



CITY OF GLENDALE, CALIFORNIA
Community Development
Planning

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March 27, 2019

Adam Corsi
c/o American Towers Corporation
10 Presidential Way
Woburn, MA 01801

**RE: 3600 MARENGO DRIVE
STANDARDS VARIANCE CASE NO. PVAR 1821586
(Flint Peak)**

➤ NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION

(SEE: CONDITIONAL USE PERMIT CASE NO. PCUP 1821585)

Dear Applicant:

On March 6, 2019, 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 *Standards Variance* to construct two new broadcast towers at 140 feet and 160 feet in height, and to construct a new 1,750 square-foot, 12-foot, high unstaffed communications building at an existing transmission facility located on a 23.4 acre lot within a primary ridgeline, located at **3600 Marengo Drive**, zoned "ROS" - (Residential Open Space) - Floor Area District III, described as Portion of Lot B, Sicomore Canon Tract (APN: 5660-026-029), in the City of Glendale, County of Los Angeles.

CODE REQUIRES

- (1) The maximum allowable height for an accessory structure is 15 feet in the "ROS" zone (Table 30.11-B).

APPLICANT'S PROPOSAL

- (1) The applicant is proposing to construct two new broadcast towers at 140 feet and 160 feet in height.

ENVIRONMENTAL DETERMINATION

The Community Development Department, after having conducted an Initial Study, has approved a Negative Declaration for the project.

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 **APPROVED WITH CONDITIONS** your application based on the following:

A. 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.

Limiting the height for the two new broadcast towers to 15 feet would result in practical difficulties. For transmission facilities to effectively broadcast to its users, the antennas need to be located at sufficient elevations with a clear line of sight to its audience and avoid man-made and/or natural physical obstructions. Because the three existing tower/monopoles to be demolished are 58 feet, 79 feet and 100 feet (between 43 and 85 feet taller than a 15-foot tall structure allowable by code), limiting the height of the new towers to a maximum of 15 feet would significantly reduce the range and the line of sight for its antennas to reach users past hilly/mountainous terrain within the Greater Los Angeles area. While the height of the towers will be significantly taller than the towers to be demolished, the project will further promote the City's goal of preserving the primary ridgeline by clustering development and reducing the total amount of towers on Flint Peak by one. Additionally, the 140 foot and 160 foot tall towers will also provide the transmission facility site with collocation opportunities for future broadcasting services and avoid the need for new structures in the future.

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 conditions applicable to the development of the property that does not apply generally to other property located in the ROS zone. Since the 1950's, City records indicate a transmission facility land use has existed at the project location and has been modified with added antennas, equipment enclosures and structures for the past sixty years. Given the history of the project site's development, the subject property is unique in comparison to other ROS zoned properties in the immediate area which are either undeveloped or developed with single-family residences.

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 applicant's request would not have a detrimental impact on the general public welfare or surrounding neighborhood. Flint Peak is located on an irregularly-shaped 23.4 acre property on a primary ridgeline, as identified by the City's ridgeline maps. It is presently occupied by an array of six broadcast and transmission facilities, including towers and monopoles, ranging in height from 58 feet to 160 feet, with three unstaffed equipment buildings, since the 1950s (last updated in 2013). The proposal is to remove three older towers/monopoles (58 feet, 79 feet and 100 feet high) and replace them with two new towers (140 feet and 160 feet high). The project will not have a substantial adverse effect on the primary ridgeline

because the proposed development will be clustered on the property by situating the new towers and assessor building adjacent to existing broadcast towers. While the new 160-foot high tower will be approximately 12 feet taller (8.6 percent) than the existing towers, the amount of towers/poles on the project site decreases by one. Surrounding the project site are open space area, hillsides, canyons, low density residential and Scholl Canyon Landfill. Since a transmission facility has been a part of the Flint Peak visual landscape for the past sixty years, the proposed two new towers' visual impact would be less than significant.

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

Construction and maintenance of broadcast tower and monopole facilities and equipment buildings on Flint Peak has been the sole land use on this site since the 1950s. The construction of two new towers would not be contrary to the objectives of the ordinance because the Land Use Element identifies this property as Residential - Very Low Density/Open Space. The Zoning Code, which implements the General Plan, allows broadcast and wireless facilities in the "ROS" Zone and the Subdivision Code Design Standards allow transmission facilities on primary ridgelines through the conditional use permit process. A separate conditional use permit is being processed simultaneously with this variance application. Transmission facility land uses 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 to Glendale and surrounding areas.

CONDITIONS OF APPROVAL

APPROVAL of this Variance shall be subject to the following conditions:

- a. 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.
- b. That all licenses, permits as required or approvals from Federal, State, County or City authorities shall be obtained and kept current at all times.
- c. 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.
- d. 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.
- e. That a fire protection system shall be provided for the new building and towers to the satisfaction of the Fire Engineering Section.
- f. That a fuel modification plan shall be provided per City standards. The applicant shall obtain a right-of-entry for off-fuel modification on adjacent City property to the satisfaction of the Fire Engineering Section.
- g. That all high fire hazard regulations shall be met to the satisfaction of the Fire Engineering Section.

- h. That documentation shall be provided for the fire road access permit for access to and use of the "Radio Lateral" fire road to the satisfaction of the Fire Engineering Section.
- i. That disclosure of any hazardous materials used for new and/or altered tanks and/or batteries shall be provided to the satisfaction of the Fire Engineering Section.
- j. That Construction and Demolition Waste Reduction and Recycling Plans shall be provided to the satisfaction of the Integrated Waste Management Administrator.
- k. That Design Review Board approval or exemption shall be obtained prior to the issuance of a building permit.
- l. That radio and television transmissions shall not produce noise or other disturbances which would interfere with normal activities in the area.
- m. That the premises be maintained in a clean and orderly condition, free of weeds, trash, and graffiti. Unused and/or abandoned towers, poles, antennas, tanks, equipment and buildings on the site shall be removed.
- n. That any expansion or modification of the two towers and ancillary equipment 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.
- o. That the project shall comply with conditions of approval for PCUP1821585.

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 **April 11, 2019**, 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>

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.

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 (Dennis Joe at 818-937-8157) 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.

Should you have any questions regarding this issue, please do not hesitate to contact the case planner, Dennis Joe at (818) 937-8157 or djoe@glendaleca.gov.

Sincerely,



Laura Stotler
Planning Hearing Officer

LS:DJ:sm

CC: City Clerk (K.Cruz); Police Dept. (A.Jenks/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(J.Halpert); Traffic & Transportation Section (Larry Tan/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 (Rene Sada); 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); M.Tosch; G.Arnold-Wireless Systems Manager; and case planner Dennis Joe.

ENVIRONMENTAL REVIEW RESOLUTION

**RESOLUTION CERTIFYING AND ADOPTING A NEGATIVE DECLARATION FOR THE
PROJECT LOCATED AT 3600 MARENGO DRIVE, GLENDALE, CA
(PVAR 1821586 AND PCUP 1821585)**

WHEREAS, the City of Glendale, as lead agency, has caused to be prepared an initial study to identify potential environmental impacts of a project involving the construction of two new broadcast towers at 140 feet and 160 feet in height, and to construct a new 1,750 square foot, 12-foot high unstaffed communications building at an existing transmission facility at 3600 Marengo Drive, in Glendale, California (the "Project"); and

WHEREAS, the initial study revealed that the Project would result with impacts at a level of less than significant; and

WHEREAS, the City of Glendale, exercising its independent judgment, has read, reviewed and analyzed the initial study and all reports and appendices in connection with the Negative Declaration for the Project, and the Planning Hearing Officer finds and determines that the impacts associated with the project will result at a level less than significant.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING HEARING OFFICER OF THE CITY OF GLENDALE AS FOLLOWS:

SECTION 1. The recitals as set forth above are true and correct.

SECTION 2: The proposed Negative Declaration was published and duly noticed as required by law. The comment period for the proposed mitigated negative declaration took place from February 7, 2019 to February 27, 2019.

Adopted this 19th day of March, 2019.



Planning Hearing Officer