



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: May 5, 2021

TO: Hearing Officer

SUBJECT: Conditional Use Permit #6832

LOCATION: 2122 North Arroyo Boulevard

APPLICANT: Jillianne Newcomer, representing T-Mobile

ZONING DESIGNATION: PS (Public and Semi-Public)

GENERAL PLAN DESIGNATION: Institutional

CASE PLANNER: Alison Walker

STAFF RECOMMENDATION: Adopt the Environmental Determination and Specific Findings in Attachment A to **disapprove** Conditional Use Permit #6832.

PROJECT PROPOSAL:

1. Conditional Use Permit: To allow the establishment of an unmanned "Major Wireless Telecommunications Facility". The proposal is a request to allow the use of an existing 70-foot high monopine structure that includes six panel antennas and other associated equipment. A Conditional Use Permit is required for a "Major Wireless Telecommunication Facility" land use within the PS zoning district;
2. Variance: To allow the structure to be a 70 feet in height where the maximum permitted height is 50 feet; and,
3. Variance: To allow the facility to be located on a site less than 500 feet from another site with a telecommunications facility.

ENVIRONMENTAL DETERMINATION: This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(5); Administrative Code, Title 14, Chapter 3, §15270 (a), Projects Which are

Disapproved. This Statutory Exemption states that CEQA does not apply to projects which a public agency rejects or disapproves.

BACKGROUND:

Site characteristics: The project site consists of a flat, triangular parcel located at 2122 North Arroyo Boulevard that is partially located in unincorporated Los Angeles County and the City of Pasadena. The lot measures approximately 53,578 square feet in size. The project site is an existing California Department of Transportation (CalTrans) maintenance yard.

Adjacent Uses: North – California Highway Patrol Station (Unincorporated Los Angeles County)
South – 210 Freeway
East – Institutional (John Muir High School athletic fields and Pasadena Unified School District maintenance yard)
West – General Commercial (Unincorporated Los Angeles County)

Adjacent Zoning: North – Unincorporated Los Angeles County
South – 210 Freeway
East – PS (Public and Semi-Public District)
West – Unincorporated Los Angeles County

Previous zoning cases on this property: None

PROJECT DESCRIPTION:

The applicant, Jillianne Newcomer, Synergy, on behalf of T-Mobile, has submitted a Conditional Use Permit (CUP) application to request approval of an existing unmanned Major Wireless Telecommunications Facility, which includes six panel antennas and other associated equipment. Three entitlement requests are required for the continued use of the unpermitted existing wireless facility: 1) a Conditional Use Permit to allow establishment of the Major Wireless Telecommunications Facility in the PS zoning district, 2) a Variance to allow a 70-foot high structure where the maximum permitted height is 50 feet, and 3) a Variance to allow the facility to be located on a site less than 500 feet from another site with a telecommunications facility.

The subject site is a 100,000 square-foot parcel, partially located within Los Angeles County and partially located within the City of Pasadena. The southern 53,578 square-foot portion of the site is located within the City of Pasadena and located within the PS (Public and Semi-Public) zoning district. The remainder of this report will only describe and reference the portion of the site located within the City of Pasadena (site).

The site is a flat, triangular lot currently used as a maintenance yard for CalTrans that is generally at a similar grade with the surrounding parcels. The site is bounded by County of Los Angeles to the north and west, the 210 Freeway to the south, and John Muir High School athletic fields to the east. The site is developed with nine existing one-story buildings.

As described by the applicant, the T-Mobile facility was permitted in 2002 by the County of Los Angeles to be located on the rooftop of an existing building in the Los Angeles County portion of the site. In 2015, the facility was transferred from the rooftop to a new 70-foot high monopine structure. At that time, the applicant team was unaware that the monopine structure was being constructed in the City of Pasadena, and therefore, the structure was installed without the approval of a Conditional Use Permit from the City of Pasadena and not in compliance with the City's Zoning Code requirements.

The applicant team approached the County of Los Angeles in recent years to modify the existing panel antennas. While attempting to upgrade the panel antennas, the applicant team became aware that the monopine is located in the City of Pasadena and commenced the Conditional Use Permit process to permit the monopine, and upgrade the panel antennas. The purpose of the installation of the new telecommunication panel antennas and ancillary equipment is to improve wireless telecommunication service and coverage.

In order to continue the use and operation of the as-built Major Wireless Telecommunications Facility, a Conditional Use Permit and two Variances are required. A Conditional Use Permit is required for the use in the PS Zoning District; a Variance is required to allow increased height; and a Variance is required to allow the facility to be located on a site that is closer than 500 feet from a site with an existing telecommunications facility.

ANALYSIS:

Conditional Use Permit – To allow the establishment of a Major Wireless Telecommunications Facility land use

The Zoning Code defines a Major Wireless Telecommunications Facility land use as a wireless telecommunications antenna facility that is designed as a freestanding structure. In this case, T-Mobile constructed the 70-foot high freestanding telecommunication structure in 2015 without the benefit of a City of Pasadena Conditional Use Permit or Building Permit. In order to receive approval for the as-built structure and use, the applicant has submitted the subject Conditional Use Permit. Ancillary equipment is located in the unincorporated Los Angeles County area to the north of the telecommunications facility structure, and is not part of the subject Conditional Use Permit request.

The Conditional Use Permit (CUP) process allows the City to review the project to determine if the proposed Major Wireless Telecommunications Facility land use would be compatible with the surrounding uses and require that the proposal adhere to specific conditions related to construction, operation, appearance, etc. The CUP may only be granted when the six findings of Zoning Code Section 17.61.050.H and one telecommunication facility land use specific finding of Zoning Code Section 17.50.310.E.10 can be made in the affirmative. The purpose of the seven required findings is to evaluate compliance with the Zoning Code and General Plan, whether the use would be detrimental or injurious to the neighborhood, compatibility of the operation with existing and future uses, and that based on evidence submitted by the applicant, no existing building or support structure can reasonably accommodate the proposed wireless telecommunications antenna facility.

The proposed structure has a maximum height of 70 feet, includes six wireless panels, and is designed as a Pine tree. The antennas are located behind the canopy area of the faux tree, screened from public view. The antennas are situated in a stacked configuration with three

sectors and two antennas per sector. The center of the antennas are located at a height of 66 feet, and are mounted around the center pole of the faux tree.

In the Public and Semi-Public Zoning District, development standards are as specified by a Conditional Use Permit. In addition, Section 17.50.310 of the Zoning Code provides land use specific standards for telecommunication facilities. The standards include, but are not limited to, a 100-foot setback from residential use or zones, 50-foot maximum height, camouflage that is compatible with existing landscaping, specific prohibited fencing materials, justification study indicating the rationale for selecting the proposed site, a 500-foot distance from other sites with telecommunication facilities, and security requirements. Although the existing wireless facility would meet most of the land use specific standards, not all of requirements are met.

In addition to the Variance requests which will be discussed later in this report, the freestanding monopine does not meet two requirements for new support structures. Section 17.50.310.E.5 of the Zoning Code requires that a new wireless communications facility support structure which has been designed to look like a faux tree be of a tree type compatible with the existing trees in the immediate area of the installation. Within the immediate area of the proposed project there are four existing Pine trees that are 50 feet or less in height. Although the species of faux tree is compatible (Pine), the height of the wireless facility is 20 feet higher than the existing trees and is not integrated into the existing canopy. Therefore, Staff finds that the proposed structure does not comply with all applicable provisions of the Zoning Code.

The design of the proposed 70-foot freestanding wireless telecommunications facility is out of scale with the built and natural environment in the vicinity. The monopine is more than 20 feet higher than the existing four Pine trees on-site, and more than 50 feet higher than the existing one-story buildings on-site. The properties to the east across Canada Avenue, John Muir High School practice fields and Pasadena Unified School District maintenance yard, also feature low-scale development and the nearest structure is more than 400 feet away from the subject wireless facility. Given the low-scale development on-site and in the vicinity, and that the design of the telecommunications facility is not compatible with the existing trees in the immediate area, staff finds that the facility is not consistent with the existing and future land uses in the vicinity in terms of aesthetic values, character, scale, and view protection

The installation of the new telecommunication panel antennas and ancillary equipment is intended to improve wireless telecommunication service and coverage where a gap in coverage exists over a quarter mile stretch of the 210 Freeway, south of the site. A justification study was submitted by the applicant and indicated that this proposed site and design would be the least intrusive proposal for the identified coverage gap. As further discussed in the report, as it relates to the Variance requests, based on the applicant's submittal that there are alternative designs that would achieve full or partial coverage in the area identified to have a gap.

In conclusion, staff finds that the freestanding wireless telecommunication facility is not in compliance with the camouflage, height, and distance from another site requirements in Section 17.50.310 (Telecommunication Facilities) of the Zoning Code; and therefore the project is not in scale with the existing improvements and trees on-site and in the vicinity.

Variance Requests

A Variance application allows the City to review whether a deviation from the Zoning Code dimensional standards or land-use regulations can be granted for a project. It may only be granted when, there is special circumstances applicable to the subject property; the strict

application of the Zoning Ordinance denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts; or creates an unnecessary and non self-created hardship which makes it impractical to require compliance with the applicable development standards. A Variance shall not be granted if the granting of the application would be detrimental or injurious to property or improvements in the vicinity of the subject site, or to the public health, safety, or general welfare.

Variance: To allow a 70-foot structure where the maximum permitted height is 50 feet

Pursuant to Zoning Code Section 17.50.310.E.6 “where allowed, support structures shall not exceed a maximum height of 50 feet above existing grade in any zoning district.” The existing monopine exceeds the maximum allowed height by 20 feet, with the tallest point of the structure measuring 70 feet from existing grade. The monopine is visible from both the 210 Freeway and Canada Avenue. Given the proximity to the southwest property line, the towering height of the facility is most visible along the 210 Freeway off-ramp at Exit 22B for Arroyo Boulevard and Windsor Avenue.

The applicant indicated that the additional height is necessary to provide service for a gap coverage for T-Mobile and Sprint wireless users who travel along the 210 Freeway. The applicant provided an Alternative Height Analysis with propagation plots for antennas at 66 feet in height (proposed) and at 46 feet in height (code compliant). The propagation plots show that the difference in coverage would be most impacted along a quarter mile stretch of the 210 Freeway. If the height is reduced to the code compliant 50 feet, the applicant anticipates that there would be weak to no coverage on the freeway, leading to dropped calls.

Staff finds that there are no exceptional or extraordinary circumstances or conditions applicable to the subject site that do not apply generally to sites in the same zoning district. The site is a relatively flat area with visibility from both the 210 Freeway and Canada Avenue in Pasadena. The project site is located at a slightly higher elevation than the 210 Freeway and at a similar elevation as the two adjacent lots to the east. The applicant stated that the additional height is required to achieve the coverage and capacity of the wireless site; however, there are no unique attributes specific to the project site, which do not apply to other sites in the same Zoning District. The site does not have unique topography or size that would warrant the construction of a structure of 70 feet, as opposed to 50 feet.

In addition, there are alternative designs that would achieve full or partial coverage, without the need for the proposed height deviation. According to the applicant, the coverage provided by decreasing the height of the facility to the code required 50 feet would require the development of a new wireless facility. In addition, the applicant also provided an Alternative Site Analysis which identified that partial coverage could be achieved through a colocation with the existing monopole facility at the John Muir High School practice fields/Pasadena Unified School District maintenance yard at 740 West Woodbury Road. However, a colocation at this site cannot achieve the applicant’s desired amount of coverage due to lack of space available on the tower and the ground.

Granting the application for additional height would constitute a special privilege at this site inconsistent with limitation on other properties in the vicinity and in the same zoning district. The proposal to allow an over height structure to reduce a coverage gap in wireless service along a quarter-mile stretch of the 210 Freeway, where alternative designs exist to fully or partially meet the desired coverage provided by a 70-foot tall facility, would allow for a privilege to this site. In addition, the proposed 70-foot freestanding wireless telecommunications facility is out of scale

with development in the vicinity. Both the John Muir High School athletic fields and the Pasadena Unified School District maintenance yard properties to the east feature few low scale buildings and are primarily open fields and parking lots. Given the low-scale development on the surrounding properties and that the maximum height requirement of 50 feet applies to all private properties and zoning districts in the City, allowing the over height facility would grant a special privilege at this site.

Therefore, Staff recommends disapproval of the requested Variance for increased height, and finds that there are not exceptional or extraordinary circumstances or conditions applicable to the development of the site that would support the deviation from the height requirements, and granting the Variance would allow for a special privilege inconsistent with limitations on other properties in the vicinity and same zoning district.

Variance: To allow the facility to be located on a site less than 500 feet from another site with a telecommunications facility

Zoning Code Section 17.50.310.E.9 sets specific standards for distance requirements for Major Telecommunications Facilities. The code requires a 500-foot distance requirement between each site containing an individual support structure, measured from site to site. The distance requirement is measured from the property lines of those sites containing support structures within the City of Pasadena, wireless facilities outside the City limits are not subject to this Zoning Code requirement.

The parcel directly to the east of the project site, across Canada Avenue, at 740 West Woodbury Road contains an AT&T and Sprint monopole. The monopole was originally approved under Conditional Use Permit #3408 by the Hearing Officer on April 15, 1998. The number of antenna and the height of the facility were modified with the Hearing Officer's approval of Minor Conditional Use Permit (MCUP) #4087 on August 21, 2002, and subsequently MCUP #5103 on February 18, 2009. The property at 740 West Woodbury Road is located approximately 50 feet from the subject site.

As discussed earlier in the report, the applicant provided an Alternative Site Analysis that identified that partial coverage could be achieved through the colocation at this existing facility. However, a colocation at this site cannot achieve the applicant's desired amount of coverage due to lack of space available on the tower and the ground. For this reason, the applicant requests the approval of the 70-foot telecommunications facility on the CalTrans maintenance yard property.

Furthermore, the existing telecommunication facility could be relocated to the portion of the site within the County of Los Angeles in order to provide this desired coverage and not be subject to the separation requirement from 740 West Woodbury Road.

Staff finds that there are no exceptional or extraordinary circumstances or conditions applicable to the subject site that do not apply generally to sites in the same zoning district. The applicant states that the location of this facility is required to provide service for a gap in coverage for T-Mobile and Sprint wireless uses who travel along the 210 Freeway; however, there are alternatives to the project that would not be subject to the proximity requirement from another site that would address the coverage gap.

The intent of the 500-foot site-to-site distance separation requirement is to reduce the concentration of freestanding wireless telecommunication facilities. The granting of a Variance to

allow a 50-foot site separation would allow a special privilege inconsistent with limitations on other properties in the vicinity and in the same zone district. All new support structures on private property in the City must meet the separation requirement.

COMMENTS FROM OTHER DEPARTMENTS:

The proposal was reviewed by the Department of Transportation, Department of Public Works, Building Section, Department of Water and Power- Water Division, Community Planning Section, and Design and Historic Preservation (DHP) Section. The Department of Transportation and Design and Historic Preservation Section had no comments at the time of review. Comments from the Community Planning Division have been incorporated in the Staff Report General Plan Consistency analysis. The Building Division, Department of Public Works, and Department of Water and Power – Water Division provided comments and recommended conditions of approval, which would be incorporated should the project be approved.

GENERAL PLAN CONSISTENCY:

The proposed project is not consistent with the goals and objectives of the General Plan. Policy 4.11 identifies that development should be compatible, required to demonstrate a contextual relationship with neighboring structures and sites. As previously discussed, the monopine is more than 20 feet higher than the existing four Pine trees on-site, and more than 50 feet higher than the existing one-story buildings on the site. The design of the 70-foot tall monopine telecommunications facility is not compatible with the low-scale development on-site and with the trees that are lower in height in the immediate area. The properties to the east across Canada Avenue (John Muir High School practice fields and PUSD maintenance yard) also feature low-scale development and the nearest structure is more than 400 feet away from the subject wireless facility.

The wireless telecommunications facility is, however, consistent with Policy 2.8, which encourages equitable distribution of community devices and amenities. The proposed use will enable T-Mobile to continue providing wireless communications services to residents and businesses in the City of Pasadena. Such communication technologies can enhance the economic vitality of the City by encouraging viable commercial uses that rely on wireless services. The use can also serve both the local and regional needs for surrounding neighborhoods and business as well as those traveling through the City and on the 210 Freeway.

ENVIRONMENTAL REVIEW:

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(5); Administrative Code, Title 14, Chapter 3, §15270 (a), Projects Which are Disapproved. This Statutory Exemption states that CEQA does not apply to projects which a public agency rejects or disapproves.

In the event that the Hearing Officer decides to approve this project, this project could be determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15303, Class 3, New Construction or Conversion of Small Structures). Section 15303 exempts from environmental review the construction of limited numbers of new, small facilities or structures. The project includes the establishment of a mono-tree wireless facility and associated equipment.

CONCLUSION:

It is staff's assessment, based on the analysis of the project that the findings necessary for approving the Conditional Use Permit to allow the requested operation of a Major Wireless Telecommunications Facility, and Variance requests to allow a 70-foot structure where the maximum permitted height is 50 feet, and to allow the facility to be located on a site less than 500 feet from another site with a telecommunications facility, cannot be made.

Specific to the Conditional Use Permit findings, the facility does not meet the applicable provisions of the Zoning Code specific to telecommunications facilities, and the design of the proposed use is not compatible with the scale of the natural and built environment in the vicinity.

For both requested Variances, Staff finds that there are no exceptional or extraordinary circumstances or conditions applicable to the development of the site that would support the deviation from the maximum height and distance from another wireless site requirements. In addition, the granting of the two Variances are not in conformance with the goals, policies, and objectives of the General Plan, and would grant a special privilege inconsistent with limitations on other properties in the vicinity and in the same zone district.

Therefore, Staff recommends that the Hearing Officer disapprove the application with the findings in Attachment A.

Attachments:

Attachment A: Recommended Findings

ATTACHMENT A
SPECIFIC FINDINGS FOR CONDITIONAL USE PERMIT #6832

Conditional Use Permit – To allow the establishment of a Major Wireless Telecommunications Facility land use

1. *The proposed use is allowed with a Conditional Use Permit (Major and Minor) or Hillside Development Permit within the applicable zoning district and does not comply with all applicable provisions of this Zoning Code.* Staff finds that in addition to the two requirements for which Variances are requested, the freestanding monopine does not meet two of the land use specific requirements for new support structures. Section 17.50.310.E.5 of the Zoning Code requires that a new wireless communications facility support structure that is designed to look like a faux tree be of a type compatible with the existing trees in the immediate area of the installation. Within the immediate area of the proposed project there are four existing Pine trees that are 50 feet or less in height. Although the species of tree is compatible, the height of the wireless facility is 20 feet higher than the existing trees and is not integrated into the existing landscaping.
2. *The design, location, operating characteristics, and size of the proposed use would not be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, scale, and view protection.* Staff finds that the proposed 70-foot freestanding wireless telecommunications facility is out of scale with the existing land uses in the vicinity. The monopine is more than 20 feet higher than the existing four Pine trees on-site, and more than 50 feet higher than the existing one-story buildings on-site. The design of the 70-foot tall monopine telecommunications facility is not compatible with the low-scale development on-site and with the trees that are lower in height in the immediate area. The properties to the east across Canada Avenue, John Muir High School practice fields and PUSD maintenance yard, also feature low-scale development and the nearest structure is more than 400 feet away from the subject wireless facility. The freestanding existing 70-foot structure is the highest structure in the vicinity, and is out of scale with the natural and built environment.

Variance: To allow a 70-foot high structure where the maximum permitted height is 50 feet

3. *There are not exceptional or extraordinary circumstances or conditions applicable to the subject site that do not apply generally to sites in the same zoning district.* Staff finds that there are no exceptional or extraordinary circumstances or conditions applicable to the subject site that do not apply generally to sites in the same zoning district. The site is a relatively flat property with visibility from both the 210 Freeway and Canada Avenue in Pasadena. The project site is located at a slightly higher elevation than the 210 Freeway and at a similar elevation as the two adjacent lots to the east. The applicant identifies that the additional height is required to achieve the coverage and capacity of the wireless facility. The site does not have unique topography or size that would warrant the construction of a 70-foot high structure, as opposed to the allowed 50 feet.
4. *Granting the application is not in conformance with the goals, policies, and objectives of the General Plan, and the purpose and intent of any applicable specific plan and the purposes of this Zoning Code, and would not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zone district.* As proposed, the project is not in conformance with General Plan Policy 4.11, which requires development to be compatible, and demonstrates a contextual relationship with neighboring structures and sites. The monopine is more than 20 feet higher than the existing four Pine trees on-site, and

more than 50 feet higher than the existing one-story buildings on-site. The properties to the east across Canada Avenue, John Muir High School practice fields and PUSD maintenance yard, also feature low-scale development and the nearest structure is more than 400 feet away from the subject wireless facility. The design of the 70-foot tall monopine telecommunications facility is not compatible with the low-scale development on-site and with the trees that are lower in height in the immediate area.

The project site is located at a slightly higher elevation than the 210 Freeway and at a similar elevation as the two adjacent lots to the east. The maximum height requirement of 50 feet is applied to all private properties and zoning districts in the City, as such allowing the additional height for the subject facility would grant a special privilege at this site.

Variance: To allow the facility to be located on a site less than 500 feet from another site with a telecommunications facility

5. *There are not exceptional or extraordinary circumstances or conditions applicable to the subject site that do not apply generally to sites in the same zoning district.* The project site is a relatively flat area with visibility from the 210 Freeway and Canada Avenue in Pasadena. The applicant identifies that the location of this facility is required to provide service for a gap in coverage for T-Mobile and Sprint wireless users who travel along the 210 Freeway; however, there are no unique attributes specific to the project site's topography or size, which do not apply to other sites in the same Zoning District. There is no constraint specific to the project site that warrants this facility to be located within 500 feet from another site containing a telecommunication facility.

6. *Granting the application is not in conformance with the goals, policies, and objectives of the General Plan, and the purpose and intent of any applicable specific plan and the purposes of this Zoning Code, and would not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zone district.* The Zoning Code requirement that all new Major Wireless Telecommunication Facilities are located on a site 500 feet from another site with a telecommunications facility is applied to all private properties and zoning districts in the City. In order to avoid coverage gaps, the collocation of antennas on a single support structure is encouraged by the Zoning Code. As identified by the applicant, there is an opportunity to collocate and provide partial coverage to the area in which there is a service gap, without the addition of a new telecommunications facility. Therefore, a special privilege would be granted by allowing the requested wireless facility at a site 50 feet away from a site with an existing telecommunications facility.