



City of Visalia



IMPACT FEE REPORT

Fiscal Year 2008-09

08/09 IMPACT FEE REPORT

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**SUMMARY REPORT
2008/09 Impact Fee Funds**

Fund	Beginning Cash Balance 7/1/08***	Total Revenue	Total Expenditures	Ending Cash Balance 6/30/09	C.I.P Money Appropriated 6/30/09	Ending Resources Available	Bond/Internal Loan/ Developer Agreement Balances	Future C.I.P. Projects 2009/10-2013/14	Future Required Revenue
Public Facility - Civic Center Impact Fund (1041)*	\$2,519,014	\$239,381	(\$3,357)	\$2,755,038	(\$75,000)	\$2,680,038	\$0	\$0	N/A*
Public Facility - Corporation Yard Impact Fund (1043)*	385,461	39,658	(558)	424,562	0	424,562	0	0	N/A*
Public Facility - Library Impact Fund (1045)**	(55,474)	4,469	(2,406)	(53,410)	(250,000)	(303,410) ♦	0	0	303,410
Police Impact Fund (1051)**	(874,966)	211,219	(35,006)	(698,752)	(1,750,061)	(2,448,813) ♦	0	0	2,448,813
Fire Impact Fund (1061)	1,001,201	255,045	(3,467,563)	(2,211,318)	(809,785)	(3,021,104) ♦	0	(165,000)	3,186,104
Park & Recreation Facilities Fund (1211)	10,988,206	1,296,358	(2,608,386)	9,676,178	(7,505,569)	2,170,608	0	(17,423,000)	15,252,392
Storm Sewer Construction Fund (1221)	2,238,114	685,150	(1,198,352)	1,724,913	(2,714,768)	(989,855) ♦	0	(6,358,000)	7,347,855
Wastewater Trunk Line Construction (1231)	5,786,090	2,161,708	(785,180)	7,162,618	(5,449,754)	1,712,863	(1,351,789) ♦♦	(9,410,000)	9,048,926
Sewer Connection Fund (1232)**	(8,290)	514,450	(513,300)	(7,140)	0	(7,140) ♦	(5,210,046) ♦♦	0	5,217,186
Transportation Impact Fund (1241)	8,306,513	4,533,002	(8,816,366)	4,023,149	(6,606,217)	(2,583,068) ♦	(981,919) ♦♦	(36,005,000)	39,569,987
Waterways Fund (1251)	1,555,247	431,155	(805,822)	1,180,580	(1,765,162)	(584,582) ♦	0	(3,333,000)	3,917,582
Northeast Capital Improvement Fund (1711)	234,370	14,164	(36,896)	211,638	(66,503)	145,136	0	(197,000)	51,864
Total	\$32,075,486	\$10,385,759	(\$18,273,192)	\$24,188,054	(\$26,992,819)	(\$2,804,766)	(\$7,543,754)	(\$72,891,000)	\$86,344,119

*The Public Facility Civic Center Fund (1041) and Corporation Yard Fund (1043) each show no funding is required for future capital projects. These funds will be brought to Council during the 2-year capital budget process to approve a capital plan. For more information, please see the notes included on page 2 and page 4.

**The Public Facility-Civic Center Impact Fund (1041), and Public Facility - Corporation Yard Impact Fund (1043) show no funding is required for future projects. Each of these funds has current commitments in excess of their current resources. These funds will be reviewed in the next 2-year capital budget process to determine their ability to fund additional projects.

***Details of adjustments to Beginning Cash Balance made in accordance with the 2007/08 Audit are provided in the footnotes of the Fund Balance Summary for each Impact fee fund.

♦ Funds showing negative ending resources available have appropriations which exceed their current available cash. These funds may seek financing through a General Fund advance, Bond, or Bank Loan to be repaid once sufficient impact fees have been collected.

♦♦ Details of Bond/Internal Loan/Developer Agreement Balances are provided in the footnotes of the Fund Balance Summary for each Impact fee fund.

A detailed list of Future CIP projects is provided in the attached 6 Year Capital Improvement Program that was approved by Council June 2008 with the City's 2-Year Budget.

Public Facility - Civic Center Impact Fund (1041)
Impact Fee Report 2008/09

	AB1600 Actuals
Beginning Cash Balance 7/1/08	\$ 2,493,720
Prior Year Adjustment**	<u>25,294</u>
Adjusted Beginning Balance	2,519,014
 <u>Revenue</u>	
Investment Earnings	94,813
Public Facility - Civic Center Impact Fee	<u>144,567</u>
Total Revenues	239,381
 <u>Expenditure</u>	
Servicing Fees/Audit/Revenue/Accounting	(3,357)
Capital Improvement Program	<u>0</u>
Total Expenditure	(3,357)
Ending Cash Balance 6/30/09	2,755,038
C.I.P Money Appropriated 6/30/09	<u><u>(75,000)</u></u>
Ending Resources Available	2,680,038
Bonds/Internal Loan Balances	0
Future C.I.P. Projects 2009/10-2013/14	<u><u>0</u></u>
Future Required Revenue	\$ (2,680,038)

* Although the Civic Center fund amounts don't show it yet, the Civic Center Fund will share in the cost of the Civic Center project which is currently estimated to have a cost well above \$20 million. The CIP appropriation shown is the cost of an Environmental Impact Report (EIR) for the Civic Center project. This is a necessary first step to move forward on this project currently planned for the East Downtown Area.

** 2007/08 Investment Earnings from Fair Market Value gains posted as audit adjustments after completion of the 2007/08 Impact Fee report.

**Public Facility - Civic Center Fund (1041)
Project Status Report (FY 08-09)**

Fund Description

This fund is derived from Public Facility impact fees collected at the time of building permit issuance. Funds are to only be used for new facilities, and not for operation and maintenance.

Number	Fiscal Year 08/09 Activity			Financing Complete?		Project Current Status	
	Total Project Appropriation	Total Project Expenditures	Fund Expenditures	% Financed By Fund	Yes		No
Civic Center Environmental Impact Report (EIR) 1041-0-72-0-8100	75,000						Project Balance Rolled to 09/10
Expenditure Total		\$ -	\$ -				

Public Facility - Corporation Yard Impact Fund (1043)
Impact Fee Report 2008/09

	AB1600 Actuals
Beginning Cash Balance 7/1/08	\$ 381,629
Prior Year Adjustment**	3,832
Adjusted Beginning Balance	385,461
 <u>Revenue</u>	
Investment Earnings	14,564
Public Facility - Corporation Yard Impact Fee	25,095
Total Revenues	39,658
 <u>Expenditure</u>	
Servicing Fees/Audit/Revenue/Accounting	(558)
Capital Improvement Program	0
Total Expenditure	(558)
 Ending Cash Balance 6/30/09	
	424,562
C.I.P Money Appropriated 6/30/09	0
Ending Resources Available	424,562
Bonds/Internal Loan Balances	0
Future C.I.P. Projects 2009/10-2013/14	0
Future Required Revenue	\$ (424,562)

*The Corporation Yard Fund shows \$0 is required for future capital projects. 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. As of 6/30/09 this purchase has not been completed. At the time this purchase is made, the portion to be paid by the Corp Yard impact fee will be determined.

** 2007/08 Investment Earnings from Fair Market Value gains posted as audit adjustments after completion of the 2007/08 Impact Fee report.

**Public Facility - Corporation Yard Fund (1043)
Project Status Report (FY 08-09)**

Fund Description

This fund is derived from Public Facility impact fees collected at the time of building permit issuance. Funds are to only be used for new facilities, and not for operation and maintenance.

Number	Fiscal Year 08/09 Activity				Financing Complete?		Project Current Status
	Total Project Appropriation	Total Project Expenditures	Fund Expenditures	% Financed By Fund	Yes	No	
This fund and has no projects in FY 08-09.							
A Capital Improvement Plan will be brought to Council at a later date.							
Expenditure Total	\$	-	\$	-			

Public Facility - Library Impact Fund (1045)
Impact Fee Report 2008/09

	AB1600 Actuals
Beginning Cash Balance 7/1/08	\$ (57,512)
Prior Year Adjustment**	2,039
Adjusted Beginning Balance	(55,474)
 <u>Revenue</u>	
Investment Earnings	0
Public Facility - Library Impact Fee	4,469
Total Revenues	4,469
 <u>Expenditure</u>	
Servicing Fees/Audit/Revenue/Accounting	(88)
Interest on interfund advance	(2,317)
Capital Improvement Program	0
Total Expenditure	(2,406)
 Ending Cash Balance 6/30/09*	
	(53,410)
C.I.P Money Appropriated 6/30/09	(250,000)
Ending Resources Available	(303,410)
Bonds/Internal Loan Balances	0
Future C.I.P. Projects 2009/10-2013/14	0
Future Required Revenue	\$ 303,410

* The ending negative cash balance in this fund represents an obligation in the form of a General Fund advance. At the end of each month, the cash balance of this fund will be swept into the General Fund advance and interest charged at the City of Visalia portfolio earnings rate + 1%. The annual rate charged on General Fund advances averaged 3.93% in the 2008/09 Fiscal Year.

** 2007/08 Investment Earnings from Fair Market Value gains posted as audit adjustments after completion of the 2007/08 Impact Fee report.

**Public Facility - Library Fund (1045)
Project Status Report (FY 08-09)**

Fund Description

This fund is derived from Public Facility impact fees collected at the time of building permit issuance. Funds are to only be used for new facilities, and not for operation and maintenance.

Number	Fiscal Year 08/09 Activity				Financing Complete?			Project Current Status
	Total Project Appropriation	Total Project Expenditures	Fund Expenditures	% Financed By Fund	Yes	No	If Yes, Approx. Construction Date	
Rehabilitate and Improve the Children's Library 1045-0-72-0-9921	250,000	0	0	100%	X		Fall 2008	Project Complete. Final retention was paid on this project in September of 2009 which fell into the 20009/10 budget year.
Expenditure Total	250,000 \$	- \$	-					

City of Visalia
PUBLIC FACILITY IMPACT FEES

Resolution No. 07-49
 Resolution No. 08-32

Effective August 6, 2007
 Effective August 4, 2008

Land Use / Size	Demand Unit ¹	Civic Center ²	Corporation Yard	Library	Total
Residential					
Single Family Detached	D.U.	\$361.30	\$58.54	\$46.65	\$466.49
Single Family Attached-includes Duplex	D.U.	\$364.72	\$59.10	\$47.09	\$470.91
Multi-Family	D.U.	\$321.19	\$52.04	\$41.47	\$414.70
Mobile Home	D.U.	\$249.98	\$40.50	\$32.28	\$322.76
Commercial / Shopping Center					
under 25,000 sq. ft. gross area	1,000 Sq Ft	\$391.05	\$63.37	NA	\$454.42
25,001 to 50,000 sq. ft. gross area	1,000 Sq Ft	\$335.19	\$54.32	NA	\$389.51
50,001 to 100,000 sq. ft. gross area	1,000 Sq Ft	\$293.29	\$47.52	NA	\$340.81
over 100,000 sq. ft. gross area	1,000 Sq Ft	\$234.63	\$38.02	NA	\$272.65
Office					
Medical-Dental Office	1,000 Sq Ft	\$475.71	\$77.08	NA	\$552.79
under 25,000 sq. ft. gross area	1,000 Sq Ft	\$486.86	\$78.89	NA	\$565.75
25,001 to 50,000 sq. ft. gross area	1,000 Sq Ft	\$458.70	\$74.33	NA	\$533.03
50,001 to 100,000 sq. ft. gross area	1,000 Sq Ft	\$432.89	\$70.15	NA	\$503.04
Industrial					
Business Park	1,000 Sq Ft	\$370.53	\$60.04	NA	\$430.57
Mini-Warehouse	1,000 Sq Ft	\$5.21	\$0.84	NA	\$6.05
Warehousing	1,000 Sq Ft	\$149.58	\$24.25	NA	\$173.83
Manufacturing	1,000 Sq Ft	\$210.40	\$34.10	NA	\$244.50
Light Industrial	1,000 Sq Ft	\$270.76	\$43.87	NA	\$314.63
Other Nonresidential					
Nursing Home	bed	\$42.45	\$6.88	NA	\$49.33
Hospital	1,000 Sq Ft	\$396.39	\$64.23	NA	\$460.62
Day Care	student	\$18.68	\$3.03	NA	\$21.71
High School	student	\$10.16	\$1.65	NA	\$11.81
Elementary School	student	\$9.63	\$1.56	NA	\$11.19
Lodging	room	\$83.43	\$13.53	NA	\$96.96

¹ D.U. = dwelling units

² Impact fees for the civic center include both the administrative building and parking structure.

Police Impact Fund (1051) Impact Fee Report 2008/09

	AB1600 Actuals
Beginning Cash Balance 7/1/08	\$ (874,966)
 <u>Revenue</u>	
Investment Earnings	648
Police Impact Fee	210,540
Misc Revenues	31
Total Revenues	211,219
 <u>Expenditure</u>	
Servicing Fees/Audit/Revenue/Accounting	(3,932)
Interest Expense-General Fund Advance	(31,073)
Capital Improvement Program	0
Total Expenditure	(35,006)
 Ending Cash Balance 6/30/09*	 (698,752)
C.I.P Money Appropriated 6/30/09	(1,750,061)
Ending Resources Available	(2,448,813)
Bonds/Internal Loan Balances	0
Future C.I.P. Projects 2009/10-2013/14	0
 Future Required Revenue	 \$ 2,448,813

* The ending negative cash balance in this fund represents an obligation in the form of a General Fund advance. At the end of each month, the cash balance of this fund will be swept into the General Fund advance and interest charged at the City of Visalia portfolio earnings rate + 1%. The annual rate charged on General Fund advances averaged 3.93% in the 2008/09 Fiscal Year.

**Police Impact Fund - 1051
Project Status Report (FY 08-09)**

Fund Description

This fund is derived from Public Safety impact fees collected at the time of building permit issuance. Funds are to only be used for new facilities, equipment, and not for operation and maintenance.

Number	Fiscal Year 08/09 Activity				Financing Complete?		Project Current Status
	Total Project Appropriation	Total Project Expenditures	Fund Expenditures	% Financed By Fund	Yes	No	
Design/construct Public Safety Building *3011-0-72-0-9750	4,605,740	0	0	38%		X	Project On Hold to evaluate available funding
Expenditure Total	4,605,740	0	0				

* Note: Projects with a C.I.P. number starting with 3011 are funded by more than one fund.

Fire Impact Fund (1061) Impact Fee Report 2008/09

	AB1600 Actuals
Beginning Cash Balance 7/1/08	\$ 983,563
Prior Year Adjustment**	17,638
Adjusted Beginning Balance	1,001,201
<u>Revenue</u>	
Investment Earnings	8,972
Fire Impact Fee	246,072
Total Revenues	255,045
<u>Expenditure</u>	
Servicing Fees/Audit/Revenue/Accounting	(4,182)
Interest Expense-General Fund Advance	(32,656)
Capital Improvement Program	(3,430,726)
Total Expenditure	(3,467,563)
Ending Cash Balance 6/30/09***	(2,211,318)
C.I.P Money Appropriated 6/30/09	(809,785)
Ending Resources Available	(3,021,104)
Bonds/Internal Loan Balances	0
Future C.I.P. Projects 2009/10-2013/14	(165,000) *
Future Required Revenue	\$ 3,186,104

* A detail list of Future CIP projects is listed in the attached 6 Year Capital Improvement Program that was approved by Council June 2008 with the City's 2 Year Budget.

** 2007/08 Investment Earnings from Fair Market Value gains posted as audit adjustments after completion of the 2007/08 Impact Fee report.

*** The ending negative cash balance in this fund represents an obligation in the form of a General Fund advance. At the end of each month, the cash balance of this fund will be swept into the General Fund advance and interest charged at the City of Visalia portfolio earnings rate + 1%. The annual rate charged on General Fund advances averaged 3.93% in the 2008/09 Fiscal Year.

**Fire Impact Fund - 1061
Project Status Report (FY 08-09)**

Fund Description

This fund is derived from Public Safety impact fees collected at the time of building permit issuance. Funds are to only be used for new facilities, equipment, and not for operation and maintenance.

Number	Fiscal Year 08/09 Activity				Financing Complete?		Project Current Status
	Total Project Appropriation	Total Project Expenditures	Fund Expenditures	% Financed By Fund	Yes	No	
Design/install Pre-Emption System *3011-0-72-0-9531	157,729	0	0	53%		X	Work with Fire to determine additional locations for remaining funding Need to verify remaining grant funding may be used for additional locations
Acquire/construct Northwest Fire Station and Training Facility *3011-0-72-0-9565	5,019,916	(5,198,070)	(3,430,726)	66%	X		Notice of Completion approved by Council 6/15/09
Design/construct Public Safety Building *3011-0-72-0-9750	4,605,740	0	0	14%		X	Project On Hold to evaluate available funding
Purchase land for SE Fire Station *3011-0-72-0-9776	111,213	0	0	66%		X	Currently share station with Cal Fire at the Lovers Lane/Walnut site. Site to be developed in conjunction with SE Master Plan - in progress. Possibly for Station 57.

Expenditure Total	9,894,598	(5,198,070)	(3,430,726)
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* Note: Projects with a C.I.P. number starting with 3011 are funded by more than one fund.

City of Visalia
PUBLIC SAFETY IMPACT FEES

Resolution No. 07-49
 Resolution No. 08-32

Effective August 6, 2007
 Effective August 4, 2008

LAND USE DESIGNATION		FIRE PROTECTION FACILITIES	POLICE FACILITIES
RESIDENTIAL			
		per gross acre	per gross acre
Rural	RA	\$1,549.68	\$223.13
Low Density	RLD	\$1,549.68	\$1,417.74
Medium Density	RMD	\$1,549.68	\$3,573.04
High Density	RHD	\$1,549.68	\$6,078.16
COMMERCIAL			
Convenience Center	CC	\$1,549.68	\$7,082.61
Neighborhood Center	CN	\$1,549.68	\$7,082.61
Shopping/Office Center	CSO	\$1,549.68	\$7,082.61
Community Center	CCM	\$1,549.68	\$7,082.61
Central Business District	CDT	\$1,549.68	\$7,082.61
Regional Center	CR	\$1,549.68	\$7,082.61
Highway	CH	\$1,549.68	\$2,171.11
Service	CS	\$1,549.68	\$1,718.86
OFFICE			
Professional/ Administration	PAO	\$1,549.68	\$2,881.83
Business Research Park	BRP	\$1,549.68	\$2,881.83
INDUSTRIAL			
Light Industrial	IL	\$1,549.68	\$207.28
Heavy Industrial	IH	\$1,549.68	\$207.28
PUBLIC/ INSTITUTIONAL			
Public / Institutional	PI	\$1,549.68	\$816.75
PARKS			
Parks	PARK	\$1,549.68	\$243.85
AGRICULTURE			
Agriculture	A	\$1,549.68	\$334.02
CONSERVATION			
Conservation	C	\$1,549.68	\$214.58

Park & Recreation Facilities Fund (1211)
Impact Fee Report 2008/09

	AB1600 Actuals
Beginning Cash Balance 7/1/08	\$ 10,860,071
Prior Year Adjustment**	128,135
Adjusted Beginning Balance	10,988,206
<u>Revenue</u>	
Investment Earnings	400,496
Park & Recreation Fees	895,861
Total Revenues	1,296,358
<u>Expenditure</u>	
Servicing Fees/Audit/Revenue/Accounting	(35,230)
Capital Improvement Program	(2,573,156)
Total Expenditure	(2,608,386)
Ending Cash Balance 6/30/09	9,676,178
C.I.P Money Appropriated 6/30/09	(7,505,569)
Ending Resources Available	2,170,608
Bonds/Internal Loan Balances	0
Future C.I.P. Projects 2009/10-2013/14	(17,423,000) *
Future Required Revenue	\$ 15,252,392

* A detail list of Future CIP projects is listed in the attached 6 Year Capital Improvement Program that was approved by Council June 2008 with the City's 2 Year Budget.

** 2007/08 Investment Earnings from Fair Market Value gains posted as audit adjustments after completion of the 2007/08 Impact Fee report.

**Park & Recreational Facilities Fund - 1211
Project Status Report (FY 08-09)**

Fund Description

This fund includes monies from fees paid by developers in lieu of providing parks and open space. Funds are to be used only for open space acquisition and providing park and other recreational facilities.

Number	Fiscal Year 08/09 Activity				Financing Complete?		Project Current Status
	Total Project Appropriation	Total Project Expenditures	Fund Expenditures	% Financed By Fund	Yes	No	
Soroptimist Park- 4.5 acre neighborhood park S. of Douglas between Santa Fe and Burke 1211-0-72-0-9598	1,091,689	(766,302)	(766,302)	100%	X		Notice of completion approved by Council 6/15/09
Hillsdale Neighborhood Park- to serve area N. of Hwy 198 to Goshen Ave from Shirk to Akers 1211-0-72-0-9719	96,247	0	0	0%		X	Land purchased in 2007/08 in conjunction with Open Space Fund. Current funding is to develop master plan for a 4 acre parcel - but is waiting for plans for adjoining properties. Construction is not planned until 2013/14
Babcock Park (Lion's Park)-4.5 Acre Neighborhood Park N. or Ferguson between Shirk and Roeben 1211-0-72-0-9743	1,119,634	(43,974)	(43,974)	100%	X		Park renamed "Lion's Park" 7/13/09 Plans are complete, to be bid Spring 2010 and Constructed Summer 2010
Acquire/develop Shannon Ranch park 1211-0-72-0-9789	400,000	0	0	0%		X	Release Funding - this project will not be done from Impact Fees because two pocket parks were built by developer.
Acquire/develop a park located in the area of Highway 198, Shirk, Goshen & Akers 1211-0-72-0-9800	200,000	0	0	0%		X	Money will be used as part of Hillsdale Neighborhood Park project, #9719
Update Conservation, Open Space, Recreation & Parks Element 1211-0-72-0-9931	102,250	0	0	0%	X		To be completed in conjunction with General Plan Update authorized by Council 10/5/09
Sierra Village Park/Basin West of Demaree south of HWY 198 1211-0-72-0-9934	546,733	0	0	0%		X	Project driven by expansion of retirement center in this area. No activity expected before 2010/11
Rec Park Playground - Universal Access *3011-0-72-0-8021	517,764	(5,101)	0	0%	X		Design Complete Bid/Construct Spring/Summer 2010

Number	Fiscal Year 08/09 Activity				Financing Complete?		Project Current Status	
	Total Project Appropriation	Total Project Expenditures	Fund Expenditures	% Financed By Fund	Yes	No		If Yes, Approx. Construction Date
Develop Creekside Neighborhood Park/Storm Basin- 9 acres to serve area S of Hwy 198 to Walnut Ave and E. of Lovers Lane * 3011-0-72-0-9413	1,493,118	(10,497)	(8,219)	78%	X		Spring/Summer 2010	Design Fall 09, Construction Spring/Summer 2010; in conjunction with Tulare Ave. extension project (1241/9823)
Dans Lane Neighborhood Park *3011-0-72-0-9579	983,623	(55,767)	(48,964)	88%	X		Spring/Summer 2010	Design Complete Bid/Construct Spring/Summer 2010
Virmargo/Goshen Neighborhood Park - 6 acre park/storm basin W. of Lovers Land between Houston and Goshen. *3011-0-72-0-9932	122,405	(12,665)	(7,565)	60%		X		Acquisition complete - design pending development
Develop a mini park as a tribute to sister city Miki City *3011-0-72-0-9933	184,500	(12,428)	(12,428)	100%		X		Project On Hold per Council action 4/6/09
MillCreek Garden Park Playground - at Lovers Lane & Mill Creek Parkway. *3011-0-72-0-9936	314,132	(85,513)	(60,638)	71%	X		Spring 2010	Design in progress - construction Spring 2010
Expenditure Total	13,019,184	(3,507,873)	(2,573,156)					

* Note: Projects with a C.I.P. number starting with 3011 are funded by more than one fund.

City of Visalia
PARK ACQUISITION & DEVELOPMENT IMPACT FEES

Resolution No. 06-44
 Resolution No. 07-49
 Resolution No. 08-32

Effective August 7, 2006
 Effective August 6, 2007
 Effective August 4, 2008

	ACQUISITION (\$/Unit)	DEVELOPMENT (\$/Unit)
Single-Family	\$ 1,496.70	\$ 1,718.74
Multi-Family	\$ 1,318.06	\$ 1,513.60
Mobile Home	\$ 1,025.86	\$ 1,178.05

NOTE:

The Acquisition Fee shall be paid on each allowable dwelling unit prior to the approval of the final subdivision or parcel map. Where no final subdivision or parcel map is recorded prior to issuance of a building permit for a residential development, the Acquisition Fee shall be paid at the time of issuance of the building permit or permits according to the Acquisition Fee schedule in effect at the time of issuance of such building permits. [7062(a)]

The Development Fee shall be paid at the time of issuance of a building permit or permits according to the Development Fee schedule in effect at the time of issuance of such building permits. [7062(a)]

Storm Sewer Construction Fund (1221) Impact Fee Report 2008/09

	AB1600 Actuals
Beginning Cash Balance 7/1/08	\$ 2,204,432
Prior Year Audit Adjustment**	33,682
Adjusted beginning Balance	2,238,114
<u>Revenue</u>	
Investment Earnings	63,846
Storm Drain Impact Fees	178,499
Storm Master Plan Fees	442,805
Misc Revenues	0
Total Revenues	685,150
<u>Expenditure</u>	
Operating Expenses	(4,199)
Servicing Fees/Audit/Revenue/Accounting	(22,978)
Capital Improvement Program	(1,171,174)
Total Expenditure	(1,198,352)
Ending Cash Balance 6/30/09	1,724,913
C.I.P Money Appropriated 6/30/09	(2,714,768)
Ending Resources Available	(989,855)
Bonds/Internal Loan Balances	0
Future C.I.P. Projects 2009/10-2013/14	(6,358,000) *
Future Required Revenue	\$ 7,347,855

* A detail list of Future CIP projects is listed in the attached 6 Year Capital Improvement Program that was approved by Council June 2008 with the City's 2 Year Budget.

** 2007/08 Investment Earnings from Fair Market Value gains posted as audit adjustments after completion of the 2007/08 Impact Fee report.

**Storm Sewer Construction Fund - 1221
Project Status Report (FY 08-09)**

Fund Description

This fund is derived from Storm Sewer impact fees collected at the time of development. Funds are to be used only for construction of new storm sewer lines to implement the Storm Sewer Master Plan.

Number	Fiscal Year 08/09 Activity				Financing Complete?		Project Status
	Total Project Appropriation	Total Project Expenditures	Fund Expenditures	% Financed By Fund	Yes	No	
Retention Basin at Santa Fe and "K" 1221-0-72-0-8105	7,000	0	0	0%		X	Release Funding
Plaza Drive Storm Basin 1221-0-72-0-8106	100,000	(1,578)	(1,578)	100%		X	Phase 1 acquisition and improvements in Spring 2010 near Crowley and Plaza.
Storm Water Master Plan 1221-0-72-0-9067	208,259	(22,192)	(22,192)	100%	X	N/A	Proceed with Phase 2 concurrent with the General Plan update during 2010/11
Acquire/construct Pinkham & Caldwell pond 1221-0-72-0-9097	207,609	0	0	0%	X		Landscaping complete - property acquisition complete - construction reimbursement pending
Subdivision Oversize Storm Facilities 1221-0-72-0-9229	245,300	(1,005,468)	(1,005,468)	100%		X	Reimburse developers for subdivision over sizing storm sewer master plan lines. Ongoing.
Construct 4.7-acre Cameron Creek storm basin located at the southwest corner of Cameron Ave. and West St. 1221-0-72-0-9250	100,000	(1,236)	(1,236)	0%	X		Project Completed Pending Reimbursement
Santa Fe Force Main 1221-0-72-0-9321	0	(153)	(153)	100%		X	Project unfunded per council action 9/8/09 because facility not needed until further development occurs in this area.
Construct Goshen & Linwood pond 1221-0-72-0-9430	12,813	0	0	0%		X	lift station NOC 12/4/06; Phases 1-3 completed, Phase 4 in design Need Additional funding
Acquire/construct a basin W of RD 80 & N of Goshen 1221-0-72-0-9431	24,001	0	0	0%	X		Property Acquisition completed
Construct River Run Ranch pond 1221-0-72-0-9529	50,453	(33,323)	(33,323)	100%		X	Landscaping completed - bidding pump station for construction Bid/Construction Spring 2010
Enlarge existing 3.7-acre Linwood Ranch storm basin located at the northwest corner of Visalia Pkwy and Chinowth St. 1221-0-72-0-9774	247,787	(453)	(453)	0%	X		Project Completed pending reimbursement to developer

Number	Fiscal Year 08/09 Activity				Financing Complete?			Project Status
	Total Project Appropriation	Total Project Expenditures	Fund Expenditures	% Financed By Fund	Yes	No	If Yes, Approx. Construction Date	
Install a storm drain line in Highland St from Ferguson Ave to Fairview Park/Pond and expand the storage capacity of the Park/Pond. 1221-0-72-0-9796	333,194	(55,039)	(55,039)	100%	X		Spring 2010	Construction easement in progress - environmental docs complete, Bid/Construct Spring 2010
Construct Shannon Ranch Master Plan storm drain lines 1221-0-72-0-9937	89,329	0	0	0%		X		On-going Pending Developer Reimbursement
Construct the Riggan Avenue storm drain line 1221-0-72-0-9938	36,541	(24,239)	(24,239)	100%	X			Project and reimbursement completed. Remaining monies will be release back to the fund.
Construct the Roeben Street storm drain line from Doe Ave. to the Lakeside Basin 1221-0-72-0-9940	496,952	(12,734)	(12,734)	100%	X			Developer Reimbursement to be paid in 09/10
Develop a 6 acre park/storm basin at St Johns Park Way & Rd 148 *3011-0-72-0-8050	58,522	(2,001)	(2,001)	100%		X		Project reprogrammed for 2011/12 Return project balance to fund
Develop Creekside Neighborhood Park/Storm Basin- 9 acres to serve area S of Hwy 198 to Walnut Ave and E. of Lovers Lane * 3011-0-72-0-9413	1,493,118	(10,497)	(2,278)	22%	X		Spring/Summer 2010	Design Fall 09, Construction Spring/Summer 2010; in conjunction with Tulare Ave. extension project (1241/9823)
Basin S of Millcreek, N of Mineral King, E of McAuliff Basin. * 3011-0-72-0-9557	331,662	(9,590)	(5,381)	56%	X		Spring 2010	Authority to bid without prevailing wage granted by Council 5/1/09 To be completed Spring 2010
Acquire & develop a 6 acre neighborhood park/basin in the area of Goshen & Virmargo St. *3011-0-72-0-9932	122,405	(12,665)	(5,099)	40%		X		Acquisition complete - design pending development
Mooney Storm Drain and Pump Installation *3011-0-72-0-9939	477,915	(13,735)	0	0%	X		Spring 2010	To be constructed Spring 2010
Expenditure Total	4,642,861	(1,204,903)	(1,171,174)					

* Note: Projects with a C.I.P. number starting with 3011 are funded by more than one fund.

City of Visalia
STORM DRAINAGE & WATERWAYS IMPACT FEES

Resolution No. 07-49
 Resolution No. 08-32

Effective August 6, 2007
 Effective August 4, 2008

(\$per gross acre)

LAND USE	PERCENT IMPERVIOUS	ACQUISITION FEE	DEVELOPMENT FEE	TOTAL FEE	WATERWAY ACQUISITION FEE
RESIDENTIAL					
Rural	20	\$ 1,122.51	\$ 124.72	1,247.23	\$ 1,147.15
Low Density	43	2,413.39	268.15	2,681.54	2,466.17
Medium Density	70	3,928.75	436.53	4,365.28	4,014.73
High Density	80	4,490.01	498.89	4,988.90	4,588.29
COMMERCIAL					
Convenience Center	95	\$ 5,331.89	592.43	5,924.32	5,448.72
Neighborhood Center	85	\$ 4,770.64	530.08	5,300.72	4,875.01
Shopping/Office Center	80	\$ 4,490.01	498.89	4,988.90	4,588.29
Community Center	75	\$ 4,209.40	467.71	4,677.11	4,301.56
Central Business District	95	\$ 5,331.89	592.43	5,924.32	5,448.72
Regional Center	90	\$ 5,051.28	561.25	5,612.53	5,161.96
Highway	95	\$ 5,331.89	592.43	5,924.32	5,448.72
Service	95	\$ 5,331.89	592.43	5,924.32	5,448.72
Professional/ Administration	70	\$ 3,928.75	436.53	4,365.28	4,014.73
PUBLIC /INSTITUTIONAL	60	\$ 3,367.52	374.16	3,741.68	3,441.36
INDUSTRIAL					
Outside Industrial Park					
Light Industrial	80	\$ 5,985.88	665.10	6,650.98	6,117.00
Heavy Industrial	90	\$ 6,734.15	748.24	7,482.39	6,881.59
Industrial Park	N/A	\$ 1,048.58	116.50	1,165.08	1,071.50

NOTE:

The Acquisition Fee shall be paid on each parcel of land within the 2020 Urban Development Boundary prior to the approval of the final subdivision or parcel map. When no final subdivision or parcel map is submitted for approval prior to the commencement of the work of any development on each parcel of land, the Acquisition Fee shall be paid prior to the commencement of the work of any development thereon.

The Development Fee shall be paid on each parcel of land prior to the commencement of the work of any development thereon.

Wastewater Trunk Line Construction (1231)

Impact Fee Report 2008/09

	AB1600 Actuals
Beginning Cash Balance 7/1/08	\$ 5,721,325
Prior Year Audit Adjustment***	64,766
Adjusted beginning Balance	5,786,090
 <u>Revenue</u>	
Investment Earnings	212,090
Trunk Line Capacity Fee	1,424,094
Front Footage Fee	47,324
Sewer Masterplan Fees	478,200
Miscellaneous Revenue	0
Total Revenues	2,161,708
 <u>Expenditure</u>	
Bond Interest/Principal	(317,070)
Servicing Fees/Audit/Revenue/Accounting	(10,966)
Capital Improvement Program	(457,145)
Total Expenditure	(785,180)
 Ending Cash Balance 6/30/09	 7,162,618
C.I.P Money Appropriated 6/30/09	(5,449,754)
Ending Resources Available	1,712,863
Bonds/Internal Loan Balances	(1,351,789) *
Future C.I.P. Projects 2009/10-2013/14	(9,410,000) **
Future Required Revenue	 \$ 9,048,926

* Balance on the 2002 Wastewater Bond, as of 6/30/09, is \$1,351,789. The average interest rate for the bond is 3.93%.

The 2002 Wastewater Bond was approved for \$9.8m in 2002 to fund capital projects. The bond is split into the following funds:

1231 - Wastewater Trunkline Construction Fund	\$3,613,856
1232 - Sewer Connection Fund	3,613,856
4311 - Wastewater Treatment Plant Fund	2,581,254
	\$9,808,966

** A detail list of Future CIP projects is listed in the attached 6 Year Capital Improvement Program that was approved by Council June 2008 with the City's 2 Year Budget.

*** 2007/08 Investment Earnings from Fair Market Value gains posted as audit adjustments after completion of the 2007/08 Impact Fee report.

**Wastewater Trunk Line Construction Fund - 1231
Project Status Report (FY 08-09)**

Fund Description

This fund's revenues are derived from Sanitary Sewer and Trunk Line Connection Fees. Funds are to be used only for new sanitary sewer trunk line construction, and not for operation and maintenance.

Number	Fiscal Year 08/09 Activity				Financing Complete?		Project Current Status
	Total Project Appropriation	Total Project Expenditures	Fund Expenditures	% Financed By Fund	Yes	No	
Trunklines Implementation 1231-0-72-0-9234	48,592	(2,674)	(2,674)	100%		X	Ongoing Project
Trunkline Oversizing (City's Share) 1231-0-72-0-9318	261,712	(428,511)	(428,511)	100%		X	Ongoing Developer Reimbursements
Install Shirk sewer line between Walnut and Sunnyview 1231-0-72-0-9741	1,532,639	(4,692)	(4,692)	100%		X	Design 2010 & construction to occur 2011
Install Mineral King trunkline 1231-0-72-0-9819	3,557,158	(21,268)	(21,268)	100%	X		Design 99% Complete Construct Summer 2010
Replace Mineral King Trunk Line (Tipton to Burke) & Burke (Mineral King to Willow) 1231-0-72-0-9990	290,000	0	0	0%		X	Design 2010 & construction to occur 2010
Study sewer line extension for Public Safety & Civic Center buildings 1231-0-72-0-9991	50,000	0	0	0%		X	Should pay portion of School/Burke/Oak projects in Civic Center Block to be constructed 2010
Expenditure Total	5,740,101	(457,145)	(457,145)				

* Note: Projects with a C.I.P. number starting with 3011 are funded by more than one fund.

City of Visalia
CONNECTION FEES
TRUNK LINE CAPACITY CHARGE

Resolution No. 07-49

Effective August 6, 2007

Resolution No. 08-32

Effective August 4, 2008

RESIDENTIAL		
Single-Family	\$ 646.87	/unit
Multi-Family	\$ 365.85	/unit
Mobile Home Park	\$ 404.74	/space
COMMERCIAL		
Car Wash		
Self Service	\$ 1,000.35	/stall
Automatic	\$ 16,009.16	/each
Tourist and Trailer Camp	\$ 100.74	/space
Theater	\$ 5.30	/seat
Hotel/Motel	\$ 60.10	/room
Retail/Small Business	\$ 19.44	/1,000 square ft.
Shopping Center	\$ 14.13	/1,000 square ft.
Office	\$ 79.53	/1,000 square ft.
Service Station	\$ 1,000.35	/each
Restaurant		
Fast Food	\$ 3,702.71	/each
Walk-up	\$ 1,100.91	/each
Family-Type without Bar	\$ 49.50	/seat
Family-Type with Bar	\$ 53.03	/seat
Laundromat	\$ 49.50	/machine
INSTITUTIONAL		
Hospital	\$ 250.97	/bed
Jr. and Sr. High School	\$ 24.74	/student
Elementary School	\$ 14.13	/student
Church without Kitchen	\$ 5.30	/seat
Church with Kitchen	\$ 7.07	/seat
LIGHT INDUSTRY		
	\$ 19.44	/1,000 square ft.
INDUSTRY		
Outside Industrial Park	\$ 1.36	/gallon per day (peak flow)
Inside Industrial Park	\$ 0.55	/gallon per day (peak flow)

Sewer Connection Fund (1232) Impact Fee Report 2008/09

	AB1600 Actuals
Beginning Cash Balance 7/1/08	\$ (8,290)
 <u>Revenue</u>	
Treatment Connection Fees	513,541
Miscellaneous Revenue	909
Total Revenues	514,450
 <u>Expenditure</u>	
Internal Loan Payment from operation Fund	(410,644) *
Bond Interest/Principal - 2002 Waste Water Const. Bond	(99,646) **
Servicing Fees/Audit/Revenue/Accounting	(3,010)
Total Expenditure	(513,300)
 Ending Cash Balance 6/30/09***	 (7,140)
 C.I.P Money Appropriated 6/30/09	 <u><u>0</u></u>
 Ending Resources Available	 (7,140)
2002 Bond/Internal Loan Balances - Collection System	(5,210,046)
Future C.I.P. Projects 2009/10-2013/14	<u><u>0</u></u>
Future Required Revenue	\$ 5,217,186

* Balance on the loan from the Wastewater Fund, as of 6/30/09, is \$2,515,757

** Balance on the 2002 Wastewater Bond, as of 6/30/09, is \$2,694,289. The average interest rate for the bond is 3.93%.

The 2002 Wastewater Bond was approved for \$9.8m in 2002 to fund capital projects. The bond is split into the following funds:

1231 - Wastewater Trunkline Construction Fund	\$3,613,856
1232 - Sewer Connection Fund	3,613,856
4311 - Wastewater Treatment Plant Fund	2,581,254
	\$9,808,966

*** The ending negative cash balance in this fund represents an obligation in the form of a General Fund advance. At the end of each month, the cash balance of this fund will be swept into the General Fund advance and interest charged at the City of Visalia portfolio earnings rate + 1%. The annual rate charged on General Fund advances averaged 3.93% in the 2008/09 Fiscal Year.

**Sewer Connection Fund (1232)
Project Status Report (FY 08-09)**

Fund Description

This fund is derived from Treatment Plant connection fees. They are to be used only for Treatment Plant expansions. Funds are not to be used for operation and maintenance.

Number	Fiscal Year 08/09 Activity			Financing Complete?		Project Current Status	
	Total Project Appropriation	Total Project Expenditures	Fund Expenditures	% Financed By Fund	Yes No		If Yes, Approx. Construction Date
This fund had no projects in FY 08-09							
Fees were used to pay 2002 Bond Payments							
Expenditure Total	\$	-	\$	-			

City of Visalia
CONNECTION FEES
SEWER MAIN FACILITIES CHARGES

Resolution No. 07-49
 Resolution No. 08-32
 Resolution No. 08-32

Effective August 6, 2007
 Effective July 1, 2008
 Effective August 4, 2008

Front Foot	\$ 35.07 /foot
SINGLE-FAMILY RESIDENTIAL	
EXISTING LATERAL AND WYE Connection of a single-family residential dwelling with an existing lateral and wye to city sewer system	\$ 5,225.83 /unit includes trunk line capacity and treatment plant connection charge; front foot, lateral, wye, and plumbing permit fee
NON-EXISTING LATERAL AND WYE Residential trench patch, when lateral and wye are not existing	\$ 173.00 /unit Unit charge is comprised of multiple fees
Per Contract - Bid# 03-04-53R to be effective 7-1-04	
4" lateral	
R-1 Zone	\$ 82.00 /foot
R-M, P-A, C, & M Zones	\$ 92.00 /foot
6" Lateral	
R-1 Zone	\$ 85.00 /foot
R-M, P-A, C, & M Zones	\$ 95.00 /foot
Wyes	
4"	\$ 100.00 /each
6"	\$ 105.00 /each
PERMIT FEES:	
Septic Hauler Annual Permit	\$ 75.00 /annum
Industrial Waste Discharge Permit	\$ - /annum
Non-significant Discharge Permit	\$ - biennially
Calculation of all Industrial Treatment Plant Connection Charges are based on the Average Day, Peak Month Loadings from the Industrial Waste Discharge Permit.	
Flow:	\$ 1.82 /gal/day, plus
Biochemical Oxygen Demand:	\$ 224.08 /lb/day, plus
Suspended Solids:	\$ 141.61 /lb/day
The treatment plant connection charge will be collected retroactively from a user if any additions or process changes result in a 10% increased loading to the treatment plant above what was originally paid for in the treatment plant connection fee.	
This 10% increase will be based on flow, pounds/day for biochemical oxygen demand and pounds/day for suspended solids.	

Transportation Impact Fund (1241) Impact Fee Report 2008/09

	AB1600 Actuals
Beginning Cash Balance 7/1/08	\$ 7,249,523
Cash reserved for Developer Contracts**	981,919
Prior Year Audit Adjustment***	75,070
Adjusted beginning Balance	8,306,513
 <u>Revenue</u>	
Investment Earnings	213,598
Residential Impact Fees	1,535,877
Commercial Impact Fees	2,102,240
Industrial Impact Fees	343,513
Office Impact Fees	174,081
Development Agreements	117,243
Misc Revenue	46,452
Total Revenues	4,533,002
 <u>Expenditure</u>	
Servicing Fees/Audit/Revenue/Accounting	(36,180)
Capital Improvement Program	(8,780,187)
Total Expenditure	(8,816,366)
Ending Cash Balance 6/30/09	4,023,149
 C.I.P Money Appropriated 6/30/09	 (6,606,217)
 Ending Resources Available	 (2,583,068)
Bonds/Internal Loan Balances	0
Developer Contracts Payable**	(981,919)
Future C.I.P. Projects 2009/10-2013/14	(36,005,000) *
 Future Required Revenue	 \$ 39,569,987

* A detail list of Future CIP projects is listed in the attached 6 Year Capital Improvement Program that was approved by Council June 2008 with the City's 2 Year Budget.

** According to Resolution No. 2004-117 adopted by City council on October 18, 2004, the City will reimburse Developers for street improvements made to Arterial or Collector streets in accordance with the City's circulation element. The current balance of approved Developer Agreements for this type of improvement is \$981,919

*** 2007/08 Investment Earnings from Fair Market Value gains posted as audit adjustments after completion of the 2007/08 Impact Fee report.

**Transportation Impact Fund - 1241
Project Status Report (FY 08-09)**

Fund Description

This fund is derived from fees collected at the time of building permit issuance. Funds can be used only for new street improvements and expansion of transportation facilities related to growth.

Number	Fiscal Year 08/09 Activity				Financing Complete?		Project Current Status
	Total Project Appropriation	Total Project Expenditures	Fund Expenditures	% Financed By Fund	Yes	No	
Intersection - Shirk St. and Walnut Ave. 1241-0-72-0-8073	559,000	(13,396)	(13,396)	100%	X		Pending utility relocations. Bid and construct Summer 2010
Traffic Signal Modification at Caldwell & County Center 1241-0-72-0-8112	50,000	(26,952)	(26,952)	100%	X		Bid, award, & Construct Summer 2010
Widen Tulare Ave at Woodland & Fairway 1241-0-72-0-9036	2,488	0	0	0%		X	Working with State Project under construction by CalTrans
Implement Street Oversizing (City's Share) Circulation Element 1241-0-72-0-9130	4,100,000	(6,733,601)	(6,733,601)	100%		X	Reimbursements exceed funding - should slow down soon
Widen Caldwell Ave from Fairway to Lovers Ln 1241-0-72-0-9211	25,000	(8,928)	(8,928)	100%	X		Notice of Completion 8/20/07 Funds remaining are for staff time to close project
Widen Whitendale Ave from Sallee to Central 1241-0-72-0-9252	2,082,714	(105,955)	(105,955)	100%	X		Bid & Construction Spring/Summer 2010
Widen Walnut Ave from Yale to Central 1241-0-72-0-9270	2,923,005	(904,578)	(904,578)	100%	X		Waiting on Right of Way condemnation Construction Summer 2010
Cameron/County Center 1241-0-72-0-9604	0	(1,393)	(1,393)	100%	X		Project Completed
Transportation Impact Fee Study 1241-0-72-0-9633	100,000	(147,351)	(147,351)	100%		X	New Fee schedule approved by Council 12/1/08

Number	Fiscal Year 08/09 Activity				Financing Complete?		Project Current Status
	Total Project Appropriation	Total Project Expenditures	Fund Expenditures	% Financed By Fund	Yes	No	
Demaree St Widening Project (joint project w/ Tulare County) 1241-0-72-0-9668	55,592	(14,815)	(14,815)	100%		X	Project is in design. City will reimburse Tulare County - this line staff time only Coop agmt for ROW acq. Approved 2/9/09
Widen Plaza Drive (Joint w/ Tulare Co) 1241-0-72-0-9669	43,388	(22,542)	(22,542)	100%	X		Construction is complete. City is in the process of accepting ROW that was purchased by Tulare County.
Reconstruct K Ave approaching Pinkham St 1241-0-72-0-9723	2,070	(3,796)	(3,796)	100%	X		Notice of Completion 2/5/07 on contract landscaping near completion
Reimburse developer for installing traffic signal at Plaza Drive & Crowley Ave. 1241-0-72-0-9740	179,420	0	0	0%	X		Constructed Dec 2009 To be reimb Spring 2010
install a traffic signal at Main St & Woodland St. 1241-0-72-0-9751	53,668	0	0	0%	X		Completed Spring 2008 Release Funding
Widen Mooney - Packwood Creek 400 ft 1241-0-72-0-9779	186,686	(1,092)	(1,092)	100%		X	This project is partially funded with Measure R funding to be paid by the City to Cal Trans. This is local funding as reserve for staff time or project overage.
Widen Tulare Ave - Lovers Lane/McAuliff 1241-0-72-0-9823	285,516	(44,767)	(44,767)	100%		X	Design 09/10 will need additional funding ROW 09/10
Widen Demaree St - Goshen/Riggin 1241-0-72-0-9824	40,903	(15,434)	(15,434)	100%		X	Ongoing Reimbursement
Widen Santa Fe St from K St to Riggin Ave. 1241-0-72-0-9942	53,303	0	0	0%		X	09/10 Design - waiting on Santa Fe master plan Construction Funding in 13/14
Construct Tulare Ave between Arroyo St (e of McAuliff) to Road 148 (Visalia Parkway) 1241-0-72-0-9946	49,536	(1,570)	(1,570)	100%		X	Design Phase; ROW 09/10 Environmental contract with 9823 & 9980 In conjunction With Tulare Ave., Lovers Lane - McAuliff
Traffic Signal at Mooney & Goshen w/railroad crossing upgrade 1241-0-72-0-9950	384,632	(4,178)	(4,178)	100%	X		Bid Summer 10, construct Summer/Fall 10
Traffic Signal at Demaree & Riggin 1241-0-72-0-9952	220,000	(220,499)	(220,499)	0%	X		Project Completed

Number	Fiscal Year 08/09 Activity			Financing Complete?		Project Current Status	
	Total Project Appropriation	Total Project Expenditures	Fund Expenditures	% Financed By Fund	Yes		No
Traffic Signal at the intersection of Demaree and Ferguson *3011-0-72-0-8113	300,000	0	0	0%		X	Bid Spring/Summer 2010, Construct Fall 2010 CMAQ Funding 10/11
2008-09 Environmental Enhancement Mitigation (EEM) Grant *3011-0-72-0-8181	349,900	0	0	0%		X	Matching Funds for EEM Grant
Construct street improvements near McAuliff/Houston park/pond *3011-0-72-0-9386	32,636	0	0	0%		X	Release Funding
McAuliff Extension & Storm Line from Houston/Mineral King *3011-0-72-0-9475	18,949	(30,570)	(20,298)	66%		X	Project combined with McAuliff extension over Mill Creek 3011/9945
Bike Plan Implementation. *3011-0-72-0-9923	66,357	(64,468)	(15,232)	24%		X	Ongoing
Extend McAuliff over Mill Creek/Evans Ditch. *3011-0-72-0-9945	1,224,236	(67,173)	(67,173)	100%	X		In Design, Construction Summer 2009 Obtaining Permits Authorized to bid w/o prevailing wage req. 5/18/09
Traffic Signal at Santa Fe & Walnut *3011-0-72-0-9951	45,000	(6,455)	(6,455)	100%		X	Design Spring 2010, Bid Summer 2010, Construction funding in 10/11 CMAQ allocation authorization 11/12
Expenditure Total	13,433,998	(8,439,512)	(8,380,004)				

* Note: Projects with a C.I.P. number starting with 3011 are funded by more than one fund.

City of Visalia
TRANSPORTATION IMPACT FEES

Resolution No. 06-44
 Resolution No. 07-49
 Resolution No. 08-32

Effective August 7, 2006
 Effective August 6, 2007
 Effective August 4, 2008

RESIDENTIAL	UNIT	TRIPS/UNIT	CURRENT
Single Family	D.U.	9.55	\$ 6,504.60
Apartment	D.U.	6.47	\$ 4,406.78
Condominium	D.U.	5.86	\$ 3,991.31
Mobile Home	D.U.	4.81	\$ 3,276.14
Retirement Community	D.U.	3.30	\$ 2,247.66
Residential P.U.D.	D.U.	7.44	\$ 5,067.45
COMMERCIAL			
General Retail	1,000 sq. ft.	28.44	\$ 10,754.02
Discount Store	1,000 sq. ft.	36.46	\$ 13,786.63
Hardware	1,000 sq. ft.	32.77	\$ 12,391.33
Fast food under 1,500 sf	1,000 sq. ft.	51.89	\$ 19,621.17
Shopping Center			
Under 100,000 square feet	1,000 sq. ft.	45.16	\$ 17,076.35
100,001 to 300,000 square feet	1,000 sq. ft.	34.83	\$ 13,170.28
Over 300,000 square feet	1,000 sq. ft.	26.85	\$ 10,152.79
<i>Downtown rate for all shopping</i>			
Car Sales	1,000 sq. ft.	30.61	\$ 11,574.56
Service Station	Position	78.62	\$ 29,728.60
Hotel	Room	5.56	\$ 2,102.40
Note: Infill commercial projects may be eligible for reduced fee, see Infill Credit Policy			
OFFICE			
General			
Under 100,000 sq. ft.	1,000 sq. ft.	14.03	\$ 5,305.16
100,001 to 300,000 sq. ft.	1,000 sq. ft.	11.85	\$ 4,480.84
Over 300,000 sq. ft.	1,000 sq. ft.	9.96	\$ 3,766.18
<i>Downtown rate for all offices</i>			
Church	1,000 sq. ft.	9.32	\$ 3,524.18
Medical	1,000 sq. ft.	34.17	\$ 12,920.71
Government	1,000 sq. ft.	68.93	\$ 26,064.51
Office Park	1,000 sq. ft.	11.42	\$ 4,318.25
Note: Infill commercial projects may be eligible for reduced fee, see Infill Credit Policy			
INDUSTRIAL			
General Light	Employees	3.02	\$ 1,427.48
General Heavy	Employees	0.82	\$ 387.60
Industrial Park	Employees	3.34	\$ 1,578.73
Manufacturing	Employees	2.09	\$ 987.89
Warehouse	Employees	3.89	\$ 1,838.71

City of Visalia
TRANSPORTATION IMPACT FEES

Resolution No. 06-44
 Resolution No. 07-49
 Resolution No. 08-32

Effective August 7, 2006
 Effective August 6, 2007
 Effective August 4, 2008

<u>RESIDENTIAL COST PER TRIP =</u>	\$ 681.110
<u>COMMERCIAL & OFFICE COST PER TRIP =</u>	\$ 378.130
<u>INDUSTRIAL COST PER TRIP =</u>	\$ 472.674
<p><i>Note:</i> Any project that does not fit in a category listed in the fee schedule will be calculated from a category listed in the Trip Generation Manual by the Institute of Transportation Engineers.</p> <p>FORMULA $F = (T) \times (C)$ F = Transportation Impact Fee to be paid. T = Total number of trips generated by the proposed project, for which the fee is being calculated. C = Cost per trip.</p> <p><i>Note:</i> Fee rate for all projects is \$681.110 per trip. Fee increases for commercial, office and industrial developments have been temporarily suspended to maintain the rates shown above.</p>	

INFILL CREDIT CRITERIA
<p><u>A reduction in the amount of Transportation Impact Fees will be provided to all Commercial and Office projects that meet the following criteria:</u></p> <ol style="list-style-type: none"> 1 The project is in a location where the curb, gutter and sidewalk have been installed in the ultimate alignment. 2 The project is seventy-five percent surrounded by existing development that has been in place an average of fifteen years or more. 3 Any median islands that are planned on adjacent roadways have been installed. 4 The project was inside of the Visalia city limits prior to December 31, 1995. <p style="text-align: center;"><u>Projects that meet the infill criteria:</u></p> <ol style="list-style-type: none"> 1 Receive Transportation Impact Fee reductions not to exceed fifteen percent of the base fee. 2 Are not eligible for credits for any street improvements or repairs that are required by the City as a project condition. 3 The City Manager or his designee is authorized to determine whether a project meets the infill criteria. <p><i>Note:</i> A portion of the Transportation Impact Fees have been suspended to provide for the infill credits described in this exhibit.</p>

Waterways Fund (1251) Impact Fee Report 2008/09

	AB1600 Actuals
Beginning Cash Balance 7/1/08	\$ 1,538,677
Prior Year Audit Adjustment***	16,570
Adjusted beginning Balance	1,555,247
<u>Revenue</u>	
Investment Earnings	49,416
Waterway Acquisition Fees	136,439
Waterways Rate	245,300
Total Revenues	431,155
<u>Expenditure</u>	
Operating Expenses	(2,431)
Servicing Fees/Audit/Revenue/Accounting	(299,799) *
Capital Improvement Program	(503,592)
Total Expenditure	(805,822)
Ending Cash Balance 6/30/09	1,180,580
C.I.P Money Appropriated 6/30/09	(1,765,162)
Ending Resources Available	(584,582)
Bonds/Internal Loan Balances	0
Future C.I.P. Projects 2009/10-2013/14	(3,333,000) **
Future Required Revenue	\$ 3,917,582

* Allocations in the Waterways Fund include a \$289k charge from Park Maintenance to maintain setbacks along creeks & ditches. The maintenance costs are off-set by a rate charged on the utility bill.

** A detail list of Future CIP projects is listed in the attached 6 Year Capital Improvement Program that was approved by Council June 2008 with the City's 2 Year Budget.

*** 2007/08 Investment Earnings from Fair Market Value gains posted as audit adjustments after completion of the 2007/08 Impact Fee report.

**Waterways Fund - 1251
Project Status Report (FY 08-09)**

Fund Description

This fund is derived from a combination of monthly storm sewer rates and developer impact fees. The funds are restricted for acquisition of development setbacks along waterways designated in the Visalia General Plan, restoration of riparian vegetation, and maintenance of the setback areas.

Number	Fiscal Year 08/09 Activity				Financing Complete?		Project Current Status
	Total Project Appropriation	Total Project Expenditures	Fund Expenditures	% Financed By Fund	Yes	No	
Oakwest 7 - Mill Creek Riparian Area 1251-0-72-0-8133	280,000	(58,634)	(58,634)	100%	X		Project to be completed Spring 2010
Acquire various waterway setbacks 1251-0-72-0-9100	819,606	(411,158)	(411,158)	100%		X	Annual Project - Several acquisitions in progress
Waterways Master Plan 1251-0-72-0-9434	20,000	(11,074)	(11,074)	100%	X		Project to be completed Spring 2010
Mill Creek Ditch Setback 1251-0-72-0-9872	45,479	0	0	0%	X		Completed February 2008 Release Funding
Daylighting of Mill Creek in the Downtown 1251-0-72-0-9957	17,923	0	0	0%		X	Study completed by Provost & Prichard - Project on hold
Matching for CA River Parkways Grant *3011-0-72-0-8011	918,800	(33,900)	(3,762)	11%	X		Design/environmental contract awarded 12/15/08, 10e Environmental Complete, design Spring 2010 To be constructed Summer 2010
Green Trees State Grant *3011-0-72-0-8024	172,229	(15,440)	(2,218)	14%		X	Includes \$25,000 of City's Matching Funds for Grant
Environmental Enhancement and Mitigation (EEM) Grant *3011-0-72-0-8049	267,485	(48,714)	(7,846)	16%		X	Includes 11% or \$29,000 in City Matching Funds for Grant

Number	Fiscal Year 08/09 Activity						Financing Complete?		Project Current Status
	Total Project Appropriation	Total Project Expenditures	Fund Expenditures	% Financed By Fund	Yes	No	If Yes, Approx. Construction Date		
Asphalt path along Modoc ditch *3011-0-72-0-8059	231,176	0	0	0%		X		Grant not awarded Release remaining budget	
Mill Creek Arboretum *3011-0-72-0-8182	131,000	(1,603)	(208)	13%		X		Includes City's Matching Funds for Grant	
McAuliff-Houston Park/Pond *3011-0-72-0-9386	32,636	0	0	0%		X		On Hold pending future private development	
Dans Lane Neighborhood Park *3011-0-72-0-9579	983,623	(55,767)	(6,804)	12%	X		Summer 2010	Design Complete - Bid Spring 2010, construct Summer 2010	
Matching funds to developers for developing riparian setbacks *3011-0-72-0-9756	639,044	(388)	(388)	100%		X		Annual Project - Several projects in progress	
East Civic Center Park *3011-0-72-0-9920	50,000	(15,000)	(1,500)	10%		X		Negotiating set back ROW acquisition then will proceed with design	
Acquire & develop 1.8 acres of setback on Packwood Creek *3011-0-72-0-9956	114,910	0	0	0%		X	Spring 2010	Construction to begin Spring 2010 from County Center to 1100' East of Mooney , paralleling Cameron	
Expenditure Total	4,723,910	(651,679)	(503,592)						

* Note: Projects with a C.I.P. number starting with 3011 are funded by more than one fund.

City of Visalia
STORM DRAINAGE & WATERWAYS IMPACT FEES

Resolution No. 07-49
 Resolution No. 08-32

Effective August 6, 2007
 Effective August 4, 2008

(\$per gross acre)

LAND USE	PERCENT IMPERVIOUS	ACQUISITION FEE	DEVELOPMENT FEE	TOTAL FEE	WATERWAY ACQUISITION FEE
RESIDENTIAL					
Rural	20	\$ 1,122.51	\$ 124.72	1,247.23	\$ 1,147.15
Low Density	43	2,413.39	268.15	2,681.54	2,466.17
Medium Density	70	3,928.75	436.53	4,365.28	4,014.73
High Density	80	4,490.01	498.89	4,988.90	4,588.29
COMMERCIAL					
Convenience Center	95	\$ 5,331.89	592.43	5,924.32	5,448.72
Neighborhood Center	85	\$ 4,770.64	530.08	5,300.72	4,875.01
Shopping/Office Center	80	\$ 4,490.01	498.89	4,988.90	4,588.29
Community Center	75	\$ 4,209.40	467.71	4,677.11	4,301.56
Central Business District	95	\$ 5,331.89	592.43	5,924.32	5,448.72
Regional Center	90	\$ 5,051.28	561.25	5,612.53	5,161.96
Highway	95	\$ 5,331.89	592.43	5,924.32	5,448.72
Service	95	\$ 5,331.89	592.43	5,924.32	5,448.72
Professional/ Administration	70	\$ 3,928.75	436.53	4,365.28	4,014.73
PUBLIC /INSTITUTIONAL	60	\$ 3,367.52	374.16	3,741.68	3,441.36
INDUSTRIAL					
Outside Industrial Park					
Light Industrial	80	\$ 5,985.88	665.10	6,650.98	6,117.00
Heavy Industrial	90	\$ 6,734.15	748.24	7,482.39	6,881.59
Industrial Park	N/A	\$ 1,048.58	116.50	1,165.08	1,071.50

NOTE:

The Acquisition Fee shall be paid on each parcel of land within the 2020 Urban Development Boundary prior to the approval of the final subdivision or parcel map. When no final subdivision or parcel map is submitted for approval prior to the commencement of the work of any development on each parcel of land, the Acquisition Fee shall be paid prior to the commencement of the work of any development thereon.

The Development Fee shall be paid on each parcel of land prior to the commencement of the work of any development thereon.

Northeast Capital Improvement Fund (1711)

Impact Fee Report 2008/09

	AB1600 Actuals
Beginning Cash Balance 7/1/08	\$ 230,859
Prior Year Audit Adjustment**	3,511
Adjusted beginning Balance	234,370
 <u>Revenue</u>	
Investment Earnings	8,343
Northeast Landscaping	0
Northeast Sidewalk/Bikepath	0
Northeast Storm Drain	0
Northeast Block Walls	0
Northeast Medians	1,702
Northeast Parks	2,305
Northeast Financing Costs	1,814
Total Revenues	14,164
 <u>Expenditure</u>	
Servicing Fees/Audit/Revenue/Accounting	(1,749)
Capital Improvement Program	(35,147)
Total Expenditure	(36,896)
 Ending Cash Balance 6/30/09	 211,638
C.I.P Money Appropriated 6/30/09	(66,503)
Ending Resources Available	145,136
Bonds/Internal Loan Balances	0
Future C.I.P. Projects 2009/10-2013/14	(197,000) *
Future Required Revenue	\$ 51,864

* A detail list of Future CIP projects is listed in the attached 6 Year Capital Improvement Program that was approved by Council June 2008 with the City's 2 Year Budget.

** 2007/08 Investment Earnings from Fair Market Value gains posted as audit adjustments after completion of the 2007/08 Impact Fee report.

**Northeast Capital Improvement Fund (1711)
Project Status Report (FY 08-09)**

Fund Description

This fund is derived from fees paid by developers, builders, and subdividers for projects located in the Northeast Specific Plan Area to fund the construction of storm drain facilities, parks, bike paths, medians, block walls, landscaping, and amenities identified in the Northeast Specific Plan.

Number	Fiscal Year 08/09 Activity				Financing Complete?		Project Current Status
	Total Project Appropriation	Total Project Expenditures	Fund Expenditures	% Financed By Fund	Yes	No	
Various Northeast Specific Plan improvements 1711-0-72-0-9899	153,639	0	0	0%		X	Ongoing Project
McAuliff Extension & Storm Line from Houston/Mineral King *3011-0-72-0-9475	18,949	(30,570)	(10,272)	34%		X	Project combined with McAuliff extension over Mill Creek 3011/9945 NorthEast funding released
Develop playground at Mill Creek Garden Park *3011-0-72-0-9936	314,132	(85,513)	(24,875)	29%	X		Design in progress - construction summer 2010
Expenditure Total	486,719	(116,083)	(35,147)				

* Note: Projects with a C.I.P. number starting with 3011 are funded by more than one fund.

City of Visalia
NORTHEAST SPECIFIC PLAN AREA DEVELOPMENT FEES

Resolution No. 07-49

Effective August 6, 2007

Resolution No. 08-32

Effective August 4, 2008

ACQUISITION FEE BY SUBDIVISION		
Storm Drainage	\$ 619	/per unit
Block Walls	\$ 144	/per unit
Parkway Landscaping	\$ 286	/per unit
Bike Paths	\$ 52	/per unit
Total	\$ 1,101	/per unit

FEE BY DEVELOPMENT		
Medians	\$ 107	/per unit
Parks	\$ 145	/per unit
Financing Costs	\$ 114	/per unit
Total	\$ 366	/per unit

City-wide portion of Park Fee	\$260	/per unit
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The unit fee shall be adjusted annually by City Council based on the following:

- a) Five percent (5%) per year increase in land acquisition costs;
- b) An amount equal to the change in the Engineering News Record Construction Cost Index for improvement development costs.

NOTE:

The "Fee by Subdivision" shall be paid on each parcel of land in the Northeast Specific Plan Area prior to the approval of the final subdivision or parcel map. In the Case where units are to be constructed in previously subdivided areas which have not paid the unit fee identified as "Fee by Subdivision" above, the balance of the total unit fee shall be collected at the time of development.

In the event that a property develops with a non-residential use, the unit fee equivalent shall be calculated for that property and collected at the time of subdivision and building permits as appropriate.

The City-wide portion of the Park Fee is in addition to the Parks "Fee by Development" and shall be paid on each allowable dwelling unit at the same time the "Fee by Subdivision" is due.

Attachment
City of Visalia 6 year Capital Improvement Program

Civic Center Impact Fee - 1041
2008/09 - 2013/14 Capital Improvement Program

This fund is derived from a portion of the Public Facility impact fees collected at the time of building permit issuance. Funds are to be used only for new facilities, and not for operation or maintenance.

Executive Summary

Resources	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
Beginning Cash for Public Facilities	2,318,300	2,827,170	3,384,540	3,977,540	4,608,040	5,277,940
Public Facility Impact Fees	478,900	431,000	443,900	457,200	470,900	485,000
Interest Earnings	108,900	130,300	153,100	177,400	203,200	230,500
Operating Expenditures	(3,930)	(3,930)	(4,000)	(4,100)	(4,200)	(4,300)
Capital Expenditures	(75,000)	-	-	-	-	-
Total Resources Available for Projects	2,827,170	3,384,540	3,977,540	4,608,040	5,277,940	5,989,140

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
1	Civic Center Environmental Impact Report (EIR)- Hire consultant to prepare the required environment review for the proposed Civic Center Building. To be completed in conjunction with Public Safety Building and Civic Center Park EIR's.	Noguera	8100	--	B10	75,000					
	Total					75,000					

*NOTE: Multi-funded means this is only this fund's portion of the total amount budgeted. Project is funded from multiple sources and is shown in its entirety in the "Multi-Resources Fund 3011".

The Budget Impact column represents the impact the project will have on the operating budget annually in order to maintain the project when completed or purchased.

-- No Annual Maintenance Costs

* Annual Maintenance cost is \$5,000 or less

** Annual Maintenance costs is \$5,000 to \$25,000

*** Annual Maintenance costs is over \$25,000. These projects will be explained in detail in the project description.

Fire Impact Fees - 1061
2008/09 - 2013/14 Capital Improvement Program

Executive Summary

	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
Resources						
Beginning Cash	(2,948,700)	(2,650,330)	(2,385,560)	(2,098,060)	(1,786,560)	(1,449,760)
Fire Impact Fees	456,000	410,400	422,700	435,400	448,500	462,000
Operating Expenses	(5,330)	(5,330)	(5,500)	(5,700)	(5,900)	(6,100)
Interest Earnings	(119,300)	(107,300)	(96,700)	(85,200)	(72,800)	(59,300)
Capital Expenditures	(33,000)	(33,000)	(33,000)	(33,000)	(33,000)	(33,000)
Total Resources Available for Projects	(2,650,330)	(2,385,560)	(2,098,060)	(1,786,560)	(1,449,760)	(1,086,160)

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
1	Pre-Emption Systems for Emergency Vehicles Retrofit 5 per year in existing signals. Prior project has installed the Pre-Emption System in 34 traffic signals and transmitters in 12 fire emergency vehicles. This system allows emergency vehicles to control traffic signals along their route. This additional funding is to retrofit the remaining signals over a period of time. All new signals will be installed with the system. (Multi-funded: General Fund (0011) and Fire Impact Fees (1061).)	Charles Norman/ Eric Bons	3011/953 1	--	N/A	33,000	33,000	33,000	33,000	33,000	33,000
	Total					33,000	33,000	33,000	33,000	33,000	33,000

*NOTE: Multi-funded means this is only this fund's portion of the total amount budgeted. Project is funded from multiple sources and is shown in its entirety in the "Multi-Resources Fund 3011".

The Budget Impact column represents the impact the project will have on the operating budget annually in order to maintain the project when completed or purchased.

-- No Annual Maintenance Costs

* Annual Maintenance cost is \$5,000 or less

** Annual Maintenance costs is \$5,000 to \$25,000

*** Annual Maintenance costs is over \$25,000. These projects will be explained in detail in the project description.

**Park & Recreational Facilities Fund - 1211
2008/09 - 2013/14 Capital Improvement Program**

This fund is derived from fees paid by developers in lieu of providing parks and open space. Funds are to be used to implement the Parks Master Plan for open space acquisition and providing park and other recreational facilities.

Executive Summary

	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
Beginning Cash For Capital	6,154,400	2,611,000	3,731,400	4,909,200	3,482,900	1,055,400
Park & Recreational Impact Fees	1,858,400	1,681,600	1,732,000	1,784,000	1,837,500	1,892,600
Interest Earnings	100,400	143,500	188,800	134,000	40,600	(224,000)
Operating Expenditures	(41,700)	(41,700)	(43,000)	(44,300)	(45,600)	(47,000)
Capital Expenditures	(5,480,500)	(653,000)	(700,000)	(3,300,000)	(4,260,000)	(8,500,000)
Total Resources Available for Future Projects	2,611,000	3,731,400	4,909,200	3,482,900	1,055,400	(5,823,000)

Executive Summary Assumptions:

The Park & Recreational Impact Fees are estimated to decrease 30% in 08/09 and an additional 10% in 09/10 due to slowing development. This fund will be hard hit by slowing residential development which is the only type of development required to pay this Impact Fee. The future years beginning with 10/11 are estimated to increase 3% annually.

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
1	Soroptomist Park- Develop a 4.5 acre neighborhood park on the south side of Douglas between Santa Fe and Burke to serve the area from Goshen Ave to Riffin Ave and Demaree St. to Akers St. The park improvements include turf and landscape, a playground, picnic areas, basketball court, walking paths.	Don Stone	9598	**	B15	350,000					
2	Babcock Park- Develop a 4.5 acre neighborhood park on the north side of Ferguson between Shirk and Roeben to serve the neighborhood recreation needs of the area from Akers St to Shirk St and from Goshen Ave to Riffin Ave. The park improvements include a playground, picnic areas, basketball court, turf play area, landscape and irrigation.	Don Stone	9743	**	A8	950,000					
3	Miki City Park- Develop a .65 acre park with a Japanese theme on the north side of Mineral King between Stevenson and Johnson. (Multi-Funded: Project total of \$450k funded with Recreation Facilities (1211) \$175k (08/09) and General Fund \$275k (08/09).)	Don Stone	3011/9933	*	B17	175,500					
4	Mill Creek Garden Park Playground- Develop a playground located at Lovers Lane & Mill Creek Parkway. This project consists of reducing the existing parking lot and adding a playground. The park currently does not have a playground and the nearest park with a playground is over 1 mile away. (Multi-funded: Project total of \$340k funded with Recreation(1211) \$200k (07/08) and \$40k (08/09) and N/E Capital Improvement Fund (1711) - \$100k (07/08).)	Don Stone/ Doug Damko	3011/9936	*	B16	40,000					

Park & Recreational Facilities Fund - 1211 (continued)
2008/09 - 2013/14 Capital Improvement Program

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
5	Dans Lane Neighborhood Park- Develop a 5 acre park and riparian area just to the east of Cottonwood Elementary to serve neighborhood park demand South of Caldwell, from Mooney Blvd to Demaree. Improvements will include a path along Packwood Creek, playground, picnic area, open turf area. (Multi-funded: Project total of \$1m funded with Recreation (1211) \$705k (07/08) and \$200k (08/09) and Waterways (1251) \$120k (08/09).)	Don Stone	3011/9579	*	D6	200,000					
6	Riverway Sports Park Phase 2- Develop lighted youth baseball complex with four lighted fields, concession & restroom building, parking, and light two soccer fields and BMX park. (Multi-funded: Project total of \$6.2m funded with Recreation (1211) \$762k (07/08) and \$3.27m (08/09) and Sports Park Reserve \$206k (07/08) and \$2m (08/09).)	Don Stone	3011/8029	***	B5	3,270,000					
7	Rec Park Playground - Universal Access Playground will allow children with disabilities to play independently with their peers. Provides wheel chair access to majority of playground elements and experiences for children with all levels of disabilities. Project includes removal of existing playground and site prep. (Multi-funded: Project total of \$599k funded with Recreation (1211) \$225k, CDBG (1811) \$83k (07/08) and Roberti Z Berg grant \$251k (07/08).)	Don Stone	3011/8021	--	B20	225,000					
8	Creekside Neighborhood Park/Storm Basin- Develop a 9 acre neighborhood park and storm basin to serve area south of Hwy 198 to Walnut Ave and east of Lovers Ln. Phase 2 (09/10) Develop 5 acres of park improvements and a pump lift station. Park improvements include playground, walking paths, turf and landscape, picnic area. Phase 3 (1/12) Complete development of park improvements and build local street on west side of park. (Multi-funded: Project total \$1.9m funded with Recreation (1211) \$915k (07/08), \$270k (08/09) and \$250k (1/12) and Storm Sewer (1221) \$331 (07/08), \$100k (10/11) and \$50k (11/12).)	Don Stone/ Peter Spiro	3011/9413	**	D8	270,000			250,000		
9	East Civic Center Park- 09/10 develop specific plan for park improvements from Tipton St. to Burke St. 12/13 develop a 4 acre park, trail, and riparian area at east Civic Center to coordinate with first phase of public improvements. The park master plan identifies an amphitheater to accommodate special events and provide green space. The amphitheater will provide seating for approximately 300. (Multi-funded: Project total of \$1.2m funded with Waterways (1251) \$275k, Measure R Bike/Trail (1132) \$275k and Recreation (1211) \$663k.)	Vince Elizondo	3011/9920	--	B10					663,000	

Park & Recreational Facilities Fund - 1211 (continued)
2008/09 - 2013/14 Capital Improvement Program

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
10	Cameron Creek Park & K Road Park/Storm Basin- Locate and acquire site for 6-8 acre neighborhood park and storm basin to serve area from Lovers Lane to Rd 148 and Walnut Ave to Caldwell Ave. Subdivisions are being built but land will be difficult to acquire in current market. (Multi-funded: Project total \$2.1m from Recreation (1211) \$1.5m and Storm Sewer (1221) \$620k.)	Don Stone/ Peter Spiro	3011/8103	--	D12			600,000		850,000	
11	Virmargo-Goshen Neighborhood Park- Design and build a 6 acre neighborhood park/storm basin west of Lovers Lane between Houston and Goshen to service the general area from Houston Ave to Mill Creek and Cain St to Lovers Lane. Development will include lift station and park amenities. (Multi-funded: Project Total \$1.8m funded with Recreation (1211) \$1.3m and Storm Sewer (1221) \$500k.)	Don Stone/ Doug Damko	3011/9932	*	B18			50,000	50,000	1,230,000	
12	Multi-Generational Recreation Center- Build a 20,000 sq. ft. space for community events, recreation and educational classes, and space for older adult programs on 3 acre site adjacent to South police precinct. A feasibility study will be conducted to determine specific needs for this type of facility in 2012-13. (Multi-funded: Project total of \$5.6m funded with Recreation Facilities (1211) \$4m, General Fund (0011) \$900k, and Grant funds \$700k.)	Vince Elizondo	3011/8096	--	D7			50,000			4,000,000
13	Southeast Master Plan Park Acquisition- Acquire 10 to 15 acres for the designated neighborhood park site and develop first phase. The master plan identifies a 38 acre site with a large grove of Valley Oaks as a park site. This project proposes to acquire a part of the site with park impact fees and the remainder would be purchased from unspecified funds from fees charged for development.	Don Stone	8104	--	D13				1,500,000		
14	River Run Ranch Neighborhood Park/Storm Basin- Develop a 6 acre park/storm basin on the north side of St Johns Parkway approx. 750 ft. east of McAuliff. The project will serve the area north of Houston Ave and East of McAuliff. The storm basin was excavated in 07/08 to serve phase 2 of River Run Ranch. Due to slowing development project has been moved to 2011/12. (Multi-funded: Project total \$1.7m funded with Recreation (1211) \$1m and Storm Sewer (1221) \$60k (07/08) and \$600k (11/12).)	Don Stone/ Peter Spiro	3011/8050 formerly 9386	--	B19					1,000,000	

Park & Recreational Facilities Fund - 1211 (continued)
2008/09 - 2013/14 Capital Improvement Program

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
15	Modoc Basin Neighborhood Park- Acquire Modoc Basin to develop a 10 acre park/storm basin on Riggins west of Demaree to serve area from Riggins Rd to Pratt Rd and Akers St to Shirk St. Existing subdivisions currently use Modoc basin which is identified in Storm Drain Master Plan as regional basin. Complicated negotiations have hindered acquisition process. Development to occur in 2013/14 including open space, athletic fields. (Multi-funded: Project total \$4.6k from Recreation (1211) \$2.5m and Storm Sewer (1221) \$2.1m.)	Andrew Benelli/ Don Stone/ Peter Spiro	3011/9935	--	A1				500,000	2,000,000	
16	Riverway Sports Park Phase 3- The third phase is programmed to include four lighted multi-use softball fields, parking , concession/restroom, a new irrigation well and pump system, Riverway Drive improvements and maintenance yard building. (Multi-funded: Project total of \$10.4m funded with Recreation (1211) \$4.2m and Sport (0014) \$6.2m.)	Don Stone	3011/8099	***	B5					180,000	4,000,000
17	Hillsdale Neighborhood Park- Develop neighborhood park to serve the area north of Hwy 198 to Goshen Ave and from Shirk to Akers. In FY 2008-09 Develop a master plan for the 16 acre parcel to identify location of park and scenic corridor setback. Project total of \$865K includes \$335k of prior year funding.	Don Stone/ Peter Spiro	9719	*	A9						500,000
Total Expenditures						5,480,500	663,000	700,000	3,300,000	4,260,000	8,500,000

Note:

Multi-funded means this is only this fund's portion of the total amount budgeted. Project is funded from multiple sources and is shown in its entirety in the "Multi-Resources Fund 3011".

The Budget impact column represents the impact the project will have on the operating budget in order to maintain the project when completed or purchased.

-- No Maintenance Costs

* Maintenance cost is \$5,000 or less

** Maintenance costs is \$5,000 to \$25,000

*** Maintenance costs is over \$25,000. These projects will be explained in detail in the project description.

**Storm Sewer Construction Fund - 1221
2008/09 - 2013/14 Capital Improvement Program**

This fund is derived from Storm Sewer impact fees collected at the time of development and a portion of the monthly storm sewer users fees. This fund receives \$.84 of the \$2.47 monthly storm sewer fee. Funds are to be used only for construction of new storm sewer lines to implement the Storm Sewer Master Plan.

Executive Summary							
	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	
Beginning Cash For Capital	300	279,960	685,400	1,028,900	(276,300)	(1,119,700)	
Storm Sewer Impact fees	653,800	673,400	693,600	714,400	735,800	757,900	
Storm Sewer Rate	415,000	423,300	431,800	440,400	449,200	458,200	
Interest Earnings	10,800	26,400	39,600	(10,600)	(43,100)	(17,400)	
Operating Expenditures	(27,640)	(27,640)	(28,500)	(29,400)	(30,300)	(31,200)	
Capital Expenditures	(772,300)	(690,000)	(793,000)	(2,420,000)	(1,955,000)	(500,000)	
Total Resources Available for Future Projects	279,960	685,420	1,028,900	(276,300)	(1,119,700)	(452,200)	

Executive Summary Assumptions:

The Storm Sewer Impact fees have decreased significantly as a result of decreased housing development. Revenues are estimated to decrease by 20% in 08/09 due to slowing development and begin to increase 3% annually in 2009-10. Sewer Fees are estimated to increase annually 2% based on growth.

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
1	Mooney Storm Drain & Pump Installation- Install a storm drain line in Mooney Blvd and second pump to existing dual pump station at Modoc Ditch/Mooney Blvd. Install 1300 ft of storm drain line in Mooney Blvd, and pave full cross-section of Mooney where line is installed. Project will provide storm drainage solution for two developing subdivisions east of Mooney Blvd and drainage for Mooney Blvd & Ferguson Avenue street runoff. (Multi-funded: Project total of \$495k funded with Storm Sewer (1221) \$150k (07/08) and \$220k (08/09) and Measure R Local (1131) \$125k.)	Peter Spiro	30119939	--	A5	220,000					
2	Retention Basin at the corner of Santa Fe and "K"- A Retention Storm Basin at the South East corner of Santa Fe Street and Walnut Avenue where a residential project is proposed, the basin will be dedicated to the City and developed by the approved residential master plan through Storm Drain fee credit program at no initial cost to the City, the funds needed for this project are to cover the design and the engineering staff time.	Peter Spiro	8105	*	D10	7,000					

Storm Sewer Construction Fund - 1221 (continued)
2008/09 - 2013/14 Capital Improvement Program

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
3	Park Place Storm Basin- Acquire the 4.6-acre Park Place storm basin (S43) located on the east side of Pinkham, 1000 feet north of Caldwell. Includes landscaping of Pinkham frontage. The basin is located adjacent to a Tulare Irrigation District canal that crosses Pinkham. This basin has been fully developed by Centex Homes as part of the Park Place subdivision. Basin will serve existing and future development north of Caldwell south of K Road and west of Lovers Lane. The basin is designed as a retention basin with the ability to take in water from the TID canal for groundwater recharge. Project total of \$450k includes \$350k prior year funding.	Doug Damko	9097 (PC-43)	*	D11	100,000					
4	Linwood Ranch Storm Basin- This project will reimburse developers for the construction of a pump station, discharge line, and installation of landscaping, sidewalk, curb, gutter and pavement along the northern, southern and eastern street frontages of the storm basin. Project total of \$34.5k includes \$24.5k prior year funding.	Peter Spiro	9774	--	C4	100,000					
5	Plaza Drive Storm Basin - Acquire additional property for the expansion of an existing basin west of Plaza Drive/North of 198 Hwy. Basin will serve the areas between Hurley & 198 HWY, west of Kelsey street.	Peter Spiro	8106	--	A7	100,000	80,000	80,000	80,000		
6	Construct various storm drain lines. Covers the City's annual cost of reimbursing developers for the design and construction of storm drain lines which implement the Storm Water Master Plan and for the construction of oversized storm drain lines that exceed the standard requirements for development projects.	Peter Spiro	9229	--	N/A	245,300	100,000	100,000	100,000		
7	Santa Fe Force Main- Install a pump station and a main discharge line to Packwood Creek at Rancho Santa Fe Park/Pond located at the South West corner of Burke St and Monte Vista Ave. Phase 1 (Park/Pond construction) has been completed. Phase 2 consisting of the installation of a pump station and a force main discharge line to Packwood Creek is planned to be constructed in 08/09.	Peter Spiro	9321	--	D9						510,000

Storm Sewer Construction Fund - 1221 (continued)
2008/09 - 2013/14 Capital Improvement Program

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
8	The Ranch Basin- Install landscaping and irrigation around the Ranch basin (formerly known as Ritchie Basin), located at the southeast corner of Houston Ave and Linwood St. In addition to the standard calwater irrigation connection, a reclaimed water unit and self irrigation system will be installed in this basin. Staff will apply for additional grant funding of \$100k for this project.	Peter Spiro	9430 (GD-39)	*	A6			50,000			
9	Riverwood Basin- Install landscaping, fencing, pump station with discharge line, inflow structures and street improvements at the 11-acre Creekside storm/recharge basin located at the southeast corner of Murray Ave. and McAuliff St. Purchase, fencing, excavation and street improvements have been completed. Remaining is lift station 08/09 and landscaping 10/11. (Multi-funded: Project total of \$678k funded with Storm Sewer (1221) \$198k (07/08) and \$13k (10/11), Groundwater Recharge (1224) \$317k and \$150k will be received from the Visalia Water Management Committee.)	Peter Spiro	3011/9557	--	B22			13,000			
10	Cameron Creek Park & K Road Park/Basin- Locate and acquire site for 6-8 acre neighborhood park and storm basin to serve area from Lovers Lane to Rd 148 and Walnut Ave to Caldwell Ave. Subdivisions are being built but land will be difficult to acquire in current market. (Multi-funded: Project total \$2.1m from Recreation (1211) \$1.5m and Storm Sewer (1221) \$620k.)	Don Stone/ Peter Spiro	3011/8103	*	D12			400,000	220,000		
11	Creekside Neighborhood Park/Storm Basin- Develop a 9 acre neighborhood park and storm basin to serve area south of Hwy 198 to Walnut Ave and east of Lovers Ln. Phase 2 (09/10) Develop 5 acres of park improvements and a pump lift station. Park improvements include playground, walking paths, turf and landscape, picnic area. Phase 3 (11/12) Complete development of park improvements and build local street on west side of park. (Multi-funded: Project total \$1.9m funded with Recreation (1211) \$915k (07/08), \$270k (08/09) and \$250k (11/12) and Storm Sewer (1221) \$331 (07/08), \$100k (10/11) and \$50k (11/12).)	Don Stone/ Peter Spiro	3011/9413	**	D8			100,000			50,000

Storm Sewer Construction Fund - 1221 (continued)
2008/09 - 2013/14 Capital Improvement Program

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
12	Lakeside Basin- Install pump station, inflow line, fencing and landscaping at 9.4-acre Lakeside storm basin (S40) located north side of Goshen Ave. between Shirk Street and future Roeben Street. Basin will service area bounded by Shirk St, Akers St, Riffin Ave and Hurley Ave. Will also provide relief for Goshen Ave storm drain line by accepting storm flows from the Goshen line into the basin and pumping it out at reduced rate.	Doug Damko	9836 (S40)	--	A11			50,000	150,000	250,000	
13	River Run Ranch Neighborhood Park/Storm Basin- Develop a 6 acre park/storm basin on the north side of St Johns Parkway approx. 750 ft. east of McAuliff. The project will serve the area north of Houston Ave and East of McAuliff. The storm basin was excavated in 07/08 to serve phase 2 of River Run Ranch. Due to slowing development project has been moved to 2011/12. (Multi-funded: Project total \$1.7m funded with Recreation (1211) \$7m and Storm Sewer (1221) \$60k (07/08) and \$600k (11/12).)	Don Stone/ Peter Spiro	3011/8050	**	B19				600,000		
14	Goshen Avenue Force-main- A force main pipeline with a pump station at Goshen/Virmargo Basin discharging into Jennings Ditch. Basin is categorized as a detention basin. Once more than half of service/tributary area is built out, a pump station with a discharge force-main will be needed.	Peter Spiro	8107	--	B23				420,000		
15	Virmargo Street Trunkline- A storm drain trunk line in Virmargo Street from Houston Ave to Goshen/Virmargo Basin. To provide drainage for 6 approved subdivision projects in area totaling approximately 400 residential lots, the trunk line terminates at Goshen/Virmargo basin. The construction of this project is associated with Eagle Meadows Development, an approved master planned residential site where the proposed pipeline alignment runs through.	Peter Spiro	8108	--	B24				150,000	55,000	
16	Goshen Avenue Trunkline- A storm drain trunk line in Goshen Avenue from Cain Street to Goshen/Virmargo Basin. Will provide drainage for approved private developments/some of the East downtown areas and Goshen Ave runoff from Ben Maddox to Mill creek Parkway. Trunk line terminates at Goshen/Virmargo Basin.	Peter Spiro	8109	--	B25				100,000	100,000	

Storm Sewer Construction Fund - 1221 (continued)
2008/09 - 2013/14 Capital Improvement Program

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
17	Virmargo-Goshen Neighborhood Park- Design and build a 6 acre neighborhood park/storm basin west of Lovers Lane between Houston and Goshen to service the general area from Houston Ave to Mill Creek and Cain St to Lovers Lane. Development will include lift station and park amenities. (Multi-funded: Project Total \$1.8m funded with Recreation (1211) \$1.3m and Storm Sewer (1221) \$500k.)	Don Stone/ Doug Damko	3011/9932	--	B18				50,000	450,000	
18	Modoc Basin Neighborhood Park- Acquire Modoc Basin to develop a 10 acre park/basin on Riggan west of Demaree to serve area from Riggan Rd to Pratt Rd and Akers St to Shirk St. Existing subdivisions currently use Modoc basin which is identified in Storm Drain Master Plan as regional basin. Complicated negotiations have hindered acquisition process. Development to occur in 2013/14 including open space, athletic fields. (Multi-funded: Project total \$4.6k from Recreation (1211) \$2.5m and Storm Sewer (1221) \$2.1m.)	Andrew Benelli/ Don Stone/ Peter Spiro	3011/9935	--	A1				500,000	1,100,000	500,000
Total Expenditures						772,300	690,000	793,000	2,420,000	1,955,000	500,000

Note:

Multi-funded means this is only this fund's portion of the total amount budgeted. Project is funded from multiple sources and is shown in its entirety in the "Multi-Resources Fund 3011".

The Budget Impact column represents the impact the project will have on the operating budget in order to maintain the project when completed or purchased.

-- No Maintenance Costs

* Maintenance cost is \$5,000 or less

** Maintenance costs is \$5,000 to \$25,000

*** Maintenance costs is over \$25,000. These projects will be explained in detail in the project description.

**Wastewater Trunk Line Construction Fund - 1231
2008/09 - 2013/14 Capital Improvement Program**

This fund's revenues are derived from Sanitary Sewer and Trunk Line Connection Fees. Funds are to be used only for new sanitary sewer trunk line construction, and not for operation and maintenance.

Executive Summary

	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
Beginning Cash For Capital	4,100	1,024,595	1,609,100	1,521,100	324,900	1,264,700
Sanitary Sewer and Trunk Line Connection Fees	1,190,000	766,300	989,300	1,219,000	1,455,600	1,699,300
Sewer Master plan Fees	407,400	415,500	423,800	432,300	440,900	449,700
Interest Earnings (Expense)	75,000	61,900	58,500	12,500	48,600	104,500
Proceeds of proposed Bond Issue	-	6,635,000	-	-	-	-
Bond Principal/Interest Expense	(543,315)	(550,600)	(950,600)	(950,600)	(895,500)	(689,800)
Operating Expenditures	(13,590)	(13,590)	(14,000)	(14,400)	(14,800)	(15,200)
Capital Expenditures	(95,000)	(6,730,000)	(595,000)	(1,895,000)	(95,000)	(95,000)
Total Resources Available for Future Projects	1,024,595	1,609,105	1,521,100	324,900	1,264,700	2,718,200

Executive Summary Assumptions:

The Sanitary Sewer/Trunkline Connection Fees are estimated to decrease 20% in 08/09 due to an estimated decrease in development. The future years are estimated to increase 3% annually. Sewer Master Plan Fees are estimated to increase annually 2% based on growth in water/sewer hook-ups. Spike in Trunk Line Connection Fees in 2009/10 due to connection fees to be paid by California Dairies for Phase 2 of expansion project totalling \$446k.

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
1	Reimburse developers for sanitary sewer- additional costs incurred when constructing the required sanitary sewer with development. The additional cost is the difference between the "development requirement" and the requirement to accommodate for future development in the area.	Andrew Benelli	9318	--	N/A	75,000	75,000	75,000	75,000	75,000	75,000
2	Preliminary engineering and design work necessary to provide developers and engineers with adequate information to construct master planned sewer lines with proposed development projects.	Andrew Benelli	9234	--	N/A	20,000	20,000	20,000	20,000	20,000	20,000
3	Shirk sewer line extension. This project will install 48 inch sewer line in Shirk Ave from 300 ft. south of Ferguson to Walnut Ave. The 48 inch line is a master plan trunk line that will provide service to areas along Shirk St north of Walnut Ave extending to Ferguson Ave. Project total \$7.2m. (\$1.5m in prior years)	Peter Spiro	9741	*	A13		5,700,000				

Wastewater Trunk Line Construction Fund - 1231 (continued)
2008/09 - 2013/14 Capital Improvement Program

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
4	Mineral King trunk line- replace from Stevenson St near Main and County Center along the Ranch Road alignment. The existing line is deficient, as shown in the master plan, and will need to be replaced or a parallel line will need to be installed to manage growth in the downtown area. Project will be constructed in future phases. Project total \$4.5m (\$3.5m in prior years)	Manuel Molina	9819	*	B29		935,000				
5	Avenue 276 Trunk Line- Extend sewer trunk line in Ave 276 from Santa Fe to Lovers Lane. The estimated cost of the project is \$2.2m. The construction of this line will be in conjunction with the development of the SouthEast master plan.	Andrew Benelli	9993	*	D15			500,000	1,700,000		
6	Sewer lift station near SR 198 (south side) and Plaza Drive- upgrade from two 1800 gpm pumps to four 2500 gpm pumps. The existing pumps will need to be upgraded to manage growth within the northwest portion of the City.	Andrew Benelli	8148	*	C7				100,000		
Total Expenditures						95,000	6,730,000	595,000	1,895,000	95,000	95,000

Note:

The Budget Impact column represents the impact the project will have on the operating budget in order to maintain the project when completed or purchased.

- No Maintenance Costs
- * Maintenance cost is \$5,000 or less
- ** Maintenance costs is \$5,000 to \$25,000
- *** Maintenance costs is over \$25,000. These projects will be explained in detail in the project description.

In August 2002 the Wastewater Funds received a Bond for \$9.5M for the expansion of the Treatment Plant and to install and extend major arterial trunklines. The bond is to be paid back over a 15 year period at a 4% interest rate. Below is a breakout of each Funds portion of the bond:
Wastewater Trunkline Construction (1231 Fund): \$3.5M
Sewer Connection (1232 Fund): \$3.5M
Wastewater Treatment Plant (4311 Fund): \$2.5M

Transportation Impact Fund - 1241
2008/09 - 2013/14 Capital Improvement Program

This fund is derived from fees collected at the time of building permit issuance. Funds can be used only for new street improvements and expansion of transportation facilities related to growth.

Executive Summary						
	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
Beginning Cash For Capital	(917,700)	(2,912,670)	(397,300)	801,600	2,983,600	2,294,800
Transportation Impact Fees	8,104,000	7,293,600	7,512,400	7,737,800	7,969,900	8,209,000
Interest Earnings	(112,000)	(15,300)	30,800	114,800	88,300	(8,200)
Miscellaneous Revenue	-	-	-	-	-	-
Operating Expenditures	(42,970)	(42,970)	(44,300)	(45,600)	(47,000)	(48,400)
Capital Expenditures	(9,944,000)	(4,720,000)	(6,300,000)	(5,625,000)	(8,700,000)	(10,660,000)
Total Resources Available for Future Projects	(2,912,670)	(397,340)	801,600	2,983,600	2,294,800	(212,800)

Executive Summary Assumptions:

The Transportation Impact Fees are estimated to decrease 20% next year (08/09) due to an estimated decrease in development. The future years are estimated to increase 3% annually.

A solution to funding the proposed projects may be one of three options: 1) additional grants, 2) increased transportation fees and/or 3) postponed or reduced projects. However, to be eligible for grant monies, the City needs to be prepared to fund projects. Therefore, staff is recommending this plan. Council oversight on the progress of staff in balancing this fund is essential.

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
1	Transportation Impact Fee Administration- Staff time to administer the Transportation Impact Fee program that oversees the development of arterial and collector roadways near areas of development. Includes calculation of impact fees.	Chris Tavaraz	9633	--	N/A	100,000	100,000	100,000	100,000	100,000	100,000
Street Widening throughout the City											
2	Widen Whitendale between Sallee and Central. This will accommodate dual turn lanes on Mooney Blvd and will be constructed in conjunction with the Mooney Blvd widening project and phased with the other three major Mooney intersections.	Manuel Molina	9252	**	B45	1,700,000					
3	Widen Walnut between Yale and Central. This will accommodate dual turn lanes on Mooney Blvd and will be constructed in conjunction with the Mooney Blvd widening project and phased with the other three major Mooney intersections. (05/08) ROW & Design; (08/09) Construction.	Manuel Molina	9270	--	D30	2,500,000					

Transportation Impact Fund - 1241 (continued)
2008/09 - 2013/14 Capital Improvement Program

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
4	Reimburse developers for additional costs incurred when constructing required arterial & collector streets with their development. Additional cost is the difference between "development requirement" & requirement to accommodate for future development in area. Project cost based upon current agreements, estimates of future projects and estimated completion dates.	Doug Damko	9130	**	N/A	4,100,000	4,000,000	4,000,000		2,500,000	1,000,000
5	Widen Riffin Ave from Mooney to Conyer- (11/12) Design & ROW; (13/14) Construction. Total estimated cost \$3.5 million.	Doug Damko	3011/9825	**	A25						3,560,000
6	Intersection - Shirk St and Walnut Ave. Complete the intersection and the widening of Walnut Ave East of Shirk Street and complete the partial widening of Shirk Street south of Walnut Ave. This project will complete the intersection and adjoining subdivision frontages. The completion of the widening of Walnut Avenue will allow the street to be restriped and converted from a 2 lane facility to a 4 lane facility between Roeben Street and Shirk Street.	Doug Damko	8073	--	C9	559,000					
7	Widen Santa Fe St from K St to Noble Ave. Widening will consist of 2 phases: (12/13) Design; (13/14) Construct Widening.	Manuel Molina	9942	**	B46					2,750,000	2,750,000
8	Widen McAuliff- Acquire ROW and widen McAuliff St. between Noble Ave. and Tulare Ave. (approx. 2500 l.f.) to a collector status roadway (84 ft). The improvements include curb and gutter on both sides and will widen to include one lane in each direction, a continuous left turn lane, bike lanes and parking.	Fred Lampe	9980	**	D19					1,250,000	1,250,000
Extension of Streets throughout the City											
9	Extend McAuliff over Mill Creek/Evans Ditch. Project will consist of extending McAuliff over the Mill Creek & Evans Ditch intersection. Includes removing a conflicting flume and check structure and constructing them at new locations. Majority of McAuliff St was extended in prior years.	Adam Ennis	9945	**	B49	175,000					
10	Tulare Ave extension (Lovers Lane and Mc Auliff)- Acquire ROW and extend Tulare Ave between Lovers Lane and McAuliff. Tulare Ave will be a collector road and will provide another access route to the west from subdivisions around McAuliff St. south of SR 198.	Peter Spiro/ Fred Lampe	9823	--	D20	250,000	200,000	1,500,000			

Transportation Impact Fund - 1241 (continued)
2008/09 - 2013/14 Capital Improvement Program

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
11	Construct Tulare Ave between Arroyo St (e of McAuliff) to Road 148 (Visalia Parkway) and extend Road 148 south approximately 1/4 mile towards Walnut. Tulare Ave will be built to a collector (84 ft) status roadway while Road 148 would be built to a half arterial (36ft).	Adam Ennis	9946	**	D31			50,000	275,000	600,000	
12	Construct Santa Fe Street Houston Ave. to Riffin Ave.- This project will extend a North/South arterial to the North side of SR 198. Design. (2010/12) Construct (2012/2014)	Adam Ennis	8110	**	N/A			500,000	1,000,000	1,500,000	2,000,000
Traffic Signal Installations/Improvements											
13	Portable Traffic Signal- Purchase a complete set of 4 trailers to provide for a temporary signalization of an intersection. Can be used until permanent traffic control can be constructed or to assist in temporary traffic control measures. The equipment is portable and intended to be used for short durations (up to 12 months).	Eric Bons	8111	*	N/A		120,000				
14	Traffic Signal Modification Caldwell & County Center- Install left turn arrows to create protected left turn movements in the north and south directions. Left turn arrows already exist for East West traffic. Includes installation of new signal pole and mast arms.	Eric Bons	8112	*	D21			50,000			
15	Traffic signal at the intersection of Demaree & Ferguson to accommodate the increased traffic volumes due to the development in the area. Prior to installation, additional ROW may need to be acquired. (Multi-funded: Project total of \$300k funded with Transportation Impact (1241) \$45k and Congestion Mitigation Air Quality Grant (1611) \$255k.)	Eric Bons	3011/8113	*	A20			45,000			
16	Install a traffic signal at Santa Fe & Walnut Ave. Roadway improvements will be required to facilitate the traffic signal and lane configuration. Will replace existing all-way stop reducing traffic delays and air pollution. (Multi-funded: Project total of \$300k funded with Transportation Impact (1241) \$45k; and Congestion Mitigation Air Quality Grant (1611) \$255k.)	Eric Bons	3011/9951	*	D24			45,000			
17	Install Traffic Signal Demaree & Mill Creek- will replace existing all-way stop reducing traffic delays and air pollution.	Eric Bons	8114	*	A21			300,000			

Transportation Impact Fund - 1241 (continued)
2008/09 - 2013/14 Capital Improvement Program

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
18	Traffic signal at Houston Ave & Mooney Blvd- Traffic counts and program warrant the installation of a traffic signal at this location. The traffic signal will help relieve the traffic congestion and delay at this intersection.	Eric Bons	8115	*	B45		270,000				
19	Traffic Signal Ben Maddox & Douglas- will help reduce the number of accidents at this location.	Eric Bons	8116	*	B48		150,000	150,000			
20	Traffic signal at Hurley Avenue & Shirk Road- The traffic signal will be constructed in conjunction with the widening of Shirk Street from Highway 198 to just north of Hurley Avenue.	Eric Bons	9725	*	A22				250,000		
Total Expenditures						9,944,000	4,720,000	6,300,000	5,625,000	8,700,000	10,660,000

Note:

Multi-funded means this is only this fund's portion of the total amount budgeted. Project is funded from multiple sources and is shown in its entirety in the "Multi-Resources Fund 3011".

The Budget Impact column represents the impact the project will have on the operating budget in order to maintain the project when completed or purchased.

-- No Maintenance Costs

* Maintenance cost is \$5,000 or less

** Maintenance costs is \$5,000 to \$25,000

*** Maintenance costs is over \$25,000. These projects will be explained in detail in the project description.

Waterways Fund - 1251
2008/09 - 2013/14 Capital Improvement Program

This fund is derived from a combination of monthly storm sewer fees and developer impact fees. This fund receives \$.48 of the \$2.47 monthly fee that is charged through the utility bill. Funds are restricted for acquisition of development setbacks along waterways designated in the Visalia General Plan, restoration of riparian vegetation, and maintenance of the setback areas.

Executive Summary									
	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14			
Beginning Cash For Capital	34,500	17,090	66,790	(61,810)	(45,610)	225,890			
Waterways Impact Fee	585,600	603,200	621,300	639,900	659,100	678,900			
Waterways Fees	239,100	243,900	248,800	253,800	258,900	264,100			
Interest Earnings (Expense)	700	2,600	(2,400)	(1,800)	8,700	16,400			
Operating Expenditures	(135,810)	(142,000)	(146,300)	(150,700)	(155,200)	(159,900)			
Capital Expenditures	(707,000)	(653,000)	(850,000)	(725,000)	(500,000)	(600,000)			
Total Resources Available for Future Projects	17,090	66,790	(61,810)	(45,610)	225,890	425,390			

Executive Summary Assumptions:

The Waterways Impact Fees are estimated to decrease 20% in 08/09 due to slowing development. The future years beginning with 09/10 are estimated to increase 3% annually. Waterways Fees are estimated to increase annually 2% based on growth in water/sewer hook-ups.

Additional Information: In November 2003 Council approved a General Fund loan of up to \$500k to the Waterways Fund to continue with the acquisition and development of waterway setbacks. With the use of Measure R Bike and Trail funds the Waterways fund is not currently projected to require advances from the General fund.

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
1	Mill Creek riparian setback- at 120 N Akers. The City will purchase a strip of riparian setback that is approximately 190 ft long and 50 ft wide. A trail will eventually be built on the property.	Paul Shepard	9872	--	A2	110,000					
2	Dans Lane Neighborhood Park- Develop a 5 acre park and riparian area just to the east of Cottonwood Elementary to serve neighborhood park demand South of Caldwell, from Mooney Blvd to Demaree. Improvements will include a path along Packwood Creek, playground, picnic area, open turf area. (Multi-funded: Project total of \$1m funded with Recreation (1211) \$705k (07/08) and \$200k (08/09) and Waterways (1251) \$120k (08/09).)	Don Stone	3011/9579	**	D6	120,000					
3	St. John's River Walk- improve approximately 12 acres along the river directly east of Ben Maddox. Includes site clean-up, construction of a small parking lot off of Ben Maddox, improved access for the disabled, natural history displays, a trail through the existing 12 acres of Valley Oak forest, irrigation and landscaping, a meadow area, picnic tables, drinking fountains, signs and benches. (Multi-funded: Waterways-1251 \$50k (07/08) and \$155K (08/09-09/10) and Prop 50 \$817k (07/08).)	Don Stone	3011/8011	*	B21	52,000	103,000				

Waterways Fund - 1251 (continued)
2008/09 - 20013/14 Capital Improvement Program

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
4	Acquire waterway setbacks- and enhance riparian habitats as land becomes available. Waterways include St. John's River, Mill Creek, Cameron Creek, Modoc Ditch & Packwood Creek).	Don Stone	9100	--	N/A	100,000	100,000	400,000	425,000	450,000	500,000
5	Oakwest 7-Mill Creek riparian area- work with developer to purchase approximately 2 acres of riparian setback along the north side of School between Shirk and Akers and co-develop. Work will include a 1,700 ft trail along with an irrigation system and landscaping.	Paul Shepard	8133	*	A4	300,000	175,000				
6	Matching funds to developers for development of riparian setbacks. Includes drip irrigation, oak trees and riparian landscaping, paths, signs, and wood chips. In some cases fencing may be required to limit access. (Multi-funded: Waterways (1251) \$750k and Measure R Bike and Trail (1132) \$1.05m.)	Don Stone	3011/9756	--	N/A	-	100,000	200,000	300,000	50,000	100,000
7	East Civic Center Park- 09/10 develop specific plan for park improvements from Tipton St. to Burke St. 12/13 develop a 4 acre park, trail, and riparian area at east Civic Center to coordinate with first phase of public improvements. The park master plan identifies an amphitheater to accommodate special events and provide green space. The amphitheater will provide seating for approximately 300. (Multi-funded: Project total of \$1.2m funded with Waterways (1251) \$275k, Measure R Bike/Trail (1132) \$275k and Recreation (1211) \$663k.)	Vince Elizondo	3011/9920	--	B10	25,000		250,000			
8	St. John's River Bike/Pedestrian Trail - Rd 148 alignment east to Cutler Park- Start ROW acquisition and trail development . Acquire approximately 3 acres of riparian area and construct a .5 miles trail connecting to Cutler Park. (Multi-funded: Project total of \$847k funded with State Transportation (1611) \$223k, TEA grant (1611) \$270k, Measure R (1132) Bike and Trail \$54k (07/08) and \$200k (08/09); and Waterways (1251) \$100k.)	Paul Shepard	3011/6040	*	B9	-	100,000				

Waterways Fund - 1251 (continued)
2008/09 - 2013/14 Capital Improvement Program

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
9	Pappas Park Trail- Construct 1,100 ft of asphalt trail between Demaree and Chinowith in Pappas Park in conformance with waterway policy.	Paul Shepard	8134	--	A3		80,000				
Total Expenditures						707,000	658,000	850,000	725,000	500,000	600,000

NOTE: Multi-funded means this is only this fund's portion of the total amount budgeted. Project is funded from multiple sources and is shown in its entirety in the "Multi-Resources Fund 3011".

The Budget Impact column represents the impact the project will have on the operating budget in order to maintain the project when completed or purchased.

-- No Maintenance Costs

* Maintenance cost is \$5,000 or less

** Maintenance costs is \$5,000 to \$25,000

*** Maintenance costs is over \$25,000. These projects will be explained in detail in the project description.

N/E Capital Improvement Fund - 1711
2007/08 - 2013/14 Capital Improvement Program

This fund is derived from fees paid by developers, builders, and subdividers for projects located in the Northeast Specific Plan Area to fund the construction of storm drain facilities, parks, bike paths, medians, block walls, landscaping, and amenities identified in the Northeast Specific Plan.

Executive Summary

	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
Beginning Cash For Capital	39,100	23,800	7,900	7,000	6,600	6,700
N/E Capital Improvement Impact Fees	36,000	36,000	37,100	38,200	39,300	40,500
Interest Earnings	900	300	300	300	300	300
Operating Expenditures	(2,200)	(2,200)	(2,300)	(2,400)	(2,500)	(2,600)
Capital Expenses	(50,000)	(50,000)	(36,000)	(36,500)	(37,000)	(37,500)
Total Resources Available for Future Projects	23,800	7,900	7,000	6,600	6,700	7,400

The N/E Capital Improvement Impact Fees are estimated to decrease 20% in 08/09 and experience no growth in 09/10 due to an estimated decrease in development. The future years are estimated to increase 3% annually.

#	Project Description	Project Manager	Project #	Budget Impact	Map Ref	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
1	Various Northeast Specific Plan improvements. This project covers the City's annual cost of reimbursing developers for bike paths, parkway landscaping and block walls that are identified as the City's responsibility in the Northeast Specific Plan.	Doug Darmko	9899	--	N/A	50,000	50,000	36,000	36,500	37,000	37,500
	Total Expenditures					50,000	50,000	36,000	36,500	37,000	37,500

Note:

Multi-funded means this is only this fund's portion of the total amount budgeted. Project is funded from multiple sources and is shown in its entirety in the "Multi-Resources Fund 3011".

The Budget Impact column represents the impact the project will have on the operating budget in order to maintain the project when completed or purchased.

-- No Maintenance Costs

* Maintenance cost is \$5,000 or less

** Maintenance costs is \$5,000 to \$25,000

*** Maintenance costs is over \$25,000. These projects will be explained in detail in the project description.

Exhibit 1

APPEAL OF PLANNING COMMISSION ACTION

(The fee to file an Appeal is \$351. Applicants who meet specific income guidelines may be eligible to waive this fee. A fee waiver application can be obtained from the Planning Department located at 315 E. Accquia. All Appeal forms with applicable fees or waivers must be submitted to the Office of the City Clerk at 425 E. Oak Ave. Ste. 301, within ten (10) days after the action which is the subject of the appeal. If the final day to file falls on a weekend or holiday the deadline to file is extended to the next business day by 5:00 p.m.)

Planning Commission Public Hearing Date: September 14, 2009

Appellant Name: Ad Art Sign Company (Appellant)/Visalia Properties (Owner)

Address: 2670 W. Shaw Lane, Suite 102, Fresno, CA 93711

Phone: (559) 696-5412

Please check the actions appealed and provide the action number. The action number may be obtained from the Planning Division at 713-4359.

- Conditional Use Permit No. _____ (Section 17.02.145)
- Variance/Exception No. 2009-10 (Section 17.02.145)
- Change of Zone No. _____ (Section 17.44.080)
- Tentative Subdivision Map _____ (Section 16.04.040)
- Tentative Parcel Map No. _____ (Section 16.04.040)
- Site Plan Review Committee Determination _____ (Section 17.28.050)

In accordance with the Municipal Code of the City of Visalia, decisions by the Planning Commission may be appealed to the City Council within ten (10) days after the action which is the subject of the appeal. The appeal must state specifically where it is claimed that there was an error or abuse of discretion by the Planning Commission or whether the decision of the Commission is not supported by the evidence in the record.

List reason for appeal in accordance with the above requirements (Additional pages and/or supporting documentation may be attached)

Abuse of discretion by the Planning Commission - See Attachment

Signature: *[Handwritten Signature]*

Date: 9-23-09

Office Use Only

Received By: *[Handwritten Name]*

Date: 9/24/09

Faxed to City Planner: 9/24/09

City Council Hearing Date: 10/19/09

Check # 31252 \$351.00



LAW OFFICES
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TELEPHONE (949) 729-0760
TELECOPIER (949) 729-0729

PATRICK WALSH

September 23, 2009

Office of the City Clerk
City of Visalia
425 E. Oak Avenue, Suite 301
Visalia, CA 93291



Re: Appeal of Planning Commission Action

Ladies and Gentlemen:

I enclose an appeal from the action of the Planning Commission with respect to Sign Variance Application No. 2009-10.

Very truly yours,

Patrick Walsh
of CASE KNOWLSON & JORDAN LLP

The applicant, Ad Art Sign Company, on behalf of the Owner, Visalia Properties, appeals the Planning Commission's denial of a variance for a sign identifying the tenant, Orchard Supply Hardware ("OSH"). The Planning Commission abused its discretion by applying the wrong standards to the application, and adopting a staff recommendation that ignored the applicable standards.

The application arises from the City's street-widening project on Walnut Avenue. The City has filed a condemnation action against the owner in Superior Court, entitled *City of Visalia v. Visalia Properties*, to take a portion of the OSH site near the street. The OSH sign is located on the land to be taken. Consequently, the sign will have to be relocated farther back into the parking lot. Moving the sign will reduce its visibility. Although the sign is currently visible to northbound traffic on Mooney Boulevard, it will lose that visibility when it is moved back. The owner and OSH simply want to have the larger sign that has been proposed in order to retain the important sign visibility that helps attract customers.

There is one additional reason why granting the variance would make sense for the City. As was pointed out to the Planning Commission, and as the owner has already asserted in the condemnation action, the loss of sign rights on a retail property significantly impairs the value of the site as a whole. The variance gives both parties an opportunity to benefit from the condemnation action on an economically viable basis. Expensive condemnation litigation can be avoided with the granting of the requested sign variance.

The standards for variances, set forth in the Sign Ordinance itself, justify granting this variance. Under section 17.48.110(1) of the Ordinance, the Planning Commission may grant a variance if it is able to make five listed findings. The Commission, relying on the staff report, concluded that it could not make those findings; in fact, it could have and should have made all of them. The necessary findings, and the reasons for them, are set forth here.

a. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the sign and zoning ordinance.

The staff report states: "Staff can not support the sign request because the sign ordinance prohibits pole signs." This is both irrelevant and flatly wrong. It is irrelevant, since it ignores the whole point of a variance application, which is to permit something not otherwise permitted by the ordinance. It is wrong because the Sign Ordinance does not "prohibit" pole signs. Section 17.48.050 lists some types of signs that are absolutely prohibited anywhere in the City, such as revolving signs, animated signs, and signs offending public morals or decency. Pole signs are not included in the prohibition; they do not in any sense violate general public policy. Freestanding signs are permitted in Design District A; the only problem here is that the requirements call for a

broad, monument-style base, rather than a narrower, pole-style base. Permitting a pole base here would not violate any public policy.

Aside from the staff's introduction of a misleading standard, the staff report ignores the actual standard set forth in the ordinance, *i.e.*, whether the strict enforcement of the regulation would result in "practical difficulty or unnecessary hardship." The whole point of this application is that, by being moved back from the street, the visual impact of the sign will be reduced, particularly from Mooney Boulevard, the main north-south commercial avenue in the city. That is the "practical difficulty or unnecessary hardship" that the applicant is seeking to avoid, and neither the staff nor the Commission properly addressed the issue. The plain fact is that moving the sign back will reduce its visibility; there is an "unnecessary hardship" and the Commission should have made that finding.

b. That there are exceptional or extraordinary circumstances or conditions applicable to the property which do not apply generally to other properties classified in the same zoning district.

Once again, the staff analysis ignores the issue. The most notable element of the existing sign is that, although the property fronts on Walnut Avenue, the sign is clearly visible from Mooney Boulevard. If it is moved back, it will no longer be visible. Many other properties are not similarly impacted. Commercial property signs that front on Mooney Boulevard will not cease to be visible simply because their signs are moved back by the Caltrans project on Mooney Boulevard. Thus, there are conditions applicable to this property that do not apply to other properties in the area.

c. 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 zoning district.

There are already many other pole signs in the area. As the staff report concedes, the Union Bank sign on Mooney Boulevard (less than fifty yards from the existing OSH sign) is a pole sign similar to the one requested. The staff report tries to distinguish it as a non-conforming sign "established prior to the update of the sign ordinance," but its origins do not change the fact that it is there, almost directly across the street from the OSH site. The staff report also says that the Union Bank pole sign is the only pole sign in the area. This is untrue; the Citibank sign on the west side of Mooney Boulevard, north of Walnut Avenue, is another. Moreover, both of those pole signs are located right on the street, not set back as this one would be. Granting the application would do no more than permit a new pole sign in an area that already has several.

d. 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 zoning district.

The analysis here is similar to that for the previous requirement. The staff dismisses the variance as a "special privilege inconsistent with the sign ordinance." As noted above, this is a restatement of the fact that a sign variance is, by definition, the result of an inconsistency with some aspect of the sign ordinance. With respect to other pole signs, the staff report again concedes that Union Bank has a pole sign, again ignores the fact that Citibank has one as well, and again ignores the fact that the proposed sign would be set back from the street more than either one of them. This is a variance to permit the same kind of sign already enjoyed by several other properties in the same zoning district.

e. 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 staff report says: "The denial of the variance would not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity." This is exactly backwards. The test is not whether *denial* of the application will not be detrimental to public health, but whether *granting* of the application will be. Apparently unable to point to any threat to the public welfare posed by this sign, the staff simply changed the test and concluded that denying the application would not threaten the public welfare. A variance always involves some proposed change. Denial of a variance will not create a threat to public safety. The staff's analysis is demonstrably wrong. In reaching its conclusion, the Planning Commission failed to address the fact that its own staff had distorted the language of the Sign Ordinance.

This is a case that is tailor-made for a variance. The application is triggered by an act of the City itself, not of the owner. By condemning a portion of the owner's property, it is the City that has forced the owner to try to compensate for the loss of sign visibility which benefits its property and its tenant. Moreover, because the loss of sign visibility will have a significant impact on the City's litigation costs in pursuing the condemnation, and create the risk of a substantial award against the City, denial of the application needlessly exposes the City to costs that are easily avoided. At a time when the economy is struggling, and cities everywhere are dealing with budgetary issues, the last thing the City needs to be doing is incurring extra litigation costs, and handicapping a major retailer in its efforts to produce sales, with resulting sales tax revenue. This application should be granted, out of fairness to the property owner, the tenant and for the general good of the City.



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: September 14, 2009

PROJECT PLANNER: Paul Bernal, Associate Planner
Phone No.: (559) 713-4025

SUBJECT: 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)

STAFF RECOMMENDATION

Staff recommends denial of Variance No. 2009-10, based upon the findings in Resolution No. 2009-58, which specifically pertain to sign standards. Staff's recommendation is based on the conclusion that the request is not consistent with Zoning Ordinance and the intent of Design District "A" Sign Standards.

RECOMMENDED MOTION

I move to deny Variance No. 2009-10, based on the findings in Resolution No. 2009-58.

PROJECT DESCRIPTION

The applicant (Orchard Supply Hardware) is requesting approval of Variance No. 2009-10 which is a request to erect a 35-foot high/72 square foot double face freestanding sign (see Exhibit "B") for the Orchard Supply Hardware store. The freestanding sign will be located within the landscape setback along Walnut Avenue as depicted on Exhibit "A".

The subject property is located within the boundaries of Design District "A". The uses in this district are primarily retail commercial.

BACKGROUND INFORMATION

General Plan Land Use Designation	C-R (Regional Retail Commercial)
Zoning	C-R (Regional Retail Commercial)
Surrounding Zoning and Land Use	North: R-1-6 (Single-Family Residential) / Single family neighborhood South: C-R (Regional Retail Commercial) / Walnut Avenue and Visalia Mall East: C-R (Regional Retail Commercial) / In-&-Out Restaurant West: R-1-6 (Single-Family Residential) / Single family neighborhood
Environmental Review	N/A
Special Districts:	Design District A
Site Plan Review	N/A

RELATED PROJECTS

On October 24, 1988, the Planning Commission denied Variance No. 563 by Resolution No. 88-121, which was a request by Orchard Supply Hardware store to utilize an existing 50 foot high/300 square foot double face freestanding sign which was once used by the former Builder's Emporium. On November 21, 1988, the City Council denied the appeal and upheld the Planning Commission's denial of Variance No. 563.

PROJECT EVALUATION

Staff Analyses – Variance

The applicant has provided five findings for the variance in Exhibit "C" which discuss the resulting street widening project impacting the visibility of the Orchard Supply Hardware store. The applicant's findings (see Exhibit "C") do not provide a basis for approval. 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.

To provide a high quality visual environment within the City of Visalia, the sign ordinance was revised and adopted in 1978. The adopted sign ordinance made all existing pole signs non-conforming signs. The sign ordinance limits freestanding signs to the monument type. The purposes of monument signs are to identify businesses rather than advertise. 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.

The Planning Commission is required 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.*

As previously stated, staff can not make any of the five findings to support the sign variance request.

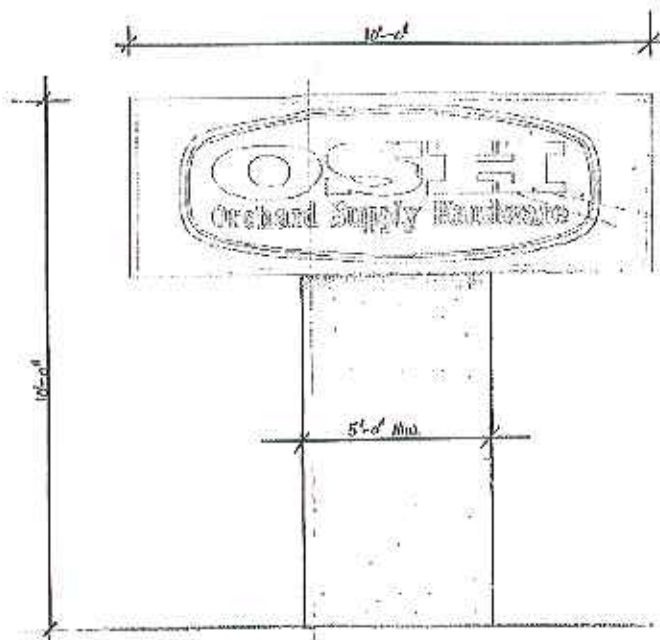
It should be noted, the Mooney Boulevard street widening project, in addition to the street widening along major intersections that bisect the Moony Boulevard corridor has necessitated the dedication of property by individual property owners. In certain cases, the street widening has resulted in the relocation of signs. However, each individual property/business owner affected by street widening has been compensated for their dedicated property and sign relocation.

All existing monument and/or non-conforming signs affected by the street widening project were allowed to be retained but are required to be relocated outside the public right-of-way, and 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.

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.

The diagram below 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.



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.

Environmental Review

If Variance No. 2009-10 is denied, no action needs to be taken on the environmental document. In the alternative, if the Variance is approved; a Categorical Exemption will be prepared for the project.

RECOMMENDED FINDINGS

The Planning Commission is required to make findings for approval of a variance to City standards. Staff recommends the following findings for denial of the variance application:

- 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.

Staff can not support the sign request because the sign ordinance prohibits pole signs. The sign ordinance permits the establishment of one 10 foot high double face freestanding sign with 35 square feet of sign face area. In addition, the sign ordinance allows freestanding monument signs to be located within the required setback area as long as all parts of the freestanding sign are located five (5) feet from property line.

The applicant contends the street widening along Walnut Avenue results in the loss of their existing monument sign. 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 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.

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 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.

There has been no sign variances approved requesting 35-foot high/72 square foot double face freestanding pole signs. The only pole sign in the general area that exceeds 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. However, this pole sign is a non-conforming sign which was established prior to the update of the sign ordinance.

- 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.

The variance as proposed would constitute a special privilege inconsistent with the sign ordinance. There are several businesses located within Design District "A" that have been approved with monument signs that meet sign height and sign area. There is only one non-conforming pole sign in the immediate area for a single business. The Union Bank pole sign was constructed prior to the sign ordinance update.

- 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 denial of the variance would not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

APPEAL INFORMATION

According to the City of Visalia Zoning Ordinance Section 17.42.110, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission on a Variance application. An appeal shall be in writing and shall be filed with the City Clerk at 425 E. Oak Avenue, Suite 301, Visalia, CA 93291. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by evidence in the record.

Attachments:

- Summary of Related Plans & Policies
- Resolution No. 2009-01
- Exhibit "A" – Site Plan/Sign location
- Exhibit "B" – Pylon sign elevation
- Exhibit "C" – Applicant's Findings for Variance Request
- Land Use Map
- Zoning Map
- Aerial Photo
- Location Sketch

RELATED PLANS AND POLICIES

ZONING ORDINANCE

17.48.110 Variance and exceptions.

- A. **Variance Purposes.** The 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 chapter. 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 street locations or traffic conditions in the immediate vicinity that would affect the signing of said site or building.
- B. **Exception Purposes.** The planning commission may grant an exception to the physical design standards if it can be demonstrated that such an exception is necessary to facilitate an improved aesthetic relationship between the signs and the structures upon which they are mounted.
- C. **Variance Powers of City Planning Commission.** The city planning commission may grant exceptions to the regulations prescribed in this chapter, in accordance with the procedures prescribed in this chapter.
- D. **Exception Powers of City Planning Commission.** The city planning commission may grant exceptions to the regulations prescribed in this chapter, in accordance with the procedures prescribed in this chapter.
- E. **Application Procedures.** 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 chapter;
 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. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of handling the application;
 8. The application shall be filed with the city planner. He shall give notice to the applicant of the time when the application will be considered by the commission, and he may give notice of the time to any other interested party.
- F. **Hearing and Notice.**
1. The city planning commission shall hold a public hearing on an application for a variance.
 2. Notice of a 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.
- G. **Investigation and Report.** The city planner shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the city planning commission.
- H. **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.
- I. **Variance Action of the City Planning Commission.**
1. The city planning commission may grant a variance to a regulation prescribed within this chapter. The variance may be granted as applied for, or as modified by the commission; provided that, on the basis of the application and staff report and/or evidence submitted, the commission is able to make the following findings:

- a. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the sign and zoning ordinance;
 - b. That there are exceptional or extraordinary circumstances or conditions applicable to the property which do not apply generally to other properties classified in the same zoning district;
 - c. 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 zoning district;
 - d. 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 zoning district;
 - e. 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.
- 2. 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.
 - 3. The city planning commission may deny a variance application.
- J. Exception Action of the City Planning Commission. The planning commission may approve, conditionally approve or deny a request for an exception to the physical design standards of this chapter. For the planning commission to approve an exception, the following findings must be made:
- 1. That the granting of the exception is necessary to attain a high aesthetic sign design which would be restricted if the provisions of this chapter were strictly applied;
 - 2. That the granting of an exception would not adversely affect the visibility of signing on adjacent properties;
 - 3. That the granting of an exception would not constitute a granting of a special privilege.
- K. Appeal to City Council.
- 1. Within ten 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.
 - 2. 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.
- L. Action of City Council.
- 1. 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 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 17.48.110(I)(1), (I)(2) or (J), whichever is applicable.
 - 2. A variance or exception 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.
- M. Revocation. A variance or exception granted subject to a condition or conditions shall be revoked by the city planning commission if the condition or conditions are not complied with.
- N. New Application. 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. (Ord. 9605 § 30 (part), 1996; prior code § 7620)

17.48.10 Title--Purposes.

- O. The title of the ordinance codified in this chapter shall be the "Sign Ordinance" of the city of Visalia.
- P. The purpose of the regulations and provisions of the sign ordinance is to provide standards for the size placement, construction and installation of signs. (Prior code § 7610)

17.48.20 Definitions.

- Q. As used in this chapter, the following terms are defined in this section:
- R. "A sign" means a portable sign with advertising messages mounted on two surfaces with two edges

connected and the other two edges spread so that the two faces read from different directions.

- S. "Advertising message" means a display on a sign face by either written or graphic form which calls attention to products, events, services or a business.
- T. "Commercial site" means a single detached commercial building or a commercial shopping center.
- U. "Commercial use" means all uses which are identified within Title 17 of the Visalia Municipal Code, excepting those which are listed in Chapters 17.08, 17.10, 17.12 and 17.16.
- V. "Design District." See Chapter 17.30 of the Visalia Municipal Code.
- W. "Freestanding sign" means a sign standing directly upon the ground or having one or more supports standing directly upon the ground and being detached from any building or structure.
- X. "Height of sign" means the vertical distance from the uppermost point used in measuring the area of a sign to the level of the upper surface of the nearest curb of a street or alley (other than a structurally elevated roadway).
- Y. "Internally illuminated sign" means any sign whose illumination originates from within the structure of the sign and the source of which is not visible from the exterior of the sign.
- Z. "Setback area" means the open space area defined in the Visalia Municipal Code in Title 17 under the term yard, and where applicable, includes the definitions of yard, rear; yard, front; and yard, side; as defined in said title.
- AA. "Shopping center" means a group of two or more commercial uses planned and designed to function as an integral unit on a single parcel of contiguous parcels and which utilize common off-street parking and access, landscaping, loading facilities and points of ingress and egress.
- BB. "Sign" means any words or symbols used for visual communication including its structure and component parts intended to be used to attract attention to an activity.
- CC. "Sign area" means the geometric area of a sign including all elements such as board or frames, perforated or a solid background, ornamental embellishments, arrows or other sign media. For the purposes of a freestanding sign the structural elements necessary to support the sign are included in the sign area.
- DD. "Sign copy" means any words, letters, numbers, figures, designs, or other symbolic representations incorporated into a sign face and/or its structure with the purpose of attracting attention to the subject matter.
- EE. "Sign face" means the panel surface of a sign which carries the advertising or identification message.
- FF. "Sign structure" means any structure which supports or is capable of supporting any sign. A sign structure may or may not be an integral part of a building. For the purpose of a freestanding sign, the sign structure shall include the aggregate area of the sign including the sign copy and all structural elements of the sign.
- GG. "Site" means the length of a site along the street or other principal public thoroughfare, but not including such a length along an alley, watercourse, railroad or freeway.

17.48.40 General provisions

Variances and exceptions may be granted to the provisions of this chapter, as provided in Section 17.48.110. Signs which do not conform to the provisions of this chapter and are erected after its effective date and signs erected after the effective date of this chapter without obtaining the permit required thereby are declared to be unlawful and a public nuisance. All signs declared to be unlawful by this section and all persons erecting or maintaining them shall be subject to the terms of Sections 17.46.010 to 17.46.060 of the Visalia Municipal Code and all amendments thereof. The zoning compliance inspector shall forthwith take all necessary actions or proceedings for the abatement, removal and enjoinder pursuant of said sections of the Visalia Municipal Code. The remedies provided for in this section are cumulative and nonexclusive.

17.48.080 Sign regulations for design districts.

A. The following regulations apply to uses in design districts A, B, C, D, E, and F with the exception of those zones specifically identified in Section 17.48.070. The signs within the downtown retail design district are subject to the provisions of Chapter 17.58.

1. Signs Permitted.
 - a. Building signs as specified in Section 17.48.070(A)(2);
 - b. One pedestrian oriented sign per occupancy;
 - c. One freestanding sign per commercial site.
2. Building Signs.

a. Permitted Sign Area. Two square feet of sign area is permitted for each foot of linear occupancy frontage to a maximum area of one hundred fifty (150) square feet. A building sign may not exceed the height of the roof line or parapet wall upon which it is mounted. Building signs may not exceed eighty (80) percent of the surface upon which it is mounted.

b. Users may choose which exterior side of the building will be used for the purpose of calculating the permitted sign area. The building signs, however, shall be mounted on the building used to calculate the permitted sign area.

c. Additional signs of a maximum twenty-five (25) percent of the sign area as calculated in Section 17.48.080(A)(2)(b) shall be allowed for each remaining exterior wall provided that the sign area for any given wall does not exceed two square feet per linear foot of the wall length.

d. Commercial buildings which occupy the entire depth of a city block shall be eligible to apply for signing on each of the street exposures.

e. Commercial buildings which have alley access shall be eligible to apply for signing on both the street and the alley frontages.

f. Building signs shall be mounted flush against or be oriented parallel to the wall of the structure on which it is located. No part of the sign shall extend more than eighteen inches (18) from the surface of the structure except in those cases as specified in Section 17.48.040(C).

g. Signs may be mounted on a mansard or angled roof. The sign shall not, however, extend higher than the peak of the roof.

h. The sign area as calculated for the occupancy frontage may be used on the occupancy frontage or may be divided between the occupancy frontage and any other exterior walls; provided, that the total sign area does not exceed that as calculated for the occupancy frontage or that the sign area on any exterior wall does not exceed two square feet per one foot of linear occupancy frontage.

i. Each building of shopping center may display a reader board of a maximum area of twenty (20) square feet indicating the name, address and type of business or the businesses within the building. If the reader board is located on a part of the building qualifying as an occupancy frontage for which sign area may be calculated, the sign area used for the reader board shall be deducted from the total permitted for that occupancy.

j. Reader boards shall be designed as one sign with each copy panel consisting of similar materials and design. Permits for reader boards shall not be issued without consent of the property owner.

3. Freestanding Sign.

a. Each commercial site, excluding highway commercial uses along Highway 198 and Highway 99 is permitted one double-faced freestanding sign, not exceeding an area of thirty-five (35) square feet of sign copy per face. The total area of the aggregate surface of the sign face and the sign structure, as viewed from one side, may not exceed seventy square feet. The freestanding sign shall not exceed a height of ten feet.

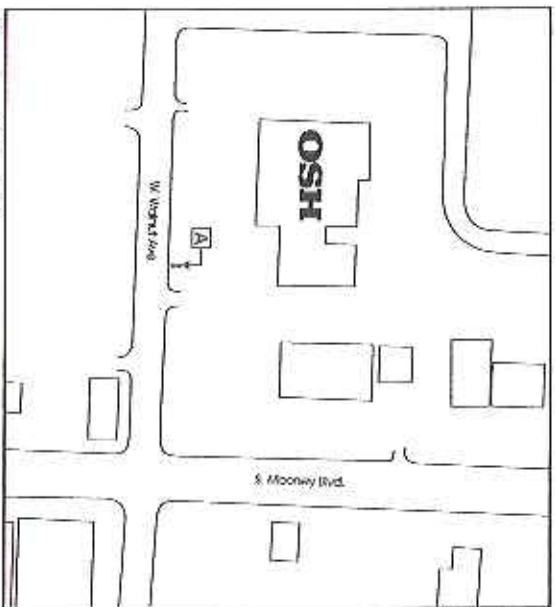
b. The total area of the sign faces of a multi-sided freestanding sign shall not exceed seventy (70) square feet, and the total area of the aggregate surface of the sign faces and the sign structure shall not exceed one hundred forty (140) square feet.

c. Freestanding signs may be located within the required setback areas without the required variance procedure as long as all parts of the freestanding sign are located more than five feet from the front property line and public or private right-of-way line, except in design districts E and D in which signs may be located up to the property line upon approval of the planning department.

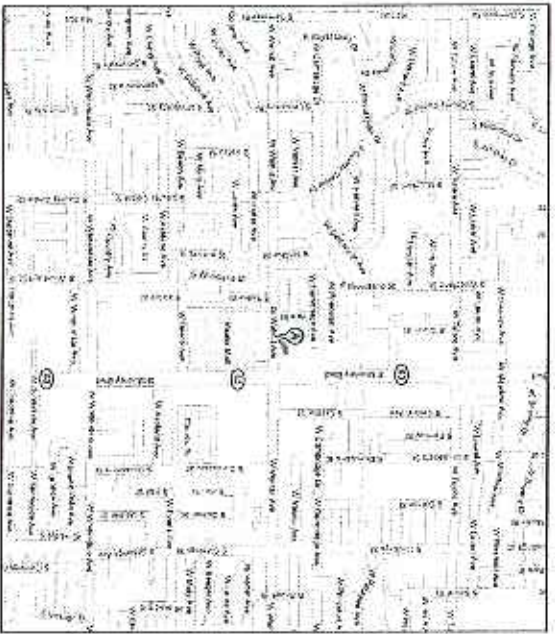
d. A freestanding sign shall be set back a minimum of twenty (20) feet from any interior side property line. Encroachment into the twenty (20) foot setback may be approved by the planning department where the location of existing improvements presents a functional hardship to compliance with the required setback.

e. Highway commercial uses along Highway 198 and Highway 99 are permitted one double-faced freestanding sign per commercial site not exceeding a sign area of seventy (70) square feet per face or a height of twenty (20) feet.

f. Freestanding signs ten feet or less in height shall be mounted on a base, the width of which is not less than fifty (50) percent of the width of the widest part of the sign.

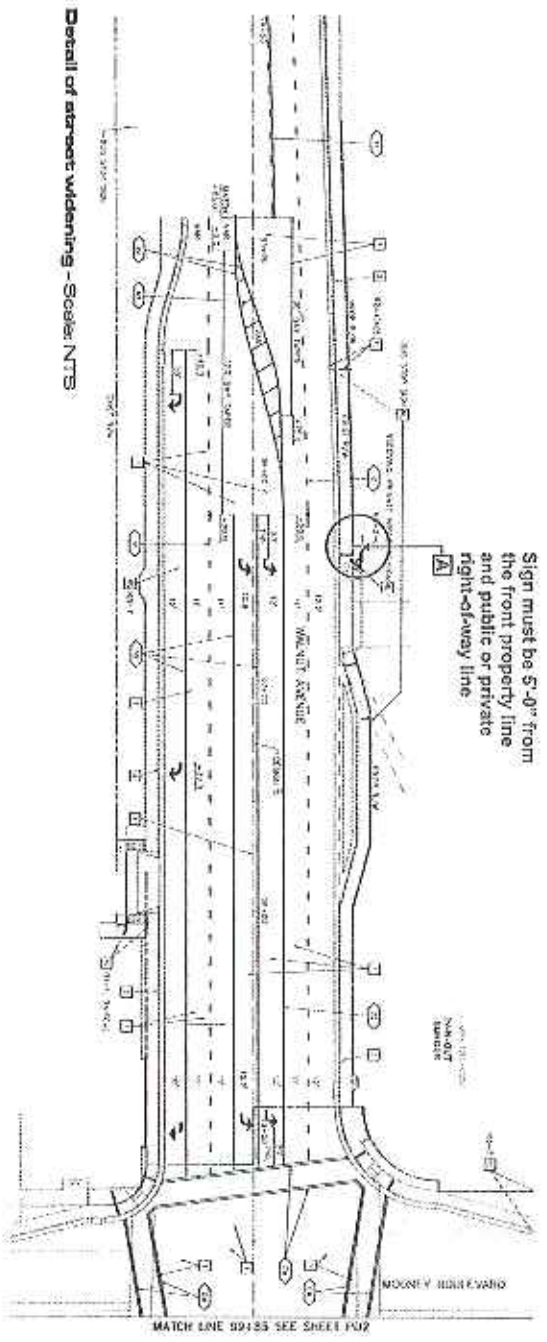


Site plan - Scale: NTS



Vicinity map - Scale: NTS

Sign must be 5'-0" from the front property line and public or private right-of-way line



Detail of street widening - Scale: NTS



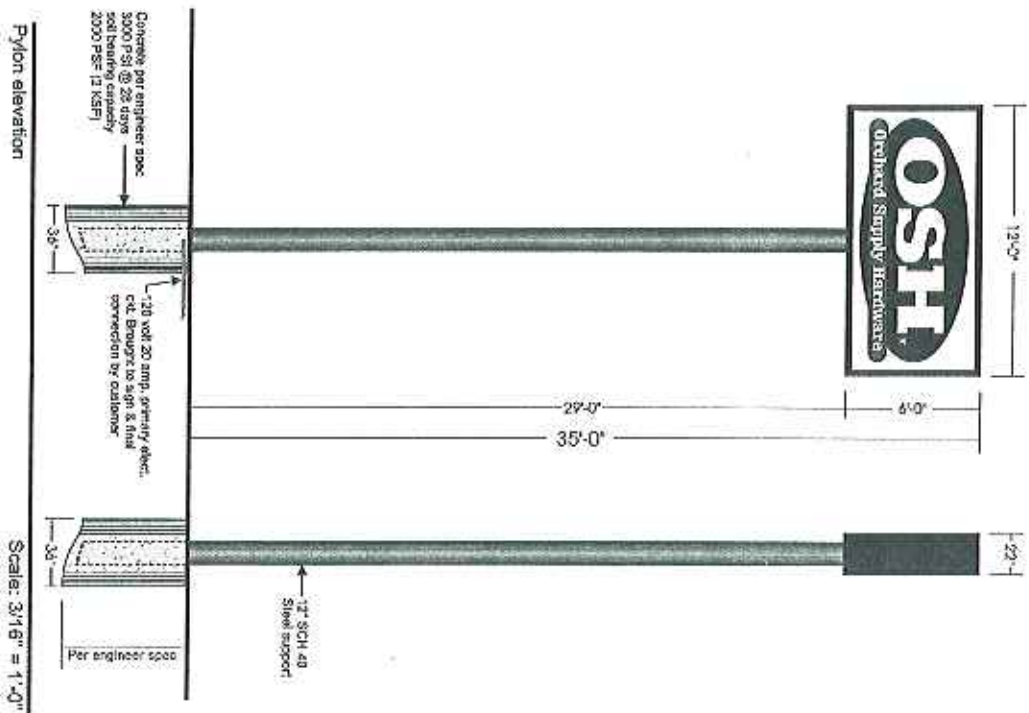
ADPART®
SIGN COMPANY
2670 W. SHAW BLVD. SUITE 102
FRESNO, CA 93711
T 558-25-2118
F 559-25-0318
C 559-25-0318

SALES: David Englin
DRAWING: J. YAR
DATE: 2-2-09
DRAWN BY: James Fyvie
SCALE: As noted
SHEET: 2 of 2

Revision	Date	Description
1	03/09	Submit to city for permit
2	04/09	Show final design

SHADES APPROVAL
CUSTOMER APPROVAL
LANDLORD APPROVAL

CONCEPTUAL DRAWING ONLY.
Dimensions are approximate & may change due to site conditions or other factors. Client is responsible for obtaining all necessary permits and approvals. ALL RIGHTS RESERVED. This drawing has been created for your project only. It may not be used for any other project without the written consent of the designer.



PYLON SPECIFICATIONS

Manufacture and install one (1) 35'-0" OAH double face internally illuminated pylon sign.

Description	Specification/Material	Finish	Color
Pole	12" diameter steel pole	Painted - satin	Black
Cabinet	Aluminum construction	Painted (satin)	Black
OSH Panel	White Polyarbonate w/ vinyl applied 1st surface	3M	Dark Emerald Green #3630-126 Red #3630-03 Black #3630-22
Illumination	Fluorescent	N/A	8500 white

ADART®
SIGN COMPANY

26279 W. SHAW LANE, SUITE 102
FRESNO, CA 93711
T: 559-225-2185
F: 559-225-2186



SALES: DAN ELLIOTT
DRAWING: J. TAYLOR
DATE: 5-20-05
DRAWN BY: JAMES FINNIS
SCALE: AS SHOWN
SHEET 1 OF 2

Revision	Date	Description
1	5-20-05	SHAW LANE SIGN PER I.T.
2	5-20-05	SHOW DETAILS OF SIGN ADDRESS

SALES APPROVAL _____

CUSTOMER APPROVAL _____

LANDLORD APPROVAL _____

CONCEPTUAL DRAWING ONLY.
Overhead signs are approved & may change due to overhead signs or steel load table. Colors shown are for reference only. Colors may vary without specification.
ALL RIGHTS RESERVED. The signs that have been made for you in connection with a project being offered for your evaluation, and may not be reproduced in any way without the prior approval of ADART.

CITY OF VISALIA
PLANNING DEPARTMENT
VARIANCE/EXCEPTION SUPPLEMENTAL APPLICATION

Details of Variance/Exception Requested: (On a separate attached sheet, please provide the applicant's reasoning and analysis pertaining to each of the five required findings that justify the Variance request. Staff's analysis and recommendations on the Variance request will be based in large part on the applicant's analysis for each of the following findings. EACH FINDING MUST HAVE A SEPARATE JUSTIFICATION. DO NOT COMBINE ALL FIVE FINDINGS INTO ONE NARRATIVE. DESCRIBE EACH OF THE FIVE FINDINGS SEPERATELY.)

FINDING:

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

The strict and literal interpretation and enforcement of the specified regulation would result in a practical difficulty or unnecessary hardship with the objectives of the Zoning Ordinance.

The strict and literal interpretation and enforcement of the specified regulation would result in a practical difficulty and unnecessary hardship on the property owner and City of Visalia for two (2) reasons:

1. Property owner is loosing the benefit of the existing sole use monument exposure for his tenant; and
2. City of Visalia therefore may possibly loose the benefit of the sales tax revenues.

The public street in front of the Owners Property is being widened. In consideration for property being taken by eminent domain (or equal) and the loss of the existing sole use monument sign, owner is seeking a replacement display i.e. 35' OAH sole use pylon with larger face copy and was encouraged to go through the Variance/Exception process by Paul Scheibel, Principle Planner; Michael Olmos, Asst City Manager and/or Colleen Carlson, Carlson Law Corp (Attorney retained on behalf of the City of Visalia) either collectively or individually.

CITY OF VISALIA
PLANNING DEPARTMENT
VARIANCE/EXCEPTION SUPPLEMENTAL APPLICATION

Details of Variance/Exception Requested: (On a separate attached sheet, please provide the applicant's reasoning and analysis pertaining to each of the five required findings that justify the Variance request. Staff's analysis and recommendations on the Variance request will be based in large part on the applicant's analysis for each of the following findings. EACH FINDING MUST HAVE A SEPARATE JUSTIFICATION. DO NOT COMBINE ALL FIVE FINDINGS INTO ONE NARRATIVE. DESCRIBE EACH OF THE FIVE FINDINGS SEPERATELY.)

FINDING:

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:

Exceptional or extraordinary circumstances as follows:

~~The public street in front of the Owners Property is being widened. In consideration for property being taken by eminent domain (or equal) and the loss of the existing sole use monument sign, owner is seeking a replacement display i.e. 35' OAH sole use pylon with larger face copy and was encouraged to go through the Variance/Exception process by Paul Scheibel, Principle Planner; Michael Olmos, Asst City Manager and/or Colleen Carlson, Carlson Law Corp (Attorney retained on behalf of the City of Visalia) either collectively or individually.~~

CITY OF VISALIA
PLANNING DEPARTMENT
VARIANCE/EXCEPTION SUPPLEMENTAL APPLICATION

Details of Variance/Exception Requested: (On a separate attached sheet, please provide the applicant's reasoning and analysis pertaining to each of the five required findings that justify the Variance request. Staff's analysis and recommendations on the Variance request will be based in large part on the applicant's analysis for each of the following findings. EACH FINDING MUST HAVE A SEPARATE JUSTIFICATION. DO NOT COMBINE ALL FIVE FINDINGS INTO ONE NARRATIVE. DESCRIBE EACH OF THE FIVE FINDINGS SEPERATELY.)

FINDING:

3. That strict and 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 and The City of Visalia would be deprived as follows:

1. Property owner is loosing the benefit of the existing monument exposure for his tenant; and
2. City of Visalia would therefore loose the benefit of the sales tax revenues.

In consideration for property being taken by eminent domain (or equal) and the loss of the existing sole use monument sign, owner is seeking a replacement display i.e. 35' OAH sole use pylon with larger face copy

CITY OF VISALIA
PLANNING DEPARTMENT
VARIANCE/EXCEPTION SUPPLEMENTAL APPLICATION

Details of Variance/Exception Requested: (On a separate attached sheet, please provide the applicant's reasoning and analysis pertaining to each of the five required findings that justify the Variance request. Staff's analysis and recommendations on the Variance request will be based in large part on the applicant's analysis for each of the following findings. EACH FINDING MUST HAVE A SEPARATE JUSTIFICATION. DO NOT COMBINE ALL FIVE FINDINGS INTO ONE NARRATIVE. DESCRIBE EACH OF THE FIVE FINDINGS SEPERATELY.)

FINDING:

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:

The granting of this variance is for consideration of the property owners land being taken via eminent domain (or equal) and this filing is being done based on the encouragement to do so by Paul Scheibel, Principle Planner; Michael Olmos, Asst City Manager and/or Colleen Carlson, Carlson Law Corp. (Attorney retained on behalf of the City of Visalia) either collectively or individually .

CITY OF VISALIA
PLANNING DEPARTMENT
VARIANCE/EXCEPTION SUPPLEMENTAL APPLICATION

Details of Variance/Exception Requested: (On a separate attached sheet, please provide the applicant's reasoning and analysis pertaining to each of the five required findings that justify the Variance request. Staff's analysis and recommendations on the Variance request will be based in large part on the applicant's analysis for each of the following findings. EACH FINDING MUST HAVE A SEPARATE JUSTIFICATION. DO NOT COMBINE ALL FIVE FINDINGS INTO ONE NARRATIVE. DESCRIBE EACH OF THE FIVE FINDINGS SEPERATELY.)

FINDING:

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:

Granting of this variance application will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity

Exhibit 3



1241-00000-720000-0-9270-2004
 MOONEY WIDENING AT WALNUT AVE
 RIGHT OF WAY EXHIBIT



PROJECT NUMBER	1241-00000-720000-0-9270-2004	PROJECT TITLE	MOONEY WIDENING AT WALNUT AVE
DRAWN BY	W. J. WILSON	CHECKED BY	W. J. WILSON
DATE	08/11/15	SCALE	AS SHOWN
PROJECT LOCATION	MOONEY WIDENING AT WALNUT AVE, VISALIA, CA		
PROJECT DESCRIPTION	RIGHT OF WAY EXHIBIT		

Exhibit 4

Chapter 17.48 SIGNS

Sections:

- 17.48.010 Title--Purposes.
- 17.48.020 Definitions.
- 17.48.030 Procedures.
- 17.48.040 General provisions.
- 17.48.050 Prohibited signs.
- 17.48.060 Exemptions.
- 17.48.070 Sign regulations for zones.
- 17.48.080 Sign regulations for design districts.
- 17.48.090 Political, campaign or nonprofit organization signs.
- 17.48.100 Nonconforming signs.
- 17.48.110 Variance and exceptions.

17.48.010 Title--Purposes.

- A. The title of the ordinance codified in this chapter shall be the "Sign Ordinance" of the city of Visalia.
- B. The purpose of the regulations and provisions of the sign ordinance is to provide standards for the size placement, construction and installation of signs. (Prior code § 7610)

17.48.020 Definitions.

As used in this chapter, the following terms are defined in this section:

"A sign" means a portable sign with advertising messages mounted on two surfaces with two edges connected and the other two edges spread so that the two faces read from different directions.

"Advertising message" means a display on a sign face by either written or graphic form which calls attention to products, events, services or a business.

"Animated sign" means a sign with action or motion, whether by flashing lights, color changes, wind, rotation, movement of any parts of the sign or letters or parts of the sign structure, or other motion.

"Banner" means any cloth, bunting, plastic, paper, or similar material attached to, or appended on or from any structure, staff, pole, line, or framing upon which there is an advertising message.

"Billboard" means a nonaccessory sign.

"Building sign" means any sign which is fastened, attached, painted upon, connected or supported in whole or in part by a building or wall.

"Commercial site" means a single detached commercial building or a commercial shopping center.

"Commercial use" means all uses which are identified within Title 17 of the Visalia Municipal Code, excepting those which are listed in Chapters 17.08, 17.10, 17.12 and 17.16.

Design District. See Chapter 17.30 of the Visalia Municipal Code.

"Directional" or "informational signs" means signs giving only information and direction to the viewer and containing no advertising message.

"Exterior wall" means all walls of a structure which can be viewed from the exterior of the structure but not through openings in any other wall.

"Externally illuminated sign" means a sign which has light cast on its surface from an artificial exterior source installed for the purpose of illuminating the sign.

"Freestanding sign" means a sign standing directly upon the ground or having one or more supports standing directly upon the ground and being detached from any building or structure.

"Frontage occupancy" means a single lineal dimension measured horizontally along the front of a building which defines the limits of a particular occupancy at that location and which has direct pedestrian access through an exterior wall which is visible from the public right-of-way.

"Height of sign" means the vertical distance from the uppermost point used in measuring the area of a sign to the level of the upper surface of the nearest curb of a street or alley (other than a structurally elevated roadway).

"Highway commercial use" means uses which are intended to provide goods and services to the traveling public, as listed in Section 17.18.050.

"Internally illuminated sign" means any sign whose illumination originates from within the structure of the sign and the source of which is not visible from the exterior of the sign.

"Legally erected sign" means any sign installed in compliance with all ordinances and laws which were in effect at the time of the installation.

"Nonaccessory sign" means a sign that directs attention to a business, profession, product, commodity or service that is not manufactured, conducted or offered on the site on which the sign is located.

"Open air uses" means a use where merchandise or products are displayed or dispensed in the usual course of business from an open lot and not within an enclosed structure.

"Parapet wall" means an exterior wall which extends vertically above the roof line.

"Roof line" means the highest point of a parapet wall or the main roof structure or a highest point of a parapet wall other than such architectural features as cupolas, pylons, projections or minor raised portions of the roof.

"Pedestrian access" means a doorway which has been designed for the primary use of the patrons or customers of that commercial use.

"Pedestrian oriented signs" means a sign which is specifically located and designed to be viewed from a pedestrian right-of-way.

"Political sign" means a sign advertising a candidate for political office, a political party or a measure scheduled for an election.

"Portable sign" means a sign which is capable of being carried or moved by manual or mechanical means from one location to another and which is not affixed to the ground, a structure, or a vehicle. Portable signs also include blimps and balloons which may or may not contain an advertising message.

"Reader board" means a sign indicating the name, address and type of business of the businesses within a building.

"Setback area" means the open space area defined in the Visalia Municipal Code in Title 17 under the term yard, and where applicable, includes the definitions of yard, rear; yard, front; and yard, side; as defined in said title.

"Shopping center" means a group of two or more commercial uses planned and designed to function as an integral unit on a single parcel of contiguous parcels and which utilize common off-street parking and access, landscaping, loading facilities and points of ingress and egress.

"Sign" means any words or symbols used for visual communication including its structure and component parts intended to be used to attract attention to an activity.

"Sign area" means the geometric area of a sign including all elements such as board or frames, perforated or a solid background, ornamental embellishments, arrows or other sign media. For the purposes of a freestanding sign the structural elements necessary to support the sign are included in the sign area.

"Sign copy" means any words, letters, numbers, figures, designs, or other symbolic representations incorporated into a sign face and/or its structure with the purpose of attracting attention to the subject matter.

"Sign face" means the panel surface of a sign which carries the advertising or identification message.

"Sign structure" means any structure which supports or is capable of supporting any sign. A sign structure may or may not be an integral part of a building. For the purpose of a freestanding sign, the sign structure shall include the aggregate area of the sign including the sign copy and all structural elements of the sign.

"Site" means the length of a site along the street or other principal public thoroughfare, but not including such a length along an alley, watercourse, railroad or freeway.

"Structural alteration" means any change to the sign structure.

"Subdivision" or "multiple housing entrance sign" means a sign identifying the name of a subdivision or multiple housing project and consisting of letters or symbols attached to a wall or a fence or freestanding sign located within the boundaries of a recorded and developed subdivision or multiple housing project.

"Subdivision directional sign" means an off-site sign indicating a change of direction which travelers must make to reach a subdivision development located within the city at each place where such change of direction is needed.

"Subdivision kiosk sign" means a freestanding sign structure that identifies new residential subdivisions and provides directional arrows to indicate the location of new homes.

"Temporary subdivision sign" means a sign erected and maintained within the boundaries of a recorded subdivision and indicating the name of the subdivision, the name of the contractor and/or subdivider, the name of the owner and/or agent, and giving information regarding directions, price or terms concerning the sale or lease of parcels within the subdivision.

"Theater" means an enclosed building used in the usual course of business for the purpose of showing moving pictures, performing stage plays and concerts or offering lectures for the benefit of the general public and in which the audience is seated in seating facilities permanently affixed to the floor of the building.

"Wall mounted" means affixed in a parallel manner, but not painted upon, the exterior wall of a building and facing the nearest public right-of-way. (Prior code § 7611) (Ord. 2006-14 § 2, 2006)

17.48.030 Procedures.

A. Permit Required. Except as otherwise noted within this chapter, it is unlawful for any person to erect, relocate, or alter electrically or structurally, any sign in the city without first obtaining a valid sign permit or building permit, if required. No permit is required for the following signs:

1. Window lettering covering no more than ten percent of the aggregate window area on a single wall and stating the name, business type, hours and address of business only;
2. Exempted sign in Section 17.48.060;
3. Temporary subdivision signs subject to the provisions of Section 17.48.080(F);
4. Signs as regulated in Sections 17.48.070(A)(1), (2) and (3), 17.48.070(B)(1), and 17.48.090.

B. Application for Sign Permit.

1. Application for sign permits shall be made upon forms provided by the city.
2. The application shall be filed at the building department of the city. In addition to the completed application form, the applicant shall provide any additional information requested by the building department and/or the historic preservation advisory board.

C. Upon filing the application, every applicant shall pay to the city an application fee and before the issuance of a sign permit, a sign permit fee, in accordance with fee schedules adopted from time to time by resolution of the city council.

D. Review of Sign Application and Issuance of Permit.

1. Should the building department determine after review of the application and supporting information that the proposed sign does not comply with the provisions of this chapter, the applicant shall be promptly notified of this finding.
2. If the proposed sign is to be located within a shopping center, the provisions of Section 17.48.040(N) must be complied with before the building department can process a sign permit application.
3. Upon a finding by the building department that the proposed sign is in total compliance with the provisions of this chapter and all applicable city building and electrical codes, the building inspector shall issue a sign permit. If a sign permit application is in total compliance with the provisions of this chapter at the time it is first submitted, it shall be the responsibility of the building inspector to issue a building permit to the applicant within fifteen (15) consecutive business days from the date of application.
4. Every sign erected in the city shall be subject to inspection by the building department for compliance with applicable city codes and ordinances. (Prior code § 7612)

17.48.040 General provisions.

A. All signs shall be fabricated, constructed, erected or installed and maintained in such a manner as will comply with all ordinances of the city and the approved permit.

B. The lowest part of any sign extending from the alley property line over any alley in the city shall not be less than fourteen (14) feet above the alley grade directly below, and such sign shall not extend more than six inches into the right-of-way.

C. No signs shall project more than eighteen (18) inches over public right-of-way other than an alley with the exception of pedestrian oriented signs.

1. Exceptions to the requirements of limiting a projecting sign may be granted by the planning department where cases of hardship exist for structures existing prior to the effective date of this

chapter, or where a hardship is created by existing development not conforming with current development standards.

2. Signs may be placed on canopies, architectural features of a building, awnings and other building appendages (regardless of projection over public right-of-way) upon review and approval of the planning department, as part of the sign permit process. The proposed sign shall be subject to review and approval, conditional approval or denial by the planning department.

D. Illuminated Signs. Lighting for externally illuminated signs shall be so arranged and maintained so that the light source is not directly visible from a public right-of-way or adjacent property. Internally illuminated signs shall be designed with an opaque, semi-opaque, or matte finish background on the sign face.

E. Billboards and other nonaccessory signs may only be permitted through the conditional use permit process in the P-C-R, P-C-SO, P-C-DT, P-C-S, and P-C-H zones. No billboards shall be allowed within four hundred feet of the Highway 198 and Highway 63 frontage. Proposed subdivision kiosk signs and subdivision directional signs which comply with the conditions and limitations set forth in subsections (T) and (U) of this Section shall not require permitting through the conditional use permit process.

F. No portion of a building sign shall exceed the height of the roof line or parapet wall upon which it is mounted. The horizontal dimension of a building sign shall not exceed eighty (80) percent of the surface upon which it is mounted.

G. Directional and/or information signs bearing no advertising message and located on the site may be erected when necessary to facilitate circulation within the site, facilitate egress and ingress or facilitate a public need, such as identification of rest rooms, public telephones, walkways and similar features and facilities.

H. Time and temperature devices, located on private property and bearing no advertising message shall be approved only through the conditional use permit procedure. Sign area used for the device shall be deducted from the permitted sign area for the occupancy. No additional sign area will be granted for the time and temperature device.

I. Signing for public and quasi-public uses of an education or religious type, public and private charitable institutions and public uses of an administrative, recreational, public service or cultural type approved through the conditional use permit procedure shall be approved as part of the conditional use permit. In the case of existing uses specified above, signing shall be reviewed and approved by the planning department. Appeals of the planning department decision shall be made to the planning commission and city council in the manner set forth in Section 17.28.050 and Section 17.28.060 of the Visalia Municipal Code.

J. Each commercial use which has direct pedestrian access through an exterior building wall which is visible from public right-of-way, shall be allowed at least sixteen square feet of building sign area, regardless of building occupancy frontage. Commercial uses having a sole access from the interior of any building or from an enclosed lobby or court shall not be allowed the minimum building wall sign area referred to in this section.

K. Signs in the form of banners shall be allowed to be displayed a maximum total of thirty (30) days during a calendar year.

L. Any sign (except those which are specifically identified within Section 17.48.100) which was legally erected prior to the effective date of this chapter and which does not meet the requirements and standards of this chapter can remain subject to the provisions of Section 17.48.040. Existing businesses may make structural alterations to their existing nonconforming sign if they do not increase the nonconformance.

M. If a commercial use vacates its premises due to the cessation of its operation or relocation, all signs on the premises which do not conform to the provisions of this chapter shall be removed within thirty (30) days from notification by the city planner.

N. 1. Design criteria for signs to be located within a shopping center or a mall type development shall be approved by the planning department before any individual sign permit application for the development is processed by the building department. Such review is to insure that signs located within a shopping center be designed to be harmonious and of compatible design.

2. The planning commission may approve sign programs, sign size, placement and design which do not strictly comply with sign ordinance requirements when deemed necessary due to building design, site layout, site design and other similar circumstances, consistent with the intent of the sign ordinance.

O. Signs located in the interior of any building or within an enclosed lobby or court of any building or group of buildings and which are not visible from any public right-of-way shall not be subject to the size or location criteria within this chapter. However, signs which require electrical connections or engineered supports shall be required to obtain a sign permit.

P. Variances and exceptions may be granted to the provisions of this chapter, as provided in Section 17.48.110.

Q. Signs which do not conform to the provisions of this chapter and are erected after its effective date and signs erected after the effective date of this chapter without obtaining the permit required thereby are declared to be unlawful and a public nuisance. All signs declared to be unlawful by this section and all persons erecting or maintaining them shall be subject to the terms of Sections 17.46.010 to 17.46.060 of the Visalia Municipal Code and all amendments thereof. The zoning compliance inspector shall forthwith take all necessary actions or proceedings for the abatement, removal and enjoinder pursuant of said sections of the Visalia Municipal Code. The remedies provided for in this section are cumulative and nonexclusive.

R. All commercial uses selling or dispensing gasoline existing on the effective date of this chapter of the Visalia Municipal Code may have one non- illuminated freestanding sign in addition to those signs located at the site of the commercial use on the effective date of this chapter. The additional sign may not exceed a height of six feet or exceed a total sign area of thirty-five (35) square feet per face. The sign may be located within the required building setback areas, upon approval by the planning department.

S. Murals which contain no advertising copy and which do not function as an advertisement are subject to review and approval by the city council.

T. Subdivision Directional Signs. Subdivision directional signs for a residential subdivision shall require a sign permit. For the purposes of this subsection, a residential subdivision is defined as a housing project within a recorded tract where ten (10) or more structures or dwelling units are concurrently undergoing construction. Sign permit applications for proposed subdivision directional signs will be reviewed by the city planner, or designee of the city planner, and shall conform to the following requirements and specifications:

1. May not exceed four square feet in area or four feet in height.
2. May not be illuminated.
3. May be single- or double-faced, or V-shaped if the angle between the two faces does not exceed 45 degrees.
4. May only contain commercial messages thereon limited to the name of the subdivision, developer's name or logo or branding identification, and directional information.

5. Written evidence of owner's consent must be presented with an application for a sign permit for a subdivision directional sign. No more than one subdivision directional sign per parcel shall be allowed.

6. Sign permits for all subdivision directional signs shall expire not later than six months after issuance. The city planner shall have the discretion to grant an extension or extensions of the permit's duration, however, under no circumstances may the permit extend beyond such time that the developer has completed the sale of all units in the development.

U. Subdivision Kiosk Signs. The purpose of the subdivision kiosk signs is to direct the traffic related to new residential subdivisions in a manner that minimizes visual clutter, reduces unnecessary traffic through established neighborhoods, and provides an orderly, attractive, high quality image of the City. Subdivision kiosk signs for residential subdivisions shall require a sign permit. For the purposes of this subsection, a residential subdivision is defined as a housing project within a recorded tract where ten (10) or more structures or dwelling units are concurrently undergoing construction. Sign permit applications for proposed subdivision kiosk signs will be reviewed by the city planner, or designee of the city planner, and shall conform to the following requirements and specifications:

1. Kiosks shall include sign panels that identify the names of residential subdivisions, the developer's name or logo or other branding identification, and directional arrows. Sign panels shall not exceed seven and one-half square feet in sign area, and shall be no greater than eighteen (18) inches in height and sixty (60) inches in width. A permittee shall allow a panel for any residential subdivision on a subdivision kiosk sign, subject to available space for same, however no more than one panel per residential subdivision on a kiosk sign is permitted. No other advertising is allowed.

2. Kiosks shall not exceed fifty (50) square feet in sign area, twelve (12) feet in height, and five (5) feet in width. Proposed kiosks exceeding these dimensions require approval through the conditional use permit process.

3. No kiosk may be located within two thousand five hundred (2,500) feet of another kiosk except in the case of signs on different corners of an intersection.

4. All kiosk signs shall be placed on private property with written consent of the property owner or on City right-of-way pursuant to a City encroachment permit.

5. The review of a proposed subdivision kiosk sign will include size, height, design, materials and colors of the proposed kiosk, consistency with other approved and active subdivision kiosk signs, along with its proposed location. The kiosk must be designed as an architecturally-enhanced structure that may include features such as a decorative cap and cornice detail, stone-clad or masonry-clad columns, stone-clad or masonry-clad foundation, carved/sculptured wood construction, or other similar architectural features as determined to be appropriate by the building department. The city planner, or the designee of the city planner, may from time to time adopt a standard design consistent with the requirements of this section which will be utilized for all approved subdivision kiosk signs.

6. The subdivision kiosk sign may only be located in a manner that does not obstruct the view of traffic or safety signs, encroach within vision triangles, or otherwise pose a traffic or safety hazard.

7. There shall be no additions, tag signs, streamers, balloons, flags, devices, display boards, or appurtenances, added to the subdivision kiosk signs as originally approved.

8. The city planner, or the designee of the city planner, may deny an application for a subdivision kiosk sign permit or revoke an existing subdivision kiosk sign permit where an

applicant, permittee, or developer with a panel on a subdivision kiosk sign, fails to comply with any of the provisions of this Chapter.

9. Panels on subdivision kiosk signs may not be displayed after the developer has completed the sale of all units in the development. Each developer shall be responsible for their removal.

10. The city planner, or the designee of the city planner, may deny an application for a sign permit for a subdivision kiosk sign, or revoke an existing permit, where it has been determined that the applicant, permittee, or developer with a panel on a subdivision kiosk sign, is maintaining residential subdivision advertising or directional signage on a parcel adjacent to the City which does not conform with the requirements of this Chapter, or if the applicant, permittee, or developer with a panel on a subdivision kiosk sign maintains any residential subdivision advertising or directional signage in the County of Tulare which does not conform with the requirements of the Tulare County Zoning Ordinance and the Ordinance Code of Tulare County. (Ord. 2006-14 § 2 (part), 2006; Ord. 9605 § 30 (part), 1996; prior code § 7613)

17.48.050 Prohibited signs.

The following signs shall be prohibited in the city:

- A. Signs so located as to prevent free ingress and egress from any door, window or fire escape;
- B. Signs erected at or near the intersections of public and/or private rights-of-way in such a manner as to create a safety hazard by obstructing clear view of pedestrian and vehicular traffic. Signs which by color, wording, design, location or illumination resemble or conflict with any traffic control device;
- C. Nonconforming signs and sign structures associated with an activity, business, product or service which has not been sold, produced, provided or conducted on the premises for a period of thirty (30) days;
- D. All animated signs except public service signs, such as time and temperature units and barber poles;
- E. Revolving signs, except barber poles;
- F. Signs containing statement, words or characters of an obscene, indecent or immoral character such as will offend public morals or decency;
- G. Signs emitting sound;
- H. Portable signs, and "A" signs;
- I. Murals which contain advertising copy or which function as an advertisement. (Prior code § 7614)

17.48.060 Exemptions.

The provisions and regulations of this chapter shall not apply to the following signs, nor shall the area of such signs be included in the computation of sign copy allowed for any site or use; nor shall any permit be required for the erections of such signs:

- A. Traffic or other signs of governmental agencies, signs required by law or contract with a governmental agency, railroad crossing signs, legal notices, and such temporary, emergency or non-advertising signs as may be authorized by the city council;
- B. Signs of public utility companies indicating danger or which serve as an aid to public safety or which show the location of underground facilities or of public telephones;

C. House numbers, "no trespassing," "no parking," and other warning signs located on the site to which the sign is appurtenant and not exceed four square feet in area;

D. Decorations to celebrate nationally recognized holidays and local celebrations;

E. For newly constructed commercial, industrial and professional office uses, two nonilluminated signs pertaining to the sale, lease, rental or display of a structure or land is permitted per site to a maximum area of thirty-two (32) square feet per face each. (Prior code § 7615)

17.48.070 Sign regulations for zones.

The following sign standards are designated by zones and shall apply to every existing zone and future new zoning classification hereafter created in the city. The zones are as designated by the zoning ordinance and the official zoning map of the city:

A. Agricultural Zone (No permit required).

1. Signs, not exceeding thirty-two (32) square feet in area, identifying the sale of products raised on the premises is permitted. Such signs shall not exceed six feet in overall height;
2. One nameplate, not exceeding two square feet in area, containing the name and address of the occupant, is permitted for each residence;
3. Two signs pertaining to the sale, lease, rental or display of a structure or land. The signs may have two faces. Each face shall not exceed an area of four square feet and shall not exceed a height of six feet above the surface of the ground.

B. Residential Zones (R-A, R-1, and R-M) (No permit required).

1. One nameplate, not exceeding two square feet in area, containing the name and address of occupant, is permitted for each residence;
2. Two signs pertaining to the sale, lease, rental or display of a structure or land is permitted. These signs may have two faces. Each face shall not exceed an area of four square feet and shall not exceed a height of six feet above the surface of the ground;
3. One externally illuminated permanent subdivision or multiple housing entrance sign shall be limited to one square foot of sign area per dwelling units, but not to exceed twenty (20) square feet. Such signs shall be wall mounted or freestanding with a maximum height of six feet;
4. Signs identifying neighborhood commercial centers are permitted as provided within Section 17.48.070(C)(2).

C. Signing in P-C-C and P-C-N Zones (Permit required). Buildings signs are permitted for each commercial use, as follows:

1. Two square feet of sign area is permitted for each foot of linear occupancy frontage to a maximum of fifty (50) square feet;
2. Users may choose which exterior side of the building will be used for the purpose of calculating the permitted sign area. The building signs, however, shall be mounted on the side of the building used to calculate the permitted sign area.
3. Additional signs of a maximum twenty-five (25) percent of the sign area as calculated in Section 17.48.070(C)(1) shall be allowed for each remaining exterior wall; provided, that the sign for any given wall does not exceed two square feet per linear foot of the wall length;
4. Pedestrian Oriented Sign. One double faced sign not exceeding an area of three square feet per face nor a height of twelve (12) feet;

5. The sign area as calculated for the occupancy frontage may be used on the occupancy frontage or may be divided between the occupancy frontage and any other exterior walls; provided, that the total sign area does not exceed that as calculated for the occupancy frontage or that the sign area on any exterior wall does not exceed two square feet per one foot of linear occupancy frontage;

6. Each building may display a reader board of a maximum area of twenty (20) square feet indicating the name, address and type of business of the businesses within the building. If the reader board is located on a part of the building qualifying as an occupancy frontage for which sign area may be calculated, the sign area used for the reader board shall be deducted from the total permitted for that occupancy;

7. Reader boards shall be designed as one with each copy panel consisting of similar materials and design. Permits for reader boards shall not be issued without consent of the property owner.

D. Signing in P-PA and P-OG Zones (Except Design District G). One square foot of sign area is permitted for each two feet of linear occupancy frontage to a maximum of thirty (30) square feet. Sign may be freestanding or wall mounted, or a combination of both. If freestanding, the sign shall not exceed a height of six feet. Each office building is permitted twelve (12) square feet of sign area, regardless of occupancy frontage.

E. Signing in Airport Zone (Permit required). Signs may be located in the airport zone upon approval of the planning department. Specific requirements for signs in this zone shall be determined by the planning department based upon building design, site layout, site design, and consistent with the intent of the sign ordinance. (Prior code § 7616)

17.48.080 Sign regulations for design districts.

A. The following regulations apply to uses in design districts A, B, C, D, E, and F with the exception of those zones specifically identified in Section 17.48.070. The signs within the downtown retail design district are subject to the provisions of Chapter 17.58.

1. Signs Permitted.

- a. Building signs as specified in Section 17.48.070(A)(2);
- b. One pedestrian oriented sign per occupancy;
- c. One freestanding sign per commercial site.

2. Building Signs.

a. Permitted Sign Area. Two square feet of sign area is permitted for each foot of linear occupancy frontage to a maximum area of one hundred fifty (150) square feet. A building sign may not exceed the height of the roof line or parapet wall upon which it is mounted. Building signs may not exceed eighty (80) percent of the surface upon which it is mounted.

b. Users may choose which exterior side of the building will be used for the purpose of calculating the permitted sign area. The building signs, however, shall be mounted on the building used to calculate the permitted sign area.

c. Additional signs of a maximum twenty-five (25) percent of the sign area as calculated in Section 17.48.080(A)(2)(b) shall be allowed for each remaining exterior wall provided that the sign area for any given wall does not exceed two square feet per linear foot of the wall length.

d. Commercial buildings which occupy the entire depth of a city block shall be eligible to apply for signing on each of the street exposures.

e. Commercial buildings which have alley access shall be eligible to apply for signing on both the street and the alley frontages.

f. Building signs shall be mounted flush against or be oriented parallel to the wall of the structure on which it is located. No part of the sign shall extend more than eighteen inches (18) from the surface of the structure except in those cases as specified in Section 17.48.040(C).

g. Signs may be mounted on a mansard or angled roof. The sign shall not, however, extend higher than the peak of the roof.

h. The sign area as calculated for the occupancy frontage may be used on the occupancy frontage or may be divided between the occupancy frontage and any other exterior walls; provided, that the total sign area does not exceed that as calculated for the occupancy frontage or that the sign area on any exterior wall does not exceed two square feet per one foot of linear occupancy frontage.

i. Each building of shopping center may display a reader board of a maximum area of twenty (20) square feet indicating the name, address and type of business or the businesses within the building. If the reader board is located on a part of the building qualifying as an occupancy frontage for which sign area may be calculated, the sign area used for the reader board shall be deducted from the total permitted for that occupancy.

j. Reader boards shall be designed as one sign with each copy panel consisting of similar materials and design. Permits for reader boards shall not be issued without consent of the property owner.

3. Freestanding Sign.

a. Each commercial site, excluding highway commercial uses along Highway 198 and Highway 99 is permitted one double-faced freestanding sign, not exceeding an area of thirty-five (35) square feet of sign copy per face. The total area of the aggregate surface of the sign face and the sign structure, as viewed from one side, may not exceed seventy square feet. The freestanding sign shall not exceed a height of ten feet.

b. The total area of the sign faces of a multi-sided freestanding sign shall not exceed seventy (70) square feet, and the total area of the aggregate surface of the sign faces and the sign structure shall not exceed one hundred forty (140) square feet.

c. Freestanding signs may be located within the required setback areas without the required variance procedure as long as all parts of the freestanding sign are located more than five feet from the front property line and public or private right-of-way line, except in design districts E and D in which signs may be located up to the property line upon approval of the planning department.

d. A freestanding sign shall be set back a minimum of twenty (20) feet from any interior side property line. Encroachment into the twenty (20) foot setback may be approved by the planning department where the location of existing improvements presents a functional hardship to compliance with the required setback.

e. Highway commercial uses along Highway 198 and Highway 99 are permitted one double-faced freestanding sign per commercial site not exceeding a sign area of seventy (70) square feet per face or a height of twenty (20) feet.

f. Freestanding signs ten feet or less in height shall be mounted on a base, the width of which is not less than fifty (50) percent of the width of the widest part of the sign.

4. Pedestrian Oriented Signs. Each occupancy is permitted one double-faced pedestrian oriented sign which does not exceed three square feet per face nor a height of twelve (12) feet.

B. Signing in District H.

1. Number of Signs Permitted.

- a. One building sign per occupancy;
- b. One freestanding sign per commercial site;
- c. Site identification signs as approved by the planning department.

2. Building Sign.

- a. Permitted Sign Area. One square foot of sign area is permitted for each foot of linear occupancy frontage to a maximum of one hundred (100) square feet.
- b. Users may choose which exterior side of the building will be used for the purpose of calculating the permitted sign area. The building signs, however, shall be mounted on the side of the building used to calculate the permitted sign area.
- c. Additional signs of a maximum twenty-five percent of the sign area as calculated in Section 17.48.080(B)(2)(b) shall be allowed for each remaining exterior wall, provided that the sign area for any given wall does not exceed two square feet per linear foot of the wall length.
- d. Building signs shall be mounted flush against or be oriented parallel to the wall of the structure on which it is located. No part of the sign shall extend more than eighteen inches from the surface of the structure.
- e. The sign area as calculated for the occupancy frontage may be used on the occupancy frontage or may be divided between the occupancy frontage and any other exterior walls; provided, that the total sign area does not exceed that as calculated for the occupancy frontage or that the sign area on any exterior wall does not exceed two square feet per one foot of linear occupancy frontage.

3. Freestanding Sign.

- a. Each commercial site is permitted one double faced freestanding sign not exceeding an area of thirty-five (35) square feet per face or a height of six feet.
- b. Freestanding signs may be located within the required setback areas without the required variance procedure as long as all parts of the freestanding sign are located more than five feet from the front property line and public or private right-of-way, except in design districts E and D in which signs may be located up to the property line upon approval of the Planning Department.
- c. A freestanding sign shall be set back a minimum of twenty (20) feet from any interior side of property line. Encroachment into the twenty (20) foot setback may be approved by the planning department where the location of existing improvements presents a functional hardship to compliance with the required setback.
- d. Freestanding signs ten feet or less in height shall be mounted on a base, the width of which is not less than fifty (50) percent of the width of the widest part of the sign.

4. Site Identification Signs. The planning department may permit site identification signs to facilitate freight delivery, etc. The size of the signs and copy will be reviewed by the planning department.

C. Signing in District G. Signing in this district shall be approved by the city council of the city.

D. Signing for Open Air Uses.

1. Building Sign. One-half square foot of building sign area is permitted per each linear foot of site frontage to a maximum of one hundred fifty (150) square feet.

2. Freestanding Sign.

a. A freestanding sign shall be set back a minimum of twenty (20) feet from any interior side property line. Encroachment into the twenty (20) foot setback may be approved by the planning department where the location of existing improvements presents a functional hardship to compliance with the required setback.

b. Each commercial site, excluding highway commercial uses along Highway 198 and Highway 99 is permitted one double-faced freestanding sign, not exceeding an area of thirty-five (35) square feet of sign copy per face. The total area of the aggregate surface of the sign face and the sign structure, as viewed from one side, may not exceed seventy square feet. The freestanding sign shall not exceed a height of ten feet.

c. The total area of the sign faces of a multi-sided freestanding sign shall not exceed seventy (70) square feet, provided that the total area of the aggregate surface of the sign faces and the sign structure shall not exceed one hundred forty (140) square feet.

d. Additional nonilluminated sign copy may be mounted on (flush on the surface of) the sign structure; provided, that the total area of all sign faces, as viewed from one side, does not exceed sixty-five (65) square feet.

e. Freestanding signs may be located within the required setback areas without the required variance procedure as long as all parts of the freestanding sign are located more than five feet from the front property line and public or private right-of-way, except in design districts E and D in which signs may be located up to the property line upon approval of the planning department.

f. Freestanding signs shall be mounted on a base, the width of which is not less than fifty (50) percent of the width of the widest part of the sign.

E. Signing for Theaters.

1. Building Signs. One square foot of sign area is permitted per each foot of linear occupancy frontage to a maximum of one hundred fifty (150) square feet.

2. Freestanding Sign. Each theater is permitted one double-faced freestanding sign not exceeding an area of one hundred fifty (150) square feet per face not a height of twenty (20) feet. Freestanding signs ten feet or less in height shall be mounted on a base, the width of which is not less than fifty (50) percent of the width of the widest part of the sign.

F. Temporary Subdivision Signs (no permit required).

1. Subdivision which offers a minimum of ten parcels for sale may erect a maximum of either two (2) temporary subdivision signs or up to one (1) sign per every three hundred lineal feet that the subdivision perimeter fronts upon a public street.

2. The temporary subdivision signs shall be non-illuminated, shall not exceed an area of thirty-two (32) square feet per sign or a height of eight feet or if located behind a fence, at a height not to exceed twelve (12) feet..

3. The temporary subdivision signs may be erected and maintained within a subdivision until all parcels within the subdivision are sold.

4. The signs shall be no closer than three hundred (300) feet from each other.

G. Signing in the Downtown Retail Design District. Signing in the downtown retail design district shall be approved by the downtown design review board, according to the criteria specified pursuant to Section 17.58.080.

H. Signing for Design District I. Signs in design district I shall be consistent with Section 17.48.070(D).

I. Signing for Design District K. Signs in design district K shall be consistent with Section 17.48.070 (C). (Prior code § 7617) (Ord. 2006-14 § 2 (part), 2006)

17.48.090 Political, campaign or nonprofit organization signs.

Political or campaign signs shall be erected in accordance with the following provisions: (no permit required)

A. Any such sign shall be erected not earlier than eighty-eight (88) days prior to the election and shall be removed within fifteen (15) days after such election. Candidates successful in a primary election are subject to the same provisions and shall remove signs fifteen (15) days following the primary election and may erect signs not earlier than eighty-eight (88) days prior to the general election.

B. 1. Each candidate is allowed one political sign per parcel. On residential sites, the sign may be a maximum of sixteen (16) square feet in area and erected to a maximum height of six feet. On commercial or vacant sites, the sign may be a maximum of thirty-two (32) square feet in area and erected to a maximum height of six feet except as provided in subsection (D) of this section.

2. For the purpose of this provision, "residential site" means a lot or parcel which has a residential use or structure built on it and "commercial site" means a lot or parcel which has a commercial use or site on it. Residential or commercial sites is not intended to reflect the zoning of the property.

C. Political or campaign signs may not be attached to trees, fence posts or utility poles except on private property where written permission from the property owners has been obtained.

D. Portable or temporary "A"-frame signs are prohibited. V-shaped signs (two surfaces with two edges connected and the other two edges spread apart so that the faces read from different directions) are permitted subject to the criteria that they are supported with a maximum of three posts placed with an interior angle of not more than ninety (90) degrees.

E. No political or campaign signs shall be attached and erected on public property or within the public right-of-way and shall not obstruct sight line visibility at intersections.

F. In cases where political or campaign signs are not removed within the specified time period, the city planning department shall cause to be removed those signs which remain and the cost and expense of such activity shall be paid by the candidate.

G. Signs promoting social events of nonprofit organizations are subject to the same basic requirements as political signs. (Prior code § 7618)

17.48.100 Nonconforming signs.

A. Signs (except for portable signs and banners) which were legally erected prior to the effective date of this chapter shall not be required to conform to the provisions of this chapter except as specified in Sections 17.48.040(N) and 17.48.050(C).

B. The following signs (only) shall be removed or made to conform to the provisions of this ordinance within thirty (30) days of notification by the city planner.

C. Signs to be made conforming:

1. Portable signs;
2. Banners. (Ord. 9605 § 30 (part), 1996: prior code § 7619)

17.48.110 Variance and exceptions.

A. Variance Purposes. The 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 chapter. 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 street locations or traffic conditions in the immediate vicinity that would affect the signing of said site or building.

B. Exception Purposes. The planning commission may grant an exception to the physical design standards if it can be demonstrated that such an exception is necessary to facilitate an improved aesthetic relationship between the signs and the structures upon which they are mounted.

C. Variance Powers of City Planning Commission. The city planning commission may grant exceptions to the regulations prescribed in this chapter, in accordance with the procedures prescribed in this chapter.

D. Exception Powers of City Planning Commission. The city planning commission may grant exceptions to the regulations prescribed in this chapter, in accordance with the procedures prescribed in this chapter.

E. Application Procedures. 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 chapter;
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. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of handling the application;
8. The application shall be filed with the city planner. He shall give notice to the applicant of the time when the application will be considered by the commission, and he may give notice of the time to any other interested party.

F. Hearing and Notice.

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

2. Notice of a 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.

G. Investigation and Report. The city planner shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the city planning commission.

H. 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.

I. Variance Action of the City Planning Commission.

1. The city planning commission may grant a variance to a regulation prescribed within this chapter. The variance may be granted as applied for, or as modified by the commission; provided that, on the basis of the application and staff report and/or evidence submitted, the commission is able to make the following findings:

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

b. That there are exceptional or extraordinary circumstances or conditions applicable to the property which do not apply generally to other properties classified in the same zoning district;

c. 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 zoning district;

d. 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 zoning district;

e. 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.

2. 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.

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

J. Exception Action of the City Planning Commission. The planning commission may approve, conditionally approve or deny a request for an exception to the physical design standards of this chapter. For the planning commission to approve an exception, the following findings must be made:

1. That the granting of the exception is necessary to attain a high aesthetic sign design which would be restricted if the provisions of this chapter were strictly applied;

2. That the granting of an exception would not adversely affect the visibility of signing on adjacent properties;

3. That the granting of an exception would not constitute a granting of a special privilege.

K. Appeal to City Council. The decision of the City planning commission on a variance or exception application shall be subject to the appeal provisions of section 17.02.145.

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

M. New Application. 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. (Ord. 2006-18 § 8, 2007; Ord. 9605 § 30 (part), 1996: prior code § 7620)

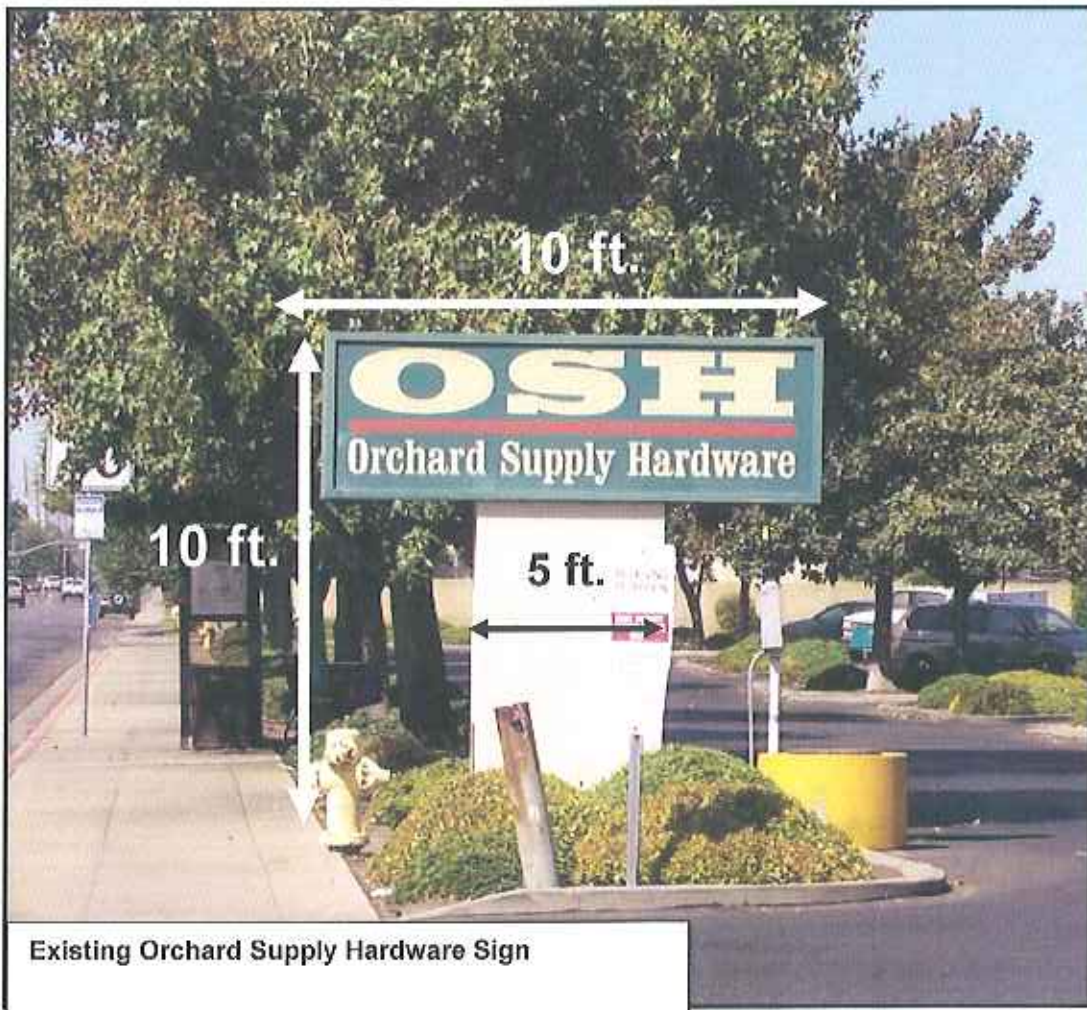
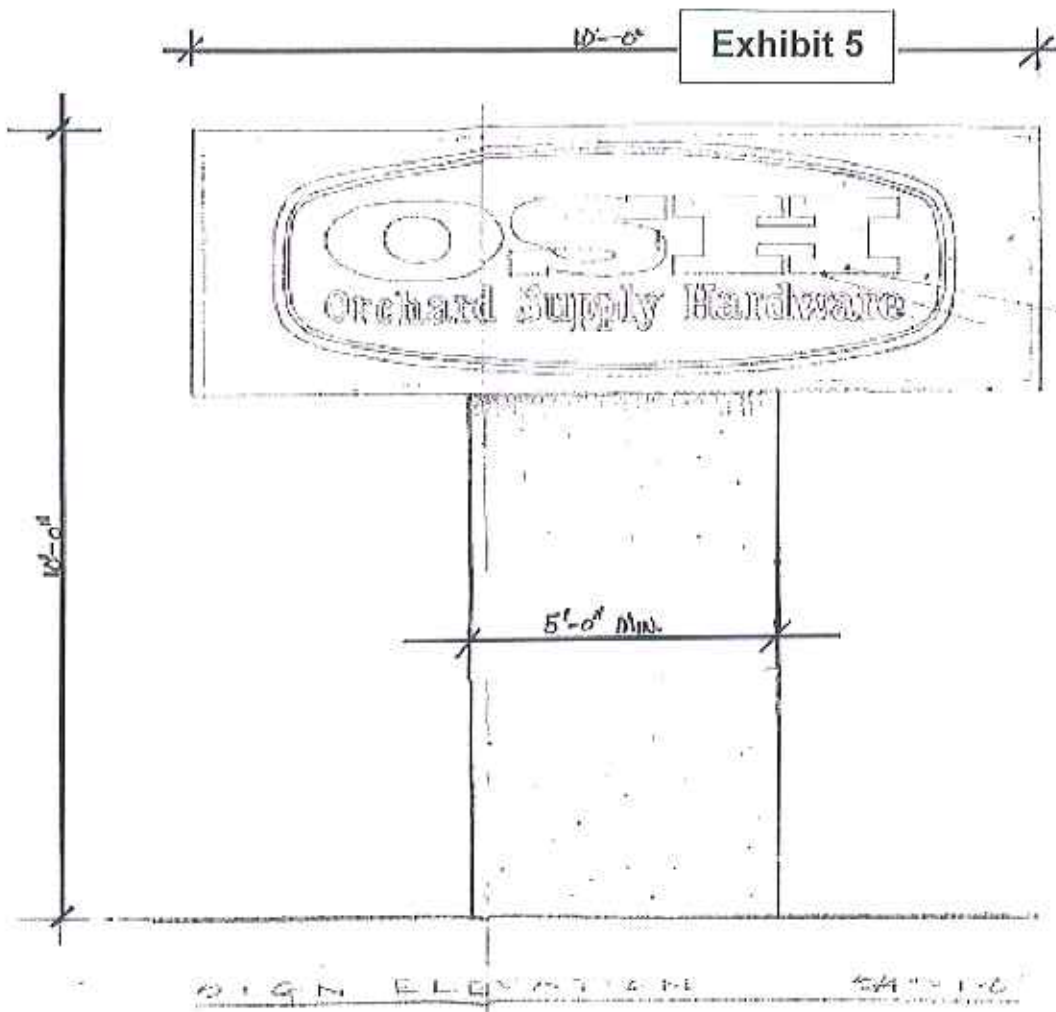


Exhibit "6"

WALNUT AVENUE
WESTBOUND SECTION
9' X 5' SIGN AT 13'
WITH EXISTING SIGN LOCATION

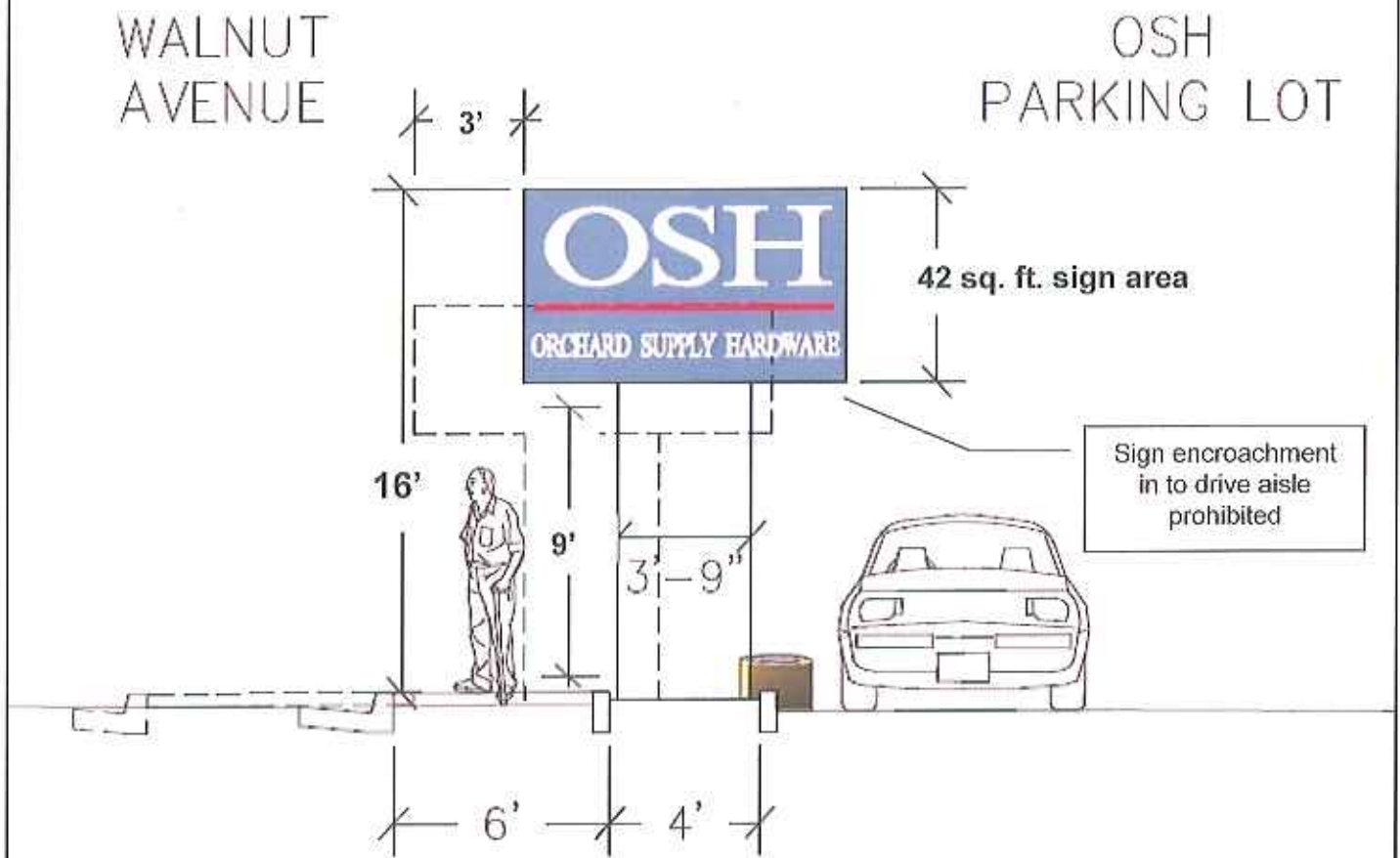
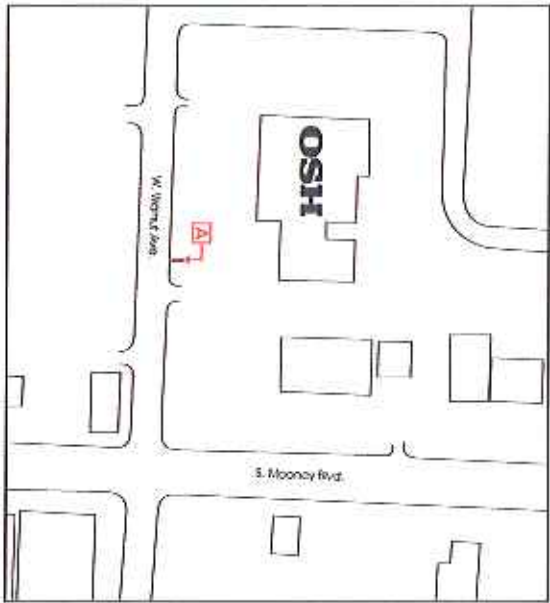


Diagram not to scale

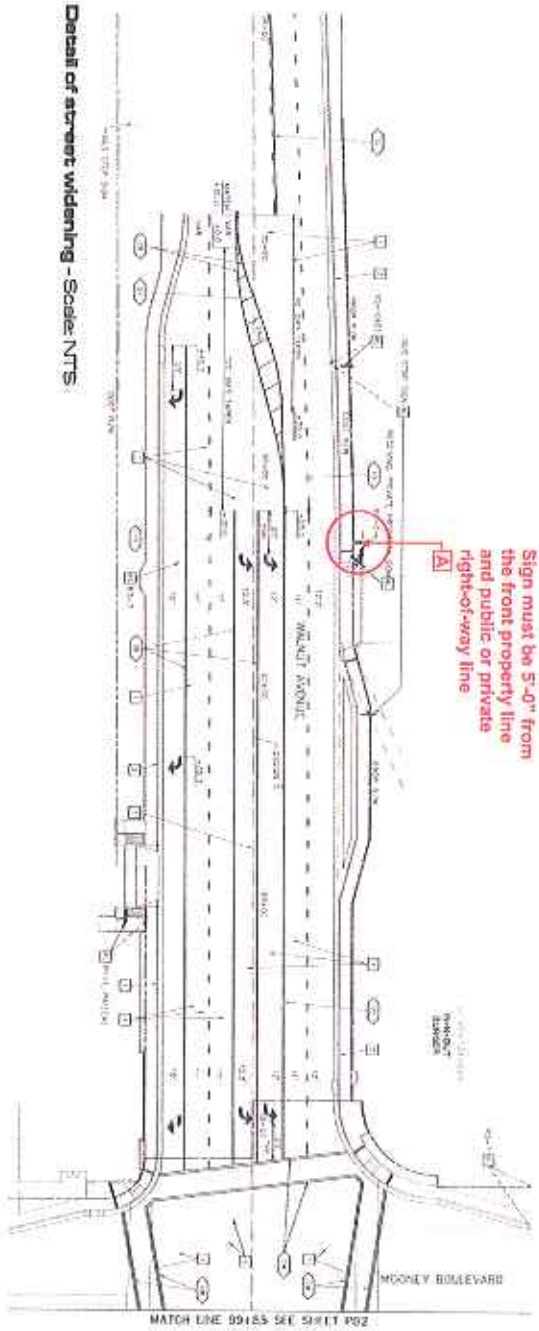
Exhibit A



Site plan - Scale: NTS



Vicinity map - Scale: NTS



Detail of street widening - Scale: NTS

Sign must be 5'-0" from the front property line and public or private right-of-way line



EDART
SIGN COMPANY
2670 W. SHAW LANE SUITE 102
FRESNO, CA 93711
T 559-425-2182
F 559-425-2185
WWW.EDARTSIGN.COM

SK. EB: David Eagan
DRAWING #: 7401
DATE: 03-29
DRAWN BY: James Thrall
CHECKED BY: [blank]
SHEET: 2 of 2

Order	Date	Description
1	6-20-21	Revised to 27 signs per LL
2	6-21-21	Shaw send of street widening

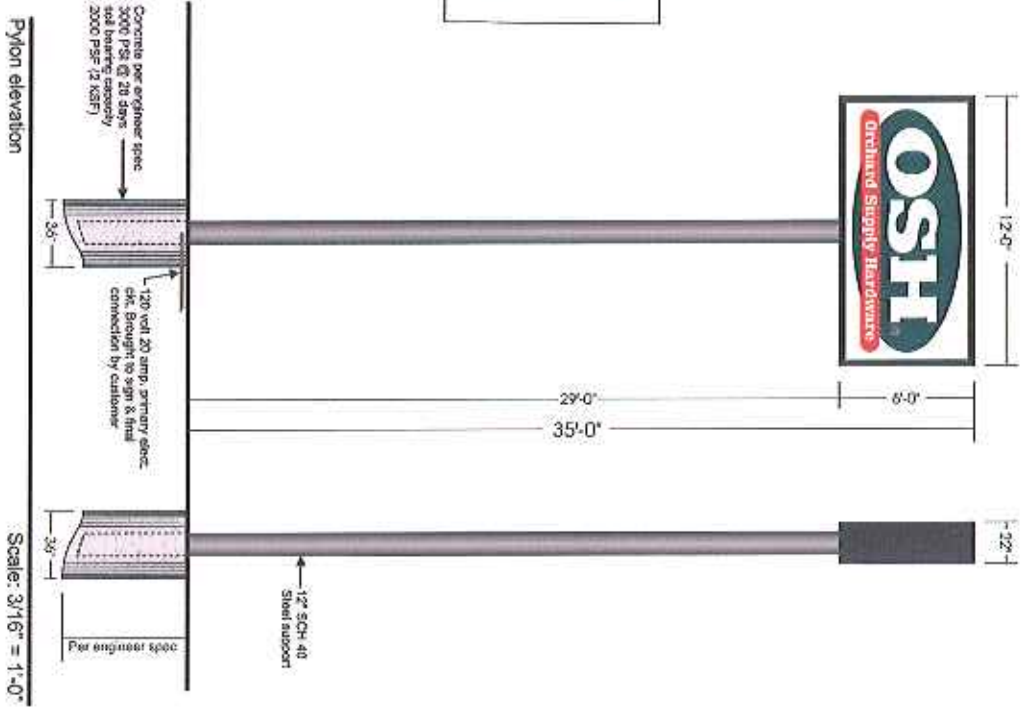
SEE EB APPROVAL

CUSTOMER APPROVAL

LANDLORD APPROVAL

CONCEPTUAL DRAWINGS ONLY.
These drawings are conceptual in nature and are not intended to be used as a contract document. They are not to be used for construction or any other purpose. Client is responsible for obtaining all necessary permits and approvals. All rights reserved. The design has been created for you in connection with a project being planned by you or your client. It is not to be used for any other project in any manner without their consent.

Exhibit B



A PYLON SPECIFICATIONS

Manufacture and install one (1) 35'-0" OAH double face internally illuminated pylon sign.

Description	Specification/Material	Finish	Color
Pole	12" diameter steel pole	Painted - satin	Black
Column	Aluminum construction	Painted (satin)	Black
OSH Panel	White Polycarbonate w/ vinyl applied 1st surface	3M	Dark Emerald Green #6330-126 Red #6330-43 Black #6330-22
Illumination	Fluorescent	N/A	6500 white



2870 W. SHAW LANE, SUITE 107
 FRESNO, CA 93711
 T 559-425-1188
 F 559-425-1188



Scale: 3/8" = 1'-0"
 DATE: 04/20/10
 DRAWN BY: Amy Franks
 SCALE: As noted
 SHEET 1 of 2

Sequence	Date	Description
1	4/20/10	Review by ST Preliminary LI
2	4/20/10	2nd review of steel erection

SHEETS APPROVAL

CUSTOMER APPROVAL

LANDING APPROVAL

CONCEPTUAL DRAWING ONLY.
 Dimensions are approximate & may change due to
 construction, weather or wood shrinkage. Colors
 shown are for reference only. Final colors may
 vary due to lighting conditions. The design has been
 approved for construction. It may not be reproduced
 or any manner without prior consent.

RESOLUTION NO. 2009-58

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA DENYING 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. (APN: 095-134-045 & 046); and

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

WHEREAS, the Planning Commission of the City of Visalia finds the Variance is not consistent with the City of Visalia Sign Ordinance Section 17.48.080.3, 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 Planning Commission of the City of Visalia makes the following specific finding based on the evidence presented:

1. That the 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.

Staff can not support the sign request because the sign ordinance prohibits pole signs. The sign ordinance permits the establishment of one 10 foot high double face freestanding sign with 35 square feet of sign face area. In addition, the sign ordinance allows freestanding monument signs to be located within the required setback area as long as all parts of the freestanding sign are located five (5) feet from property line.

The applicant contends the street widening along Walnut Avenue results in the loss of their existing monument sign. 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 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 deprive the applicant of privileges enjoyed by the owners of the other properties classified in the same zone.

There has been no sign variances approved requesting 35-foot high/72 square foot double face freestanding pole signs. The only pole sign in the general area that exceeds 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. However, this pole sign is a non-conforming sign which was established prior to the update of the sign ordinance.

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.

The variance as proposed would constitute a special privilege inconsistent with the sign ordinance. There are several businesses located within Design District "A" that have been approved with monument signs that meet sign height and sign area. There is only one non-conforming pole sign in the immediate area for a single business. The Union Bank pole sign was constructed prior to the sign ordinance update.

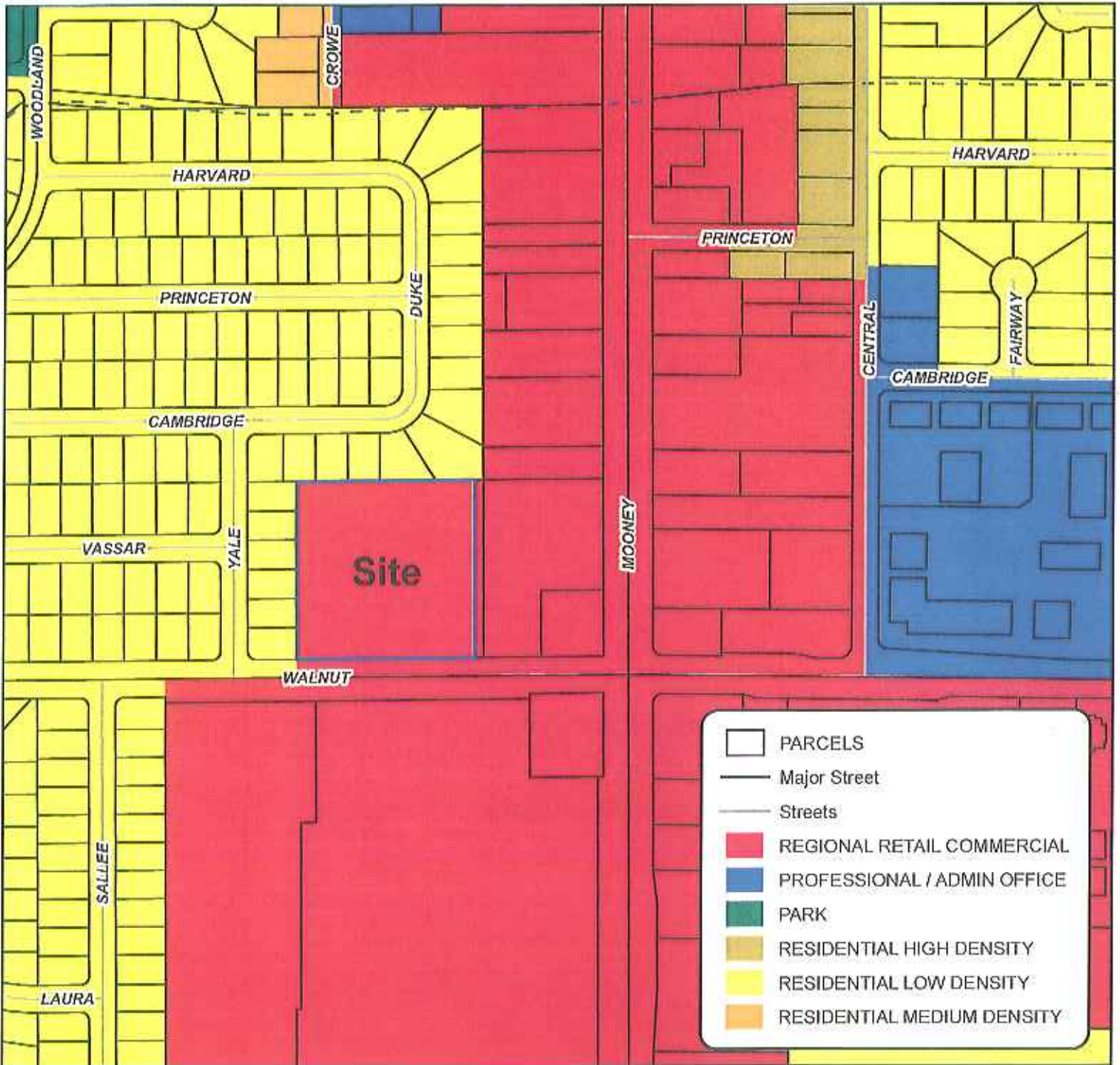
5. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

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

BE IT FURTHER RESOLVED that the Planning Commission 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.

Variance No. 2009-10

APN: 095-134-045 & 046

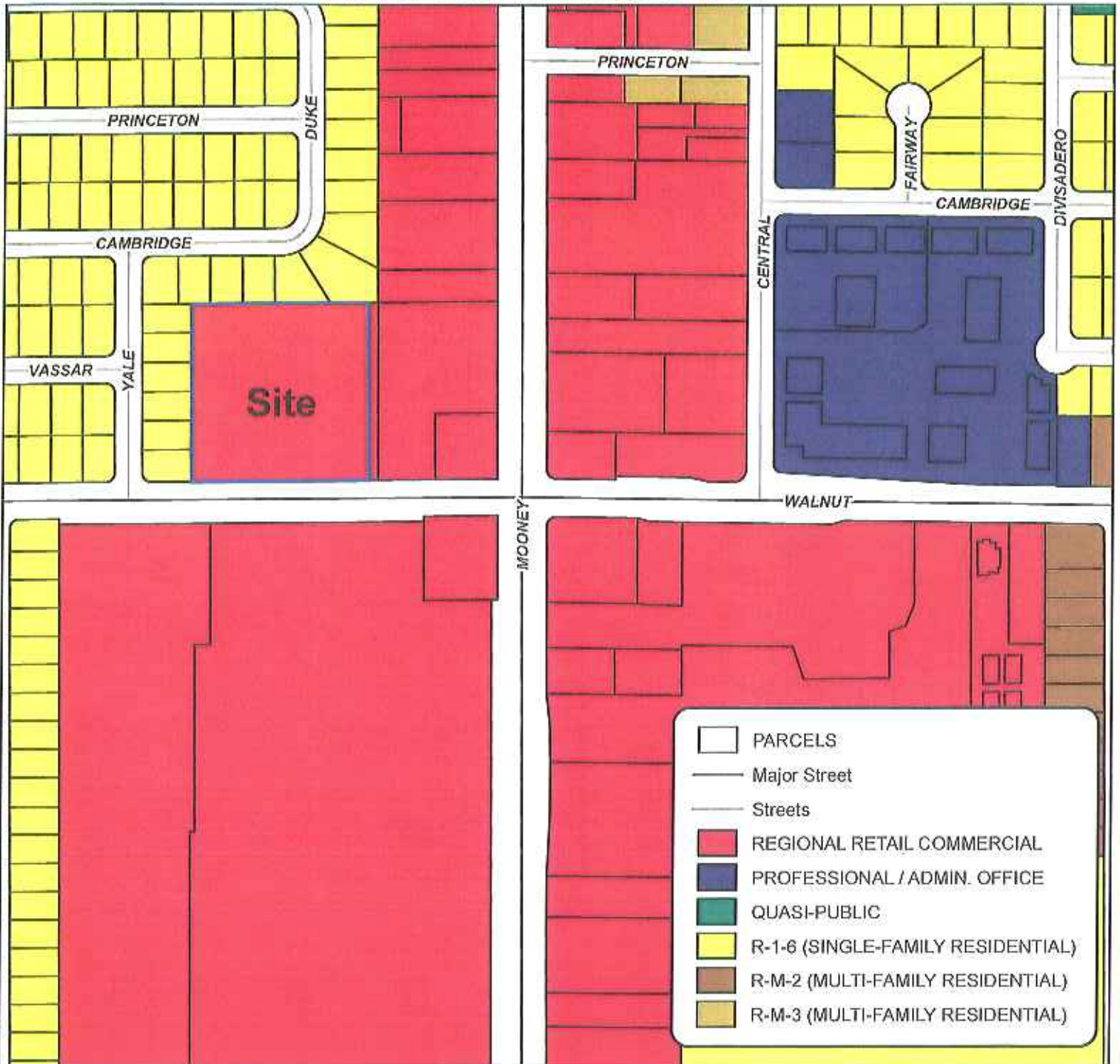


General Plan Land Use Map



Variance No. 2009-10

APN: 095-134-045 & 046



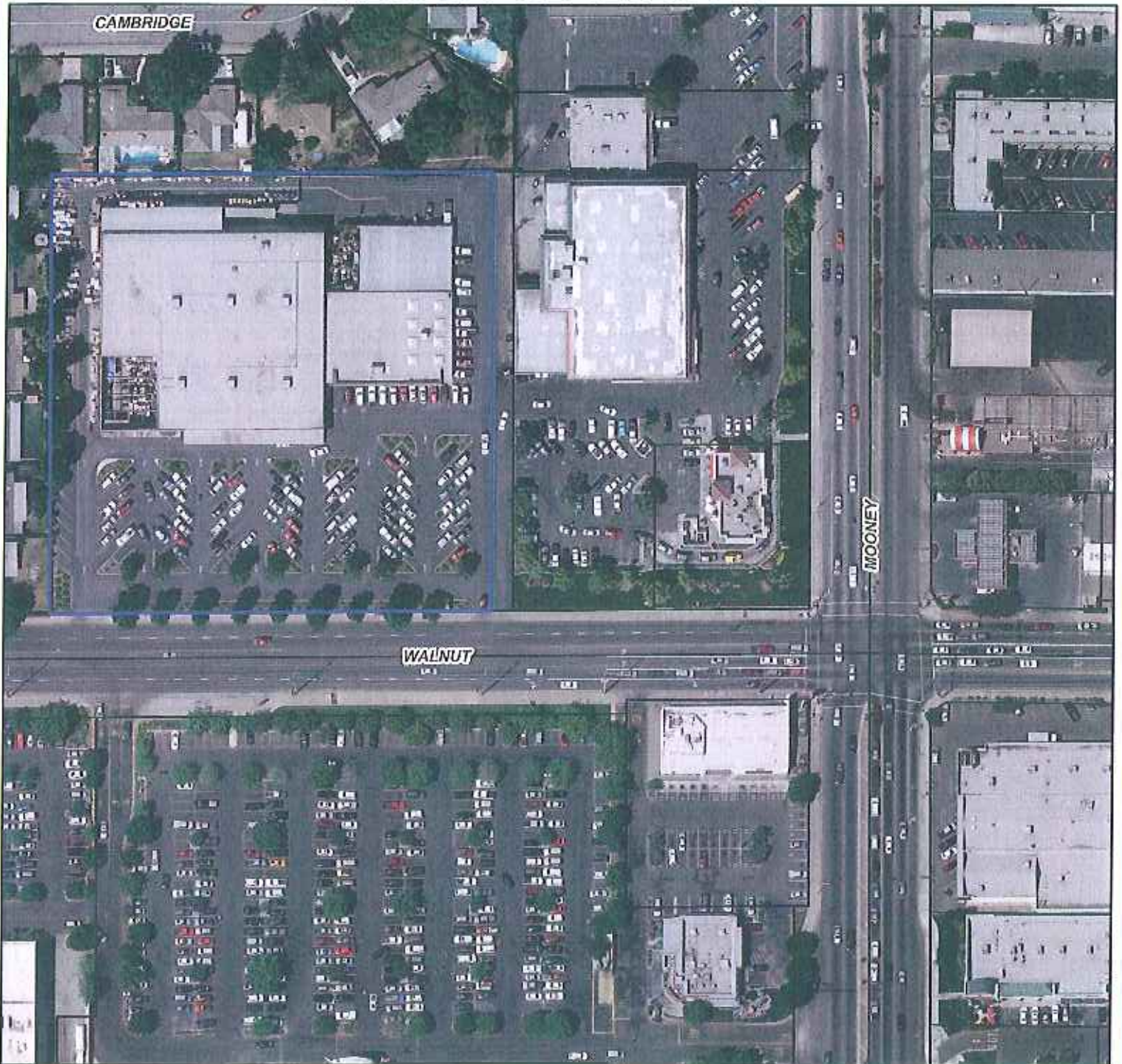
Zoning Map

300 150 0 300 600 Feet



Variance No. 2009-10

APN: 095-134-045 & 046



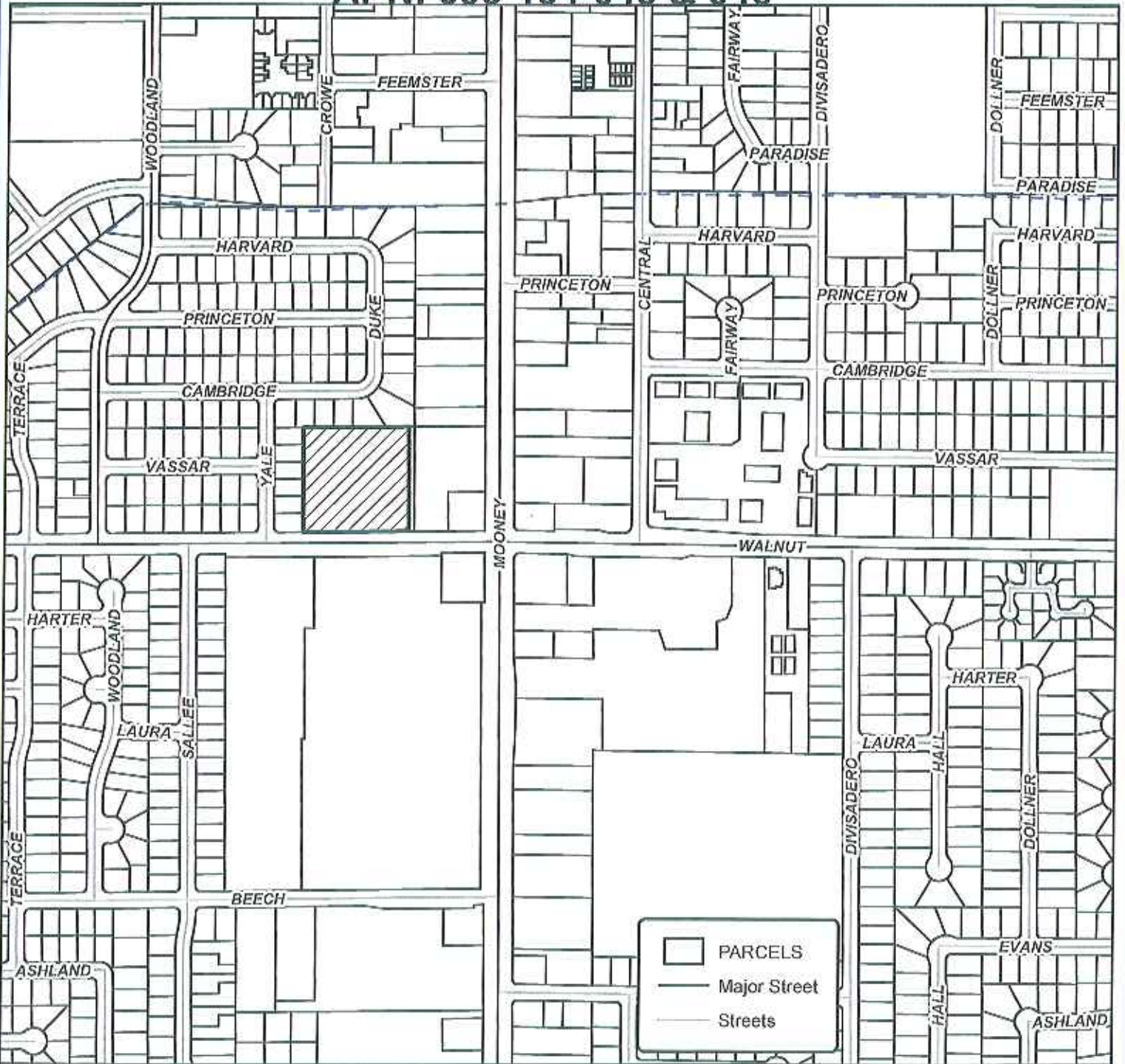
Aerial Photo

100 50 0 100 200 Feet



Variance No. 2009-10

APN: 095-134-045 & 046



Vicinity Map



600 300 0 600 1,200 Feet