



SUBJECT

Variance to allow seven signs totaling 337.9 square feet for dd's Discounts retail store at 24055 Hesperian Boulevard; Application No. 201700987. Michael Ukekwa (Applicant) on behalf of Bartom Proprieties LLC and Lomik Properties.

RECOMMENDATION

That the Planning Commission deny the variance request for seven signs for dd's Discounts, located at 24055 Hesperian Boulevard (441-0010-002-05).

SUMMARY

The applicant is requesting the approval of a variance to allow seven signs on the building façade totaling 337.9 square feet for dd's Discounts located within an existing commercial retail shopping center at 24055 Hesperian Boulevard.

In 2005, dd's Discounts was issued a Sign Permit for the placement of three signs on the building façade that included one large wall sign (152 square feet) and two small wall plaques (10 square feet each), totaling 172 square feet. Subsequent to that approval, there were three wall frame graphic signs installed on the front façade but those signs never obtained the necessary approval from the City. The applicant is now requesting the formal approval of the three graphic wall signs in addition to a new fascia sign that displays the name of the departments within the store. The four new signs total 165.3 square feet. Because the existing and proposed signs would exceed the 200-square foot limit, the project requires a variance.

In reviewing the required legal findings necessary to approve a variance, staff does not believe the project qualifies for a variance and believes the hardship in this instance is self-created and not as the result of the site itself. As such, staff cannot support the request.

BACKGROUND

Project Site. The dd's Discounts store is located in an existing tenant space at the south end of the 5.92-acre parcel which contains a retail shopping center. The existing parcel is located at the corner of major roadway intersection of W. Winton and Hesperian Boulevard.

The site is surrounded by Neighborhood Commercial uses to the south and east, residential homes to the west, and the Hayward Executive Airport to the north. The subject property is zoned Neighborhood Commercial (CN) and contains a land use designation of Retail and Office Commercial (ROC) in the *Hayward 2040 General Plan*.

Sign Corridor Overlay District. Per Section 10-7.211 of the [Sign Ordinance](#), the project site is located at the intersection of Winton Avenue and Hesperian Boulevard, which is within the Sign Corridor Overlay District. The purpose of the Sign Corridor Overlay District is to enhance auto- and pedestrian-oriented experiences and business signage effectiveness on parcels fronting on major street corridors and collectors within the City and to reduce clutter and illegal signage and enhance them with attractive, well designed signs. This will be accomplished by allowing businesses within the Sign Overlay District to have an increased sign area allowance to improve visibility.

Businesses located within the Sign Corridor Overlay District along the major street corridors and collectors are permitted to have 2 square feet of sign area per linear foot of frontage with a maximum sign area of 200 square feet, which is above the maximum 1.5 square feet of area per linear foot and a maximum of 100 square feet normally permitted by zoning district, and one blade or shingle sign of 6 sq. ft. maximum per side, in addition to the maximum sign area allowed for the zoning district. As currently proposed, the applicant is requesting a total of 337.9 square feet of sign area for their tenant, which exceeds the 200-square foot allowance established by the Overlay District and is three times greater than the 100-square foot limit placed on the other retail commercial tenants in the City.

DISCUSSION AND STAFF ANALYSIS

Currently, the project site contains three wall signs which were approved and three graphic signs which were not. In addition to the six signs on the building, the applicant is requesting one additional fascia sign that displays the various departments within the store. The following table provides a specific breakdown of the type of signage and the amount of square footage being requested:

Type of Signage	Square Footage Requested	Condition
One Wall Sign (dd's Discount)	152.6 sq. ft. total	Existing
Two Wall Plaque Signs	20 sq. ft. total	Existing
One Fascia Sign (Five Department Names)	58.8 sq. ft. total	Proposed
Three Wall Framed Graphic Signs	106.5 sq. ft. total	Proposed
Total:	337.9 sq. ft.	

Additional details on each of the sign designs are included in the Project Plans, shown as Attachment V.

While the City's Development Services Director does have the ability to administratively grant minor variances, the project as currently shown exceeds the maximum 10% increase

that can be reviewed administratively. As such, the Planning Commission will need to review the request and make the required legal findings to approve the variance.

Variance. Per Section 10-7.703 of the Sign Ordinance, the purpose of the variance provision is to authorize, in specific cases, departure from the terms of the Ordinance if not contrary to the public interest where, owing to special conditions, literal enforcement would result in unnecessary hardship.

The Development Services Director, or the Planning Commission upon referral by the Director, may grant a Variance when the required findings of approval can be made. Following review of the project application, staff does not recommend approval of the variance and believes the Planning Commission should deny the variance request based on the following:

A. There are special conditions or circumstances peculiar to the property involved that do not apply generally to property in the same district;

The subject site does not have any special circumstances that are uniquely applicable to the subject property. The existing shopping center is located on a corner lot and contains a total of four buildings. The size, shape, topography, location and surroundings are not unique to the subject site. The 5.92-acre parcel is not uniquely small or oddly shaped. The parcel is generally rectangular and is of a developable size. The location and surrounding areas are generally comprised of commercial uses, except for the airport located to the north of the project site. The shopping center design is typical for suburban development in Hayward and has a large parking lot area in front of the main buildings. The front yard setback for this property is approximately 278 feet. The site is bounded W. Winton Avenue and Hesperian Boulevard which are larger arterials and at a prominent intersection; therefore, the site is not affected by either visibility or access issues. Although the site has several trees located in the parking lot in front of the building, these are the standard development regulations, which apply to all commercial sites in Hayward.

B. Literal interpretation of this article would cause a hardship or deprive the applicant of rights enjoyed by others in the same district; and

Strict application of the Zoning Ordinance would not deprive the applicant of privileges enjoyed by other properties in the vicinity that are zoned Neighborhood Commercial as most of the other businesses along this corridor are also allowed 200 square feet of signage. Although City records indicate approval of other sign variances along the Hesperian Boulevard corridor, the number of signs (7 total) coupled with the overall amount of the signage requested (337.9 square feet) exceed the previous variances granted along Hesperian Boulevard corridor.

The location of the retail center and the surrounding areas are generally surrounded by other commercial uses. Most of the other businesses along this corridor do not have the graphic signs that are being requested by the applicant nor do they indicate the individual departments contained within the store. Similar commercial uses are located along both Winton Avenue and Hesperian Boulevard and have been operating

successfully with code-compliant signage without a variance.

C. The granting of the Variance does not grant a special privilege inconsistent with the limitations on other properties in the same district.

Granting the sign variance to the subject property will allow the property a right and an enjoyment of a variance that will not be allowed or enjoyed on properties in the surrounding area. Granting the variance may impair value to adjacent properties because the project site would be allowed a larger sign, a right not enjoyed by adjacent parcels. As stated previously, the parcels located at a highly visible roadway intersection of Hesperian Avenue and W. Winton, both which have similar commercial developments containing large building setbacks and parking lot trees.

Alternatively, if the Planning Commission feels they can make the necessary findings to approve the variance, the Commission should provide staff feedback and continue this request to a future meeting date to allow staff an opportunity to prepare the necessary Findings and Conditions for consideration.

ENVIRONMENTAL REVIEW

The project is categorically exempt from the provisions of the California Environmental Quality Act because it qualifies under Section 15303 Class 3.

PUBLIC OUTREACH

On March 22, 2017, a Notice of Receipt of Application was sent to all property owners and tenants located within a 300-foot radius of the project site. Additionally, a public hearing notice for this meeting was posted 10 days before the public hearing. As of the writing of this report, staff has received no inquiries regarding the project.

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Approved by:



Sara Buizer, AICP, Planning Manager



Sara Buizer on behalf of,

Stacey Bristow, Acting Development Services Director