



December 7, 2017

Ms. Fahmida Rashid  
8370 Wilshire Boulevard #330  
Beverly Hills, CA 90211

**RE: VARIANCE CASE NO. 1720698  
200 WEST BROADWAY, Glendale, CA 91210**

Dear Ms. Rashid:

On December 6, 2017, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code (GMC), Title 30, Chapter 30.43, on your application for a variance to allow the installation of two wall signs on an existing building located at **200 West Broadway**. Approval of a variance is requested because the proposed wall signs will be located on the third level of the building. The project site is located in the "DSP" - Galleria District, and described as portions of Lots 1 through 5, Tract No. 1736 and portions of Lots 10 through 14, Block 3, Map Book 5-167, in the City of Glendale.

CODE REQUIRES  
Standards Variance

- 1) Allow two wall signs for an occupancy on the third floor of an existing building (G.M.C. 30.32.120.A.1).

APPLICANT'S PROPOSAL  
Standards Variance

- 1) Wall signs are only permitted for ground floor and second floor occupancies.

ENVIRONMENTAL DETERMINATION

The project is exempt from environmental review per State CEQA Guidelines Section 15311, Class 11 "Accessory Structures" because the project is for on-premise signs.

**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 variance 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.**

The strict application of the provisions of such ordinance would result in practical difficulties or unnecessary hardship inconsistent with the purposes and intent of the ordinance because other major tenants at the Glendale Galleria have third level signage, the sign code was primarily developed with pedestrian-oriented shopping streets and commercial strip centers in mind, and the exterior portion of the Glendale Galleria

building where the signs will be placed appears as two, not three, stories. The sign code is intended to create a more attractive business climate, enhance and protect the physical appearance of the community and encourage the most appropriate use of land. The subject site is located on the south-east corner of Central Avenue and Broadway, on a major intersection in Downtown Glendale, in the Glendale Galleria, a major regional shopping center. Gold's Gym will be the newest major tenant at the Glendale Galleria and will be occupying the third floor of what was previously a three-level Nordstrom. Dick's Sporting Goods occupies the lower two floors of the previous tri-level space. Gold's Gym location provides the context and background of similarly-placed signs and all the major tenants in the Galleria, including Macy's, JCPenney, Target and Bloomingdale's have third level signs on their tenant spaces.

Commercial sign regulations were developed with traditional commercial districts in mind, where pedestrian shopping streets and automobile-oriented commercial streets feature commercial buildings and "strip malls" that are typically one and two stories in height. The Glendale Galleria is a regional shopping mall destination and an entity for which the City's sign regulations were not designed. At the locations of the proposed signs, the building is three stories. While Gold's Gym will be located on the third floor of the Glendale Galleria, the building appears to be only two stories (albeit very tall two stories) from the exterior because of its wall design and window placement. One wall sign is proposed above the Dick's Sporting Goods sign at the corner intersection of Central Avenue and Broadway, and another wall sign is proposed for the elevation fronting Broadway; both signs are less than maximum area permitted for wall signage (one square foot to one linear foot of tenant frontage), which is consistent with Code for sign area. Strictly applying the prohibition on third floor wall signs in the present case would result in unnecessary hardship, since that would eliminate all signage and tenant identification for Gold's Gym, while all other major tenants within the Galleria have third floor signs and whereas the building only appears as two stories on the exterior.

**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 that warrant granting a variance to allow wall signs on the third floor. The City's wall sign regulations were developed for the more common pedestrian shopping streets and one- and two-story, commercial retail strip centers. The Glendale Galleria, on the other hand, is a substantially large, enclosed shopping mall that is internally focused with primarily blank exterior walls. Such conditions applicable to the subject property do not apply to other typical, street-oriented commercial properties in the City and are not addressed in the City's sign regulations. Also, unlike the other major tenants in the Glendale Galleria that occupy all three floors of their tenant spaces, Gold's Gym is a major tenant that only occupies the third floor of an otherwise three-story tenant anchor space; all three floors were previously occupied by Nordstrom and subsequently divided into two tenant spaces, with Dick's Sporting Goods occupying the lower two floors of the previous Nordstrom space and Gold's Gym taking up the third floor. As previously noted, this third floor occupancy would not be allowed its own signage according to current sign regulations and would not be able to have any identification on the exterior of the building, while other major tenants typically have such signage on their third floors. The division of the three-story anchor tenant space into two tenants, and the tenant's third floor location where other major Glendale

Galleria tenants also have signs located on the third floor are exceptional circumstances of this site/property.

**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 variance to allow third floor tenant wall signs will not be materially detrimental to the public welfare or injurious to the Glendale Galleria property or surrounding developments. The other major tenants within the Glendale Galleria, including Target, Bloomingdale's, Macy's and JCPenney's, have signs located on the third floor of their three-story tenant spaces. The location of the proposed wall signs for Gold's Gym would be a similar height and location of these other major retailer signs. Furthermore, as typifies much of the Glendale Galleria indoor mall design, the walls on which the proposed signs will be located are large and generally unarticulated. The signs will help break up the massing of the three-story façades at this corner location of the mall. Allowing the requested variances from the wall sign standards will enhance the visibility of Gold's Gym and the viability of both this business and the Glendale Galleria. Therefore, allowing for third floor signage will not be materially detrimental or injurious to surrounding properties because of the design of the Galleria and the fact that other major tenants already have third floor signs.

**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 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 by controlling the design, construction, location, electrification, operation and maintenance of signs and sign structures. 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.

Major tenants within shopping malls are typically thought to attract customers into the centers, where customers will shop at these stores as well as patronize the smaller tenants within the mall. Gold's Gym will be one of the major tenants at the Galleria. Allowing the gym to install two wall signs on the third level of the mall, one on each street frontage, where otherwise such signage would not be allowed, is consistent with creating a more attractive business climate, as these signs will help identify this large tenant and may attract additional customers (and different clientele) into the Galleria to shop at the in-line tenants within the mall. The proposed signs will be required to comply with building codes, which control construction, electrification and operation of signs. The number and sizes of the proposed Gold's Gym wall signs comply with City's other sign standards and will assist in breaking the massing of the large, generally unarticulated facades on which they will be located.

**CONDITIONS OF APPROVAL**

**APPROVAL** of the **Variance** shall be subject to the following:

1. That the development shall be in substantial accord with the plans submitted with the application date stamped and signed August 21, 2017, 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.
6. That this variance is granted for Gold's Gym only and is non-transferrable. Any new signage other than what is approved in this variance application must comply with the Sign Code or go through the variance process.

#### 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 (CDD) upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **December 22, 2017** 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 (CDD), 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/appeals>

## **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**

Permits 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 the 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.

## **REVOCAION**

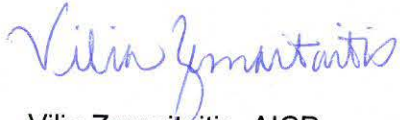
Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances, conditional use permits and administrative exceptions. To consider the revocation, the Director of Community Development shall hold a public hearing after giving notice by the same procedure as for consideration of a Conditional Use Permit at least 10 days' notice by mail to the applicant or permittee.

## **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 first and then, the 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.

You may contact the case planner, Roger Kiesel, during normal business hours at (818) 937-8152 or via e-mail at rkiesel@glendaleca.gov.

Sincerely,



Vilia Zemaitaitis, AICP  
Planning Hearing Officer

VZ:sm

cc: City Clerk (K. Cruz); City Attorney's Dept. (G. van Muyden); Fire Prevention Engineering Section (J. Halpert); Dir. Of Public Works (R. Golanian); Traffic & Transportation Section (P. Cassanova); General Manager for Glendale Water & Power (S. Zurn); Glendale Water & Power - Water Section (G. Tom/S. Boghosian); Glendale Water & Power - Electric Section (B. Alshanti/B. Ortiz); Community Services & Parks Dept. (A. Isayan); Neighborhood Services Division (J. Jouharian/R. Sada); Integrated Waste Management Admin. (C. Marcarello); Maintenance Services Section Admin. (D. Hardgrove); Street & Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); case planner – Roger Kiesel.