



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

DATE: September 7, 2022

TO: Hearing Officer

SUBJECT: Minor Conditional Use Permit #6975

LOCATION: 150 South Los Robles Avenue

APPLICANT: Dish Wireless, LLC

ZONING DESIGNATION: CD-2 (Central District Specific Plan, Civic Center/Midtown Subdistrict) and CD-4 (Central District Specific Plan, Pasadena Playhouse Subdistrict)

GENERAL PLAN DESIGNATION: Medium Mixed-Use (0.0-2.25 FAR, 0-87 DU/Acre)

CASE PLANNER: Katherine Moran

STAFF RECOMMENDATION: Adopt the Environmental Determination and the Specific Findings in Attachment A to **approve** Minor Conditional Use Permit #6975 with the conditions in Attachment B.

PROJECT PROPOSAL: Minor Conditional Use Permit: to allow the installation and operation of a new 'Wireless Telecommunications Antenna Facilities, Minor' on the roof of an existing 10-story office building.

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)(9); Administrative Code, Title 14, Chapter 3, §15303, Class 3, New Construction or Conversion of Small Structures. Section 15303 specifically exempts from environmental review the construction of, or installation of, small new equipment or facilities. The existing primary use of the site will remain as commercial office building and the

construction of new of telecommunication equipment on the rooftop of the building is a small accessory component.

BACKGROUND:

Site characteristics:

The subject site is bounded by South Los Robles Avenue to the west, El Dorado Street to the north, South Oakland Avenue to the east, and Cordova Street to the south. The lot is approximately 92,786 square feet in size. The property is developed with an existing ten-story commercial office building and parking structure. The subject property is bisected by two zoning district, the western portion of the property is located within the CD-2 (Central District Specific Plan, Civic Center/Midtown Subdistrict) and the eastern portion is located within the CD-4 (Central District Specific Plan, Pasadena Playhouse Subdistrict). The office building, which the proposed wireless telecommunication facility will be located on, is entirely within the CD-2 zoning district.

Adjacent Uses:

North – Commercial, Office
South – Commercial, Office
East – Multi-family residential
West – Commercial, Hotel/Office

Adjacent Zoning:

North – CD-2 (Central District Specific Plan, Civic Center/Midtown Subdistrict) and CD-4 (Central District Specific Plan, Pasadena Playhouse Subdistrict)
South – CD-2 (Central District Specific Plan, Civic Center/Midtown Subdistrict) and RM-48-HL-40(45) (Multi-Family Residential – City of Gardens, Medium Density Residential, Height Limit Overlay)
East – CD-4 (Central District Specific Plan, Pasadena Playhouse Subdistrict)
West – CD-2 (Central District Specific Plan, Civic Center/Midtown Subdistrict)

Previous Cases:

Conditional Use Permit #30: To provide off-street parking facilities for 92 cars. Approved with conditions on November 13, 1951.

Variance #8055: Modifications to the variance granted for a hotel and office complex, proposed to extend the hotel building one additional floor increasing the height of the building to 140'. Approved with conditions on July 10, 1969.

Conditional Use Permit #2855: To share required parking for the establishment of a vocational school use operating concurrently with a hotel and office use. Approved with conditions on May 18, 1994.

Tentative Parcel Map #25289: To consolidate 16 existing lots into two parcels. Approved with conditions on January 13, 1999.

PROJECT DESCRIPTION:

The applicant, Dish Wireless, LLC, has submitted a Minor Conditional Use Permit application to allow the installation and operation of a new 'Wireless Telecommunications Antenna Facilities, Minor'. The project consists of the installation of six new wireless panel antennas and 12 new Remote Radio Units (RRUs) mounted on an existing penthouse screen wall, a new equipment cabinet, and power and fiber support equipment located on the rooftop of the commercial office building. No protected trees are proposed for removal as part of the project.

ANALYSIS:

Minor Conditional Use Permit: Establishment of a Wireless Telecommunication Antenna Facilities, Minor.

The subject property is bisected by two zoning districts, the western portion of the property is located within the CD-2 (Central District Specific Plan, Civic Center/Midtown Subdistrict) and the eastern portion is located within the CD-4 (Central District Specific Plan, Pasadena Playhouse Subdistrict) and is developed with a 10-story office building and a parking structure. The wireless facility will be located on top of office building, which is located entirely within the CD-2 zoning district. New building mounted wireless communications facilities on an existing building are classified as a Wireless Telecommunication Antenna Facilities, Minor land use which requires the review and approval of a Minor Conditional Use Permit within the CD-2 and CD-4 zoning district.

The construction of a new wireless telecommunications facility on an existing building is subject to screening requirements, ensuring that the antenna arrays be compatible with the architecture of the existing structure. The existing office building measures 117'-8" tall to the top of the parapet. On the roof of the office building are a penthouse, mechanical equipment, and ancillary screening wall with a maximum height of 131'-1" (13'-5" above the parapet). Located above the penthouse is the office building's internet equipment measuring 152'-8" tall. The internet tower supplies in-building wi-fi to the tenants of the building and will not be modified as part of the project scope. The proposed wireless facility antennas will be mounted to the existing penthouse screen wall via three sectors, on the west, north, and east façades, with two antennae per sector. The antennae will be screened with FRP boxes painted gray to match the existing mechanical equipment screen. The antennae boxes will be in line with the existing screening wall and will have a maximum height of 131'-1".

The proposed wireless telecommunications facility will include a new five-foot by seven-foot equipment cabinet located behind the existing screen wall. The cabinet will be below the existing screen wall and will not be visible from the public right-of-way. The facility will also utilize an existing mechanical room on the 1st and 9th floors within the structure, with new equipment proposed within existing cabinets in the mechanical rooms and not visible to the public.

The Zoning Code encourages location of wireless telecommunication antenna facilities on existing buildings or support structures. Additionally, the Zoning Code encourages co-location of antenna facilities with other wireless telecommunication service providers, which would be encouraged of future facilities at this location. The subject property is located in a high density, mixed-use environment in the Central District. It is staff's determination that the installation of new

antennas and transmission equipment will not result in a significant change to the character of the existing property or the surrounding neighborhood. The project does not involve expansion of the existing building, does not increase the height of the existing building, and the equipment cabinets are located on the interior of the penthouse screen wall as well as within existing mechanical rooms within the office building.

The proposed wireless telecommunications facility must comply with the federally adopted health and safety thresholds established in the Federal Communications Act of 1996. The proposed telecommunications facility will operate in full compliance with the U.S. standards for radio frequency emissions as published by the American National Standards Institute (ANSI). No significant impacts are anticipated as a result of this project. As conditioned, the applicant must demonstrate compliance with all applicable Federal Standards.

GENERAL PLAN CONSISTENCY:

The proposed project is consistent with the goals and objectives of the General Plan. Specifically, the project is consistent with Goal 2 – Land Use Diversity, *Policy 2.3 - Commercial Businesses*, and *Policy 2.7 – Civic and Community Services*. The proposed wireless facility would enable Dish Wireless to provide wireless communications services to residents and businesses in the City of Pasadena and its surrounding areas. Such communication technologies enhance the economic vitality of the City by encouraging viable commercial uses that rely on wireless internet services. The proposed use would serve both the local and regional needs for surrounding neighborhoods and business as well as those traveling through the City. The facility would fill a coverage gap to support Pasadena’s residents in providing reliable wireless service. The new facility will allow an existing structure to be utilized and eliminates the installation of a new telecommunication wireless facility elsewhere in the City. The proposed antennas will be installed utilizing the existing penthouse screen wall and will be designed to match the existing building. The proposal will not require the enlargement of the building to accommodate the new facility.

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)(9); Administrative Code, Title 14, Chapter 3, §15303, Class 3, New Construction or Conversion of Small Structures. Class 3 specifically exempts from environmental review the construction of, or installation of, small new equipment or facilities. The existing primary use of the site will remain an office building use and the new construction of telecommunication equipment on an existing building is an accessory component.

COMMENTS FROM OTHER DEPARTMENTS:

The Building and Safety Division, Design and Historic Preservation Section, Public Works Department, Transportation Department, and the Fire Department were provided the opportunity to review the project. The Building and Safety Division provided comments and their recommended conditions of approval have been included in Attachment B of this staff report.

CONCLUSION:

It is staff’s assessment that the findings necessary for approving the Minor Conditional Use Permit to allow the installation and operation of a new ‘Wireless Telecommunications Antenna Facilities, Minor’ on the roof of an existing 10-story office building can be made. The use is compatible with

existing and future land uses, and the wireless telecommunication facility is necessary in order to fill gaps in coverage. The proposed antennas will not increase the height or modify the building structure as all three of the antenna arrays and mechanical cabinets are proposed at a lower height than the existing building and screening wall. The height of the facility in combination with the screening requirements will shield the proposed arrays from being visible from the public right-of-way. In addition the project will provide an opportunity for future co-location of new wireless facilities as encouraged by the City's Zoning Code. Therefore, staff recommends that the Hearing Officer approve the application with the findings in Attachment A and the Conditions of Approval in Attachment B.

Attachments:

Attachment A: Specific Findings for Approval

Attachment B: Conditions of Approval

ATTACHMENT A
SPECIFIC FINDINGS FOR MINOR CONDITIONAL USE PERMIT #6975

Minor Conditional Use Permit – Establishment of a Wireless Telecommunications Facility, Minor

1. *The proposed use is allowed with a Minor Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code.* The Wireless Telecommunications Facilities, Minor Land Use is permitted within the CD-2 and CD-4 zoning district zoning district, subject to the review and approval of a Minor Conditional Use Permit. The proposal meets the development standards as specified in Section 17.50.310 (Wireless Telecommunication Antenna Facilities). The wireless telecommunication facility will be located on the rooftop of an existing 10-story office building, located entirely within the CD-2 zoning district, no portion of the use will occur on the CD-4 zoned portion of the site.
2. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district.* The CD-2 zoning district is intended to strengthen its role as the symbolic and governmental center of the City, supporting civic, cultural, and public service institutions, while augmenting the character of the area with a complementary mixture of uses. The installation of a wireless telecommunications facility mounted on an existing building, within the CD-2 zoned portion of the site, will provide new wireless service and coverage to this portion of the City. It is the intent of the Zoning Code to encourage the co-location of antennas on existing structures, which will further this intent with construction of this new facility. The proposal will not require the enlargement of the building to accommodate the new facility.
3. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.* The proposed project is consistent with the goals and objectives of the General Plan. Specifically, the project is consistent with Goal 2 – Land Use Diversity, Policy 2.3 - Commercial Businesses, and Policy 2.7 – Civic and Community Services. The proposed wireless facility would enable Dish Wireless to provide wireless communications services to residents and businesses in the City of Pasadena and its surrounding areas. Such communication technologies enhance the economic vitality of the City by encouraging viable commercial uses that rely on wireless internet services. The proposed use would serve both the local and regional needs for surrounding neighborhoods and business as well as those traveling through the City. The facility would fill a coverage gap to support Pasadena’s residents in providing reliable wireless service. The new facility will allow an existing structure to be utilized and eliminates the installation of a new telecommunication wireless facility elsewhere in the City. The proposed antennas will be installed utilizing the existing penthouse screen wall and will be designed to match the existing building. The proposal will not require the enlargement of the building to accommodate the new facility.
4. *The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.* The proposed wireless telecommunications facility must comply with the federally adopted health and safety thresholds established in the Federal Communications Act of 1996. The proposed telecommunications facility will operate in full compliance with the U.S. standards for radio frequency emissions as published by the American National Standards Institute (ANSI). No significant impacts are anticipated as a result of this project. As conditioned, the applicant must demonstrate compliance with all applicable Federal Standards.

5. *The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.* The proposal is to provide a new wireless telecommunications facility and associated equipment with minimal changes to the design of the existing building. The proposed antennas will be installed utilizing the existing penthouse structure and will be designed to be compatible with the architecture of the building. The proposal will not require the enlargement of the building to accommodate the new facility. As such, it is not anticipated that the proposal will be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the City.

6. *The design location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, scale, and view protection.* The proposed antennas will be installed utilizing the existing penthouse structure and will be designed to match the existing building architectural design. The proposal will not require the enlargement of the building to accommodate the new facility. Co-location of future wireless telecommunications facilities at the site is encouraged in order to eliminate the necessity for installations of new monopoles.

ATTACHMENT B
RECOMMENDED CONDITIONS FOR MINOR CONDITIONAL USE PERMIT #6975

The applicant or successor in interest shall meet the following conditions:

General

1. The proposed wireless facility shall substantially conform to the plans submitted with this application and dated "Approved at Hearing, September 7, 2022," except as modified herein.
2. The right granted under this application must be enacted within 36 months from the effective date of approval. It shall expire and become void, except where an extension of time is approved in compliance with Zoning Code Section 17.64.040.C (Time Limits and Extensions – Extensions of Time).
3. The applicant or successor in interest shall meet the applicable code requirements of all City Departments.
4. The final decision letter and conditions of approval shall be incorporated in the building plans as part of the building plan check process.
5. Final elevations, including material of construction, shall be submitted to and approved by the Zoning Administrator prior to issuance of any building permits.
6. The proposed project, Activity Number **ZENT2021-00166**, is subject to the Inspection Program by the City. A Final Zoning Inspection is required for your project prior to the issuance of a Certificate of Occupancy or approval of the Final Building Inspection. In addition, the project requires Conditional Mitigation Monitoring. Contact the Planning Case Manager, Katherine Moran, at (626) 744-6740 to schedule an inspection time.

Planning Division

7. All antenna arrays shall be painted to match the color and texture of the building to which they are mounted. Color samples shall be reviewed and approved by the Zoning Administrator prior to the issuance of any building permits for the proposed wireless facility.
8. The use of chain-link fencing or razor wire in the design of a facility or related support facilities is prohibited.
9. No off-premises or on-premises signs may be placed by a wireless telecommunications service provider on a building or support structure to which a facility is attached.
10. The site of the facilities shall be maintained in a condition free of debris, refuse, and trash. All graffiti shall be removed within 48 hours.
11. Upon installation of the facility, the applicant shall demonstrate that the project will not result in levels of radio frequency emissions that exceed Federal Communications Commission standards, including FCC Office of Engineering Technology (OET) Bulletin 65, Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields, as amended. Additionally, if the Director determines the wireless telecommunications facility, as constructed, may emit radio frequency emissions that are likely to exceed Federal

Communications Commission uncontrolled/general population standards in the FCC Office of Engineering Technology (OET) Bulletin 65, Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields, as amended, in areas accessible by the general population, the Director may require post-installation testing to determine whether to require further mitigation of radio frequency emissions. The cost of any such testing and mitigation shall be borne by the applicant.

12. Before the issuance of any permit, the applicant shall post with the City a performance bond or other security in an amount rationally related to the cost of removal.
13. The Director of Planning & Community Planning may require the applicant to provide an authorization to permit the City to hire an independent, qualified consultant to evaluate any technical aspect of the proposed use, including issues involving radio frequency emissions, alternative designs, and alternative sites. Any authorization for this purpose shall include an agreement by the applicant to reimburse the City for all reasonable costs associated with the consultation. Any proprietary information disclosed to the City or the consultant is deemed not to be a public record, and shall remain confidential and not to be disclosed to any third party without the express consent of the applicant, unless otherwise required by law.
14. If a support structure or an antenna array affixed to a building or support structure, becomes inoperable or ceases to be used for a period of 180 consecutive days: The permittee shall give written notice of inoperability or nonuse to the Zoning Administrator and the antenna array and, if applicable, the support structure shall be removed within 90 days. If removal does not occur, the City may remove the antenna array and, if applicable, the support structure, at the permittee's expense; provided, however, that if other antenna arrays owned or operated by other service providers are affixed to the same support structure then only the antenna array that has become inoperable or has ceased to be used is required to be removed, and the support structure may remain in place until all service providers cease to use it.
15. This approval is valid for a period of 10 years from the effective date of the approval. Upon expiration of the initial period, the permit may be extended by a decision by the Director for a period no longer than the initial period upon verification of continued compliance with the findings and conditions of approval under which the application was originally approved, as well as any other provisions provided for in this Code which are in effect at the time of the permit renewal request. The Director shall provide notice of the extension only to the applicant, all persons who have filed a written request for notice of the extension, the Planning Commission, and the City Council.

Building and Safety Division

16. Governing Codes: Comply with the Current Edition of California Building Code, California Electrical Code, California Plumbing Code, California Mechanical Code, California Energy Code, California Green Building Standard Code and the City of Pasadena Municipal Code. The governing edition is based on the date in which the project is submitted to the City of Pasadena for review. All construction documents shall be prepared by a registered design professional; stamp and sign all plans.
17. Building Code Analysis: Provide a Building Code Analysis on the title sheet. Include the code(s) information for each building proposed: Descriptive scope of work, occupancy, assessor's parcel number, number of stories, type of construction, fire sprinklers, floor area, height, and allowable floor area. This is a change of occupancy. Provide existing occupancy

and proposed. Building has to fully comply with the new propose occupancy as required per the CA Building Code. Show occupant load on cover sheet. Provide a plumbing occupant load and fixtures analysis per 2019 CPC Section 422.1.

18. Best Management Practices: Photocopy to plans and complete the Best Management Practice page 1(form must be signed). Photocopy any other applicable pages and cross reference the location at the site plan, i.e. the material storage, the concrete waste management, etc. These forms can be found at:
<https://www.cityofpasadena.net/planning/building-and-safety/bs-applications-forms/#informational-handouts>
19. Green Code: Photocopy to plans and complete the 2019 California Green Building Standards Code With the City Of Pasadena Amendments Forms. These forms are being provided attach and can be found at:
<https://www.cityofpasadena.net/planning/building-and-safety/bs-applications-forms/#informational-handouts>.
20. Fire and Smoke Protection Features: Show materials, systems and assemblies used for structural fire resistance and fire-resistance-rated construction separation of adjacent spaces to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings.
21. Means Of Egress (Exiting): Clearly label and identify on plans fire-resistive corridors, exit enclosures, exit passageways, horizontal exits, occupancy separation walls and floors, fire resistive shafts, and fire walls, along with their fire-resistive ratings as applicable. Clearly show compliance with 2019 CBC Section 1006 number of exits and exist access doorways, section 1010 Doors, gates and turnstiles. Show how the garage doors will comply. Identify occupancy group and occupant load. Clarify what is the original occupancy and the proposed change of occupancy.
22. Accessibility: Provide compliance with accessibility per CBC 11B; Where existing elements or spaces are altered, each altered element or space shall comply with the applicable requirements CBC 11B Division 2, including section 11B-202.4. Show accessible route within the site from accessible parking spaces and accessible passenger loading zones; public streets and sidewalks; public transportation stops to the accessible building or facility entrances. Where more than one route is provide, all routes must be accessible. Accessible route shall be the most practical direct route feasible and may incorporate pedestrian ramps, curbs ramps, etc... All accessible routes shall comply unless there is an approved exception Section 11B-206. Also show compliance with 11B-402. An accessible route shall be provided to all functional areas including raised or sunken area and outdoor areas per CBC 11B-206.2.5.
23. Required Plans and Permit(s): Provide complete Architectural plans to show compliance with change of occupancy. Include furniture layout. In addition to architectural plans, provide Structural, Shoring, Plumbing, Mechanical, Electrical plans, PV systems and grading plans as required. No deferred submittal. Separate permits are required for the following: Mechanical, Electrical, Plumbing, Fire Sprinkler, Demolition, Block walls, others. If an exception is used, then referenced the exception (include code section and exception no.) and show how the design meets the exception's criteria/condition.