

CONDITIONAL USE PERMIT FINDINGS

7480 Carson Street
Application No. 1801-03
May 17, 2018

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 Regulations. 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;**

Positive Finding: The project site is located in Land Use District #11 – Open Space District of the City’s General Plan. LUD #11 does not specifically address the need for wireless telecommunications facilities; however, the Conditional Use Permit process exists for land uses that require an additional level of review to ensure they do not cause adverse impacts to nearby uses. New wireless facilities are allowed through the Conditional Use Permit process, subject to the special conditions enumerated in Section 21.56 of the Municipal Code. The project with its added conditions of approval will carry out the zoning regulations applying to this District. Approval of this project would be consistent with both the General Plan and the applicable zoning regulations.

- 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**

Positive Finding: The proposed use will not be detrimental to the surrounding community. The site will be required to comply with the regulations and development standards of the Federal Communications Commission (FCC), and the United States standards for radio emissions set by the American National Standards Institute (ANSI). The project site has existing electrical transmission towers that are over 100 feet tall. The additional antennae attachments at the 54-foot level will not be detrimental to the existing aesthetics. A condition of approval has been added requiring an 8-foot-tall block wall to screen the ground-level equipment. No public health, safety, general welfare, environmental quality, or quality of life impacts are foreseen for this project.

3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR THE USE ENUMERATED IN CHAPTER 21.56.

Special findings for wireless telecommunication facilities enumerated in Section 21.56.150.G are as follows:

- A. The proposed Wireless Telecommunications Facility has been designed to achieve compatibility with the community to the maximum extent reasonably feasible.**

Positive Finding: The proposed unmanned wireless facility has been analyzed and an attachment to an existing Southern California Edison transmission tower is a compatible design. As conditioned, the equipment will be painted to match the existing tower, and the ground-level equipment cabinets will be screened with an opaque block wall consistent with the design standards applicable with all wireless telecommunication facilities.

- B. An alternative configuration will not increase community compatibility or is not reasonably feasible.**

Positive Finding: The proposed configuration is the most compatible installation that is reasonably feasible to achieve the best optimum coverage needed for the area in which it serves.

- C. The location of the Wireless Telecommunications Facility on alternative sites will not increase community compatibility or is not reasonably feasible.**

Positive Finding: The applicant has demonstrated that this location is the only location within their site search radius that is available and will allow the applicant to satisfactorily meet their service coverage objectives. Surrounding options would be in residential areas, which are not feasible locations.

- D. The proposed facility is necessary to close a significant gap in coverage, increase network capacity, or maintain service quality, and is the least intrusive means of doing so.**

Positive Finding: The applicant has provided coverage data, and a list and map of the applicant's facilities in Long Beach, to demonstrate the necessity of constructing this site in this general location. The project as proposed, provides the least intrusive means of constructing a wireless facility that would allow a gap closure in coverage.

- E. The applicant has submitted a statement of its willingness to allow other wireless services providers to co-locate on the proposed Wireless Telecommunications Facility wherever technically and economically feasible and where co-location would not harm community compatibility.**

This finding is not applicable due to the fact that the existing transmission tower cannot accommodate co-location of a telecommunications facility.

- F. Noise generated by equipment will not be excessive, annoying, or be detrimental to the public health, safety, and welfare.**

Positive Finding: The facility will not consist of any equipment that will cause significant noise detrimental to the public health, safety, or welfare typically associated in a right-of-way area.

CONDITIONS OF APPROVAL

**7480 E. Carson Street
Application No. 1712-18
May 17, 2018**

Special Conditions:

1. The Conditional Use Permit approval is for the installation of an unmanned wireless telecommunication facility with nine (9) panel antennas and six (6) remote radio units (RRUs) attached to an existing Southern California Edison (SCE) electrical transmission tower with associated equipment on a property located at 7480 E. Carson Street. The project shall be developed in accordance with plans submitted and filed under Case No. 1801-03
2. The panel antennas and remote radio units shall be painted to match the existing SCE tower.
3. The ground-level equipment shall be screened by an 8-foot-high block wall with a solid metal gate. The wall shall be painted with anti-graffiti paint in a neutral color to the satisfaction of the Director of Development Services. Prior to the issuance of a building permit, the applicant shall submit plans indicating the installation of the 8-foot-high block wall with the solid metal gate.
4. Continued maintenance, repair, and replacement of any portion of the wireless facility and any of its associated equipment (i.e., pole, cables, antennas, pine socks, equipment cabinets, perimeter screening, etc.) shall be performed to the satisfaction of the Director of Development Services to ensure the wireless telecommunication facility does not create added visual blight.

Standard Wireless Telecommunications Conditions:

5. No cable trays or utility equipment associated with the proposed installation shall be visible from any public right-of-way without appropriate screening measures or color blending techniques. All appurtenant equipment shall be appropriately screened, and the screening shall be subject to the approval of the Director of Development Services prior to the issuance of a building permit.
6. Prior to issuance of a building permit, the City Telecommunications Division shall determine that the new cellular or personal communications services will not interfere with any City communication system. Approval by the City Telecommunications Division shall be provided to the Planning Bureau prior to the issuance of a building permit.
7. The operator shall obtain a City of Long Beach Business License for the telecommunications site at the conclusion of the Planning Final Inspection.

8. Each new cellular or personal communication station will be subject to a ten (10) year review by the Staff Site Plan Review Committee. The review will determine whether or not the originally approved number of antennas and design are still appropriate and necessary to provide adequate communication service. This review shall also evaluate the visual and aesthetic condition of the site. The site operator shall be required to make visual or aesthetic improvements to the satisfaction of the Director of Development Services.
9. The use shall not adversely affect the health, peace, or safety of persons residing or working on the premises or in the surrounding area.
10. Prior to issuance of a building permit, the applicant shall provide to the Planning Bureau contact information for the party or parties responsible for maintenance of the approved wireless facility in the event that it becomes discolored, deformed, damaged or dilapidated. Upon notification by the Department of Development Services or its designee that said facility has become discolored, deformed, damaged or dilapidated, the responsible party shall commence all necessary repairs and renovations within 72 hours of notification.
11. If any wireless operator seeks a modification or new approval of any wireless facility on this property, all wireless installations on this property, including those owned or operated by other carriers, shall be evaluated for co-location and visual improvement opportunities, to the satisfaction of the Director of Development Services.
12. The addition or replacement of any antennas, equipment cabinets, cable runs, screening, or any other materials not specifically identified on plans approved by the Department of Development Services shall require a new application for the appropriate planning permit.
13. Should use of the wireless facility and appurtenant equipment cease, they shall be removed to the satisfaction of the Director of Development Services within 90 days of discontinuance of use.

Standard Conditions – Plans, Permits, and Construction:

14. Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval, to the satisfaction of the Director of Development Services.
15. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Department of Development Services. These conditions must be printed on the site plan or a subsequent reference page.

16. The plans submitted for plan review must explicitly call out and describe all materials, textures, accents, colors, window, door, planter, and paving details that were approved by the Planning Commission. No substantial changes shall be made without prior written approval of the Site Plan Review Committee or the Planning Commission.
17. Prior to the issuance of a building permit, the applicant must depict all utility apparatus, such as, but not limited to, backflow devices and Edison transformers, on both the site plan and the landscape plan. These devices shall not be located in any front, side, or rear yard area that is adjacent to a public street. Furthermore, these devices shall be screened by landscaping or another screening method approved by the Director of Development Services.
18. The Director of Development Services is authorized to approve minor modifications to the approved design plans or to any of the conditions of approval if such modifications shall not significantly change or alter the approved project. Any major modifications shall be reviewed by the Zoning Administrator or Planning Commission, respectively.
19. Upon plan approval and prior to issuance of a building permit, the applicant shall submit a reduced-size (11" x 17") set of final construction plans for the project file.
20. A permit from the Department of Public Works shall be required for any work to be performed in or over the public right-of-way.
21. Separate building permits are required for fences, retaining walls, flagpoles, and pole-mounted yard lighting foundations.
22. The applicant shall file a separate plan check submittal to the Long Beach Fire Department for review and approval prior to the issuance of a building permit.
23. Prior to the issuance of a building permit, the applicant shall submit architectural, landscaping and lighting drawings for the review and approval of the Police Department for their determination of compliance with Police Department security recommendations.
24. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.
25. Site development, including landscaping, shall conform to the approved plans on file with the Department of Development Services. At least one set of approved plans containing Planning, Building, Fire, and, if applicable, Health Department stamps shall be maintained at the job site at all times for reference purposes during construction and final inspection.

26. Energy conserving equipment, lighting, and construction features shall be utilized in this project.
27. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):
 - a. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
 - b. Saturdays: 9:00 a.m. - 6:00 p.m.; and
 - c. Sundays: Not allowed

Standard Conditions – General:

28. This permit and all development rights hereunder shall terminate two years from the effective date of this permit unless construction is commenced or a time extension is granted, based on a written and approved request submitted prior to the expiration of the one-year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
29. This permit shall be invalid if the owner(s) and/or applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgment Form* supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date).
30. Placement of any temporary wireless transmitting/receiving facility on this site shall be prohibited.
31. If, for any reason, there is a violation of any of the conditions of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.
32. This approval is required to comply with these conditions of approval as long as the use is on the subject site. As such, the site shall allow periodic re-inspections, at the discretion of City officials, to verify compliance. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by City Council (Sec. 21.25.412, 21.25.212).

33. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions that are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.
34. Approval of this development project is expressly conditioned upon payment (prior to building permit issuance or prior to Certificate of Occupancy, as specified in the applicable Ordinance or Resolution for the specific fee) of impact fees, connection fees and other similar fees based upon additional facilities needed to accommodate new development at established City service level standards, including, but not limited to, sewer capacity charges, Park Fees and Transportation Impact Fees.
35. The property shall be developed and maintained in a neat, quiet, and orderly condition, and operated in a manner so as not to be detrimental to adjacent properties and occupants.
36. Any graffiti found on site must be removed within 24 hours of its appearance.
37. Any off-site improvements found to be damaged as a result of construction activities related to this project shall be replaced to the satisfaction of the Director of Public Works.
38. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
39. As a condition of any City approval, the applicant shall defend, indemnify, and hold harmless City and its agents, officers, and employees from any claim, action, or proceeding against City or its agents, officers, and employees to attack, set aside, void, or annul the approval of City concerning the processing of the proposal/entitlement or any action relating to, or arising out of, such approval. At the discretion of the City and with the approval of the City Attorney, a deposit of funds by the applicant may be required in an amount sufficient to cover the anticipated litigation costs.