

AGENDA SPECIAL MEETING
Joint Work Session Visalia City Council & Planning Commission
Visalia Convention Center, 303 E. Acequia, Visalia, CA
Monday, April 5, 2010 - 3:00-6:00 p.m.

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

Planning Commission
Chairperson: Lawrence Segrue
Vice-Chair: Adam Peck
Commissioner: Terese Lane
Commissioner: Vincent Salinas
Commissioner: Roland Soltesz

3:00 p.m. **PLEDGE OF ALLEGIANCE**

PUBLIC COMMENTS - This is the time for members of the public to comment on any matter within the jurisdiction of the Visalia City Council/Planning Commission. The Council and Commissioners ask that you keep your comments brief and positive. Creative criticism, presented with appropriate courtesy, is welcome. The Council/Commissioners cannot legally discuss or take official action on items that are introduced today. In fairness to all who wish to speak, each speaker from the public will be allowed three minutes. Please begin your comments by stating and spelling your name and providing your street name.

INTRODUCTIONS

WORK SESSION ITEMS

1. Overview of Community Development Department
2. Highlights of City Long Range Planning Projects including the General Plan Update and South East Area Specific Plan.
3. West Visalia/Highway 198 Scenic Open Space Corridor.
4. Review of the existing Business Research Park policy ordinance and uses.
5. Discuss City Council review of land division map decisions.

Adjourn Joint Work Session of the Visalia City Council and Planning Commission.

Upcoming Council Meetings - Note: Meeting dates/times are subject to change, check posted agenda for correct details.

- Monday, April 5, 2010, Regular Session 7:00 p.m., Visalia Convention Center, 303 E. Acequia
- Monday, April 12, 2010, 4:00 p.m. Work Session; Special Session 7:00 p.m. Convention Center, 303 E. Acequia
- Monday, April 19, 2010, 4:00 p.m. Work Session; Regular Session 7:00 p.m., Council Chambers 707 W. Acequia
- Monday, April 26, 2010, 5:00 p.m. Joint Work Session with the Parks and Recreation Commission, Convention Center, 303 E. Acequia

City of Visalia
Memo



To: City Council
Planning Commission

From: Mike Olmos, Community Development Director/
Assistant City Manager
Chris Young, Assistant Community Development Director/
City Engineer

Date: April 5, 2010

Re: Overview of Community Development Department

The Community Development Department provides services to the community involving primarily management of growth and development, infrastructure planning and construction, land use policy implementation, traffic planning and management and related services. The Department is comprised of 4 Divisions containing 52 employees. Offices of the Community Development Department are located at City Hall East, 315 East Acequia Avenue, next to Visalia Convention Center.

Services provided by the Community Development Department cross many different segments of the land development processes, all governed by complex sets of local, state, and federal laws. These statutes include State Planning Law, California Environmental Quality Act (CEQA), National Environmental Policy Act (NEPA), California Subdivision Map Act, Professional Engineers Act, Professional Land Surveyor's Act, and others. Building construction activities are governed by the California Building Code, which is segmented into Building, Mechanical, Plumbing and Electrical Codes. All of the sets of codes and statutes are complex, very technical, and require skilled and experienced professionals to apply to real world development projects. The City of Visalia is fortunate to have some of the best professionals in planning, building, engineering, and administration to provide high quality services to the community and development industry.

Planning Division:

The Planning Division is comprised of 4 full time professional planners, one permit technician, and 2 part time planners. The Planning Division is supervised by Paul Scheibel, Planning Manager. Major functions include:

- Site Plan Review

- Long Range Community Planning (General Plan update/maintenance, specific plans, master plans, zoning studies)
- Planning Entitlement Permits (General Plan amendments, rezoning, conditional use permits, subdivision/parcel maps, variances, annexations)
- Building permit review for planning standards compliance
- Staff to Planning Commission
- Staff to Historic Preservation Advisory Committee

Several high priority long range planning projects are underway. These include the General Plan Update and the Southeast Area Plan. With Council’s action to approve the Housing Element Update on March 15, this major planning project requiring State certification is nearing completion (awaiting final State approval). In addition, as

Planning entitlement permits have stayed relatively active even in the current weak economy. Given the downturn in the housing market, subdivision mapping has recently seen minimal activity. The following table shows the amount of entitlement permit activity during the past 5 years, including the recent economic surge.

| <u>Year</u> | <u>Site Plan Review</u> | <u>Variance</u> | <u>CUP*</u> | <u>T-CUP**</u> | <u>Subdivision Maps</u> | <u>Parcel Maps</u> | <u>Zone Changes</u> | <u>Lot Line Adjustments</u> |
|---------------|-------------------------|-----------------|-------------|----------------|-------------------------|--------------------|---------------------|-----------------------------|
| 2001 | 200 | 14 | 54 | 107 | 19 | 14 | 16 | 14 |
| 2002 | 227 | 16 | 38 | 84 | 13 | 21 | 20 | 14 |
| 2003 | 224 | 19 | 53 | 82 | 24 | 16 | 20 | 26 |
| 2004 | 234 | 10 | 62 | 89 | 39 | 25 | 35 | 35 |
| 2005 | 290 | 21 | 56 | 118 | 36 | 30 | 23 | 28 |
| 2006 | 261 | 7 | 62 | 123 | 14 | 26 | 11 | 35 |
| 2007 | 239 | 17 | 65 | 120 | 8 | 14 | 14 | 36 |
| 2008 | 200 | 9 | 47 | 140 | 4 | 17 | 12 | 12 |
| 2009 | 144 | 10 | 47 | 163 | 1 | 6 | 3 | 18 |
| TOTALS | 2019 | 123 | 484 | 1,026 | 158 | 169 | 154 | 218 |

* Conditional Use Permits

** Temporary Conditional Use Permits (fireworks stands, temporary nightclub operations other short-term uses)

The table reflects the surge in development activity that occurred during the economic boom in the mid-2000s and the dramatic decrease in development caused by the current strong recession. Notably, the table also shows that even during the current recession, development has remained relatively active, although substantially reduced. The current level of activity is reflective of the strength of the local economy and desirability of Visalia as a place to invest even in a struggling economy.

Of the permit classifications shown in the table, site plan review, temporary conditional use permits and lot line adjustments are processed at staff level. Applications for conditional use permits, subdivisions and parcel maps are decided by the Planning Commission, while rezonings are heard by the Commission, with its recommendation on these matters forwarded to the City Council which makes the final decision. With few exceptions, applications to be considered by the Planning Commission are scheduled for hearing within 45 days of determination of completeness of the application. This timing is considered excellent in comparison with other communities.

Building Division

The Building Division is responsible primarily for examining building plans for compliance with state and local building codes (referred to as “plan check”) and performing field inspections during construction for compliance with approved plans. The division manager is Dennis Lehman, Chief Building Official.

The Building Division has the following responsibilities:

- Building plan checks for compliance with building and fire codes
- Field inspections during construction
- Americans with Disabilities Act (ADA) compliance/access for structures
- Site plan review
- Staff for Construction Review Committee
- Assistance in construction management for City building projects
- Operation of Change Order Committee for City construction projects

Mr. Lehman also serves as Chair of the Site Plan Review Committee and Change Order Committee.

The Building Division currently has 9.5 positions, including one Building Plans Examiner, 1 Permit Technician and 6 Building Inspectors. The staff is significantly reduced from 21.5 positions in 2006 during the height of the building surge.

The following table presents a summary of building permit activity for the past 9 years:

| Year | Total Number of All Permits | Total Valuation of All Permits | Total of New Sq. Ft | No. New SFD Attached & Detached | No. Multi Family Units | No. New Comm. Bldgs. |
|--------|-----------------------------|--------------------------------|---------------------|---------------------------------|------------------------|----------------------|
| 2001 | 2,977 | 141,184,834 | 354,037 | 818 | 18 | 41 |
| 2002 | 3,237 | 200,197,800 | 482,831 | 860 | 69 | 76 |
| 2003 | 3,812 | 251,617,760 | 884,863 | 994 | 86 | 71 |
| 2004 | 4,704 | 287,443,149 | 977,845 | 1,104 | 165 | 99 |
| 2005 | 5,464 | 397,887,279 | 1,932,193 | 1,450 | 100 | 45 |
| 2006 | 5,677 | 490,674,445 | 2,256,103 | 1,317 | 429 | 83 |
| 2007 | 4,788 | 367,443,587 | 1,834,378 | 869 | 326 | 84 |
| 2008 | 3,776 | 219,022,219 | 749,798 | 496 | 46 | 81 |
| 2009 | 3,026 | 136,375,474 | 317,350 | 397 | 77 | 36 |
| TOTALS | 37,877 | 2,511,999,834 | 9,837,003 | 8,384 | 1,325 | 622 |

Notably, in 2009, the Building Division processed 3,026 total building permits. This equates to over 58 permits being issued each week. These permits range from minor permits involving re-roofs, tenant improvements, remodels, etc. to complex permits for single family dwellings, apartment structures, and commercial and industrial buildings. The great majority of these permits are processed and inspected routinely and efficiently. However, City Management Staff and Council Members occasionally receive complaints from citizens regarding problems and delays in processing their building permits, particularly buildings plan checks. The complaints often result from difficulty by building permit applicants in achieving compliance with building codes. While our plans examiners try to work with applicants and provide flexibility where possible, the building codes are very specific, and non-compliance with the codes can result in health/safety and potential liability. Difficulty by applicants in satisfying Building Code standards can lead to delays while code issues are being worked out. The Building Division believes that the number of complaints received about the process are small in comparison to the volume of building permits issued, and are not excessive in comparison to other cities.

Engineering Division

The Engineering Division is responsible for providing in-house professional engineering services, including review of private development projects; project management for streets, drainage, and traffic signal capital improvement projects; inspection of private development projects, capital improvement projects, dry utilities, and custom home grading and drainage; and traffic management. The division provides information to the public, other City Departments and City officials as requested. The Division is made up of the following five “groups”:

- The **Traffic Engineering Group** is responsible for establishing traffic engineering standards, reviewing traffic impact studies, reviewing pavement marking and signing plans, coordinating traffic counts, and conducting traffic investigations. They oversee the construction of traffic signals, maintenance of traffic signs, street striping and proper traffic control for the City of Visalia.
- The **Engineering Inspection Group** ensures quality control and contractor accountability through the inspection of utility permits, traffic control and off-site permits related to the construction of capital improvement program projects, and all development improvements, including water system, sanitary sewer system, grading and drainage and paving improvements.
- The **Engineering Design Group** is responsible for the preparation of engineering construction plans (both in-house and thru engineering consultants), and managing construction contracts for infrastructure improvements such as arterial and collector streets, signals, sewer lines, storm water facilities and bridges.
- The **Engineering Development Group** performs building plan checks, site plan reviews, assists with FEMA floodplain related issues, and reviews of subdivision and parcel maps.
- The **Engineering CAD/Survey/GIS Services Group** performs CAD drafting for engineering construction plans, construction surveys, maintains the GIS database, performs GIS maintenance, and addressing. CAD/GIS database information, “as-builts” and mapping services are provided to other City departments, surveyors, private engineers, consultants and to the public.

The division manager is Chris Young who is the City Engineer/Assistant Community Development Director. The Engineering Division currently has 26 positions including engineers, engineering technicians, CAD technicians, GIS technicians, a traffic engineering specialist, and public works inspectors.

Administrative Services Division

Administrative Services has several key functions in Community Development. These include staffing and operation of the City Hall East public counter, departmental budget maintenance, records and personnel documents management, management of our electronic permits issuance and tracking systems, and overseeing the physical facilities at City Hall East. This division also provides clerical support for the Building, Planning, and Engineering Divisions, and for the Housing and Economic Development Department which is also housed in City Hall East. The manager of the Administrative Services Division is Gayle Bond, Management Analyst.

An important function of Administrative Services is operation of the City’s Business Tax program. This program levies taxes on all businesses operating in the City. In 2009, the Business Tax program generated over \$1.9 million in revenue to the City’s General Fund. This revenue is used to fund services to support businesses and residents in the

community, including public safety (Police and Fire). There are currently 10,400 open Business Tax accounts.

Joint City Council Planning Commission Worksession Memorandum

To: City Council and Planning Commission
From: Paul Scheibel, AICP, Planning Services Manager (713-4369)
Subject: **City Planning Division Long Range Projects**
Date: April 5, 2010

SUMMARY

The Planning Division is engaged in several long range Planning projects and programs in addition to the full range of current Planning activities, plan check and site inspections, land use and environmental support to other City departments, and providing customer service support daily at the Community Development front counter and Planner's Hotline. The most notable long range activity is the Comprehensive General Plan Update that is projected to continue for the next estimated 36 months. There are also a number of other long range programs and special projects that have long range implications for the City, and several that should be undertaken as soon as practical to commit resources. These are highlighted in this report summary to apprise the Planning Commission and City Council on how limited General Fund resources are programmed and allocated within the Planning Division.

BACKGROUND

Staffing and Organization: The Planning Division is staffed by three fulltime professional level Urban Planners, one part time professional Urban Planner, one Permit Technician, a Secretary, and one Planning Services Manager. Recently, the City has contracted with a former Visalia City Planner to process annexations of four City-owned parcels.

The Planning Division is informally organized into current projects and long range projects functional areas. In practice, all Planning Division staff members share current and long range Planning activities, depending on varying permit activity and priorities, case loads, and taking into consideration the individual's professional development goals. The individual Planner's preponderance of time and ongoing experience defines their functional emphasis. Finally, the Division's "cradle to grave" case management program, instituted in mid-2005, ensures that each Planner retains permanent management authority and responsibility (including environmental review, plan check, amendments, etc.) over their project portfolios from inception (Site Plan Review) to final project buildout.

LONG RANGE PROJECTS

The following is a summary of the long range projects currently underway and in-process by the Planning Division:

- 1. Comprehensive General Plan Update (Paul Scheibel, Brandon Smith):** In January 2010, the City embarked on an estimated three-year effort with planning consultants Dyett & Bhatia to prepare a comprehensive update to its General Plan and Environmental Impact Report (please see Attachment 1, Planning Area Boundary). Planning staff provides full technical and administrative support to the 23-

member General Plan Update Review Committee (GPURC). Much of the work to date has involved data collection (plans, policy documents) and the definition of a planning boundary. In upcoming months the Council-appointed Review Committee will be meeting with the consultants for stakeholder interviews, and community visioning will commence through the use of a website, newsletters, and public meetings.

The City Council has approved allocation of \$962,500 in the current two-year fiscal budget, which leaves \$166,705 as unbudgeted, but will be proposed for funding in the next budget cycle (FY 2010-2012). In addition, staff time and other City General Fund expenses in addition to the consultant contract have not yet been budgeted for the GPU. Staff is investigating the feasibility of a new development fee to bridge these funding shortfalls to minimize the direct impact on the General Fund.

- 2. Housing Element Update- next steps (Dawn Marple):** The recently adopted Housing Element identified a number of implementation programs that will facilitate meeting the housing needs of the City of Visalia. Most of the policies are self-contained within the Housing Element document, and require no additional action by the City. Other policy changes require changes to the General Plan Land Use Element (LUE) and the Zoning Ordinance (ZO) in order for the changes to be consistent with the adopted Housing Element policies. The changes are required to be completed within one year from the date of adoption of the Housing Element.

The following are examples of the latter. They require changes to Zoning Ordinance and/or General Plan. Planning staff has initiated a General Plan Amendment and Zoning Ordinance Text Amendment for the following:

- General Plan and Zoning Ordinance amendments to increase the minimum number of multi-family units permitted by right [no Conditional Use Permit (CUP) required] in multi-family residential zones from 40-units to 60-units.
- General Plan Amendment to Land Use Policy 4.1.20 to allow 150-unit sized multi-family projects at collector/collector intersections. Currently the General Plan limits this size project to arterial/collector intersections. The change will free up several multi-family zoned parcels for development near the top end of the density range. This is considered more desirable for both affordable housing goals and for enhancing the development potential of infill sites.
- Zoning Ordinance Amendment to allow emergency shelters by right (no CUP required) in the I-L (Light Industrial) zone district. The City is required by State law to designate at least one zone where emergency shelters are permitted by right. The I-L zone was selected as the best zoning for this purpose because it contains required infrastructure and services for temporary residential occupancy without the potential for disrupting adjacent businesses or residential neighborhoods.
- Zoning Ordinance Amendment updating the density bonus requirements to be consistent with SB 1818 and SB 435. The City is required to incorporate the latest state mandated incentives and concessions to facilitate affordable housing projects. The most commonly used concession or incentive is a density bonus to allow greater densities than the underlying zone district. The density bonuses may vary depending on the target income group of the future project residents.. Zoning Ordinance Article 2 will be amended to reflect the latest minimum state

requirements for concessions and incentives to facilitate affordable housing projects.

- Zoning Ordinance Amendment to update the definition of “family” to eliminate the maximum limit of five unrelated persons from the definition. The new state definition does not allow a maximum limit.
- Adopt an East Downtown Residential Zoning Overlay to define potential residential development areas within the East Downtown Strategic Plan (EDT) project area. The area that comprises the EDT project area is predominately zoned CS (Service Commercial). That zone technically allows residential uses, but does not envision the precise locations or densities of residential uses, (nor most of the retail, office and institutional uses) that are envisioned in the East Downtown Strategic Plan. The EDT Strategic Plan is not adopted as of now (please also see discussion later in this report). However, it is imperative in the near term to effect a zoning code amendment to encourage residential uses in the EDT area since the Housing Element land inventory includes 1,393 units that were anticipated to eventually be built in the EDT (Please see EDT project area diagram, Attachment 2).

In 2009, a residential zoning overlay was prepared by a select committee comprised of three representatives of the development community and the City Planner. The Residential Zoning Overlay allows for high density residential within three sub-areas in the EDT project area. These sub-areas are consistent with both the present version of the EDT Strategic Plan and the Housing Element land inventory in terms of both location and allowable residential densities.

The Residential Zoning Overlay is the development community’s preferred alternative to the form-based code that was originally drafted for the EDT. It serves to provide a flexible zoning tool to allow for residential developments in the EDT area, but without the mandate to adhere to a prescribed site and building design standard as was proposed in the form based code portion of the EDT Strategic Plan document.

- Ensure that various special needs housing types, such as single room occupancy housing, are defined and listed as permitted uses in appropriate zoning districts.

- 3. South East Area Specific Plan (SEASP) (Paul Scheibel):** The Southeast Area Specific Plan (SEASP) is an 840-acre project area with thirteen separate property owners. The site is located between Santa Fe and Lovers Lane, Caldwell Ave. and Avenue 272. All but 60 acres are outside of the City limits (Please see SEASP area map, Attachment 3). The project is a City-sponsored Planning document and EIR, and is intended to establish a contemporary and sustainable neighborhood with a blend of single and multiple family housing, neighborhood retail commercial, offices, open space with trail system, and a master planned health care campus for Kaweah Delta Health Care District.

Outreach and collaboration with the property owners has been renewed as of March 2010. The owners generally desire to proceed with the planning effort, but in the form of a simplified incentive-based master plan guideline document, without the mandatory implications and costs of the Specific Plan that has been drafted. Staff will continue to incorporate the property owners’ consensus direction into the conclusions

and recommendations for the project as it moves toward public review and hearings by the Planning Commission and City Council. It is anticipated that the final product will be an incentive-based master planning guideline document that incorporates the favored aspects of the Plan, but removes most of the regulatory nature implicit in the current Specific Plan document.

4. **West Highway 198 Scenic Open Space Corridor (Paul Bernal):** Depending on the direction given by the City Council, from the joint City Council/Planning Commission work session, staff will coordinate and provide ongoing management of the City Council's direction to develop a comprehensive urban land use plan for the 1,100 acres, including a defined scenic open space corridor, or initiate an alternative option separately (and in advance of the estimated duration of the comprehensive General Plan Update). In addition, staff may develop and implement a model open space corridor for land that is already in the City and partially owned by the City (north side of Hwy 198, between Shirk and approximately Preston St. (Please see Attachment 4).
5. **Annexations of City-Owned Properties (Phyllis Coring, Paul Bernal, Dawn Marple):** The City has begun the process of annexing three separate areas totaling approximately 386 acres of land. The areas are:
 - 7 acres between the Sports Park and the St. John's River
 - 99 acre property south of the Visalia Municipal Airport, which is situated in the Airport Protection Zone
 - 120+ acres north of Highway 198, east of the SCE power lines
 - 160 acres Northeast corner of Road 44 and Avenue 280 (Basin 4)The sites include future parkland, expansion of the southern portion of the Visalia Airport to facilitate a future runway expansion, and an existing irrigation and treated waste water retention basin. The purpose of this action is to gain land use jurisdiction authority on these sites, and to minimize property tax obligations incurred to the City. The annexations also require environmental documents, General Plan land use amendments, modification of the 129,000 population Urban Development Boundary (UDB) and outreach for participation by adjacent property owners in two cases [Please see Attachment 5 (four maps)].
6. **Business Research Park (BRP) Land Use Amendments (Paul Scheibel, Andrew Chamberlain):** Staff is preparing a review of the existing Business Research Park General Plan and Zoning Ordinance provisions for several and uses to determine if there are changes needed to clarify the intent of the zone district and the process for providing entitlements to proposed projects. This includes a discussion of the requirements for architectural review and the requirements for a Master Plan for proposed individual projects. This would be considered an interim measure being processed ahead of the GPU which is expected to include a much more thorough and long term set of policies for the BRP zone (Please see Attachment 6).
7. **The Historic Preservation Advisory Committee (HPAC) (Andrew Chamberlain):** The Division provides staff representation to the HPAC which meets twice monthly. In addition to project review of buildings subject to the Historic Preservation Ordinance, the HPAC has undertaken a survey to solicit input from 115 property owners in the Homebuilders Addition subdivision. This is to gauge property owners' interest in being a part of an expansion of the Historic District, or being added as individual residences to the Local Register of Historic Structures. The final HPAC

direction will be forwarded to the City Council as a Historic Preservation Ordinance action. So far 26 surveys have been returned with 16 home owners desiring to be included in the Historic District or Register (Please see Attachment 11).

- 8. AB 32 and SB 375 Implementation (Paul Scheibel, Brandon Smith):** These two pieces of landmark legislation are intended to reduce Greenhouse Gas production (AB 32) on a statewide timetable, and to adopt sustainable development land use and circulation policies at the regional and local level (SB375). AB 32 requires us to complete a city-wide carbon footprint and adopt a plan to reduce our carbon footprint in accordance with state mandated timelines. Along with complying with the new sustainable growth legislation, all cities in the Central Valley are also required to adopt an Air Quality Element in their General Plans by June 2010.

Compliance with AB 32 and SB 373 is evolving as the state implementation guidelines are still evolving, and our supporting regional agencies (TCAG, SJVAPCD) are still working on their respective components of these new mandates. The San Joaquin and Tulare Blueprint documents are initial steps in the overall implementation process. The City has included key features of the Blueprint documents in the focus and direction for its own General Plan Update, though the compliance effort with both new state laws will extend well beyond the Blueprint goals.

It is anticipated that staff will bring a model Air Quality Element to the City Council in June. A model Air Quality Element is currently being prepared by the SJVAPCD for adoption and use by all of the local jurisdictions in the District. Staff will propose using the model Element as an interim document while more specific and detailed air quality policies emerge from the comprehensive General Plan Update and city-wide program EIR. The General Plan Update and EIR , coupled with more certainty in the implementation details of the two new state laws should result in a more accurate and longterm implementation strategy for the City in future years (beyond three years time). Staff is maintaining a close and continuous dialogue with the regulatory and support agencies to coordinate our near and mid term compliance with the new state laws, while remaining sensitive to our current economic, development, and regulatory challenges.

- 9. Mooney Corridor Focused Study (Paul Scheibel, Dawn Marple):** On February 16, 2010, the City Council and Community Redevelopment Agency authorized \$30,000 for the preparation of the Mooney Boulevard Corridor Zoning Study for the portions of Mooney Boulevard from Cameron Avenue north to Noble Avenue that also coincide with the Mooney Boulevard Redevelopment Project Plan Area. The purpose of the Zoning Study is to engage Stakeholders in the process of identifying City codes and policies that may be acting as impediments to the aesthetic and economic vitality of the Mooney Corridor (Please see Attachment 7).

The request for Proposals (RFP) was released on March 18, 2010. A review Committee consisting of City technical specialists and private sector stakeholders will select a consultant in mid-April. It is anticipated the project will commence in late April with a target completion timeframe of six-months or less. The final product will be a set of Zoning Ordinance and General Plan amendments, and potentially incentives recommendations for City Council consideration.

- 10. Reconsideration of Offsite Subdivision Signage (Paul Scheibel):** Staff has begun dialogue with the Development Community through the Homebuilder's Association (HBA) to re-look the City's provisions regarding offsite subdivision signage. The current kiosk sign program is not proving to be a successful advertising option for subdivision developers. This is evidenced by the lack of space rentals on the kiosks, and by the recent proliferation of illegal signage activities occurring on weekends. It is also apparent that the development community has not taken advantage of allowances such as larger onsite signage.

As an alternative to enforcement and abatement actions exclusively, staff has engaged the development community through the HBA to explore potential reasonable alternatives to the Kiosk sign program to help bridge the current economic difficulties in the housing industry. It is anticipated that discussions with the HBA will result in supportable amendments that are still in keeping with the City's requirement to avoid visual clutter in subdivision advertisement. It is anticipated the dialogue will culminate in recommended sign code revisions before Summer 2010.

ADDITIONAL SIGNIFICANT PROJECTS

The following projects are current Planning projects. However, they are particularly complex or controversial development projects that also hold long term land use policy implications for the City:

- 1. Walmart Expansion and EIR (Andrew Chamberlain):** This is a request to expand the existing 126,783 square foot Walmart store to 187,282 square feet, including approximately 37,000 square feet of grocery space. The Administrative Draft Environmental Impact Report is currently under review in house and will be ready for public review as a Draft EIR upon completion (estimated timeframe, May 2010) (Please see Attachment 8).
- 2. County Referred Annexations (Goshen Avenue Industrial area) (Brandon Smith):** County referrals have resulted in the City receiving two annexation requests for adjacent industrial sites located on West Goshen Avenue between Kelsey and Shirk Streets. Before taking the request to the City Council, the Planning Division will reach out to adjacent property owners in an effort to expand the annexation area and reduce the size of a pre-existing County island. Upon finalizing the project's boundaries, a City Council public hearing is expected within 90 days, and completion of the annexation is expected within 180 days (Please see Attachment 9).
- 3. Sierra Village Development Plan and EIR (Paul Bernal):** This project has been in process for several years at the election of the project proponents. In 2009, the applicants sought and received City Council's authorization to move forward with various entitlement applications. Staff has reviewed the Notice of Preparation (NOP) and Initial Study (IS) and has provided feed back to the applicant. Applicant is addressing and/or including revisions to the NOP and IS. Over the course of the next month staff and applicant will conduct a "Scoping Meeting" for the Environmental Impact Report (EIR) (Please see Attachment 10).

OTHER ANTICIPATED PROJECTS AND PROGRAMS

- 1. East Downtown (EDT) Master Plan:** The various components of the East Downtown EDT project area have been completed or are on a timeline for completion. Both the Strategic Plan and the infrastructure plan are completed, but not formally adopted by the City Council. Adoption of a comprehensive EDT Implementation Plan will require formal public review and approval, including a General Plan Land Use Map and Text Amendment and environmental review. In the meantime, a Residential Zoning Overlay, development of parks, public and private facilities, and street extensions and improvements that are consistent with the current zoning and General Plan can be approved and constructed on a case by case basis. However, it will ultimately serve the City, and the stakeholders best to have the overall codified planning vision, and policies for the EDT area, all of the individual components of the plan (such as the future civic center/public safety facility), and the environmental document contained in a comprehensive entitlement document.

This is anticipated to occur as part of the comprehensive General Plan Update and program EIR are completed (three year timeframe). Environmental analysis of the EDT area has been included in the General Plan Update scope of services.

- 2. Medical Marijuana Ordinance:** The previous medical marijuana ordinance was placed into moratorium status in October 2009. The moratorium will expire in October 2010. In the meantime we receive several calls weekly from prospective medical marijuana sellers and customers as to when they will be able to pursue this use in the City.
- 3. Nightclub Entertainment in Restaurants:** Many restaurants in the City have added nightclub entertainment (live music, dancing, karaoke) as part of their venues. The Zoning Ordinance has a number of discrepancies concerning definitions, allowed zones, and reasonable conditions necessary to allow these activities. The present solution has been to process Conditional Use Permits (CUP) for restaurants where nightclubs are allowed, and to issue multiple Temporary Conditional Use Permits (TCUP) for restaurants located in zones that do not allow nightclubs. In either case, the conditions applied are perceived by the parties involved (proprietors, Police and Planning staff, Planning Commission, patrons) as overly restrictive or too permissive.
- 4. Downtown Retail Zone District Update:** The Downtown Retail Design District includes several regulatory provisions and procedures that have become dated (such as the requirement for a design review panel that has become defunct over time). Further, the Downtown Retail Design District Building Design Criteria document merits review and consideration for revisions since it was last updated in April 1996. In particular, the signage provisions warrant consideration for updating to be more consistent with the City's desire to enhance walk-ability and to recognize the variety of new signage materials that have come on the market since 1996.

Recently, the Downtown Merchants Association have made an informal request for the City to revise the signage provisions that they believe inhibit their business viability, such as sidewalk signage, copy area and locations, and finish materials. Unfortunately, staff resources have not been sufficient to embark on this review and update process. Staff acknowledges this project should be undertaken as soon as resources and priorities permit.

5. **General Plan Update Follow-on Tasks:** The extent of Zoning Map and text amendments, and other plans and policies such as infrastructure master plan revisions are not known yet. History has shown these may require commitment of up to 50% or more of the staff time that was committed to the General Plan Update. It will be prudent and advisable to begin forecasting priorities and resources a full two year budget cycle in advance of the timeframe when the work will need to be initiated (2012-2013 timeframe estimated).

ATTACHMENTS

1. General Plan Update Planning Area Boundary Map
2. East Downtown (EDT) Project Area
3. Southeast Area Specific Plan Aerial of Project Area
4. Sample , W. Hwy 198 Scenic Open Space Corridor
5. City Owned Properties Annexation Areas Maps
6. Business Research Park (BRP) Aerial Map
7. Mooney Corridor Project Area Maps
8. Walmart Expansion Site Plan and Elevation
9. County Referred Project Sites for Annexation
10. Sierra Village Site Plan
11. Historic Preservation Overlay Map and Homebuilder's Addition Map

Joint City Council and Planning Commission Worksession Memorandum

To: City Council and Planning Commission
From: Paul Bernal, Senior Planner (713-4025)
Subject: West Visalia / Highway 198 Corridor
Date: April 5, 2010

SUMMARY

Visalia has had a long standing interest in the West Highway 198 scenic corridor; however it lacks an updated policy strategy which specifically addresses the unique and complex open space and land use opportunities within the corridor. During the February 6, 2010, City Council strategic workshop, this issue was presented to the Council for direction on formulating a strategy on addressing an open space concept plan and land development opportunities for the West Highway 198 scenic corridor. A copy of the discussion paper from the strategic planning workshop is attached.

During the discussion regarding the West Highway 198 scenic corridor, the Council discussed referring the following directives to the General Plan Update Review Committee (GPURC);

1. Incorporate in the General Plan Update an approximately 200-foot open space setback concept from the Highway 198 frontages, applied along the highway right-of-way lines and on and off ramps. In addition, include the open space area on the northwest corner of Highway 198 and Shirk, extending toward and incorporating Mill Creek as an urban waterway / trail.
2. In conjunction with the open space setback, the Comprehensive General Plan Update process will provide planned urban land uses for agricultural properties located behind the open space corridor (see attached map Exhibit "A" entitled Recommended West Highway 198 Corridor Land Use Study Area).
3. The Comprehensive General Plan Update will also incorporate policies for City acquisition of open space corridor lands in conjunction with development of adjacent lands to urban uses in accordance with the new land use designations.

This 200-foot setback concept would establish a substantial open space / scenic corridor adjacent to Highway 198 along existing agricultural areas and allow the General Plan update process to establish urban land use designations for future development behind the corridor.

RECOMMENDED ACTION

STAFF RECOMMENDS THE FOLLOWING ACTIONS:

1. That the City Council and Planning Commission authorize staff to proceed with incorporating the 1,100 acre area referred to as the West Visalia Highway 198 corridor (refer to Exhibit "A" for those properties bounded by the red border) into

the comprehensive General Plan update process by implementing directives 1 through 3 as stated in the summary above.

- 2. That the Council affirm the 200-foot setback area for properties currently within the City limits located on the north side of Highway 198, east of Shirk Street.**
- 3. That the Council direct the Parks and Recreation Commission to study and make recommendations to the General Plan Update Review Committee on a detailed boundary area for the open space component of the West Highway 198 Corridor for properties currently under County jurisdiction.**
- 4. That the Council authorize the Parks and Recreation Commission to develop an open space corridor design for the 200-foot setback area inside City limits including the City owned 16 acre property and for those properties under City jurisdiction to serve as a model for future development of the open space setback corridor. This may necessitate hiring a landscape architect to assist the Parks and Recreation Commission and staff in this design effort. The Council would authorize the use of park impact fees to pay for design efforts.**
- 5. Once the plan in the previous recommendation is developed, the Council authorize staff to prepare a proposal to sell excess land from the City owned 16 acres (outside of open space/park features) and use monies generated from these sales to develop the 200-foot setback corridor on the City owned property (see Exhibit "C").**

DISCUSSION

Staff believes that the open space corridor concept, if done in conjunction with the comprehensive land use planning effort, will enable future development opportunities for adjacent properties within the 1,100 acre area. This would assure land owners along the West Highway 198 corridor that establishment of the Open Space Corridor on their properties will simultaneously result in opportunities for development of their property. Defining set land use designations within the comprehensive General Plan update process also allows the City to establish policies that clearly define the 200-foot setback corridor, revamp the Open Space Conservation Element and address the Circulation Element as related to the 1,100 acre West Visalia corridor plan area. For this reason, staff recommends that the West Highway 198 Corridor Plan be referred to the General Plan Update Review Committee (GPURC) for incorporation into the Comprehensive General Plan Update.

The City owns a 16-acre parcel that is bounded by the freeway and residential development on two sides. The parcel is currently used as a ponding basin with the remainder vacant. However, this land presents an opportunity for the City to initially establish the 200-foot setback to help define an open space corridor. The Council may direct the Parks and Recreation Commission to take the lead and develop a plan that addresses urban trails, groundwater recharge, storm water management as well as other uses within the City owned 16 acre property. In addition, the Parks and Recreation Commission can develop a corridor plan that encompasses the adjacent four parcels also under City jurisdiction but currently under private ownership.

Developing a 200-foot corridor and park on the 16 acres will leave some land available for other uses. This land could be sold to help fund future corridor projects or the City can look at advancing money from park land dedication fees to acquire additional corridor segments.

It should be noted that the Parks and Recreation Department has plans to use a 4 ± acre portion of the 16-acre City owned parcel for a future neighborhood park. The Parks and Recreation Director has indicated the park will likely be located within proximity to the existing single-family residential development to the north of the site.

ALTERNATIVES:

1. The City Council may determine it is imperative to accelerate the work necessary to prepare an urban development plan for the entire 1,100 acres of the West Visalia Specific Plan project area, including a defined open space corridor setback along Highway 198. If so, it can direct that these tasks be undertaken by staff and the General Plan consultant separately from the rest of the General Plan Update (GPU) contract. It should be noted that the urban land use plan and developing the open space corridor are already included in the GPU scope of work, along with the requisite environmental impact analysis for the anticipated land use changes.

Staff recommends against this alternative because advancing a West Highway 198 corridor plan may not save substantial time ahead of the General Plan Update and a separate process will be costly. This corridor planning effort will be complex and will require significant outreach to landowners. If done outside of the Comprehensive General Plan Update, it will also require preparation of a separate environmental impact report. **The effort to prepare a plan, conduct outreach, and comply with state planning and environmental requirements will take substantial time at and incur substantial cost. This process could take two (2) years or more, which would only save a year or so if done separately from the Comprehensive General Plan Update. For this reason, staff recommends that the West Highway 198 Corridor Plan be referred to the GPURC for incorporation into the Comprehensive General Plan Update.**

There are other concerns about separating the West Highway 198 Corridor area from the Comprehensive General Plan Update process. The comprehensive GPU will provide land use planning for each segment of the community with the objective of integrating the various segments into an overall coordinated community plan. By segregating this corridor for a separate planning process and losing context with the greater General Plan effort, it will be difficult to show how a stand alone West Highway 198 corridor plan will provide value to the community. This will reduce the likelihood for successful completion of a separate West Highway 198 Corridor Plan (as has been evidenced by past planning efforts for this corridor). Therefore, by referring the West Highway 198 Corridor to the comprehensive update utilizing the recommendations contained herein, planning for the corridor can be integrated into the larger community plan, and chances for successful completion of a corridor plan are increased.

2. The Council may determine to proceed with the implementation and adoption of the 200-foot setback corridor without a plan for development of adjacent properties. The 200-foot setback corridor would be established in advance of setting land use designations within the 1,100 acre area that is under County jurisdiction. Advancing the establishment of the 200-foot setback corridor area ahead of the General Plan Update will also be time consuming and costly. If done outside the context of the comprehensive General Plan Update, it will require amendments to the current General Plan, West Visalia Specific Plan Area, Zoning Ordinance and separate environmental impact report.

Staff recommends against this alternative because it creates no incentive for property owners to cooperate in or accept an open space corridor concept. Without clear opportunities for future development of adjacent lands, landowners along the corridor will not participate in, and will likely oppose, an open space corridor program. By working with landowners and the community to establish a plan for future development of adjacent lands in conjunction with an open space corridor program, the landowners will be encouraged to participate in this effort.

3. The City Council may consider extending the scope of the West Visalia Plan area to include those properties south of Walnut Avenue to Caldwell Avenue and bounded by Roeben Street to the east and Highway 99 to the west (refer to Exhibit "B" depicting land area outlined in orange). The City owns approximately 99 acres south of the airport runway which is anticipated to be annexed into the City within a few months. The City owned property is within the airport flight protection zone. The remaining properties are under County jurisdiction and located outside the 129,000 and 165,000 Urban Development Boundaries. By incorporating this area into the West Highway 198 corridor plan, the City can protect against future land development in this unincorporated area that may be in conflict with the airport operation and with future City plans for the area.

Staff recommends against this alternative because it could further compartmentalize the strategic portion of undeveloped land within the 1,100 acre West Highway 198 corridor area (see Exhibit "A") which has been heavily invested with City resources and time.

CORRIDOR PLAN IMPLEMENTATION ISSUES

Most of the West Highway 198 corridor area is not currently inside the City limits, but is unincorporated land in the County. This creates challenges as the City tries to implement a corridor plan in the future.

Establishment of a West Highway 198 corridor plan by the City will not obligate Tulare County to implement the corridor plan, nor is it in the best interest of the City for the County to attempt to do so. If such a plan is to be implemented, annexation of corridor properties to the City will be necessary. Perceptions by the property owners about the corridor plan and the benefits and opportunities to be gained by being part of the City and the corridor area will be critical to the successful annexation of these properties.

Proposals to annex land into the City are initiated by the City but are approved by the Local Agency Formation Commission (LAFCO) which has five members comprised of two members of the Board of Supervisors (currently Allen Ishida and Steve Worthley), two Council Members from Cities in the County (currently Cam Hamilton of Porterville and Ted McCauley of Exeter), and one At Large member (currently Julie Allen, a Springville resident).

LAFCO can not force annexation on landowners and will have discretion in approving annexation proposals inside the West Hwy 198 corridor. Consent or opposition by landowners to the annexation proposal will be a factor in LAFCO decisions. Therefore, it is important that collaboration with landowners occur in the development of a West Hwy 198 corridor plan and the plan must provide a reasonable mix of open space setback features and development opportunities to gain landowner support.

Not moving forward with a corridor plan, including an open space setback concept and a plan for development of adjacent properties, carries its own risks. This area has experienced development proposals in the past, both as an extension of the City (through annexation) and as unincorporated County developments. As the economy improves, development pressures in this area will again increase. Further, the Tulare County General Plan Update is reflecting a significant policy shift by the County toward encouraging development on unincorporated lands. The West Highway 198 corridor would be a prime location for County development. Therefore, it is important to resolve the open space corridor concept and adjacent land use planning/urban development issues as part of the City's current Comprehensive General Plan Update effort.

WEST AREA CORRIDOR PLAN

The West Area of Visalia has been analyzed through the use of various study, workshops, community input and formation of a task force. The intent and eventual adoption of a corridor plan for the west area was to ensure that the historic rural and scenic character was maintained along the Highway 198 corridor while also establishing development opportunities and standards for those properties located behind the open space areas.

With the surge of residential and commercial development in the early to mid 2000's, the City authorized the preparation of a 2002 Corridor Concept Plan that carried over into the 2005 Open Space Concept Plan.

The Sierra Village Expansion project, for which an Environmental Impact Report is currently being prepared, has been the only project to proceed along the Corridor since Council's last review of the Plan in 2005. The Sierra Village project includes a 200-foot setback that has been tentatively agreed to by the project proponents and the City.

The General Plan update process will allow the City to further analyze land use designations within the West Visalia Specific Plan Area. This may establish more defined policies and land designations for West Visalia.

ATTACHMENTS

- Exhibit "A" Recommended West Highway 198 Corridor Land Use Study Area
- Exhibit "B" Alternative Expanded West Highway 198 Corridor Land Use Study Area
- Exhibit "C" 16-Acre City Owned Parcel
- Memorandum West Visalia / Highway 198 Scenic Corridor Planning from February 6, 2010 City Council Strategic Workshop
- City Council West Area Work Session Report dated August 15, 2005
- Concept Open Space Plan developed by the W198 Open Space Task Force
- Designated Land Use Map of the West Visalia Area

Joint City Council Planning Commission Worksession Memorandum

To: City Council and Planning Commission
From: Andrew Chamberlain, AICP, Senior Planner (713-4003)
Subject: Review of the existing Business Research Park (BRP) policy ordinance and uses to determine if there are changes needed to clarify the intent of the zone district and the process for providing entitlements to proposed projects.
Date: April 5, 2010

SUMMARY

At the February 6, 2010 workshop, the City Council directed staff to provide a focused analysis and the significance on development potential of several key processes of the BRP zone. The following comments are from the workshop notes related to the BRP topic:

- Be more specific about the included uses and processes incorporated such as Architectural Review.
- A mix of uses or Master Plan is the heart of the problem.
- Amending the Zoning Ordinance may accomplish what is needed.
- The “Core Area” concept for development in Visalia needs to be revisited. Well over half of Visalia’s residents live west of the “Oval area to downtown” core of the city.
- The topic needs more airing out. We need to clarify what is provided for in the existing ordinance.

The following discussion is intended to address the City Council’s direction. Staff believes the recommendations would help to reduce the confusion and uncertainty of the process by identifying actions which act to streamline the process and make it similar to the development processes for other project entitlements. The actions listed below are recommended to be initiated ahead of the General Plan Land Use Element Update. Those actions that may require complex or contextual analysis are recommended to be included in the General Plan Land Use Element Update.

Attachments to this report include General Plan policies, Zoning Ordinance excerpts and in Attachment No. 3 the BRP report produced by Paul Scheibel for the February 6, 2010 workshop, which provides additional background for the BRP discussion.

DISCUSSION

- A. All structures in the BRP zone are subject to architectural review by the City Council. This requirement is not found in other types of development entitlements. This type of architectural or design review is often done by the Planning Commission in the review of conditional use permits, and variances for shopping centers, and larger office projects.**

The process for the review of projects in the BRP zone should be amended to have the Planning Commission be the final review and approval authority, unless the Planning

Commission's decision is appealed to the City Council. This would make the BRP entitlement process the same as other entitlement processes.

Recommended Action – Zoning Ordinance Text Amendment – Change Process to have the Planning Commission review the architectural design – this would be a standard part of the conditional use permit process which ends with the Planning Commission unless appealed to the City Council. This would require amending VMC 17.30.220 (Development Standards--Design District G), to remove - *F. Note. All structures within this district are subject to architectural review by the city council in keeping with the policies of the general plan.*

B. The requirement for a Master Plan has been cited as one of the problems in BRP developments.

The requirement for a master plan should be retained, conditional use permits act as the implementing tool for these plans. The ability to have a master plan to guide the overall development concept for a project works to package the components into a plan which can be used to guide the developer and staff through subsequent project phases and future changes resulting from changing economic or land use patterns. Master Plans may be adopted by resolution as a part of the conditional use permit process, and may include standards for building setbacks, height, and design, along with signage standards and on-site shared access and circulation patterns. Master Plans approved by the Planning Commission do not move forward for City Council review unless the decision of the Planning Commission is appealed to the City Council.

By contrast, the contents and implementation of Specific Plans are enumerated by State Planning Law (GC section 65450 - 65457). They are adopted by ordinance or resolution by the City Council with a recommendation by the Planning Commission. While the components may include those mentioned above for Master Plans, Specific Plans include a component for detailed cost estimates of capital improvements, financing for amenities, and phasing for the project.

Recommended Action – None Recommended – Master Plans which are administered through the CUP process allows the City to ensure comprehensive development plans with terms and conditions which are flexible enough to tailor the project goals with the City's expectations for the subject properties of the BRP zone areas. A listing of desired master plan criteria are provided in Attachment "1".

C. Eliminate the Planned Unit Development process, VMC 17.26 which is intended for mixed use developments and residential density bonuses, which is currently being used to require conditional use permits for BRP projects.

The Planned Unit Development process requirement should be replaced with a requirement in the BRP zone designation for a conditional use permit for all BRP projects.

The conditional use permit (CUP) process provides a common understandable review process which should be retained for BRP projects, the requirement to have projects subject to the Planned Unit Development process does not provide additional direction or criteria for BRP project development. To streamline the process and reduce confusion, the Planned Unit Development requirement should be replaced with a basic conditional use permit requirement. This would not affect the other development criteria for the BRP zone which can be seen in Attachment 2 of this report.

Recommended Action – Zoning Ordinance Text Amendment – Change Process to Eliminate Planned Development process – Remove Zoning Ordinance section 17.24.050-A and add a CUP requirement to the BRP zone designation to provide the desired review through the following language:

Example Amendment: (VMC 17.24.030 – C: *In a P-BRP zone all development shall subject to a conditional use permit to assure compliance with the standards of this section. The changing of uses in existing structures shall not be subject to the CUP process unless otherwise designated a “conditional use” in the zone or previously designated as not allowed by a previous entitlement action.*)

D. The architectural review standards provide very few objective standards for decision makers, applicants or staff to use in the review of preparation of an architectural design for a project. This has caused confusion and uncertainty in the process.

Clarify the architectural review by reducing the development standards to require “cohesive architectural design to create a campus style setting within a project or center”. This would eliminate the abstract concepts of coordinated exterior elevations, design harmony and continuity and horizontal and vertical relief and interest. The requirement to provide shared vehicular access, pedestrian access, parking, and common open space are consistent with Master Planned projects and should be retained.

Recommended Action – Zoning Ordinance Text Amendment – Change language to only require a “cohesive architectural design to create a campus style setting within a project or center”

E. What ancillary uses should be included in BRP developments? Should there be a limitation on the size, number and location of amenities such as gas stations, convenience markets and restaurants? The BRP development criterion recommends inclusion of convenience/service amenities for employees within the BRP. This recommendation has led to confusion over the amount and timing of “amenities”.

The BRP uses and related criteria were developed as part of the 1991 Land Use Element. At that time there was limited development east of Akers Street. Since that time development projects have occurred in the areas north and south of Highway 198 between Plaza Drive and Akers Street. Updating the Permitted and Conditional Uses for the BRP zone district should be discussed in light of a “big picture” discussion which would include the adjacent land uses and the overall vision for Plaza Drive north of Highway 198.

Consideration of adding, deleting and limiting size and location of “amenities” for the BRP is a significant action which should be done in conjunction with a comprehensive update to the BRP zone designation. The comprehensive list of BRP permitted and conditional uses are spread throughout the 47 page Zoning Matrix, staff has not included the matrix in this report. There is possibility that should the other recommendations in this report be achieved, that the potential confusion over amenities may resolve itself to a level commensurate with other developments which respond to opportunities in the marketplace.

Recommended Action – None Recommended – Incorporate discussion into the General Plan Land Use Element Update and subsequent Zoning Ordinance Update

F. The “Core Area” concept for development in Visalia needs to be revisited.

The “Core Area” concept is should be discussed in light of the comprehensive General Plan Update. General Plan Objectives and Policies call for maintaining the Core Area (Mooney Blvd. to Ben Maddox Way and Houston Avenue to Tulare Avenue) as the City’s geographic center. General Plan Objectives and Polices related to the City’s geographic center should be part of the “big picture” discussion during the General Plan Update.

Recommended Action – None Recommended – Incorporate into the General Plan Land Use Element Update

POTENTIAL ACTIONS

1. Take No Action – Deal with BRP projects on as case-by-case basis.
2. Take actions provided above in items A, C, and D ahead of the General Plan Update to:
 - Remove requirement for BRP projects to be processed through Planned Development (PUD) section of Zoning Ordinance and have them subject to the conditional use permit process.
 - Remove requirement for architectural review by the City Council.
 - Simplify architectural review standards
3. Direct that a comprehensive review of the Business Research Park land use designation happen ahead of the General Plan Update as a separate independent project.

ATTACHMENTS

1. General Plan Policy 3.6.3
2. Zoning Ordinance Excerpts
3. City Council Workshop Memorandum from February 6, 2010

General Plan Policy for BRP

This is the current Business Research Park policy contained in the General Plan. Staff believes that changes in this policy should be considered during the General Plan Land Use Element Update. There are no requirements in this policy which would conflict with the staff recommendations for action in this report.

3.6.3 Develop a Business & Research Park Center zone district to accommodate large-scale business and research activities in campus-type master planned developments at five locations:

1. Plaza Drive north of SH 198 in conjunction with limited, high quality highway commercial uses.
2. West side of Ben Maddox between Center Street, Burke and Douglas in conjunction with a mixed use Specific Plan for the Ben Maddox corridor. Such specific plan shall include the area bounded by Center Street, Houston Avenue, Cain Street and Burke Street.
3. Northeast and northwest corners of Ben Maddox and Tulare.
4. State Highway 198 and east Parkway (McAuliff) intersection. (Reserve)
5. East side of Shirk Road between Riggins Avenue and Goshen Avenue.

The zone shall establish minimum lot sizes ranging from one acre to ten acres as may be appropriate for these selected areas and specify special landscaping and architectural standards.

Master Plan Criteria – Plans should address and describe the following, as applicable to the project. (This is an un-adopted criterion which was prepared by Brandon Smith for a Planning Commission Annexation staff report on January 26, 2009).

- a. Plan boundaries;
- b. Proposed land uses including residential densities, mixed uses, commercial, office, parks, and schools;
- c. Proposed transportation modes (all forms) and locations of transportation infrastructure;
- d. Proposed public improvements and infrastructure;
- e. Identification of means for financing public improvements;
- f. Project phasing;
- g. Demonstrated connectivity and compatibility with adjacent roadways and surrounding land uses;
- h. Plan for energy conservation;
- i. Plan for water conservation;
- j. An analysis of consistency with all applicable General Plan policies;
- k. Detailed sub-plans for energy and water conservation and management of air quality and climate change impacts incorporating best management practices available at the time of development.

Attachment 2 – BRP Report

Zoning Ordinance – P-BRP planned business research park zone

This is the current Business Research Park zone requirements contained in the Zoning Ordinance.

Chapter 17.24 PLANNED BUSINESS RESEARCH PARK (P-BRP) ZONE

Sections:

17.24.010 Purpose.

17.24.020 Permitted and conditional uses.

17.24.030 Required conditions.

17.24.040 Off-street parking and loading facilities.

17.24.050 Development standards--Business research park (BRP).

17.24.010 Purpose.

A. This chapter is designed to achieve the following:

1. Provide for large-scale office developments in the community;
2. Accommodate large-scale business and research activities;
3. Protect residential and office areas from excessive noise, illumination, unsightliness, odor, smoke, and other objectionable influences;
4. Ensure compatibility with adjacent land uses.

B. The purpose and intent of the planned business research park zone district is to provide for business, scientific, educational and light industrial uses in a campus-type setting. Planned business research parks are to be planned and developed as integrated units via specific or master plans and are intended to accommodate large-scale office developments at locations which provide close-in employment opportunities; promote Visalia's community identity through special site development standards such as lot sizes, setbacks, landscaping, building scale, parking, open areas, etc.; and provide on-site ancillary uses including day care, food service, banks, recreation, etc., served by a variety of transportation modes to reduce vehicle trips. (Prior code § 7749)

17.24.020 Permitted and conditional uses.

The matrix which represents all the permitted and conditional uses for the P-BRP zone district is presented in Section 17.18.050. (Prior code § 7749.1)

17.24.030 Required conditions.

In the P-BRP planned business research park zone:

- A. A planned development permit must be obtained for all development in the P-BRP zone subject to the requirements and procedures in Chapter 17.28.
- B. In a P-BRP zone all businesses, services and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas, outdoor dining areas, and play areas. (Prior code § 7749.2)

17.24.040 Off-street parking and loading facilities.

In the P-BRP planned business research park zone, off-street parking facilities and off-street loading facilities shall be provided as prescribed in Chapter 17.34. (Prior code § 7749.3)

17.24.050 Development standards--Business research park (BRP).

For properties which are zoned business research park, the following development criteria shall be applied in conjunction with the design district. Where variations in standards exist the more restrictive shall apply.

- A. **All BRPs shall be subject to the planned unit development process in Chapter 17.26;**
- B. **All BRP development requires a master plan or a specific plan as provided in the general plan land use element Policy No. 3.6.3(2). The master plan shall be designed to accommodate large scale business and research activities in campus-type developments. These developments shall coordinate exterior elevation design of all buildings with regard to color, materials, architectural form and detailing to achieve design harmony, continuity and horizontal and vertical relief and interest. Shared vehicular and pedestrian access, parking, and common open space and related amenities shall be integrated into project design. Overall design of the BRP shall be compatible with existing and developing character of the neighboring area;**
- C. **The BRP should provide convenience/service amenities for employees within the BRP;**
- D. Alternate transportation opportunities including mass transit and ride sharing shall be encouraged;
- E. Minimum lot area is one acre;
- F. Building height is thirty-five (35) feet maximum. Additional building height up to a maximum of fifty (50) feet may be allowed. For each additional foot of height over thirty-five (35) feet, additional setbacks of one foot per one foot of height will be required;
- G. Required Yards.
 - 1. Front (includes any portion of building which abuts a public street): twenty-five (25) feet. Setback averaging may be used where incorporated into an approved master plan,
 - 2. Side: use applicable design district standards,
 - 3. Side abutting a residential zone: twenty-five (25) feet,
 - 4. Rear: use applicable design district standards,
 - 5. Rear abutting a residential zone: twenty-five (25) feet;
- H. Landscaping.
 - 1. Front (includes any portion of building which abuts a public street): twenty-five (25) feet. Setback averaging may be used where incorporated into an approved master plan,
 - 2. Side: use applicable design district standards,

3. Side abutting a residential zone: twenty-five (25) feet,
4. Rear: use applicable design district standards,
5. Rear abutting a residential zone: twenty-five (25) feet. (Prior code § 7749.4)

17.30.220 Development Standards--Design District G.

The following development standards shall apply to property located in district G. See Chapter 17.24 for additional BRP zone design standards:

- A. Building height: seventy-five (75) feet maximum.
- B. Required yards:
 1. Front: fifty (50) feet minimum;
 2. Front yard with frontage on Highway 198: one hundred fifty (150) feet;
 3. Side: twenty (20) feet minimum;
 4. Side yards abutting an R-A, R-1 or R-M district: twenty (20) feet minimum;
 5. Street side on a corner lot: thirty-five (35) feet minimum;
 6. Rear: thirty (30) feet minimum.
- C. Parking as prescribed in Chapter 17.34.
- D. Site area: five acre minimum.
- E. Landscaping:
 1. Front: fifty (50) feet minimum;
 2. Front with Highway 198 frontage: one hundred fifty (150) feet minimum;
 3. Side: twenty (20) feet minimum;
 4. Street side on a corner lot: thirty-five (35) feet minimum;
 5. Rear: twenty (20) feet minimum.
- F. **Note. All structures within this district are subject to architectural review by the city council in keeping with the policies of the general plan. (Prior code § 7472)**

City Council Workshop Memorandum

To: City Council

From: Paul Scheibel, AICP, Planning Services Manager (713-4369)

Subject: In what direction does the City Council want to go with regard to further studying the Business Research Park (BRP) land uses at Plaza Drive between Hwy 198 and Hurley Avenue?

Date: February 6, 2010

SUMMARY

The BRP (Business Research Park) zone district has had a checkered past. Originally placed on several areas of the community, the BRP has not been well received by landowners and the zone district has been reduced to one remaining area along Plaza Drive, immediately north of State Highway 198. While two developments have occurred in the remaining BRP area, both encountered significant discussion at the Planning Commission and Council level in defining appropriate land uses for this district. Following approval of Plaza Business Park in 2008, Council directed that staff complete an extensive analysis and recommendations for better defining the Council's vision for the last BRP area.

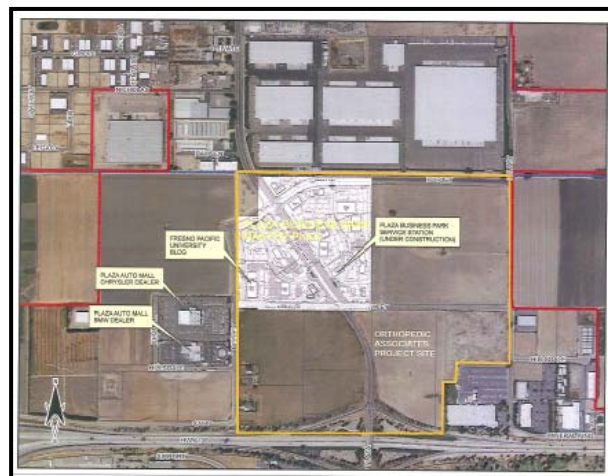
Since this Council directive was given, the City Council has initiated the community-wide Comprehensive General Plan Update. This GPU process will include a comprehensive evaluation of all land use districts in the community, and will develop recommended policy updates for all sectors while achieving internal coordination and consistency.

During the workshop, Council will discuss the BRP area, and it may desire to give direction to staff regarding this unique zone district. Council may consider whether it is appropriate to defer the evaluation of the BRP District to the General Plan Update, or if it is imperative that City staff complete the analysis ahead of the GPU. In the meantime, new development projects that may come before the Planning Commission and City Council would be processed under the same provisions as the previous projects in the BRP zone.

BACKGROUND

The Business Research Park (BRP) zone was created with the adoption of the 1991 General

Plan Update (2020 Plan). It originally included five areas totaling 655 acres throughout the City. Approximately 535 acres of original BRP zoned areas have been rezoned to other zones at the landowners' requests. Today, only the Plaza/Hwy 198 location remains in the City's BRP zone inventory, comprising 18 parcels totaling 120 net acres, as shown below.



The BRP zone was created with the vision for providing “campus settings” to recruit the new high tech industries and skilled labor offices that were emerging in the mid-1980s. It restricted medical office uses in order to focus medical-related development in the Downtown area.

There have been three projects considered by the City beginning in 2004. Two of the three projects were ultimately approved, and one was withdrawn by the applicant.

The BRP zone has not been a successful zoning classification, as measured by the facts that four of the five original BRP areas have been re-zoned at the owners’ requests, and by the minimal BRP-zone development that has occurred relative to overall growth in the City since 1991.

There are numerous external factors to explain why the BRP zone has not achieved its original vision. The City cannot directly influence external factors. However, property owners and developers (stakeholders) have most frequently cited two fundamental causes for the BRP zone’s difficulties for which the City could exercise its direct influence to promote more extensive development in the BRP zone:

- First is the restrictive nature of the uses that are allowed in the BRP zone.
- Second is the subjective nature of some of the General Plan and Zoning provisions that are exclusive to the BRP area.

The two CUP approvals provide some degree of precedent for evaluating future projects. Staff has identified three key issues that frustrate the effort to satisfy stakeholders’ complaints. The City Council may desire to consider the following issues as a focused effort, or defer some or all of them to the General Plan Update:

1. Is the original vision for BRP development still valid, or has interpretation of the vision over time hindered the development of potential projects?
2. Does the project entitlement process need to be made more objective and outcomes more predictable?
3. Does the City Council desire to modify the range of permitted and conditionally allowed uses in the BRP zone?

As previously noted, the BRP zone is included as a specific study area in the upcoming General Plan update. In particular, the BRP-zoned area will be studied in the economic development aspect of the City’s existing land use policies, and visioning for future land use strategies. **If the City Council directs a special study ahead of the General Plan Update, it is anticipated that the zoning and General Plan policies that are amended will be implemented at least 18 months earlier than the anticipated completion of the GPU .**

PREVIOUS PROJECTS

There are three projects in the BRP zone that have been formally considered by the City:

Plaza Business Park, CUP 2007-39: (please see Attachment 2) a request for a master- planned development to allow the phased development of a mix of office, educational, and highway service businesses totaling 327,828 on 29.4 acres within the BRP (Business Research Park) zone, located on the east and west sides of Plaza Drive, north of Crowley Avenue. The project features extensive landscaping and sustainable design features such as bioswale drainage and semi-pervious parking lots. The project was ultimately approved in May, 2008 . The first phase, a service station, is under construction now.

Fresno Pacific University campus CUP 2007-36 (please see Attachment 3) was approved for a 53,124 sq. ft. building to be used for a classroom facility to be built in two phases on 3.13 acres within the Plaza Business Park master planned project area. The project was allowed to proceed

independently and ahead of the Plaza Business Park project. It was finally approved after surviving both an appeal of the Planning Commission's approval (appeal withdrawn), and the architectural review process. The facility was approved in November 2007, and it is built and in operation now.

Orthopedic Associates CUP 2004-20 (please see Attachment 4), a request to allow a 4-building medical facility and highway commercial uses totaling 27,828 sq. ft. of building area on 29.37 acres located at the northeast corner of Hwy 198 and Plaza Drive. The project was allowed to proceed with a General Plan land use change to Professional Administrative Office and a conditional zoning agreement (CZA). The CZA was to ensure the medical office component would achieve the design and uses proposed by the applicants, essentially to ensure the doctors group would remain in Visalia. The project and CZA were ultimately withdrawn by the applicants in 2008.

DISCUSSION

Previous City Councils have struggled with the permitting process for projects in the BRP zone. In particular, the determination if projects meet the un-quantified and therefore subjective criteria contained in the BRP provisions, and with the acceptable mix of uses on a particular site and in the BRP zone overall. The previous City Council directed that an analysis be undertaken to overhaul the BRP zone provisions. While the issues are well known, solutions that would be acceptable to both the City Council and the property owners/developers has proven to be more complex than time and resources would allow at the present time. The following discussions of each of the three issues on which previous City Councils, stakeholders, and City staff have struggled are distilled in the summaries numerated below. They reflect City staff's analysis and recommendations that have been included in project recommendations and special studies prepared for the City Council in previous years.

1. Is the original vision for BRP development still valid, or has interpretation of the vision over time hindered the development of otherwise meritorious projects?

Vision of the BRP Zone: The first description and placement of the BRP zone emerged during the 2020 Plan process between August 1988 and September 1991. The BRP zone was created as a new hybrid, special purpose zone under the Professional/Administrative Offices land use category. The record from the Draft version of the Land Use Update identifies:

“...three areas for large-scale professional/administrative office development. These campus-type or well landscaped areas are to be master-planned prior to development to establish site design measures (i.e. lot sizes, access/circulation, landscaping, signage, infrastructure, etc.) and phasing.”

The BRP zone description and locations further evolved during the 2020 Plan hearings and applied to five areas totaling 655 acres, established as Policy 3.6.3, and which remained in the adopted Land Use Element text. The record of the 2020 Plan hearings discussed preferred uses as instruments, research and testing operations, and large offices such as the Nationwide Call Center [now the Mooney Blvd. County government center, (161,000 sq. ft. building on 24.6 acres)] .

Relative comparisons were made between potential BRP zone uses and industrial uses. The BRP zone restricts outdoor storage and other more process-heavy uses that characterize standard industrial developments, in favor of more indoor labor-intensive and technical uses. This suggests the 2020 Plan crafters envisioned the BRP zone to hold the potential for “high-tech” employers that did not fit neatly into a purely industrial zone.

The high-tech (Silicon Valley) users have not materialized in the size or scope that would have warranted one or more exclusive campus settings reserved by the BRP zone. In the meantime, the City has seen substantial industrial development, particularly with warehousing and distribution operations, and manufacturing of agriculture, food products, and construction products. These developments have

tended to locate in the traditional Light and Heavy Industrial zoned area to the north and east of the remaining BRP zone.

2. Does the project entitlement process need to be made more objective and outcomes more predictable?

Architectural Review: The architectural review step reserved to the City Council (VMC 17.30.220.F) and several key terms and concepts unique to the BRP zone and its associated General Plan policies have been cited as being very subjective. This is due in part to the 2020 Plan architects desire to establish higher standards for the BRP zone, but a lack of tangible examples and experience with quantifying those standards.

The subjectivity concern extends to the basic question of whether a proposed project can be approved or not, which is well beyond standard discretionary decisions such as the fine details of an approvable project. For example, the architectural review step (ostensibly to review building finish treatments and entry signs) served as the final referendum on the entire Plaza Business Park project.

The term “‘large-scale’ business and research activities” (VMC 17.24.010, et.seq., and Land Use Policy 3.6.3) is an example of subjective language that fosters uncertainty for all parties. There is no supporting definition for this term. Consequently, projects with office buildings more than 6,000sq.ft, which are permitted by right in the BRP zone, could not actually count on their project’s consistency with the Zoning and General Plan provisions until the City Council voted on the matter at the end of the project review process.

Master Plans: The acceptability of a Master Plan instead of a Specific Plan for projects was previously determined by the City Council in its final approval of the Plaza Business Park project. The minimum area that needs to be included in the “master plan” area and the range of acceptable uses for all projects in a master planned project are still undetermined.

Per Design District G, the landscape setback for projects *fronting* on Hwy 198 is 150 feet (VMC 17.30.220.E.2). This is cited as being consistent with the West Visalia Specific Plan. However, the term “fronting” is nebulous since the former Hwy 198 and frontage roads are now either abandoned or have been raised above surface grade. In the vicinity of the Plaza Drive off-ramps at Hwy 198, the requirement is inconsistent with the setbacks adjacent at the Jostens and SJVC buildings, and with the hotels and Airport terminal building on the south side of Hwy 198. Applying the 150-foot setback as the most cautious design approach affects up to three acres of otherwise developable land on the largest parcels. This is a substantial design and financial feasibility consideration for projects that may consider locating in the BRP zone.

3. Does the City Council desire to expand or reduce the range of permitted and conditionally allowed uses in the BRP zone?

The range of permitted and conditionally allowed uses has been generally accepted by property owners and potential developers. However, there has been some question if otherwise allowed uses are also subject to an un-codified saturation limit. This is particularly true for service/convenience stations and fast-food restaurants. Zoning Code section 17.24.010 B encourages these uses to the extent they are supportive of the other uses in the BRP zone. That suggests such uses that would desire to take advantage of the proximity to Hwy 198 and the greater Industrial area to the north would not be allowed.

Medical uses and storage facilities (as differentiated from outdoor storage) have been called into question with several project proposals. Medical uses are not allowed in the BRP zone,, presumably to preserve the primacy of the Downtown area and the vicinity of Caldwell and Lovers Lane for medical

uses. However, the Kaweah Delta Hospital District has built its satellite campus nearby on Akers and Hwy 198, and in 2006 it formally endorsed locating the Orthopedic Associates project at Plaza/Hwy 198. This suggests that there may be merit to considering medical uses in the BRP zone without primary concern for its impact on the other planned medical center areas throughout the City.

POTENTIAL CITY COUNCIL ACTIONS

The previous City Council ultimately chose to deal with the BRP issues on a case by case basis in the course of reviewing projects that came before them instead of proceeding on a formal overhaul of the BRP zone. This course was precipitated by lack of resources to adequately fund such an effort, and by the lack of a consistent consensus on the potential outcomes. This was a prudent course given the decline in permit activity citywide and for the BRP zone in particular. However, it also left the outstanding issues unresolved which have been cited as reasons for the lack of robust development activity in the BRP zone.

The present City Council may determine the BRP zone provisions are adequate and take no direct action at this time. In this case, the BRP zone analysis could still be part of the land use analysis in the General Plan Update that is currently underway. Alternately, the City Council could direct staff to undertake the review separately from the General Plan Update. In this case staff will return to the City Council with a recommended work program, timeline, and resources required to complete the task. **Until any zoning or General Plan amendments are adopted, projects will changes, new projects in the BRP zone will be processed under the same current provisions as the previous projects cited in this report.**

ATTACHMENTS

1. General Plan Policy 3.6.3 and Zoning extracts
2. Plaza Business Park site plan
3. Fresno Pacific University building elevations
4. Orthopedic Associates site plan
5. Maps of BRP Area

City of Visalia
Memo



To: City Council and Planning Commission
From: Mike Olmos, Community Development Director/
Assistant City Manager
Date: April 5, 2010
Re: City Council Review of Land Division Map Decisions

On January 16, 2007, Council adopted Ordinance 2006-18 (attached) revising and streamlining appeal procedures for various City entitlement permits. As part of this update, Council also added a provision for tentative land division maps to enable a single Council Member to call for Council review of a Planning Commission decision on a tentative map application by making the request in writing to the City Manager within 10 days of the Commission's decision (See Section 16.04.040 on page 2 of Ordinance 2006-18). All other entitlement applications being processed in conjunction with the tentative map would also be automatically reviewed. Review of these applications by Council would be processed and could be acted upon by Council in the same manner as an appeal filed by an applicant or interested person. To help facilitate this process, the City Council agenda format was also changed to include as an information item the Planning Commission Action Agenda for its most recent meeting.

While the land division review process for Council Members has been in place about 3 years, only two reviews have been initiated by Council Members pursuant to this section. These reviews were primarily directed at conditions of approval for either design aspects or improvements for maps approved by the Commission.

The two processes established by Council have created concerns for the development community. Staff has received comments that the additional process creates less certainty and greater risk in the City's land development programs, potentially leading to higher development costs. Further, developers have expressed that these greater risks make Visalia a less attractive place for potential investment.

During its annual strategic workshop held last February, the City Council discussed whether the procedures for placement of the Planning Commission Action Agenda on the Council agenda and the Council Member review process for land division maps are still worthwhile. At that time, Council expressed interest in deleting these processes to make the City's planning entitlement processes more streamlined and business friendly. Staff was authorized to undertake steps to remove both of these procedures.

As part of its March 15 agenda, the City Council approved the deletion of the Planning Commission Action Agenda from the City Council agenda.

The City Attorney and Community Development Department are preparing a draft ordinance revision to delete the process for a single Council Member to call for review of a Planning Commission decision on a tentative land division map. The ordinance revision is expected to be submitted to Council for action by June 2010.

If the upcoming ordinance revision is approved, Planning Commission decisions on tentative land division maps will be final, with the only available appeal being the standard appeal process that is available to applicants and citizens for land use entitlement permits. The standard appeal process requires that a written appeal be filed with the City Clerk within 10 (calendar) days of the date of the Commission's action. The written appeal must be accompanied by a filing fee, which is currently set at \$351. A properly filed appeal is then scheduled for a noticed public hearing before the City Council. The Council's action on an appeal is final.

If the upcoming ordinance revision is approved, a Council Member wanting Council review of a Planning Commission decision on a land division map would follow the standard appeal process available to citizens as described above, including payment of the filing fee. In doing so, the appealing Council Member would remove himself/herself from the Council dais during consideration of the matter but could make a presentation on the matter to Council during the public hearing. However, the appealing Council Member would be limited to giving testimony during the public hearing, and could not involve himself/herself in Council deliberations or decision making on the appeal.

Attachment: Ordinance 2006-18

ORDINANCE NO. 2006-18

AMENDING PORTIONS OF TITLES 16 AND 17 OF THE VISALIA MUNICIPAL
CODE PERTAINING TO THE REVIEW OF PLANNING COMMISSION
DECISIONS BY THE CITY COUNCIL

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VISALIA

Section 1: Recitals and Findings. This ordinance is adopted with reference to the following findings of the city council:

- A. The planning commission of the City of Visalia has a long history of providing the vital service of reviewing and considering proposed development, and ensuring that such development is consistent with the City's adopted General Plan and, more generally, is consistent with the values and objectives of the greater community.
- B. For all substantive decisions of the planning commission, the Visalia Municipal Code provides an opportunity for appeal to the city council; however, under current ordinance provisions, any such appeal may be made only by an "interested party."
- C. The city council finds that the "interested party" appeal process, as it relates to tentative map approvals and related development entitlement approvals, has the effect of creating an adversarial setting which does not fully serve the goal of ensuring that vital development decisions receive full and ample consideration by the city council, particularly where the decision involves a project that will have community wide impact and implicates issues of community-wide concern or interest.
- D. The city council desires to create a process whereby the members of the council can initiate a review of a planning commission decision in a manner that does not create an adversarial process and which maximizes the opportunity for public input.
- E. The city council finds that the changes to the regulations of Title 17 of the Visalia Municipal Code (Zoning) made by this ordinance are required to achieve the objectives of the zoning ordinance prescribed in Section 17.02.020, in that the additional public discourse that would be afforded by these changes will serve to promote the public health, safety and welfare of the city, and of the public generally and to facilitate growth and expansion of the municipality in a precise and orderly manner.

Section 2 – Uniform Appeal Procedures for Map Decisions: Section 16.04.040 and Section 16.16.120 of the Visalia Municipal Code, pertaining to appeal procedures applicable to planning commission decisions made pursuant to Title 16 (Subdivisions), shall be amended to read as follows (italics indicate new provisions; strikethrough indicates deleted provisions):

16.04.040 Appeals.

A. ~~Planning Commission Actions.~~ The subdivider or any interested person adversely affected may, *upon payment of an appeal fee as may be established by resolution of the city council*, appeal any decision, determination or requirement of the planning commission by filing a notice thereof in writing with the city clerk, setting forth in detail the action and the grounds upon which the appeal is based within ten (10) days after the action which is the subject of the appeal. ~~An appeal~~ *Such notice shall state specifically where it is claimed there was an error or abuse of discretion by the planning commission.*

B. *A member of the city council may call for the review of a planning commission decision on a tentative map application made pursuant to Chapter 16.16 by making such request in writing to the city manager within 10 days of the planning commission's action. Such request shall state the policy issues related to the tentative map to be addressed upon the council's review of the tentative map application, but the council member shall not take a position regarding support for or opposition to the application. Upon receipt of such request from any single council member, the matter shall be considered to be under appeal, and the city council shall set the matter for hearing in the manner prescribed by subparagraph C. below. If the tentative map for which further review is sought by the council is conditioned upon the approval of any other development entitlement whether pursuant to this Title or other municipal code provisions, such as a conditional use permit, and such entitlement was approved by the Planning Commission in conjunction with the tentative map approval, such other entitlement shall also be considered to be under appeal, and shall be reviewed by the City Council pursuant to this section.*

C. *Upon the filing of an appeal, or upon the receipt by the city manager of a call for review of the matter from any one city council member, the city council shall set the matter for hearing. Such hearings shall be held within thirty (30) days after the date of filing the appeal or receipt of council member request. The city clerk shall give ten calendar days notice to the applicant, the appellant (if any and if the applicant is not the appellant) and property owners within three hundred (300) feet of the proposed location as to the time and date when the appeal will be considered by the city council. The city clerk shall give notice of the hearing according to the procedure required for the initial action by the planning commission, except that the timing of such notice shall be no less than 10 days before the hearing date.*

D. *In holding the hearing on the matter, the council may receive any and all information pertinent to the matter, regardless of whether such information was first presented to the planning commission. In the case of appeals that result from a council member request to review the matter, the requesting council member shall be entitled to fully participate in the deliberation and decision on the matter unless such council member has a disqualifying conflict. In the case of decisions by the planning commission that followed a public hearing, the city council shall hold a new public hearing on the matter. Upon the close of the hearing, the Council shall vote to either confirm the decision of the planning commission, overturn the decision, or confirm the decision with modifications, and the Council may continue the item to the next meeting if necessary to direct staff to prepare a conforming resolution with findings, which shall be considered by the Council at the next scheduled Council meeting. In the case of tentative maps, the Council may also take any action identified in Chapter 16.16, including specifically those actions identified in Section 16.16.120. In the case of a tie vote, the planning commission decision shall stand, and shall be considered final as of the date of the Council vote.*

Section 3 – Uniform Appeal Procedures for Zoning Decisions: The following new section 17.02.145, pertaining to appeal procedures applicable to planning commission decisions made pursuant to Title 17 (Zoning) shall be added to Chapter 17.02 of the Visalia Municipal Code:

17.02.145 Appeal to city council. Where the planning commission is authorized to make any decision pursuant to the provisions of Title 17 of the Visalia Municipal Code and that decision is to be subject to appeal to the city council, the following procedure shall apply.

A. The subdivider or any interested person adversely affected may, upon payment of an appeal fee as may be established by resolution of the Council, appeal any decision, determination or requirement of the planning commission by filing a notice thereof in writing with the city clerk, setting forth in detail the action and the grounds upon which the appeal is based within ten (10) days after the action which is the subject of the appeal. Such notice shall state specifically where it is claimed there was an error or abuse of discretion by the planning commission.

B. Upon the filing of an appeal, the city council shall set the matter for hearing. Such hearings shall be held within thirty (30) days after the date of filing the appeal or receipt of council member requests. The city clerk shall give notice of the hearing according to the procedure required for the initial action by the Planning Commission, except that the timing of such notice shall be not less than 10 days before the hearing.

C. In holding the hearing on the matter, the Council may receive any and all information pertinent to the matter, regardless of whether such information was first presented to the planning commission. In the case of

decisions by the planning commission that followed a public hearing, the city council shall hold a new public hearing on the matter. Upon the close of the hearing, the Council shall vote to either confirm the decision of the planning commission, overturn the decision, or confirm the decision with modifications, and the Council may continue the item to the next meeting if necessary to direct staff to prepare a conforming resolution with findings, which shall be considered by the Council at the next scheduled Council meeting. In the case of a tie vote, the planning commission decision shall stand, and shall be considered final as of the date of the Council vote.

Section 4 - Ambiguities:

Section 17.02.050 of the Visalia Municipal Code, pertaining to ambiguity decisions of the planning commission, shall be amended to read as follows (italics indicate new provisions; strikethrough indicates deleted provisions):

17.02.050 Ambiguity.

Except as otherwise expressly provided pursuant to other provisions of this title, if ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this title, or with respect to height, yard requirements, area requirements or zone boundaries, as set forth herein and as they may pertain to unforeseen circumstances, including technological changes in processing of materials, it shall be the duty of the planning commission to ascertain all pertinent facts and by resolution, set forth its findings and interpretations, and thereafter such interpretations shall govern unless appealed to the city council *or review of such interpretation is requested to be reviewed by the city council pursuant to section 17.02.145.* Upon review, ~~s~~Such interpretation may be approved, disapproved or modified by the city council.

Section 5 – Appeals of Site Plan Review Committee Determinations:

Section 17.28.050 of the Visalia Municipal Code, pertaining to planning commission decisions on appeals of site plan review committee decisions, shall be amended, and 17.128.060 shall be deleted, to read as follows (italics indicate new provisions; strikethrough indicates deleted provisions):

17.28.050 Appeals to the planning commission.

The applicant or any interested person may appeal, in writing, setting forth his reason for such appeal to the commission. Such appeal shall be filed with the city planner within ten days after notification of such decision. The appeal shall be placed on the agenda of the commission's next regular meeting. If the appeal is filed within five days of the next regular meeting of the commission, the appeal shall be placed on the agenda of the commission's second regular meeting following the filing of the appeal. The commission shall review the site plan and shall approve, approve with conditions, or disapprove, based on the findings set forth in Section 17.28.040. The decision of the commission shall be final unless appealed *to or reviewed by the council pursuant to Section 17.02.145.*

~~17.28.060 — Appeals to the city council.~~

~~— The applicant or any interested person may appeal, in writing, setting forth his reason for such appeal to the city council. Such appeal shall be filed with the city clerk within fifteen (15) days after the planning commission's decision. The appeal shall be placed on the agenda of the council's next regular meeting after the appeal is filed. The council shall review the site plan and shall approve, approve with conditions, or disapprove, based on the findings set forth in Section 17.28.040. The decision of the council shall be final. (Prior code § 7427)~~

Section 6 – Conditional Use Permits: Section 17.38.120 of the Visalia Municipal Code, pertaining to planning commission decisions regarding conditional use permits, shall be amended, and section 17.38.130 shall be deleted, to read as follows (italics indicate new provisions; strikethrough indicates deleted provisions):

17.38.120 Appeal to city council. *The decision of the City planning commission on a conditional use permit shall be subject to the appeal provisions of section 17.02.145.*

~~— A. — Within five working days following the date of a decision of the city planning commission on a conditional use permit 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 state specifically wherein it is claimed there was an error or abuse of discretion by the commission or wherein its decision is not supported by the evidence in the record.~~

~~— B. — The city clerk shall give ten calendar days notice to the applicant, the appellant (if the applicant is not the appellant) and property owners within three hundred (300) feet of the proposed location as to the time and date when the appeal will be considered by the city council.~~

~~17.38.130 — Action by city council.~~

~~— The city council shall hold a public hearing to consider the appeal no less than ten or more than forty five (45) calendar days following receipt of the appeal. The city council may affirm, reverse or modify a decision granting a conditional use permit. The council shall, on the basis of the record transmitted by the city planning commission and such additional evidence as may be submitted, make the findings prerequisite to the granting of a conditional use permit prescribed in Section 17.38.110. If substantial new information is received prior to the close of the public hearing before the city council, the matter shall be forwarded back to the planning commission for reconsideration and action.~~

Section 7: Variances - Section 17.42.110 of the Visalia Municipal Code, pertaining to planning commission decisions on variance applications, shall be

amended, and section 17.48.120 shall be deleted, to read as follows (italics indicate new provisions; strikethrough indicates deleted provisions):

17.42.110 Appeal to city council. *The decision of the City planning commission on a variance or exception application shall be subject to the appeal provisions of section 17.02.145.*

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

~~—B.— The city clerk shall give notice to the applicant and the appellant (if the applicant is not the appellant) and may give notice to any other interested party of the time when the appeal will be considered by the city council.~~

~~**17.42.120 Action of city council.**~~

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

~~—B.— A variance which has been the subject of an appeal to the city council shall become effective immediately after review and affirmative action by the city council.~~

Section 8 – Sign Variance Decisions: Section 17.48.110 of the Visalia Municipal Code, pertaining to planning commission decisions on sign variance applications, shall be amended to read as follows (italics indicate new provisions; strikethrough indicates deleted provisions):

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.*

~~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.~~

L 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.

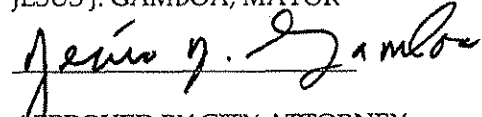
MN. New Application. Following the denial of a variance or exception application or the revocation of a variance or exception, no application for the same or substantially the same site shall be filed within one year of the date of denial of the variance or exception application or revocation of the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

Section 9: Effective Date: This ordinance shall become effective thirty days after passage hereof.

PASSED AND ADOPTED: January 16, 2007

JESUS J. GAMBOA, MAYOR

ATTEST:



STEVEN M. SALOMON, CITY CLERK

APPROVED BY CITY ATTORNEY

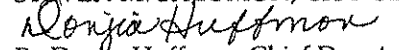


STATE OF CALIFORNIA)
COUNTY OF TULARE) ss.
CITY OF VISALIA)

I, Steven M. Salomon, City Clerk of the City of Visalia, certify the foregoing is the full and true Ordinance 2006-18 passed and adopted by the Council of the City of Visalia at a regular meeting held on January 16, 2007 and certify a summary of this ordinance has been published in the Visalia Times Delta.

Dated: January 31, 2007

STEVEN M. SALOMON, CITY CLERK


By Donja Huffmon, Chief Deputy