

**GOACT COMMENTS ON GLENDALE'S DRAFT WIRELESS ORDINANCE**  
**October 28, 2009**

**PROCESS**

**Section 5, 12.08.037, E., Item #17**

**Section 18, 30.40.020, E.**

**Re: Certified public notice mailing labels -**

- The ordinance should clarify audit procedures for mailing labels submitted to make sure they are complete.
- The ordinance should clarify that the city will mail the notices and confirm receipt.
- The ordinance should require certified mailing labels to affected area tenants as well as property owners.

**Re: Distance for noticing -**

- With lot sizes of 60-90', a 500 foot notification radius could be as few as 4-8 neighbors.
- In hillside communities, 500 feet could be just one neighbor.
- The ordinance should require a larger distance of **1,500'** for notification, and a minimum neighbor requirement - for instance, the closest 10 residential neighbors, or those within 1500 feet, whichever is greater.

**Section 5, 12.08.037, F., Item 1**

**Section 22, 30.48.030, A. Item 13**

**Re: 30-Day Notification -**

- This is not enough time for residents to educate themselves and respond.
- Residents who are away for 1-2 weeks could lose the opportunity to respond.
- Homeowners groups meet at most once a month, sometimes less.
- The ordinance should require a minimum of **45 days, preferably 60 days**, for notification of a pending application.
- The ordinance does not specify a notification time period for private property installations.

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**PROCESS**

**Section 5, 12.08.037, F., Item 1**

**Section 22, 30.48.030, A, Item 13**

**Re: Posted Notification at Site -**

- The ordinance requires notice at the actual site of the proposed facility, but doesn't specify what size this notice should be.
- The placard recommended in a different section (for an allowed and permitted facility) is 4"x6". Tiny notices will defeat the purpose of this requirement.
- The ordinance should require **signs large enough to be seen while driving** - for instance at **a size of 22"x34"** as required for new construction.

**Re: Who Receives Notice -**

- The draft requires notification only to property owners and neighborhood associations.
- The ordinance should expand notification to include **tenants** of homes, multifamily units and commercial sites, and merchants associations.
- How will the city determine which neighborhood association should receive notice?

**Re: Information describing the wireless telecommunications facility encroachment permit review process, and planning commission/planning director review process –**

- The process itself is not clear within the text of this ordinance.
- If it has not yet been developed, **a process map/flowchart should exist for and within this ordinance.**
- For instance, a chart with boxes that ask "Will it be located on the Public Right-of-Way? Yes/No. If no -> "Is it On Private/City Land?" Yes/No. If no -> "Is it in a historic district?" Yes/No. If no -> .... "Has it been approved by Public Works?" Yes/No. If no -> if Yes->
- What information will the wireless telecommunications facility permit application require? Has a form been developed? Even if it changes over time and cannot be included in the ordinance, it should be available online.

**Section 5, 12.08.037, F., Item #2**

**Re: Mailed notifications**

- 48 hours notice before construction commences isn't sufficient.
- There should be a similar requirement for permits on private property.
- Interested parties (up to 1,500 feet, neighborhood associations, anyone who attended a hearing) should be notified when a permit is approved.
- Property owners, tenants, neighborhood and merchants associations should receive notices of **all process changes/protests/meetings** related to the permit.

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**INCREASING PROTECTION**  
**FOR RESIDENTIAL AREAS**

**Section 5, 12.08.037, G. and I.**

**Re: Permit process overall:**

- Beyond the city's option to solicit expert review, there is little beyond more notification in this process that increases protection for residential areas.
- For the permit on Cumberland Road, there was a very basic city department check-off, and then neighbors received notified. This ordinance does not appear much stricter in its requirements for public right-of-way installations.
- Are we to understand that there is no public hearing process for public right-of-way permits? The draft ordinance indicates that encroachment permits go through public works, citizens receive notification, and citizens can individually voice concerns but can only formally appeal after a city decision, versus some public hearing process occurring before a decision?

**Section 22, 30.48.100**

**Re: Residential setbacks**

- For private property permits, the draft ordinance has a minimal zoning district setback requirement or a distance equal to at least 110% of the height of the freestanding antenna structure from any adjoining lot line whichever is greater.
- **A residential setback requirement should be included also for public right-of-way installations.** Nothing in this ordinance, if passed today, would prevent the tower that was proposed for Cumberland Road in 2008 from being approved. For our community to feel like we have made any progress on this issue, there must be a setback requirement. Otherwise, our protest and months of time/energy by citizens will be for nothing.
- The San Diego County Wireless Ordinance had an overall setback requirement of 50 feet or the total height of the tower, whichever is greater.
- The San Diego ordinance survived 9<sup>th</sup> Circuit and U.S. Supreme Court appeals, and contains a 50-foot residential set-back. Is there a reason this is not adopted? Is there a reason the robust provision (110% of the tower size) made it into the private property section of the ordinance, but is not favored for residential areas?

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**STANDARDS**

**Section 4, 12.8.030, A.**

**Re: Definition of owner**

- We applaud draft language aimed at specifying the owner of the site.
- The draft ordinance should require the carrier's name, not just a subcontractor.
- In Irvine, a third party applied to construct towers for eventual lease or sale to carriers. Glendale's ordinance should forbid speculative, multiple cell site building completely.

**Section 5, 12.08.037, E., 14**

**Section 22, 30.48.030, A., 9**

**Re: Co-location**

- We applaud the draft ordinance's requirement that each new carrier state their willingness to allow other carriers to co-locate.
- But it will be easy for carriers to say later that co-location isn't possible.
- The ordinance should contain some distance requirement: If there is another wireless facility within 2000 feet, co-location is required, or no permit is issued.

**Section 5, 12.08.037, E., 15**

**Section 22, 30.48.030, A., 9**

**Re: Definition of technically and economically feasible –**

- The ordinance should define technical feasibility and set forth evaluation criteria.
- The ordinance should also exclude economic feasibility as an excuse for not co-locating if an existing cell site is within a certain distance.
- The ordinance should require co-location whenever the city determines it is technically feasible. Any application skirting this requirement should be denied.

**Section 5, 12.08.037, G. and I**

**Section 22, 30.48.040, 30.48.050**

**Re: Standards for approval –**

- We recommend the city require standardized technical proof of need for coverage, along with proof of existing demand.
- With respect to stated coverage gaps: ask for a list of customers in the area that is transparent to the public (i.e. with redacted customer information).

**Section 5, 12.08.037, M.**

**Re: Abandonment, definition of “use” and technological change**

- The draft ordinance requires that if a tower is no longer in use for 90 days, it must be taken down. With impending technological changes, this could be a likelihood.
- The ordinance should define “use”, as a carrier could try and retain an abandoned site for unspecified future uses and justify it by some means.

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**DOCUMENTATION**

**Section 5, 12.08.037, Item 7;**

**Section 9, 12.08.190 - Item A;**

**Section 22, 30.48.030 –Item 14**

**Re: Requirements for maps of installations**

- We applaud city staff's work mapping all existing cell sites in June of this year.
- The draft ordinance requires a map of permit applicants' existing cell sites and all potential co-location sites. We suggest **requiring a diagram of all existing cell sites in the vicinity of the requested new or co-location site.**
- The draft ordinance should require that the city maintain a continuously updated map of every cell site, and locations of projected cell sites which the draft ordinance requires in carrier permit applications.
- While this adds to staff duties, if done on a continual basis as permits are approved or sites are taken out of service, it could require less time than checking each incoming application to make sure the required map(s) are accurate.

**Section 5, 12.08.037, Item E, #6**

**Section 22, 30.48.030, Item 4**

**Re: Projection of anticipated future wireless sites**

- We applaud the city's requirement that carriers state anticipated future site requests.
- Will affected neighbors be informed at the time of the current application?
- Is there any audit process as time goes on to see if carriers are being honest with needs up front? How will siting needs be evaluated?
- As noted above, projected cell sites should be included on the city's master map.

**Section 20, 30.47.040, Item H;**

**Section 22, 30.48.020, Item A, #2**

**Re: SR Zones**

- What is an SR zone?
- Why does the draft ordinance specify that the Design Review Board review plans and proposals for this zone?