

# PAYNTER

**REALTY & INVESTMENTS, INC.**

**CELEBRATING 30 YEARS**

December 20, 2021

Via Overnight Delivery

City of Visalia  
Office of the City Clerk  
220 N. Santa Fe St.  
Visalia, CA 93291

**Re: Appeal of Planning Commission Approval of CUP 2021-28  
SEC Mooney and Walnut, Visalia, CA**

To Whom It May Concern,

Enclosed please find an Appeal to the Planning Commission's action of approval of Conditional Use Permit Number 2021-28 as well as a check in the amount of \$528.00 as payment for the filing fee.

If you have any questions or require any further items for this appeal to be heard by the City Council, please do not hesitate to let me know.

Sincerely,



David H. Paynter

CC: Rafael Garcia – Senior Planner  
Paul Bernal – Community Development Director  
James S. Sanders – Executive Vice President, Paynter Realty & Investments

## APPEAL OF PLANNING COMMISSION ACTION

(The fee to file an Appeal is \$528. Applicants who meet specific income guidelines may be eligible to waive this fee. A fee waiver application can be obtained from the Planning Department located at 315 E. Acequia. All Appeal forms with applicable fees or waivers must be submitted to the Office of the City Clerk at 220 N. Santa Fe St., within ten (10) days after the action which is the subject of the appeal. If the final day to file falls on a weekend or holiday the deadline to file is extended to the next business day by 5:00 p.m.)

Planning Commission Public Hearing Date: December 13, 2021

Appellant Name: Caldwell-Mooney Partners II, L.P.

Address: 3125 S. Mooney Blvd

Phone: 714-731-8892

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

- ☒ Conditional Use Permit No. 2021-28 (Section 17.02.145)
- ☐ Variance/Exception No. \_\_\_\_\_ (Section 17.02.145)
- ☐ Change of Zone No. \_\_\_\_\_ (Section 17.44.080)
- ☐ Tentative Subdivision Map \_\_\_\_\_ (Section 16.04.040)
- ☐ Tentative Parcel Map No. \_\_\_\_\_ (Section 16.04.040)
- ☐ Site Plan Review Committee Determination \_\_\_\_\_ (Section 17.28.050)

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

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

See letter to Planning Commission attached.

Signature:  Date: December 17, 2021  
David H. Paynter, General Partner

*Office Use Only*

Received By: \_\_\_\_\_

Date: \_\_\_\_\_

Emailed to City Planner: \_\_\_\_\_

City Council Hearing Date: \_\_\_\_\_

Date Stamp

Date	Invoice	Reference	Gross	Discount	Net
12/17/2021	Appeal Filing Fee	60700 - Landlord Repairs	\$528.00	\$0.00	\$528.00
Check Number	3450	Payee ID	CITYVAS	\$528.00	\$0.00
Check Date	12/17/2021	Payee Name	City of Visalia	Stub 1-1	Check Total:
					\$528.00

**Caldwell Mooney Partners II, LP**  
Paynter Realty & Investments, Inc.  
195 South "C" Street, Suite 200  
Tustin, CA 92780

United Security Bank  
7088 N. 1st St.  
Fresno, CA 93720

904149/1211

Check Date 12/17/2021	Check Number 3450	Amount ***\$528.00***
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**VOID AFTER 180 DAYS**

PAY EXACTLY FIVE HUNDRED TWENTY EIGHT DOLLARS AND NO CENTS

TO THE City of Visalia  
ORDER 315 W. Acequia Ave  
OF Visalia, CA 93291



|| 3450 ||    || 121141495 ||    || 2128942 ||

Date	Invoice	Reference	Gross	Discount	Net
12/17/2021	Appeal Filing Fee	60700 - Landlord Repairs	\$528.00	\$0.00	\$528.00
Check Number	3450	Payee ID	CITYVAS	\$528.00	\$0.00
Check Date	12/17/2021	Payee Name	City of Visalia	Stub 1-1	Check Total:
					\$528.00

# PAYNTER

REALTY & INVESTMENTS, INC.

CELEBRATING 30 YEARS

December 10, 2021

Via Email  
Susan.currier@visalia.city

City of Visalia  
Planning Commission  
Attn: Susan Currier  
315 E. Acequia  
Visalia, CA 93291

**Re: CUP 2021-28  
SEC Mooney and Walnut, Visalia, CA**

Dear Members of the Planning Commission,

We are in receipt of the notice of public hearing regarding Conditional Use Permit Number 2021-28 requesting a CUP for the operation of a medical clinic.

As you may know, we own and manage the Tower Plaza Shopping Center directly west of the subject property which contains Marshalls and Bed Bath and Beyond. We also own, manage and are redeveloping the Sequoia Mall which is directly south of the subject property which contains Hobby Lobby, Regal Cinemas as well as the recently opened Raising Cane's restaurant.

We have two significant concerns regarding the operation of this medical clinic which are as follows:

- 1) A medical clinic requires extended parking time for its clientele which will be detrimental to the surrounding retail. Coupled with the existing Aspen Dental, the amount of medical parking spaces which will be used within the shopping center will be significantly harmful to the retail taxable sales and ongoing success of the Marshalls and Bed Bath and Beyond stores.
  - a. The applicant's parking count as shown on the site plan submittal dated September 23, 2021 shows their parcel is under parked by 1 stall after having restriped the main ingress/egress drive off of

Mooney Blvd to create additional new stalls. The applicant states they have 9 stalls more than required by the base municipal code (including a parking adjustment allowing for a 20% reduction) by using an additional 10 stalls on 3103 S Mooney Blvd which is a restaurant use.

- b. The likelihood of medical employees and clientele parking across the main ingress/egress driveway off of Mooney Blvd in what will be an equally busy parking area due to the restaurant use and then walk to the medical clinic or dentist is unlikely. The more likely location for medical parking will be west of the medical clinic in the Marshalls/Bed Bath and Beyond parking lot. This will be a significant impact to the primary parking fields of both retailers.

- 2) The medical clinic proposed is Planned Parenthood. Our concern is that the typical demonstrations which occur outside of Planned Parenthood will also be significantly harmful to both Marshalls and Bed Bath and Beyond as well as to the current and future businesses located at the Sequoia Mall.

Therefore, we ask that the Planning Commission deny this request for a Conditional Use Permit 2021-28 for a medical clinic.

Sincerely,



David H. Paynter

CC: Chris Gomez – Chairperson, City of Visalia Planning Commission  
Marvin Hansen – Vice-Chair, City of Visalia Planning Commission  
Sarrah Peariso - City of Visalia Planning Commission  
Mary E. Beatie - City of Visalia Planning Commission  
Adam Peck - City of Visalia Planning Commission  
Leslie Caviglia – City Manager  
Paul Bernal – Community Development Director  
James S. Sanders – Executive Vice President, Paynter Realty & Investments





800-322-5555  
www.gls-us.com

**Ship From**

PAYNTER REALTY & INVESTMENTS, INC  
CAMI WEATHERMAN  
195 SOUTH C STREET  
STE 200  
TUSTIN, CA 92780

**Tracking #: 555602274****PDS****Ship To**

CITY OF VISALIA  
OFFICE OF THE CITY CLERK  
220 N SANTA FE ST  
VISALIA, CA 93292

**VISALIA****S93291B****COD: \$0.00****Weight: 1 lb(s)****Reference:**

CM02

**Delivery Instructions:****Signature Type: STANDARD**

55960087

**VIS CA932-AC6**

Print Date: 12/20/2021 4:11 PM

**LABEL INSTRUCTIONS:**

**Do not copy or reprint this label for additional shipments - each package must have a unique barcode.**

Step 1: Use the "Print Label" button on this page to print the shipping label on a laser or inkjet printer.

Step 2: Fold this page in half.

Step 3: Securely attach this label to your package and do not cover the barcode.

**TERMS AND CONDITIONS:**

By giving us your shipment to deliver, you agree to all of the General Logistics Systems US, Inc. (GLS) service terms & conditions including, but not limited to; limits of liability, declared value conditions, and claim procedures which are available on our website at [www.gls-us.com](http://www.gls-us.com).