

Hearing Officer Transmittal Checklist

Hearing Date
8/16/2016
Agenda Item No.
8

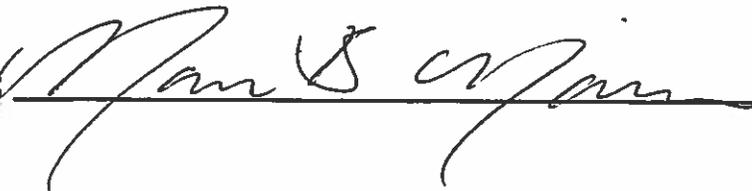
Project Number: 2016-000088-(5)

Case(s): Conditional Use Permit No. RPPL 2016001814

Planner: Carl Nadela

- Factual
- Property Location Map
- Staff Report
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- Burden of Proof Statement
- Environmental Documentation (ND)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use Radius Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans
- Previous Permit Approval (R2005-03692-(5) / CUP 200500230)

Reviewed By:





Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012

PROJECT NUMBER **HEARING DATE**
 2016-000088-(5) 8/16/2016
REQUESTED ENTITLEMENTS
 CUP RPPL 2016001814

PROJECT SUMMARY

OWNER / APPLICANT

SBA Monarch Towers I, LLC

MAP/EXHIBIT DATE

3/10/2016

PROJECT OVERVIEW

The applicant is requesting a Conditional Use Permit for the continued operation and maintenance of an existing Wireless Telecommunication Facility disguised as a palm tree in the parking lot of an existing county golf course.

LOCATION

1456 E. Mendocino St, Altadena, CA 91001

ACCESS

E. Mendocino St

ASSESSORS PARCEL NUMBER(S)

5847-023-901

SITE AREA

Approximately 875 sq ft lease area

GENERAL PLAN / LOCAL PLAN

ALTADENA COMMUNITY PLAN

ZONED DISTRICT

ALTADENA

LAND USE DESIGNATION

PR (PUBLIC AND PRIVATE RECREATION)

ZONE

R-R (RESORT AND RECREATION)

PROPOSED UNITS

N/A

MAX DENSITY/UNITS

N/A

COMMUNITY STANDARDS DISTRICT

ALTADENA

ENVIRONMENTAL DETERMINATION (CEQA)

Class 1 Categorical Exemption - Existing Facilities

KEY ISSUES

- Consistency with the Altadena Community Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Zoning Code:
 - 22.56.040 (Conditional Use Permit Burden of Proof)
 - 22.40.230 (R-R Development Standards)
 - 22.44.127 (Altadena Community Standards District)

STAFF RECOMMENDATION

Approval

CASE PLANNER:

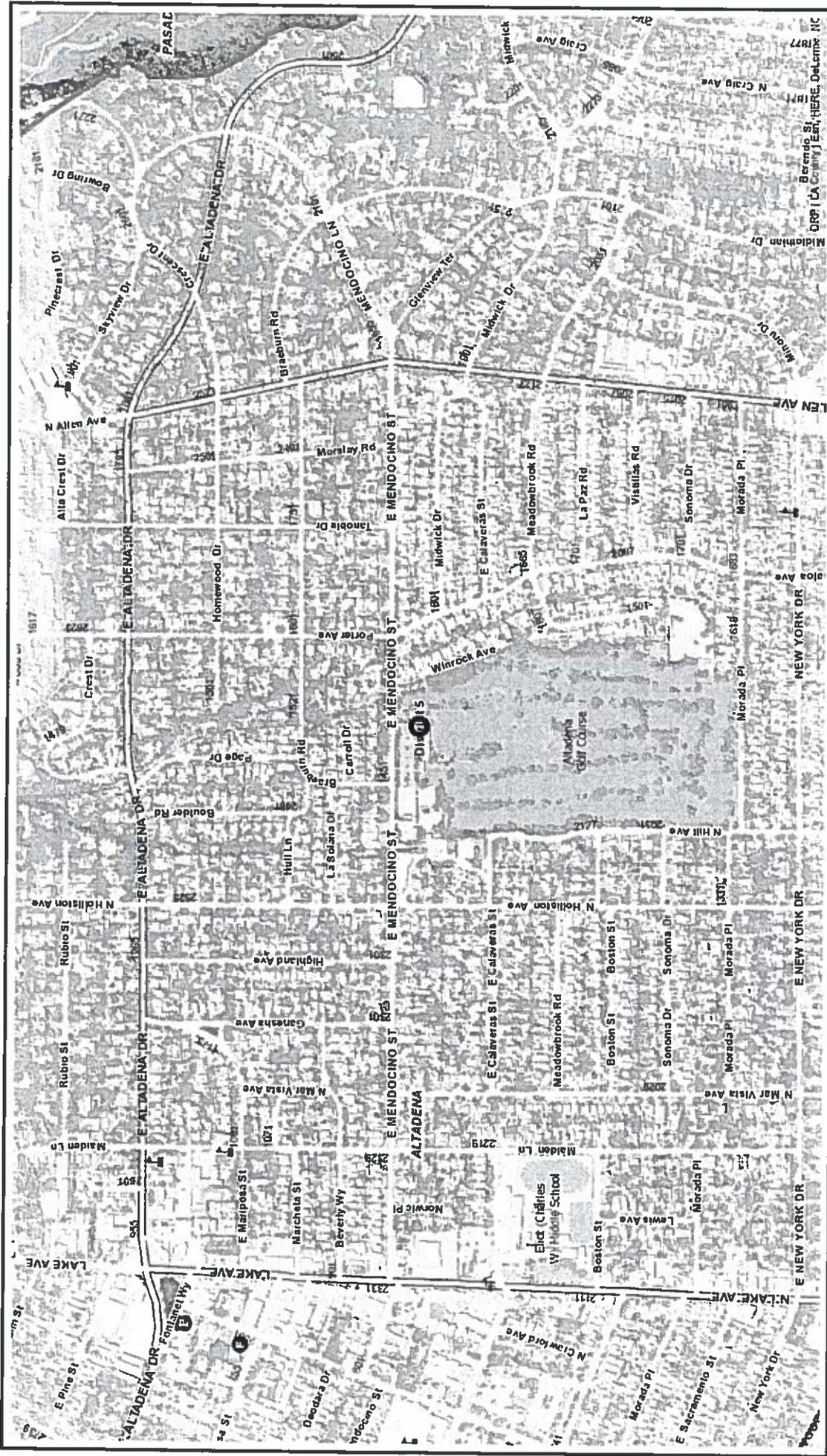
Carl Nadela

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cnadela@planning.lacounty.gov

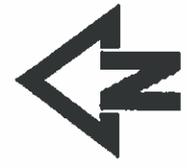


2016-000088-(5) / CUP RPPL 2016001814

Property Location Map

Printed: May 02, 2016

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ENTITLEMENTS REQUESTED

- The applicant is requesting a Conditional Use Permit for the continued operation and maintenance of an existing Wireless Telecommunication Facility (WTF) disguised as a palm tree in the parking lot of an existing county golf course.

PROJECT DESCRIPTION

The applicant is requesting a Conditional Use Permit for the continued operation and maintenance of an existing 68 foot Wireless Telecommunication Facility (WTF) disguised as a palm tree. The WTF is located in the parking lot of an existing golf course and is located at the northern portion of the property.

EXISTING ZONING

The subject property is zoned R-R (Resort and Recreation).

Surrounding properties are zoned as follows:

North: R-1-7500 (Single Family Residence with a Minimum Lot Area of 7,500 square feet)

South: R-R

East: R-1-7500

West: R-R

EXISTING LAND USES

The subject property is developed with a county-owned golf course and its appurtenant parking spaces.

Surrounding properties are developed as follows:

North: Single-family residences

South: Golf course

East: Single-family residences

West: Altadena Town and Country Club

PREVIOUS CASES/ZONING HISTORY

Ordinance 5541 was adopted on May 9, 1950, which established the R-1-7500 zone on the subject property.

Ordinance 10710 was adopted on June 28, 1973, changing the zone of the subject property to O-S (Open Space).

Ordinance 880118z was adopted on July 12, 1988, changing the zone of the subject property to R-R.

R2005-03692/CUP 200500230 was approved on September 11, 2006 which originally authorized the construction, operation and maintenance of a new Wireless Telecommunication Facility (T-Mobile) at the site consisting of a 63' monopole disguised as a palm tree. This permit expires on August 22, 2016 and is being renewed by this CUP.

R2005-03692/REA 200900028 was approved on March 23, 2009 which authorized the co-location of a second carrier (AT&T) at the site.

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 1 Exemption, Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The Class 1 Exemption allows for projects that involve negligible or no expansion of use at the time of the lead agency's determination. This project is for the continued operation and maintenance of an existing WTF and no changes are being proposed by the project. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is designated as PR (Public and Private Recreation) by the Altadena Community Plan ("Community Plan"), a component of the Los Angeles Countywide General Plan ("General Plan"). This designation incorporates County recreation sites (Farnsworth Park, Loma Alta Park, and Charles White Park, and the Altadena Golf Course) and the privately owned Altadena Town and Country Club. The county golf course is consistent with this purpose and the existing WTF is a reasonably acceptable accessory use located at an unused portion of the golf course and parking lot.

The following policies of the General Plan are applicable to the project:

- *Policy LU 7.1: Reduce and mitigate the impacts of incompatible land uses, where feasible, using buffers and other design techniques.*
- *Policy PS/F 6.1: Ensure efficient and cost-effective utilities that serve existing and future needs.*
- *Policy PS/F 6.2: Improve existing wired and wireless telecommunications infrastructure.*
- *Policy PS/F 6.3: Expand wireless technology networks, while minimizing visual impacts through co-location and design.*

The existing WTF provides much needed wireless coverage for the surrounding residential areas, as well as for those passing through the area. The subject WTF is disguised as a palm tree and is located in an unused portion of the county golf course and parking lot. The design and placement of the facility ensures that any adverse impacts to the surrounding community are significantly reduced and mitigated.

The following goals and policies of the Community Plan are applicable to the project:

- *Issue 1, Policy 1: Preserve existing residential neighborhoods, commercial districts, community facilities, institutions, and environmental amenities.*
- *Issue 1, Policy 2: Provide for new development which is compatible with and complements existing uses.*

The existing wireless facility is located in the parking lot of a golf course and is disguised as a palm tree. As such, it will complement the existing uses in the area and will not substantially alter the general character of the neighborhood.

- *Issue 3, Policy 3: Attract new commercial uses to the Altadena community which are necessary to support the needs of the residents and are now unavailable.*

One of the requirements that commercial businesses look for in deciding where to locate is the availability of a comprehensive and reliable wireless telecommunication network in the area. This project helps provide that service in the general Altadena community and thus will make the area more attractive to commercial business establishments in the future.

Zoning Ordinance and Development Standards Compliance

Wireless telecommunications facilities are not a recognized use in the Zoning Code. However, the use that is most closely related to a wireless telecommunication facility in the Zoning Code is a radio or television tower. Pursuant to Section 22.40.220 of the Zoning Code, radio and television towers are permitted in the R-R Zone provided a conditional use permit has first been obtained and while such permit is in full force and effect in conformity with the conditions of such permit. The approval of this application will satisfy this requirement.

For uses where the parking requirements are not specified in the Zoning Code, Section 22.52.1220 stipulates that parking shall be provided in an amount which the director find adequate to prevent traffic congestion and excessive on-street parking. The existing WTF is unmanned and will only require periodic maintenance visits. There are ample parking spaces available in the parking lot of the golf course to accommodate the necessary routine maintenance vehicles for this facility.

The existing WTF also does not result in any outdoor display or storage and the R-R zone does not have any height restrictions that the WTF has to conform to. Thus, the existing WTF is in compliance with the development standards of the R-R Zone.

The Altadena Community Standards District also do not have any additional requirements for the facility or the R-R zone.

Site Visits

A site visit was conducted by staff on May 19, 2016. The site was clean and well maintained. The equipment enclosure was free from graffiti and the area was free from litter. Some palm fronds were askew but the facility was generally in good condition.

Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.56.2100 of the County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

Neighborhood Impact/Land Use Compatibility

The subject property consists of an existing golf course with accessory parking spaces. Surrounding land uses consist predominantly of single family residences, with only the Altadena Town and Country Club immediately to the west as the only commercial use in the area. The existing palm tree design of the facility and the screening of the equipment area make the project consistent and compatible with the surrounding community.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

No comments were requested or received from the County Departments at this time.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, library posting and DRP website posting.

PUBLIC COMMENTS

No public comments were received at this time.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Project Number 2016-000088-(5), Conditional Use Permit Number RPPL 2016001814, subject to the attached conditions.

SUGGESTED APPROVAL MOTION:

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING, FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES, AND APPROVE CONDITIONAL USE PERMIT NUMBER RPPL 2016001814 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Carl Nadela, AICP, Zoning Permits East Section

Reviewed by Maria Masis, AICP, Supervising Regional Planner, Zoning Permits East

Attachments: Draft Findings, Draft Conditions of Approval
Applicant's Burden of Proof statement
Correspondence
Site Photographs, Aerial Image
Site Plan, Land Use Map

MM:CN

7/26/2016

**DRAFT FINDINGS OF THE HEARING OFFICER
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. 2016-000088-(5)
CONDITIONAL USE PERMIT NO. RPPL 2016001814**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. RPPL 2016001814 ("CUP") on August 16, 2016.
2. The permittee, Verizon Wireless ("permittee"), requests the CUP for the continued operation and maintenance of an existing Wireless Telecommunication Facility (WTF) disguised as a palm tree in the parking lot of an existing county golf course ("Project") on a property located at 1456 E. Mendocino St. in the unincorporated community of Altadena ("Project Site") in the R-R Zone pursuant to Los Angeles County Code ("County Code") section 22.40.220.
3. The Project Site is 0.6 acres in size and consists of an approximately 875 square foot lease area located at the northern portion of a county golf course. The Project Site is located at the eastern side of the golf course parking lot.
4. The Project Site is located in the Altadena Zoned District and is currently zoned as R-R (Resort Recreation).
5. The Project Site is located within the PR (Public and Private Recreation) land use category of the Altadena Community Plan Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:
 - North: R-1-7500 (Single Family Residence with a Minimum Lot Area of 7,500 square feet)
 - South: R-R
 - East: R-1-7500
 - West: R-R
7. Surrounding land uses within a 500-foot radius include:
 - North: Single family residences
 - South: Golf course
 - East: Single-family residences
 - West: Altadena Town and Country Club
8. Ordinance 5541 was adopted on May 9, 1950, which established the R-1-7500 zone on the subject property.

Ordinance 10710 was adopted on June 28, 1973, changing the zone of the subject property to O-S (Open Space).

Ordinance 880118z was adopted on July 12, 1988, changing the zone of the subject property to R-R.

R2005-03692/CUP 200500230 was approved on September 11, 2006 which originally authorized the construction, operation and maintenance of a new Wireless Telecommunication Facility (T-Mobile) at the site consisting of a 63' monopole disguised as a palm tree. This permit expires on August 22, 2016 and is being renewed by this CUP.

R2005-03692/REA 200900028 was approved on March 23, 2009 which authorized the co-location of a second carrier (AT&T) at the site.

9. The site plan for the Project depicts the subject property with access from East Mendocino St. It shows portions of the county golf course and associated parking lot. It also shows the location of the WTF, including the mono-palm tree and the equipment enclosure.
10. The Project Site is accessible via East Mendocino St to the north.
11. The site plan indicates the parking areas for the golf course. These provide ample parking spaces to serve the parking needs for the regular maintenance activities needed for the WTF located at the site.
12. The viability of the site for the wireless facility was evaluated in 2006 during the original permit application of the project. The analysis conducted at that time considered four factors, which included the ability to lease the necessary property; ability to construct the proposed site, conformance to the zoning code and the ability to provide adequate RF coverage and connect to surrounding sites. Because of the residential nature of the surrounding areas, the project site was deemed the most viable.
13. Wireless phone coverage maps indicate that this facility is necessary to ensure that there are no gaps in wireless phone coverage in the area.
14. Prior to the Hearing Officer's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 1, Existing Facilities, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the project is for the continued operation and maintenance of an existing WTF and no changes are being proposed by the project.
15. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting.
16. No comments have been received from the public.
17. *To be inserted after the public hearing to reflect hearing proceedings.*

18. The Hearing Officer finds that the WTF and accessory equipment, are consistent with the PR (Public and Private Recreation) land use category of the Altadena Community Plan.

This designation incorporates County recreation sites (Farnsworth Park, Loma Alta Park, and Charles White Park, and the Altadena Golf Course) and the privately owned Altadena Town and Country Club. The county golf course is consistent with this purpose and the existing WTF is a reasonably acceptable accessory use located at an unused portion of the golf course and parking lot.

19. The Hearing Officer finds that the WTF and accessory equipment are consistent with the R-R Zone pursuant to sections 22.40.230 (R-R Development Standards) and 22.44.127 (Altadena Community Standards District) of the County Code.

For uses where the parking requirements are not specified in the Zoning Code, Section 22.52.1220 stipulates that parking shall be provided in an amount which the director find adequate to prevent traffic congestion and excessive on-street parking. The existing WTF is unmanned and will only require periodic maintenance visits. There are ample parking spaces available in the parking lot of the golf course to accommodate the necessary routine maintenance vehicles for this facility. The existing WTF also does not result in any outdoor display or storage and the R-R zone does not have any height restrictions that the WTF has to conform to.

20. The Hearing Officer finds that the proposed project meets the Conditional Use Permit Burden of Proof requirements pursuant to section 22.56.040 of the County Code.

21. The Hearing Officer finds that the requested use at this location will not adversely affect the health, peace, comfort or welfare of persons residing, working or commuting in the area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the health, safety or general welfare of the public.

The WTF provides necessary wireless telecommunication service to the area that helps promote the safety, security and general welfare of the residents, workers and commuters in the area. Furthermore, being designed as a faux-palm tree and located at an existing parking lot, the WTF is of adequate distance and camouflaging from surrounding areas.

22. The Hearing Officer finds that the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

The whole golf course is approximately 60 acres in size, with a fairly large parking lot which easily accommodates the proposed WTF. The WTF is located in an unused portion of the parking lot and is adequately disguised and set back from public areas.

23. The Hearing Officer finds that the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required. The proposed site is adequately served by public utilities as required by the proposed use.

The golf course, as well as the WTF, are directly adjacent to East Mendocino Street, a major roadway, and have access to energy and other public utilities.

24. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the Conditional Use Permit to 15 years.

25. The Hearing Officer finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at the Altadena Library at 600 E. Mariposa St., Altadena, CA 91001. On June 28, 2016, a total of 635 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 1,000-foot radius from the Project Site, as well as five notices to those on the courtesy mailing list for the Altadena Zoned District and to any additional interested parties.

26. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan and the Altadena Community Plan.
- B. The proposed use at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

THEREFORE, THE HEARING OFFICER:

1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15301 of the State CEQA Guidelines (Class 1, Existing Facilities categorical exemption); and
2. Approves Conditional Use Permit No. RPPL 2016001814, subject to the attached conditions.

ACTION DATE: August 16, 2016

MM:CN

7/26/2015

c: Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. 2016-000088-(5)
CONDITIONAL USE PERMIT NO. RPPL 2016001814**

PROJECT DESCRIPTION

The project is an authorization for the continued operation and maintenance of an existing Wireless Telecommunication Facility disguised as a palm tree, subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9, shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on August 16, 2031.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the WTF and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject

property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of \$1,600.00. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for eight (8) biennial (one every other year) inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **four (4) copies of a modified Exhibit "A"** shall be submitted to Regional Planning by **October 16, 2015**.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies of the proposed plans** to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS - CONDITIONAL USE PERMIT (WTF)

19. This grant shall authorize the continued operation and maintenance of an existing Wireless Telecommunication Facility disguised as a palm tree.
20. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
21. Upon completion of construction of the facility, the permittee shall provide upon request to the Zoning Enforcement Section of Regional Planning written certification that the radio frequency electromagnetic emissions levels comply with adopted Federal Communications Commission (FCC) limitations for general population/uncontrolled exposure to such emissions when operating at full strength and capacity. If other WTFs are located on the subject property or on adjacent parcels, the aforementioned report shall include the radio frequency electromagnetic emissions of said WTFs.
22. Insofar as is feasible, the permittee shall cooperate with any subsequent applicants for wireless communications facilities in the vicinity with regard to possible co-location. Such subsequent applicants will be subject to the regulations in effect at that time.
23. Any proposed WTF that will be co-locating on the proposed facility will be required to provide upon request the same written verification of emissions and include the cumulative radiation and emissions of all such facilities to the Zoning Enforcement Section of Regional Planning.
24. All structures shall conform to the requirements of the Division of Building and Safety of Public Works or other appropriate agency and obtain an encroachment permit if deemed necessary.

25. If any external lighting is proposed, including security lighting, it shall be on motion sensors, be of low intensity, fully shielded and directed away from any adjacent residences. Pole mounted lighting is prohibited on the leasehold unless the facility is disguised as a light pole. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the FAA.
26. Construction and maintenance of the facility shall be limited to the hours of 9:00 AM to 5:00 PM, Monday through Friday. Emergency repairs of the facility may occur at any time.
27. Placement and height of all antenna and equipment shall be in substantial conformance with that shown on the Exhibit A. The facility shall be built as depicted in the elevations as shown on the Exhibit A.
28. One parking space for maintenance vehicles shall be provided. The space does not have to be dedicated solely to maintenance vehicles. Maintenance vehicles shall not block access to driveways or garages.
29. The maximum height of the facility shall not exceed 68 feet above finished grade, as shown on the Exhibit A.
30. The permittee shall maintain current contact information with the Zoning Enforcement Section of Regional Planning.
31. The finished surface of the facility shall not be glossy or reflective in nature unless such finish is necessary to blend into existing design features. The finish shall be graffiti-resistant and shall have a color that blends in with the immediately surrounding environment.
32. The facility shall be maintained in good condition and repair, and shall remain free of: general dirt and grease; chipped, faded, peeling or cracked paint; trash, debris, litter, graffiti and other forms of vandalism; cracks, dents, blemishes and discolorations; visible rust or corrosion on any unpainted metal areas. Any damage from any cause shall be repaired by the permittee within 30 days of notice. Weathered, faded or missing parts/materials shall be maintained and/or replaced by the permittee within 30 days of notice.
33. Upon request, the permittee shall submit annual reports to the Zoning Enforcement Section of Regional Planning to show compliance with the maintenance and removal conditions.
34. The project number, conditional use permit number and lease holder contact information shall be prominently displayed on the facility where it can be easily viewed at or near eye level.
35. Upon termination of this grant or after the construction of this facility, if the facility has ceased to operate; the permittee shall remove such facility and clear the site of

all equipment within six months of the cease of operation date. The permittee shall restore the site as nearly as practicable to the condition prior to the installation of the subject facility.

36. All antennas shall be covered with a material designed to blend the antennas with the mono-palm design, same as or equivalent to that indicated on the Exhibit A.
37. The brown padding on the trunk of the mono-palm tree shall be removed if requested by Regional Planning.



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That the requested use at the location will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The proposed project will not affect the health, peace, comfort, or welfare of persons living or working in the surrounding area because no changes or alterations are requested at this time; this proposal is only to continue the operation and maintenance of a previously-approved and already-existing site. As such it will not effect any change in existing property values, nor cause any increase in noise, odors, dust, glare, shadows, or fire hazard.

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

This project complies with the Altadena Community Standards District (22.44.127). The site is at a golf course and is regularly maintained. This site is not located in a Hillside Management Area (HMA), on a ridgeline, in the Lake Avenue or West Altadena Areas, and it is not on a Historical Preservation property. CUP 200500230-(5) was originally approved on August 22, 2006 and therefore complies with the Altadena Community Plan, which was adopted in 1986. The subject site already exists; this proposal is only to continue its operation and maintenance. Therefore, there will be no changes or alterations to impact or affect any yards, walls, fences, parking / loading facilities, architecture, or open space.

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

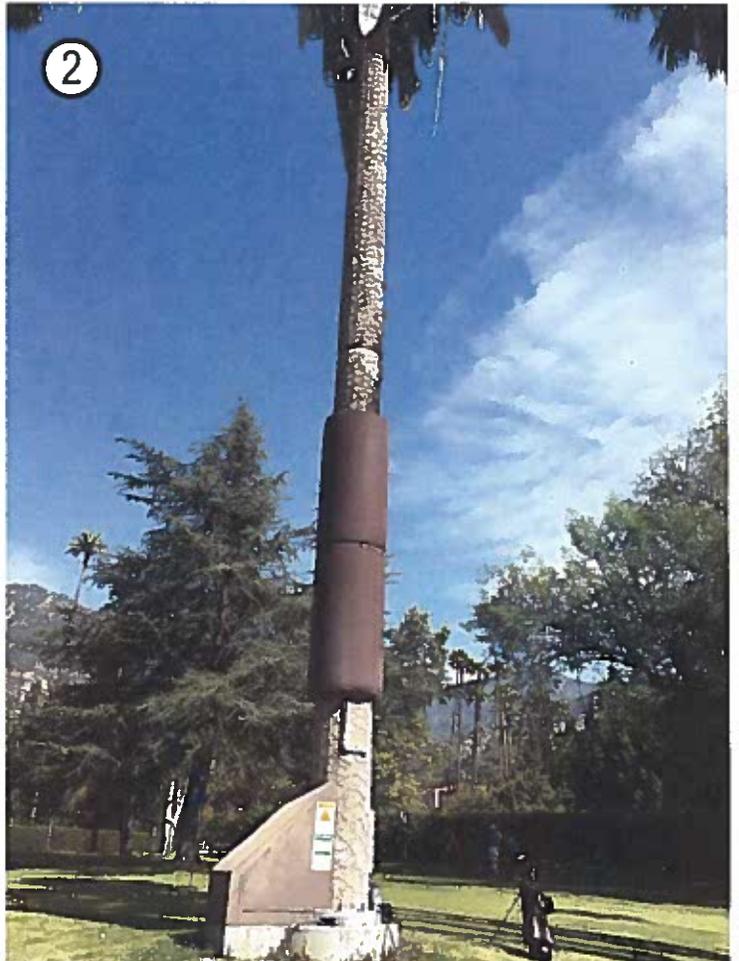
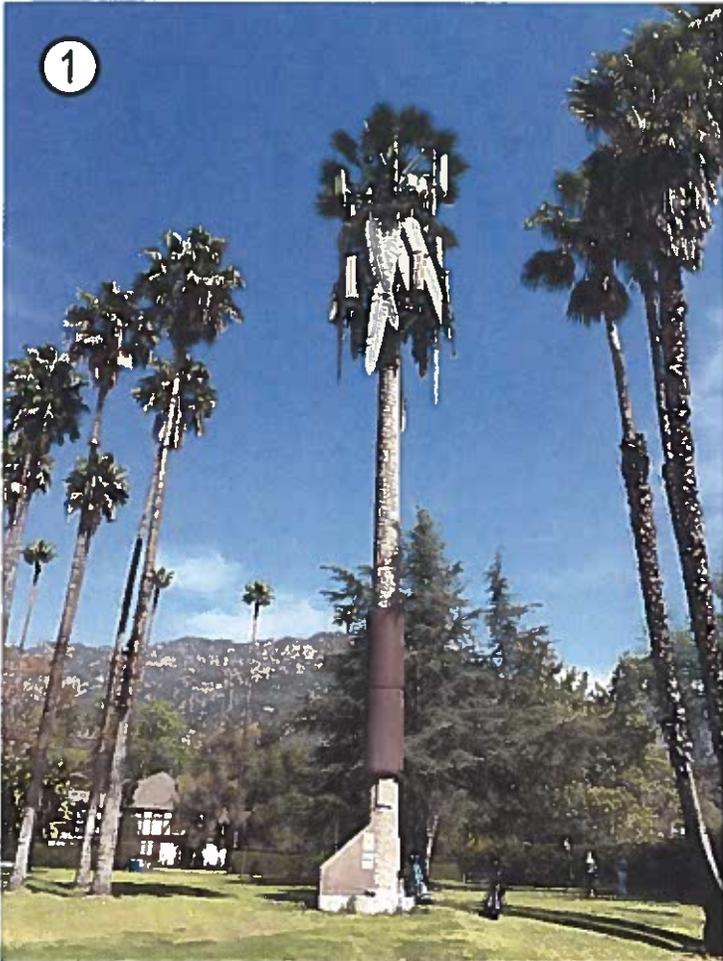
This project will not increase the flow of traffic or impact parking at the site, because no changes or alterations are requested with this proposal. This site is visited on average once per month for maintenance purposes. The frequency of maintenance visits is not projected or expected to change.

Photo-Key Map

Untitled layer

- ☆ Monopalm
- ◇ Equipment Shelter
- 1: ESE from parking lot
- 2: NE from Shelter
- 3: Base of Monopalm
- 4: E from parking lot
- 5: SE from parking lot
- 6: SW from ROW
- 7: SSW from ROW
- 8: SE from ROW







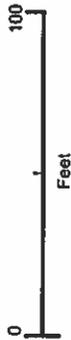
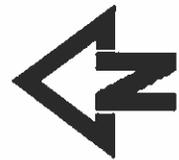


2016-000088-(5) / CUP RPPL 2016001814

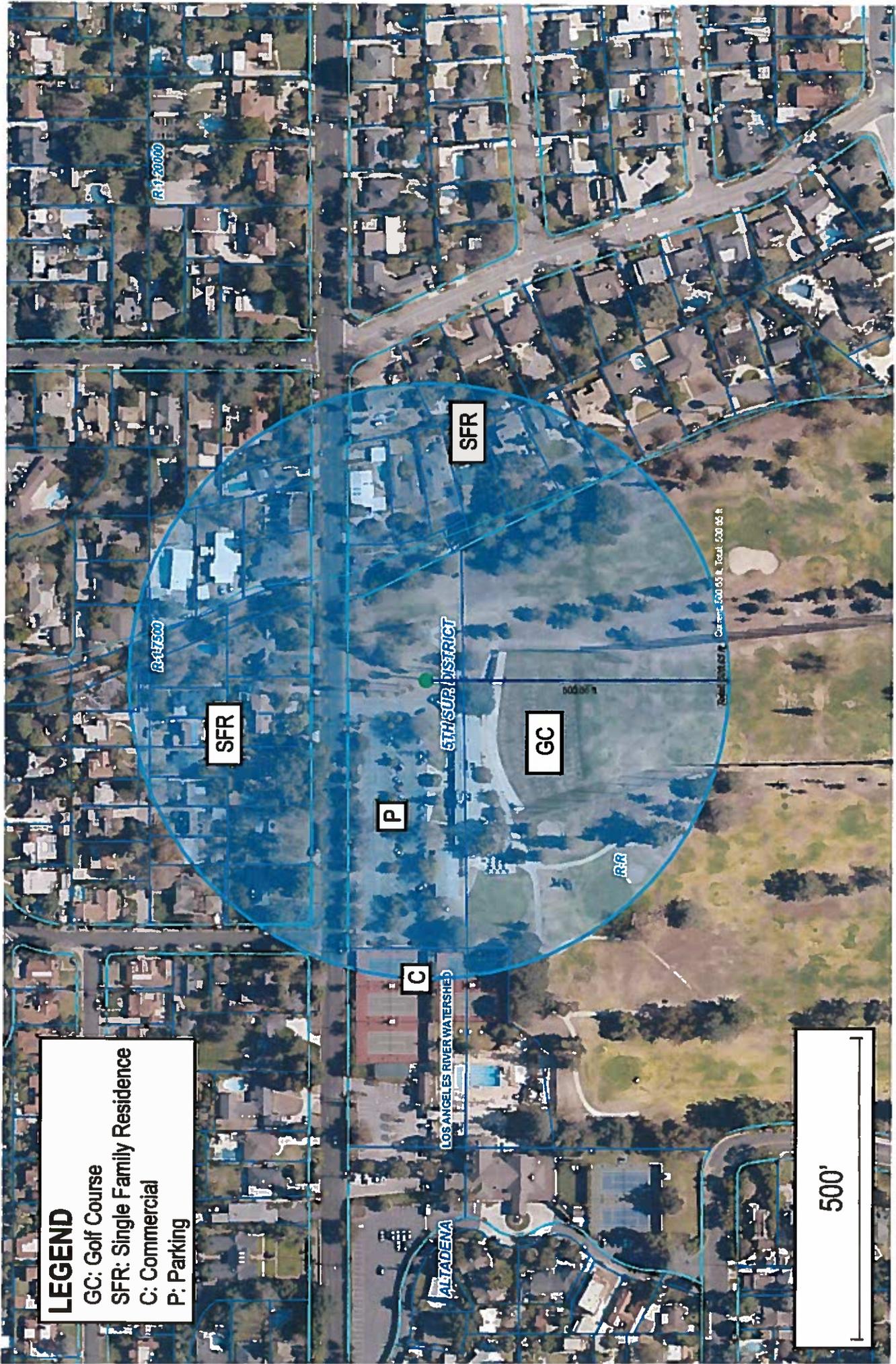
Aerial Image

Printed: May 02, 2016

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LEGEND
GC: Golf Course
SFR: Single Family Residence
C: Commercial
P: Parking



500'

Now you see it!
Now you don't!



- RF Friendly
- Custom Made in all Sizes
- Covers for existing Palm Trees

ORIGINAL



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



James E. Hurlt AICP
Director of Planning

August 22, 2006

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

T-Mobile c/o
Pete Shubin
Sequoia Development Services, Inc.
One Venture, Suite 200
Irvine, CA 92618

RE: PROJECT NO. R2005-03692-(5)

CONDITIONAL USE PERMIT CASE NO. 200500230-(5)

To construct, operate and maintain an unmanned wireless telecommunications facility consisting of a 63' monopole disguised as a palm tree (monopalm), twelve antennas and four equipment cabinets in the Altadena Zoned District.

Dear Applicant:

PLEASE NOTE: This document contains the Hearing Officer's findings and order and conditions relating to **APPROVAL** of the above referenced case. **CAREFULLY REVIEW EACH CONDITION.**

Condition 3 requires that the permittee must file an affidavit accepting the conditions before this grant becomes effective. **USE THE ENCLOSED AFFIDAVIT FOR THIS PURPOSE.**

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Hearing Officer's decision to the Regional Planning Commission at the office of the commission's secretary, Room 170, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Contact the commission's secretary for the amount of the appeal fee at (213) 974-6409. The appeal must be postmarked or delivered in person within 15 days after this notice is received by the applicant. The Hearing Officer's decision may also be called up for review by the Regional Planning Commission during the appeal period.

For further information on appeal procedures or any other matter pertaining to this approval, please contact the Zoning Permits Section II at (213) 974-6435.

HEARING OFFICER'S FINDINGS AND ORDER:

REQUEST: The applicant, T-Mobile, is requesting a conditional use permit to construct, operate and maintain an unmanned wireless telecommunications facility consisting of a 63' monopole disguised as a palm tree (monopalm) and associated equipment cabinets.

FACTUAL SUMMARY:

August 22, Public Hearing

A duly noticed public hearing was held on August 22, 2006. The applicant's representative, Pete Shubin, testified in favor of the request. The Hearing Officer questioned the height of the monopalm. The applicant's representative responded that the total height of the monopalm including the palm tree branches was approximately 68 feet in height.

There being no further testimony, the Hearing Officer closed the public hearing and stated his intent to approve the project.

Findings

1. The applicant, T-Mobile, is requesting a conditional use permit to construct, operate and maintain a wireless telecommunications facility (WTF). The facility will consist of a 63' monopole disguised as a palm tree (monopalm), twelve antennas (three sectors of antennas with four antennas per sector), four equipment cabinets and a 6' hi CMU block wall on a golf course site.
2. The subject property is located at 1456 E. Mendocino St. in the Altadena Zoned District.
3. The subject property is irregular in shape and flat in topography.
4. The subject property is zoned R-R - (Resort and Recreation).
5. Surrounding properties are zoned as follows:
North: R-1-7,500 (Single Family Residence - 7,500 sq. ft. required area)
South: R-1-7,500
East: R-1-7,500
West: R-1-7,500
6. The subject property is developed with a golf course.

7. Surrounding land uses are as follows:
North: Single Family Residence
South: Single Family Residence
East: Single Family Residence
West: Single Family Residence
8. Plot Plan review case number RPP 200400624 was a request to remove the existing 50' fence and replace it with an 80' wood pole and #420 netting. It was approved December 4, 2004.

Conditional Use Permit case number CUP 96163 was a request to expand the ABC License on the subject site. The request was approved February 26, 1997.
9. The photo simulations depict the subject site in the northeast section of the golf course adjacent to a parking lot. The site plan depicts the proposed monopalm northeast of a one story golf building between a single palm tree to the west and a cluster of four palm trees to the east. Four BTS equipment cabinets are located southwest of the proposed monopalm and enclosed by a new 6' split face CMU wall to match the existing planter. An existing chain link fence and landscaping will be removed to facilitate the new cabinets.
10. Title 22 of the Los Angeles County Code (Zoning Ordinance) does not specify wireless telecommunications facilities as a use. The use most closely matching a wireless telecommunications facility is a radio or television tower. Under section 22.40.220 of the zoning ordinance (Uses Subject To Permits), radio and television stations and towers require a conditional use permit in the R-R (Resort and Recreation) zone.
11. Parking for the proposed facility is governed by 22.52.1220 (Uses not specified – number of spaces required). The Department policy is to require one parking space for the monthly maintenance visits for WTFs. Since the parking lot can accommodate the monthly maintenance visits, the applicant complies with the parking requirement.
12. Pursuant to Section 22.56.200 (Building Bulk Provisions), the Hearing Officer can prescribe the height limit for the use approved.
13. The Altadena CSD reserves development standards in the R-R zone to the standards prescribed in the Los Angeles County Code. Per Section 22.40.230 (Development Standards in the R-R zone), the following development standards apply;
 - 22.40.230. A (Development Standards in the R-R zone), "That there shall be automobile parking space as required by Part II of Chapter 22.52. The parking lot of the golf course is sufficient to accommodate the monthly maintenance visits.

14. On December 12, 2005 the staff of the Department of Regional Planning completed its review of the Environmental Questionnaire and other data regarding the proposed development and concluded that the Initial Study was prepared in compliance with the California Environmental Quality Act Guidelines and the environmental procedures of the County of Los Angeles. The Department of Regional Planning has determined that a Categorical Exemption – Class 3 – Construction of Small Facilities) is the appropriate environmental documentation for this project under California Environment Quality Act (CEQA) reporting requirements.
15. Staff has received no comments from county departments at the time of this writing.
16. The Altadena Town Council approved the proposed request June 21, 2006.
17. Staff received two telephone calls of neighboring residents who inquired about the project. One of the callers did not feel WTFs should be sited in residential neighborhoods and the second callers asked general questions about the facility.
18. The public hearing notice was advertised in the Pasadena Star News on June 29, 2006 and La Opinion on June 29, 2006. Public Hearing materials were sent to the Altadena Library and public hearing notices were mailed to property owners within a 1000' radius on June 26, 2006. The public hearing notice was posted on the property on July 15, 2006. Public Hearing material was also posted on the Department of Regional Planning's Website.
19. The proposed facility will be disguised to blend in with the palm trees on site and the surrounding neighborhood. The proposed facility will provide needed coverage for the area and staff does not foresee any adverse impact resulting from the facility.
20. The project is consistent with the local plan policies and zoning requirements and will be disguised as a palm tree. The conditions of approval will ensure compatibility with the surrounding environment.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. The proposed use is consistent with the adopted general plan for the area;
- B. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety and general welfare;

- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;
- D. The proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such use would generate and by other public or private facilities as are required.

AND THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a conditional use permit as set forth in Sections 22.56.090, Title 22, of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. The Hearing Officer has considered the Categorical Exemption together with any comments received during the public review process, finds on the basis on the whole record before the Hearing Officer that there is no substantial evidence the project will have a significant effect on the environment, finds that the Categorical Exemption reflects the independent judgment and analysis of the Hearing Officer, and adopts the Categorical Exemption.
2. In view of the findings of fact presented above, Project No. R2005-03692-(5)/Conditional Use Permit Case No. 200500230-(5) is **APPROVED**, subject to the attached conditions.

BY: _____

DATE: _____

9/11/06

ALEX GARCIA
HEARING OFFICER
Department of Regional Planning
County of Los Angeles

Attachments: Conditions
Affidavit

c: Each Commissioner, Zoning Enforcement, Building and Safety,

VI:vi

1. This grant authorizes the use of the subject property for the construction, operation and maintenance of a wireless telecommunications facility consisting of a 63' monopole disguised as a palm tree (monopalm), twelve antennas, four equipment cabinets and a new 6' CMU block wall subject to all of the following conditions of approval:
 - a. The facility shall be operated in accordance with regulations of the State Public Utilities Commission;
 - b. Said facility shall be removed if in disuse for more than six months;
 - c. Insofar as is feasible, the operator shall cooperate with any subsequent applicants for wireless communications facilities in the vicinity with regard to possible co-location. Such subsequent applicants will be subject to the regulations in effect at that time;
 - d. All structures shall conform with the requirements of the Building and Safety Division of the Department of Public Works;
 - e. All equipment shall be a neutral color excluding black to blend with its surroundings and shall be maintained in good condition at all times;
 - f. The permittee shall provide written verification that the proposed facility's radio-frequency radiation and electromagnetic field emissions will fall within the adopted FCC standards for safe human exposure to such forms of non-ionizing electromagnetic radiation when operating at full strength and capacity for the lifetime of this conditional use permit. The permittee/operator shall submit a copy of the initial report on the said facility's radio frequency emissions level, as required by the Federal Communications Commission requirements, to the Department of Regional Planning;
 - g. Any proposed wireless telecommunications facility that will be co-locating on the proposed facility will be required to submit the same written verification and include the cumulative radiation and emissions of all such facilities;
 - h. Said facility, including any lighting, fences, shields, cabinets, and poles shall be maintained by the operator in good repair, free from trash, debris, litter and graffiti and other forms of vandalism. Any damage from any cause shall be repaired as soon as reasonably possible to minimize occurrences of dangerous conditions or visual blight;
 - i. The operator shall submit an annual maintenance report to the Department of Regional Planning by January 1, verifying the continued operation and maintenance of the said facility; and

- j. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." All revised plot plans must be accompanied by the written authorization of the property owner.
 - k. The height of the monopole (monopalm) to the top of the branches shall not exceed 68 ft. in height.
 - l. The monopalm shall contain a minimum of 60 branches or the maximum number of branches (fronds) to achieve a fuller palm tree look. The monopalm branches shall be of the same palm tree species as the palm trees on site. Said requirement shall be subject to the satisfaction of the Director of Planning.
 - m. The equipment cabinets shall be screened from view and the CMU block wall shall be painted and textured to match the surrounding structures.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
 3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been paid.
 4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
 5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to

bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

- b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.

6. This grant will expire unless used within 2 years from the date of approval. A one-year time extension may be requested in writing before the expiration date.
7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
9. **This grant will terminate on August 22, 2016**, Entitlement to use of the property thereafter shall be subject to the regulations then in effect. At least six (6) months prior to the expiration of this permit and in the event that the permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning. The application shall be a request for continuance of the use permitted under this grant, whether including or not including modification to the use at that time.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of **\$750.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The deposit provides for **5 biennial** inspections. Inspections shall be unannounced. Should an application for co-location be approved, an **additional \$750** shall be deposited into said fund.

If any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional enforcement

efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be \$150.00 per inspection, or the current recovery cost, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
12. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.
13. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
14. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the facility being operated on the premises or that do not provide pertinent information about said premises.
15. In the event of such extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.