

March 25, 2014

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

**RE: 3600 MARENGO DRIVE
VARIANCE CASE NO. PVAR 1326499**

(SEE: CONDITIONAL USE PERMIT NO. PCUP 1326492)

Dear Mr. Wilkinson:

On March 12, 2014, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.42, on your application for a standards variance to allow the construction of two new broadcast towers at 148-feet and 100-feet high and an ancillary communications building on a primary ridgeline in the "ROS"- Residential Open Space - Floor Area District III, located at **3600 Marengo Drive**, described as Portion of Lot B, Sycamore Canon Tract, in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL

Standards Variance

- 1) Construction of two new broadcast towers at 148-feet and 100-feet in height.

CODE REQUIRES

Standards Variance

- 1) Accessory Structures have a maximum allowed height of 15 feet in height in the "ROS"-Residential Open Space zone.

ENVIRONMENTAL RECOMMENDATION: The Community Development Department, after having conducted an Initial Study, has prepared a negative declaration for the project. The proposed negative declaration 20-day comment period began on February 20, 2014 and ended on March 11, 2014. No comments were received.

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. 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 antenna 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 facilities in this zone. This type of land use requires antennas to be higher than surrounding man-made and natural physical features in order to provide service to the public. The current proposal to remove three tower/pole antennas and adding two new ones would be consistent with the history of site's broadcast-related land uses. Due to the site's topography, the two new towers would remain lower than the existing tower structure constructed in the 1950's on the highest point of Flint Peak. Applying the 15-foot high antenna height limit for the new towers would be a practical difficulty because lower level antennas would not be able to provide service to the public, including important emergency information.

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.

Flint Peak's isolated and elevated location has historically been developed with broadcast towers, monopole structures and ancillary equipment buildings since the 1950s with variance and conditional use permit approvals. The property allows the existing and new transmission facilities to be of sufficient height to provide a clear unobstructed line of sight to meet broadcast objectives and improve the level of service to the public especially during an emergency.

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 new tower heights would not have a detrimental visual impact on residential land uses, because the towers, monopoles and ancillary equipment buildings have been a part of the visual landscape on Flint Peak before many of the residential

developments in the area. The two new towers would be visually insignificant at the distance most residents would view them, and their overall elevation would remain lower than the existing antenna towers built in the 1950s. Consolidating and redesigning the site's electrical distribution system to facilitate new broadcast technology would provide a benefit to the community by providing new broadcast technology, reducing the number of tower/monopoles on the ridgeline from three to two, providing co-locating opportunities for additional antennas and improving the tower/monopole structural integrity to current development standards.

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

In this case, an objective of the Zoning Ordinance standards and the Subdivision Ordinance design standards is to regulate and restrict the location of buildings, structures and land uses from incompatible uses. The two new towers would not introduce incompatible land uses since Flint Peak is an isolated 23.4 acre site that is surrounded by vacant space and the Scholl Canyon landfill. The property has been developed historically with broadcast transmission facilities since the 1950s which predate many of the surrounding residential land uses.

SUMMARY OF PLANNING HEARING OFFICER'S DECISION

The Planning Hearing Officer was able to make all four required findings in favor of the application. The proposal is for two new broadcast towers of 148-feet and 100-feet in height in conjunction with an ancillary unstaffed communications building at the existing Flint Peak broadcast and transmission facility. There was no opposition received relating to the project either in writing or in person at the hearing. The conditions attached to this approval will control the use in a manner necessary to allow the use to properly fit into the specific location.

CONDITIONS OF APPROVAL

APPROVAL of this Standards 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 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 the address shall be changed from 1048 Marengo Drive to 3600 Marengo Drive to the satisfaction of the Building Official.
6. That a fire protection system shall be provided for the new building and towers to the satisfaction of the Fire Engineering Section.
7. That a fuel modification zone shall be provided 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 all high fire hazard regulations shall be met to the satisfaction of the Fire Engineering Section.
9. That documentation shall be provided for the fire road access permit for access to and use of "Radio Lateral" fire road to the satisfaction of the Fire Engineering Section.
10. 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.
11. That Construction and Demolition Waste Reduction and Recycling Plans shall be provided to the satisfaction of the Integrated Waste Management Administrator.
12. That Design Review Board approval / or exemption shall be obtained prior to the issuance of a building permit.
13. That radio and television 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.
14. 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.

15. 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.
16. That the project shall comply with conditions of approval for Conditional Use Permit Case No. 1326492.

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 Permit Services Center (PSC) or the Community Development Department (CDD) upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **APRIL 9, 2014**, at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 am to 12:00 pm, or at the Community Development Department (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 pm to 5 pm.

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 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 – Revocation – The Community Development Department shall have continuing jurisdiction over variances (individual cases heard and decided upon by the Hearing Officer). To consider the revocation, the Hearing Officer shall hold a public hearing after giving notice by the same procedure as for consideration of a variance at least 10 days notice by mail to the applicant or permittee.

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.

EXTENSION: An extension of the variance 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 conditional use permit.

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 who acted on this case. This would include clarification and 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

BC:sm

CC: City Clerk (K.Cruz); Police Dept. (S.Bickle/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(D.Nickles); City Engineer and Traffic & Transportation Section (Roubik Golanian/G.Tom); Director of Public Works and General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (R.Takidin); Glendale Water & Power--Electric Section (M.Kelley/M.Jackson); Parks, Recreation and Community Services Dept. (E.Tatevosian); Neighborhood Services Division (A.Jimenez); Integrated Waste Management Admin. (D.Hartwell); Maintenance Services Section Admin. (D.Hardgrove); Street and Field Services Admin.; Environmental Management (M.Oillataguerra); and case planner-Chris Baxter.

**A RESOLUTION OF THE PLANNING HEARING OFFICER
OF THE CITY OF GLENDALE, CALIFORNIA,
ADOPTING A CERTAIN NEGATIVE DECLARATION
PREPARED PURSUANT TO THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT**

WHEREAS, The Director of Community Development considered the Initial Study prepared on behalf of Conditional Use Permit Case No. 1326492 and Standards Variance Case No. 1326499 to upgrade television and radio broadcast transmission facilities located at 3600 Marengo Drive and approved on March 12, 2014, a Negative Declaration prepared pursuant to the California Environmental Quality Act; and

WHEREAS, the Proposed Negative Declaration was made available for a 20-day public review and comment period; and

WHEREAS, a Final Negative Declaration has been prepared after no comments were received during the review period; and

WHEREAS, the Negative Declaration reflects the independent judgment of the City of Glendale; and

WHEREAS, the Planning Hearing Officer has read and considered the Negative Declaration; and

WHEREAS, the Planning Hearing Officer acknowledges the findings of the Director of Community Development with respect to the preparation of the Negative Declaration; and

WHEREAS, the Glendale Community Development Department has been identified as the custodian of record for the Negative Declaration.

NOW, THEREFORE, BE IT RESOLVED that the Planning Hearing Officer of the City of Glendale finds on the basis of the whole record including the Initial Study and any comments received that there is no substantial evidence that the project will have a negative effect on the environment, and that the Planning Hearing Officer adopts Negative Declaration prepared on behalf of Conditional Use Permit Case No. 1326492 and Standards Variance Case No. 1326499.

Adopted this 12th day of March, 2014.



Planning Hearing Officer