



CITY OF GLENDALE, CALIFORNIA
COMMUNITY DEVELOPMENT DEPARTMENT
Director of Community Development

633 East Broadway, Room 103
Glendale, California 91206-4386
(818) 548-2144 Fax (818) 240-0392
www.ci.glendale.ca.us

March 9, 2012

Robert McCormick
Agent for Agent for AT&T Wireless
27 Via Granada
Rolling Hills, CA 90274

RE: WIRELESS TELECOMMUNICATION FACILITIES CASE NO. PWTF 2011-014
230 NORTH MARYLAND AVENUE

Dear Mr. McCormick

Pursuant to Chapter 30.48 of Title 30 of the Glendale Municipal Code, the Director of Community Development has reviewed and approved your Wireless Telecommunications Facilities (WTF) application to permit the removal of six 4-foot antennas and replace with twelve 6-foot antennas with ancillary equipment and increase the overall building height from 57 feet to 59 feet on the roof of an existing four story commercial building, addressed as 230 North Maryland Avenue and located in the Downtown Specific Plan Transitional District.

BACKGROUND AND EXISTING CONDITIONS

The facility is located on the roof of an existing four story commercial building located between Wilson Avenue and California Avenue. The existing facility consists of six antennas in three sectors (two antennas each) and equipment cabinets which received approval in October, 2008. The subject property is zoned Downtown Specific Plan Transitional District and has a Land Use Designation of Downtown Specific Plan.

In 2010, a new Wireless Telecommunications Facility ordinance was adopted and classifications were given to different types of antennas. The proposed structure is classified as a Class 2 antenna under the City's Wireless Telecommunications Facilities ordinance. Class 2 antennas are those that have co-located antenna panels, whose base facilities were permitted prior 2010. In this case, the base facility was reviewed and permitted in October, 2008. Approval of the current WTF application would allow for continued use of the existing facility with changes and improvements.

ENVIRONMENTAL RECOMMENDATION: Because this project is to permit the continued operation of an existing telecommunication facility while only upgrading the existing antennas, it is exempt from any further environmental review.

REQUIRED/MANDATED FINDINGS:

After considering the evidence presented with respect to this application, the Director of Community Development has **GRANTED WITH CONDITIONS**, your application based on the following findings:

1. To the maximum extent reasonably feasible, the proposed wireless telecommunications facility has been designed to achieve compatibility with the community.

The project site is located within a fully developed area within Downtown Glendale. The Wireless Telecommunication Facility sits atop an existing four story commercial building, located along Maryland Avenue and within a block of Brand Boulevard. Maryland Avenue is considered an Urban Collector by the General Plan's Circulation Element. Multi-family and commercial uses (1-3 stories in height) surround the subject property. The roof-mounted facility was originally designed to be compatible with the community since the antennas were integrated with the roof-top structures. The proposed antennas will be mounted to an 8-foot high screened located at the corners of the building. The new proposal will slightly increase the overall height by two feet. The new screens will be located in their original locations with the same configurations and will be painted to match the existing color of the building.

2. Alternative configurations will not increase community compatibility or are not reasonably feasible.

Alternative configurations on the site will not increase community compatibility or are not reasonably feasible. The City's Wireless Administrator has reviewed the application and agreed that it is consistent with the overall intent of the ordinance, because the existing facility is not proposed to be significantly altered.

3. Alternative locations on the site will not increase community compatibility or are not reasonably feasible.

Alternative configurations on the site will not increase community compatibility or are not reasonably feasible. The subject roof-mounted cell site is an existing and fully-functional facility that provides effective coverage for the City in the immediate commercial and residential area. The City's Wireless Administrator has reviewed the application and agreed that it is consistent with the overall intent of the ordinance and "is necessary to fill a significant gap in coverage pursuant to the Glendale Municipal Code."

4. The location of the wireless telecommunications facility on alternative sites will not increase community compatibility or is not reasonably feasible.

The location of the Wireless Telecommunications Facility at an alternative site will not increase community compatibility and is not reasonably feasible, since this is an existing facility seeking a renewal of an existing permit. The existing facility sits atop a four story building along the corners of two façades facing Maryland Avenue with the equipment room facing the adjacent residential. Given the height differential between the roof-mounted facility and the street level below, the antennas are not visible from the adjacent uses. The antennas will be screened and will match the existing color of the building. The facility is also not visually obtrusive upon the residential neighborhood located on North Louise Street.

5. The facility is necessary to close a significant gap in coverage.

The City's Wireless Administrator has reviewed the application and concluded that based on the submitted material, including coverage maps this facility is necessary to prevent a significant gap in coverage.

6. 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.

The applicant has submitted a statement, indicating they are "willing to allow for co-location of other carriers so long as no interference occurs."

7. Noise generated by the equipment will not be unnecessary, excessive, annoying or detrimental to the public health, safety, and welfare.

The facility is located atop a four story building, which is the average height in the immediate area based upon submitted photographs. The noise level generated by the existing facility has not been reported as a nuisance, and the continued operation of the facility is not anticipated to increase any noise levels. Moreover, no additional equipment is proposed for the site.

8. The facility complies with all of the requirements of state and federal laws, regulations and orders.

According to the statement provided by the applicant on the application form, "all FCC and state requirements are met".

CONDITIONS OF APPROVAL

APPROVAL of this Wireless Telecommunications Facility shall be subject to the following conditions:

1. The subject property shall be developed, maintained, and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity of the subject property. Failure of the applicant to cease any development or activity not in full compliance shall be a violation of these conditions.
2. The project approved herein shall be as depicted on those sets of drawings, elevations, etc. and stamped "approved" by staff on the approval date. Any modification to these plans must be approved by the Community Development Department staff prior to the changes on the working drawings or in the field. Changes considered substantial by the Planning staff must be returned for review by the Director. The determination of whether or not a change is substantial shall be made by the Director of Community Development.
3. All exterior colors and materials used for the construction of the project shall be in substantial conformance with the approved materials and color exhibit.
4. That all local, state and federal compliance with regulations can be maintained during the existence of this facility.
5. That all transmissions shall not produce noise or other disturbances which would interfere with normal activities in the area.
6. That the premises shall be kept clean and in good condition at all times, free of graffiti and trash.
7. That any expansion or modification of the facility or use or change in the operation shall require a new Wireless Telecommunication Facilities application. Expansion shall constitute addition of new equipment/antennas, or any physical changes, as determined by the Director of Community Development.
8. That no direct or indirect lighting shall be used to illuminate the antennas.
9. That upon assignment or transfer of this permit or any of the rights thereunder to a new operator, the Director of Community Development and the City's Building Official shall be notified within 30 days as required by the Glendale Municipal Code (Section 30.34.170,GMC).
10. That the authorization granted herein shall be valid for a period of 10 years until March 9, 2022.

APPEAL PERIOD, TIME LIMITS, LAPSE OF PRIVILEGES, TIME EXTENSIONS:

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 Division upon request and must be filed with the prescribed fee **prior to expiration of the 15-day period, on or before March 25, 2012** in the Building and Safety Division, 633 Broadway, Room 101.

GMC Chapter 30.41 provides for:

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

Extension: Permits 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 the administrative exception.

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

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:

Section 30.64.020 – Revocation – The Director of Community Development shall have continued jurisdiction over all wireless telecommunications permits. Consideration of revocation shall comply with the revocation procedures in Section 30.64.020.A.

NOTICE – subsequent contacts with this office:

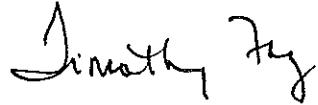
The Applicant is further advised that all subsequent contacts with this office regarding this determination must be with the Case Planner first and then, the Director of Community Development who acted on this case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be

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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 Gabriel Reza at (818) 937-8121 or via e-mail at greza@ci.glendale.ca.us.

Sincerely,



for Hassan Haghani
Director of Community Development

HH:GR:gn

cc: Steve Hronek, Wireless Administrator
Howard Malis, Principal Planner
Sam Engel, Neighborhood Services Administrator