

## CONDITIONAL USE PERMIT FINDINGS

3500 E. Burnett Street  
App. No. 2003-25 (CUP20-008)  
Date: June 4, 2020

Pursuant to Section 21.25.206 of the Long Beach Municipal Code, a Conditional Use Permit can be granted only when positive findings are made consistent with the following criteria set forth in the Zoning Ordinance. These findings and staff analysis are presented for consideration, adoption and incorporation into the record of proceedings:

1. **THE APPROVAL IS CONSISTENT WITH AND CARRIES OUT THE GENERAL PLAN, ANY APPLICABLE SPECIFIC PLANS SUCH AS THE LOCAL COASTAL PROGRAM AND ALL ZONING REGULATIONS OF THE APPLICABLE DISTRICT;**

The project consists of a request for the establishment and operation of an rocket manufacturing facility with outdoor operations. The outdoor operations consist of the testing of the rocket tanks that are manufactured indoors and it triggers the requirement for a Conditional Use Permit. The aircraft manufacturing facility will be housed in a building of approximately 113,800 square feet, on a site of 5.46 acres. Outdoor operations will be conducted directly adjacent to the building in an area designated for loading docks.

The project site has a General Plan Land Use PlaceType designation of Regional -Serving Facility (RSF). This PlaceType is designated to sites in Long Beach that serve a unique role or population reaching beyond local concerns. It recognizes and allows for the highly specialized needs of regional public and private facilities, while simultaneously ensuring substantial public benefits. The preferred land uses in areas designated as RSF include uses that serve a regional need for medical and social services, education, goods movement, people movement, energy production and distribution, public utilities, and uses of a similar nature.

One of the citywide goals identified in the Land Use Element is to strengthen the City's fiscal health by stimulating continuous economic development and job growth (**Goal No. 2** of the Land Use Element). The City of Long Beach seeks to continue to leverage its regional location and jobs base to make it a place where businesses will want to locate. The proposed project supports this citywide goal by specifically addressing **Strategy No. 3** – to “maintain a strong, diversified economic base that creates jobs and attracts employers.” In particular, **LU Policy 3-1** sets out to “accommodate a mix of industries in Long Beach, including high technology, telecommunications, **aerospace**, green technology, renewable energy, healthcare, higher education, manufacturing, port and shipping, professional services, restaurants, entertainment and the film industry.” The proposed project consists of the establishment of a rocket manufacturing facility with outdoor operations and is consistent with the objectives of LU Policy 3-1 related to providing uses in the aerospace industry.

Rocket manufacturing with accessory outdoor rocket testing serves a unique role that reaches beyond the local level, largely due to the project site's location within an auto-oriented area. Areas that are characterized with major thoroughfares and freeway systems (such as the project site's location) are frequently known for having regional-serving businesses. Furthermore, areas in close proximity to an airport have an even broader influence in regional activity. A use such as aircraft manufacturing with outdoor operations has the potential to offer a large number of high-quality jobs that caters to more than just the immediate local community. The Land Use Element of the General Plan recognizes PD-7 as one of the many areas within the RSF PlaceType (and surrounding the Long Beach Airport) that has its own approved master plan offering many industrial uses that serve the regional community.

2. **THE PROPOSED USE WILL NOT BE DETRIMENTAL TO THE SURROUNDING COMMUNITY INCLUDING PUBLIC HEALTH, SAFETY, GENERAL WELFARE, ENVIRONMENTAL QUALITY OR QUALITY OF LIFE; AND**

In accordance with the California Environment Quality Act (CEQA) and the CEQA Guidelines, a Categorical Exemption (CE 20-058) was prepared for this project. The project is exempt per Section 15301 – Existing Facilities as it involves the occupation of an existing industrial building with a new aircraft manufacturing use.

The proposed use is not anticipated to be detrimental to the surrounding community. The applicant proposes to establish the aircraft manufacturing facility with accessory outdoor operations. The outdoor operations, which trigger the requirement for a Conditional Use Permit, consist of the testing of rocket tanks by filling them with liquid over a period of several hours. Outdoor activity will be conducted in an area that is designated for loading docks, directly adjacent to the building. As shown on plans, this area is naturally tucked away from public view or access which creates a buffer from any visual or noise impacts coming from outdoor equipment. Outdoor operations will commence only three days a week and is not anticipated to produce any significant levels of noise, odors or waste by-products. Furthermore, several conditions of approval are included to require compliance with any special development standards stipulated in Sections 21.52.410 and 21.33.090 of the Long Beach Municipal Code (LBMC). They include compliance with noise standards, hours of operation, and proper storage and disposal of any hazardous wastes that produced on-site.

3. **THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR THE USE ENUMERATED IN CHAPTER 21.52.**

Chapter 21.52.410 states that the following conditions shall apply to all alcoholic beverage sales uses requiring a Conditional Use Permit:

**A. The proposed use, and the siting and arrangement of that use on the property, will not adversely affect surrounding uses nor pose adverse health risks to persons working and living in the surrounding area.**

The applicant proposes to establish the aircraft manufacturing facility with accessory outdoor operations. The outdoor operations consist of the testing of rocket tanks by filling them with liquid (water or liquid nitrogen) over a period of several hours. Outdoor activity will be conducted in an area that is designated for loading docks which is naturally tucked away from public view or access. This location creates a buffer from any visual or noise impacts coming from outdoor equipment and the outdoor activity will not result in the production of any odors or hazardous wastes. Several conditions of approval are included to ensure public health, safety and welfare.

**B. Adequate permitting and site design safeguards will be provided to ensure compliance with the performance standards for industrial uses contained in Section 21.33.090 (Performance Standards) of this Title:**

**1. Noise Standards - All uses and activities shall comply with the noise regulations contained in Chapter 8.80 (Noise) of the City of Long Beach Municipal Code.**

Outdoor activity is not be expected to exceed the noise generation limits imposed in Chapter 8.80 (Noise) of the LBMC. The applicant has submitted a list of all outdoor equipment that will generate any kind of noise. Based on this list, the loudest noise generator will be a Hydraulic Pressure Unit (HPU), which will emanate maximum levels of 89 decibels. Per Chapter 8.80 of the LBMC, the project site is located within District 1 of the Noise District Map. The maximum noise levels allowed in District 1 are as follows: 7:00 a.m. to 10:00 p.m. – 50 decibels; 10:00 p.m. to 7:00 a.m. – 45 decibels. As stated in Section 8.80.150, noise levels cannot **exceed**:

1. 50 decibels / 45 decibels (night) for a cumulative period of more than thirty (30) minutes in any hour; or
2. 55 decibels / 50 decibels (night) for a cumulative period of more than fifteen (15) minutes in any hour; or
3. 60 decibels / 55 decibels (night) for a cumulative period of more than five (5) minutes in any hour; or
4. 65 decibels / 60 decibels (night) for a cumulative period of more than one (1) minute in any hour; or
5. 70 decibels / 65 decibels (night) for any period of time.

The applicant also submitted an acoustical assessment to analyze the noise generated from the HPU, and the recommended measures to mitigate this noise. The acoustical assessment determined that the testing process with the incorporation of a screening wall with acoustical absorption on its inner face and the use of mufflers would reduce the

sound levels in accordance with the aforementioned requirements of the LMBC. Therefore, the noise generated from outdoor activities proposed by the applicant will be in compliance with the noise ordinance for industrial uses located in District 1. Conditions of Approval are incorporated to ensure compliance with the noise ordinance and to adhere to the noise-generating limits indicated in the list submitted by the applicant. Furthermore, the applicant will be required to record a covenant against the property, stipulating adherence to the noise generation list provided by the applicant.

- 2. Hours of Operation Standards – Between the hours of ten (10:00) p.m. and seven (7:00) a.m., industrial businesses shall discontinue operations that produce noise levels at the nearest residential district or hospital property line higher than those permitted under Chapter 8.80 (Noise) of the Municipal Code.**

As conditioned, noise levels exceeding 45 decibels during the hours of 10:00 p.m. and 7:00 a.m. are not anticipated from outdoor activities.

- 3. Light and Glare Standards – All lighting, reflective surfaces, or any other source of illumination shall not produce adverse effects on public streets or on any other parcel. Lights shall be shielded at lot lines so as not to be directly visible from any adjoining residential district.**

As conditioned, any exterior lighting will be shielded so as not to be directly visible from adjoining residential districts. Furthermore, the nearest residential district is approximately 750 feet away from the project site.

- 4. On-Site Containment of Materials and Waste – No material or waste shall be deposited on a property in such a form or manner that it may be transferred off the property by natural causes or forces such as wind or rain. All materials or wastes which might cause fumes or dust, or which constitute a fire hazard, or which may be edible by or otherwise attractive to rodents or insects, shall be stored outdoors only in closed containers approved by the Director of Planning and Building.**

Any hazardous waste produced on-site will be the result of the production of rocket components on the interior of the building and will be stored indoors. It is not anticipated to be transferred off the property by wind, rain or any other natural causes. The applicant, Relativity Space, is classified by the California Department of Toxic Substances as a “very small quantity generator”. As conditioned, any hazardous materials produced on-site will be picked up by a licensed hazardous waste vendor and shipped to an EPA-certified (Environmental Protection Agency) Treatment, Storage, and Disposal Facility. Furthermore, the applicant will be required to comply with any applicable Mitigation Measures of MND 06-17,

pertaining to hazardous wastes.

**C. Truck traffic and loading activities associated with the business will not adversely impact surrounding residential neighborhoods.**

As conditioned, loading/unloading shall be limited to the hours of 7:00 a.m. to 10:00 p.m. to correlate with the time frame in which noise levels should not exceed 70 decibels to the nearest residential district or hospital. While the nearest residential district is 750 feet from the project site, as conditioned, the applicant will be required to submit an operation plan detailing any truck routes used for loading and unloading to and from the site. This operation plan shall be submitted prior to the issuance of any building permits, to the satisfaction of the Director of Development Services.

**D. Businesses involved with hazardous waste treatment, hazardous waste disposal, or hazardous waste transfer shall comply with the following location requirements:**

- 1. The use shall not be located within two thousand feet (2,000') of any residential zone or use, any hotel or motel, any school or daycare facility, any hospital or convalescent home, any church or similar facility, or any public assembly use.**

Although the project site is located within 2,000 feet of a residential community, hospital and church, a minimal amount of hazardous waste will be produced as a result of the indoor manufacture of rocket components. The following table provides a list of hazardous waste to be produced on site, and the frequency at which it is produced.

<b>Waste Name</b>	<b>Hazard Class</b>	<b>Volume / Month</b>
Flammable Solvents	Class 3 Flammable Liquid	15 Gallons
Acids	Class 8 Corrosive	100 Milliliters
Metal Powder	Class 4 Flammable Solid	5 Pounds
Used Oil	N/A	65 Gallons

The production of hazardous waste at this site is not considered its primary use, but rather only a by-product of the rocket manufacturing activity that is defined as the primary use.

- 2. The use shall not be located within one hundred feet (100') of any known earthquake fault, or within a fault hazard or flood hazard zone identified by the State of California.**

The project site is not located within 100 feet of any known earthquake fault, or within a fault hazard or flood hazard zone.

- 3. The use shall not be located on any land subject to liquefaction, as identified in the Seismic Safety Element of the General Plan, unless**

**appropriate soils remediation occurs as required by the City Engineer.**

The State Division of Mines and Geology has designated all areas within the City of Long Beach within a liquefaction hazard zone. Construction projects require geotechnical reports to mitigate the potential undermining of structural integrity during earthquakes. The project consists of the occupation of an aircraft manufacturing facility within an existing building that was subject to mitigations measures from MND 06-17 at the time of its construction. The project does not involve any new construction needing further analysis.

**4. THE RELATED DEVELOPMENT APPROVAL, IF APPLICABLE, IS CONSISTENT WITH THE GREEN BUILDING STANDARDS FOR PUBLIC AND PRIVATE DEVELOPMENT, AS LISTED IN SECTION 21.45.400**

The project does not involve any new construction and Green Building Standards are not applicable.