PLANNING COMMISSION AGENDA

CHAIRPERSON: Brett Taylor



VICE CHAIRPERSON: Liz Wynn

COMMISSIONERS: Brett Taylor, Liz Wynn, Chris Gomez, Marvin Hansen, Sarrah Peariso

MONDAY, JULY 24, 2017, 7:00 PM REGULAR MEETING, COUNCIL CHAMBERS, 707 W. ACEQUIA, VISALIA CA

- 1. THE PLEDGE OF ALLEGIANCE -
- 2. CITIZEN'S COMMENTS This is the time for citizens to comment on subject matters that are not on the agenda but are within the jurisdiction of the Visalia Planning Commission. The Commission requests that a 5-minute time limit be observed for comments. Please begin your comments by stating and spelling your name and providing your street name and city. Please note that issues raised under Citizen's Comments are informational only and the Commission will not take action at this time.
- 3. CHANGES OR COMMENTS TO THE AGENDA-
- 4. CONSENT CALENDAR All items under the consent calendar are to be considered routine and will be enacted by one motion. For any discussion of an item on the consent calendar, it will be removed at the request of the Commission and made a part of the regular agenda.
 - No Items on Consent Calendar
- 5. PUBLIC HEARING Brandon Smith

Variance No. 2017-11: A request by California Water Service Company to allow a variance to the maximum height limit in the rear yard of a R-1-5 (Single-family Residential) zoned property, for the installation of two new vessels. The site is located at 1718 W. Tulare Avenue, on the northeast corner of Tulare Avenue and Bonnie Street. (APN: 096-013-019). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315, Categorical Exemption No. 2017-48.

6. PUBLIC HEARING - Brandon Smith

Variance No. 2017-10: A request by California Water Service Company to allow a variance to the maximum height limit in the rear yard of a R-1-5 (Single-family Residential) zoned property, for the installation of two new vessels. The site is located at 711 W. Cambridge Avenue, on the south side of Cambridge Avenue 250 feet west of Johnson Street. (APN: 096-341-008). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2017-47.

7. PUBLIC HEARING - Paul Bernal

Variance No. 2017-13: A request by California Water Service Company to allow a variance to the maximum height limit in the rear yard of an R-1-5 (Single-family Residential) zoned property, for the installation of one water holding tank. The site is located at 1303 South Garden Street, on the west side of Garden Street between East Tulare and East Paradise Avenues (APN: 095-251-024). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2017-50.

8. PUBLIC HEARING - Paul Bernal

Variance No. 2017-12: A request by California Water Service Company to allow a variance to the maximum height limit in the rear yard of an R-1-5 (Single-family Residential) zoned property, for the installation of four new treatment vessels. The site is located at 1601 East Monte Verde Avenue, on the southeast corner of South Ben Maddox Way and East Monte Verde Avenue (APN: 126-590-001). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2017-49.

9. PUBLIC HEARING - Brandon Smith

Variance No. 2017-09: A request by Ross Stores, Inc. (Imagetech Services, agent), to allow a variance to the maximum sign area associated with wall signage to the Dd's Discounts store located in the Mixed Use Commercial (C-MU) Zone. The site is located at 1925 N. Dinuba Boulevard, on the west side of Dinuba Boulevard between Vine and Prospect Avenues. (APN: 090-270-033) The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2017-43.

10. PUBLIC HEARING - Brandon Smith

Variance No. 2017-08: A request by Ross Stores, Inc. (Imagetech Services, agent), to allow a variance to the maximum sign area associated with wall signage to the Dd's Discounts store located in the Regional Retail Commercial (C-R) Zone. The site is located at 3434 S. Mooney Boulevard, on the east side of Mooney Boulevard between Orchard and Caldwell Avenues. (APN: 122-290-029) The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2017-42.

11 PUBLIC HEARING - Paul Scheibel

Conditional Use Permit No. 2017-17: Conditional Use Permit No. 2017-17: A request to construct a 25,000 square foot office building with a residence in the PA (Professional / Administrative Office) zone. The project site is located at 2324 W. Sunnyside Ave. (APNs: 121-100-079, -080, -081, -082, 085, -086, -088,-089, and -091) The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2017-36.

12. DIRECTOR'S REPORT/ PLANNING COMMISSION DISCUSSION-

The Planning Commission meeting may end no later than 11:00 P.M. Any unfinished business may be continued to a future date and time to be determined by the Commission at this meeting. The Planning Commission routinely visits the project sites listed on the agenda.

For the hearing impaired, if signing is desired, please call (559) 713-4359 twenty-four (24) hours in advance of the scheduled meeting time to request these services. For the visually impaired, if enlarged print or Braille copy is desired, please call (559) 713-4359 for this assistance in advance of the meeting and such services will be provided as soon as possible following the meeting.

Any written materials relating to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the City Office, 315 E. Acequia Visalia, CA 93291, during normal business hours.

APPEAL PROCEDURE

THE LAST DAY TO FILE AN APPEAL IS THURSDAY, AUGUST 3, 2017 BEFORE 5 PM

According to the City of Visalia Zoning Ordinance Section 17.02.145 and Subdivision Ordinance Section 16.04.040, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal form with applicable fees shall be filed with the City Clerk at 220 N. Santa Fe, Visalia, CA 93292. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website www.visalia.city or from the City Clerk.



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: July 24, 2017

PROJECT PLANNER: Brandon Smith, Senior Planner

Phone No.: 713-4636, Email: brandon.smith@visalia.city

SUBJECT: Variance No. 2017-09: A request by Ross Stores, Inc. (Imagetech Services,

agent), to allow a variance to the maximum sign area associated with wall signage to the Dd's Discounts store located in the Mixed Use Commercial (C-MU) Zone. The site is located at 1925 N. Dinuba Boulevard, on the west side of Dinuba

Boulevard between Vine and Prospect Avenues. (APN: 090-270-033)

STAFF RECOMMENDATION

Staff recommends that Variance No. 2017-09 be approved, based upon the findings in Resolution No. 2017-39.

RECOMMENDED MOTION

I move to approve Variance No. 2017-09, based on the findings in Resolution No. 2017-39.

PROJECT DESCRIPTION

The applicant is requesting a variance to sign standards for wall signage on an existing store – Dd's Discounts – located in the Northside Shopping Center on Dinuba Boulevard, as illustrated in Exhibits "A" and "B". The applicant has submitted written findings in support of the request (Exhibit "F").

The wall sign regulations for commercial zoning districts allow a maximum of 150 square feet of sign copy on a single wall or occupancy frontage. This variance is to allow additional wall signage on the front elevation of the store totaling 166.17 square feet. The store has existing primary signage illustrating the store name "Dd's Discounts" measuring 130.17 square feet, illustrated in Exhibits "B", "C", and "E". The additional signage will be channel letters reading "Ladies Kids Men Shoes Home" that total 36 square feet. The additional signage on the front facade communicates the variety of products offered by Dd's Discounts. Dd's Discounts is a 22,000 square foot store within a shopping center anchored by Food 4 Less grocery store.

The applicant's request is based on findings that include the front of the retail store being obscured by out-lots, trees, and distance, and that additional signage is needed to adequately describe the business's line of products and to display the entire trademark name.

BACKGROUND INFORMATION

General Plan Land Use Designation Commercial Mixed Use

Zoning C-MU (Commercial Mixed Use)

Surrounding Zoning and Land Use North: C-MU (Commercial Mixed Use) / Retail

commercial

South: C-MU (Commercial Mixed Use) & R-M-3

(Multi-Family Residential) / Vacant lot, multi-

family residences, retail commercial

East: C-N (Neighborhood Commercial) / Retail

commercial

West: R-1-5 (Single-Family Residential) / Single-

family residences

Environmental Review Categorical Exemption No. 2017-43

Special Districts: N/A

Site Plan Review N/A

RELATED PROJECTS

Variance No. 2017-08 is a similar request proposed at a separate Dd's Discounts store located at 3434 S. Mooney Boulevard. The variance is also being considered on the Planning Commission agenda of July 24, 2017. The business at this location is a larger store with 28,000 square feet of floor area and 150 square feet of existing signage, and is requesting 53 square feet of additional signage to describe the variety of goods sold at the store and for an additional wall plaque.

PROJECT EVALUATION

The applicant's request for a sign variance pertains only to the amount of wall sign area on the primary frontage. The following analysis pertains to this request. The applicant has provided a set of variance findings that applies to the request.

Shopping Center Sign Standards

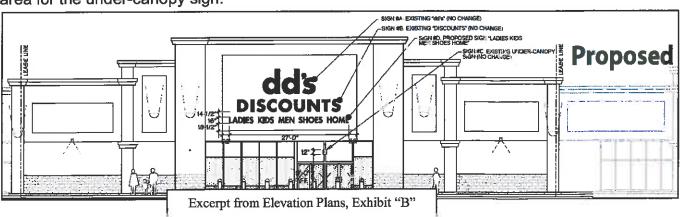
The Northside Shopping Center, located on the west side of Dinuba Boulevard between Ferguson and Prospect Avenues, has a sign program that largely reflects Zoning Ordinance standards. The standards include a 150 square foot maximum wall signage for anchor tenants, although this amount could be exceeded through approval of a variance.

Variance No. 2009-06 was approved on May 11, 2009, and allowed for two monument / freestanding signs for the shopping center – one for each major street frontage – that advertise the center's anchor tenants.

Other Proposed Signage for Dd's Discounts

The applicant is not proposing any additional wall signage other than on the front of the building, although the building is allowed to have signage on the rear façade up to a maximum 25% of the sign area calculated for the primary signage (37.5 square feet).

The business has a four square foot under-canopy sign located above the store's primary entry doors. The under-canopy sign is allowed as a separate sign type in the Sign Ordinance. It should be noted that the total proposed signage in the title sheet (Exhibit "E") includes the sign area for the under-canopy sign.



Analysis of Wall Signage

Staff recommends in favor of the proposed variance on the basis of the findings provided by the applicant, which include the placement of trees and out pads in front of the store. In addition, the variance represents only a minor increase in wall sign area (16 square feet or about 11% over the maximum allotted sign area) and is a regional type of use that is located along the Dinuba Boulevard corridor.

Staff finds that the proposed 166 square feet of wall signage – broken down into 130 square feet of primary signage and 36 square feet of secondary signage – would not be inconsistent with signs found on other commercial corridors such as along Mooney Boulevard. The store can be comparable to a regional-type use since the business has another store location along Mooney Boulevard and has business locations only in cities and metropolitan areas with a regional draw (i.e. Hanford, Fresno).

Based on City records, no variance application has been submitted pertaining to wall signage on a property along the Dinuba Boulevard corridor prior to this request. The City considers Dinuba Boulevard to be a vital commercial corridor supporting residents of north Visalia and of outlying communities to the north of Visalia, similar to how Mooney Boulevard represents a vital commercial corridor on the south side of Mooney. Support of the continued development and revitalization of both corridors as integral parts of the community is mentioned in General Plan Land Use Policy LU-P-61.

The applicant has provided five findings for the variance in Exhibit "F" which discuss the requested signage, with one basis for the increased signage being that the location is obscured by out-lots, trees, and distance, and is difficult to see from Dinuba Boulevard.

Planning Commission Variance Findings

Variances are intended to prevent unnecessary hardships resulting from strict or literal interpretation of regulations while not granting a special privilege to the applicant. The Planning Commission has the power to grant variances to regulations prescribed in the Zoning Ordinance. The applicant has provided proposed variance findings in Exhibit "F" intended to justify their goal of having increased signage as summarized below:

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

Applicant Findings: Due to trees and multiple buildings along the streets and within the property obscuring visibility, and deep setback from the street; a conforming size sign will suffer a material loss of visibility from Dinubs Blvd as well as Ferguson Avo. In order to be successful at this location, and to adequately provide motorists safe and improved navigation and way-finding (from both directions), additional square footage is necessary to accommodate adequate legibility and proportionality while maintaining the integrity of Od's Discounts logomark and ability to communicate with customers.

<u>Staff Analysis</u>: The site has limited visibility from the primary street frontage that provides justification for secondary signage for Dd's Discounts. The hardship is overcome by the additional wall signage being requested through the variance.

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

The applicant's business is one of the primary anchors in the shopping center. The storefront has an existing permitted primary wall sign that reads "dd's DISCOUNTS". The requested sign area is needed to improve visibility to the streets and the sign area is needed as secondary wall signage to identify five department/product names, to read LADIES KIDS MEN SHOES HOME. Since the businesses' primary name doesn't adequately describe what products the business provides, the business identity requires explanation to the public. The department/product names are absolutely necessary to visually communicate their message and purpose to the public. While similar business types such as department stores and grocery stores also use department and product names, there are very few similar business types in this zone.

As an example, grocery stores in the same zone and throughout the city are able to communicate their message with a minimum of identity. It can be argued that grocery stores could communicate to the public and thrive in any community without any department names, as the average citizen is aware of what a grocery store does and the products & services it provides. While secondary signs expand their message and often contribute to their success, those secondary signs aren't foundational to the overall service grocery stores provide. In contrast, there are many types of department stores that offer a variety of products and services that aren't necessarily clear to the public. These are established department stores with products and services that the majority of the public is familiar with. Yet the applicant's store is not among them. Unlike most similar sites in this zone, the applicant's business requires their department/product names to effectively communicate their business to the public in an effort to compete in the community.

While the storefront and signage is visible from adjacent streets, there are obstructions that limit substantial visibility, including trees and street fronting buildings. The combination of required department/product names and some degree of limited visibility work together to create special circumstances uncommon to other properties/buildings in the same zone and immediate vicinity.

<u>Staff Analysis</u>: The deep setback of the major storefront and the existing buildings along Dinuba Boulevard that obscure the major tenant stores represent an exceptional circumstance to the intended use of the property. Other sign variance requests approved by the Planning Commission have also included findings pertaining to the need for more secondary signage on the building, although these have been for regional-level land uses in the Regional Retail Commercial zone. The project site could be considered similar to a regional commercial use based on the market area from which the store draws customers from.

3. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone;

Applicant Findings: Without approval of additional wall sign area, the existing primary wall sign will continue to be inadequate identity for the applicant's business. If the primary wall sign area were combined with secondary wall sign area and installed at a size conforming to the wall sign guidelines within the Visalia Municipal Code, the sign would be too small to be functionally visible. A conforming wall sign size would be too small to be useful for this anchor tenant's location in this shopping center.

It is critical for the applicant's business to include the department/products within their signage, as they are part of the business's federally registered service mark. After extensive research and experience with hundreds of sites around the country, and especially in California communities similar to Visalia's, the applicant has confirmed that the department/product names are essential to compete with similar businesses in the zone and throughout the community.

Without approval of the additional wall sign area, Dd's Discounts will suffer a material and diminished loss of its ability to adequately and effectively communicate to existing and new customers. Minimal visibility for Dd's Discounts requires both inclusion of their entire trademark name as well as an appropriate size for the scale of the building and the shopping center. Denial of the sign variance would result in a disparity of visibility privileges which competitors and other buildings and tenants enjoy. In

determining special circumstances, the California Supreme Court has held that disparities between properties need not be physical, but may also include a disparate impact of land use regulations in a particular zone. Topanga Assoc for Scenic Community v. County of Los Angeles (1974) 11 Cal.3d 506, 520; Craik v. County of Santa Cruz (2000) 81 Cal.App.4th 880, 890.

<u>Staff Analysis</u>: The applicant believes that the business would suffer a loss in its ability to advertise to customers with its conforming level of signage. The applicant states that the sign must include the entire trademark name of the business as well as be of appropriate size for the building scale.

Staff recognizes that the applicant's business has been operation as an anchor tenant for several years with its current amount of signage. In recent years however, large scale retail outlets – often those that have a regional draw – have faced difficulties in drawing foot traffic to their stores while trying to compete with online retail sales. This is a challenge that the applicant is facing and sees it necessary for the building signage to include the variety of product types in order to remain visible and competitive among other regional-level retailers.

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

Applicant Findings: Granting this variance would not constitute a special privilege inconsistent with the limitations upon other properties, as other properties throughout the community do not face the combination of challenges that a conforming sign is subject to. These challenges include the primary disadvantage of an atypical quantity of retail buildings around the perimeter of the property, along with the compounding disadvantage of distance from rights-of-way and tree-lined property perimeters along street frontages. While there are other sites in the city with this challenge, these disadvantages are not common on the adjacent properties, nor are they common throughout the community. When applicable, the visibility issues this site suffers from is arguably the same or worse than others. Applicant has submitted exhibits showing photographs of the sign location. Those photos and accompanying photo key demonstrate the surprisingly limited visibility to drivers from both major streets, especially Dinuba, which is the primary street. With short windows of visibility, reaction time for drivers is reduced. Additionally, the proposed trademarked secondary text is necessary information to the public and needs to be readable to the public. Granting this variance will not result in special privilege to DD's, but will, in fact, provide adequate identification for appropriate scale and visibility, consistent with the purpose of the Visalia Municipal Code.

<u>Staff Analysis</u>: The granting of a variance to building signage would not constitute a grant of special privilege due to the quantity of other buildings in the same zone that face similar limitations of obstructions in front of the store facade. The applicant has provided photos of the existing elevations, including line of sight photos from public streets, to demonstrate the limited visibility of the occupancy (refer to Exhibit "G").

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

Applicant Findings: The sign variance will not impair the utility or value of adjacent properties or the general welfare of the neighborhood because its size is proportionately scaled to the building and is appropriate within the property itself. The requested additional sign area does not negatively impact the visual massing of the existing signage. This is because it's to be installed directly under and connected to the existing the sign. Rather than an additional sign that's located elsewhere on the storefront, the proposed signage is simply a modest extension of the bottom of the existing sign. The additional sign area enables the sign to better convey the store's message in a safe and appropriate manner. The improved message as a sign will add to the value of the site by contributing to better wayfinding within the shopping center. It will also add value by improving visibility, and therefore identity, to the streets.

<u>Staff Analysis</u>: The granting of a variance to setbacks is not considered detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

Environmental Review

The project is considered Categorically Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), as amended, minor alterations to land use limitations, such as variances, that do not result in changes in land use or density. (Categorical Exemption No. 2017-043).

RECOMMENDED FINDINGS

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

- That the strict or literal interpretation and enforcement of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance.
 - The site has limited visibility from the primary street frontage that provides justification for secondary signage for Dd's Discounts. The hardship is overcome by the additional wall signage being requested through the variance.
- That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property, which do not apply to the other properties classified in the same zone.
 - The deep setback of the major storefront and the existing buildings along Dinuba Boulevard that obscure the major tenant stores represent an exceptional circumstance to the intended use of the property. Other sign variance requests approved by the Planning Commission have also included findings pertaining to the need for more secondary signage on the building, although these have been for regional-level land uses in the Regional Retail Commercial zone. The project site could be considered similar to a regional commercial use based on the market area from which the store draws customers from.
- 3. That the strict or literal interpretation and enforcement of the ordinance would deprive the applicant of privileges enjoyed by the owners of the other properties classified in the same zone.
 - The applicant believes that the business would suffer a loss in its ability to advertise to customers with its conforming level of signage. The applicant states that the sign must include the entire trademark name of the business as well as be of appropriate size for the building scale.
 - Staff recognizes that the applicant's business has been operation as an anchor tenant for several years with its current amount of signage. In recent years however, large scale retail outlets often those that have a regional draw have faced difficulties in drawing foot traffic to their stores while trying to compete with online retail sales. This is a challenge that the applicant is facing and sees it necessary for the building signage to include the variety of product types in order to remain visible and competitive among other regional-level retailers.
- 4. That the granting of the variance would not constitute a grant of special privilege inconsistent with the limitations on other properties in the same zone.

The granting of a variance to building signage would not constitute a grant of special privilege due to the quantity of other buildings in the same zone that face similar limitations of obstructions in front of the store facade. The applicant has provided photos of the existing elevations, including line of sight photos from public streets, to demonstrate the limited visibility of the occupancy (refer to Exhibit "G").

- 5. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
 - The granting of a variance to setbacks is not considered detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
- 6. That the project is considered Categorically Exempt under Section 15305 of the Guidelines for Implementation of CEQA (Categorical Exemption No. 2017-43).

RECOMMENDED CONDITIONS OF APPROVAL

- 1. That the allowed signage under Variance No. 2017-09 shall be as follows:
 - A maximum amount of 166 square feet of wall sign copy is allowed on the east elevation of the Dd's Discounts site identified in Exhibit "A", wherein the existing wall signage is 130 square feet and the additional secondary signage is allotted 36 square feet.
- 2. That any additional signage on the subject building and on the subject monument signs shall conform to Zoning Ordinance Chapter 17.48.
- 3. All building and monument signage modifications shall require a separate building permit.
- 4. That all applicable federal, state and city laws, codes and ordinances be met.
- That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Variance No. 2017-09, prior to the issuance of any sign permits for this project.

APPEAL INFORMATION

According to the City of Visalia Zoning Ordinance Section 17.02.145, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal with applicable fees shall be in writing and shall be filed with the City Clerk at 220 N. Santa Fe Street, Visalia, CA 93292. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website www.visalia.city or from the City Clerk.

Attachments:

- Summary of Related Plans & Policies
- Resolution No. 2017-39
- Exhibit "A" Site Plan of Site Signage
- Exhibit "B" Elevation Plan of Building Signage
- Exhibit "C" Before / After Photo Composite
- Exhibit "D" Sign Area & Details
- Exhibit "E" Title Sheet with Sign Inventory
- Exhibit "F" Variance Findings
- Exhibit "G" Photos of Sign Location
- General Plan Land Use Map
- Zoning Map
- Aerial Photo
- Location Sketch

RELATED PLANS AND POLICIES

GENERAL PLAN

Land Use Element Policies

LU-P-61 Support the continued development and revitalization of the following corridors as integral parts of the community, with offices, commercial uses, multi-family residential, and mixed use developments.

- · Mooney Boulevard between Noble and Caldwell;
- · Dinuba Boulevard between Houston and Ferguson;
- · Ben Maddox Way between Tulare and Houston;
- · Santa Fe Avenue between Tulare and Houston; and
- · Houston Avenue between Hall and Cain.

The depth of commercial development along the Mooney Boulevard corridor, Ben Maddox Way, and North Dinuba Boulevard may be extended on a case by case basis if the extension increases the feasibility of commercial development and the proposed action will not create land use conflicts or reduce viability of adjacent residential properties for each zone classification.

ZONING ORDINANCE

Chapter 17.48 Signs.

17.48.100 Sign Standards for Other Zones

A. **Purpose and Applicability.** This Section establishes sign area allowances for specific Zones as well as dimensional standards for the type of signs permitted. Unless otherwise specified below, standards for each sign type are in Section 17.48.110.

B. **Aggregate Wall Sign Area**. In all Zones other than Agricultural and Residential Zones, the basic sign area allowance for all wall signs on a lot or site, excluding signs for which no permit is required under Section 17.48.030 (Exempt Signs), is as follows:

| TABLE 17.48.100.B: MAXIMUM AREA FOR WALL SIGNS BY ZONE | | | | |
|---|--|--|---|---|
| | Commercial | Office Zones | Industrial Zones | Quasi-Public |
| | Zones | | | Zones |
| Total Sign Area Allowed* | 2 sq. ft. x ln. ft. of frontage Maximum 150 sq. ft. | I sq. ft x 2 ln. ft. of frontage Maximum 30 sq. ft. | I sq. ft x In. ft. of frontage Maximum 100 sq. ft. | 0.5 sq. ft x ln. ft. of frontage Maximum 100 sq. ft. |
| * Total Sign Area is based on an allowance in square feet per lineal foot (In. ft.) of street frontage. | | | | |
| (I): Unless the standards in the specific Design District state otherwise. | | | | |

17.48.110 Standards for Specific Sign Types

A. **Purpose.** This Section establishes location and other general standards for specific sign types that apply to all areas where such signs are permitted. Additional standards applicable to these signs in specific Zoning Districts are located in Sections 17.48.090 and 17.48.100.

E. Wall Signs. Wall signs are subject to the following standards:

1. *Maximum Number.* No limit, provided that the total area of wall signs does not exceed the limits in Table 17.48.100.B.

- 2. **Maximum Height.** No higher than the roof line or the parapet of the wall of the building to which the sign is attached, whichever is lower.
- 3. Maximum Sign Area per Sign. See Table 17.48.100.B.
- 4. **Projection Allowed.** Wall signs shall not extend more than six inches beyond the face of the wall to which they are attached.
- 5. Placement. No wall sign may cover, wholly or partially, any required wall opening.
- 6. **Orientation.** Unless a different orientation is specifically authorized, each wall-mounted sign shall be placed flat against the wall of the building.
- 7. **Rear Facades.** Where a property has two facades and both are visible from the public right-of-way, a wall sign may be installed on the rear (non-primary) façade if it meets the following:
 - a. Size. Maximum of 25 percent of the allowed sign area calculated for the primary occupancy frontage.
 - b. Illumination. Signs on rear facades may not be internally illuminated.

17.48.150 Variance and exceptions.

A. Purposes.

- 1. Variances. The Planning Commission may grant variances for setbacks, locational and dimensional standards that apply to signs 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 a site or building.
- 2. **Exception.** 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 a sign and the structures upon which it is mounted.
- B. **Application Procedures.** Application for a sign variance or sign exception shall be submitted to the City Planner on an approved form and include the following:
 - 1. Name and address of the applicant;
 - 2. Statement that the applicant is the owner of the property, is the authorized agent of the owner(s), 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 the standards in this Chapter;
 - 5. The application shall be accompanied by such sketches or drawings as may be necessary to clearly show applicant's proposal in comparison with the standards that otherwise would apply; and
 - 6. The required fee or deposit.

The application shall be reviewed by the City Planner, who shall determine whether it is complete or, if not, what additional information is needed. Once the application is determined to be complete, the City Planner shall give notice to the applicant of the time when the

application will be considered by the Planning Commission. The City Planning also may give notice of the time to any other interested party.

C. Public Notice and Hearing.

- 1. Notice of a public hearing on a sign variance or sign exception shall be given not less than ten days nor more than 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.
- 2. After the required notice has been provided, the Planning Commission shall hold a public hearing on an application for a variance.
- D. **Staff Report.** The City Planner shall prepare a staff report on the application, including a recommendation, which shall be submitted to the Planning Commission.
- E. **Public Hearing Procedure.** At a public hearing the Planning Commission shall review the application and the statements and drawings submitted by the applicant and the staff report and the evidence presented in that report with respect to the findings listed below, that are required to approve a variance or exception.

F. Findings Required for a Variance.

- 1. The Planning Commission may grant a variance to a regulation or standard prescribed by this Chapter, 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 determines:
 - 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 regulations;
 - 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; and
 - 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 reasonable conditions as the Commission may prescribe.
- 3. The Planning Commission must deny a variance application if the required findings can not be made.
- G. Findings Required for an Exception. 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 or conditionally 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 and standards of this Chapter were strictly applied;
 - 2. That the granting of an exception would not adversely affect the visibility of signs on adjacent properties; and

- 3. That the granting of an exception would not constitute a granting of a special privilege.
- H. **Appeal to City Council.** The decision of the Planning Commission on a variance or exception application shall be subject to the appeal provisions of the zoning ordinance.
- I. **Revocation.** A variance or exception granted subject to a condition or conditions shall be revoked by the Planning Commission if the applicant fails to comply with any the condition of approval.
- J. **Time Limits for Filing a 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 sign shall be filed within one year of the date of denial of the variance or exception application or the date of revocation of the variance or exception.

RESOLUTION NO. 2017-39

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING VARIANCE NO. 2017-09: A REQUEST BY ROSS STORES, INC. (IMAGETECH SERVICES, AGENT), TO ALLOW A VARIANCE TO THE MAXIMUM SIGN AREA ASSOCIATED WITH WALL SIGNAGE TO THE DD'S DISCOUNTS STORE LOCATED IN THE MIXED USE COMMERCIAL (C-MU) ZONE. THE SITE IS LOCATED AT 1925 N. DINUBA BOULEVARD, ON THE WEST SIDE OF DINUBA BOULEVARD BETWEEN VINE AND PROSPECT AVENUES. (APN: 090-270-033)

WHEREAS, Variance No. 2017-09 is a request by Ross Stores, Inc. (Imagetech Services, agent), to allow a variance to the maximum sign area associated with wall signage to the Dd's Discounts store located in the Mixed Use Commercial (C-MU) Zone. The site is located at 1925 N. Dinuba Boulevard, on the west side of Dinuba Boulevard between Vine and Prospect Avenues. (APN: 090-270-033); and

WHEREAS, the Planning Commission of the City of Visalia, after published notice scheduled a public hearing before said commission on July 24, 2017; and

WHEREAS, the Planning Commission of the City of Visalia finds Variance No. 2017-09, as conditioned by staff, to be in accordance with Section 17.48.150 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, the Planning Commission of the City of Visalia finds the project to be Categorically Exempt consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15305.

- **NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia makes the following specific finding based on the evidence presented:
- 1. That the strict or literal interpretation and enforcement of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance.
 - The site has limited visibility from the primary street frontage that provides justification for secondary signage for Dd's Discounts. The hardship is overcome by the additional wall signage being requested through the variance.
- That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property, which do not apply to the other properties classified in the same zone.

The deep setback of the major storefront and the existing buildings along Dinuba Boulevard that obscure the major tenant stores represent an exceptional

circumstance to the intended use of the property. Other sign variance requests approved by the Planning Commission have also included findings pertaining to the need for more secondary signage on the building, although these have been for regional-level land uses in the Regional Retail Commercial zone. The project site could be considered similar to a regional commercial use based on the market area from which the store draws customers from.

3. That the strict or literal interpretation and enforcement of the ordinance would deprive the applicant of privileges enjoyed by the owners of the other properties classified in the same zone.

The applicant believes that the business would suffer a loss in its ability to advertise to customers with its conforming level of signage. The applicant states that the sign must include the entire trademark name of the business as well as be of appropriate size for the building scale.

Staff recognizes that the applicant's business has been operation as an anchor tenant for several years with its current amount of signage. In recent years however, large scale retail outlets – often those that have a regional draw – have faced difficulties in drawing foot traffic to their stores while trying to compete with online retail sales. This is a challenge that the applicant is facing and sees it necessary for the building signage to include the variety of product types in order to remain visible and competitive among other regional-level retailers.

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

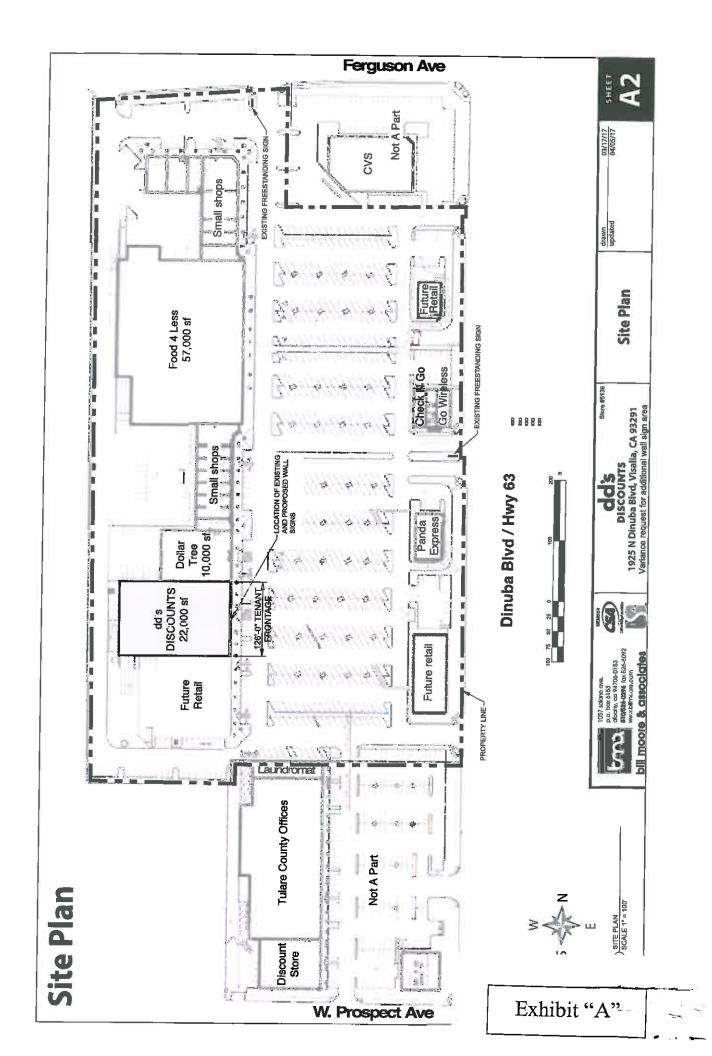
The granting of a variance to building signage would not constitute a grant of special privilege due to the quantity of other buildings in the same zone that face similar limitations of obstructions in front of the store facade. The applicant has provided photos of the existing elevations, including line of sight photos from public streets, to demonstrate the limited visibility of the occupancy (refer to Exhibit "G").

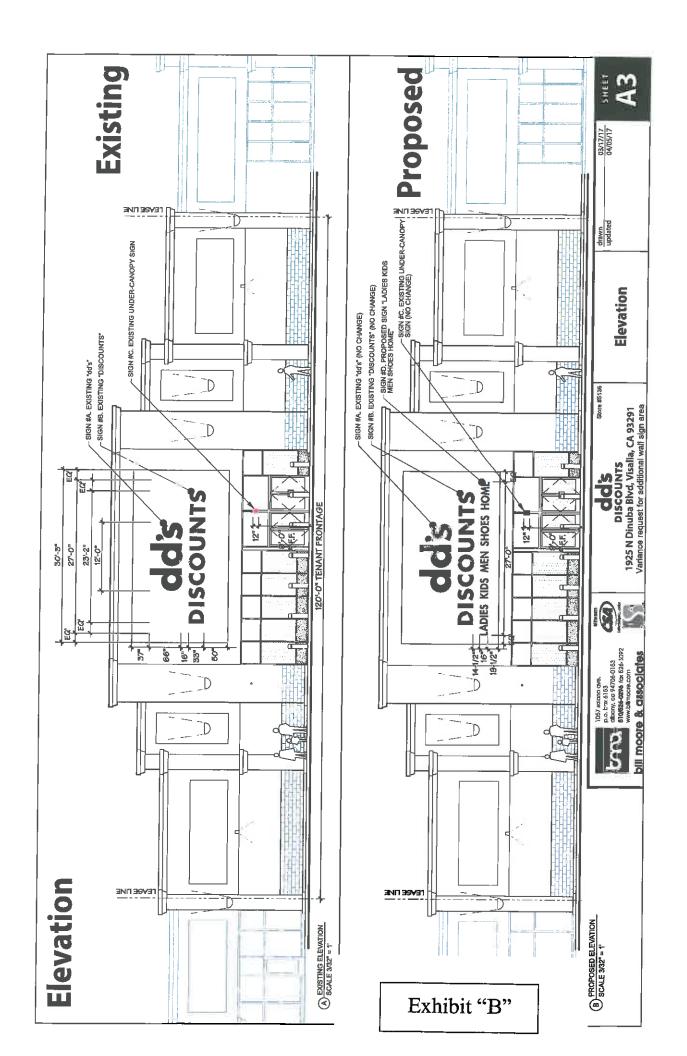
- 5. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
 - The granting of a variance to setbacks is not considered detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
- 6. That the project is considered Categorically Exempt under Section 15305 of the Guidelines for Implementation of CEQA (Categorical Exemption No. 2017-43).

BE IT FURTHER RESOLVED that the Planning Commission hereby approves Variance No. 2017-09, as conditioned, on the real property herein above described in accordance with the terms of this resolution under the provision of Section 17.48.150 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the allowed signage under Variance No. 2017-09 shall be as follows:

- A maximum amount of 166 square feet of wall sign copy is allowed on the
 east elevation of the Dd's Discounts site identified in Exhibit "A", wherein the
 existing wall signage is 130 square feet and the additional secondary signage
 is allotted 36 square feet.
- 2. That any additional signage on the subject building and on the subject monument signs shall conform to Zoning Ordinance Chapter 17.48.
- 3. All building and monument signage modifications shall require a separate building permit.
- 4. That all applicable federal, state and city laws, codes and ordinances be met.
- That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Variance No. 2017-09, prior to the issuance of any sign permits for this project.









Before/After Photo-Composite

bill moore & associates

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Exhibit "C"

Sign Areas & Details

EXISTING SIGN AREA, SIGN A



PAN CHANNEL LETTER-LOK LOGO LETTERS; (TEAL 21248-E1 APOSTROPHE)
RETURNS: 8" DEEP ALUM. W/ WHITE FINISH FACES: TUF-GLAS SG 21249-E1 PURPLE NEON: FOUR-TUBE 15MM EGL PURPLE MOUNTING: 1/4"-20 GALV, THRU-BOLTS EXISTING 66" HIGH INDIVIDUAL "DD'S" TRIM CAP: 2" WHITE JEWELITE LETTER BACKS: WHITE ALUMINUM PEG OFF: 1/2" SPACERS

PROPOSED SIGN AREA, SIGN C

ADES MOS MEN SHOFS HOME

-36 SQ FT

MOUNTING: 1/4"-20 GALVANIZED THRU BOLTS NEW 16" HIGH INDIVIDUAL "DEPT, TITLE" PAN RETURNS: 5" DEEP ALUM. W/ WHITE FINISH FACES: TUF-GLAS SG 21249-E1 PURPLE LED: PRINCIPAL MW LED 9000K-CW TRIM CAP: 2" WHITE JEWELITE LETTER BACKS: ALUMINUM CHANNEL LOGO LETTERS PEG OFF: 1/2" SPACERS

EXISTING SIGN AREA, SIGN D

EXISTING SIGN AREA. SIGN B

450FT

EXISTING 12" H X 48" W X 10" DEEP DOUBLE-FACED INTERNALLY ILLUMINATED UC SIGN 6"-0" ABOVE FINISH FLOOR CENTER OVER ENTRANCE DOORS

Exhibit "D"

FACES: TUF-GLAS SG 21248-E1 TEAL
RETURNS: 5' DEEP ALUM, W/WHITE FINISH
TRIM CAP: 1' WHITE JEWELITE
NEON: TWO-TUBE 15MM EGL TURQUOISE ALL CALLOUTS SAME AS "DD'S" EXCEPT:

EXISTING 33" HIGH INDIVIDUAL 'DISCOUNTS'

LOGO LETTERS

1057 solano a. e., p.o. box 6153 albany, ca 94706-0153 B10#25-0296 fox 626-5092 w:w.bl/m.cae.com bill moore & associates g

A SIGN AREAS SCALE 3/16" = 1"

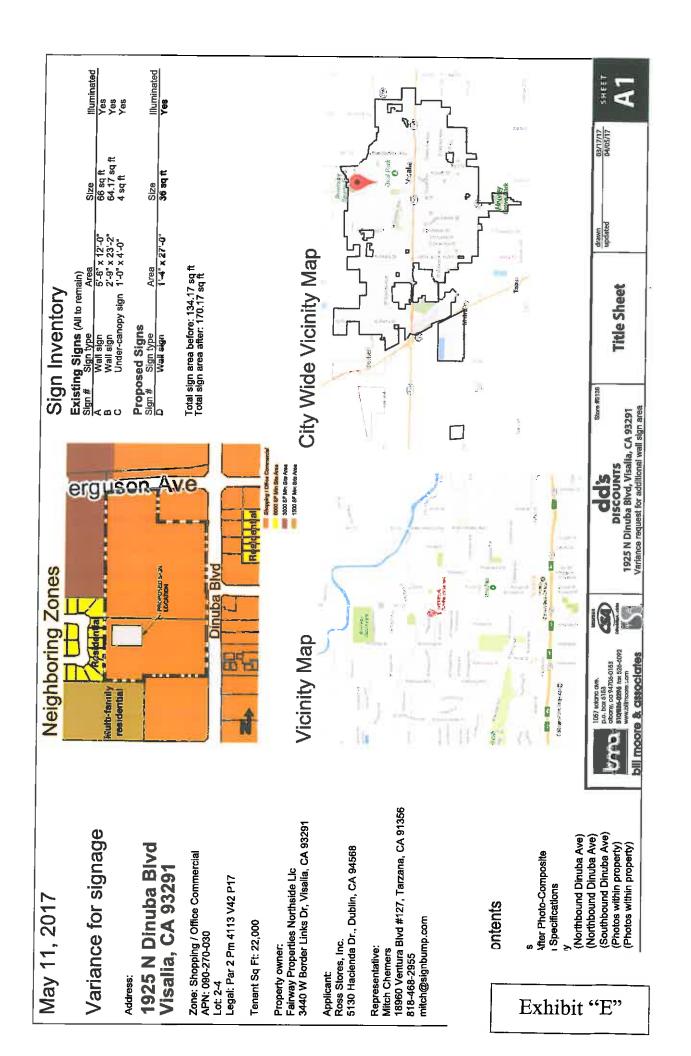
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DISCOUNTS
1925 N Dinuba Bhd, Visalia, CA 93291
Variance request for additional wall sign area dds

Sign Details

drawn

A5



May 11, 2017

Variance Findings

Regarding address:

1925 N Dinuba Blvd, Visalia, CA 93291

APN: 090270030

Property owner:

Fairway Properties Northside LLC, 3440 W Border Links Dr, Visalia, CA 93291

Applicant:

Ross Stores, Inc., 5130 Hacienda Dr., Dublin, CA 94568

Representative:

Mitch Chemers, 18960 Ventura Blvd #127, Tarzana, CA 91356 818-468-2955 mitch@signbump.com

 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.

Due to trees and multiple buildings along the streets and within the property obscuring visibility, and deep setback from the street, a conforming size sign will suffer a material loss of visibility from Dinuba Blvd as well as Ferguson Ave. In order to be seccessful at this location, and to adequately provide motorists safe and improved navigation and way-finding (from both directions), additional square footage is necessary to accommodate adequate legibility and proportionality while maintaining the integrity of Dd's Discounts logomark and ability to communicate with customers.

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

The applicant's business is one of the primary anchors in the shopping center. The storefront has an existing permitted primary wall sign that reads "dd's DISCOUNTS". The requested sign area is needed to incrove visibility to the streets and the sign area is needed as secondary wall signage to identify five department/product names, to read LADIES KIDS MEN SHOES HOME. Since the businesses' primary name doesn't adequately describe what products the business provides, the business identity requires explanation to the public. The department/product names are absolutely necessary to visually communicate their message and purpose to the public. While similar business types such as department stores and greeery stores also use department and product names, there are very few similar business types in this zone.

As an example, grocery stores in the same zone and throughout the city are able to communicate their measage with a minimum of identity. It can be argued that grocery stores could communicate to the public and thrive in any community without any department names, as the average citizen is aware of what a grocery store does and the products & services it provides. While accordary signs expand their measage and often contribute to their success, those secondary signs aren't foundational to the overail

Exhibit "F"

service grocery stores provide. In contrast, there are many types of department stores that offer a variety of products and services that aren't necessarily clear to the public. These are established department stores with products and services that the majority of the public is familiar with. Yet the applicant's store is not among them. Unlike most similar sites in this zone, the applicant's business requires their department/product names to effectively communicate their business to the public in an effort to compete in the community.

While the storefront and signage is visible from adjacent streets, there are obstructions that limit substantial visibility, including trees and street fronting buildings. The combination of required department/product names and some degree of limited visibility work together to create special circumstances uncommon to other properties/buildings in the same zone and immediate vicinity.

3. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone.

Without approval of additional wall sign area, the existing primary wall sign will continue to be inadequate identity for the applicant's business. If the primary wall sign area were combined with secondary wall sign area and installed at a size conforming to the wall sign guidelines within the Visalia Municipal Code, the sign would be too small to be functionally visible. A conforming wall sign size would be too small to be useful for this anchor tenant's location in this shopping center.

It is critical for the applicant's business to include the department/products within their signege, as they are part of the business's federally registered service mark. After extensive research and experience with hundreds of sites around the country, and especially in California communities similar to Visalia's, the applicant has confirmed that the department/product names are essential to compete with similar businesses in the zone and throughout the community.

Without approval of the additional wall sign area, Dif's Discounts will suffer a material and diminished loss of its ability to adequately and offersively communicate to existing and new customers. Minimal visibility for Dd's Discounts requires both inclusion of their curire trademark name as well as an appropriate size for the scale of the building and the shopping center. Denial of the sign variance would result in a disparity of visibility privileges which competitors and other buildings and tenants enjoy. In determining special circumstances, the California Supreme Court has held that disparities between properties need not be physical, but may also include a disparate impact of land use regulations in a particular zone. Topunga Assoc for Scenic Community v. County of Los Angeles (1974) 11 Cal.3d 506, 520; Craik v. County of Santa Cruz (2000) 81 Cal.App.4th 880, 890.

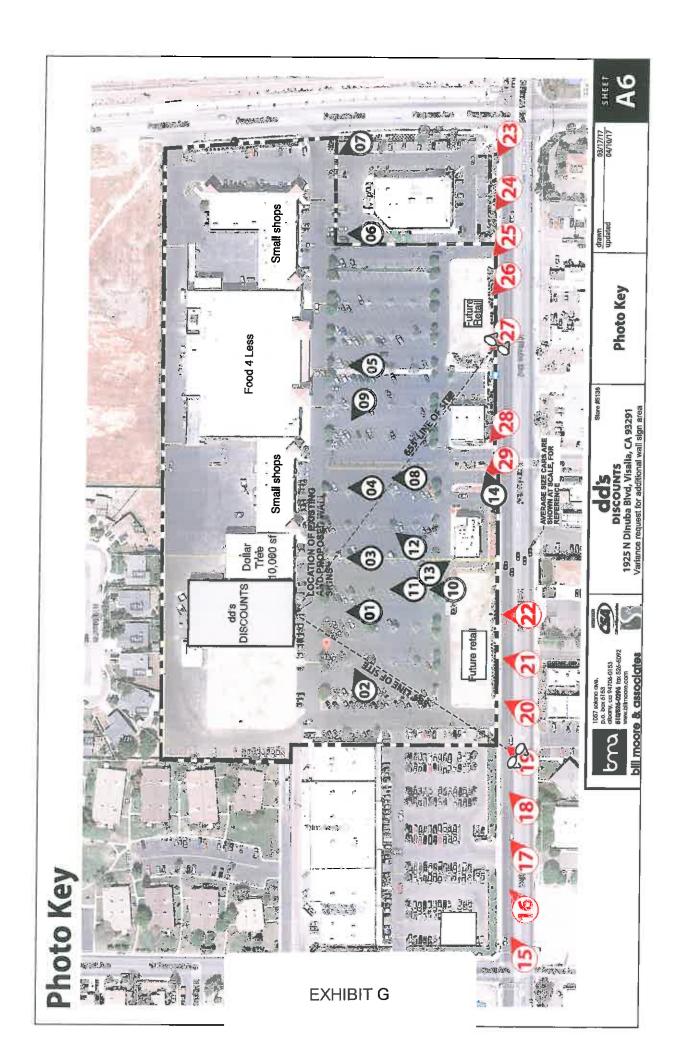
4. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone.

Granting this variance would not constitute a special privilege inconsistent with the limitations upon other properties, as other properties throughout the community do not face the combination of challenges that a conforming sign is subject to. These challenges

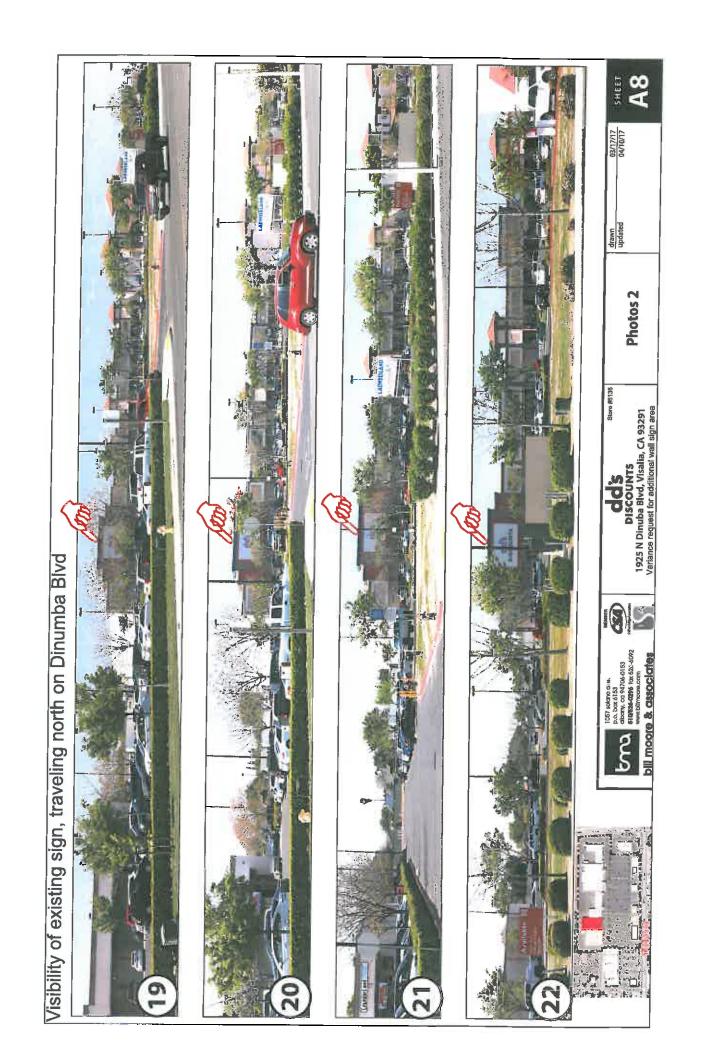
include the primary disadvantage of an atypical quantity of retail buildings around the perimeter of the property, along with the compounding disadvantage of distance from rights-of-way and tree-lined property perimeters along street frontages. While there are other sites in the city with this challenge, these disadvantages are not common on the adjacent properties, nor are they common throughout the community. When applicable, the visibility issues this site suffers from is arguably the same or worse than others. Applicant has submitted exhibits showing photographs of the sign location. Those photos and accompanying photo key demonstrate the surprisingly limited visibility to drivers from both major streets, especially Dinuba, which is the primary street. With short windows of visibility, reaction time for drivers is reduced. Additionally, the proposed trademarked secondary text is necessary information to the public and needs to be readable to the public. Grauting this variance will not result in special privilege to DD's, but will, in fact, provide adequate identification for appropriate scale and visibility, consistent with the purpose of the Visulia Municipal Code.

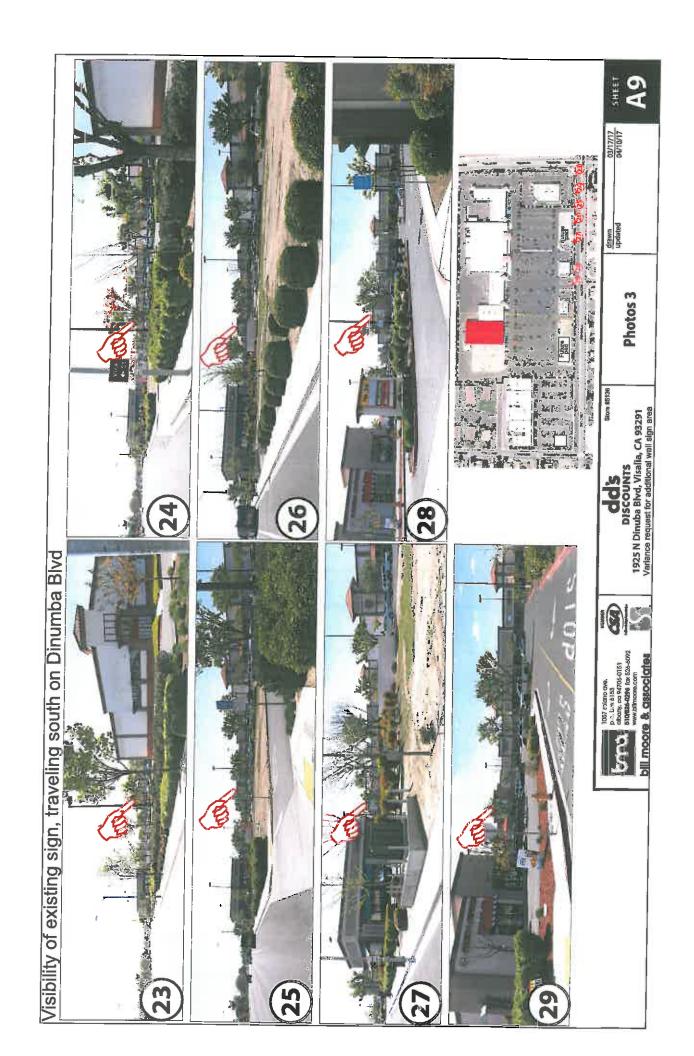
5. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

The sign variance will not impair the utility or value of adjacent properties or the general welfare of the neighborhood because its size is propertionately scaled to the building and is appropriate within the property itself. The requested additional sign area does not negatively impact the visual massing of the existing signage. This is because it's to be installed directly under and connected to the existing the sign. Rather than an additional sign that's located elsewhere on the storefront, the proposed signage is simply a modest extension of the bottom of the existing sign. The additional sign area enables the sign to better convey the store's message in a safe and appropriate manner. The improved message as a sign will add to the value of the site by contributing to better wayfinding within the shopping center. It will also add value by improving visibility, and therefore identity, to the streets.















dd's store #
Discounts
1925 N Dinuba Blvd, Visalia, CA 93291
Variance request for additional wall sign area

Photos 4

drawn updated

03/17/17

