



CITY OF GLENDALE, CALIFORNIA

Community Development
Planning

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glendaleca.gov

December 6, 2023

Alex Tsaturov,
Morrison Hershfield/DISH Wireless LLC
12526 High Bluff Drive 300 300
San Diego, CA 92130

RE: 1501 5TH STREET
WIRELESS TELECOMMUNICATIONS FACILITY - CASE NO. PWTF-000501-2022

Dear Applicant:

The Planning Commission of the City of Glendale, at its meeting held on December 6, 2023, conducted a public hearing on Wireless Telecommunications Facility Case No. PWTF-000501-2022, and after due consideration, the Planning Commission **APPROVED WITH CONDITIONS**, the Wireless Telecommunications Facility Permit No. PWTF-000501-2022 located at **1501 5th Street**, in the City of Glendale, County of Los Angeles.

PROJECT DESCRIPTION

The applicant is proposing a new Wireless Telecommunications Facility (WTF) on the rooftop of an existing approximately 63,000 square feet (SF), apartment building (three stories over a semi-subterranean parking garage) on an approximately 1.06 acre (46,174 SF) lot located in the R-2250 (Medium Density Residential Zone), described as Portion of Lot 9 and Lot 13, and Lots 10 through 12, Tract 4855 / APN 5623-008-029 . The proposed facility features three rooftop sectors (wireless equipment areas) with two wireless antennas each (for a total of six antennas) with one equipment platform and cabinet. All sectors consist of 7'-4" tall screening extending from the existing building height of 40'-11", resulting in a new total height of 48'-3", which exceeds the maximum allowed height of 36 feet in the R-2250 zone.

ENVIRONMENTAL DETERMINATION

The project is exempt from environmental review as a Class 3 "New Construction or Conversion of Small Structures" exemption pursuant to section 15303 of the State CEQA Guidelines, because the project involves installation of small new equipment and facilities on an existing structure.

A motion adopted by the Planning Commission is attached.

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 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 **DECEMBER 21, 2023** following the actual date of the decision.

All appeals must be filed using the City's online permit portal: www.glendaleca.gov/Permits. Create an account, click "Apply," "Skip...", then type "appeal" in the search bar, and apply for "Appeal of Planning Decision." Any appeal must be filed within fifteen (15) days following the actual date of the decision with the prescribed fee prior to the expiration of the 15-day appeal period, on or before **DECEMBER 21, 2023**. Information regarding appeals and appeals and fees may be obtained by calling the Community Development Department staff at 818.937.2140 or contacting the case planner, Cassandra Pruett at cpruett@glendaleca.gov or 818-937-8186.

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 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.

REVOCACTION

Section 30.64.020 of the Glendale Municipal Code, 1995, provides for the Director of Community Development Department to have continuing jurisdiction over any Wireless Telecommunication Facility which is or has been granted and may revoke any Wireless Telecommunication Facility in whole or in part at any time for failure to comply with any condition or requirement imposed at the time of approval.

GMC CHAPTER 30.41 PROVIDES FOR

Termination

Every right or privilege authorized by a Wireless Telecommunication Facility 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 Wireless Telecommunication Facility may be terminated by the review authority upon any interruption or cessation of the use permitted by the Wireless Telecommunication Facility for one year or more in the continuous exercise in good faith of such right and privilege.

Extension

An extension 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 Wireless Telecommunication Facility.

NOTICE – subsequent contacts with this office

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the case planner 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 undersigned.

Sincerely,
Bradley Calvert
Director of Community Development Department



Cassandra Pruett
Senior Planner

CP:sm

CC: City Clerk (K.Cruz); Building and Safety (S.Hairapetian); Neighborhood Services Division (J.Sada); Design Review & Historic (J.Platt/K.Conley); Economic De. (M.Berry); Housing (P.Zovak / M. Fortney); Urban Design and Mobility F.Zohrevand); Parks, Recreation and Community Services and Park (T. Aleksanian/ A.Limayo); Information Services (G.Arnold);_City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Engineering Section-(J.Diaz/ D.Stimson); Traffic & Transportation Section (P.Casanova/S.Roudsari); General Manager for Glendale Water and Power (M.Young); Glendale Water & Power--Water Section (S.Boghossian/R.Takidin/F.Garcia); Glendale Water & Power--Electric Section (C.Babakhanlou/ S.Boghossian / F.Garcia/ H.Barkhordian/ D.Scorza); Police Dept. (Lt.S.Riley/Z.Avila); Dir. Of Public Works (Y.Emrani); Engineering and Land Development (A.Avazian/ S.Oganesyanyan / M.Oillataguerre/ R. Villaluna); Integrated Waste Management Admin. (D. Hardgrove); Maintenance Services/Street and Field / Urban Forester (L.Klick / C.Linares / O. Urquidez); and case planner-Cassandra Pruett

MOTION

Moved by Planning Commissioner Lee seconded by Planning Commissioner Member Minassian, that upon review and consideration of all materials and exhibits of current record relative to Wireless Telecommunications Facility Case No. PWTF-000501-2022, located at 1501 5th Street, and after having conducted a public hearing on said matter, that the Planning Commission hereby APPROVES Wireless Telecommunications Facility PWTF-000501-2022 in accord with the findings of fact and conditions set forth below:

FINDINGS OF FACT

To the maximum extent reasonably feasible, and with the recommended conditions of approval, the proposed wireless telecommunications facility has been designed to achieve compatibility with the community.

The site is located in the R-2250 zone and the existing land use is multi-family residential. The proposed wireless facility features three raised 7'-4" tall, screened structures on the building rooftop, with horizontal dimensions of the screening structures aligned with existing vertical building façade components. The facility location, however, is aligned flush with the building facades, which does not comply with GMC 30.48.070(F), which requires that, "Roof mounted antennas shall be constructed at the minimum height possible to serve the operator's service area and shall be set back as far from the edge of the building as possible or otherwise screened to minimize their visibility." Since the screens protrude above any other part of the building, their visibility has not been minimized. Further, the equipment exceeds the maximum allowed building height, which further necessitates stepping it back and minimizing its apparent height. A condition of approval requires stepping back the equipment from the building façade. The equipment screening will be painted and textured to match the existing building.

Alternative configurations will not increase community compatibility or are not reasonably feasible, since an alternative design would not meet the coverage objective. If the equipment were reconfigured into less sectors, or moved closer to the center of the building, the configuration would not meet the coverage objective.

Alternative locations on the site will not increase community compatibility or are not reasonably feasible, as the proposed location of the wireless facility is at an optimal location on the existing lot so that it can provide quality service and fill a gap in coverage within the area. If the equipment were on the ground, it would not meet the minimum height needed for effective signal transmission. If the equipment were moved to other locations on the building (further from the roof edge), the signal transmission would be interrupted by the roof.

The location of the wireless telecommunications facility on alternative sites will not increase community compatibility or is not reasonably feasible, and the carrier for the new facility has determined the most suitable location on the subject site that would provide the best wireless coverage based on FCC and City regulations and codes. The wireless carrier has a planned network of facilities, each facility designed to cover a particular area, which together provide full coverage to the community; therefore, potential alternative sites are limited to a finite area and will not fulfill the gap in coverage. Given the scope of the project, which is to construct a new facility, identifying an alternative site and going through the subsequent extensive FCC regulatory compliance and review process would not be reasonably feasible. Further, no other sites were identified that would provide a less visible or less obtrusive design option. Due to limited collocation opportunities on existing wireless tower structures, the only alternate location and design objective would require a new freestanding tower structure that would be less compatible and more intrusive.

The facility is necessary to close a significant gap in coverage. DISH Wireless is a new wireless carrier and currently has no sites providing coverage in Glendale and the surrounding areas. This site is part of the initial coverage deployment as mandated by the FCC. As such, this proposed facility will only provide coverage for the DISH network in the vicinity of the project area. In other words, there is a significant gap in coverage because there is currently no coverage.

The applicant has submitted a statement of its willingness to allow other carriers to co-locate on the proposed wireless telecommunications facility wherever technically and economically feasible and where co-location would not harm community compatibility.

Noise generated by equipment will not be unnecessary, excessive, annoying nor be detrimental to the public health, safety, and welfare. The applicant submitted a statement that the facility will operate within the City's Noise Ordinance standards (Glendale Municipal Code Section 8.36).

The facility complies with all of the requirements of state and federal laws, regulations and orders. The proposed facility will comply with all local, state and federal regulations related to FCC performance as well as zoning, building and public works department standards. Furthermore, the facility will adhere to all state and CPUC regulations.

CONDITIONS OF APPROVAL

1. That all equipment and screening shall be installed a minimum of two feet from the edge of the building façade on all street frontages.
2. That the development shall be in substantial accord with the plans submitted with the application except for any modifications as may be required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Director of Community Development.
3. That all necessary permits (i.e., building, fire, engineering, etc.) shall be obtained from the Building and Safety Division and all construction shall be in compliance with the Glendale Building Code and all other applicable regulations.
4. 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.
5. That the premises shall be made available and accessible to any authorized City personnel (e.g., Building, Fire, Police, Planning and Neighborhood Services, etc.) for inspection to ascertain that all conditions of approval are in compliance.
6. That any modification to these plans must be approved by the Planning Division staff prior to the changes on the working drawings or in the field. Changes considered substantial by Planning staff must be returned for review by the Planning Commission. The determination of whether or not a change is substantial shall be made by the Director of Community Development.
7. That any transmissions shall not produce noise or other disturbances, which would interfere with normal activities in the area. The opinion of the Director of Community Development shall determine or settle disputes concerning this condition.
8. The facility must comply with the noise standards in the Glendale Noise Ordinance (Glendale Municipal Code Section 8.36) of a maximum 60 dBA at any time. Documentation of maximum noise levels for all equipment must be provided that demonstrate compliance.
9. That any equipment service lighting shall be directed into the work area and shielded away from adjacent properties.
10. That the premises be maintained in a clean and orderly condition.

11. That the authorization granted herein shall be valid for a period of 10 years until **December 6, 2033**, until at which time, a reapplication must be made prior to the expiration date

VOTE

Ayes: Lee, Minassian, Chraghchian

Noes: None

Abstain: None.

Absent: Fuentes, Shahbazian
