

**CONDITIONAL USE PERMIT
CONDITIONS OF APPROVAL
88 Victoria Street (APN: 7306-022-054)
Application No. 2211-14 (CUP22-036, TEL22-083)
September 7, 2023**

Project-Specific Conditions:

1. This Conditional Use Permit for Wireless Telecommunication approval is for the construction and operation of a new 75' in height monopole Wireless Telecommunications Facility and related equipment located within the enclosed lease area.
2. All antennas and equipment on the tower shall be limited to a maximum height of 75' measured to the top of the antennas/equipment.
3. The equipment cabinet shall be screened by an eight-foot (8') tall CMU block wall, building permits for said wall may be obtained separately, but shall be at the same time or prior to permits being issued for the Wireless Telecommunications Facility.
4. The entire monopole and all antennas, equipment, cables, mounts, and other appurtenances thereon shall be painted a dark brown color, specified as Behr Paints PPU5-1 "Espresso Beans," or a matching equivalent. A paint sample shall be submitted to the Planning Bureau for approval prior to issuance of building or electrical permits. Painting shall be completed to the satisfaction of the Director of Development Services prior to approval of a final building or electrical inspection.
5. All construction, operation activities, and the use of backup power sources shall comply with Chapter 8.80 (Noise Ordinance) of the Long Beach Municipal Code.

Standard Monopole Wireless Telecommunications Conditions:

6. All new, modified, or altered antennas, equipment, cables, mounting hardware, and other structures upon the monopole shall be painted to match the existing monopole and antennas and equipment upon it; or the entire facility shall be repainted as necessary to provide uniform paint color and camouflaging. Mismatched paint colors, and unpainted antennas and equipment shall be prohibited.
7. The facility shall be maintained in good condition, with no fading, discoloration, peeling, or mismatching paint or materials, and shall not otherwise create negative visual or aesthetic impacts upon surrounding properties and neighborhood through neglect or disrepair.
8. For a monopole disguised as a tree, a minimum of 3.1 branches per foot shall be provided if the branch/foilage camouflaging is repaired, replaced, altered, or upgraded. Mismatched branch/foilage camouflaging on the monopole is prohibited. A catalog specification of the camouflaging branch/foilage product to

be used shall be submitted to the Director of Development Services for review and approval prior to issuance of a building permit.

9. For a monopole disguised as a tree, all exposed panel antennas shall be treated with “socks” or similar appropriate camouflaging devices to match the artificial foliage provided on the monopole, to the satisfaction of the Director of Development Services. Antennas shall be painted to match the foliage before application of the “sock” camouflage devices. Mismatched camouflaging devices on antennas is prohibited.
10. All conditions of approval from previous entitlement permits for this subject property shall remain in full force and effect, unless herein rescinded or modified. If individual conditions from said entitlements are superseded by more restrictive conditions from this subject permit, the more restrictive condition(s) shall control.
11. Placement of any temporary wireless telecommunications facilities or equipment anywhere on the subject property shall be prohibited.
12. Any temporary utilities needed during construction (typically but not limited to power lines) shall be clearly depicted on the site plan and all construction documents prior to issuance of any building or electrical permits. Use of temporary utilities shall be minimized to the greatest extent feasible. The Director of Development Services shall be authorized to require modifications to proposed temporary utilities prior to the issuance of building or electrical permits. All temporary utilities shall be removed prior to approval of any final building or electrical inspection, and any damage or disturbance resulting to the site or building from the temporary utility installation shall be repaired and the site or building restored to good condition.
13. The operator shall provide to the Planning Bureau proof of a City of Long Beach business license for this specific facility prior to approval of a building or electrical final inspection.
14. 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. In the event that said facility becomes discolored, deformed, damaged or dilapidated, the responsible party shall commence all necessary repairs and renovations within 72 hours.
15. For a monopole disguised as a tree, all tree-like camouflage elements shall be maintained in good condition, and no weathered, faded, deteriorated, damaged, or otherwise dilapidated camouflage elements shall be allowed to remain on the facility, but shall be replaced by the permittee upon deterioration or upon notification by the City that such deterioration exists. This condition shall not apply to undisguised monopoles.

16. The developer shall post and maintain a sign at the base of the monopole stating that no changes shall be made to the hardware or paint color of the wireless facility without prior approval from the City of Long Beach Planning Bureau. The sign also shall list the Planning Bureau telephone number: (562) 570-6194.
17. The addition or replacement of any antennas, equipment cabinets, cable runs, screening, or any other materials not specifically identified on plans approved by the Site Plan Review Committee as part of this subject permit shall require a new application for Site Plan Review for Wireless Telecommunications.
18. 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. Such removal shall be carried out under a valid demolition permit issued by the Department of Development Services.
19. The ground equipment area and base of the monopole shall be secured to prevent access by unauthorized persons. If the ground equipment or ground lease area is not located inside a building, then at a minimum the ground equipment or ground lease area shall be enclosed by a fence sufficient to prevent unauthorized access.
20. If graffiti, vandalism, or other security or maintenance problems become a nuisance at the subject facility, such shall cause the City to initiate enforcement action to remedy the nuisance.
21. The attachment structure to which each panel antenna is affixed (typically, but not limited to, a metal pipe) shall not extend above or below the panel antenna and shall not be outwardly visible. At positions in antenna arrays where no panel antennas are installed, these attachment structures (metal pipes, etc.) shall not be installed onto the larger array support structure. The purpose of this requirement is to prevent the negative visual impact created by unnecessary structures in the antenna arrays.
22. All cables, wires, and conduit shall be installed in a neat and orderly fashion, with no excess or untidy lengths or loops. Conduit runs on the exterior of the monopole shall be avoided, and existing exterior conduit runs shall be removed and retrofitted inside the monopole, unless running cable inside the monopole is not feasible.
23. Each wireless telecommunications facility shall be subject to a ten (10) year permit renewal per Section 21.56.060 of the Zoning Regulations. The review will determine whether the exterior design, visual, and aesthetic conditions of the site are appropriate and are in compliance with all applicable ordinances and conditions of approval. The site operator shall be required to make any corrections and any visual or aesthetic improvements to the site, to the satisfaction of the Director of Development Services. The date of required permit renewal shall be

calculated from the date of initial entitlement, and not from subsequent modifications.

24. The City of Long Beach reserves the right upon future applications at this site to require additional visual screening, camouflage, or other aesthetic improvements to the wireless telecommunications facility for the purpose of reducing negative visual or aesthetic impacts created by the facility. Deferment of requirements for such improvements at the time of this approval shall not forfeit the City's right or ability to require such improvements in the future, to the fullest extent allowed by all applicable laws, rules, and regulations.

Standard Conditions – Plans, Permits, and Construction:

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. Prior to issuance of any construction permits, the applicant shall submit a revised set of plans incorporating all of the requirements set forth in these conditions of approval, to the satisfaction of the Director of Development Services. Upon plan check approval, the applicant shall submit a set of final construction plans to the Planning Bureau for the project file.
17. The plans submitted for plan review must explicitly call out and describe all materials, textures, accents, colors, and other details approved by the Site Plan Review Committee or the Planning Commission. No substantial changes shall be made without prior written approval of the Site Plan Review Committee or the Planning Commission.
18. The Director of Development Services is authorized to approve minor modifications to the approved 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, Site Plan Review Committee, or Planning Commission, as appropriate.
19. Separate building permits are required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
26. 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, if required by the Building & Safety Bureau.
27. 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.

28. 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 prior to approval of a final building or electrical inspection.
29. All structures and improvements shall conform to the Long Beach Building Code requirements. Notwithstanding this entitlement approval, all other required permits from the Building & Safety Bureau must be secured.
30. Site and facility development shall conform to the approved plans on file with the Department of Development Services. At least one set of approved plans containing Planning, Building, and if applicable, Fire, and Health Department stamps shall be maintained at the job site at all times for reference purposes during construction and final inspection.
31. Energy conserving equipment, lighting, and construction features shall be utilized in this project.
32. 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. Saturday: 9:00 a.m. - 6:00 p.m.; and
 - c. Sundays: not allowed

Standard Conditions – General:

33. As provided in Section 21.21.406 of the Long Beach Municipal Code, and except as otherwise provided in the conditions of approval, this entitlement permit, and all development rights hereunder shall terminate three (3) years after the granting of the request and be of no further force and effect if the right or privilege has not been commenced within that three-year period. The termination will take effect without further City action if a timely request for extension of time has not been made or is denied. Any interruption or cessation necessitated by publicly declared emergency, fire, flood, earthquake or act of war or vandalism or cessation shall not result in the termination of the right or privilege.
34. 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).
35. 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, as provided in Chapter 21.21, Division VI of the Zoning Regulations.

36. The permittee is required to comply with these conditions of approval as long as the use is on the subject site. As such, the permittee shall allow periodic re-inspections, at the discretion of city officials, to verify compliance. The permittee shall reimburse the City for the inspection cost as per the fee resolution adopted by the City Council (Sec. 21.25.212, 21.25.412).
37. 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.
38. The use shall not adversely affect the health, peace, or safety of persons residing or working on the premises or in the surrounding area.
39. 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.
40. Any graffiti found on site must be removed within 24 hours of its appearance.
41. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
42. 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.