glendale california

City of Glendale
Community Development
Planning & Neighborhood Services

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September 24, 2015

Megahertz Sign and Lighting
c/o Frank Romero
1290 Monterey Pass Road
Monterey Park, CA 91754

RE: 200 WEST BROADWAY AVENUE
VARIANCE CASE NO. PVAR 1520264
(Dick's Sporting Goods)

Dear Mr. Romero:

On September 23, 2015, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.43, on your application for a Variance to allow the installation of a 648 square-foot wall sign that is 20 inches away from the building wall on an existing building. Approval of a variance is requested because the proposed wall sign is larger and projects further from the wall than what would otherwise be allowed. The subject property is located at **200 West Broadway Avenue**, in the "Downtown Specific Plan" (DSP), Galleria District Zone, described as portion of Lots 1 to 5, Tract No. 1736, and Portion of Lots 10 through 14, Block 3 Map Book 5-167, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

1. The area of an accessory wall sign shall not exceed one square-foot per foot of length of frontage. The existing building where the sign is proposed would allow a 262 square-foot wall sign.
2. An accessory wall sign shall project not more than 10 inches from the wall to which it is attached.

APPLICANT'S PROPOSAL

1. Allow a proposed 648 square-foot wall sign.
2. Allow a wall sign to project 20 inches from the wall to which it is attached.

ENVIRONMENTAL DETERMINATION: The project is exempt from environmental review per State CEQA Guidelines Section 15311, Class 11 "Accessory Structures".

REQUIRED/MANDATED FINDINGS

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report by the Community Development Department staff thereon, and the statements made at the public hearing with respect to this application, the Planning Hearing Officer has **GRANTED WITH CONDITIONS** your application based on the following:

A. That the strict application of the provisions of any such ordinance would result in practical difficulties or unnecessary hardship inconsistent with the general purposes and intent of the ordinance.

Strictly applying the maximum wall sign area standards in the present case would result in unnecessary hardship inconsistent with the general purposes and intent of the ordinance because there are many large signs in the area, the large green field background of the sign exacerbates the sign size, the Glendale Galleria is a unique entity and the proposed sign is proportional to the wall area. The intent of the sign code is to create a more attractive business climate, enhance and protect the physical appearance of the community and to encourage the most appropriate use of land, among other things. Dick's Sporting Goods will become a major tenant in the Glendale Galleria, a major regional shopping center. Major tenants in the Galleria, including Macy's, JC Penny's, Target and Bloomingdale's all have large signs. The location of the proposed sign provides the context and background of similarly sized and scaled signs. The actual lettering of the sign is 189 square feet. The large green field is included, by definition, in the area of the sign, but it has no symbols, pictures, or lettering other than the wording of the store's name.

The mall is designed in the Brutalist style and three stories and approximately 72 feet in height at the location of the proposed sign. Commercial sign regulations were developed with pedestrian shopping streets and automobile-oriented commercial streets. The Galleria is unique and an entity for which the City's sign regulations were not designed. Given the austere nature of the mall, its large mass, the appropriate proportion of the sign as it relates to the wall area and the fact that other major Galleria tenants have large signs, an unnecessary hardship would result from reducing the proposed sign size, since it meets the above-stated intent of the sign regulations.

Strictly applying the maximum wall sign projection standards would result in unnecessary hardship given the appropriateness of the proposed sign size at its proposed location. The greater wall projection is justified to ensure structural support and to maintain proper internal sign proportions.

B. There are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood.

There are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood because the city's sign regulations were developed for the pedestrian shopping streets and commercial strip retail centers, sign area variances were approved previously as part of the Glendale Galleria's recent enhancement and this mall is located in the Advertising Signage Overlay Zone. The Glendale Galleria is a large, traditionally-designed enclosed shopping mall, unique to the City, which is one of the conditions applicable to the property that does not apply to other commercial properties. In 2011, the City Council approved a comprehensive rejuvenation of the Glendale Galleria, which included variances for sign area. The Galleria's long stretches of high wall with little or no fenestration providing appropriate visual context was one of the justifications used to grant these variances. The Advertising Signage Overlay Zone is an area which allows very large signs. The subject's site location in this area is another exceptional circumstance. Given the proposed wall sign size is appropriate, it follows that the sign projection variance is appropriate to ensure proper installation and proportionality with the sign size.

C. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located.

The granting of the wall sign variances for sign size and projection will not be materially detrimental to the public welfare or injurious to the Glendale Galleria property because the sign will improve the appearance of the building, there have been previously granted variances for sign size, other large signs exist in the area and it will not interfere with safety. As typifies the Glendale Galleria design, the wall on which he proposed sign will be located is large and generally unarticulated. The sign will assist in breaking the façade massing. City Council approved variances for sign size several years ago as part of this commercial center's overall enhancement. The subject site is located in the Advertising Signage Overlay Zone, where large signs are common. The proposed sign will not unduly divert attention of motorists or pedestrians given this environment. The City's Engineering Division is satisfied that the limited lighting (only the copy on the sign and not the green background) and the dark forest green of the field will not cause interference with motorists' or pedestrians' view of any traffic signals. The proposed sign will enhance the visibility of Dick's Sporting Goods and the viability of both this retailer and the Glendale Galleria.

D. The granting of the variance will not be contrary to the objective of the ordinance.

The granting of the variance will not be contrary to the objectives of the ordinance because the proposed sign is the only wall sign on this section of the building, is in proportion to the size of the wall, will enhance the business climate in the area and will improve the appearance of the building façade. The objectives of the City's sign ordinance include creating a more attractive business climate, enhancing and protecting the physical appearance of the community and encouraging the most appropriate use of land. Additionally, sign regulations strive to safeguard life, safety, property and public welfare. Wall sign standards, in particular, help ensure building walls do not contain an overabundance of signs and the physical appearance of the community is preserved. The sign will add a colorful component to a blank façade, without being unduly distracting. The colors of, and limited lighting in, the sign will ensure that the sign is not a hazard or distraction for motorists viewing the adjacent traffic signal.

CONDITIONS OF APPROVAL

APPROVAL of this Variance shall be subject to the following conditions:

1. That the development shall be in substantial accord with the plans submitted with the application and presented at the hearing except for any modifications as may be required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Hearing Officer.

2. That all necessary licenses (i.e. building, fire, engineering, etc.) shall be obtained from the Building and Safety section and Public Works Department and all construction shall be in compliance with the Glendale Building Code UBC (Universal Building Code) and all other applicable regulations.

3. Separate permits are required for all work within the public right-of-way. The applicant shall bear all fees for the necessary permits and construction inspection for work within the public right-of-way.

4. The project shall comply with all National Pollutant Discharge Elimination System (NPDES) requirements, including filing a Notice of Intent with the Los Angeles Regional Water Quality Control Board, and the submittal and certification of plans and details showing preconstruction, during construction and post-construction Best Management Practices (BMPs) that are integrated into the design of the project. In addition, the applicant shall submit an approved Standard Urban Stormwater Mitigation Plan (SUSMP) to be integrated into the design of the project.

5. That if any buildings, sidewalks, curb or gutter, fencing or landscape areas, etc., adjacent to the site are damaged during the course of construction on public or private property, the damage shall be repaired to the satisfaction of the Planning Hearing Officer for private property and the Director of Public Works for public property.

APPEAL PERIOD

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper City and public agency.

Under the provisions of the Glendale Municipal Code, Title 30, Chapter 30.62, any person affected by the above decision has the right to appeal said decision to the Planning Commission if it is believed that the decision is in error or that procedural errors have occurred, or if there is substantial new evidence which could not have been reasonably presented. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires.

Any appeal must be filed on the prescribed forms within fifteen (15) days following the actual date of the decision. Information regarding appeals and appeal forms will be provided by the Permit Services Center (PSC) or the Community Development Department (COD) upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **October 9, 2015**, at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 a.m. to 12:00 p.m., or at the Community Development Department (COD), 633 East Broadway, Room 103, Monday thru Friday 12:00 p.m. to 5 p.m.

APPEAL FORMS available on-line: http://www.glendaleca.gov/appeal

To save you time and a trip - please note that some of our FORMS are available on-line and may be downloaded.

TRANSFERABILITY

This authorization runs with the land or the use for which it was intended for and approved. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions and/or limitations of this grant.

GMC CHAPTER 30.41 PROVIDES FOR

Termination: Every right or privilege authorized by a Variance shall terminate two (2) years after the granting of such, unless the exercise of such right or privilege has commenced in good faith prior to such time, except as otherwise provided for.

Cessation: A Variance may be terminated by the review authority upon any interruption or cessation of the use permitted by the Variance for one year or more in the continuous exercise in good faith of such right and privilege.

Extension: Variances granted by such right or privilege may be requested one time and extended for up to a maximum of one (1) additional year upon receipt of a written request from the applicant and demonstration that a reasonable effort to act on such right and privilege has commenced within the two (2) years of the approval date. In granting such extension the applicable review authority shall make a written finding that neighborhood conditions have not substantially changed since the granting of such variance.

VIOLATIONS OF THESE CONDITIONS

Violations of conditions required by this determination may constitute a misdemeanor or infraction under Section 1.20.010 of the Glendale Municipal Code (GMC) and/or a violation of other local, State or Federal laws or regulations. Unless a specific penalty is provided, any person convicted of a misdemeanor shall be punished by a fine not to exceed one thousand dollars ($1,000.00), or imprisonment for a term not to exceed six (6) months, or by both fine and imprisonment. Infractions are punishable by a fine not exceeding the sum of five hundred dollars ($500.00) for each violation. Violations of conditions required by this determination may be grounds for a revocation.

REVOCATION, CONTINUING JURISDICTION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances and conditional use permits (individual cases heard and decided upon by the Planning Hearing Officer).

To consider the revocation, the Planning Hearing Officer shall hold a public hearing after giving notice by the same procedure as for consideration of a Variance at least ten (10) days notice by mail to the applicant or permittee. Continuing jurisdiction over any case is the purview of the Planning Hearing Officer, with concurrence by the Director of Community Development.

NOTICE – subsequent contacts with this office

The applicant is further advised that all subsequent contacts with this office regarding this determination must be with the Case Planner (Roger Kiesel *at 818-937-8152*) first and then, the Planning Hearing Officer who acted on this case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **By Appointment Only**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

Sincerely,

Bradley Collin
Planning Hearing Officer

CC: City Clerk (K.Cruz); Police Dept. (S.Bickle/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(J.Halpert); Traffic & Transportation Section (W. Ko/S. Vartanian); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (G. Tom/S. Boghosian); Glendale Water & Power--Electric Section (V. Avedian/B. Ortiz); Parks, Recreation and Community Services Dept. (T. Aleksanian); Neighborhood Services Division (S. Mirzaians); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); and case planner – Roger Kiesel