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
CONDITIONAL USE PERMIT NO. PCUP 1821585
(Flint Peak)

- NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION

(SEE: STANDARDS VARIANCE CASE NO. PVAR 1821586)

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 30.42, on your application for a Conditional Use Permit 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) A Conditional Use Permit is required to operate a transmission facility in the "ROS" zone.

APPLICANT'S PROPOSAL

(1) The applicant is proposing to operate a transmission facility in the "ROS" zone.

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. That the proposed use will be consistent with the various elements and objectives of the general plan.

The construction of two new broadcast towers and an accessory equipment building to an existing transmission facility located on Flint Peak would be consistent with the General Plan. The property has been exclusively used for broadcast and transmission facilities since the 1950s. 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 Design Standards allow transmission facilities on primary ridgelines through the Conditional Use Permit process. This land use type requires 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, including emergency information. The Open Space and Conservation Element addresses Visual and Scenic Resources, including preserving the prominent ridgelines. It is noted that the San Rafael Hills, where Flint Peak is located, have undergone a greater amount of development than other ridgelines in the City. The addition of two new towers would not be inconsistent with the Safety Element since there are no staffed facilities or residential dwellings on the site with persons that would be affected by natural disaster or fire. The site does not directly affect the Circulation Element as it is accessed by the Radio Lateral fire road located behind locked security gates via Marengo Drive or East Glenoaks Boulevard.

B. That the use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment.

The applicant's request would not have a detrimental impact on the general public welfare or surrounding neighborhood. Flint Peak is located on an irregular-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 will decrease by one. Surrounding the project site are open space areas, 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.

C. That the use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property.

Construction and maintenance of broadcast towers, monopole facilities and equipment buildings on Flint Peak has been the sole land use on the site since the 1950s. Construction of two new towers and the removal of three others would not have a detrimental impact on sensitive receptors in the area since the nearest residence is 2,200 feet away and the transmission facilities have been a part of the Flint Peak visual landscape prior to many of the residential developments in the area. The project would be visually insignificant at the distance most residents would view them, and the new towers would be slightly taller (12 feet; 8.6 percent taller) than the existing antenna tower constructed in the 1950s. The project would result in a reduction in the quantity of towers/monopoles on the site; thereby, reducing the visual clutter on the ridgeline.

D. That adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are or will be provided for the proposed use.

Adequate public and private facilities such as utilities, parking spaces and traffic circulation measures are or will be provided for the Project. The project site is a 23.4 acre lot located in the "ROS" (Residential Open Space) zone that is generally located beyond the gated terminus of East Glenoaks Boulevard on Flint Peak. Access to the site is provided by the Radio Lateral fire road via East Glenoaks Boulevard or Marengo Drive. Although construction of the project will slightly increase the volume of traffic present in the existing roadway network temporarily, the increase will not cause the level of service to exceed the thresholds for significant impact because the construction will take place over a ten (10) week period. Because the transmission facility will be unstaffed, daily operational traffic to the facility will not occur. Occasional traffic to the site may occur on a semi or annual basis for maintenance purposes. Adequate landscaping will be available on the project site because the 23.4 acre site is mostly occupied by open space areas with natural vegetation. The amount of vegetation to be removed will be minimal because the new towers and equipment building will be located at areas on the property previously disturbed. Electrical utilities have been provided at the site for years since the property has been developed for this type of transmission and broadcast facilities since the 1950s. The new towers and equipment building will operate in a similar manner as the existing service and will not significantly alter the current condition.

CONDITIONS OF APPROVAL

APPROVAL of this Conditional Use Permit 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 conditional use permit are being met.

5) That a fire protection system shall be provided for the new building and towers to the satisfaction of the Fire Engineering Section.

6) That a fuel modification zone shall be provided and maintained by the applicant 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.

7) That all high fire hazard regulations shall be met to the satisfaction of the Fire Engineering Section.

8) 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.

9) 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.

10) That Construction and Demolition Waste Reduction and Recycling Plans shall be provided to the satisfaction of the Integrated Waste Management Administrator.

11) That Design Review Board approval or exemption shall be obtained prior to the issuance of a building permit.

12) 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.

13) 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.

14) 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 conditional use permit application. Expansion or modification shall constitute any physical change as determined by the Planning Hearing Officer.

15) That the project shall comply with conditions of approval for PVAR1821586.

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 **April 11, 2019** at the PSC, 633 East Broadway, Room 101, Monday thru Friday 7:00 a.m. to 12:00 p.m., or at the CDD, 633 East Broadway, Room 103, Monday thru Friday 12:00 p.m. to 5 p.m.

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 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.

REVOCATION, CONTINUING JURISDICTION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances, administrative use permits, 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 conditional use permit 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.

GMC CHAPTER 30.41 PROVIDES FOR

TERMINATION

Every right or privilege authorized by a conditional use permit 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 conditional use permit 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.

CESSATION

A Conditional Use Permit may be terminated by the review authority upon any interruption or cessation of the use permitted by the Conditional Use Permit for one year or more in the continuous exercise in good faith of such right and privilege.

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,

Laura Stotler

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 (P.Casanova); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (G. Tom/S. Boghosian/R.Takidin); Glendale Water & Power--Electric Section (B. B.Ortiz/E.Olsen/ M.Navareete/M.Kouassi); Parks, Recreation and Community Services Dept. (T. Aleksanian); Neighborhood Services Division (R.Sada/J.Jouharian/); 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; A.Gordon-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.

Laura Stoller
Planning Hearing Officer