

M O T I O N

Moved by Council Member _____,
seconded by Council Member _____, that upon review and consideration of all documents, material and exhibits relative to the appeal of the decision of the Direction of Public Works granting Encroachment Permit No. EP-823 for the attachment of wireless transmission facilities to the street light pole located in the public right-of-way adjacent to 1544 W. Kenneth Road (EP-823), and after having conducted a public hearing on the appeal on November 7, 2023, pursuant to Glendale Municipal Code, 1995 (GMC), and receiving testimony, the City Council, based upon all of the evidence in the record hereby **DENIES** the appeal and **SUSTAINS** the decision of the Director of Public Works granting EP-823, for all of the reasons outlined in the Report dated November 7, 2023 by the Director of Public Works (Report), including any attachment thereto and any other evidence presented at the hearing, including any additional Council comments at the hearing, and the following findings:

1. The proposed facility meets the provisions of GMC Section 12.08.03 addressed in the November Council Report.
2. The proposed facility will not interfere with the use of the public right-of-way and existing improvements and utilities thereon, as the proposed facility will install a low-profile and low-power small cell wireless facility and will include a meter pedestal and pull box on or adjacent to a power pole.
3. The proposed facility will not physically or visually interfere with vehicular, bicycle, and/or pedestrian use of streets, intersections, bicycle lanes, driveways, sidewalks, and/or walkways as the proposed facility is a low-profile small cell facility with a meter pedestal and pull box on or adjacent to a power pole.

4. The proposed facility will comply with the Americans With Disabilities Act (ADA) and will meet all required ADA standards.
5. To the maximum extent reasonably feasible, the proposed facility has been designed to blend with the surrounding area and the facility is appropriately designed for the specific site.
6. The Applicant has provided three 'alternative' locations for the proposed small cell site as identified in the Report, none of which meet the coverage objectives.
7. The proposed facility is not a high visibility facility, but rather a low visibility design. The proposed facility is a camouflaged wireless facility mounted atop of a streetlight.
8. Specific physical or technical factors, including but not limited to the proposed facility being located on a street light in the public right-of-way with limited available space, make infeasible the use of or co-location upon a preexisting antenna support structure or preexisting building or structure.
9. There is a significant gap in the existing wireless service that the proposed facility is intended to close. The application and propagation map submitted by Applicant assert a significant gap and poor data rates by Applicant carrier who will be occupying the proposed site.
10. The proposed facility meets all requirements for application completeness and compliance with the federally-required radiofrequency (RF) safety rules as Applicant has included in its submittal appropriate plans, site survey propagation maps and certification of RF compliance in accordance with FCC standards which have been reviewed by City staff and City's technical expert consultant.
11. The FCC has exclusive jurisdiction over RF safety standards and Applicant has demonstrated that it has met said standards by submitting certification of RF compliance with FCC standards.
12. The Appellant has not submitted expert testimony from qualified real estate appraisers demonstrating that the impact of the proposed facility will result in decreased property values.
13. The Appellant has not provided evidence that the approval of the proposed facility results in discrimination against Armenian American property owners in light of the permit application of another facility in front of Lutheran Church being withdrawn, since the withdrawal of the application for the facility in front of the Lutheran Church was by the applicant itself and not the City.

Vote as follows:

Ayes:

Noes:

Absent:

Abstain: