

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF GLENDALE AUTHORIZING THE EXECUTION OF A
FIRST AMENDMENT TO DEVELOPMENT AGREEMENT BY AND BETWEEN THE
CITY OF GLENDALE AND THE AMERICANA AT BRAND, LLC,
PERTAINING TO SIGNAGE IN THE ADVERTISING OVERLAY ZONE ("ASOZ")**

WHEREAS, on November 16, 2022, the Planning Commission of the City of Glendale held a public hearing to consider and recommend the Glendale City Council approve a First Amendment to Development Agreement by and between the City of Glendale ("City") and The Americana At Brand, LLC ("Applicant"), in connection with the permitting and installation of non-accessory signs and sign structures and animated signs in the Advertising Signage Overlay Zone ("ASOZ") and the contribution to the City of revenue derived from the ASOZ signs as authorized by Glendale Municipal Code Chapter 30.26; and

WHEREAS, in 2020, the City and Applicant entered into that certain Development Agreement (Advertising Signage Overlay Zone) recorded as of March 6, 2020 as Instrument No. 20200268991 in the Official Records of Los Angeles County (the "Original Development Agreement") in accordance with GMC Chapter 30.26.100, which requires each property owner/applicant enter into a statutory development agreement with the City prior to the issuance of permits or installation, whichever comes first, for ASOZ non-accessory signs and sign structures and animated signs and sign structures in compliance with the ASOZ regulations; and

WHEREAS, the Applicant has a legal and or equitable interest in the property subject to the Original Development Agreement and also the First Amendment to the Development Agreement in that the property on which the ASOZ signs will be permitted and installed pursuant to the First Amendment to the Development Agreement is either owned by the Applicant or leased by Applicant from the City; and

WHEREAS, Applicant seeks to amend the Original Development Agreement in order to install New Permitted Sign(s) in existing sign locations which sign types were not previously

addressed therein, and has agreed that the fee generated from such New Permitted Signs, as defined in the First Amendment to the Development Agreement, shall be based on a percentage of the Gross Revenue generated from such signs less the amount of Annual Baseline Revenue, which amount shall be adjusted on an annual basis for inflation as more specifically described in the First Amendment to the Development Agreement; and

WHEREAS, the New Permitted signs will generate significant public benefits to the entire community by promoting the purposes of the ASOZ which include, among other purposes, promoting economic development, ensuring an attractive business environment, highlighting the City's retail and entertainment core in large-scale multi-tenant developments, creating a lively and visually exciting environment, protecting street views and vistas, protecting residents from glare and excessive illumination, and providing clear development standards; and

WHEREAS, the construction, installation and maintenance of the New Permitted Sign(s), will be consistent with and will further these purposes and will generate revenues for the City and thereby further promote the health, safety and general welfare of the City and its residents; and

WHEREAS, the City and Applicant desire to amend the Original Development Agreement to incorporate all relevant terms and provisions applicable to the New Permitted Sign(s); and

WHEREAS, in exchange for these and other benefits to the City, Applicant will receive the assurance that Applicant may erect and operate the New Permitted Sign(s) during the applicable Term of the First Amendment to the Development Agreement; and

WHEREAS, this First Amendment to Development Agreement does not supersede, nullify or amend any condition imposed in the New Permitted Sign Approvals, and the terms and conditions of this First Amendment to the Development Agreement have been found by the City to be fair, just and reasonable, and prompted by the unique planning considerations presented

by adding interior-facing animated signage to Owner's Property and the extraordinary benefits which will accrue to the City thereby; and

WHEREAS, pursuant to Government Code Section 65864 et seq., the City Planning Commission has transmitted its findings, comments and recommendations on the First Amendment to the Development Agreement to the City Council; and

WHEREAS, the City Council has reviewed and considered the First Amendment to the Development Agreement and the findings and recommendations of the City Planning Commission; and

WHEREAS, in March 2010 the City certified a Mitigated Negative Declaration ("MND") that analyzed the impact from adopting Ordinance No. 5688 which added Chapter 30.36 pertaining to signage permitted within the ASOZ, and also prepared an Addendum to the MND to review amendments to Chapter 30.36 and Chapter 30.33 pertaining to ASOZ signs and requirement that ASOZ applicants enter into DAs with the City; the MND and Addendum for signage in the ASOZ were prepared, adopted and considered by the City pursuant to the requirements of the California Environmental Quality Act ("CEQA"); and

WHEREAS, the City has duly considered all terms and conditions of the First Amendment to the Development Agreement and believes that implementation of the First Amendment to the Development Agreement is consistent with the City's General Plan, the Town Center Specific Plan and Downtown Specific Plan, and is necessary to implement, and in compliance with the ASOZ overlay zone requirement for development agreements, to document ASOZ signage and public benefits consisting of a share in the percentage of gross revenues generated by the permitted ASOZ signage over the First Amendment to the Development Agreement term; and

WHEREAS, after considering the First Amendment to the Development Agreement, the City finds and determines that the First Amendment to the Development Agreement benefits are in the vital and best interests of the City and the health, safety, and welfare of its residents, and in accord with the public purposes and provisions of applicable state and local law.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
GLENDALE, CALIFORNIA:**

1. The City has complied with the applicable requirements of the California Environmental Quality Act.
2. The City Council hereby finds and determines that the First Amendment to the Development Agreement:

(b) Is consistent with the City's General Plan, the Town Center Specific Plan with the Downtown Specific Plan.

(c) Fully complies with all currently applicable provisions of the Glendale Municipal Code including the ASOZ requirements.

(d) Will not be detrimental to the public health, safety and general welfare because it encourages the installation of improvements which are desirable and beneficial to the public.

(e) Is compatible with the orderly development of property in the surrounding area, and will provide enhancements to the surrounding area and public benefit derived from sharing in revenue generated by permitted ASOZ signage.

(f) Constitutes a lawful present exercise of the City's police power and complies with all applicable City and State regulations governing Development Agreements.

(g) Is necessary to strengthen the public planning process and to reduce the public and private costs of development uncertainty.

(h) Is consistent with the ASOZ and permitting of signage in the zone.

3. The City Council hereby approves the First Amendment to the Development Agreement and authorizes and directs the City Manager to execute it on behalf of the City of Glendale, and further directs the City Clerk to record the First Amendment to the Development Agreement and this Ordinance with the County Recorder within ten (10) days of its execution.

4. The City Clerk shall certify as to the passage of this Ordinance and cause the same to be published in a newspaper of general circulation, consistent with requirements of applicable State and local law.

5. This Ordinance shall be effective 30 days after the date of adoption.

Adopted this _____ day of _____, 2022.

Mayor

ATTEST:

City Clerk

STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES) SS

I, DR. SUZIE ABAJIAN, City Clerk of the City of Glendale, certify that the foregoing Ordinance No. _____ was adopted by the Council of the City of Glendale, California, at a regular meeting held on the _____ day of _____, 2022, and that same was adopted by the following vote:

Ayes:

Noes:

Absent:

Abstain:

City Clerk