RESOLUTION NO. 3472

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BURBANK DENYING THE APPEAL OF THE COMMUNITY DEVELOPMENT DIRECTOR'S APPROVAL OF PROJECT NO. 23-0005025, AND APPROVINGAN ADMINISTRATIVE USE PERMIT TO ALLOW A NEW UNMANNED ROOF-MOUNTED WIRELESS TELECOMMUNICATION FACILITY (WTF) ON AN EXISITNG COMMERCIAL OFFICE BUILDING LOCATED AT 800 S MAIN STREET, BASED ON THE FINDINGS OF FACT AND SUBJECT TO THE ATTACHED CONDITIONS OF APPROVAL

(Nicolette LeFebre, on behalf of the 800 S. Main St. Appeal Group (Appellant))
(Rob Searcy, on behalf of Dish Wireless, LLC (Project Applicant))

THE PLANNING COMMISSION OF THE CITY OF BURBANK FINDS:

A. On October 20, 2023, Rob Searcy, on behalf of Dish Wireless, LLC (Applicant), submitted an application for a new, unmanned roof-mounted wireless telecommunications facility (WTF) on the roof of an existing commercial office building located at 800 S. Main Street, Burbank, CA 91506 (Project Site). Following review, it was determined that an Administrative Use Permit (AUP) was required for the Project pursuant to Burbank Municipal Code (BMC) 10-1-1118(C), and a complete AUP application for the WTF was submitted on January 18, 2024.

B. Notice of the Project was provided in accordance with applicable law. After review, the Community Development Director (Director) issued a written determination on June 5, 2024 (Determination), approving the Project and granting the AUP subject to conditions of approval, in accordance with BMC 10-1-1955. The Director's approval was based on his ability to make the required AUP findings listed in BMC 10-1-1956 for the Project, as outlined in the Determination.

C. On June 18, 2024, Nicolette LeFebre, on behalf of an appellant group of 31 individuals (collectively, Appellant), submitted a timely appeal of the Director's Determination in accordance with BMC 10-1-1959(C) and BMC 10-1-1907.2.

D. Pursuant to BMC 10-1-1907.2(A), the Planning Commission of the City of Burbank at its regular meeting of July 22, 2024, held a public hearing to consider Appeal Project No. 24-0003035, an appeal of the Director's decision to approve an AUP for the Project, and to consider and act on the underlying Project application.

E. In accordance with BMC 10-1-1907.2(A), the Planning Commission's review of the appeal and consideration of the Project application is conducted de novo. Further, any decision to deny a request to place, construct, or modify a WTF, including the request contained in the Project application, must be supported by substantial evidence contained in a written record and authorized by local regulations. (47 U.S. Code

§ 332(c)(7)(B)(iii); MetroPCS, Inc. v. City and County of San Francisco (9th Cir. 2005) 400 F.3d 715, 725, *abrogated on other grounds by* T-Mobile S., LLC v. City of Roswell (2015) 574 U.S. 293).

F. Said hearing was properly noticed in accordance with applicable laws. Notice of the hearing was emailed to the Appellant on July 1, 2024.

G. The Planning Commission considered the staff report and recommendations of the City Planner, including all exhibits contained therein, the testimony and evidence from the Appellants, the Project Applicant, and the general public, as well as all evidence presented at such hearing consistent with BMC Sections 10-1-1959(D) and 10-1-1907.2.

H. The Planning Commission exercises its independent judgement and finds that the Project is exempt from environmental review pursuant to Section 15303 of the California Environmental Quality Act (CEQA) Guidelines pertaining to new construction of a limited number of small facilities or structures, installation of small new equipment and facilities in small structures, and conversion of small structures from one use to another where only minor exterior modifications are made. There are no unusual circumstances that would preclude the use of this exemption. None of the Exceptions to the Categorical Exemptions listed in Section 15300.2 of the CEQA Guidelines apply to this Project. The Project is not located in a sensitive, designated, or precisely mapped environmental resource area; and the Project is not proposed on a building or site that is a historical resource or located within or near a scenic highway. Furthermore, the Project is not a mapped hazardous waste site and is not expected to have a significant effect on the environment due to any unusual circumstances.

I. The Project has been determined to be consistent with the Burbank2035 General Plan (General Plan) and is compatible with the objectives, policies, general land uses and programs specified therein. More specifically, the Project is consistent with General Plan Land Use Goal 1 (Quality of Life) Policy 1.5, which ensures careful review and consideration of non-residential uses with the potential to degrade quality of life, and Policy 1.8, which ensures that development in Burbank is consistent with the underlying General Plan land use designations, including individual policies applicable to each land use designation. To maintain this General Plan consistency, the Project's development pursuant to the proposed conditions of approval will ensure ongoing compliance with the applicable BMC Title 10: Zoning Regulations for similar Wireless Telecommunication Facilities and ongoing conformance with applicable federal laws. Additionally, the Project is consistent with the General Plan Noise Element Goal 1 (Noise Compatible Land Uses) Policy 1.1, which ensures the noise compatibility of land uses when making land use planning decisions and Goal 7 (Construction, Maintenance, and Nuisance Noise) Policy 7.2, which requires project applicants and contractors to minimize noise in construction activities and maintenance operations, as evidenced by the noise study indicating that the maximum noise level from the Project is below the City's most restrictive allowable noise generation level. Further, the Project is consistent with the General Plan Safety Element, which generally supports any improvements that increase coordination between the City's emergency

service providers and the community, as the Project will expand communication network infrastructure that can serve the communication needs of emergency personnel.

THE PLANNING COMMISSION OF THE CITY OF BURBANK RESOLVES:

1. The findings above are true and correct, and incorporated herein.

2. The appeal (Appeal Project No. 24-0003035) of the Community Development Director's (Director) decision to conditionally approve Project No. 23-0005025, an AUP to install a roof mounted wireless telecommunication facility (WTF) on an existing commercial office building located at 800 S Main Street (Project), is hereby denied. The Planning Commission adopts City Staff's analysis, including City responses to the contentions raised by the Appellant, as outlined in the Staff Report dated July 22, 2024, incorporated by reference as if fully stated herein, and finds no substantial evidence that supports denial or further conditioning of the Project based on applicable local, state, or federal laws.

3. Based on the evidence contained in the written record and testimony presented at this hearing, Project No. 23-0005025, an Administrative Use Permit to install an unmanned roof—mounted wireless telecommunication facility on an existing commercial office building located at 800 S Main Street is approved, subject to ongoing compliance with the Conditions of Approval attached as Exhibit 1. The approval is based on the ability of the Planning Commission to make each of the following findings required by BMC Section 10-1-1956 for an AUP, and as required by BMC 10-1-1959(D):

(1) *The use applied for at the location set forth in the application is properly one for which an administrative use permit is authorized by the Burbank Municipal Code.*

Per BMC Table 10-1-1118(C), the proposed new WTF use in a non-residential zoning district, such as the NB (Neighborhood Business) zone, requires approval of an AUP if proposed in a residentially adjacent location (within 150 feet of a residential zone). The Project Site abuts the R-1 (Single-Family Residential) zoning district to the Northeast and therefore, is permitted subject to the approval of an AUP.

(2) *The use is not detrimental to existing uses or to uses specifically permitted in the zone in which the proposed use is to be located.*

The proposed Project is not detrimental to existing or permitted uses within the NB zone. The design of the facility includes a new 10'-0" tall roof screen that is complementary to the design of the existing building, consistent with the design requirements in BMC Section 10-1-1118(D)(3)(b) and will not result in a visual or aesthetic impact to the surrounding commercial and residential uses. The applicant has also indicated that the operation of the WTF will not generate noise exceeding City regulations, or generate traffic, waste, or other adverse impacts in excess of what is typical of commercial and industrial uses permitted or conditionally permitted in the NB zone. A noise study was included as part of the AUP Application (Exhibit

I), which states that the maximum noise level from any of the proposed equipment that can be heard by any residential property in the vicinity of the Project is 42.4 dBA, which is below the City's most restrictive allowable noise generation level of 45 dBA.

Public comments were submitted for the Project regarding potential detrimental health and safety impacts from radio frequency (RF) emissions from the facility. Local governments are precluded from considering the health effects of RF emissions from a WTF pursuant to federal regulations. The Federal Telecommunications Act of 1996 expressly preempts any state or local government regulation on the placement, construction, and modification of personal wireless service facilities on the basis of environmental effects of RF emissions to the extent that such facilities comply with the Federal Communications Commission's (FCC's) regulations concerning such emissions (47 U.S.C. Section 332(c)(7)(B)(iv).

However, the City can and does require that an applicant comply with objective code requirements related to development standards and aesthetics and provide verification of compliance with the federal regulations on RF emissions as part of the application submittal requirements, as well as periodic reporting demonstrating ongoing compliance with federal regulations. The applicant provided this information as part of a completed "Supplemental Application Form" for WTFs by providing a Radio Frequency – Electromagnetic Energy (RF-EME) Site Compliance Report prepared by an independent third party (Exhibit H).

The abovementioned report indicates that the applicant will be compliant with FCC regulations when mitigation measures are implemented, such as installing caution signs to ensure disclosure of occupational health and safety information for persons performing maintenance on the facility itself or the rooftop where the facility is located. The Report indicates that at ground level, the type of facility proposed in the Project "generally results in no possibility for exposure to approach the [FCC's] Maximum Permissible Exposure (MPE) levels."[1] This is confirmed in the Report's calculations that show that maximum predicted emissions at ground level are less than half of one percent of both general population and occupational MPE levels.[2] The mitigation measures identified in the Report account for higher emissions occurring exclusively within the immediate rooftop-level 8-foot vicinity of the proposed facility (not accessible to the public), and will ensure the facility complies with applicable FCC regulations.[3] Staff has incorporated these recommendations into the Project's Conditions of Approval to ensure ongoing compliance. Further, the applicant is required to maintain and demonstrate proper licensing for this facility on an annual basis and this requirement has been included in the Conditions of Approval.

Several public comments were submitted with information that other communities, such as within the City of Long Beach, appealed approvals of similar facilities on the

[1] Exhibit H, Page 4
[2] Exhibit H, Page 8
[3] Exhibit H, Page 8

basis of health impacts, and therefore, the City of Burbank should deny the Project based on similar health impacts. However, as stated above, cities are federally preempted from considering RF emissions when reviewing a WTF application if the project complies with FCC's RF emissions regulations. Further, any decision to deny a WTF application must be supported by substantial evidence contained in a written record. (47 U.S.C. Section 332(c)(7)(B)(iii)). The evidence must show that the specific zoning decision at issue is supported by substantial evidence in the context of applicable local regulations.[4] This means that to deny the Project, the written evidence must reasonably support denial based on failure to satisfy local regulations.[5] No substantial evidence has been provided demonstrating that the application at issue should be denied or further conditioned based on applicable local regulations in the Burbank Municipal Code. Therefore, there is no basis for denial or further conditions of approval and this finding has been satisfied.

(3) *The use will be compatible with other uses in the general area in which the use is proposed to be located.*

The provision of mobile service for communication and data transfer is compatible with the needs of commercial and residential uses occurring on the same lot and more broadly in the general Project area. The applicant has provided documentation, including coverage maps, that the proposed WTF facility will provide wireless and data coverage for a portion of Burbank, which currently has a gap in coverage. In addition, the use will have no impact on the ability of other uses in the surrounding area to operate. The WTF is commercial in nature and operates in a manner similar to other commercial equipment such as equipment generators, broadcast or radio equipment, emergency wireless transmitters that may be found at other commercial or industrial businesses in the general area, in addition to providing vital telecommunications for the general public.

Furthermore, the proposed WTF will be concealed from public view so that it is visually compatible with the architectural design of the existing building and commercial buildings generally seen in the NB zone and have no detrimental visual impact on the surrounding area. Therefore, as the proposed use will be compatible with the commercial uses on the same lot and with the mixed-use commercial-residential nature of the general area this finding has been satisfied.

(4) *The site for the proposed use is adequate in size and shape to accommodate the use and all of the yards, setbacks, walls, fences, landscaping, and other features required to adjust the use to the existing or future use is permitted in the neighborhood.*

The site for the proposed facility is adequate in size and shape to accommodate the Project. The Project Site is approximately 1.12 acres in size, with street frontages

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[4] MetroPCS, Inc. v. City and County of San Francisco (9th Cir. 2005) 400 F.3d 715, *abrogated on other grounds by* T-Mobile S., LLC v. City of Roswell (2015) 574 U.S. 293.
[5] Id.

along S Main Street, W Elmwood Avenue, and W Valencia Avenue, and is currently developed with an existing, 35-foot-tall, three-story commercial office building. Surface and semi-subterranean parking is also provided onsite. The proposed facility would be located on the roof of the existing commercial building. One of the two WTF antenna sectors of the facility is proposed to be located on the North corner of the building facing the existing parking lot fronting S. Main Street, the second antenna sector is located towards the Southeast corner of the building facing W. Valencia Avenue, and the accessory equipment will be centrally located on the roof behind an existing mechanical screen that will be increased in height to fully screen the equipment. All the facilities are proposed to be within a new 10'-0" tall roof screen, which screens visibility of the WTF from all elevations and from the public right-of-way. The roof screens will comply with the applicable maximum height requirements listed in BMC 10-1-1118(D)(4)(a), and will be compatible with the existing architectural style of the building in compliance with BMC 10-1-1118(D)(4)(b). Additionally, the screen is set back between 10'-0" and 44'-2" from the face of the building along S Main Street and W Valencia Avenue. The Project as designed complies with the development standards required by BMC 10-1-1118 for new building-mounted (roof top) WTF installations as provided in Exhibit G.

Public comments were submitted with references that there is a required minimum distance for WTFs from certain uses, or that other private organizations suggest such minimum distances. However, upon review of these comments, there are no applicable federal or state distance or setback requirements for roof-mounted WTF installations. Further, the Project complies with BMC Section 10-1-1118(D)(3)(j), which requires that a WTF may not be located within a required setback area. The City may not impose additional minimum distance requirements on this facility that are not already required under applicable laws, as such action may unreasonably discriminate among providers of functionally equivalent services in violation of federal law (47 U.S.C. Section 332(c)(7)). Therefore, no substantial evidence has been provided indicating that the Project fails to satisfy this finding.

As a result, the Project site is adequate in size and shape to accommodate the proposed use while meeting all the required local development standards and this finding is satisfied.

(5) *The site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic generated or to be generated by the proposed use.*

The Project Site is primarily served by S Main Street, a fully improved collector street, and two local neighborhood streets —W Valencia and W Elmwood Avenues — which abut the Project Site along the north and south, respectively. In addition, the site is improved with a surface parking lot to serve the needs of all occupants, visitors, and maintenance workers to the building. The quantity and type of traffic generated by installation of an unmanned roof-mounted wireless telecommunication facility will be limited to occasional service-related visits, consistent with traffic generated by other

commercial equipment maintenance and business repair activities that can occur in a commercial zone and the Project's parking demand will not exceed capacity of the existing parking spaces available onsite. Therefore, the Project site and the existing street network can accommodate the minimal traffic generated by the Project and this finding is satisfied.

(6) *The conditions imposed are necessary to protect the public health, convenience, safety, and welfare.*

The Project was reviewed by staff from the Community Development Department Planning and Building & Safety Divisions and the Burbank Water & Power, Fire, and Public Works Departments. The Public Works Department provided standard conditions of approval regarding not allowing structures in any public right-of-way or any public utility easements/ pole line easements; requiring all work within the public right-of-way to be approved by the Public Works Department; and no construction material can be placed in the public right-of-way without a "Street Use" permit, which have been incorporated into the conditions of approval for the Project.

In addition, as mentioned in response to findings above, conditions of approval specific to the Project have been imposed to address safety and public health concerns. These conditions include requiring the proposed WTF to maintain a minimum setback of at least 10 feet from the roof edge to minimize aesthetic impacts; requiring a sign in a visible location identifying the contact information of the responsible party in case of an emergency; and requiring the applicant, within 30 days following the activation of the facility, to provide a radio frequency emission compliance certifying the unit has been inspected and tested. Further, the conditions impose the mitigation measures required for the Project to comply with applicable FCC RF regulations. In compliance with federal requirements, these conditions will ensure the public health, convenience, safety, and welfare of the community are maintained throughout the life of the operation of the subject use, and therefore, this finding has been satisfied.

Public comments were submitted for the Project requesting additional conditions of approval, such as relocating the proposed WTF 1,000 feet away from all public and private schools. However, as discussed above, there is no applicable federal, state, or local law that requires this type of distancing for this type of facility, and therefore no legal nexus to require such additional conditions of approval.

4. The Planning Commission's approval of the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the CEQA Guidelines pertaining to new construction of a limited number of small facilities or structures, installation of small new equipment and facilities in small structures, and conversion of small structures from one use to another where only minor exterior

modifications are made. There are no unusual circumstances that would preclude the use of this exemption. Furthermore, none of the exceptions to the Categorical Exemptions listed in Section 15300.2 of the CEQA Guidelines apply to this Project. The City Planner shall file a Notice of Exemption with the Los Angeles County Clerk and submitted to the State Clearinghouse, within 5 days of the Planning Commission's decision.

5. This decision will be final unless timely appealed to the City Council in accordance with BMC Section 10-1-1907.3.

6. The Secretary of the Planning Commission shall mail a copy of this Resolution to the Appellant and the Applicant, and report this decision to the City Council in accordance with BMC Sections 10-1-1907.2 and 10-1-1959(D).

PASSED AND ADOPTED this 22 day of July, 2024.

CITY PLANNING COMMISSION

Samantha Wick
Vice Chair

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF BURBANK

I, Fred Ramirez, Secretary of the Planning Commission of the City of Burbank, certify that this Resolution was adopted by the City Planning Commission at its regular meeting held on the 22 day of July, 2024 by the following vote:

AYES: Wick, Mkrtoumian, Bennett

NOS:

ABSENT:

ABSTAINED:

Fred Ramirez, Secretary

ATTACHMENT 1

CONDITIONS OF APPROVAL

CDD-PLANNING DIVISION

1. Project No. 23-0005025, Administrative Use Permit, approves installation of a new unmanned roof-mounted wireless telecommunication facility with three panel antennas with accessory equipment located on the roof of the existing commercial office building located at 800 S. Main Street, as shown on the set of approved plans (Attachment A).

2. The operation/construction on site shall remain in substantial conformance with the approved plans (Attachment A) and the development standards contained in the Burbank Municipal Code (BMC) for wireless facilities (Attachment B). Any modifications to the design of the facility requires review and approval by the Planning Division and may require modifications to this Administrative Use Permit.

3. The applicant shall comply with all federal, state, and local laws. Violation or conviction of any of those laws in connection with the use will be cause for revocation of this permit.

4. The approved wireless facility must comply with all standards and regulations of the Federal Communications Commission (FCC), and any other agency of the State or Federal government agency with the authority to regulate wireless telecommunication facilities.

5. Per BMC Section 10-1-1118(D)(3)(e), all cable trays and cable runs for building-mounted wireless facilities shall be located within existing building walls. Any accessory equipment and components of the new wireless facility mounted to the building roof or exterior shall be coated or painted to match the existing building and mounted as close to the façade surface as possible.

6. Per BMC Section 10-1-1118(D)(3)(i)(1), all wireless facilities are required to post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. Note the location of this sign in building plans submitted for Building Plan Check review.

7. All wireless facilities must be setback a minimum of 10-feet from the roof edge.

8. Within 30 calendar days following the activation of the facility, the applicant shall provide an updated radio frequency emissions compliance report to the Community Development Director certifying that the unit has been inspected and

tested in compliance with FCC standards. The report shall include all information outlined in BMC Section 10-1-1118(E)(1).

9. The applicant shall install applicable signs (Guidelines sign, NOC Information sign, caution signs) at each access point to the rooftop and behind the antenna sectors, as directed in Section 4.1 of the Radio Frequency- Electromagnetic Energy (RF-EME) Site Compliance Report submitted with the Project application (Attachment C).

10. Every 5 years on the effective date of this approval, the applicant shall, at the owners sole cost, prepare and submit to the City an independently prepared updated radio frequency emissions compliance report and certification, and shall certify that the facility complies with all applicable FCC standards as of the date of the update. If the radio frequency emissions compliance report and certification demonstrates that the cumulative levels of radio frequency emissions exceed FCC standards, the Community Development Director may require the applicant to modify the location or design of the facility and/or implement other mitigation measures to ensure compliance with the FCC standards.

11. Eligible Facilities Requests that do not require a "Substantial Change in Physical Dimensions" shall be processed in accordance with 47 U.S.C. Section 1455, and any duly authorized implementing orders and regulations of the Federal Communication Commission. In reviewing permits for qualifying Eligible Facilities Requests, the Community Development Director shall be required to approve applications, but shall retain discretion to enforce and condition approval on compliance with generally applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety.

12. Within 30 days after discontinuation of the use, the wireless telecommunication provider (applicant) shall notify the Community Development Director in writing that use of the facility has been discontinued. The wireless telecommunications provider must completely remove the approved facility, and the site shall be returned to its pre-facility condition within 180 days of discontinuation of use.

13. Should the applicant violate any of the conditions of this approval, this permit may be modified or revoked by the City.

14. The applicant shall incorporate this Decision Letter and the Conditions of Approval into the Building Permit plan sets and provide a written response to how, or where, each condition of approval has been addressed in the building permit plans and associated technical reports and submittals, providing the same number of copies of the written response as plans required by the Building Division for Plan Check review.

15. By signing and/or using this Administrative Use Permit, the permittee

acknowledges all of the conditions of approval imposed and accepts this permit subject to those conditions and with full awareness of the provisions of the Burbank Municipal Code. Failure of the permittee or property owners to sign these conditions does not affect their enforceability by the City of other responsible entity. These conditions are binding upon all future property owners and occupants of the subject property.

16. This permit approval shall expire if the use is not initiated within one year of the date of this approval (June 5, 2025) with issuance of a Building Permit (i.e., the build-out period). Per BMC Section 10-1-1118(C)(4), Administrative Use Permits for WTFs shall expire after 10 years. The applicant may reapply for a new Administrative Use Permit as required by the BMC to continue to use and operate the existing facility, but may, upon review, be required to upgrade it to comply with such additional standards, and incorporate such additional technologies, as the City may lawfully impose through its evaluation and approval of such re-application.

CDD-BUILDING AND SAFETY DIVISION

17. All projects shall comply with Title 9, Chapter 1, of the Burbank Municipal Code (BMC), and the **2022 edition** of the California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards and Building Energy Efficiency Standards, including all intervening Code Cycles.

18. Plans and reports submitted for Plan Check Review are to be submitted electronically. For more information about the online submittal process, please contact the Building Division at 818-238-5220 or via email at eplancheck@burbankca.gov.

19. All Conditions of Approval are to be reproduced on the construction document drawings as part of the Approved Construction Set.

20. All Departments that have provide Conditions of Approval are to review drawings and provide final approval via online electronic review, prior to issuance of Building Permit.

21. Business Tax should be updated to reflect change in business type.

22. Separate Permits will be required for the following:
    a. Demolition
    b. Grading & Shoring
    c. Architectural & Structural
    d. Mechanical
    e. Plumbing

f. Electrical

23. The property shall comply with accessibility requirements for the various occupancies as stated in California Building Code Chapter 11. Accessibility regulations apply to all common areas and pools and spas.

24. Construction projects must comply with Best Management Practices for construction and stormwater runoff requirements of the National Pollutant Discharge Elimination System MS4 Permit.

25. The City's mandatory Construction & Demolition Debris Diversion Ordinance requires the recycling and diversion of at least 65% of construction and demolition debris. A refundable deposit and non-refundable administrative fee will be collected prior to permit issuance. The Ordinance applies to all demolitions and to new construction, additions, remodels, renovation, tenant improvement and alteration projects over 500 square feet in scope of work.

26. Approved hours of construction are:
    Monday – Friday 7:00 am to 7:00 pm
    Saturday 8:00 am to 5:00 pm
    No construction is permitted by contractors or subcontractors after hours, on Sunday or on City holidays without prior written request and approval from the Community Development Department.

27. Deferral of any submittal items shall have prior approval of building official. The registered design professional in responsible charge shall list the deferred submittals on construction documents for review.

PUBLIC WORKS DEPARTMENT

28. No Structure is permitted in any public, right-of-way, or any public utility easements/ pole line easements [BMC 7-3-701.1, BMC 9-1-1-3203]

29. Applicant shall protect in place all survey monuments (City, County, State, Federal, and private). Pursuant to California Business Profession Code Section 8771, when monuments exist that may be affected by the work, the monuments shall be located and referenced by or under the direction of a licensed land surveyor or licensed civil engineer legally authorized to practice land surveying, prior to construction, and a corner record or record of survey of the references shall be filled with the county surveyor. A permanent monument shall be reset, or a witness monument or monuments set to perpetuate the location if any monument that could be affected, and a corner record or record of survey shall be filled with the county surveyor prior to then recording of a certificate of completion for the project.

30. Any works within the public right-of-way must be permitted and approved by the Public Works Department before construction can commence. All construction work in the public right-of-way must comply with Burbank Standard Plans and must be constructed to the satisfaction of the City Engineer.

31. A Public Works EXCAVATION PERMIT is required. The excavation permit requires a deposit acceptable to the Public Works Director to guarantee timely construction of all off-stie improvements. Burbank Standard Plans can be access at; http://file.burbankca.gov/publicworks/OnlineCounter/main/index.htm

32. No construction material shall be placed within the public right-of-way without a "Street Use" Permit issued by the Public Works Department.

33. If any utility cuts or construction related impacts are made on S Main Street, applicant will have to resurface with rubber asphalt (ARHM) per moratorium requirements fronting the property. South Main Street was resurfaced with ARHM in 2018 and falls under moratorium requirements.

34. If any utility cuts or construction related impacts are made on W. Elmwood Avenue, applicant will have to resurface with rubber asphalt (ARHM) per moratorium requirements fronting the property. West Elmwood Avenue was resurfaced with ARHM in 2018 and falls under moratorium requirements.

35. If any utility cuts or construction related impacts are made on W. Valencia Avenue, the applicant will have to restore the street fronting property per City of Burbank paving requirements.

36. Best Management Practices shall apply to all construction projects and shall be required from the time of land clearing, demolition, or commencement of construction until receipt of a certificate of occupancy [BMC 9-3-407].

BURBANK WATER & POWER (BWP) – ELECTRICAL DIVISION

37. Because the Project includes a dry-type transformer within the clear working space of a BWP transformer, the applicant will need to relocate all customer equipment clear of the 12' x 16.5' transformer safety clearance area per S-724B.

38. If the applicant intends to obtain new electrical service for the facilities, the applicant will be responsible for submitting a detailed utility plan, secondary load schedule for the entire property, and a single line diagram to obtain a confirmation of electrical service from BWP to include the permit application.

39. Any proposed switchgear modification will require pre-approval from BWP and the Building Division. A U.L, field evaluation may also be required.

40. BWP will require an Aide-In-Construction payment to de-energize the building for switchgear work. The applicant will be responsible for providing any temporary power to the property if needed.

X _____
Signature of Applicant/Permittee

X _____
Signature of Property Owner