

# 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 Categorical 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 Categorical 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 Categorical 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](http://www.visalia.city) or from the City Clerk.

**THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, AUGUST 14, 2017**



# 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. 2017-08:** 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)

## STAFF RECOMMENDATION

Staff recommends that Variance No. 2017-08 be approved, based upon the findings in Resolution No. 2017-38.

## RECOMMENDED MOTION

I move to approve Variance No. 2017-08, based on the findings in Resolution No. 2017-38.

## PROJECT DESCRIPTION

The applicant is requesting a variance to sign standards for wall signage on an existing store – Dd's Discounts – at the northeast corner of Mooney and Caldwell, 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 203.32 square feet. The store has existing primary signage illustrating the store name "Dd's Discounts" measuring 143 square feet as well as an existing wall plaque measuring 7 square feet, illustrated in Exhibits "B", "C", and "E". The additional signage will be channel letters reading "Ladies Kids Men Shoes Home" that total 45.5 square feet and a second wall plaque sign measuring 7 square feet. The additional signage on the front facade communicates the variety of products offered by Dd's Discounts and will provide symmetrical wall plaque signs. Dd's Discounts is a 28,000 square foot store that shares anchor tenant space with adjacent stores Smart & Final Extra and Petco.

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 | Regional Retail Commercial                                  |
| Zoning                            | C-R (Regional Retail Commercial)                            |
| Surrounding Zoning and Land Use   | North: C-R (Regional Retail Commercial) / Retail Commercial |
|                                   | South: C-R (Regional Retail Commercial) / Retail Commercial |

East: C-R (Regional Retail Commercial) / Bowling Alley  
West: C-R (Regional Retail Commercial) / Retail Commercial

Environmental Review Categorical Exemption No. 2017-42  
Special Districts: N/A  
Site Plan Review N/A

### **RELATED PROJECTS**

Variance No. 2017-09 is a similar request proposed at a separate Dd's Discounts store located at 1925 N. Dinuba Boulevard. The variance is also being considered on the Planning Commission agenda of July 24, 2017. The business at this location is a smaller store with 22,000 square feet of floor area and 130 square feet of existing signage, and is requesting 36 square feet of additional signage to describe the variety of goods sold at the store.

Variance No. 2016-07 was approved by the Planning Commission on September 26, 2016, for signage on the Smart & Final Extra store located next door to the north, at 3424 S. Mooney Boulevard. The nature of the variance request was similar to the proposed variance in that the business was requesting wall signage for the store name and secondary signs describing the variety of goods sold at the store (i.e. produce, meat) in excess of the maximum allowed 150 square feet, for a total of 224 square feet of wall signage on the primary frontage.

The Planning Commission has also previously considered and taken action on several sign variances pertaining to sites along Mooney Boulevard. These actions are summarized in the Project Evaluation section below. Since 2000, there have been eight entitlements approved and one entitlement denied for wall sign area above City standards (see analysis below).

## **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**

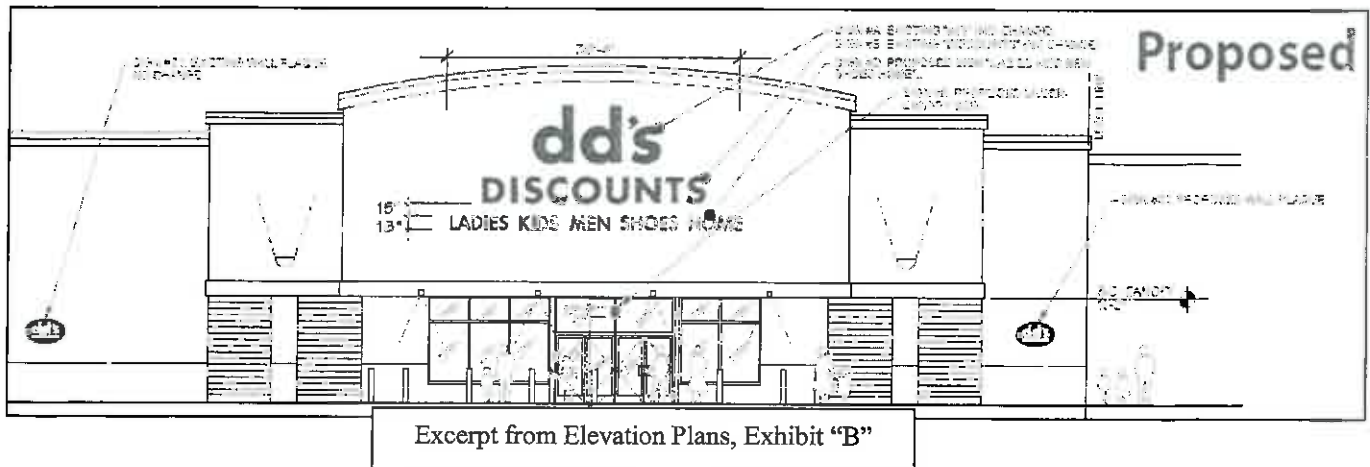
The shopping center at the northeast corner of Mooney Boulevard and Caldwell Avenue has no established sign program and signage within the center must comply with Zoning Ordinance standards. In 2005, when the shopping center was remodeled and split into four separate tenants, Variance No. 2005-16 allowed for two monument / freestanding signs (one for each major street frontage) that advertise the center's anchor tenants. The Smart & Final Extra store within the shopping center has also been the subject of a variance to wall signage (see Related Projects).

### **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 applicant is also proposing 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 that other similar variances to building signage have since been approved along Mooney Boulevard.

Staff finds that the proposed 203 square feet of wall signage – broken down into 150 square feet of primary signage and 53 square feet of secondary signage – would not be inconsistent with signs found on other properties in the C-R zoning designation. Elsewhere in the zone there are larger-sized buildings with primary and secondary signage on the front façade (Mor Furniture, Ashley Furniture, and Smart & Final Extra) that have received a variance for the cumulative signage on the front façade (see analysis below). Other stores such as Home Goods have received approval for a modest increase in their sign area based on facing similar obstacles of distance, tree canopy, and out building placement.

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 Mooney Boulevard. Staff has viewed the property and found that the storefront is in fact visible only from a narrow view at the drive approach, and is otherwise obscured by buildings and parking lot trees.

### **Comparison of other wall sign variances**

Over the past several years, a number of stores along Mooney Boulevard have been approved for more than the maximum allowed 150 square foot sign copy. The following table provides a history of recent wall sign variances and specific plan approvals along Mooney Boulevard.



|  | Dd's Discount  | Sports-man's Warehouse | Smart & Final Extra | Home Goods  | Dick's Sporting Goods | Mor             | Ashley           | CostCo      | JoAnn's                            | Target        |
|--|----------------|------------------------|---------------------|-------------|-----------------------|-----------------|------------------|-------------|------------------------------------|---------------|
| <b>Entitlement</b>                                       | VAR 2017-08    | VAR 2017-06            | VAR 2016-07         | VAR 2015-04 | VAR 2011-10           | VAR 2014-04     | VAR 2014-02      | SPA 2007-11 | VAR 2005-16                        | Specific Plan |
| <b>Overall Sign Area (sq. ft.) (Primary + Secondary)</b> | 203 (150+45+7) | 234                    | 224 (169+20+35)     | 163         | 281                   | 198 (123+45+30) | 187.5 (150+37.5) | 252         | Granted = 150<br>Proposed = 215+60 | 217           |
| <b>Distance from St. (ft.)</b>                           | 495            | 96                     | 495                 | 415         | 395                   | 140             | 750              | 430         | 495                                | 800           |
| <b>Building size (sq. ft.)</b>                           | 28,000         | 32,395                 | 35,000              | 20,000      | 48,100                | 40,000          | 42,507           | 152,595     | 35,000                             | 147,109       |
| <b>Building Occupancy Frontage(ft.)</b>                  | 125            | 200                    | 154                 | 127         | 260                   | 163             | 200              | 470         | 155                                | 400           |
| <b>Ratio: Sign Area to Frontage</b>                      | 1.62           | 1.17                   | 1.45                | 1.28        | 1.08                  | 1.21            | 0.94             | 0.54        | 0.97                               | 0.54          |

All entitlements, with the exception of the Home Goods store, have been granted to stores having larger building size and, in some cases, larger frontage and greater distance from the street than the Dd's Discounts store. Although the Dd's Discounts store is a smaller building size by comparison, the requested sign area would appear to be a slightly larger but generally the same scale (sign area to frontage) with that of other occupancies, particularly Smart & Final Extra.

### **Planning Commission Variance Findings**

Variations 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 both Mooney St and Caldwell St. 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 Dd's Discounts logomark and ability to communicate with customers.

Staff Analysis: The site has limited visibility from the primary street frontage that provides justification for a larger building primary sign with secondary signage for Dd's Discounts. The hardship is overcome by the larger wall signs 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;**

Applicant Findings: The applicant's business is the anchor 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.

**Staff Analysis:** The deep setback of the major storefront and the existing buildings along Mooney Boulevard that obscure the major tenant stores represent an exceptional circumstance to the intended use of the property. In addition, other sign variance requests approved by the Planning Commission have also included findings pertaining to the need for more secondary signage on the building. Variance requests for Mor and Ashley Furniture stores included these findings for distinguishing separate entrances on the store, and Smart & Final Extra included the finding for the need to advertise the range of products offered.

**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; *Cralk v. County of Santa Cruz* (2000) 81 Cal.App.4th 380, 390.

**Staff Analysis:** 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.

In addition, other properties within the Regional Retail Commercial zone along Mooney Boulevard have been granted variances to building signage for the same reasons of site visibility which occur as a result of obscured visibility and exceptionally large setbacks.

**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. These photos and accompanying photo key demonstrate the surprisingly limited visibility to drivers from both major streets. 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.

**Staff Analysis:** 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, including buildings that have been granted variances to wall signage. 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").

Although instances of buildings with approved sign variances have involved properties with greater building size and occupancy frontage than the Dd's Discounts store, the proposed sign size is relatively proportional to the signs and the respective building sizes and occupancy frontages of past approvals.

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.

Staff Analysis: 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 Categorical 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. 2017-038).

## **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:

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 a larger building primary sign with secondary signage for Dd's Discounts. The hardship is overcome by the larger wall signs 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 to the other properties classified in the same zone.

*The deep setback of the major storefront and the existing buildings along Mooney Boulevard that obscure the major tenant stores represent an exceptional circumstance to the intended use of the property. In addition, other sign variance requests approved by the Planning Commission have also included findings pertaining to the need for more*

*secondary signage on the building. Variance requests for Mor and Ashley Furniture stores included these findings for distinguishing separate entrances on the store, and Smart & Final Extra included the finding for the need to advertise the range of products offered.*

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.*

*In addition, other properties within the Regional Retail Commercial zone along Mooney Boulevard have been granted variances to building signage for the same reasons of site visibility which occur as a result of obscured visibility and exceptionally large setbacks.*

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 building facade, including those that have been granted variances to wall signage.*

*Although instances of buildings with approved sign variances have involved properties with greater building size and occupancy frontage than the Dd's Discounts store, the proposed sign size is relatively proportional to the signs and the respective building sizes and occupancy frontages of past approvals.*

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. 2017-38).

## **RECOMMENDED CONDITIONS OF APPROVAL**

1. That the allowed signage under Variance No. 2017-08 shall be as follows:
  - A maximum amount of 203 square feet of wall sign copy is allowed on the west elevation of the Dd's Discounts site identified in Exhibit "A", wherein the existing wall

signage is 150 square feet and the additional secondary signage is allotted 53 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.
5. 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. 2017-08, 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](http://www.visalia.city) or from the City Clerk.

#### **Attachments:**

- Summary of Related Plans & Policies
- Resolution No. 2017-38
- 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

### 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**

|   | <i>Commercial Zones</i>                                | <i>Office Zones</i>                                    | <i>Industrial Zones</i>                               | <i>Quasi-Public Zones</i>                               |
|---|--|--|---|---|
| Total Sign Area Allowed*  | 2 sq. ft. x ln. ft. of frontage<br>Maximum 150 sq. ft. | 1 sq. ft x 2 ln. ft. of frontage<br>Maximum 30 sq. ft. | 1 sq. ft x ln. ft. of frontage<br>Maximum 100 sq. ft. | 0.5 sq. ft x ln. ft. of frontage<br>Maximum 100 sq. ft. |
| * Total Sign Area is based on an allowance in square feet per lineal foot (ln. ft.) of street frontage. |  |  |   |   |
| (1): 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. **Variations.** 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. 2017-38

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING 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)

**WHEREAS**, Variance No. 2017-08 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 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); 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. 2017-08, 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 a larger building primary sign with secondary signage for Dd's Discounts. The hardship is overcome by the larger wall signs 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 to the other properties classified in the same zone.

*The deep setback of the major storefront and the existing buildings along Mooney Boulevard that obscure the major tenant stores represent an exceptional circumstance to the intended use of the property. In addition, other sign variance requests approved by the Planning Commission have also included findings pertaining to the need for more secondary signage on the building. Variance requests for Mor and Ashley Furniture stores included these findings for distinguishing separate entrances on the store, and Smart & Final Extra included the finding for the need to advertise the range of products offered.*

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.*

*In addition, other properties within the Regional Retail Commercial zone along Mooney Boulevard have been granted variances to building signage for the same reasons of site visibility which occur as a result of obscured visibility and exceptionally large setbacks.*

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 building facade, including those that have been granted variances to wall signage.*

*Although instances of buildings with approved sign variances have involved properties with greater building size and occupancy frontage than the Dd's Discounts store, the proposed sign size is relatively proportional to the signs and the respective building sizes and occupancy frontages of past approvals.*

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 Categorical Exempt under Section 15305 of the Guidelines for Implementation of CEQA (Categorical Exemption No. 2017-38).

**BE IT FURTHER RESOLVED** that the Planning Commission hereby approves Variance No. 2017-08, 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. 2017-08 shall be as follows:
  - A maximum amount of 203 square feet of wall sign copy is allowed on the west elevation of the Dd's Discounts site identified in Exhibit "A", wherein the existing wall signage is 150 square feet and the additional secondary signage is allotted 53 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.
5. 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. 2017-08, prior to the issuance of any sign permits for this project.

# Site Plan

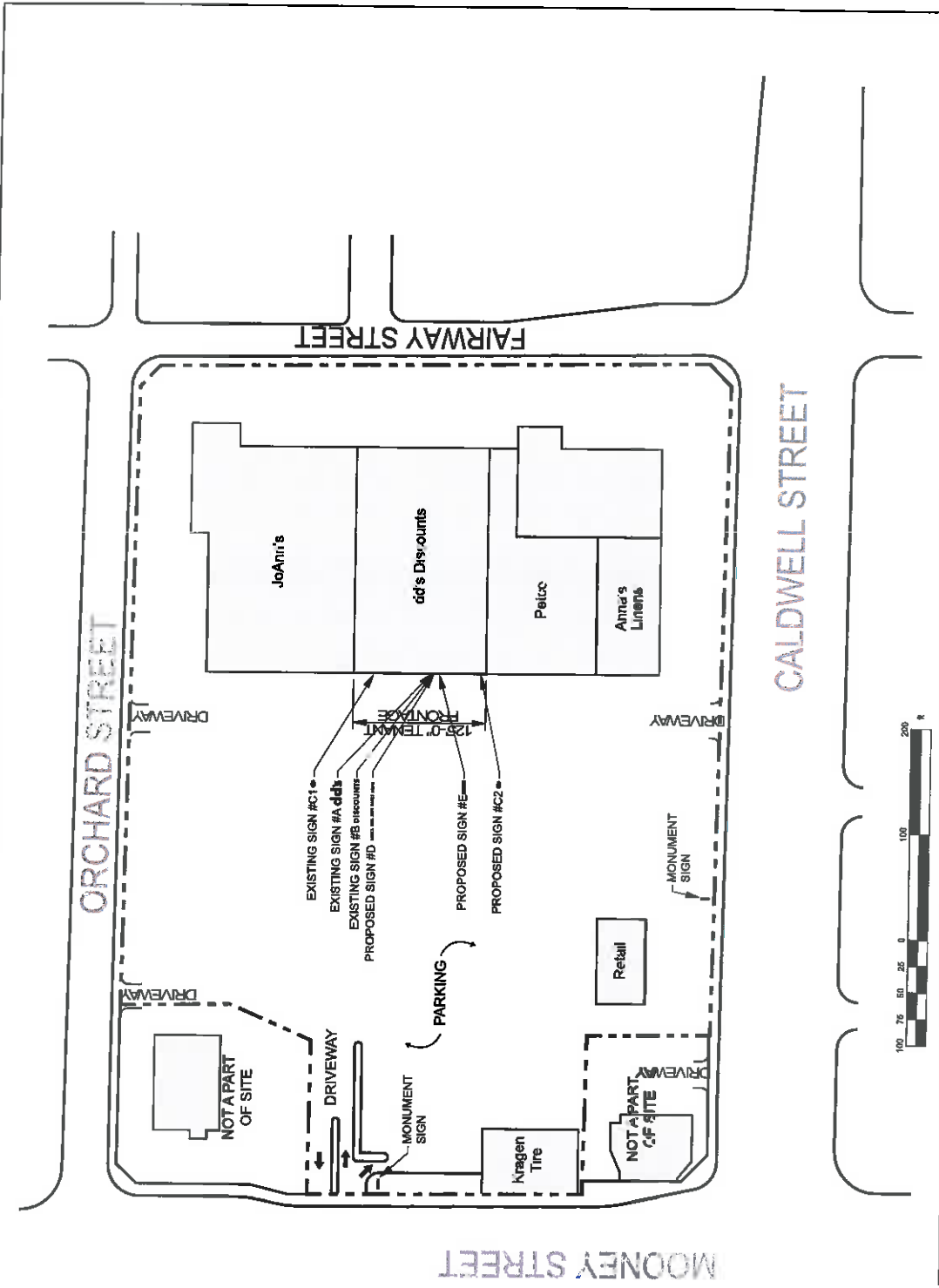


Exhibit "A"



Ⓐ SITE PLAN  
SCALE 1" = 100'

**bma**  
1057 Colma Ave.  
P.O. Box 4153  
Alhambra, CA 91704-0153  
810824-0998 fax 626-4092  
www.billmoore.com



**bill moore & associates**

**dds' discounts**  
3434 S Mooney Blvd, Visalia, CA 93277  
Variance request for additional wall sign area

Store #5034

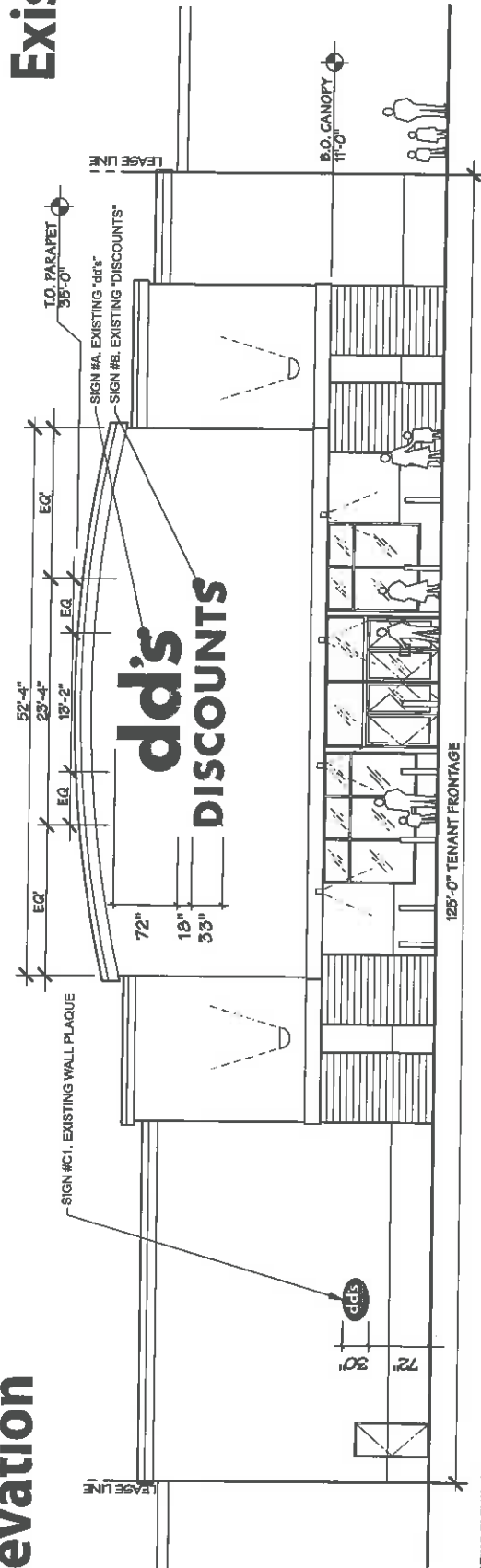
## Site Plan

drawn  
updated  
updated

03/17/17  
04/05/17  
06/28/17

SHEET  
**A2**

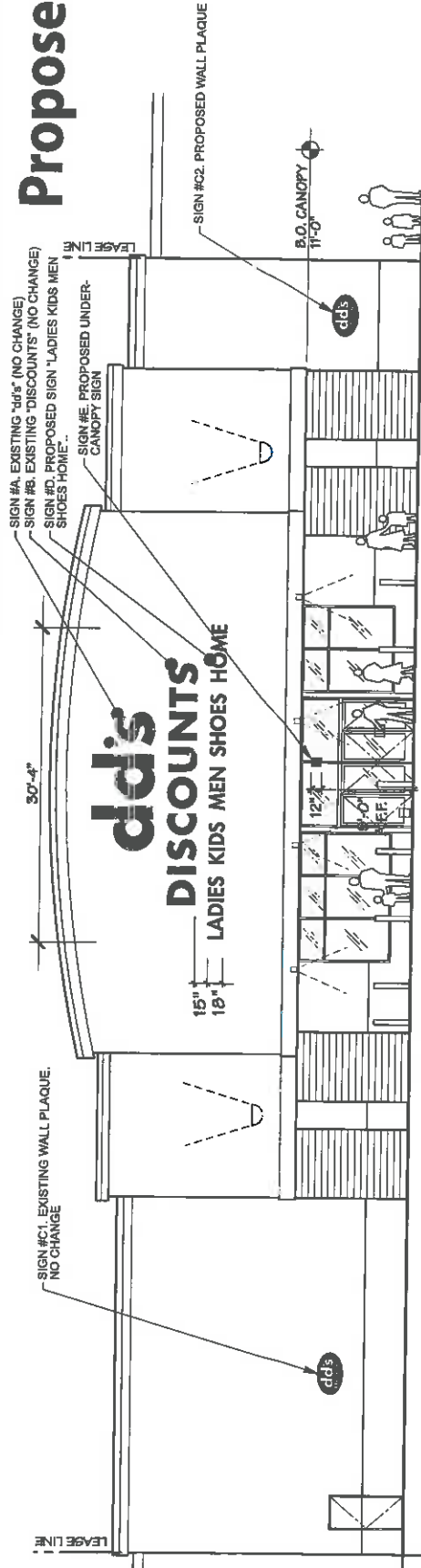
# Elevation



(A) EXISTING ELEVATION  
SCALE 3/32" = 1'

# Existing

# Proposed



(B) PROPOSED ELEVATION  
SCALE 3/32" = 1'

Exhibit "B"

|   |                                    |   |  |  |                            |
|---|------------------------------------|---|--|--|----------------------------|
| <p>1057's starko ave.<br/>p.o. box 6153<br/>folsom, ca 94704-0153<br/>#1088-4688 fax 628-6092<br/>www.billmoore.com</p> | <p>bill moore &amp; associates</p> | <p>MEMBER<br/>ASA<br/>Architectural Signage Association</p> | <p>Store #504<br/><b>dd's DISCOUNTS</b><br/>3434 S Mooney Blvd, Visalia, CA 93277<br/>Variance request for additional wall sign area</p> | <p>drawn updated<br/>03/17/17<br/>06/28/17</p> | <p>SHEET<br/><b>A3</b></p> |
|---|------------------------------------|---|--|--|----------------------------|

# Before / After Photo-Composite



Existing

(A) EXISTING ELEVATION  
SCALE 3/32" = 1'



Proposed

(B) PROPOSED ELEVATION  
SCALE 3/32" = 1'

Exhibit "C"

**bma**  
bill moore & associates

1087 colono ave.  
p.o. box 618 • 70706-0115  
visalia, ca 93276-0115  
819-262-6266 fax: 826-6092  
www.billmoore.com

STATE OF CALIFORNIA  
COUNTY OF VISALIA  
COMMUNITY DEVELOPMENT DEPARTMENT

Store #9034  
**dds' DISCOUNTS**  
3434 S Mooney Blvd, Visalia, CA 93277  
Variance request for additional wall sign area

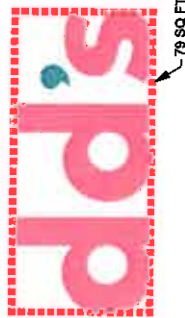
Before/After  
Photo-Composite

drawn  
updated  
03/17/17  
06/28/17



# Sign Areas & Details

EXISTING SIGN AREA, SIGN A



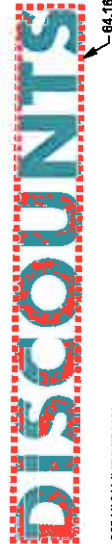
72" HIGH INDIVIDUAL "DD'S" PAN CHANNEL LETTER-LOK LOGO LETTERS.  
 FACES: TUF-GLAS SG 21248-E1 PURPLE (TEAL 21248-E1 APOSTROPHE)  
 RETURNS: 8"D ALUM. W/ WHITE FINISH  
 TRIM CAP: 1" WHITE JEWELITE  
 LED: PRINCIPAL 8000K COOL WHITE  
 MOUNTING: 1/4"-20 GALV. THRU-BOLTS  
 PEG OFF: 1/2" SPACERS

PROPOSED SIGN AREA, SIGN D



18" HIGH INDIVIDUAL DEPARTMENT NAME  
 CHANNEL LOGO LETTERS.  
 FACE: TRANSLUCENT 80 WHITE SOLAR  
 GRADE ACRYLIC WITH 3M 3630-118  
 INTENSE MAGENTA VINYL OVERLAY  
 RETURNS: 5"D ALUM. W/ WHITE FINISH  
 TRIM CAP: 1" WHITE JEWELITE  
 LETTER BACKS: ALUMINUM  
 LED: PRINCIPAL 8000K COOL WHITE  
 MOUNTING: 1/4"-20 GALV. THRU-BOLTS  
 PEG OFF: 1/2" SPACERS

EXISTING SIGN AREA, SIGN B



33" HIGH INDIVIDUAL "DISCOUNTS" LOGO LETTERS:  
 ALL CALLOUTS SAME AS "DD'S" EXCEPT:  
 FACES: TUF-GLAS SG 21248-E1 TEAL  
 RETURNS: 8"D ALUM. W/ WHITE FINISH  
 TRIM CAP: 1" WHITE JEWELITE  
 LED: PRINCIPAL 8000K COOL WHITE  
 MOUNTING: 1/4"-20 GALV. THRU-BOLTS  
 PEG OFF: 1/2" SPACERS

EXISTING SIGN AREA, SIGN C1 & PROPOSED SIGN C2



18" X 66" W X 3/4" DEEP SINTRA DD'S LOGO  
 WALL PLAQUES.

PROPOSED SIGN AREA, SIGN E



12" HIGH X 48" WIDE X 10" DEEP DOUBLE-FACED UNDER-CANOPY SIGN  
 CABINET:  
 ALUMINUM SKIN OVER ANGLE FRAME. FOG INTERIOR, WHITE,  
 PRIME AND PAINT OUTSIDE SURFACES. MATTHEWS ACRYLIC  
 POLYURETHANE (M.A.P.) TO MATCH INTENSE MAGENTA  
 RETAINERS:  
 3/4" ALUMINUM PAINTED TO MATCH CABINET  
 FACES:  
 0.177 (3/16") 7328 WHITE ACRYLIC WITH 6.1/24" HIGH WHITE DD'S  
 COPY AND 3.1/8" HIGH WHITE "DISCOUNTS" COPY REVERSED CUT  
 OF 3M 3630-118 INTENSE MAGENTA TRANSLUCENT VINYL OVERLAY  
 LIGHTING:  
 TWO (2) F42-T12-DHO LAMPS

1057 solano ave.  
 p.o. box 6153  
 daly city, ca 94705-0153  
 818-628-6816 fax 818-628-6892  
 www.billmoore.com

MEMBER  
  
 bill moore & associates

Store #5034  
**dd's**  
 DISCOUNTS  
 3434 S Mooney Blvd, Visalia, CA 93277  
 Variance request for additional wall sign area

Exhibit "D"

June 28, 2017

### Variance for signage

Address:  
**3434 S Mooney Blvd  
Visalia, CA 93277**

Zone: CR  
APN: 122290029  
Legal: Parcel 2 Parcel Map No 4785 Pm 48-90

Tenant Sq Ft: 28,000

Property owner:  
Jmwhp Visalia Llc  
1326 Chorro St, San Luis Obispo, CA 93401

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

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

### Neighboring Zones



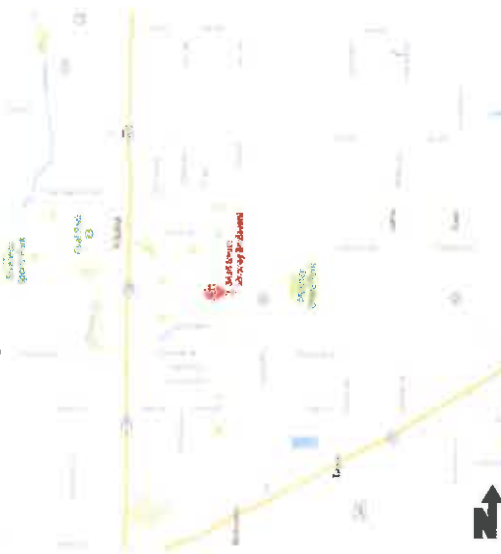
All adjacent & abutting zones are Regional Retail Commercial

### Sign Inventory

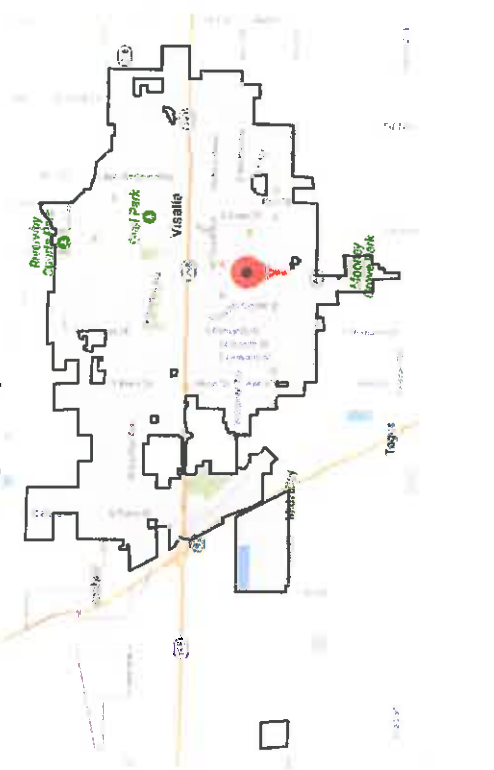
| Existing Signs (All to remain) |                   |                 |             |
|--------------------------------|-------------------|-----------------|-------------|
| Sign #                         | Sign type         | Area            | Size        |
| A                              | Wall sign         | 6'-0" x 13'-2"  | 79 sq ft    |
| B                              | Wall sign         | 2'-9" x 23'-4"  | 64.16 sq ft |
| C1                             | Wall plaque       | 1'-4" x 5'-6"   | 7.33 sq ft  |
| Proposed Signs                 |                   |                 |             |
| Sign #                         | Sign type         | Area            | Size        |
| C2                             | Wall plaque       | 1'-4" x 5'-6"   | 7.33 sq ft  |
| D                              | Wall sign         | 2'-22" x 33'-1" | 45.5 sq ft  |
| E                              | Under-canopy sign | 1'-0" x 4'-0"   | 4 sq ft     |

Total sign area before: 150.49 sq ft  
Total sign area after: 207.32 sq ft

### Vicinity Map



### City Wide Vicinity Map



Contents

1. After Photo-Composite  
2. Plans and Details

Exhibit "E"

**bma**  
bill moore & associates

1057 edwards ave.  
p.o. box 6155  
visalia, ca 93276-0155  
#18234-0298 fax 526-0092  
www.billmoore.com

MEMBER  
**CSA**  
California Sign Association

Store #6034

**ddd's**  
discounts

3434 S Mooney Blvd, Visalia, CA 93277  
Variance request for additional wall sign area

drawn  
updated  
updated

03/17/17  
04/05/17  
06/28/17

SHEET  
**A1**

May 11, 2017

Variance Findings

Regarding address:

3434 S Mooney Blvd, Visalia, CA 93277

APN: 122290029

Property owner:

Jmwhp Visalia LLC, 1326 Chorro St, San Luis Obispo, CA 93401

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

*1. 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 both Mooney St and Caldwell St. 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 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 the anchor 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

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 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.

*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. 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.

*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 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.

# Photo Key

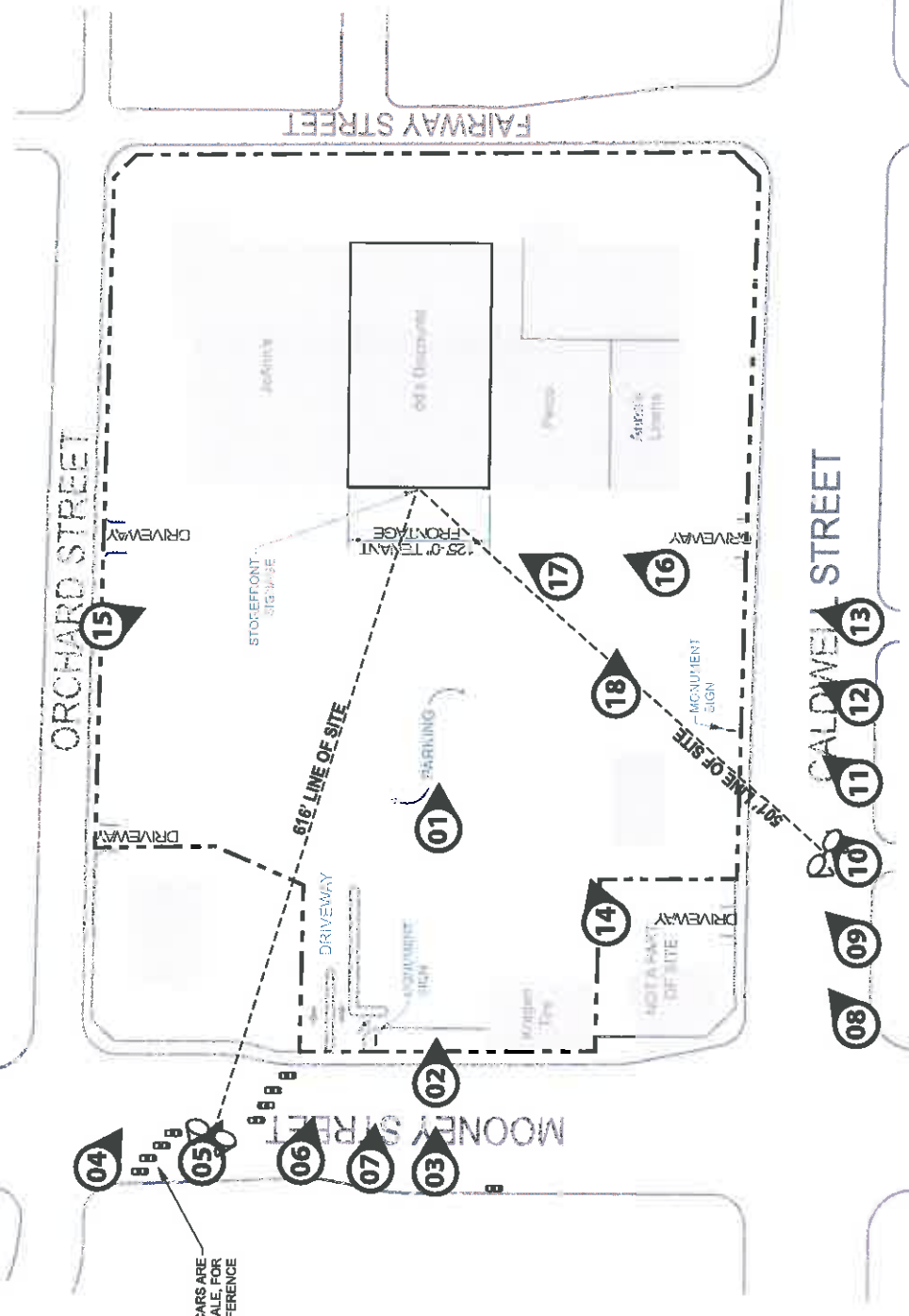


EXHIBIT G

**bma**  
bill moore & associates

10875 Oldham Ave.  
P.O. Box 4155  
Visalia, CA 93204-0155  
510.234.0994 fax 510.234.0992  
www.billmoore.com



**ddd's DISCOUNTS**  
Store #0004  
3434 S Mooney Blvd, Visalia, CA 93277  
Variance request for additional wall sign area

**Photo Key**

drawn 05/17/17  
updated 04/10/17



01

02

03

**bma**  
 10571 Xiang Ave.  
 Bldg. 100  
 San Jose, CA 95128  
 (408) 261-0183  
 (408) 261-0284 fax (408) 261-4072  
 www.billmoore.com



**dds discounts**  
 3434 S Mooney Blvd, Visalia, CA 93277  
 Variance request for additional wall sign area

Score #8204

drawn  
 updated

03/17/17  
 04/10/17

SHEET  
**A7**





04



05



06



07



08



09



10



11



12



13

**bma**  
bill moore & associates

1057 Camino One,  
P.O. Box 100,  
Industry, CA 91704-0153  
916-234-0284 fax 916-440-2  
www.billmoore.com

**dd's DISCOUNTS**  
3434 S Mooney Blvd, Visalia, CA 93277  
Store #6034  
Variance request for additional wall sign area

**Photos 2**

drawn  
updated  
03/17/17  
04/10/17





14



17



16



15



20



19



18

drawn  
updated  
03/17/17  
04/10/17

**Photos 3**

Store #034  
**dd's DISCOUNTS**  
3434 S Mooney Blvd, Visalia, CA 93277  
Variance request for additional wall sign area



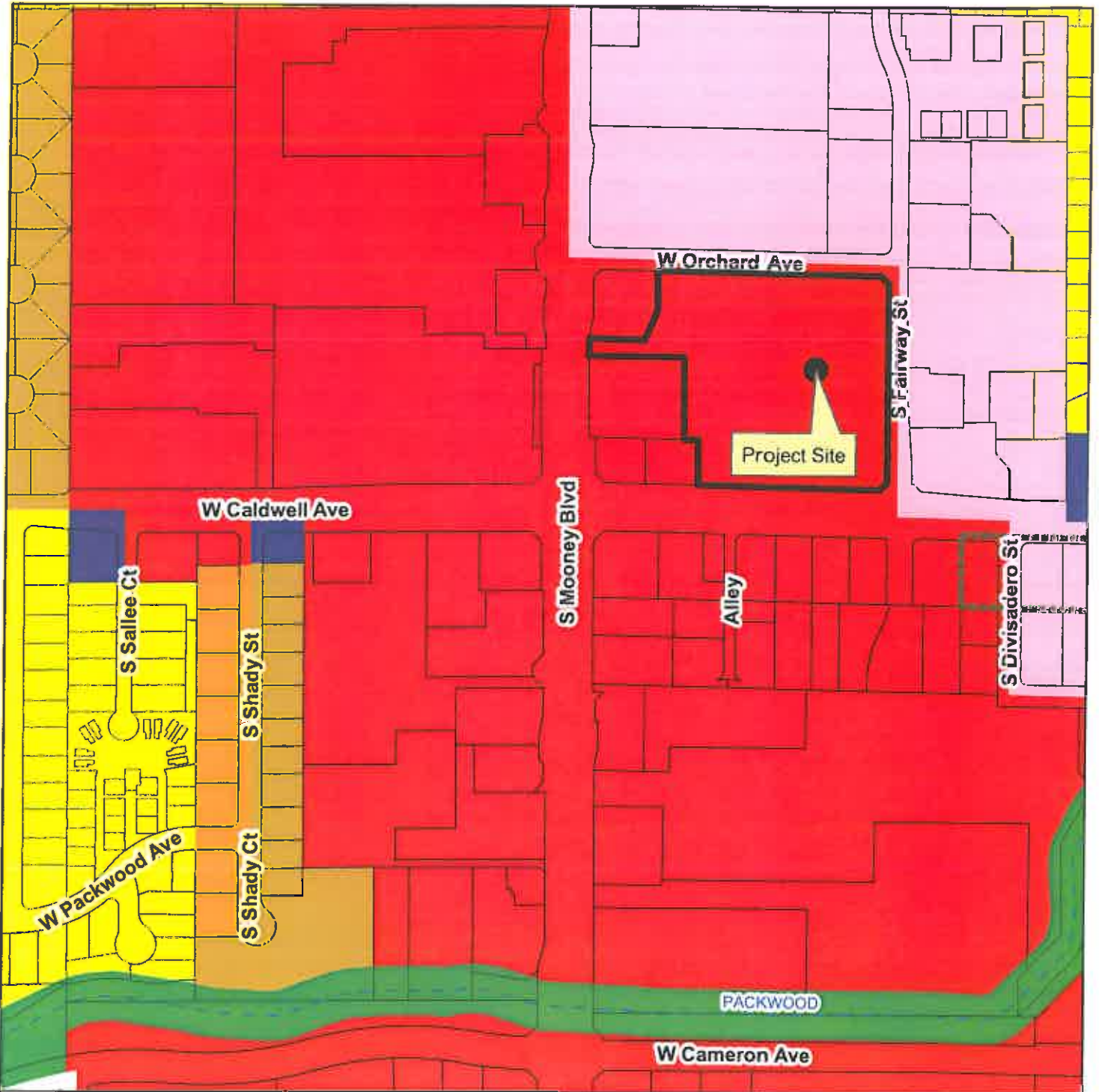
1037 Solano Ave.  
P.O. Box 6153  
Visalia, CA 93276-0153  
651-858-0026 fax 651-826-6092  
www.bm.com



**bill moore & associates**

## Variance No. 2017-08

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)



## General Plan Land Use Map



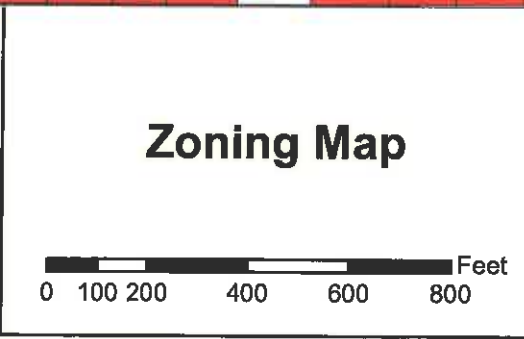
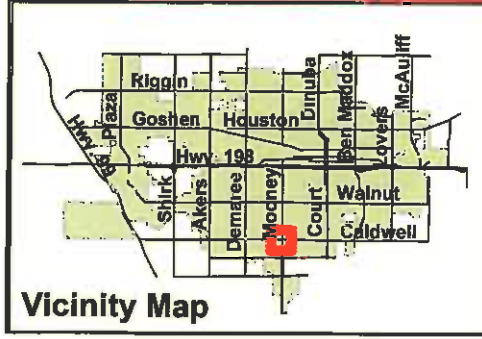
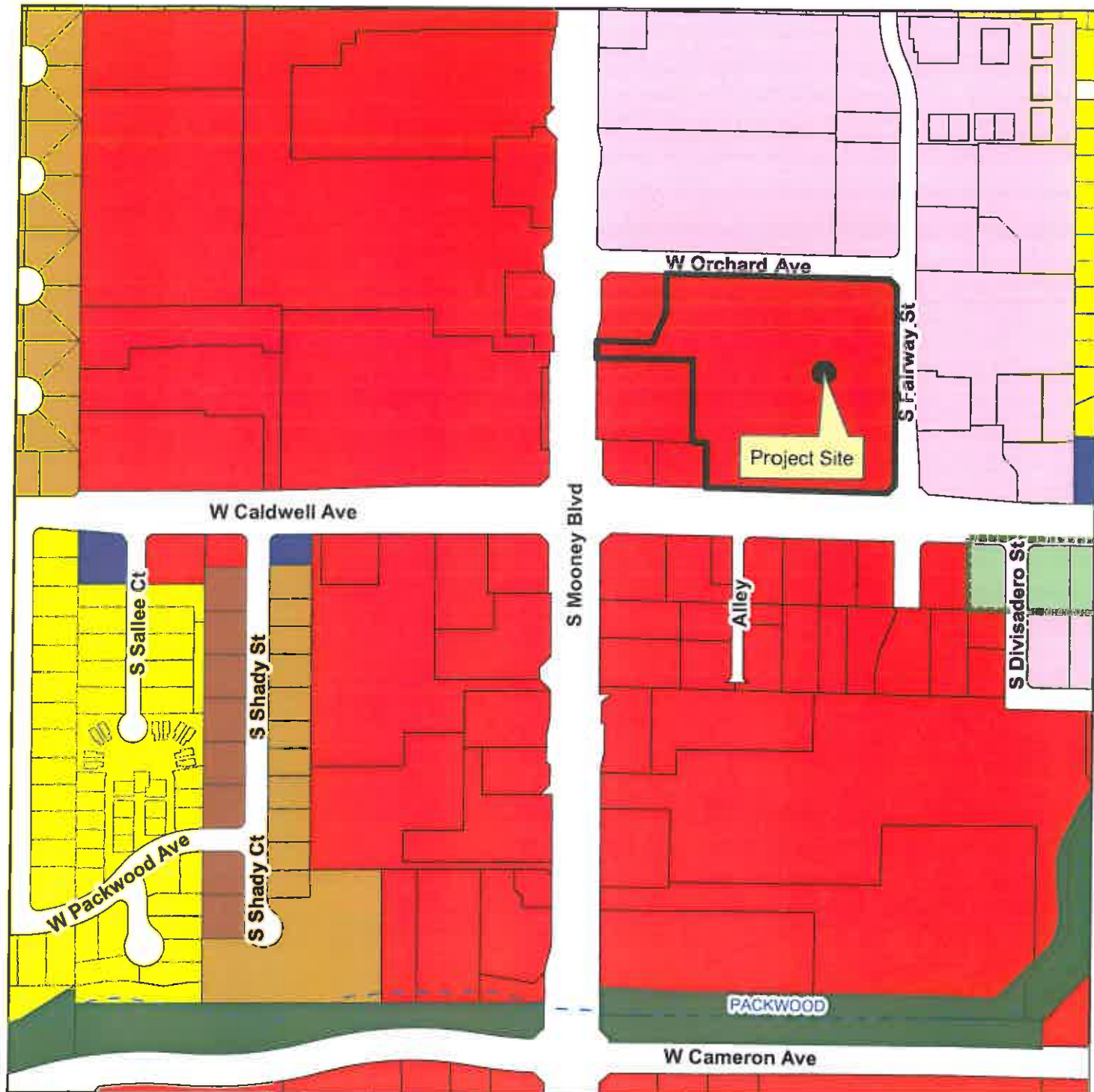
- Conservation
- Commercial Mixed Use
- Commercial Regional
- Office
- Residential High Density
- Residential Low Density
- Residential Medium Density





## Variance No. 2017-08

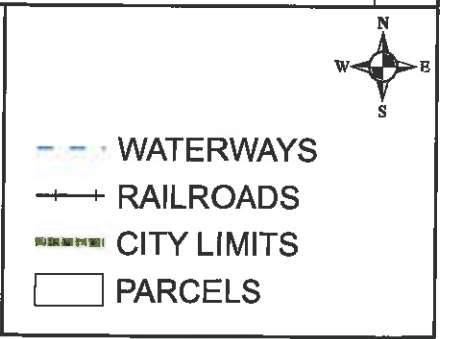
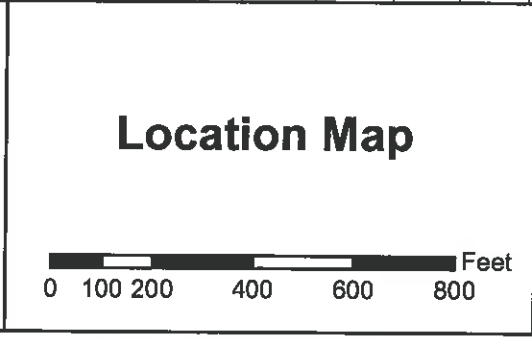
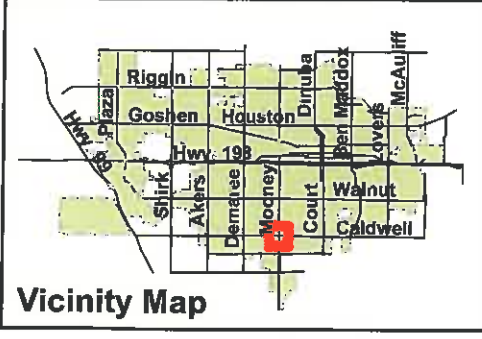
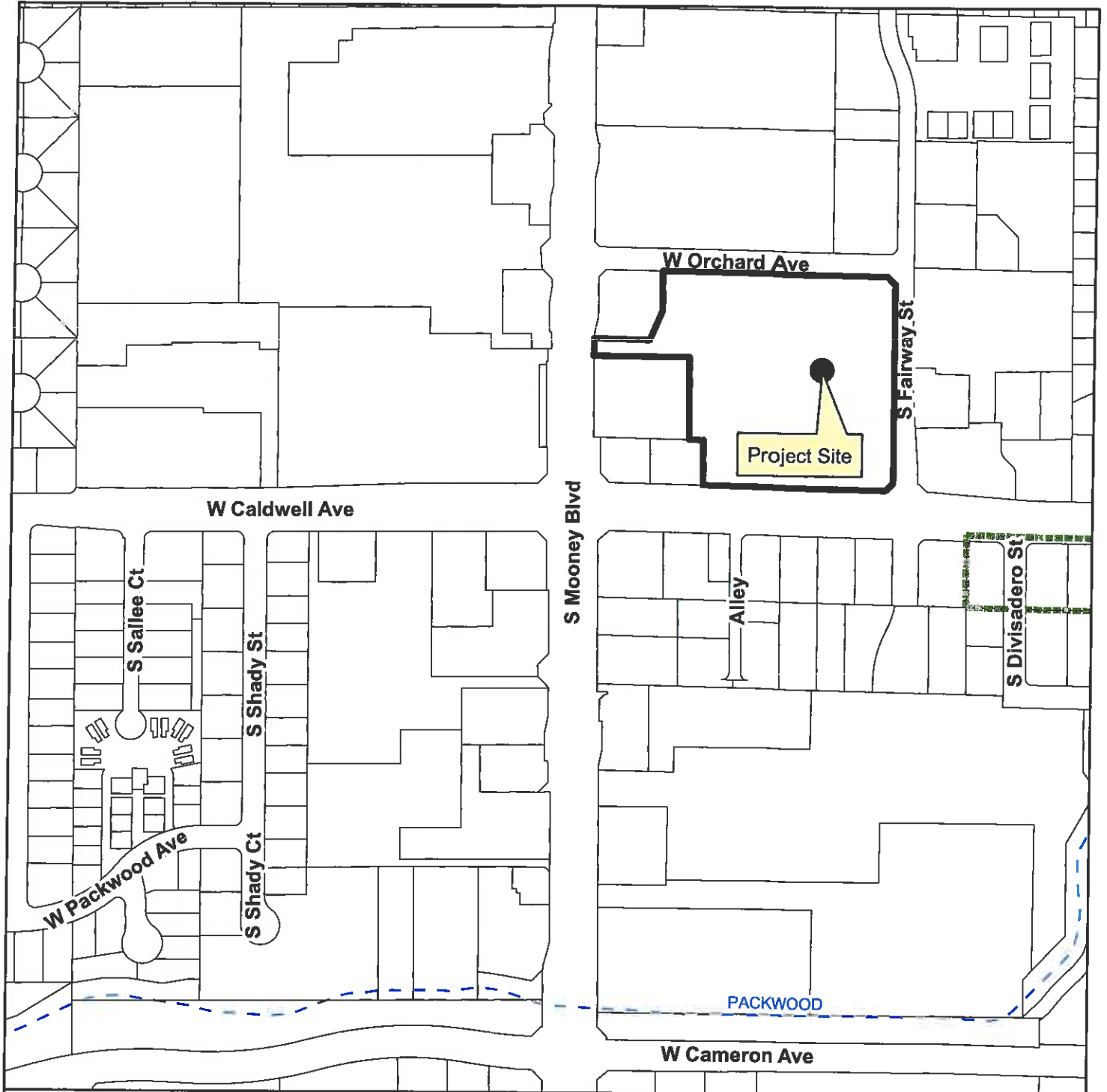
The site is located at 3434 S. Mooney Boulevard, on the east side of Mooney Boulevard between Orchard and Caldwell Avenues. (APN: 122-290-029)



- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: red; border: 1px solid black; margin-right: 5px;"></span> C-R Regional Commercial</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: pink; border: 1px solid black; margin-right: 5px;"></span> C-MU Mixed Use Commercial</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: blue; border: 1px solid black; margin-right: 5px;"></span> O-PA Prof. / Admin. Office</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: green; border: 1px solid black; margin-right: 5px;"></span> QP Quasi-Public</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: yellow; border: 1px solid black; margin-right: 5px;"></span> R-1-5 Single-Family Residential</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: brown; border: 1px solid black; margin-right: 5px;"></span> R-M-2 Multi-Family Residential</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: orange; border: 1px solid black; margin-right: 5px;"></span> R-M-3 Multi-Family Residential</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: lightgreen; border: 1px solid black; margin-right: 5px;"></span> County Areas</li> </ul> |  |
|---|--|

# Variance No. 2017-08

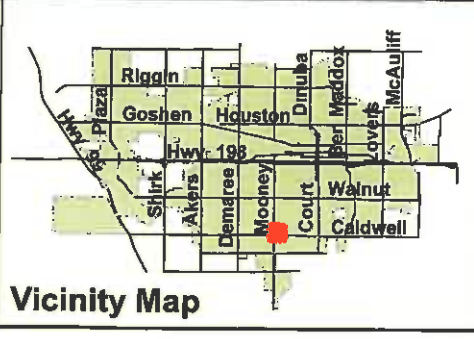
The site is located at 3434 S. Mooney Boulevard, on the east side of Mooney Boulevard between Orchard and Caldwell Avenues. (APN: 122-290-029)





# Variance No. 2017-08

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)



## Aerial Photo

Photo Taken March 2016

