



CITY OF GLENDALE, CALIFORNIA REPORT TO THE CITY COUNCIL

AGENDA ITEM

Report: Wireless Telecommunications Facility Lease Agreement between the City of Glendale and New Cingular Wireless PCS, LLS with address of 1880 Loma Vista Drive.

1. Introduction of an Ordinance authorizing the City Manager, or his designee, to enter into and execute a Lease Agreement with New Cingular Wireless PCS, LLS for the installation of a wireless telecommunication facility at City-owned property located with address of 1880 Loma Vista Drive, Glendale, CA 91208.

COUNCIL ACTION

Item Type: Ordinance

Approved for December 3, 2024 **calendar**

EXECUTIVE SUMMARY

The City owns property located at 1880 Loma Vista Drive, Glendale, CA 91208 with an APN 5659-015-904 (Property). New Cingular Wireless PCS, LLS (New Cingular) has requested to lease a small portion of the Lease Property, which portion is about 1,144.7 square feet in size (Leased Premises), for the purposes of installing and maintaining wireless communication facilities. The project scope includes a 68-foot monopine with 12 attached antennas. The proposal also includes a 10-foot CMU enclosure and required equipment.

New Cingular has agreed to the proposed rent for the Leased Premises at four thousand six hundred dollars (\$4,600) per month with compounded annual increases by 4%. The Lease Agreement will be for an initial term of ten (10) years with the option to renew for three (3) additional five-year terms, for a maximum total of 25 years.

RECOMMENDATION

That the City Council's consider and introduce an Ordinance authorizing the City Manager to enter into and execute the proposed Lease Agreement with New Cingular.

ANALYSIS

New Cingular has requested to lease approximately 1,144.7 square feet of the City's Property at 1880 Loma Vista Drive for the purposes of installing and maintaining wireless communication facilities.

New Cingular proposes to construct a wireless telecommunication facility on the land directly north of Mayors Bicentennial Park, a small recreation area with a play set for children and paved walking paths with footbridges. The proposed facility is located approximately 33 feet past the fire road access gate along a dirt road at the northwest side of the park. The proposed facility includes a 68-foot tall monopole disguised as a Pine tree and ancillary equipment all located inside a fenced equipment enclosure. The monopine will be situated adjacent to two 50-foot tall Pine trees to allow the proposed facility to blend into the existing landscape. Surrounding the proposed facility are currently a mixture of natural California brush and grass that will benefit in concealing the proposed equipment enclosure.

Below is a comprehensive list of all equipment for the proposed wireless telecommunications facility:

Above-Ground Equipment:

- (1) 68' High Monopine
- (12) Panel Antennas
- (12) Remote Radio Units (RRU)
- (3) DC9 Surge Suppressors
- (1) DC50 Surge Suppressors
- (1) 6' x 6' Pre-fab steel W.I.C. (Walk In Cabinet)
- (1) AT&T Polar DC 20KV Generator w/ 54 gal Diesel Tank
- (1) 20' x 30' x 10' CMU Enclosure
- (1) Ciena on new H-Frame
- (1) Telco Box on new H-Frame
- 200A Meter Service Pedestal
- (2) New Trees

To the maximum extent reasonably feasible, the proposed wireless telecommunications facility has been designed to achieve compatibility with the community. The site is located in the SR (Special Recreation) Zone, which is intended for public and private open space and recreational uses and is intended to provide and protect open space, natural physical features and scenic resources. The proposal will not be detrimental to this use as it is distanced from recreational areas and is purposefully shielded to fit into the natural landscape.

Planning Review:

On April 5, 2023, the proposed wireless telecommunications facility, Case Number PWTF2210696, was presented to the Planning Commission for consideration and the Planning Commission approved the proposed wireless telecommunications facility.

Surplus Land Act:

The Department of Housing and Community Development (“HCD”) Guidelines and the Surplus Land Act (“SLA”) control the future sale of certain government owned property. The SLA allows for exemption status in specific instances, and in some instances deems the proposed disposition of government owned property excluded from the application of the SLA.

The City is a local agency within the meaning of California Government Code Section 54221, subsection (a)(1) for the purposes of the Surplus Land Act. Government Code Section 54221, subsection (c)(2) defines the City’s use of land to include land that is being used for “agency work or operations, **including, but not limited to, utility sites,** watershed property, land being used for conservation purposes, land for demonstration, exhibition, or educational purposes related to greenhouse gas emissions, and buffer sites near sensitive governmental uses, including, but not limited to, waste water treatment plants.” (Emphasis added). Glendale Municipal Code, Section 16.40.310 defines “public utilities” to include “all electrical facilities and telephone and telegraph service installation, community antenna television cables and gas mains and water facilities.”

The proposed lease of a portion of the City’s property as described in this Report is not subject to the SLA since the proposed lease is for the purposes of installing wireless telecommunications facilities for public utilities purposes which would also support the City’s use of the public utilities, in this case the proposed wireless telecommunications facilities, including emergency telecommunications.

Lease Terms Summary:

Staff has worked very closely with the City Attorney and Risk Management offices to ensure that the language in the proposed Lease Agreement is current with industry standards and is in the best interest of the City. The terms of the Lease Agreement have been finalized and are summarized below.

Some of the key provisions in the Lease Agreement include the following:

- **Premises:** The Lease Agreement is for areas approximately 33 feet from an access gate on along a dirt road at the northwest side of Mayors Bicentennial Park comprising approximately 1,144.7 square feet in size as depicted in Exhibit 1 along with a foot-wide nonexclusive strip of land area for the purpose of installing and

maintaining all necessary underground cables and utilities from the Equipment Area to the nearest appropriate utility provider;

- **Term:** 25 years, maximum (initial 10-year term with option to renew for three 5-year terms);
- **Rental Rate:** \$4,600 per month in rental income and shall be increased annually by 4%. The monthly rent will be compounded on the Monthly Rent amount from the previous year.
- **Landlord's Right to Removal or Relocation of facilities:** the City retains rights to have New Cingular remove or relocate the wireless telecommunications facilities.
- **Taxes:** New Cingular agrees to be responsible for all excise, sales, consumer use, possessory interest, or other similar taxes required by law;
- **Utilities:** New Cingular agrees to contract and pay for all services necessary to operate the facilities;
- **Indemnification:** New Cingular agrees to indemnify the City based on City requirements; and
- **Insurance:** New Cingular agrees to all standard City insurance requirements.

STAKEHOLDERS/OUTREACH

Prior to the Planning Commission's consideration of New Cingular's proposed installation of wireless telecommunications facilities, at the Planning Commission Hearing which was held on April 5, 2023, a sign was posted at the site for a minimum of 10 days prior to the April 5, 2023 hearing. Additionally, notices were sent to residents and neighboring properties within 500 feet of the site location to inform them of the upcoming Planning Commission hearing date/time for the consideration of the proposed project. The Planning Commission considered public comments which were presented during the hearing or submitted directly to the assigned Planner, prior to rendering a decision.

FISCAL IMPACT

New Cingular Wireless PCS, LLS has agreed to pay the cost of all improvements including the cellular antenna and associated equipment. The Lease Agreement will generate revenues for CSP in the General Fund.

The Lease Agreement with New Cingular will generate four thousand six hundred dollars (\$4,600) per month in revenue, which will be increased annually by 4%. The monthly rent increase will be compounded on the rent amount from the previous year.

The revenue will be deposited in the following account: 39011-1010-CSP-3008-P5150

ENVIRONMENTAL REVIEW (CEQA/NEPA)

The project is exempt from environmental review as a Class 3 “New Construction or Conversion of Small Structures” per CEQA Guidelines Section 15303.

CAMPAIGN DISCLOSURE

This item is exempt from campaign disclosure requirements.

ALTERNATIVES TO STAFF RECOMMENDATION

Alternative 1: City Council may not introduce the ordinance for the approval of the proposed Lease Agreement with New Cingular Wireless PCS, LLS.

Alternative 2: City Council may consider any other alternative not proposed by staff.

ADMINISTRATIVE ACTION

Submitted by:

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Approved by:

Roubik R. Golanian, P.E., City Manager

EXHIBITS/ATTACHMENTS

Exhibit 1: Site Plan

Exhibit 2: Planning Commission Motion Dated April 5, 2023 approving the proposed wireless telecommunications facilities.