

January 27, 2016

Architectural Design and Signs, Inc.
c/o Barbara Cohen
1160 Railroad Street
Corona, CA 92882

**RE: 144 SOUTH BRAND BOULEVARD
VARIANCE CASE NO. PVAR 1527497**

Dear Ms. Cohen:

On January 27, 2016, 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 60 square-foot projecting sign. Approval of a variance is requested because the proposed projecting sign is larger, thicker and is for a second floor occupancy which would otherwise not be allowed. The subject property is located at **144 South Brand Boulevard**, in the "Downtown Specific Plan" (DSP) Zone, Maryland "Arts and Entertainment" District, described as Lots 1, 2, and 3, Block 5, Map Book 9-56; Portion of vacated alley; Lots 20 through 28, Tract No. 618, and Lots 8, 9 and 10, Block 9-56; Portion of Lots C, 11 and Lots 12 through 19, Tract No. 618, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

- (1) One projecting sign shall be permitted per ground floor occupancy.
- (2) The area of a projecting sign shall not exceed 12 square feet in the Downtown Specific Plan (DSP) zone.
- (3) A projecting sign shall not exceed a thickness of 12 inches in the DSP zone.

APPLICANT'S PROPOSAL

- (1) Allow a projecting sign for a second floor occupancy.
- (2) Allow a 60 square-foot projecting sign.
- (3) Allow a 12.5 inch thick projecting sign.

ENVIRONMENTAL RECOMMENDATION

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 projecting sign standards in the present case would result in unnecessary hardship inconsistent with the general purposes and intent of the ordinance because the LA Fitness tenant space will have limited visibility, there are many large signs in the area and regulations for this type of sign are geared for "main street" retail areas. The intent of the sign code includes creating a more attractive business climate, enhancing and protecting the physical appearance of the community and encouraging the most appropriate use of land. LA Fitness will become a major tenant in the Marketplace. Its downtown location provides the context for many similarly sized buildings and scaled signs, including nearby major tenants at the Glendale Galleria and the Americana at Brand.

Projecting signs are generally located on retail streets with significant pedestrian traffic. The standards for size and thickness of this type of sign reinforce their generally pedestrian-oriented nature. While Brand Boulevard is not a traditional main street, it has a large volume of pedestrian, as well as automobile, traffic.

The proposed LA Fitness will be located at the rear of the second level of the Glendale Marketplace. Visibility of this tenant will be significantly limited. The projecting sign will be located on the southern part of the Marketplace's Brand Boulevard façade within a prominent vertical-oriented element. The remainder of this building façade does not lend itself to the placement of large projecting signs.

- 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 with pedestrian shopping streets and commercial strip retail centers in mind and the LA Fitness tenant space lacks visibility. Brand

Boulevard adjacent to the Marketplace is neither a traditional pedestrian retail street nor a suburban strip commercial environment. The street has significant pedestrian traffic and is heavily-traveled with automobiles. LA Fitness will be located at the rear of the second floor of the Marketplace. It is unique that such a large tenant space would have such limited visibility from the adjacent street. The unique nature of Brand Boulevard adjacent to the Glendale Marketplace and the limited visibility of the future LA Fitness tenant space in spite of it being a major tenant in this commercial center are the exceptional circumstances which warrant allowing this second floor tenant a projecting sign and one which is larger than would otherwise be allowed.

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 projecting sign variance will not be materially detrimental to the public welfare or injurious to the Glendale Marketplace property because the sign will not create an over-signage issue and will be attractively designed. The proposed projecting sign will be located on a vertical element on the southern part of the Marketplace's Brand Boulevard façade, which does not contain any signs. The remainder of the building façade does not lend itself to installation of big projecting signs. As the name implies, the Maryland "Arts and Entertainment" district encourages the concentration of arts, cultural and entertainment venues and associated dining and retail uses. The proposed projecting sign will be an asset to the surrounding bustling commercial neighborhood because it is uniquely constructed and provides an attractive, urban aesthetic, which will assist in fostering the lively environment desired in this area of the city. The sign will be composed of laser cut aluminum panels and LEDs will illuminate the inside of each letter as well as the perimeter of each floating panel.

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 sign will not create a visual hazard or obstruction for pedestrians or motorists, will increase the visibility of LA Fitness and is attractively designed. Objectives of the sign regulations include reducing obstructions, creating a more attractive business climate and enhancing the appearance of the community. The proposed projecting sign will be located approximately 27 feet above the sidewalk and, therefore, will not impede strollers or automobiles along Brand Boulevard. The LA Fitness tenant space is large and one of the major tenants at the Glendale Marketplace; however, it is buried at the rear of the second floor of the center. The sign at the location proposed will

increase the visibility at this tenant space similarly to signage for first floor tenants. This sign will increase the viability of LA Fitness, which in turn will

activate pedestrian traffic within the Marketplace. The sign will be composed of laser cut aluminum panels. LEDs will illuminate the inside of each letter as well as the perimeter of each floating panel – it is not simply a large “can” sign. The sign will have an attractive, urban aesthetic, which will assist in fostering the lively environment desired in Downtown Glendale.

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 Planning 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 **February 11, 2016**, 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. AGENDAS and other NOTICES are also posted on our website.

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.

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.

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.

REVOCAION, 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

BC:RK:sm

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.