

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Liz Wynn



VICE CHAIRPERSON:

Chris Gomez

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

MONDAY, FEBRUARY 10, 2020 AT 7:00 P.M., 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 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. CONTINUED PUBLIC HEARING – Branson Smith
Continued Public Hearing: Conditional Use Permit No. 2019-45: A request by Advanced Career Institute to allow improvements to an existing developed one-acre parcel to facilitate the use of a trade school in the 'I' (Industrial) zone. The project site is located at 1728 N. Kelsey Street, on the east side of Kelsey Street 175 feet north of Elwin Court. (APN: 077-150-022) The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2019-84
6. PUBLIC HEARING – Cristobal Carrillo
Variance No. 2019-10: A request by Matt Ainley requesting a variance to signage standards, allowing 85 sq. ft. of wall signage at The Darling Hotel, within the D-MU (Mixed Use Downtown) Zone. The project site is located at 210 N. Court Street. (APN: 094-287-001)
The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2020-01
7. PUBLIC HEARING – Paul Scheibel
 - Tentative Parcel Map No. 2019-07: A request to subdivide a 3.09-acre parcel into four lots within an existing office center parking area in the C-MU (Commercial Mixed Use) Zone District. The site is located on the west side of Akers Street, approximately 170 feet south of Cypress Avenue (APN: 087-460-007). The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Categorical Exemption No. 2020-06

- Conditional Use Permit No. 2019-22: A Master Conditional Use Permit to develop a 3.09-acre portion of an existing office development site with commercial uses on less than five acres, including the creation of lots that lack public street frontage. The proposed commercial development includes restaurant and retail space totaling 15,784 square feet, including three restaurants with drive-thru lanes. The project site is within the C-MU (Commercial Mixed Use) Zone District, located on the west side of Akers Street, approximately 170 feet south of Cypress Avenue (APN: 087-460-007). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Categorical Exemption No. 2020-06

8. DIRECTOR'S REPORT/ PLANNING COMMISSION DISCUSSION-

- Next Planning Commission Meeting February 24, 2020
- Update on Tier Boundary 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 Hearing Impaired – Call (559) 713-4900 (TTY) 48-hours in advance of the scheduled meeting time to request signing services.

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, FEBRUARY 20, 2020 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.

THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, FEBRUARY 24, 2020



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: February 10, 2020
PROJECT PLANNER: Cristobal Carrillo, Associate Planner
Phone: (559) 713-4443
cristobal.carrillo@visalia.city

SUBJECT: Variance No. 2019-10: A request by Matt Ainley requesting a variance to signage standards, allowing 85 sq. ft. of wall signage at The Darling Hotel, within the D-MU (Mixed Use Downtown) Zone. The project site is located at 210 N. Court Street. (APN: 094-287-001)

STAFF RECOMMENDATION

Staff recommends approval of Variance No. 2019-10, as conditioned, based on the findings and conditions in Resolution No. 2019-86. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan, and Zoning Ordinance.

RECOMMENDED MOTION

I move to approve Variance No. 2019-10, based on the findings and conditions in Resolution No. 2019-86.

PROJECT DESCRIPTION

The applicant is requesting approval of Variance No. 2019-10, a variance to wall signage standards in the Downtown Retail Overlay District (DROD) for the Darling Hotel, which was formerly the county courthouse building. This building is an historic structure built in 1938 and listed on the Local Register of Historic Structures as an "Exceptional" Art Deco building. The DROD requires design standards for certain areas within the Downtown core. One such standard is Section 17.48.120.A.1, which limits the total amount of sign area for wall and canopy signage within the DROD. The total permitted wall signage in the DROD is 50 sq. ft. The applicant is seeking wall signage in the amount of 85 sq. ft. for the entire building. The 85 sq. ft. is proposed to be divided among all four sides of the building.

The wall signage supports the ongoing conversion of the former courthouse building into a 34-room hotel. The applicant has submitted findings, shown in Exhibit "C", that cite the size of the building and the need for proportional signage as justifications for approval of the variance request.

The attached Exhibit "A" identifies wall signage on all four elevations of the building. The wall signage proposed for the Darling Hotel is a combination of signage located on two canopies just above the two hotel entrances on the east and west building elevations, and large signage lettering proposed on the north and south elevations. The Sign Ordinance (Section 17.48) identifies the signage proposed on both canopies as wall signage for the building.

Exhibit "B" indicates that all proposed signage will consist of backlit Art Deco lettering, colored black as an accent against the white painted exterior of the building. The two wall signs proposed on the north and south building facades will measure 37 sq. ft. in size, while each canopy sign will be approximately 5 ½ sq. ft. in size. Total signage proposed for the building is approximately 85 sq. ft. No other signage is proposed.

As the structure is listed on the Local Register, review of the wall signage by the Historic Preservation Advisory Committee (HPAC) is required. The HPAC reviewed the proposed wall signage request on August 28, 2019 and determined that the proposal was consistent with the

Historic Preservation Element and Ordinance, and that the signage design was in line with the Art Deco architecture of the structure. As a result, the HPAC recommended “Approval” of the proposal to the Planning Commission.

BACKGROUND INFORMATION

General Plan Land Use Designation: Downtown Mixed Use

Zoning: Downtown Mixed Use (D-MU)

Surrounding Zoning and Land Use: North: D-MU zone / Office, Parking
 South: D-MU zone / Office, Retail, Restaurant, Parking
 East: D-MU zone / Office, Retail, Restaurant, Parking
 West: D-MU zone / Office, Retail, Restaurant

Environmental Review: Categorical Exemption No. 2018-23

Special Districts: Downtown Retail Overlay District

Site Plan: N/A

RELATED PROJECTS

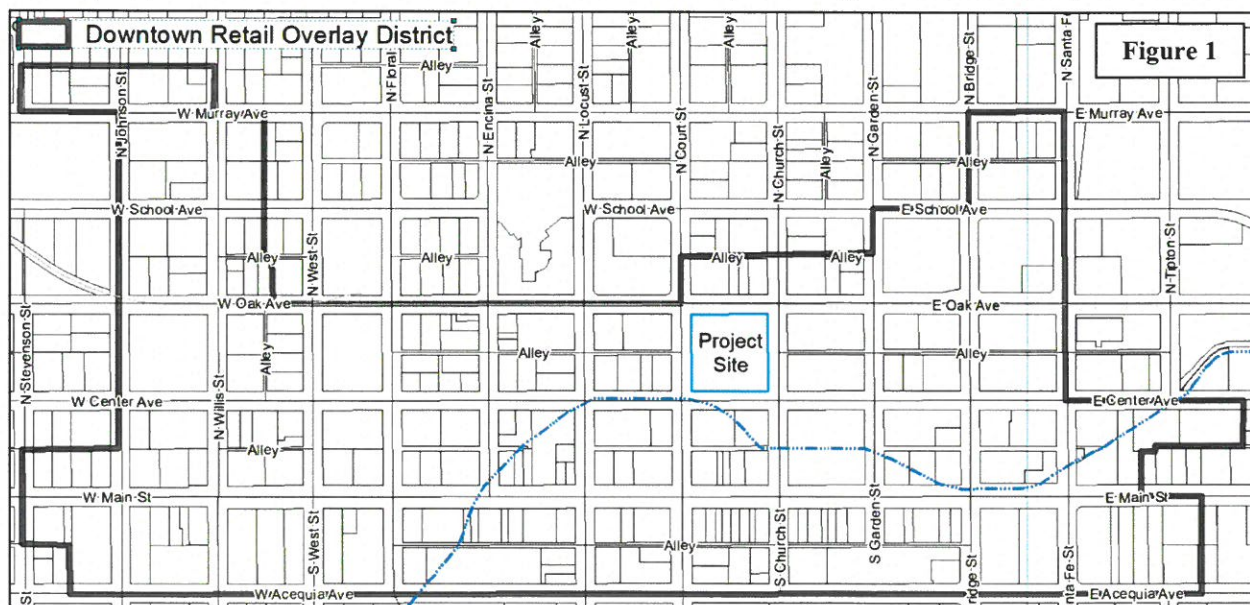
Conditional Use Permit No. 2018-10: A request by Courthouse Square Ventures, LLC to establish a 34-room hotel with rooftop lounge in an existing building in the D-MU (Downtown Mixed Use) zone, located at 210 N. Court Street. The proposal was approved by the Planning Commission on June 11, 2018.

Historic Preservation Advisory Committee Item No. 2019-09 - A request by Matt Ainley for wall signage and a Variance to wall signage design standards for the Darling Hotel building, an “Exceptional” Art Deco structure listed on the Local Register of Historic Structures, located at 210 N. Court Street. The Committee approved the request on August 28, 2019, approving the wall signage design as proposed, and forwarding a recommendation of approval for a variance to wall signage design standards to the Planning Commission.

PROJECT EVALUATION

Signage Standards

The project site is located in the D-MU (Mixed Use Commercial) zone. The D-MU zone is exclusively applied to areas within the Downtown core, providing for a wide array of residential,



office, and commercial uses. Within a smaller section of the Downtown core, the DROD comes into effect (see Figure 1). The DROD promotes the continued vitality of Downtown Visalia through specific development standards aimed at protecting and enhancing the character of buildings and physical environment.

For areas within the DROD, Section 17.48.120.A of the Visalia Sign Ordinance limits wall signage to no more than two sq. ft. per each lineal foot of occupancy frontage, up to 50 sq. ft. This limitation on wall signage also encompasses any signage placed on canopy or awning structures. To note, the maximum wall sign area allowed for commercially zoned sites outside of the DROD is 150 square feet.

Analysis of Signage



Figure 2.a – Wall Signage

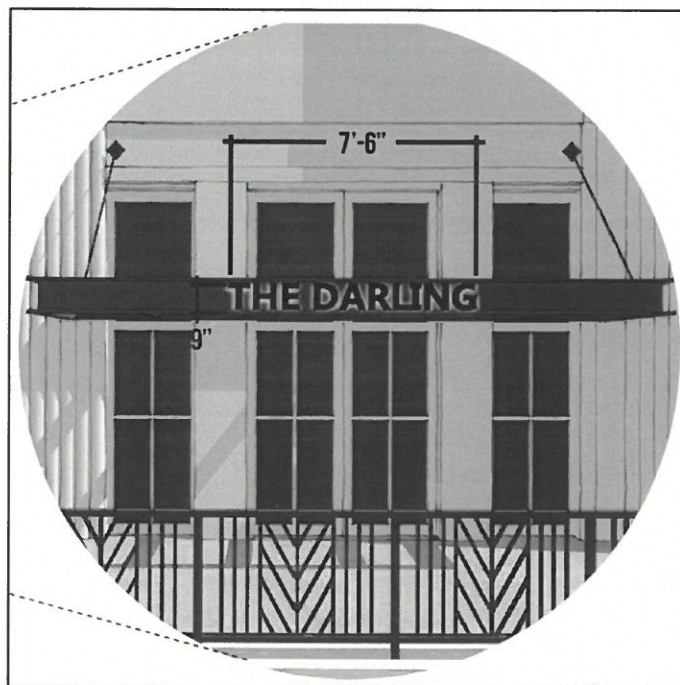


Figure 2.b – Canopy Signage

Staff recognizes that there are unique circumstances surrounding the subject site. The 1.6-acre property represents a larger than average parcel within the Downtown core. In addition, the five story building is also significant, making it one of the larger buildings within the downtown core area. If located outside of the DROD, the site would qualify for wall signage of up to 150 sq. ft. shared amongst all property frontages. As it stands, the proposed signage is comparable in size to signage on similar structures, specifically the Comfort Suites hotel located on the northeast corner of Acequia Avenue and Church Street, which is also within the DROD.

Based on the above, staff concludes that the circumstances applicable to the site warrant the additional wall signage for purposes of identity. In addition, the scale of the building supports the applicants request and findings.

Variance Findings

The applicant has addressed the five required variance findings through the justification provided in Exhibit "C" and 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's Finding: The enforcement of a maximum of 50 square feet of signage will not be able to produce the proper amount of exposure relative to The Darling Hotel.

Staff Analysis: Concur with applicant. The signage proposed is for a building and site that is significantly larger than other sites located within the D-MU zone and Downtown core. A practical difficulty is created in that the allotted sign area is not sufficient for the public to discern the name of hotel.

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's Finding: The proposed project parcel contains a much larger footprint than the typical business in the D-MU District, vertically and horizontally. The Darling Hotel has high visibility from the north, east, west, south, and can be seen above all surrounding businesses. The proposed signage is proportionate to the size of the building and is at an appropriate pedestrian scale.

Staff Analysis: Concur with applicant. There are exceptional circumstances in the size of the property and building relative to other sites in the Downtown core. DROD signage standards are designed with smaller Downtown buildings in mind.

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's Finding: Following the literal interpretation and enforcement of the specified regulation would deprive the applicant's project site of sufficient commercial exposure and identification.

Staff Analysis: Concur with applicant. Properties within the D-MU zone, but outside of the DROD, benefit from larger wall signage allowances of up to 150 sq. ft. The 50 sq. ft. wall signage maximum is appropriate for structures within the Downtown core, which are primarily smaller and contain minimal street frontage. At five stories, the Darling Hotel exceeds typical Downtown structure building heights in the immediate vicinity.

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's Finding: Granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone.

Staff Analysis: Concur with applicant. The granting of a variance to building signage will not constitute a grant of special privilege because of the unique circumstances involved for the subject property (size of the property and building). Sites of similar size outside of the DROD are able to take advantage of as much as 150 sq. ft. of wall signage area.

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's Finding: The proposed variance to allow signage proportionate to the size and location of the business at a pedestrian scale, will not be detrimental to the public health, safety, welfare or materially injurious to properties or improvements in the vicinity.

Staff Analysis: Concur with applicant. The granting of a variance for wall signage development standards is not considered detrimental to the public well-being. Placement of all proposed signage will require issuance of a Building Permit and passage of building inspections. Backlit lighting for signage will be obscured by other buildings and will not produce glare onto nearby residential areas.

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, which allows

for minor alterations to land use limitations, such as variances, that do not result in changes in land use or density. (Categorical Exemption No. 2020-01).

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 signage proposed is for a building and site that is significantly larger than other sites located within the D-MU zone and Downtown core. A practical difficulty is created in that the allotted sign area is not sufficient for the public to discern the name of hotel.

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.*

There are exceptional circumstances in the size of the property and building relative to other sites in the Downtown core. DROD signage standards are designed with smaller Downtown buildings in mind.

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.*

Properties within the D-MU zone, but outside of the DROD, benefit from larger wall signage allowances of up to 150 sq. ft. The 50 sq. ft. wall signage maximum is appropriate for structures within the Downtown core, which are primarily smaller and contain minimal street frontage. At five stories, the Darling Hotel exceeds typical Downtown structure building heights in the immediate vicinity.

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 will not constitute a grant of special privilege because of the unique circumstances involved for the subject property (size of the property and building). Sites of similar size outside of the DROD are able to take advantage of as much as 150 sq. ft. of wall signage area.

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 for wall signage development standards is not considered detrimental to the public well-being. Placement of all proposed signage will require issuance of a Building Permit and passage of building inspections. Backlit lighting for signage will be obscured by other buildings and will not produce glare onto nearby residential areas.

6. The project is considered Categorically Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2020-01).

RECOMMENDED CONDITIONS OF APPROVAL

1. That the allowed signage under Variance No. 2019-10 shall be as follows:
 - a) A maximum amount of 85 square feet of wall signage is allowed on the building

elevations as identified in Exhibits "A" and "B".

2. That the site not be allowed any additional wall signage for site identification purposes beyond the signs identified in the locations shown in Exhibits "A" and "B".
3. That all building sign installations require a separate building permit.
4. That any exterior changes shall be reviewed by the Historic Preservation Advisory Committee for consistency with the Historic Ordinance and Historic Element.
5. That any proposed signage is required to go back to the Historic Preservation Advisory Committee for review.
6. That all applicable federal, state and city laws, codes and ordinances be met.

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:

- Related Plans and Policies
- Resolution No. 2019-86
- Exhibit "A" – Site Plan
- Exhibit "B" – Elevations
- Exhibit "C" – Variance Findings
- Categorical Exemption No. 2020-01
- Historic Preservation Advisory Committee Item No. 2019-09 Action Letter
- General Plan Land Use Map
- Zoning Map
- Downtown Retail Overlay District Map
- Aerial Map
- Location Map

RELATED PLANS AND POLICIES

City of Visalia Zoning Ordinance – Excerpts [Title 17 of Visalia Municipal Code]

Chapter 17.19 – Mixed Use Zones

17.19.010 Purpose and intent.

A. The several types of mixed zones included in this chapter are designed to achieve the following:

1. Encourage a wide mix of commercial, service, office, and residential land uses in horizontal or vertical mixed use development projects, or on adjacent lots, at key activity nodes and along corridors.
2. Maintain Visalia's downtown Conyer Street to Tipton and Murray Street to Mineral King Avenue including the Court-Locust corridor to the Lincoln Oval area) as the traditional, medical, professional, retail, government and cultural center;
3. Provide zone districts that encourage and maintain vibrant, walkable environments.

B. The purposes of the individual mixed use zones are as follows:

1. Mixed Use Commercial Zone—(C-MU). The purpose and intent of the mixed use commercial zone district is to allow for either horizontal or vertical mixed use development, and permit commercial, service, office, and residential uses at both at key activity nodes and along corridors. Any combination of these uses, including a single use, is permitted.
2. Mixed Use Downtown Zone—(D-MU). The purpose and intent of the mixed use downtown zone district is to promote the continued vitality of the core of the community by providing for the continuing commercial development of the downtown and maintaining and enhancing its historic character. The zone is designed to accommodate a wide mix of land uses ranging from commercial and office to residential and public spaces, both active and passive. The zone is intended to be compatible with and support adjacent residential uses, along with meeting the needs of the city and region as the urban center of the city; to provide for neighborhood, local, and regional commercial and office needs; to accommodate the changing needs of transportation and integrate new modes of transportation and related facilities; and to maintain and enhance the historic character of the city through the application of architectural design features that complement the existing historic core of the city. (Ord. 2017-01 (part), 2017)

17.19.070 Development standards in the D-MU zone and in the C-MU zones inside the downtown area.

The following development standards shall apply to property located in the D-MU and C-MU zone and located inside the Downtown Area, which is defined as the area that is south of Murray Avenue, west of Ben Maddox Way, north of Mineral King Avenue, and east of Conyer Street:

A. Minimum site area: No minimum.

B. Maximum building height: one hundred (100) feet.

C. Minimum required yards (building setbacks):

1. Front: zero (0) feet;
2. Rear: zero (0) feet;
3. Rear yards abutting an R-1 or R-M zone district: zero (0) feet;
4. Side: zero (0) feet;
5. Side yards abutting an R-1 or R-M zone district: zero (0) feet;
6. Street side yard on corner lot: zero (0) feet.

D. Minimum required landscaped yard (setback) areas:

1. Front: five (5) feet (except where a building is located on property line);
2. Rear: zero (0) feet;
3. Rear yards abutting an R-1 or R-M zone district: zero (0) feet;
4. Side: five (5) feet (except where a building is located on side property line);
5. Side yards abutting an R-1 or R-M zone district: five (5) feet except where a building is located on side property);
6. Street side on corner lot: five (5) feet.

E. The provisions of [Chapter 17.58](#) shall also be met, if applicable.

Chapter 17.48 – Signs

17.48.120 Downtown Retail Overlay District Sign Standards.

The standards in this section apply to all signage within the Downtown Retail Overlay District, as defined in [Chapter 17.58](#).

A. Size Standards.

1. Two square feet of sign area is permitted for each lineal foot of occupancy frontage to a maximum of 50 square feet.
2. Users may choose any exterior side of the building as the primary frontage for the purpose of calculating the permitted sign area. The building sign so calculated must then be mounted on that side of the building.
3. A building sign may be affixed to or incorporated as a part of the design of an awning; however, such sign area shall be deducted from that calculated for the exterior building wall to which the awning is attached. Numerals used for the purpose of identifying street addresses need not be deducted from the calculated sign area.
4. Additional signs of a maximum 25 percent of the sign area calculated for the primary occupancy frontage will be allowed for each remaining exterior wall, provided that the sign for any given wall does not exceed two square feet per linear foot of the wall length. This subsection does not apply to alley frontages or buildings that have frontages on two streets with no common visibility for vehicles or pedestrians. In these latter two cases, the allowable signage is in addition to the amount calculated above, and shall be calculated on the basis of two square feet of sign area per lineal foot of public street or alley frontage.

B. Projecting Signs Beneath a Canopy/Awning Structure.

1. One double-faced sign not exceeding an area of three square feet per face is permitted. Signs shall be a minimum of 7 feet above the sidewalk and shall not exceed a maximum height of 12 feet.
2. A sign may also be affixed to or incorporated into the design of the side valance of awnings which are perpendicular to the store frontage. Both side valances of an awning may be so utilized, however, only one sign face per awning side is allowed. Each sign face shall not exceed three square feet for each individual shop or tenant.

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. 2019-86

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING VARIANCE NO. 2019-10: A REQUEST BY MATT AINLEY REQUESTING A VARIANCE TO SIGNAGE STANDARDS, ALLOWING 85 SQ. FT. OF WALL SIGNAGE AT THE DARLING HOTEL, WITHIN THE D-MU (MIXED USE DOWNTOWN) ZONE. THE PROJECT SITE IS LOCATED AT 210 N. COURT STREET. (APN: 094-287-001)

WHEREAS, Variance No. 2019-10 is a request by Matt Ainley requesting a variance to signage standards, allowing 85 sq. ft. of wall signage at The Darling Hotel, within the D-MU (Mixed Use Downtown) Zone. The project site is located at 210 N. Court Street. (APN: 094-287-001); and

WHEREAS, the Planning Commission of the City of Visalia, after published notice scheduled a public hearing before said commission on February 10, 2020; and

WHEREAS, the Planning Commission of the City of Visalia finds Variance No. 2019-10 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, testimony presented at the public hearing, and discussion provided by the Planning Commission; 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 signage proposed is for a building and site that is significantly larger than other sites located within the D-MU zone and Downtown core. A practical difficulty is created in that the allotted sign area is not sufficient for the public to discern the name of hotel.

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.

There are exceptional circumstances in the size of the property and building relative to other sites in the Downtown core. DROD signage standards are designed with smaller Downtown buildings in mind.

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.

Properties within the D-MU zone, but outside of the DROD, benefit from larger wall signage allowances of up to 150 sq. ft. The 50 sq. ft. wall signage maximum is appropriate for structures within the Downtown core, which are primarily smaller and contain minimal street frontage. At five stories, the Darling Hotel exceeds typical Downtown structure building heights in the immediate vicinity.

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 will not constitute a grant of special privilege because of the unique circumstances involved for the subject property (size of the property and building). Sites of similar size outside of the DROD are able to take advantage of as much as 150 sq. ft. of wall signage area.

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.

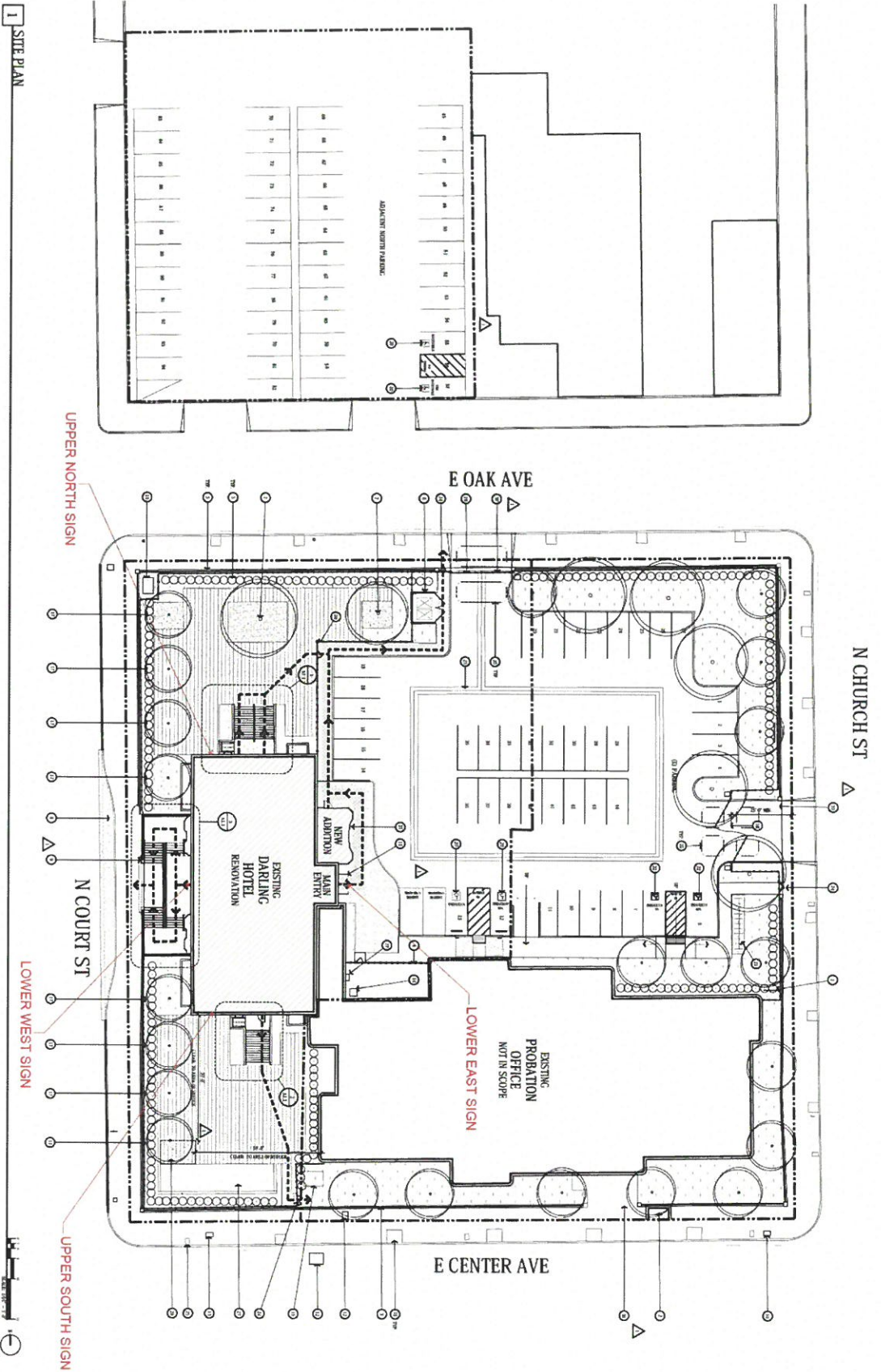
The granting of a variance for wall signage development standards is not considered detrimental to the public well-being. Placement of all proposed signage will require issuance of a Building Permit and passage of building inspections. Backlit lighting for signage will be obscured by other buildings and will not produce glare onto nearby residential areas.

6. That the project is considered Categorical Exempt under Section 15305 of the Guidelines for Implementation of CEQA (Categorical Exemption No. 2020-01).

BE IT FURTHER RESOLVED that the Planning Commission hereby approves Variance No. 2019-10 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 Municipal Code of the City of Visalia, subject to the following conditions:

1. That the allowed signage under Variance No. 2019-10 shall be as follows:
 - a) A maximum amount of 85 square feet of wall signage is allowed on the building elevations as identified in Exhibits "A" and "B".
2. That the site not be allowed any additional wall signage for site identification purposes beyond the signs identified in the locations shown in Exhibits "A" and "B".
3. That all building sign installations require a separate building permit.
4. That any exterior changes shall be reviewed by the Historic Preservation Advisory Committee for consistency with the Historic Ordinance and Historic Element.
5. That any proposed signage is required to go back to the Historic Preservation Advisory Committee for review.
6. That all applicable federal, state and city laws, codes and ordinances be met.

Exhibit "A"



ARCHITECTURAL SITE PLAN LEGEND

- 1. ADJACENT NORTH PARKING
- 2. EXISTING DARLING HOTEL RENOVATION
- 3. EXISTING PROBATION OFFICE NOT IN SCOPE
- 4. NEW MAIN ENTRY
- 5. NEW ADDITION
- 6. SIGN
- 7. FILL BLOCK NUMBER AND AREA TO SIGN
- 8. SIGN CHARACTERISTICS

ARCHITECTURAL SITE PLAN SHEET NOTES

1. SEE SHEET 101 FOR THE ADJACENT NORTH PARKING.
2. SEE SHEET 102 FOR THE EXISTING DARLING HOTEL RENOVATION.
3. SEE SHEET 103 FOR THE EXISTING PROBATION OFFICE NOT IN SCOPE.
4. SEE SHEET 104 FOR THE NEW MAIN ENTRY AND NEW ADDITION.
5. SEE SHEET 105 FOR THE SIGN CHARACTERISTICS.
6. SEE SHEET 106 FOR THE SIGN CHARACTERISTICS.
7. SEE SHEET 107 FOR THE SIGN CHARACTERISTICS.
8. SEE SHEET 108 FOR THE SIGN CHARACTERISTICS.
9. SEE SHEET 109 FOR THE SIGN CHARACTERISTICS.
10. SEE SHEET 110 FOR THE SIGN CHARACTERISTICS.
11. SEE SHEET 111 FOR THE SIGN CHARACTERISTICS.
12. SEE SHEET 112 FOR THE SIGN CHARACTERISTICS.
13. SEE SHEET 113 FOR THE SIGN CHARACTERISTICS.
14. SEE SHEET 114 FOR THE SIGN CHARACTERISTICS.
15. SEE SHEET 115 FOR THE SIGN CHARACTERISTICS.
16. SEE SHEET 116 FOR THE SIGN CHARACTERISTICS.
17. SEE SHEET 117 FOR THE SIGN CHARACTERISTICS.
18. SEE SHEET 118 FOR THE SIGN CHARACTERISTICS.
19. SEE SHEET 119 FOR THE SIGN CHARACTERISTICS.
20. SEE SHEET 120 FOR THE SIGN CHARACTERISTICS.

KEYNOTES

- 1. EXISTING DARLING HOTEL RENOVATION
- 2. EXISTING PROBATION OFFICE NOT IN SCOPE
- 3. NEW MAIN ENTRY
- 4. NEW ADDITION
- 5. SIGN
- 6. SIGN CHARACTERISTICS
- 7. SIGN CHARACTERISTICS
- 8. SIGN CHARACTERISTICS
- 9. SIGN CHARACTERISTICS
- 10. SIGN CHARACTERISTICS
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- 19. SIGN CHARACTERISTICS
- 20. SIGN CHARACTERISTICS

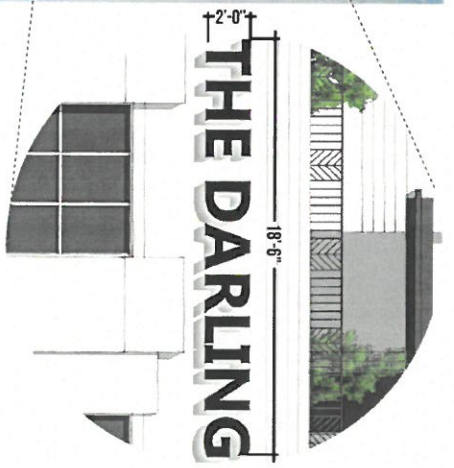
10
TEN OVER
STUDIO, INC.
 210 N. COURT STREET, VISALIA, CA 93291
 TEL: 559.239.1010
 WWW.TENOVERSTUDIO.COM

PERMIT SUBMITTAL SET
THE DARLING
 210 N. COURT STREET, VISALIA, CA

Exhibit "B"

TENOVER

599 Marsh Street
San Luis Obispo, CA
805.541.1010
info@tenoverstudio.com



LARGE SIGN ON CENTER AVE

GENERAL SIGNAGE NOTES

FONT: BERGEN SANS BOLD
LIGHTING: BACKLIT

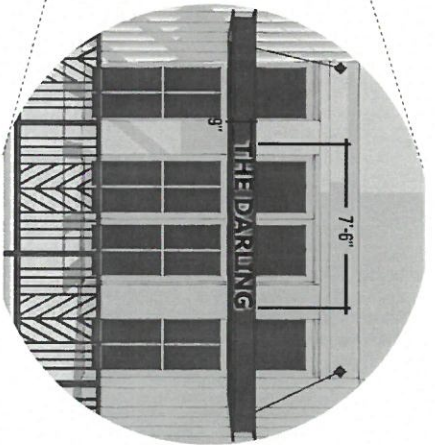
THE DARLING HOTEL

VISALIA, CA
DATE: 08/09/19

S1.0



LARGE SIGN ON EAST OAK AVENUE



ENTRY CANOPY SIGN ON COURT STREET

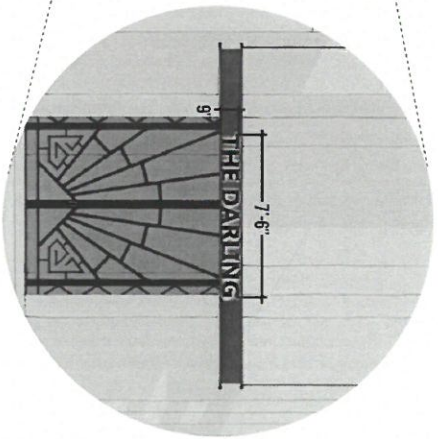
TENOVER

530 Marsh Street
 San Luis Obispo, CA
 805.541.1010
 info@tenoverstudio.com

THE DARLING HOTEL
 VISALIA, CA
 DATE: 08/09/19
S1.1



ENTRY CANOPY SIGN AT BACK PARKING



TENOVER

539 Marsh Street
 San Luis Obispo, CA
 805.541.1010
 info@tenoverstudio.com

THE DARLING HOTEL
 VISALIA, CA
 DATE: 08/08/19
S1.2



November 18, 2019

Cristobal Carillo
Associate Planner
315 East Acequia Ave
Visalia, CA 93291

RE: The Darling Hotel – Justification of Findings for Variance

The following information is supplied to provide justification to propose a zone variance to implement approximately 80 square feet of signage, 30 sq. ft over the 50 sq. ft maximum allowed limit.

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.”*

The enforcement of a maximum of 50 square feet of signage will not be able to produce the proper amount of exposure relative The Darling Hotel.

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 proposed project parcel contains a much larger footprint than the typical business in the D-MU District, vertically and horizontally. The Darling Hotel has high visibility from the north, east, west, south, and can be seen above all surrounding businesses. The proposed signage is proportionate to the size of the building and is at an appropriate pedestrian scale.

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.”*

Following the literal interpretation and enforcement of the specified regulation would deprive the applicant’s project site of sufficient commercial exposure and identification.

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 of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone. The proposed variance will provide a sufficient amount of exposure, proportionate to the project.



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 proposed variance to allow signage proportionate to the size and location of the business at a pedestrian scale, will not be detrimental to the public health, safety, welfare or materially injurious to properties or improvements in the vicinity.

Sincerely,

AARON CARPENTER
4Creeks, Inc. | Associate Planner

NOTICE OF EXEMPTION

City of Visalia
315 E. Acequia Ave.
Visalia, CA 93291

To: County Clerk
County of Tulare
County Civic Center
Visalia, CA 93291-4593

Variance No. 2020-01

PROJECT TITLE

The project site is located at 210 N Court Street (APN: 094-287-001).

PROJECT LOCATION

Visalia

Tulare

PROJECT LOCATION - CITY

COUNTY

Variance No. 2019-10 is a request by Matt Ainley to allow a variance from wall signage development standards, for a proposed hotel in the D-MU (Downtown Mixed Use) zone.

DESCRIPTION - Nature, Purpose, & Beneficiaries of Project

City of Visalia, 315 E. Acequia Avenue, Visalia CA 93291, (559) 713-4443, Email:
crisobal.carrillo@visalia.city

NAME OF PUBLIC/LEAD AGENCY APPROVING PROJECT

Matt Ainley, 4Creeks, Inc., 324 S. Santa Fe St., Ste. A, Visalia CA 93292, matta@4-creeks.com

NAME AND ADDRESS OF APPLICANT CARRYING OUT PROJECT

Matt Ainley, 4Creeks, Inc., 324 S. Santa Fe St., Ste. A, Visalia CA 93292, matta@4-creeks.com

NAME AND ADDRESS OF AGENT CARRYING OUT PROJECT

EXEMPT STATUS: (Check one)

- Ministerial - Section 15073
- Emergency Project - Section 15071
- Categorical Exemption - State type and Section number: **Section 15305**
- Statutory Exemptions- State code number:

Use of Section 15305 is appropriate as the Variance to wall signage standards is considered a minor alteration to land use limitations, will not result in changes to land use or density, and will not adversely impact the site and surrounding areas.

REASON FOR PROJECT EXEMPTION

Cristobal Carrillo, Associate Planner

(559) 713-4443

CONTACT PERSON

AREA CODE/PHONE

DATE

ENVIRONMENTAL COORDINATOR

Paul Scheibel, AICP



August 29, 2019

Matthew Ainley
324 S. Sante Fe Street, Ste. B
Visalia, CA 93292

RE: Historic Preservation Advisory Committee Item No. 2019-09

On August 28, 2019, the Historic Preservation Advisory Committee (HPAC) reviewed your request for wall signage and a Variance to wall signage design standards for the Darling Hotel building, located at 210 N. Court Street (APN: 094-287-001). The proposal was approved by the HPAC based upon the following findings and conditions:

Findings

1. The building is not within a Historic District, but is listed in the Local Register of Historic Structures as an "At Deco" style structure with an "Exceptional" classification.
2. That the design of the proposed wall signs and canopy signs will be in keeping with the purpose and intent of the Historic Preservation Element and Ordinance.
3. That the character of the proposed signage is consistent with the primary structure and the surrounding streetscape.
4. That the proposed signage as shown in Exhibit "A" will not be injurious to the surrounding properties or character of the Historic District.
5. That the Variance for signage in excess of the 50 sq. ft. maximum area requirement within the Downtown Retail Overlay District is consistent with the Historic Preservation Element and Ordinance, and meets the required findings for a Variance as listed within Visalia Municipal Code Section 17.48.150.F.1

Conditions

1. That the project be carried out consistent with Exhibit "A".
2. That any significant changes to the signage be brought back before the Historic Preservation Advisory Committee for additional review.
3. That the signage undergoes the appropriate City permitting process.
4. That all other City codes and ordinances be met.

There is a 10 day appeal period for this action from the date of approval. No permits may be issued until the appeal period has lapsed with no appeal of the action.

If you have any questions, please contact me at (559) 713-4443 or e-mail cristobal.carrillo@visalia.city

Regards,

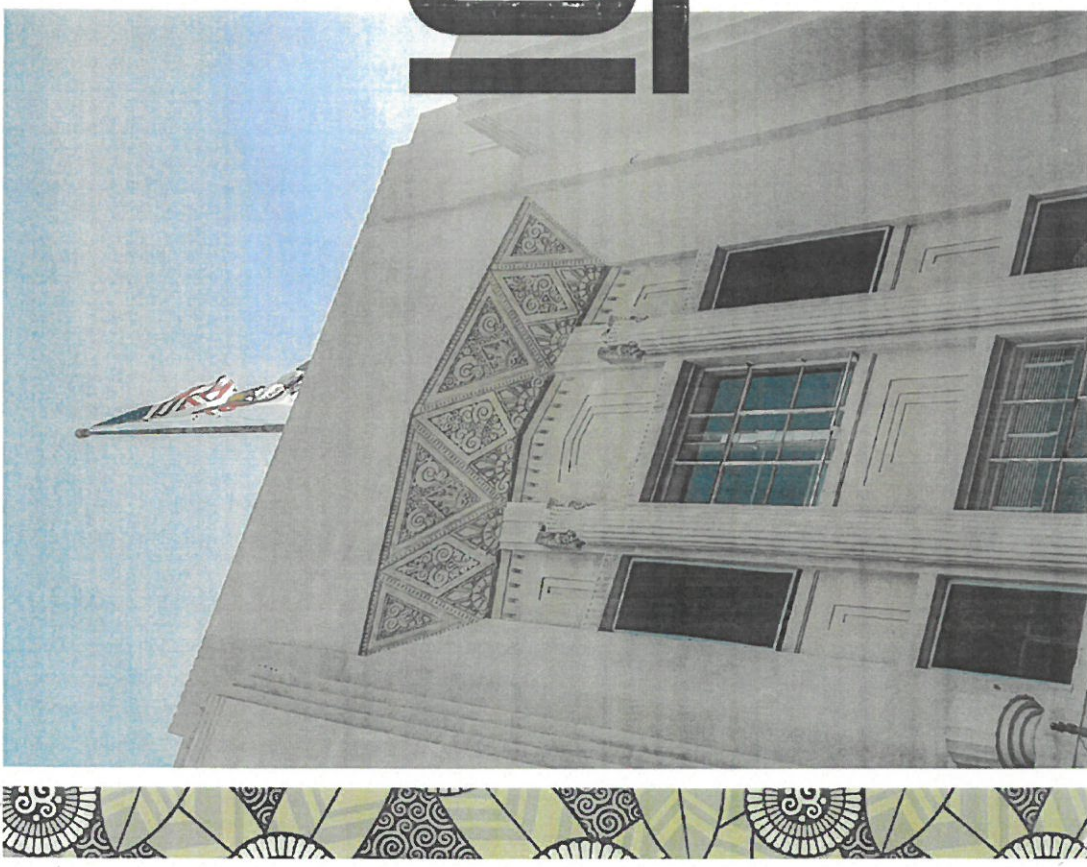
A handwritten signature in blue ink, appearing to read "Cristobal Carrillo".

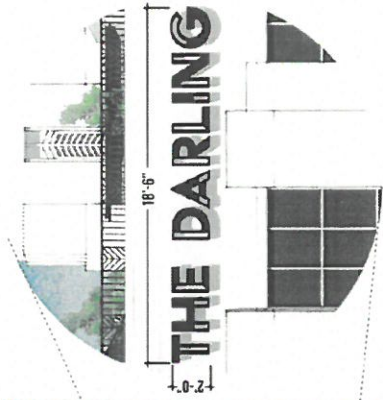
Cristobal Carrillo,
Associate Planner

EXHIBIT "A"

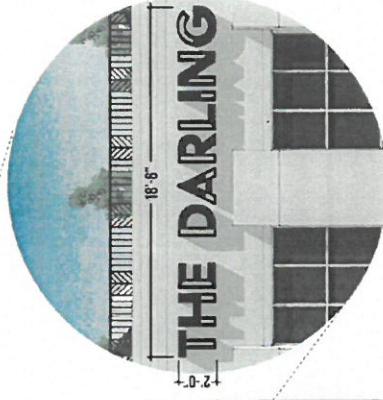
EXTERIOR SIGNAGE, 07/29/19
**THE DARLING
HOTEL**

Prepared by TEN OVER STUDIO





LARGE SIGN ON CENTER AVE



LARGE SIGN ON COURT STREET

539 Main Street
 San Luis Obispo, CA
 805.441.0110
 info@tenoverstudio.com

TENOVER

THE DARLING HOTEL
 VISALIA, CA
 DATE: 07/29/19

S1.0



ENTRY CANOPY SIGN ON COURT STREET

530 Main Street
Visalia, CA 93291
805.547.1010
info@tenoverbuds.com

TENOVER

THE DARLING HOTEL
VISALIA, CA
DATE: 07/29/19
SI.1



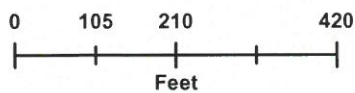
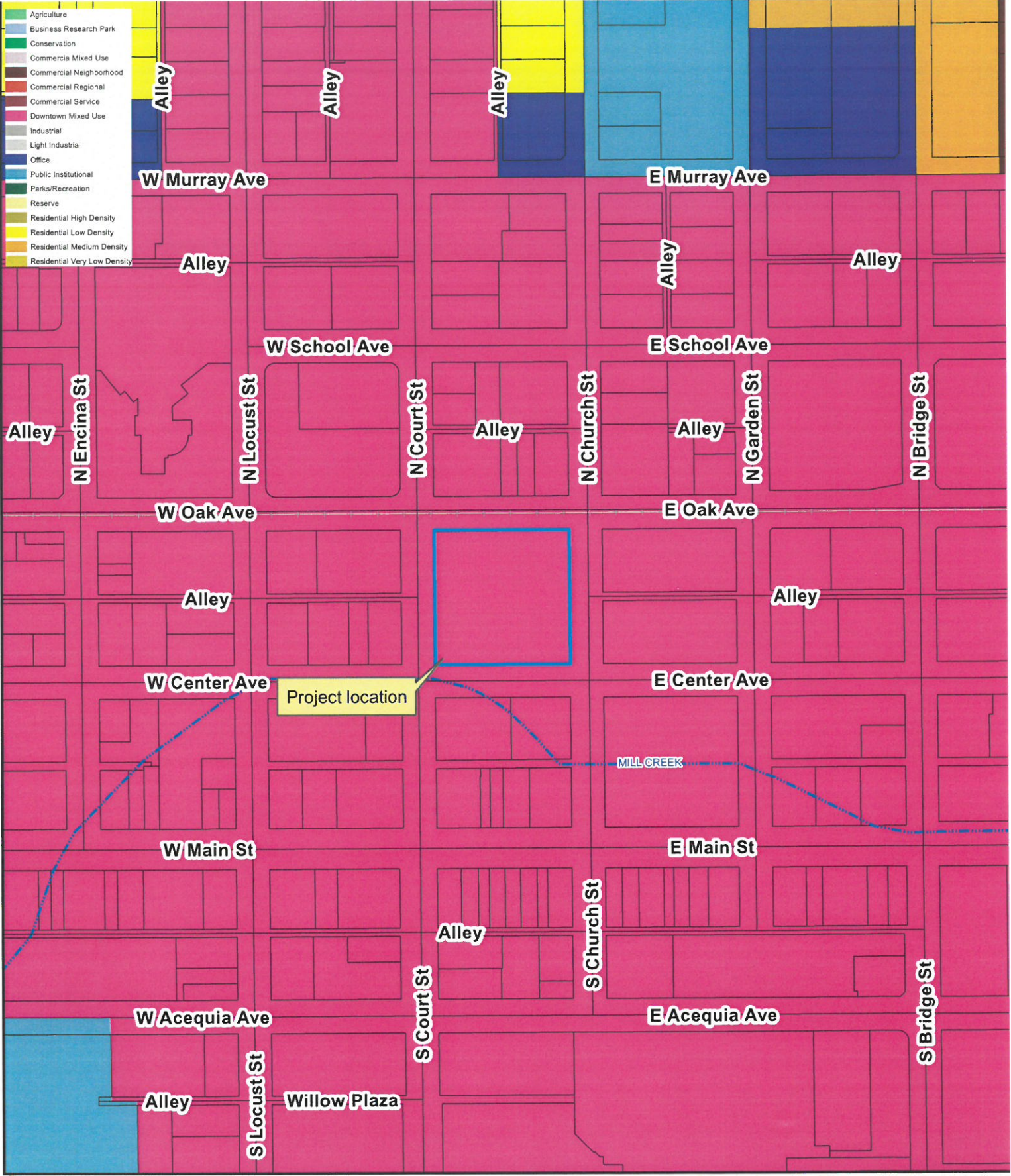
ENTRY CANOPY SIGN AT BACK PARKING

510 North Street
San Francisco, CA
800.541.1010
info@tenoverstudio.com

TENOVER

THE DARLING HOTEL
VISALIA, CA
DATE: 07/29/16
SI.2

- Agriculture
- Business Research Park
- Conservation
- Commercial Mixed Use
- Commercial Neighborhood
- Commercial Regional
- Commercial Service
- Downtown Mixed Use
- Industrial
- Light Industrial
- Office
- Public Institutional
- Parks/Recreation
- Reserve
- Residential High Density
- Residential Low Density
- Residential Medium Density
- Residential Very Low Density



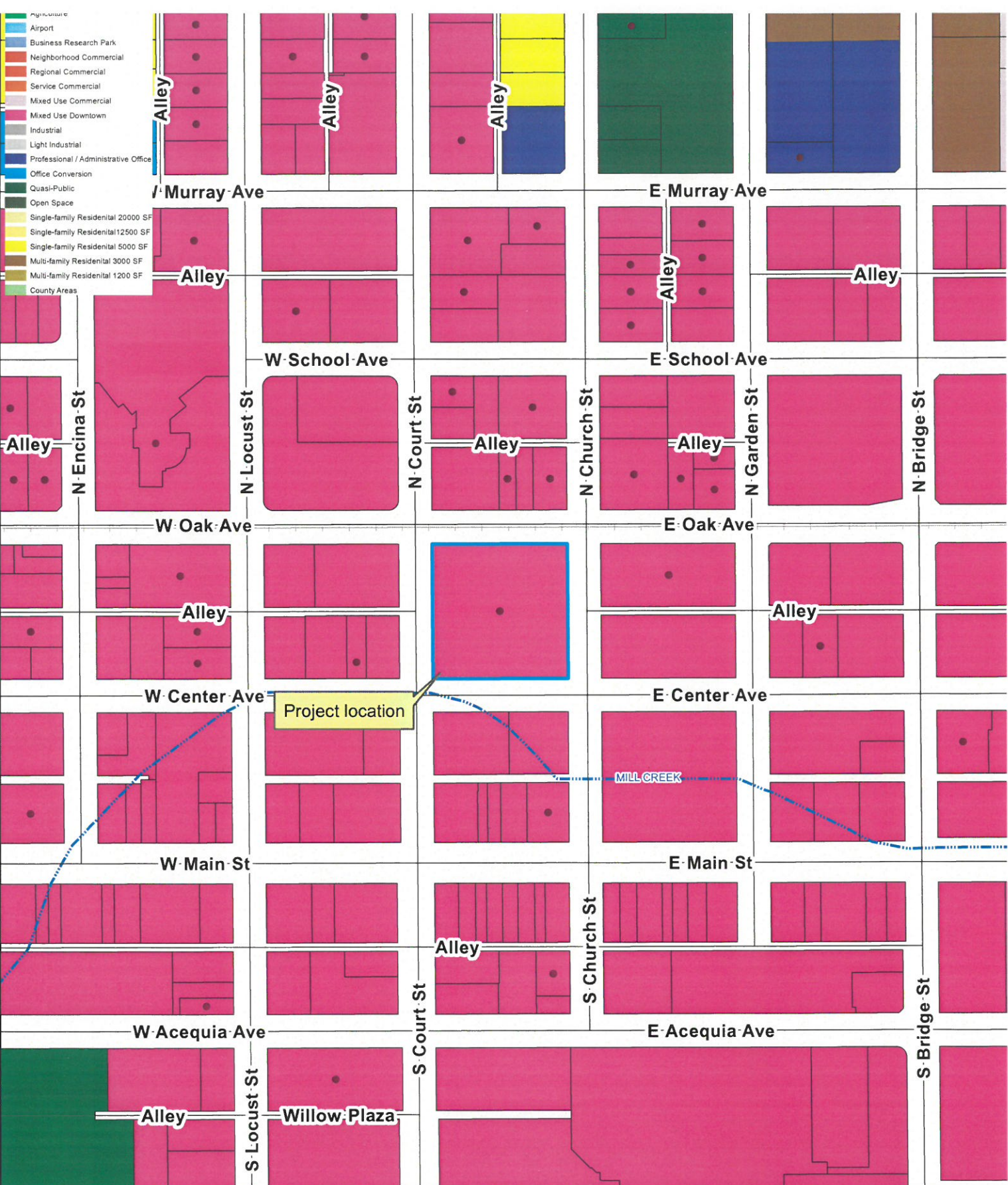
Variance No. 2019-10

General Plan Map

- Streets
- Railroad
- Waterways
- Parcels

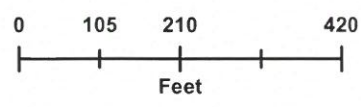


- Agriculture
- Airport
- Business Research Park
- Neighborhood Commercial
- Regional Commercial
- Service Commercial
- Mixed Use Commercial
- Mixed Use Downtown
- Industrial
- Light Industrial
- Professional / Administrative Office
- Office Conversion
- Quasi-Public
- Open Space
- Single-family Residential 20000 SF
- Single-family Residential 12500 SF
- Single-family Residential 5000 SF
- Multi-family Residential 3000 SF
- Multi-family Residential 1200 SF
- County Areas



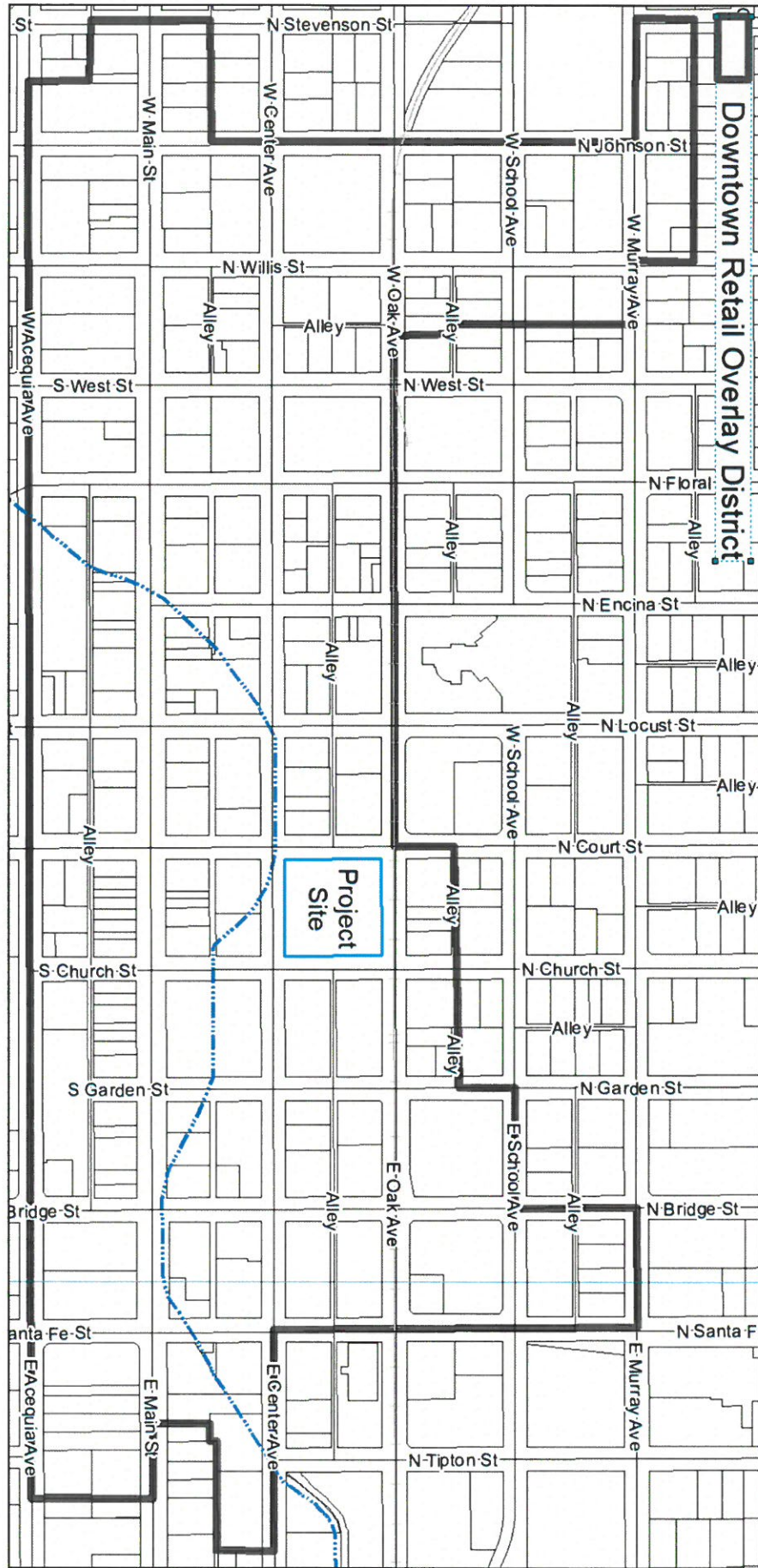
Variance No. 2019-10

Zoning Map



- Streets
- Railroad
- Waterways
- Parcels
- Local Registry



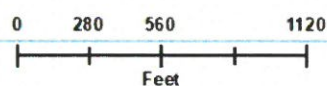


Downtown Retail Overlay District

Project Site

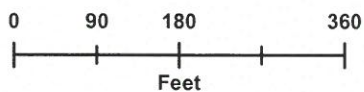
Variance No. 2019-10

Downtown Retail Overlay District



- Streets
- - - Railroad
- Waterways





Variance No. 2019-10

Aerial Map

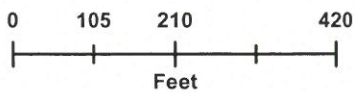
- Streets
- Railroad
- Waterways
- Parcels
- Local Registry







Variance No. 2019-10

Location Map



-  Streets
-  Railroad
-  Waterways
-  Parcels

