

Luv2Play Sign Variance Request

Explanation and Exhibits

10/4/2018

Luv2Play is a tenant proposing to occupy Suite C in the Hammer Crossings shopping center at 3702 Hammer Lane (Exhibit A). Luv2Play is a nationally recognized franchise that offers indoor playgrounds for kids of all ages. The tenant space is located at the Southeast corner of the building with a storefront and wall sign exposed to the East (Exhibit B).

The nature of retail has changed and reduced the need for large single tenant buildings. The building originally was built as a WalMart. As with other large retail buildings at the time, the building was set far back from the main artery, Hammer Lane. After Walmart's relocation, the existing building was divided into smaller suite sizes to make it a more marketable structure and accommodate smaller tenant square footages. Shopping centers are usually built with less depth in order to maximize storefront exposure. Tenants are selected to complement one another and synergy is attained by having customers at one store being introduced visually to other establishments while visiting the center. The demands of Major tenants for specific square footages can inevitably leave some less desirable space while repurposing the building resulting in a space configured without the advantage of highly visible storefronts.

This is the exceptional situation for the storefront of Suite C in the Southeast corner of 3702 Hammer Lane. The tenant space has been empty for over 12 years. The unusual location lacks exposure to the main parking area of the shopping center. The Luv2Play's wall sign will have no visibility to the main parking field to reach the majority of the customers in the shopping center. A unique "Stand Alone Storefront or SAS" (Exhibit E) has been proposed to carry a Luv2Play sign similar in size to the storefront wall sign. The SAS will alert customers that patronize the other stores in the center that a Luv2Play is located around the corner, behind the Ross store. It will also help direct customers to the southeast section of the center. This SAS will be especially helpful in the evening. (Exhibit D.1, D.2, D.3)

In order for this new business to thrive in its unusual location, this unique SAS is required. Most of the shopping centers in the vicinity have a very high visibility for all the tenants from within their respective shopping centers. Reconfiguring the building left the extraordinary challenge of bringing awareness of Luv2Play to people in the center. The space to be occupied by Luv2Play has been empty for over a decade partially due to its hidden location. The target market for Luv2Play is the same demographic as both Ross and Burlington stores in the center. These patrons are familiar with the area and do not use street signage when entering the center to shop. We need the thousands of people who frequent these stores to be clearly aware that a Luv2Play is in the center.

Traffic circulation has caused the condition that the main entrance to Hammer Crossing is off of Holman (Exhibit B). Major constraints diminish access from the East and North entrances. This

minimizes visibility to the East side of the property and heightens the need for an SAS on site. The constraints are:

- The entrance off of Hammer Lane is a right in-right out for eastbound traffic only. People passing West on Hammer Lane would need to make a U turn at Holman to enter at this access point.
- Most westbound customers make the left on Holman to enter the property rather than make a U-turn.
- Sampson Road access has low traffic counts and visibility to the center and entrance is obscured due to the buildings owned by other entities.

Staff presented that other sign options are available and after consideration it was found that none solve the problem of this unique condition. Suggestions from the existing sign ordinance include an additional monument sign and the use of existing pole signs on Hammer Lane and Holman Road. These fail to address the issues presented due to the following:

- A monument sign along Sampson Road would be ineffective because of low traffic counts.
- Anyone entering from Samson Road will see the wall sign above the Luv2Play storefront (Exhibit D.4).
- The visibility to the center is blocked by buildings along Sampson owned by other entities (Exhibit B).
- The existing pole signs on Hammer Lane and Holman Road will each include a panel for Luv2Play in order to give it street signage similar to all businesses in the area. However, this does not alert regular customers patronizing the center in the parking field.

Luv2play will be advertising throughout the area to announce their arrival and will have various promotions to encourage customers to come to their location. Many people receiving this advertising may not realize that Luv2Play is in a center they already frequent without a storefront presence. This condition will cripple Luv2Play's ability to enjoy the synergy of being in the center and attracting local customers. Without the requested exposure to the existing center, the Luv2Play venture at this location is in jeopardy and its viability will be reevaluated prior to going forward.

The City will benefit by having Luv2Play thrive. The city will see immediate benefits of having the unoccupied southeast corner of this building alive with commercial activity. The area has long been associated with vagrants and drug dealers. The police have been to the area adjoining this location numerous times for various offenses. This commercial business filling the space will bring a wholesome activity to an otherwise dark corner of the City. It will also be a new social gathering place for families to have good, safe fun. It will help this section of the City to establish a better social fabric for interaction between good, law abiding citizens. And of course, it will increase the tax revenue from a tenant space unoccupied for over a decade.

In conclusion, an exceptional opportunity has presented itself to bring a great retail business to the City and occupy a space that has been vacant for many years. The building has been repurposed to accommodate a shift in the retail market landscape challenging the interpretation of existing policies. The extraordinary hidden nature of this particular tenant space requires an extraordinary solution. Thus, the request is presented for the "Stand Alone Storefront" to give Luv2Play a synergistic presence in the Hammer Crossings shopping center.

With these considerations in mind and pursuant to SMC-16.172.050 the following findings are provided:

The SAS will be constructed as a pole sign. A variance is requested for SMC-16.76.100 E.2.iii: "Pole signs shall only be allowed along the frontages adjoining a public street."

A. General Findings.

1. Special Circumstances. There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, or topography), so that the strict or literal interpretation and enforcement of this Development Code denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts;

The Hammer Crossings shopping center has main entrances on Holman Road (West side) and Hammer Lane with a right in right out entrance (North Side). These entrances feed into the main parking area. Luv2Play will be located at the southeast corner of the shopping center out of view from both the main entrances and parking area. As such, Luv2Play is not afforded the same privilege enjoyed by other commercial tenants of drawing on customers of other stores in the center and alerting them to their store by way of their exterior wall sign.

2. Exceptional Circumstances. There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties classified in the same zoning district;

Suite C was sub-divided from an existing space. Due to the configuration of the building and its architecture, the space was subdivided in a way that does not allow ample visibility from the main area of the shopping center. Other shopping centers are generally constructed so that tenant's wall signs are facing the main parking areas and as such do not have this issue.

3. Physically Suitable. The subject site would be physically suitable for the proposed variance; and

The proposed location of the pole sign is near the center of Hammer Crossing and is only clearly visible from within the main parking area. The pole sign will be erected inside a landscaped area

and will not interfere with any public right of way. The pole sign has been designed to echo the architectural elements found in the adjacent building.

4. Granting the variance would:

a. Be necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district and denied to the property owner for which the variance is sought;

The variance would preserve the tenant's right to advertise their business, make customers visiting other stores in the center aware of their existence, and direct customers to their location from within the shopping center.

b. Be consistent with the general land uses, objectives, policies, and programs of the General Plan, any applicable specific plan, precise road plan, or master development plan, and the intent of this Development Code;

The proposed signage is consistent with the General Plan's Sign Standards, the purpose of which is *"To help promote commerce, and the economic vitality of the business community, and to provide maximum public convenience by properly directing the public to various activities."* (SMC 16.76.010)

c. Not constitute a granting of special privilege inconsistent with the limitations on other properties classified in the same zoning district;

The proposed signage will not grant the tenant additional advertising outside of the center as the sign will only be clearly visible from within the center. The purpose of the sign is only to supplement the exterior sign which has no visibility to customers in the rest of the center.

d. Not authorize a use or activity which is not otherwise expressly authorized by the zoning district regulations governing the subject property;

Luv2Play's use is consistent with the CG Zoning district and the proposal does not constitute a use or activity that is not authorized by said zoning district regulations.

e. Not be detrimental to the public convenience, health, interest, safety, or general welfare of the City or materially injurious to properties or improvements in the vicinity; and

The proposed signage will conform to all regulations in the Stockton Municipal Code pertaining to safety and will be constructed in a way pursuant to the City's general welfare. Additionally, the proposed signage will not affect properties or improvements in the vicinity as it is well within the interior of the Hammer Crossings shopping center.

f. Be in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines.

The proposed signage will be in compliance with the CEQA provisions and the City's CEQA guidelines. The variance is in no way meant to circumvent any of these provisions or guidelines.