

September 4, 2018

Project location: 1610 S Riverside Ave., Rialto, CA 92376. APN: 0132-121-07

Property owner:  
Michael Stuhmer  
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1775 Hancock St., #20, San Diego, CA 92110

Applicant:  
Jeff Sealy  
c/o Ross Dress For Less, Inc.  
5130 Hacienda Dr., Dublin, CA 94568

Representative:  
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Re: Applicant's findings for variance request to allow additional wall sign area for DD's Discounts.

Seeking to allow combined 376.06 sq ft of wall sign area on east elevation in lieu of maximum 123 sq ft allowed per Chapter 18.102.060.G.1 of the municipal code, which limits combined sign display area to one square foot for each linear foot of building frontage within the RC.C1.A zone. (Allocate 361.4 sq ft to primary storefront wall sign and two non-illuminated wall plaques at 7.33 sq ft each).

Allow a 261.9 sq ft wall sign on south elevation side wall facing Valley Blvd to exceed thirty square feet on an elevation where a public entry to the business is not located.

Findings:

**A. That there are exceptional circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same vicinity or district.**

The subject property suffers from a variation in elevation relative to the nearby streets, which affects building visibility to drivers along multiple paths of travel. The visibility challenge created by the topographical variation in elevations is unique in the vicinity and the city as a whole. This topography based visibility challenge is exacerbated by additional obstacles along the adjacent streets such as landscaping along Riverside Ave, trees within the parking area, nearby pad buildings and storefront angles of view from the street and distance from the street to the storefront.

The site's topographical conditions are not found in any other shopping center or retail building throughout the city. The topography issue exists because grade at street level at the northern end of the property is substantially higher than grade at the subject building. Grade at street level at the northern end of the property (intersection of Riverside Ave and the site's norther driveway) is 15' higher than grade at the subject building. At the southern end of the street (intersection of Riverside Ave and Valley Blvd) the street grade drops to an elevation similar to the subject building. Yet the difference in elevation remains high at an average of 12' throughout the critical "cones of visibility" to drivers traveling southbound along Riverside Ave. (page 8 of the exhibit shows the cones of visibility to both southbound and northbound drivers).

The topography of the site affects line of sight visibility because the storefront and signs themselves are ultimately much lower than normal sign heights on any other similar retail store throughout the city. The resulting sign band locations are at a line of sight height that is approximately no more than 7 or 8 feet above the sidewalk as seen from the road. One way to explain this is to compare it to a typical storefront in the city where the building grade and street grade are about the same as each other. At a normal height, a typical wall sign is high enough for drivers to see above the parking area. But if that sign were lowered to a line of sight comparable to the subject site, the sign would end up in approximately the same location as the storefront's entry doors. In this example the wall sign may still technically be visible to drivers from the street, but the sign loses much of it's functionality and would not be able to have parity with other wall signs throughout the city. (Exhibit B shows an example of this).

To help compensate for this unique situation, the applicant designed the storefront height in a manner that helps elevate the wall sign higher than it would be otherwise. In spite of this effort, the sign band's line of sight will remain dramatically lower than typical sign bands on similar storefronts throughout the city. The solution to this is to grant additional wall sign area so that the signs are just large enough to be functional while attempting to achieve parity with similar retail storefronts throughout the city.

Although the topography challenges are the primary unique circumstance at this site, the other obstacles compound the visibility issues, creating a combination of circumstances that require relief from the municipal code regarding sign area. The other obstacles include the following.

Distances from street to storefront along Riverside Ave.

The primary useful lines of sight from vehicles to the storefronts ranges from a minimum of 445' to more than 555'. This distance isn't necessarily unique within the city, but combined with the elevation drop and the other visual obstacles, it's part of a unique set of conditions not found elsewhere in the city.

Obstacles along lines of site.

The line of sight line along Riverside Ave contains persistent obstacles such as trees along the street; landscaping along the property perimeter and sidewalk; two new pad buildings being constructed on the site; and trees throughout the parking areas. Note that the tree heights are assured to intermittently obscure visibility to the storefronts even if they are trimmed. The presence of trees in a parking area isn't unique within the city, but their impact on visibility for buildings that have a grade lower than the street is unique. This contributes to a unique set of conditions not found elsewhere in the city.

Storefront orientation.

The storefront is at an approximate angle of 23 degrees away from Riverside Ave. This angle means the storefront signs aren't visible to northbound drivers until they're directly in front of the store. As northbound drivers pass by the storefront, it angles away from the street requiring drivers to look perpendicular to the west and back over their shoulder, if they want to read the sign in its entirety. This isn't a normal viewing angle for drivers and it makes the wall signage primarily non-functional to northbound drivers. This is an unusual circumstance, as most storefront wall signs throughout the city are visible as drivers approach a shopping center. Unless stopped on a street for some reason, drivers do not commonly look 90 degrees one either direction for enough time to absorb and react to what they're seeing. That practice is impractical, unsafe and cannot be depended on as a consistent source of visibility for any business sign. The storefront is ideally oriented to southbound traffic, but it suffers from line of sight issues in addition to the other visibility challenges. This issue is addressed with the installation of a south facing wall sign on the south side of the building. This proposed sign location is an ideal location to compensate for the lack of visibility to northbound traffic along Riverside Ave, as the south side of the building serves as a continuous architectural element for the entire building rather than just the tenant space. The proposed sign location is minimally 385' away from drivers along Valley Blvd, with an average distance of 440' or more. Since this building wall is at an approximate angle of 26 degrees away from Valley Blvd, the sign's location, orientation, size and distance from the streets ensures it is appropriate and balanced to its environment without negatively affecting the appearance of the city. This sign is essential to help DD's Discounts compensate for the loss of adequate and fair visibility along Riverside Ave, even with the approval of the proposed wall sign size serving southbound traffic.

Due to the topography issues and the collective effects of the other visibility challenges around the property, a conforming wall sign will suffer a material loss of visibility from Riverside Ave, relative to its prominent position and purpose as an anchor for the site. In order to attempt to have parity with similar retail stores in the city and to be successful at this location, the primary storefront must provide motorists adequate navigation and way-finding. A sign with the requested additional sign area will not completely solve the visibility challenges within this shopping center, but it will help compensate and offer some level of improved visibility that other similar properties in the city do not suffer from. Approval for additional square footage is necessary to accommodate legibility and proportionality while maintaining the integrity of the DD's Discounts logomark and ability to communicate with customers as an anchor. The visibility challenges a conforming sign size creates is unique within this shopping center, and is unique throughout the city.

**B. That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant as possessed by other property owners in the same vicinity and district.**

As is generally found throughout similar shopping centers, other properties throughout the city are able to effectively communicate their storefront identities to the public. A conforming 156 square feet of storefront sign area would appear disproportionally small and substantially obscured within the context of the storefront, the buildings, and the shopping center as a whole. While there are "cones of visibility" for drivers to see the DD's Discounts signage, an undersized sign would eliminate the storefront sign's functionality. The inability to install a properly scaled sign would create a situation where the DD's Discounts sign is relatively smaller and far less functional than similarly sized stores within the city, based on the drop in elevation and various combined visibility challenges including the line of sight issue, façade-to-sign ratio and distance to street.

Granting of the variance will give the DD's Discounts storefront parity with other retail stores throughout the city. The limitation of a conforming sign size negates the purpose and functionality of the façade and its usefulness to the business. Other properties throughout the city do not suffer from the unique set of circumstances this property suffers from.

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.

**C. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and district in which the property is located.**

Approval of the proposed sign area contributes to safety within the shopping center and the city by allowing the installation of signage that does not require drivers to make extra effort to see, absorb and react to the signage. Inappropriately scaled and partially obscured signage can create unsafe conditions, whereas properly scaled signage reduces or eliminates negative impacts.

The result of the variance would be wall signs that complements the architecture of the building while preserving and improving the appearance of the city without causing any harm. The size, scale and style of the DD's Discounts wall signs will be appropriate for the scale of the buildings located on the property and the surrounding properties. Granting of the additional sign area will bring the wall signs up to a perceived level of visibility similar to wall signs on other retail storefronts throughout the city, without creating excessive or confusing signage.

**D. That the granting of such variance will not adversely affect the master plan.**

The buildings and signage on the subject property is impacted by the unusual topography. Granting the variance will allow the signage to compensate for the visibility challenges created by the topography. The perceived wall sign sizes will appear and serve as functional and balanced without deteriorating the physical environment of the community. Based on the location and sign sizes within the context of the visibility challenges, there will be no competition for the public eye. This means approved signs will not contribute to proliferation or visually unattractive signs on the building or in the city as a whole. Since approval of the requested variance will result in wall signage that is on par with similar retail stores as seen from the adjacent streets, the signage will not negatively affect the city's goal of an economically stable and visually attractive community.