

CONDITIONAL USE PERMIT FINDINGS

**275 Magnolia Avenue
Application No. 1807-03
April 4, 2019**

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 site is located at the rooftop of the existing Governor George Deukmejian Courthouse located at 275 Magnolia Avenue. The project site is in the Downtown Plan (PD-30) Area, an area characterized by mid- and high-rise residential development; high-intensity employment; and various retail, cultural, and entertainment destinations. The project site is located in Land Use District (LUD) No. 7 – Mixed Uses, which is intended as a land use environment for combinations of uses.

Building/roof mounted wireless telecommunications facilities are allowed in the PD-30 area through the Conditional Use Permit process, subject to the special conditions enumerated in Chapter 21.56 of the Municipal Code, as applicable. Although the need for wireless telecommunications facilities is not addressed specifically in LUD #7, wireless cell sites provide a necessary service for the immediate local area. The proposed project would fill a gap in local cellular coverage to local residents, as well as motorists in the area.

The proposed roof mounted wireless telecommunications facility would be located within existing penthouses at the roof of the courthouse building. New fiberglass reinforced plastic (FRP) panels would be installed at the antenna locations and would be painted and textured to match existing panels.

The project complies with design standards of Chapter 21.56 for roof-mounted facilities. The new antennas and equipment would be fully screened behind the new FRP screen walls at the existing rooftop penthouses. As proposed, none of the new equipment would be visible from the public right-of-way.

As conditioned, approval of this project would be consistent with the General Plan and the 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;

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 roof-mounted antennas will not have an adverse visual impact upon the surrounding area, as they will be enclosed within the existing rooftop penthouses, which enclose existing rooftop mechanical equipment and do not conflict with existing architectural features of the building. No public health, safety, general welfare, environmental quality, or quality of life impacts are expected to result from the project.

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

Because the project consists of a roof-mounted wireless site, and because Section 21.52.210 refers specifically to cellular sites with monopoles that have been repealed, staff has determined that the Special Development Standards of Sections 21.56.040, 21.56.100 and 21.56.110 (Roof/building-mounted wireless telecommunication facilities) apply to this project instead.

Section 21.56.140 (G) sets forth the following development standards for wireless telecommunications facilities:

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

The proposed roof mounted telecommunication facility would be located within existing rooftop penthouses. As proposed, the facilities would be compatible with the existing building due to the proposed location and the minimal exterior modifications required to operate the facility. The installation of the antennas and associated equipment within the penthouses would not have a negative visual impact upon the district and the surrounding uses. The proposed fiberglass reinforced plastic (FRP) screen walls are compatible with the existing building and would be painted and textured to match the architecture, materials, colors, and wall articulation on the penthouse to mitigate any adverse visual impacts. All new roof mounted antennas and appurtenant equipment would not be visible from the exterior of the subject property, from other properties, or the public right-of-way. The project is consistent with the General Plan, zoning regulations and PD-30 district standards and design guidelines. Therefore, a positive finding can be made.

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

The proposed project would utilize existing rooftop penthouses as screening mechanisms, which represents a design that is architecturally compatible and integrated with the existing building. The FRP panels are conditioned to be painted and textured to match the exterior materials at the penthouses to mitigate adverse visual impacts. An alternative configuration would not increase compatibility. The proposed design meets the special development standards under Section 21.56.100.

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

The applicant selected the location based on construction feasibility and ability to meet radio frequency engineering objectives to close gaps in telecommunication coverage. The courthouse rooftop location is the least intrusive design, would encourage co-location, would provide coverage to an area that has poor coverage, and would assist nearby facilities in offloading. The propagation maps submitted show that this location would close gaps in telecommunication coverage. Therefore, positive findings can be made to allow the proposed project. An alternative site may not increase compatibility and may not be feasible.

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.

The proposed wireless cell site is located in an area where Verizon Wireless has a gap in service coverage to the surrounding area due to insufficient capacity within the existing network. There are no other existing cell site facilities that would provide coverage that is equivalent to what the applicant is proposing at the subject site. The applicant has submitted propagation maps that show significant gaps in coverage and the need for the proposed cell site. The location of the wireless telecommunications facility on a rooftop with existing penthouses was determined to be the least intrusive means of installing a new facility to close a significant service coverage gap.

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

The proposed project incorporates roof-mounted facilities within existing rooftop penthouses that can accommodate expansion and allows adequate space for co-location of other carriers in the future.

F. Noise generated by equipment will not be excessive, annoying nor be detrimental to the public health, safety, and welfare.

The proposed telecommunications facility would be enclosed within existing rooftop penthouses and equipment cabinets on top of a building measuring 101 feet in height (to top of penthouse). Furthermore, the existing penthouses are setback from the outer edges of the building. There are no residential or commercial land uses that directly adjoin or abut the courthouse, as the building is bounded on all sides by public streets. No adverse impacts to the surrounding community, the public in general or the environment are anticipated from establishment of this telecommunications facility.

The Federal Communications Commission has determined that telecommunications facilities do not create any significant adverse health hazards. No adverse environmental impacts are anticipated by project implementation, and this project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA).

G. Paint colors. Paint colors for a wireless telecommunications facility and co-location facility shall minimize the facility's visual impact by blending with the surrounding environment, terrain, landscape, or buildings (not sky colors, as the sky is a luminous source of light at all times and no non-luminous object can physically be made to blend with the sky).

The proposed FRP panels will be painted and textured to match the existing rooftop penthouses.

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

This project consists of the installation of a new wireless cell site upon the roof of an existing building and would not be required to comply with the green building standards listed in Section 21.45.400 of the Municipal Code.