



1048 Marengo Dr

CITY OF GLENDALE, CALIFORNIA
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division

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November 6, 2012

Curt Wilkinson
On behalf of Richland Towers Management Flint, LLC
400 North Ashley Drive, Suite 3010
Tampa, Florida 33602

**RE: 1048 MARENGO DRIVE
VARIANCE CASE NO. PVAR 1227352**

Dear Mr. Wilkinson:

On October 24, 2012 the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.43, for your application for a Variance to increase the height of the existing one hundred forty (140)-foot television and radio broadcast monopole antenna to one hundred and sixty (160)-foot on Flint Peak in the ROS (Residential Open Space) Zone, Floor Area District 3, located at **1048 Marengo Drive**, Portion of Lot B, Sycamore Canyon Tract, in the City of Glendale, County of Los Angeles.

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.

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. Flint Peak has hosted radio and broadcast antennas structures and unstaffed communication buildings since the 1950s. These antenna structures range in height from 58 feet to 146 feet. The Land Use Element identifies this property as a very low density residential and open space area and the Zoning Code allows transmission and wireless

facilities in this zone. These types of land uses require antennas to be higher than surrounding man-made or natural physical obstructions in order to provide service to the public. The current proposal to increase the existing monopole height by 20 feet would be consistent with the history of broadcast-related land uses. The subject monopole is 140-feet high and was granted February 26, 2008 by Standards Variance No. PVAR 2007-043 and Conditional Use Permit No. PCUP 2007-030. Increasing the monopole height to 160 feet would make it the tallest structure on the property; however, due to the site's topography it would be lower than the tower structure constructed on the highest point of Flint Peak in the 1950s. Applying the 15-foot high antenna (pole type) height limit for the subject monopole would be a practical difficulty because lower level antenna would not be able to provide service to the public comparable to similar broadcast tower and monopole structures on the site.

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.

The history of Flint Peak's development is exceptional and unique as compared to residential and open space properties in this area. Broadcast tower and monopole structures have consistently operated on Flint Peak since the 1950s prior to many of the residential developments in the area. The property is surrounded by vacant land on all sides and the Scholl Canyon Landfill. Increasing the existing height of the monopole by 20 feet, to an overall height of 160 feet, would be in keeping with the property's traditional radio and television broadcast development pattern.

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 20-foot increase in the monopole height would not have a detrimental visual impact on sensitive receptors in the area, in this case residential land uses, since the antenna structures have been a part of the visual landscape on Flint Peak before many of the residential developments in the area. Adding the 20-foot high monopole extension would be visually insignificant at the distance most residents would view it, and its overall elevation would remain lower than the existing antenna tower built in the 1950s. Providing a back-up antenna in case of emergencies and during times the main antenna is out of service would be beneficial to the public by preventing the television station from going "dark".

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

Construction and maintenance of broadcast facilities on Flint Peak, including tower and monopole structures and ancillary buildings, has been the sole land use development on the property since the 1950s. The Land Use Element identifies this property as Residential - Very Low Density/Open Space. The Zoning Code, which helps implement the General

Plan, allows broadcast and wireless facilities. These land use types require antennas to be raised above structures and natural physical features in order to provide service to the public. Flint Peak is the tallest peak in the area and serves as a base for radio and television broadcasters to provide their programs. The Open Space and Conservation Element addresses Visual and Scenic Resources including preserving the prominent ridgelines. This Element did not identify the radio and television broadcasting structures on Flint Peak nor did it state that this type of land use development diminishes the natural ridgeline views in this area of the San Rafael Hills. Extending the height of the existing monopole and the addition of new equipment inside the building would not be inconsistent with the Safety Element since the facility is not staffed and there are no residential dwellings on the site that would be affected by natural disaster or fire. The site does not directly affect the Circulation Element as it is accessed by the Radio Lateral fire road through Marengo Drive or East Glenoaks Boulevard by way of locked security gates.

SUMMARY OF PLANNING HEARING OFFICER'S DECISION

The Planning Hearing Officer was able to find the four (4) required findings for approval of the Standards Variance. The subject radio and broadcast antenna has been in existence since the 1950s at its current location. The requirement to limit the height of the antenna to 15 feet is considered a hardship due to the function and service it provides to the community. In addition, the requirement to meet current code would prevent the antenna from functioning as it was designed. The current height of the antenna has not generated any complaints from the surrounding neighbors and the addition of 20 feet to 160 feet in overall height will not adversely affect any of the surrounding residential neighbors which are approximately one mile or more away from the subject facility and at a much lower elevation than the subject site.

CONDITIONS of Approval:

APPROVAL of this Variance shall be subject to the following:

- 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 licenses, permits as required or approvals from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.
- 3) That all necessary permits (i.e., building, fire, engineering, etc.) shall be obtained from the Building and Safety Division, Permit Services Center and all construction shall be in compliance with the Glendale Building Code, Fire Code and all other applicable regulations.
- 4) That the premises shall be made available to any authorized City personnel (Building, Fire, Police, Neighborhood Services, Planning, etc.), for inspection to ascertain that all conditions of approval of this variance are being met.

- 5) That a red flashing light shall be installed on top of the tower to comply with Federal Aviation Agency (FAA) regulations for the safety of aircraft to the satisfaction of the Police Department.
- 6) Update fire permit for access to and use of "Radio Lateral" fire road, which traverses City property to the satisfaction of the Fire Engineering Section.
- 7) Provide fuel modification zone per City standards. Obtain right-of-entry for off-fuel modification on adjacent City property to the satisfaction of the Fire Engineering Section.
- 8) That Design Review Board approval or exemption shall be obtained prior to the issuance of a building permit.
- 9) That transmissions shall not produce noise or other disturbances which would interfere with normal activities in the area. The opinion of the Hearing Officer shall determine or settle disputes concerning this condition.
- 10) That the premises be maintained in a clean and orderly condition, free of weeds, trash, and graffiti. Old and abandoned antenna on the site shall be removed.
- 11) That any expansion or modification of the monopole and equipment attached to it and equipment inside the building which changes from what was reviewed at the public hearing and as approved herein shall require a new standards variance application. Expansion or modification shall constitute any physical change as determined by the Planning Hearing Officer with concurrence of the Director of Community Development.
- 12) That the applicant shall submit certification that the increased monopole height will comply with Federal Communication Commission Regulation OET65 regarding the maximum permissible emission limitations for both controlled and uncontrolled areas and shall define where each of those areas are located to the satisfaction of the City of Glendale Wireless Administrator.

APPEAL PERIOD (effective date), TIME LIMIT, LAPSE OF PRIVILEGES, TIME EXTENSION:

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 Building and Safety Section upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **November 21, 2012**, in the Permit Services Center, 633 East Broadway, Room 101.

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

APPEAL FORMS available on-line
<http://www.ci.glendale.ca.us/planning/SubmittingAProject.asp>

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.

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 (*Christopher Baxter at 818.937.8162*) 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 M. Collin
Planning Hearing Officer

CC: City Clerk (K.Cortes); Police Dept. (Tim Feeley); City Attorney's Dept. (G. van Muyden/M.Yun); Fire Prevention Engineering Section-(D.Nickles); City Engineer and Traffic & Transportation Section (Roubik Golanian); Director of Public Works and General Manager for Glendale Water and Power (Stephen Zurn); Glendale Water & Power--Water Section (R.Takidin); Glendale Water & Power--Electric Section (M.Kelley/M.Jackson); Parks, Recreation and Community Services Dept. (Emil Tatevosian); Neighborhood Services (A.Jimenez); Integrated Waste Management Admin. (D.Hartwell); Maintenance Services Section Admin. (D.Hardgrove); Street and Field Services Admin.; Environmental Management (M.Oillataguerra); Information Services Administrator-Wireless Communications (Steve Hronek); and case planner – Christopher Baxter.