

October 22, 2014

Pacific Telecom Services
Attention: Gibran Hashemi / Tiffany McClurg
Agent for Sirius XM Radio
506 2nd Avenue, Suite 210
Seattle, WA 98104

**RE: 403 SOUTH CENTRAL AVENUE
VARIANCE CASE NO. PVAR 1413371**

Dear Ladies and Gentlemen:

On October 15, 2014 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 to allow proposed antennas to exceed the allowable height of 50 feet, located at **403 S. Central Avenue**, described as Lot 5, Block "B", Glendale Valley View Tract in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL

Standards Variance

- 1) To install antennas on the roof at a height of approximately 100 feet.

CODE REQUIRES

Standards Variance

- 1) Maximum allowable height is fifty (50) feet.

ENVIRONMENTAL RECOMMENDATION: The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption, pursuant to State CEQA Guidelines Section 15301.

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 the ordinance would result in practical difficulties or unnecessary hardship inconsistent with the general purposes and intent of the ordinance.

The existing commercial building was constructed in 1929 and has a nonconforming height of approximately 80 feet with two penthouses extending to an overall height of 90 feet. There is an existing Sirius XM Radio facility on the roof of the building with other related equipment located within the building that has been in operation for over a decade. Other similar facilities not owned by Sirius XM Radio are also located on the roof of the building. The proposed modifications would result in the addition of two antennas (one rod mounted on a pole and one 26-inch diameter dish) and the replacement of an existing antenna with a new antenna (rod mounted on a pole). The antennas would be located in the same area as the existing antennas on the roof and penthouse. The two antennas mounted on poles would be attached to the sides of the penthouse and would reach a height of approximately 100 feet (10 feet above the top of the penthouse). Since the building exceeds the allowable height, the proposed antennas, which must be mounted on the roof to be functional, would also exceed the allowable height limit. The proposal also includes the replacement of an equipment cabinet within the equipment room in the building. Overall, the proposal would result in a relatively minor modification to the existing installation and the use will continue to provide a valuable service to Glendale residents and surrounding communities.

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 building, which was constructed in 1929 with an overall height of 90 feet, is substantially taller than the nearby buildings, which makes it a logical location for the operation of wireless and similar facilities. Sirius XM and other similar wireless facilities have been established on the roof of the building for many years and continue their operation.

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.

Throughout commercial areas in Glendale, privately-owned transmission facilities have been in operation for many years and have not presented negative impacts to the public safety or welfare. Sirius XM Radio and other similar facilities have been established on the roof of the subject building for many years. The proposal is to allow minor modifications to the existing installation with the addition of two antennas (one rod and one dish) and the replacement of an antenna on the roof (rod). The rod antennas will be mounted on poles and the 26-inch diameter dish antenna will be mounted on the wall of the penthouse. The proposed modifications will not modify the use of the commercial building

and are not expected to be detrimental to the architectural and historic character and integrity of the building which is a listed historic resource. With the proposed modifications, the Sirius XM Radio facility, which has exceeded the height limit for many years without known detrimental effects on the property or surrounding development, should continue to provide service to the community and surrounding areas.

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

The existing building, which is taller than the surrounding buildings and exceeds the allowable height, has accommodated the existing Sirius XM Radio facility and other similar facilities for many years and should continue to accommodate them. The proposed modifications to the established Sirius XM Radio facility, including the conditions of approval listed below, are not expected to result in a significant change or conflict with the continued commercial use of the building, with the other wireless facilities on the roof of the building, or with the nearby buildings, uses, parking and traffic.

CONDITIONS OF APPROVAL

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

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 Planning Hearing Officer.
2. 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.
3. 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.
4. That the Historic Preservation Planner's approval shall be obtained prior to the issuance of a building permit.
5. That the premises shall be made available and accessible to any authorized City personnel (Building, Fire, Police, Planning and Neighborhood Services, etc.), for inspection to ascertain that all conditions of approval of this variance are complied with.
6. That additional or other building code requirements or specific code requirements (i.e. CA Green Building Code, etc.) may be required upon submittal of plans for building plan check and permit.

7. That any 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.
8. That any equipment service lighting shall be directed into the work area and shielded away from the adjacent properties.
9. All exterior antennas and equipment, including cables and supports, shall be painted to match the existing building.
10. That the premises be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.

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 (CDD) upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **NOVEMBER 6, 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 p.m. to 5 p.m.

APPEAL FORMS available on-line: <http://glendaleca.gov/appeals>

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 \$1,000.00, or imprisonment for a term not to exceed six months, or by both fine and imprisonment. Infractions are punishable by a fine not exceeding the sum of \$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 request and at least 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.

GMC CHAPTER 30.41 PROVIDES FOR

TERMINATION

Every right or privilege authorized by a variance shall terminate two 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 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 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,



Erik Krause
Planning Hearing Officer

EK:sm

CC: City Clerk (K.Cruz); Police Dept. (Lt.S.Bickle/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(D.Nickles); Dir. Of Public Works (R.Golanian); Traffic & Transportation Section (W. KO/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 (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 Baghdikian.