The staff report analyzed the applicant's five findings for their sign variance request and could not support their findings.

The Planning Commission is required by City ordinance to make five findings before a variance can be granted. The five findings are listed below:

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

The Planning Commission considered all of the testimony and concluded that the five findings could not be made to support the Variance request, and thus adopted the findings in Resolution No. 2009-58 denying Variance No. 2009-10.

Appeal: On September 24, 2009, staff received the appeal. The reasons for the appeal are stated by the Appellant as follows, see Exhibit "1" (pgs. 10-14) for the appeal statement:

- | |
|--|
| <ol style="list-style-type: none">1. Relocation of existing Orchard Supply Hardware freestanding sign will result in loss of sign visibility from Mooney Boulevard creating a hardship on the business.2. The proposed Orchard Supply Hardware sign would not constitute a special privilege because there are other existing pole signs within close proximity to the Orchard Supply Hardware site.3. Planning Commission failed to address Variance Finding No. 5. |
|--|

Issue 1 Relocation of existing Orchard Supply Hardware freestanding sign will result in loss of sign visibility from Mooney Boulevard creating a hardship on the business:

The appellant contends the relocation of the existing Orchard Supply Hardware sign from its current location due to the Walnut Avenue street widening project will result in the loss of sign visibility from Mooney Boulevard thereby creating a hardship on the Orchard Supply Hardware store.

Planning Commission Determination:

The Planning Commission considered this issue. The Commission noted that the Orchard Supply Hardware site has no frontage along Mooney Boulevard and therefore sign visibility along Mooney Boulevard never existed; however, there is some limited distant visibility from the Mooney/Walnut intersection. During the public hearing, staff provided the Commission with a diagram depicting right-of-way acquisition for the Mooney Boulevard/Walnut Avenue intersection, see Exhibit "3" (pg. 31).

The Commission concluded the relocation of the existing Orchard Supply Hardware sign approximately five feet to the north from its current location, in conjunction with the dedication of right-of-way along Walnut Avenue from the adjacent In-&-Out restaurant, would not obstruct visibility of the sign from the Mooney Boulevard/Walnut Avenue intersection.

The Commission is also stated that several business have been affected by the street widening project without submitting sign variance application request to erect signs that exceed Design District "A" standards.

Issue 2 Proposed Orchard Supply Hardware sign would not constitute a special privilege because there are other existing pole signs within close proximity to the Orchard Supply Hardware site:

The appellant contends the granting of the variance would not constitute a special privilege because this sign variance request would do no more than permit a new pole sign in an area that already has several existing pole signs.

Planning Commission Determination:

During the Planning Commission hearing, the Commission requested further discussion regarding the existing non-conforming sign used by First Union Bank located on the southwest corner of Mooney Boulevard and Walnut Avenue. Staff addressed the Commission's request and stated that the First Union Bank pole sign, as well as several other pole signs along the Mooney Boulevard corridor are non-conforming signs which were legally erected prior to the update of the sign ordinance. Non-conforming signs which were legally erected prior to the effective date of the Sign Ordinance can remain in place indefinitely subject to the provision of Chapter 17.48.040, see Exhibit "4" (pg. 32) of the Visalia Zoning Ordinance.

The Commission concluded that the granting of the variance would constitute a special privilege inconsistent with the sign ordinance. Several businesses have been required to relocate their signs due to the street widening without requesting a sign variance to allow for additional sign height and/or sign area. In addition, the Commission concluded that supporting the proposed Orchard Supply Hardware sign would not be in conformance with the City's ordinance to remove pole signs from commercial corridors once a pole sign loses its non-conforming status.

Issue 3 Planning Commission failed to address Variance Finding No. 5:

The appellant contends the Commission failed to address Variance Finding No. 5 due to staff's distorted interpretation of the Sign Ordinance.

Planning Commission Determination:

The Planning Commission concluded denying the variance would be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity as stated in the adopted Finding No. 5 of Resolution No. 2009-58. During the public hearing, several of the Commissioners stated that the sign ordinance was established to provide a high quality visual environment within the City. Pole signs were eliminated to reduce the clutter of unnecessary signage, remove signs as the dominant feature of the skyline in commercial areas, and to prevent the signs of one establishment from blocking visibility of signs on adjacent lots. This is evident with the City's current sign ordinance which establishes sign standards that add to the enhancement and attractiveness of the City's appearance. Rather, the Commission concluded approving the variance would result in adding signage to the City that has been identified as unsightly and unattractive which can be detrimental to the public health and welfare.

Prior Council/Board Actions: None

Committee/Commission Review and Actions: The Planning Commission held a public hearing on September 14, 2009, denying Variance No. 2009-10 on a 4-1 vote (Commissioner Soltesz voting no).

Design District “A” Sign Standards: Each commercial site within Design District “A” is permitted one freestanding sign, not exceeding 10 feet in height and not exceeding an area of 35 square feet of sign copy area per face. Freestanding signs shall be mounted on a base, the width of which is not less than 50 percent of the width of the widest part of the sign. In addition, freestanding signs may be located within the required setback areas as long as all parts of the freestanding sign are located more than five (5) feet from the front property line and public or private right-of-way line.

Exhibit “5” (pg. 49) attached herein is the approved sign permit elevation for the existing Orchard Supply Hardware store. The sign meets the Design District “A” standards for sign height, area and mounted base as previously mentioned.

Mooney Boulevard Street Widening/Existing Non-Conforming Pole Signs: The Mooney Boulevard street widening project, in addition to the street widening along major intersections that bisect the Mooney Boulevard corridor has necessitated the dedication of property by individual property owners. In certain cases, the street widening has resulted in the relocation of signs. However, property and business owners whose property rights have been affected by street widening have been or will be compensated through the eminent domain process.

Through the eminent domain process, all existing monument and/or non-conforming signs affected by the street widening project were allowed to be retained, by the property owners and businesses, but have been required to be relocated outside the public right-of-way, and have been or will be relocated in areas that do not impede pedestrian and vehicular access. Staff believes the subject of this variance action is not different from the other property owners and businesses that have been similarly affected by the street and intersection improvements.

City staff surveyed the South Mooney Boulevard corridor for pole signs in 1976 and then again in 1988. During the 1976 survey, 109 pole signs existed while the 1988 survey identified 60 pole signs. On October 5, 2009, staff surveyed the South Mooney Boulevard corridor from Meadow Street to Visalia Parkway to determine the number of existing non-conforming pole signs. All properties located along the Mooney Boulevard corridor between the defined survey area are zoned C-R and are within Design District “A”. The survey concluded that 20 non-conforming pole signs exist today along this corridor.

The City has approved sign variances for sign height and sign area along the Mooney Boulevard corridor. Examples of sign variances approved include the 13-foot tall/46 sq. ft. wide multi-tenant monument sign for the Sequoia Mall, the marquee sign which was used to display movie times for the former Sequoia Discount Cinema and the Visalia Mall monument sign which does not advertise businesses within the mall.

Prohibition on Filing New Variance Application

Per Zoning Code Section 17.48.110.M, following the denial of a variance or exception application or the revocation of a variance or exception, no application for the same or substantially the same site shall be filed within one year of the date of denial of the variance or exception application or revocation of the variance or exception.

Alternatives: The City Council may:

1. Approve the variance as requested by the applicant. The City Council would then amend the resolution with the necessary findings for approval. Staff would return with amended resolution to the City Council for adoption.
2. Deny the appeal and uphold the Planning Commission’s denial of the variance request, but waive the one-year waiting period for filing a revised variance request. The reason for this alternative would be to give the applicant, its tenant and city staff the opportunity to further discuss alternative variance approaches. For example, city staff has indicated support for a variance that does not involve a new pole sign, but rather provides for a modest 20% expansion of the existing monument style sign. For example an increase in sign height (10 feet to 16 feet) and area (35 sq. ft. to 42 sq. ft.) would provide added visibility but not violate the central prohibition against pole signs the City has attempted

to enforce in the Mooney corridor. Such an alternative variance would allow the sign to remain in the same general location as it currently is while providing improved visibility. If the Council were to proceed with such alternative, the motion would be to “Deny the Appeal, uphold the Planning Commission’s denial of the subject variance request but with a waiver of the one year waiting period for a new variance.” In making such motion, the Council could also provide direction as to the acceptable parameters of an alternative variance, and could specify whether on refiling, the variance request could be finally determined at the Planning Commission level (unless appealed) or would need to be brought back to the Council regardless of whether an appeal is filed.

Attachments:

- Resolution denying the appeal and upholding the denial of Variance No. 2009-10 - pg. 8
- Exhibit “1” – Appeal of Planning Commission Action dated September 24, 2009 – pg. 10
- Exhibit “2” – Planning Commission Staff report dated September 14, 2009 – pg. 15
- Exhibit “3” – Mooney Boulevard/Walnut Avenue intersection right-of-way – pg. 31
- Exhibit “4” – Chapter 17.48 (Sign Ordinance) – pg. 32
- Exhibit “5” – Approved Orchard Supply Hardware sign and photograph – pg. 49
- Exhibit “6” – Sign Alternative – pg. 50
- Exhibit “A” – Proposed site plan location of pole sign – pg. 51
- Exhibit “B” – Proposed Elevation of Orchard Supply Hardware Sign – pg. 52
- Unsigned Resolution No. 2009-58 denying Variance No. 2009-10 – pg. 53
- General Plan Map – pg. 55
- Zoning Map – pg. 56
- Aerial Photo – pg. 57
- Location Sketch – pg. 58

Recommended Motion: I move to deny the appeal and uphold the Planning Commission’s denial of Variance No. 2009-10; or,

Alternative Motion: I move to uphold the appeal and approve Variance No. 2009-10 as requested by the applicant and direct staff to prepare necessary findings for the variance approval.

Alternative Motion: I move to deny the appeal and uphold the Planning Commission’s denial of the variance request, but waive the one-year waiting period for filing a revised variance request.

Environmental Assessment Status

CEQA Review: No action needs to be taken on an environmental document subject to Section 15270 of the California Environmental Quality Act. However, if the City Council approves the variance as requested by the applicant, staff will prepare an environmental document.

NEPA Review: None Required

Tracking Information: *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Copies of this report have been provided to:

Planning Commission

Appellant

RESOLUTION NO. 2010-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DENIAL OF VARIANCE NO. 2009-10, A REQUEST BY AD ART SIGN COMPANY TO ERECT A 35-FOOT HIGH/72 SQUARE FOOT DOUBLE FACE FREESTANDING SIGN FOR THE ORCHARD SUPPLY HARDWARE STORE LOCATED IN THE C-R (REGIONAL RETAIL COMMERCIAL) ZONE. THE SITE IS LOCATED AT 2230 WEST WALNUT AVENUE. (APN: 095-134-045 & 046)

WHEREAS, Variance No. 2009-10, A request by Ad Art Sign Company to erect a 35-foot high/72 square foot double face freestanding sign for the Orchard Supply Hardware store located in the C-R (Regional Retail Commercial) Zone. The site is located at 2230 West Walnut Avenue, City of Visalia, County of Tulare (APN: 095-134-045 & 046); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on September 14, 2009; and

WHEREAS, the Planning Commission of the City of Visalia, after conducting a public hearing, denied Variance No. 2009-10; and

WHEREAS, an appeal of the Planning Commission's denial of Variance No. 2009-10 pertaining to error or abuse of discretion by the Planning Commission in its action and pertaining to the Commission's actions not being supported by evidence in the record was received on September 24, 2009; and

WHEREAS, the City Council of the City of Visalia, after ten (10) days published notice held a public hearing before said Council on October 19, 2009 and continued said hearing to November 16, 2009; and

WHEREAS, the City Council finds the denial of Variance No. 209-10 was made in accordance with Chapter 17.48 (Signs) of the City of Visalia, based on the evidence contained in the staff report and testimony presented at the public hearing.

WHEREAS, if Variance No. 2009-10 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 RESOLVED that the City Council of the City of Visalia makes the following specific findings based on the evidence presented:

1. That the strict or literal interpretation and enforcement of the Zoning Ordinance would not result in practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance.

The sign variance request can not be supported because the proposed pole sign does not conform to the standards as identified in the sign ordinance. The sign ordinance, and more particularly Design District "A", permits businesses one 10 foot high double face freestanding sign with 35 square feet of sign face area. In addition, Design District "A" allows freestanding monument signs to be located within the required landscape setback area as long as all parts of the freestanding sign are located five (5) feet from property line.

The appellant contends the street and intersection widening along Mooney Boulevard and Walnut Avenue results in the loss of sign visibility from Mooney Boulevard. However, the City would permit the existing monument sign to be retained but the sign would be required to be relocated out of the public right-of-way. The City has allowed both conforming and non-conforming signs affected by the street widening project to be retained and not removed. The Orchard Supply Hardware site would be given the same sign considerations as given to other sites affected by the street widening project. There have been no variance

requests for pole signs and/or monument signs in excess of Design District “A” standards which have been affected by the street widening.

2. That there are no exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property, which do not apply to the other properties classified in the same zone.

The subject property (i.e., Orchard Supply Hardware) and surrounding commercial properties are classified in the same zone (C-R) and are classified with the same sign standards of Design District “A”. Each of the surrounding commercial properties is permitted one 10 foot high double face freestanding sign with 35 square feet of sign face area. In addition, commercial properties affected by the street widening project have been permitted to retain their signage subject to the relocation of the sign outside of the public right-of-way.

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

There have been no sign variances approved requesting 35-foot high/72 square foot double face freestanding pole signs. The only pole sign in the immediate area exceeding the current Design District “A” sign standard is the pole sign used by Union Bank located at the southwest corner of Mooney Boulevard and Walnut Avenue. Currently there are approximately 17 signs along the Mooney Boulevard corridor that can be classified as poles signs; however, these pole sign are non-conforming (i.e., established prior to the update of the sign ordinance) and are subject to Section 17.48.040 of the Zoning Ordinance.

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

The variance as proposed would constitute a special privilege inconsistent with the sign ordinance. There has been no sign variance request by other business/property owners for pole signs and/or monument signs in excess of Design District “A” standards which have been affected by the street widening project. There is one non-conforming pole sign in the immediate area and 16 other pole signs located along the Mooney Boulevard corridor that are used to advertise businesses. However, all of these signs are non-conforming and are subject to the provision of Section 17.48.040 of the Zoning Ordinance.

5. That the granting of the variance would be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

The approval of this variance would be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity. The City adopted the current sign ordinance to provide a high quality visual environment for the City’s citizens. The purpose of the sign ordinance is to maintain and enhance the attractiveness and orderliness of the City’s appearance, with a particular emphasis towards the streetscape. Adopting the standards as set forth in the sign ordinance, the City determined that well designed signs create a positive contribution to the streetscape rather than having pole signs that dominate the skyline and tended to block visibility of signs on adjacent lots.

BE IT FURTHER RESOLVED that the City Council hereby denies Variance No. 2009-10 on the real property here in above described in accordance with the terms of this resolution under the provisions of Section 17.48.110 of the Ordinance Code of the City of Visalia.