



CITY OF GLENDALE, CALIFORNIA REPORT TO THE CITY COUNCIL

AGENDA ITEM

Report: Revisions to Chapter 30.26 Advertising Signage Overlay Zone (“ASOZ”) relating to expanding and further defining the number and types of signs permitted in the ASOZ and other miscellaneous text amendments. Introduction of an Ordinance approving a First Amendment to the 2020 Statutory Development Agreement with the Americana at Brand, LLC, in accordance with Glendale Municipal Code Chapter 30.26.100 for ASOZ Non-Accessory Signs and Sign Structures and Animated Signs and Sign Structures at the Americana at Brand.

1. Introduction of Ordinance amending Title 30.
2. Introduction of Ordinance adopting a First Amendment to the 2020 Development Agreement with the Americana at Brand, LLC

COUNCIL ACTION

Item Type: Public Hearing

Approved for December 6, 2022 **calendar**

EXECUTIVE SUMMARY

This report discusses proposed amendments to Title 30 of the Glendale Municipal Code, 1995, as well as amendments to the 2020 Development Agreement with the Americana at Brand, LLC for signs in the Advertising Signage Overlay Zone (“ASOZ”). Specifically, the Americana at Brand has submitted a Zone Code Text Amendment application proposing changes to Chapter 30.26 Advertising Signage Overlay Zone. These changes include:

- Expanding the types of signs that can be “ASOZ non-accessory signs” to include freestanding signs and marquee signs, in addition to the currently permitted wall signs.
- Expanding the types of signs that can be animated signs to include freestanding signs and marquee signs, in addition to the currently permitted wall signs.
- Miscellaneous amendments to facilitate the proposed amendments.

GMC Section 30.26.100 requires approval of a statutory development agreement when an ASOZ or an amendment to an ASOZ increases or permits new, additional or different

signage. Because the proposed text amendment permits different signage an amended development agreement is required.

COUNCIL PRIORITIES

Mobility/Connectivity/Safety: Standards contained in the proposed amendments to Chapter 30.26 include restrictions on location of signs and their brightness, among other standards. These requirements will ensure that the signs, and the changes proposed, will not adversely impact traffic safety.

RECOMMENDATION

That the City Council review the proposed amendments to Title 30, Chapter 30.26 of the Glendale Municipal Code, 1995, related to the advertising signage overlay zone and the First Amendment to the 2020 Development Agreement with the Americana at Brand, LLC, as recommended by the Planning Commission.

BACKGROUND

Zoning Text Amendments

In April 2004, the City Council approved the Glendale Town Center Specific Plan (TCSP or Plan) enabling the development of the Americana at Brand. The TCSP contains signage regulations for the Specific Plan area and required a Stage II design review approval for a sign program for this area. The former Redevelopment Agency approved the Stage II design submission, including the sign program, in April 2004. Initially, the TCSP and sign program did not allow large accessory wall signs within the Plan area.

In September 2009, the Americana at Brand and the Glendale Galleria jointly submitted a zone change application to establish an Advertising Signage Overlay Zone (ASOZ) and place the overlay zone over both developments. In March 2010, the City Council created the ASOZ by adding Chapter 30.26 to the City's Zoning Code and amended the City's Zoning Map by placing the ASOZ overlay zoning designation on the Galleria and Town Center Districts of the DSP.

In adopting the ASOZ for the Galleria and the Americana, the Council found that the advertising signage permitted within the ASOZ would contribute to the economic vitality of the geographic location in which the ASOZ is located and the downtown core in general while the ASOZ would continue to preserve the City's interests in its sign regulations by promoting aesthetics and traffic safety through sign regulations of the ASOZ. The Council further found that the permitted signage within the ASOZ permits the cross-promotion of goods and services between these two regional commercial centers leading to enhanced sales tax and property values within the area.

Chapter 30.26 established criteria by which a geographic area could be designated as an ASOZ and contained certain sign regulations allowed by the ASOZ. These regulations included that only "ASOZ Accessory Signs" as defined by Chapter 30.26 be permitted. An "ASOZ accessory sign" can carry advertisement for services and goods sold or produced anywhere on the premises or within the ASOZ. Initial ASOZ regulations prohibited animated

and changeable copy signs and the use of light emitting diodes (LED). As part of the zone change application, specific locations of certain wall signs (ASOZ accessory signs) within both the Glendale Galleria and the Americana at Brand were identified.

In May 2013, the Americana at Brand and the Glendale Galleria submitted zone text and zone map amendment applications which proposed changes to the ASOZ. These amendments were approved by the City Council in July 2013 and included that ASOZ accessory signs be allowed to advertise services and goods outside the boundaries of the ASOZ (“non-accessory signs” as defined in GMC Chapter 30.33 – Signs) and be allowed as animated ASOZ signs. Additionally, the Americana received approval to expand the types of ASOZ signs to include banners and ground signs both within the public right-of-way and on private property. A zone map amendment to identify these additional signs on the map was also approved.

The Americana at Brand proposed additional changes to the ASOZ in 2019/2020, including eliminating two signs, adding one sign and modifying one sign within the development. City Council approved these changes, along with the ordinance approving a development agreement in January 2020.

Advertising Signage Overlay Zone Public Benefit Agreement

As mentioned above, in March 2010, the City Council adopted Ordinance No. 5688, which added Chapter 30.26 Advertising Signage Overlay Zone (ASOZ) to the Glendale Municipal Code and revisions to ASOZ sign regulations were adopted in August 2013 and January 2020. As part of the 2013 revisions, GMC Section 30.26.100 was amended to condition the approval of an ASOZ or an amendment to an ASOZ that increased or permitted new, additional or different signage or sign media, to require approval of a statutory development agreement (Government Code Section 65864 et seq.). The development agreement governs the duration and regulations of the signage and requires the applicant to provide certain public benefits, which includes advertising revenue sharing or other public benefit, negotiated by the City and the ASOZ applicant. The GMC requires the development agreement to be approved prior to the issuance of permits for the enhanced signs.

ANALYSIS

The applicant is proposing some additional changes to the ASOZ. GMC Section 30.26.070 permits the Community Development Director to approve changes to signs allowed by the ASOZ, as long as such changes are in substantial conformance with the ASOZ. This section further provides that the Director may refer those sign changes which are not in substantial conformance to the City Council for review and approval. Staff believes that the proposed changes require modification to the GMC and an amendment to the existing Development Agreement and, therefore, brought the Applicant’s request to the Planning Commission for review and recommendation to the Council. The Planning

Commission at their November 16, 2022, meeting recommended that the City Council approve the proposed changes to Chapter 30.26 of the GMC and approve the First Amendment to the 2020 Development Agreement with The Americana at Brand, LLC.

In March 2010, a zoning map amendment placed the ASOZ overlay zone on the Galleria and Town Center Districts of the DSP and identified the locations, sizes and elevations of the signs approved in connection with the associated ASOZ overlay zone change. Subsequent amendments were completed in July 2013 and January 2020 when requested changes to the number and types of ASOZ signs were approved.

Should the Council approve the applicant's current requested text amendments, the existing 2020 Development Agreement will need to be amended to reflect the locations, sizes and elevations of the new signs incorporated into the ASOZ and to update the public benefit calculation. A copy of the First Amendment to the Development Agreement reflecting these modifications, as well as the original 2020 Development Agreement, are attached as Exhibits 6 & 7 respectively.

Proposed Revisions to Chapter 30.26 Advertising Signage Overlay Zone (ASOZ) Text Amendment

Specifically, the applicant is proposing the following zone code text amendments:

- Expand the types of signs that can be "ASOZ non-accessory signs" to include freestanding signs and marquee signs in addition to the currently permitted wall signs.
- Expand the types of signs that can be animated signs to include freestanding signs and marquee signs in addition to the currently permitted wall signs.

As a result of the requested text amendments, related amendments to facilitate the proposed amendments include:

- Inclusion of a "Freestanding Sign" definition in the "Definitions" section (GMC section 30.26.030).
- Inclusion of standards for freestanding signs.
- Amendments to standards for animated signs.
- Amendments to standards for marquee signs.
- Changes to the "Description and Purpose" section of Chapter 30.26.
- Modification of GMC section 30.26.040 "Application" to reflect current procedure.

The Town Center Specific Plan allows up to 24 indirectly illuminated "freestanding signs" in the Signage section of that Plan that reflect what was approved in the original Americana project design review approval. Freestanding signs are not otherwise defined in the Town Center Specific Plan or in the sign regulations (GMC section 30.33), or the

ASOZ chapters (GMC section 30.26) within the City's zoning code. Given the text amendment proposes to permit freestanding signs to be animated signs and to contain non-accessory advertising (described below), it is necessary to define freestanding signs. The "definitions" section of the ASOZ chapter will be amended to include the following definition:

"Freestanding Sign" means those signs identified in the Town Center Specific Plan (TCSP) as unstaffed, stand-alone, self-supporting kiosk structures located in a fixed location, the sole purpose of which is to advertise businesses, services, and goods sold or produced.

This definition reflects the existing signage types currently located throughout the Americana at Brand site (and allowed by the Town Center Specific Plan), which signs are elliptical in shape and contain illuminated sign faces on both sides of each sign. As noted above, the applicant is requesting these existing signs be allowed to contain non-accessory advertising and be animated signs. Standards for freestanding signs will be added to the ASOZ and are discussed below. Additionally, should the proposed text amendment be approved, the applicant is proposing to replace the existing "freestanding signs" with new signs, and these signs, if approved, may contain non-accessory content and be animated. These new signs are further discussed below.

Accessory vs. Non-Accessory Signage

The City's sign ordinance permits only "accessory signs", with limited exceptions. These signs carry "advertisement incidental and related only to the primary use of the premises or site on which it is located, including signs or sign devices indicating the business transacted at, services rendered, goods sold or produced on the premises by either the owner, occupant or developer of the premises of the site." A "non-accessory sign" is a sign that carries advertisement other than that of an accessory sign and is currently prohibited by the City's sign ordinance.

The present ASOZ modifies restrictions on accessory signs within the ASOZ overlay zone. An ASOZ accessory sign allows advertisement related to the primary use, not only on the premises where the sign is located (the building or storefront), but also for other businesses located within the ASOZ. For instance, an ASOZ accessory sign located at the Americana at Brand could advertise JC Penny's even though this tenant is located at the Glendale Galleria. A subsequent amendment to the initial ASOZ also permits non-accessory advertising on ASOZ wall signs. For instance, a Ford dealership could advertise on an ASOZ wall sign even though no Ford dealership exists within the ASOZ. The zone code text amendment proposes to expand the types of signs that can contain non-accessory advertising to include freestanding signs and marquee signs along with wall signs.

Staff supports expanding the types of signs that allow non-accessory advertising to be freestanding and marquee signs, along with the presently permitted wall signs. The requested modification is supported by the fact that the ASOZ is located in a heavily developed commercial area of downtown Glendale that contains mixed use retail, restaurant, office, entertainment and residential uses. If non-accessory advertising is permitted, as requested by the applicant, both sales and property tax values will be enhanced, and the City will enjoy an enhanced community benefit from the revenue share. These outcomes align with the City economic development goal to enhance economic activity by promoting goods and services both on- and off-site provided by these regional commercial shopping centers located within the ASOZ; these centers are significant sales tax economic engines for the City. Additionally, non-accessory advertising in and of itself will not impact the aesthetic of the existing ASOZ signs. The proposed expansion of non-accessory advertising to freestanding and marquee signs would not inherently alter the appearance of these signs. Similarly, the provisions to expand “off-site” advertising would not impact traffic safety any more or less than current signs.

Animated Signs

The City’s sign ordinance prohibits animated signs, with limited exceptions. An animated sign is defined as “a sign, which is designed and constructed to give a message through a sequence of progressive changes of parts by either action or motion, flashing or color changes requiring electrical or manual energy.” In the ASOZ, animated signs are currently only permitted as wall signs. Further, these signs are restricted to only those that do not change images more frequently than each eight seconds, with a one second transition period. The zone code text amendment proposes to expand the types of signs that can be animated signs to include freestanding signs and marquee signs. Further, the amendment requests to allow not only the “static” animation, as described above, but also animation, which is defined above and in the City’s zoning code.

Amendments to the standards for animated signs, marquee signs and the introduction of standards for freestanding signs will restrict the characteristics of animated signs such that they will be no more aesthetically intrusive or adverse in terms of traffic safety than the currently permitted animated wall signs, given their locational restrictions and brightness standards.

With regard to animated signs, standards will be maintained to prohibit sound effects or projecting elements and require maximum brightness levels not to exceed ambient light levels. The presently requested amendment does not propose any changes to animated ASOZ wall signs and these signs will still be limited to “static” images, which cannot change more frequently than every 8 seconds.

Freestanding Signs

As discussed above, freestanding signs are newly defined in the ASOZ and an amendment to this Chapter will contain standards for this type of sign. These standards include requirements that the materials be approved by the director of community development; that the signs be architecturally compatible with the development and buildings within it; that sound effects and projecting elements be prohibited. These standards are consistent with the standards required currently for ASOZ wall signs. In addition to these standards, freestanding signs are proposed to be no more than five feet in width or depth and 10 feet in height, and must be located on private property, a minimum of 25 feet from the street rights-of-way of Brand Boulevard, Central Avenue, Colorado Avenue, Columbus Street and Broadway.

Marquee Signs

Unlike freestanding signs, marquee signs are already defined and contain standards in the ASOZ chapter. In addition to size standards, it is suggested that marquee signs not be visible from a public street should the sign include animation, which is not “static”. While marquee signs are already permitted within the public right-of-way (with certain provisions), a suggested amendment clarifies that animation will also be restricted to “static”.

Currently, the Description and Purpose section of GMC Chapter 30.26 acknowledges that one of the purposes of the ASOZ is to promote appropriate and economically viable signage which uses clear, attractive graphics and coordinates with the architectural elements of the building on which the signs are located. This section is proposed to be changed to address that the proposed zone code text amendment will permit signs that are freestanding and are not necessarily located on a building.

The City recently changed the manner in which various applications, including zone code text amendment, are submitted. Applications are now required to be submitted on-line. GMC section 30.26.040 “Application” details the requirements to submit an application for an ASOZ and is no longer needed as a result of the City’s on-line submittal requirement.

Proposed Sign Changes

Should the proposed zone code text amendment be approved, the applicant is proposing to make changes to the existing freestanding and marquee signs currently located at the Americana at Brand to enable these signs to be animated signs and contain non-accessory advertising.

The original approvals for the Town Center Specific Plan allowed for a marquee sign above the entrance to the theater located at the Americana at Brand. This sign faces northeast toward the interior of the project (the Green) and is approximately 330 square feet (4.35 ft. x 77.3 ft.) in area. The existing marquee sign will be replaced with a new digital marquee sign of the same dimensions and placement.

The original approvals for the Town Center Specific Plan also allowed for the installation of up to 24 freestanding signs located throughout the Americana at Brand. The applicant is proposing to replace all 24 existing freestanding signs with new signs in the same location. The new freestanding signs will be slightly smaller than the existing signs and will be approximately 10 feet in height, 4.25 feet in width and 2.3 feet in depth. Like the existing signs, the new freestanding signs will be elliptical and include sign panels on each side. The sign panels will be approximately 17.5 square feet (slightly smaller than the panels on the existing freestanding signs) and will contain digital display.

Development Agreement

Development Agreements (DAs) are regulated by State statute (Government Code sections 65864 through 65869.5). The proposed amendment to the existing DA implements only those conditions related to the provision of the public benefits to the City as required by GMC Section 30.26.100 and does not “freeze” and or otherwise vest the ASOZ signage approvals, zoning, or other applicable rules and regulations. The original term of the DA was 20 years with two additional five-year options to extend the DA; the DA also provides for an annual “Public Benefit Agreement Fee” payment calculated at 12% of gross revenue during the defined Amortization Period and 15% of the gross revenue thereafter. The Amortization Period is five-years for static wall signs and 10-years for animated signs. The amended DA will also be effective for 20 years following the Effective Date. DA section 3.2 requires the owner to comply with GMC Chapters 30.26 and 30.33 and all applicable laws, codes and ordinances. In the event the GMC Chapters 30.26 and 30.33 and any applicable laws, codes and ordinances are amended to prohibit a sign(s) subject to the DA, the applicant is permitted to maintain the sign for the applicable Amortization Period after which time the sign(s) are required to be removed.

The DA contains default provisions, indemnification, force majeure and City audit rights of the ownership, maintenance and operation of the signs, and audit of the payments and calculations of the gross revenue.

Planning Commission Review

The proposed amendments were reviewed by the Planning Commission at a regularly scheduled meeting and hearing on November 16, 2022. The Planning Commission voted

unanimously (4 – 0, Fuentes not in attendance) to recommend adoption of the proposed ordinance regarding amendments to Chapter 30.26 ASOZ.

Also at this meeting, the Planning Commission reviewed the DA for consistency with the General Plan, the Town Center Specific Plan and the DSP and recommended the City Council find the DA is consistent with the General Plan, the Town Center Specific Plan and the DSP.

STAKEHOLDERS/OUTREACH

Not applicable.

FISCAL IMPACT

There is potential for additional revenue to the City as part of the Development Agreement in the form of an annual “Public Benefit Agreement Fee” payment calculated at 12% of gross revenue during the defined Amortization Period and 15% of the gross revenue.

ENVIRONMENTAL REVIEW (CEQA/NEPA)

In March 2010, the City Council adopted a Final Mitigated Negative Declaration (MND) that analyzed the environmental impacts of the modifications to the signage reflected in Ordinance No. 5688, which added the ASOZ Chapter 30.26 to the GMC. In August 2013, an Addendum to that MND was prepared for the amendments to Chapter 30.26 (ASOZ) and Chapter 30.33 (Signs) that were approved with the adoption of Ordinance No. 5804.

In January 2020, revisions to the sizes and locations of certain ASOZ signs and the addition of a new ASOZ sign were categorically exempted from CEQA review pursuant to CEQA Guidelines section 15311 “Accessory Structures” because the modifications to the permitted signage consisted of construction of a minor structure accessory to existing commercial signage and would be in compliance with GMC regulations related to animated signs, maximum brightness levels and framing.

An Addendum to the March 2010 Final MND and the 2013 Addendum has been prepared for the present amendments to Chapter 20.26 ASOZ that were approved with the adoption of Ordinance No. 5804. The MND and Addendum are included with this staff report for consideration as required by CEQA Guidelines section 15164.

CAMPAIGN DISCLOSURE

The names and business addresses of the members of the board of directors, the chairperson, CEO, COO, CFO, Subcontractors and any person or entity with more than 10% interest in the company proposed for contract in this Agenda Item Report are attached in Exhibit 5, in accordance with the City Campaign Finance Ordinance No. 5744.

ALTERNATIVES

Alternative 1: Introduce proposed amendments to Title 30 of the GMC, 1995 relating

generally to expanding the types of signs that can be “ASOZ non-accessory signs” and animated signs to include freestanding and marquee signs and approving the statutory development agreement for the proposed amendments to Chapter 30.26.

Alternative 2: Do not introduce proposed amendments to Title 30 of the GMC, 1995.

Alternative 3: Consider any other alternative not proposed by staff or the Planning Commission.

ADMINISTRATIVE ACTION

Prepared by:

Roger Kiesel, Senior Planner

Approved by:

Roubik R. Golanian, P.E., City Manager

EXHIBITS/ATTACHMENTS

Exhibit 1	Planning Commission motion
Exhibit 2	2010 Mitigated Negative Declaration
Exhibit 3	2013 Addendum to mitigated negative declaration
Exhibit 4	2022 Addendum
Exhibit 5	Campaign Finance Disclosure
Exhibit 6	First Amendment to Development Agreement
Exhibit 7	2010 Development Agreement