

## **CONDITIONAL USE PERMIT**

### **Findings**

**1401½ West Wardlow Road (APN: 7311-001-802)**

**Application No. 2306-08 (CUP23-016; TEL23-016)**

**September 21, 2023**

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 along with staff analysis are presented below 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 site is located in the Light Industrial (IL) zoning district, which is characterized by cleaner non-nuisance industries that operate entirely within enclosed structures and generally pose limited potential for environmental impacts that would normally occur in the heavier general industrial zoning district. Wireless telecommunication facilities are allowed in this zone through the Conditional Use Permit process, subject to conditions of approval. The site has a General Plan Land Use Placetype designation of Open Space (OS), which is intended for undeveloped land and water areas. This LUE PlaceType is generally free from development and may be used for passive or active recreation, conservation of land, water, marine and wildlife habitats, or visual relief. The Land Use Element Policy 3-1 acknowledges telecommunications as part of the infrastructural matrix that encapsulates a forward-advancing city. Accordingly, the proposed project will provide enhanced wireless coverage and serve the surrounding neighborhood, community, and regional uses. Reliable communication has become a critical part in how we respond to emergencies, how businesses operate, and how families communicate. Approval of this project would be consistent with the General Plan and Zoning regulations.

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

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 applicant has provided a Radio Frequency (RF) analysis demonstrating that this project will comply with these standards (see RF study in project file). Furthermore, the proposed location is surrounded by an industrial building to the west, the Interstate 405 freeway to the north, West Wardlow Road and further a nursery to the south which would adequately buffer the facility. While there are residences directly to the east of the proposed facility, they are approximately 280-feet away which would

provide a buffer. Therefore, the location and height of the proposed facility would not result in detrimental visual effects upon the surrounding area (see project plans in project file). No public health, safety, general welfare, environmental quality, or quality of life impacts are foreseen for this project. Furthermore, the facility would provide enhanced and reliable coverage to its customers, allowing better communication for the general area.

**3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR SPECIFIC CONDITIONAL USE, ASSISTED IN CHAPTER 21.52**

Findings for wireless telecommunication facilities are found in chapter 21.56.140(G) as follows:

**A. THE PROPOSED WIRELESS TELECOMMUNICATIONS FACILITY HAS BEEN DESIGNED TO ACHIEVE COMPATIBILITY WITH THE COMMUNITY TO THE MAXIMUM EXTENT REASONABLY FEASIBLE;**

The proposed wireless facility has been designed without screening proposed and would represent the least visually intrusive design to the surrounding area compared to a design with screening devices. The site has six (6) existing high-tension electrical towers owned by Southern California Edison. An existing wireless facility exists on one of those electrical towers adjacent to the proposed facility. The proposed facility would be placed below the existing power lines on the electrical tower furthest away from existing residences, making it less visible. The addition of screening or any alternative design would result in a more visibly obtrusive design compared to placing equipment on an existing tower. The location of the equipment would result in the least detrimental visual impact as the addition of screening devices would be uncharacteristic of an electrical utility tower and add unnecessary bulk. Conditions of approval will limit future expansion by limiting horizontal equipment mount supports to no more than 6-feet away from the tower leg to maintain the visual standards of this approval.

**B. AN ALTERNATIVE CONFIGURATION WILL NOT INCREASE COMMUNITY COMPATIBILITY OR IS NOT REASONABLY FEASIBLE;**

Alternative industry installations include an undisguised monopole structure. This option would be significantly more visible and create negative visual impacts upon the surrounding neighborhood and the City's visual environment compared to the proposed project. Another option would be co-location on the existing electrical lattice tower which currently has one carrier present. This alternative would not be feasible as Southern California Edison no longer permits more than one (1) carrier on an older electrical lattice tower due to excessive weight concerns. Conditions of approval will limit future expansion by limiting horizontal equipment mount supports to no more than 6-feet away from the tower leg, in addition to limiting equipment sector length to 16-feet to maintain the visual standards of this

approval. With the included conditions of approval, the proposed wireless facility offers the most compatible configuration for community compatibility. Furthermore, the tower could allow for additional carrier installations which would help in alleviating the need for additional wireless installations throughout the community, while maintaining these aesthetic standards.

**C. THE LOCATION OF THE WIRELESS TELECOMMUNICATIONS FACILITY ON ALTERNATIVE SITES WILL NOT INCREASE COMMUNITY COMPATIBILITY OR IS NOT REASONABLY FEASIBLE;**

As described by the applicant, within the wireless coverage limits of the proposed facility, no other feasible sites were successfully found that would meet the applicant's coverage objectives. The proposed site, however, is placed in a location that would provide the most amount of service to the surrounding community. This site lends itself to development of a wireless facility as an accessory structure upon an existing high-tension electrical tower at 134-feet. The wireless facility would be mounted at 58-feet, which would help obscure and draw attention away from the equipment. The distance of the equipment from the nearest residences is approximately 280- feet which reduces visibility. Alternative sites would thus not significantly increase community compatibility.

**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;**

Dish Wireless is a new carrier to the market and is in the process of establishing their network per FCC guidelines. At this time, they are working to reduce or close gaps in service and provide adequate coverage. Federal regulations require the City to accept the applicant's assertion that the facility is necessary to improve gaps in coverage or capacity.

**E. THE APPLICANT HAS SUBMITTED A STATEMENT OF ITS WILLINGNESS TO ALLOW OTHER WIRELESS SERVICE PROVIDERS TO CO-LOCATE ON THE PROPOSED WIRELESS TELECOMMUNICATIONS FACILITY WHEREVER TECHNICALLY AND ECONOMICALLY FEASIBLE AND WHERE CO-LOCATION WOULD NOT HARM COMMUNITY COMPATIBILITY; AND**

The applicant has submitted a statement of willingness to allow two other wireless service providers to co-locate on the proposed facility. Conditions of approval will limit future expansion by limiting horizontal equipment mount supports to no more than 6-feet away from the tower leg to maintain the visual standards of this approval. Additionally, to prevent future aesthetic concerns and considerations, no screening devices will be permitted for wireless telecommunications facilities on this building.

**F. NOISE GENERATED BY EQUIPMENT WILL NOT BE EXCESSIVE, ANNOYING NOR BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, AND WELFARE.**

Conditions of approval require that any noise generated meet the City's noise ordinance (Ch. 8.80, LBMC). Due to the nature of the proposed use, noise generated by the wireless telecom equipment would take place within the rooftop equipment area and would not create any negative impacts on nearby residents or neighbors.

**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.**

Section 21.45.400 specifies specific types of projects that require compliance with green building standards. The proposed use is not one of the types of projects that require compliance with Section 21.45.400, and therefore, this section of the Municipal Code would not be applicable to the proposed use.