



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: June 21, 2023

TO: Hearing Officer

SUBJECT: Minor Conditional Use Permit #7037

LOCATION: 1116 Glen Avenue

APPLICANT: Damien Pichardo

ZONING DESIGNATION: PS (Public, Semi-Public)

GENERAL PLAN DESIGNATION: Institutional

CASE PLANNER: Katherine Moran

STAFF RECOMMENDATION: Adopt the Environmental Determination and the Specific Findings in Attachment A to **approve** Minor Conditional Use Permit #7037 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 government 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 would remain as a government 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 east of the Interstate 210 Freeway between West Mountain Avenue and West Hammond Street. The site is a part of an approximately 120,384 square-foot area that is developed with an existing two-story 31,400 square-foot government office building, detached storage buildings, City yard facilities, and surface parking lot.

Adjacent Uses: North – Multi-family Residential
South – Institutional, Government
East – Single-Family Residential
West – Institutional, Government

Adjacent Zoning: North – RM-12 (Multi-Family Residential - Two Units Per Lot and RM-16 (Multi-Family Residential - City of Gardens)
South – PS (Public & Semi-Public)
East – RM-12-LD-3 (Multi-Family Residential - Two Units Per Lot, Banbury Oaks Landmark Overlay) and RS-6 (Single-Family Residential)
West – PS (Public & Semi-Public)

Previous Cases: Variance #3653 – To construct a residential building with a 25-foot front setback. Approved with conditions on October 9, 1952.

Conditional Use Permit #4692 – To construct a compressed natural gas facility. Approved on August 2, 2006.

Conditional Use Permit #4739 – To renovate an existing City Water & Power warehouse and the construction of a new 36,000 square-foot office building on City owned property. Approved with conditions on September 6, 2006.

PROJECT DESCRIPTION:

The applicant, Damien Pichardo, on behalf of T-Mobile, has submitted a Minor Conditional Use Permit application to allow the installation and operation of a new wireless telecommunications facility (“Wireless Telecommunications Antenna Facilities, Minor”) located on the rooftop of a government office building. The project consists of the installation of six new wireless panel antennas and six new Remote Radio Units (RRUs) that will feature new fiberglass-reinforced polymer (FRP) screen enclosures, four equipment cabinets and power and fiber support equipment. 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 located within the PS (Public and Semi-Public) zoning district and is developed with a two-story government office building, detached storage buildings, City yard facilities, and surface parking. The property is currently used as the City Yard for use by several City of Pasadena departments. The wireless facility will be located on the roof of the existing office building. 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 PS zoning district.

The Hearing Officer may approve a Minor Conditional Use Permit to allow the establishment of the wireless telecommunications facility use only after making six findings identified in the Zoning Code. The general purpose is to evaluate compliance with the Zoning Code and General Plan, whether the use would be detrimental or injurious to the neighborhood, and compatibility of the operation with existing and future uses.

The proposed wireless facility antennas will be located in three separate sectors; one located on the northeast corner of the building and two at the southwest corner of the building. Each sector will have two antennas and two RRUs. The antennas and equipment at each sector will be screened with FRP boxes painted to match the existing building and existing mechanical equipment screen. The screening boxes are 100 square feet in size (10'-0" by 10'-0") and would extend nine feet above the parapet of the building (maximum height of 44'-4"). A portion of the building at the rear (east) is one story and features a roof deck. Four, 3'-6" tall equipment cabinets are proposed to be located on the roof deck.

The construction of a new wireless telecommunications facility on an existing building is subject to development standards including screening requirements, ensuring that the antenna arrays are compatible with the architecture of the existing structure. The Zoning Code allows the height limit of the subject property to be increased by an additional 15 feet provided that the rooftop appurtenance does not exceed 25 percent of the roof area. In this case the existing building measures 35'-4" high to the top of the parapet, and 15 feet above is 50'-4". On the roof of the existing building are a penthouse, mechanical equipment, and an ancillary mechanical equipment screening wall. The proposed wireless equipment screening extends an additional nine feet above the existing building's second floor parapet. The rooftop area measures 15,330 square feet in size. The proposed rooftop appurtenance coverage, which includes both the existing and proposed equipment, is 3,100 square feet, or 20.2 percent of the rooftop area. Therefore, the proposed equipment complies with both the maximum 15'-0" appurtenance height and 25 percent rooftop coverage requirements.

The Zoning Code encourages location of wireless telecommunication antenna facilities on existing buildings or support structures. It is staff's determination that the installation of new antennas and transmission equipment would 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 and all facility equipment is proposed to be screened or located out of view from the public right-of-way. The only increase in the height of the building would be limited to the screening around the wireless equipment.

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 would 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 T-Mobile 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 proposed antennas would be installed with screening designed to match the existing building. The proposal would 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 would remain an office building and the 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, Water and Power Department, Department of Information Technology, and the Fire Department were provided the opportunity to review the project. The Building and Safety Division, Public works Department, Department of Water and Power (Power), Department of Information Technology, and Department of Public Works 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 Facility, Minor’ on the roof of an existing 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 would not increase the floor area of the building or change the primary use of the structure. All three of the antenna arrays and equipment would be screened to match and aesthetically blend in with the existing building. The height of the facility in combination with the screening requirements would shield the proposed arrays from being visible

from the public right-of-way. In addition, the project would provide an opportunity for future co-location of new wireless facilities. 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 #7037

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 PS 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 two-story government office building.
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 PS zoning district is tailored specifically for public and semi-public uses such schools, churches, and other types of institutional uses. The existing office use of the building is not proposed to be modified as a part of the project. The installation of a wireless telecommunications facility mounted on an existing building within the PS zoning district will provide new wireless service and coverage to this portion of the City. 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 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 proposed antennas and equipment 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 on the roof of an existing building. The proposed antennas and screening 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 and equipment will be installed on the rooftop with screening designed to match the existing building's architectural design. The proposal will not require the enlargement of the building to accommodate the new facility; furthermore, the new facility will be unmanned and will not produce odors or noise.

ATTACHMENT B
RECOMMENDED CONDITIONS FOR MINOR CONDITIONAL USE PERMIT #7037

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, June 21, 2023," 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 **ZENT2022-00109**, 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. 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. Important: New 2022 Codes will be in effect starting on January 1st 2023.
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.

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. Required Plans and Permit(s): 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.

Department of Water and Power (Power)

20. Electric Power: Contact Pasadena Water And Power's Electric Service Planning at (626) 744-4495 or ESP@cityofpasadena.net to arrange for electric service for this installation.
21. RF Signage and Power Disconnect: The installation shall have large Radio Frequency (RF) warning signage on the roof identifying the proper minimum approach distance (in feet) to maintain for personnel safety. The minimum approach distance from the antennas shall be marked on the roof with red paint or other suitable permanent marking. A power disconnect (switch) that can power down the cell site shall be provided for personnel on the roof to use if they need to enter the minimum RF approach distance area. Instructional signage for the power disconnect shall be provided adjacent to the switch.
22. RF Testing: The wireless carrier shall identify the proper Maximum Exposure (MPE) limit to personnel for radio frequency (RF) for this installation based on the accepted standards of the Federal Communications Commission (FCC), Environmental Protection Agency (EPA), Food and Drug Administration (FDA), the California Occupational Safety and Health Administration (CalOSHA) or other applicable national standard. The most conservative number shall be used. The wireless carrier shall perform certified RF testing in the occupied building areas in proximity to the antennas at various output levels and frequencies (including worst case) to demonstrate that the installation's RF exposure output is below the established standard.
23. License Fee: Permittee agrees that the first annual license fee is the sum of Thirty Seven Thousand Five Hundred Thirty Four Dollars and Ninety Five cent (\$37,534.95). Terms and conditions related to this license fee shall be subject to PMC 12.22.180(E) "License Fee".

Department of Information Technology

24. License Fee:
 - a. The initial annual access license fee to be pre-paid by Permittee to City shall be \$10,000. This fee is exclusive to access-related items, detailed in 'Access' below, and is separate from other fees related to this permit. Terms and conditions related to this license fee shall be subject to PMC 12.22.180(E) "License Fee".

25. Access; Limits on Use; Non-Exclusive Use:

- a. Access: During the term, Permittee, its agents, employees, and contractors, will have the right of conditional access to the Property and facilities associated with this permit for ingress, egress, installation, maintenance, inspection, operation, repair, replacement, improvement, and removal of the Communications Infrastructure within the Property. Permittee shall provide, at a minimum, a 24-hour written notice (with a detailed description of the scope of work to be performed) prior to accessing the Property and only permitted to enter the Property in the presence of a City representative escort. City representatives are available generally Monday through Friday 7:30 am to 5:30 pm. The City is closed on alternative Fridays. Supervised and escorted access to the facility by a City representative is required without exceptions and shall be subordinated to any City use or business. At the completion of each access, Permittee shall promptly provide a written description to the City of the work performed including any change orders or work outside the original intended scope of work.
- b. Afterhours and Emergency Access: The City shall endeavor, but shall not be required to provide afterhours and emergency access outside of the City's regular business hours, which are generally Monday through Friday 7:30 am to 5:30 pm. The City is also closed alternate Fridays and most major holidays. All access outside of regular business hours are considered afterhours. In the event Permittee needs access to the Property for afterhours or emergency access, Permittee shall contact the DoIT 24/7 Service Line to coordinate supervised and escorted access to the property by a City representative. An hourly fee of \$250 will be assessed with a two-hour minimum for any access needed outside of regular business hours and for emergency access that doesn't follow the 24-hour written notice provision outlined in section 4.1. The City will bill Permittee for afterhours and emergency access and payment is due within (30) thirty days of invoice.

Department of Public Works

26. Damage to City Property: Licensee shall contact the Public Works Building Systems and Fleet Maintenance Division immediately and no later than 24-hours by email at BSFMD@cityofpasadena.net upon discovery of damage to city property by Licensee. All expenses resulting from any damage caused by the Licensee to City property will be paid by the Licensee. City reserves the right to repair damaged city property at the expense of the Licensee. If the City assigns repair work to the Licensee, pre-authorization must be obtained from the City prior to any work performed to restore, repair, and/or replace city property in a manner acceptable by the City. All emergency work must be completed immediately within 48 hours. All non-emergency work must be completed no later than 30 calendar days unless written approval for any time extension is provided by the City.
27. Notices: Email notification must be sent to BSFMD@cityofpasadena.net 24-hours in advance prior to accessing the City's roof.
28. Compliance with Ordinance: Licensee shall install, operate and maintain its facilities in compliance with [City Municipal Code Section 17.50.310](#) – Telecommunications Facilities, which applies to telecommunications antenna facilities not located in the public right-of-way. Since this telecommunications antenna facility is located on City-owned real property, the Licensee shall comply with conditions in [Section 12.22.180 of the Municipal Code](#).

29. Insurance: Prior to the issuance of this Permit, Permittee shall procure, and shall maintain in full force and effect during the term of this Permit, and any extension thereof, general insurance requirements as specified under "[Insurance Requirements \(General\)](#)."