

Hearing Officer Transmittal Checklist

Hearing Date
08/04/2015
Agenda Item No.
6

Project Number: R2015-00887-(4)
Case(s): Conditional Use Permit No. 201500038
Environmental Assessment Case No. 201500064
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 (CUP 02-192)

Reviewed By: 



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

PROJECT NUMBER **HEARING DATE**
 R2015-00887-(4) 08/04/2015
REQUESTED ENTITLEMENTS
 RCUP201500038

PROJECT SUMMARY

OWNER / APPLICANT

T-Mobile West Corp

MAP/EXHIBIT DATE

11/19/2014

PROJECT OVERVIEW

The applicant is requesting a Conditional Use Permit for the continued operation with minor modifications of an existing Wireless Telecommunication Facility on top of an office building.

LOCATION

1850 S. Azusa Ave., Hacienda Heights

ACCESS

Azusa Avenue

ASSESSORS PARCEL NUMBER(S)

8295-012-163, 8295-012-162

SITE AREA

4.1 ac

GENERAL PLAN / LOCAL PLAN

General Plan/Hacienda Heights Community Plan

ZONED DISTRICT

HACIENDA HEIGHTS

LAND USE DESIGNATION

CG (General Commercial)

ZONE

C-2 (NEIGHBORHOOD BUSINESS ZONE)

PROPOSED UNITS

N/A

MAX DENSITY/UNITS

N/A

COMMUNITY STANDARDS DISTRICT

NONE

ENVIRONMENTAL DETERMINATION (CEQA)

Class 1 Categorical Exemption-Existing Facilities

KEY ISSUES

- Consistency with the Los Angeles County General Plan and the Hacienda Heights 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)
 - 22.28.170 (C-2 Development Standards)

STAFF RECOMMENDATION

Approval

CASE PLANNER:

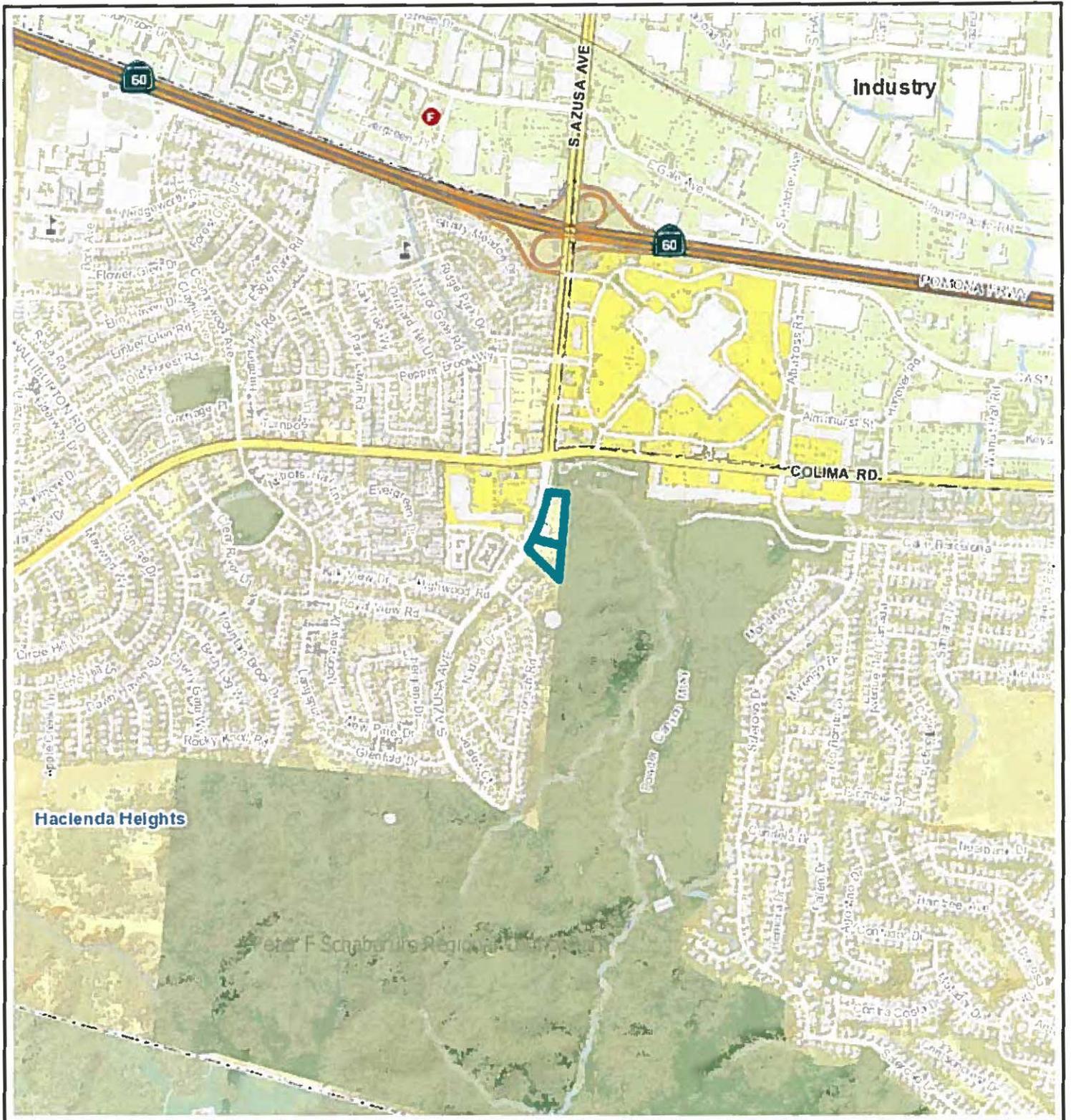
Carl Nadela

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R2015-00887-(4)

Location Map

Printed: May 06, 2015



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ENTITLEMENTS REQUESTED

- The applicant is requesting a Conditional Use Permit for the continued operation and minor modification of an existing Wireless Telecommunication Facility (WTF) on top of an existing office building.

PROJECT DESCRIPTION

The applicant is requesting a Conditional Use Permit for the continued operation of an existing WTF and to modify it with the following: Relocate 3 existing Air21 Panel Antennas (1 per sector); Install 3 new LNX-6512DS-A1M 4' Panel Antennas (1 per sector); Install 3 new RRUS11B12 near the existing RRUS (1 per sector); Install 1 new DC Conductor to the new RRUS; and upgrade DC power in cabinet.

The WTF is located on the rooftop of an existing office building located in the southwest corner of the site. The northern and southernmost portion of the lot is utilized as a parking lot.

EXISTING ZONING

The subject property is zoned C-2 (Neighborhood Business Zone).

Surrounding properties are zoned as follows:

North: O-S (Open Space Zone)

South: RPD-6000-6U (Residential Planned Development – Six Thousand Square Feet Minimum Required Lot Area – Maximum 6 dwelling units per acre)

East: O-S

West: C-2

EXISTING LAND USES

The subject property is developed with an office building and a parking lot.

Surrounding properties are developed as follows:

North: Schabarum Regional Park

South: Single-family residential

East: Schabarum Regional Park

West: Commercial center, hotel

PREVIOUS CASES/ZONING HISTORY

The subject property has a number of previously approved entitlements for both the office building and the WTF's located at the site. These include the following:

- Plot Plan PP35809 approved the development of the office building in 4/2/1987.
- Plot Plan PP36818 approved a freestanding sign at the site in 2/18/1988.
- Plot Plan PP200701948 approved two new signs and the re-facing of existing monument signs in 11/26/2007.
- Plot Plan PP201200083 approved tenant improvements to the existing office building in 5/3/2012.

- Conditional Use Permit CUP 02-192 approved the establishment of a Cingular Wireless WTF at the site in 7/22/2002. This permit expired on October 15, 2012 and is being renewed with the CUP application.
- Conditional Use Permit CUP 03-127 approved the establishment of an AT&T WTF at the site in 4/28/2003. This permit expired on October 7, 2013. However, this was superseded by CUP 200500164, which will expire on August 1, 2016.
- Conditional Use Permit CUP 04-199 approved the establishment of a Nextel WTF at the site in 6/29/2004. This permit expired on October 5, 2014.

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 minor alterations to existing structures which involve negligible or no expansion of use beyond the original approval. This project is for the continued operation of an existing WTF and only authorizes minor modifications. 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 located within the CG (General Commercial) land use category of the Hacienda Heights Community Plan ("Community Plan"), a component of the Los Angeles Countywide General Plan ("General Plan"). This designation is intended for local serving commercial, office and professional businesses, retail and service establishments, with up to 18 to 30 dwelling units per acre. The existing office use and accessory parking lot are consistent with the intention of the General Commercial designation and are therefore consistent with the permitted uses of the underlying land use category.

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

- *Policy 54: Promote the full use of existing service systems in order to gain maximum benefit from previous investment.*

The existing WTF has direct access to existing transportation infrastructure and public utilities to service the facility.

- *Policy 57: Improve the quality and accessibility of critical urban services including crime control, health, recreational and educational services.*
- *Policy 58: Maintain high quality emergency response services.*

The existing WTF provides wireless phone service to the neighborhood and to the nearby roadways, which is often used to make emergency calls. The project will ensure that such service will continue to be available to the residents, workers and commuters in the area.

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

- *Goal A-5: Attractive and well-maintained commercial areas.*
- *Policy A 5.3: Maintain buildings, parking areas and landscaping in a clean and orderly manner.*

The WTF is located on the rooftop of a commercial building and is adequately screened and camouflaged from public view. It is consistent with the Community Plan's goal and policy to maintain attractive and orderly commercial areas.

- *Goal PS-7: A wireless infrastructure network that provides residents with telecommunications, internet and other services that is sensitive to scenic and environmental impacts.*
- *Policy PS 7.2: When feasible, require transmission towers, lines and equipment to be co-located with existing towers, lines and equipment, or along existing transmission corridors.*
- *Policy PS 7.4 Require that any screening or camouflaging devices used are consistent with the existing environment.*

The WTF provides wireless phone coverage for the area while being sensitive to the scenic and environmental features of the area. The antennas and equipment are adequately screened and camouflaged. This is consistent with the goals and policies of the Community Plan.

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 22.28.160 of the Zoning Code, radio and television towers are permitted in the C-2 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 existing office building and accessory parking lot and signs were approved separately through Plot Plans and are in conformance with the development standards of the C-2 Zone under Section 22.28.170 of the Zoning 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 existing office building to accommodate the necessary routine maintenance vehicles for this facility. The existing WTF also does not increase the height of the building nor results in any outdoor display or storage. Thus, the existing WTF is also in compliance with the development standards of the C-2 Zone.

Site Visits

A site visit was conducted by staff on May 21, 2015. The site was very clean and well maintained. The building and parking areas were kept in very 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 office building and an accessory parking lot. Surrounding land uses consist of the Schabarum Regional Park to the north and east, residential uses to the south and commercial uses to the west. The use is consistent and compatible with the surrounding community.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

No comments were requested nor 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

Staff has not received any comments 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 R2015-00887-(4), Conditional Use Permit Number 201500038, 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 201500038 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
05/6/2015

**DRAFT FINDINGS OF THE HEARING OFFICER
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2015-00887-(4)
CONDITIONAL USE PERMIT NO. 201500038**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201500038 ("CUP") on August 4, 2015.
2. The permittee, T-Mobile West Corporation ("permittee"), requests the CUP to authorize the continued operation with minor modifications of an existing Wireless Telecommunication Facility ("Project") on a property located at 1850 S. Azusa Avenue in the unincorporated community of Hacienda Heights ("Project Site") in the C-2 zone pursuant to Los Angeles County Code ("County Code") section 22.28.160.
3. The Project Site is 4.1 acres in size and consists of two legal lots. The Project Site is mostly rectangular in shape with gentle-sloping topography and is developed with a medical office building and associated parking lot.
4. The Project Site is located in the Hacienda Heights Zoned District and is currently zoned C-2 (Neighborhood Business).
5. The Project Site is located within the CG (General Commercial) land use category of the Hacienda Heights Community Plan Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:

North: O-S (Open Space Zone)
South: RPD-6000-6U (Residential Planned Development – Six Thousand Square Feet Minimum Required Lot Area – Maximum 6 dwelling units per acre)
East: O-S
West: C-2
7. Surrounding land uses within a 500-foot radius include:

North: Schabarum Regional Park
South: Single family residences
East: Schabarum Regional Park
West: Commercial center, hotel
8. The subject property has a number of previously approved entitlements for both the office building and the WTF's located at the site. These include the following:
 - Plot Plan PP35809 approved the development of the office building in 4/2/1987.
 - Plot Plan PP36818 approved a freestanding sign at the site in 2/18/1988.
 - Plot Plan PP200701948 approved two new signs and the re-facing of existing monument signs in 11/26/2007.

- Plot Plan PP201200083 approved tenant improvements to the existing office building in 5/3/2012.
 - Conditional Use Permit CUP 02-192 approved the establishment of a Cingular Wireless WTF at the site in 7/22/2002. This permit expired on October 15, 2012 and is being renewed with the CUP application.
 - Conditional Use Permit CUP 03-127 approved the establishment of an AT&T WTF at the site in 4/28/2003.
 - Conditional Use Permit CUP 04-199 approved the establishment of a Nextel WTF at the site in 6/29/2004. This permit expired on October 5, 2014.
9. The site plan for the Project depicts the subject property with the access driveway from Azusa Avenue. It shows the existing medical office building and associated parking lot. It also shows the location of existing WTFs on the property, both belonging to the applicant as well as to other carriers.
10. The Project Site is accessible via Azusa Avenue to the north.
11. The site plan indicates the parking areas for the medical office building. These provide ample parking spaces to serve the parking needs for the regular maintenance activities needed for the WTF located at the site.
12. Several alternative sites were considered for the project, including two sites to the west on a hotel and shopping center across the street on Azusa Avenue. Another site to the southeast on a water tank was also considered. This project site was deemed most feasible since there were already several different existing WTF co-located at the site and it is near the intersection of two major roads, Azusa Avenue and Colima Road.
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. A Statement by Hammett and Edison, Inc., Consulting Engineers, dated March 3, 2015 has been prepared and submitted for the site indicating that the facility is in compliance with FCC limits and guidelines on RF emissions.
15. 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 involved the continued operation of an existing WTF with only minor modifications to what was previously existing.
16. 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.
17. No comments have been received from the public at this time.

18. *To be inserted after the public hearing to reflect hearing proceedings.*

19. The Hearing Officer finds that the existing medical office building, as well as the WTF and accessory equipment, are consistent with the CG (General Commercial) land use category of the Hacienda Heights Community Plan.

This designation is intended for local serving commercial, office and professional businesses, retail and service establishments, with up to 18 to 30 dwelling units per acre. The medical office building and parking lot are consistent with the intention of the CG designation and are therefore consistent with the permitted uses of the underlying land use category. The existing WTF is an accessory use to the primary use of a medical office building and is also consistent with the underlying land use designation. The existing WTF also supports the goals and policies of the Hacienda Heights Community Plan by providing wireless phone service to help in emergency communications.

20. The Hearing Officer finds that the existing medical office building and parking lot, as well as the WTF and accessory equipment, are consistent with the C-2 Zone pursuant to sections 22.28.170 (C-2 Development Standards) of the County Code.

21. 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.

22. 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 located on the rooftop of existing building, the WTF is of adequate distance and screening from public areas.

23. 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 project site is approximately 4.1 acres with a large parking lot which easily accommodates the existing WTF. The WTF is located on the rooftop of an existing building and is adequately screened and set back from public areas.

24. 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 existing medical office building, as well as the WTF, are directly adjacent to Azusa Avenue, a major roadway, and have access to energy and other public utilities

25. 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.
26. 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 libraries located in the vicinity of Hacienda Heights community. On June 18, 2015, a total of 32 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius from the Project Site, as well as to those on the courtesy mailing list for the Hacienda Heights Zoned District and to any additional interested parties.
27. 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 Hacienda Heights 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. 201500038, subject to the attached conditions.

ACTION DATE: August 4, 2015

MM:CN
5/18/2015

c: Hearing Officer, Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2015-00887-(4)
CONDITIONAL USE PERMIT NO. 201500038**

PROJECT DESCRIPTION

The project is an authorization for the continued operation and minor modification of an existing Wireless Telecommunication Facility (WTF) located on the rooftop on an existing medical office building 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 4, 2030.** 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 4, 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. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
20. 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.
21. 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.
22. 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.
23. 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.

24. 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.
25. 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.
26. Placement and height of all antenna and equipment shall be in substantial conformance with that shown on said Exhibit "A". The facility shall be built as depicted in the photo simulations presented at the public hearing.
27. The antennas and mounting poles shall be painted with the same color as the existing rooftop screen.
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 48 feet and six inches from 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 used to disguise/camouflage the facility shall be maintained and/or replaced by the permittee within 30 days of notice. Provided landscaping shall be maintained at all times and shall be promptly replaced if needed.
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. This grant shall authorize the continued operation with minor modifications of an existing Wireless Telecommunication Facility located at the rooftop of an existing medical office building.



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.)

<p>A. That the requested use at the location will not:</p> <ol style="list-style-type: none"> 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.
<p>The proposed project consists of modifying the existing wireless facility mounted on the existing hospital rooftop by installing 3 new antennas, 3 new RRUs, relocating 3 existing antennas, upgrading DC power in existing cabinet, and installing 1 new DC conductor to new RRUs. Because the wireless site is existing and is on a rooftop, it is not publicly accessible and cannot be seen from any public right of way, there will not be an impact to health, peace, comfort or welfare to the surrounding area.</p>
<p>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.</p>
<p>The site is existing, originally approved by CUP 02-192 (4). Because only minor modifications will be made to the antennas and equipment within the existing equipment enclosure, the site remains adequate in size, and shape to accommodate all of the necessary development standards. Although the existing facility and proposed modifications are not directly listed as approved uses within the General Plan land use designation, the Planning Commission had previously determined it to be compatible with approved uses.</p>
<p>C. That the proposed site is adequately served:</p> <ol style="list-style-type: none"> 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.
<p>The wireless telecommunications facility and the hospital building on which it sits already exist. Therefore, all public and private roads and services exist and are already in operation. Additionally, the site is accessed by a single road. Therefore, there will be very limited traffic trips generated by the wireless site, and only for the purposes of construction of the minor modifications and occasional site maintenance.</p>

Photographs for R2015-00887/CUP No. 201500038

View from north property line



View from northeast property line



View from southeast property line



View from southwest property line



View from southwest across Azusa Avenue

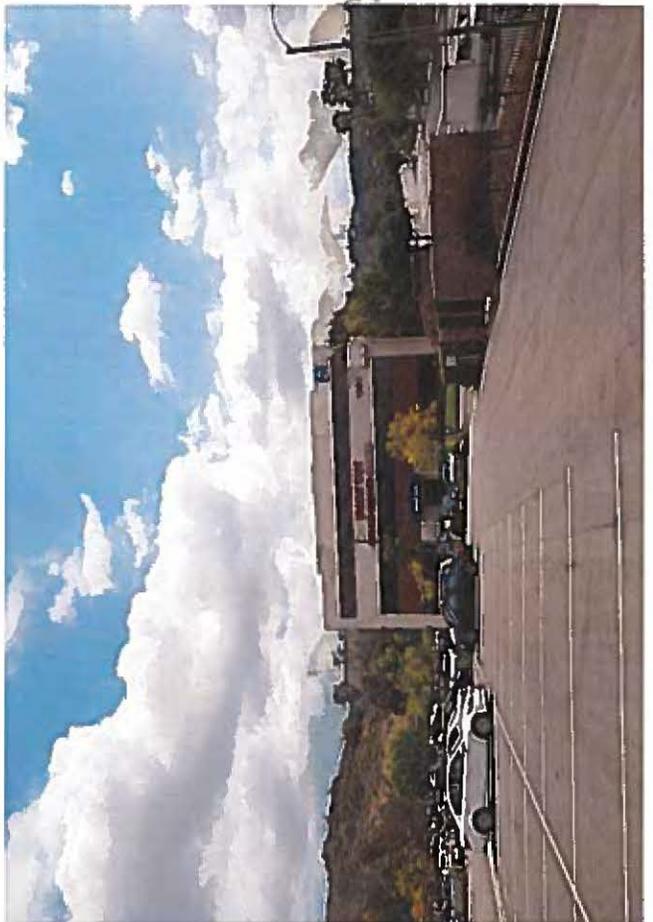


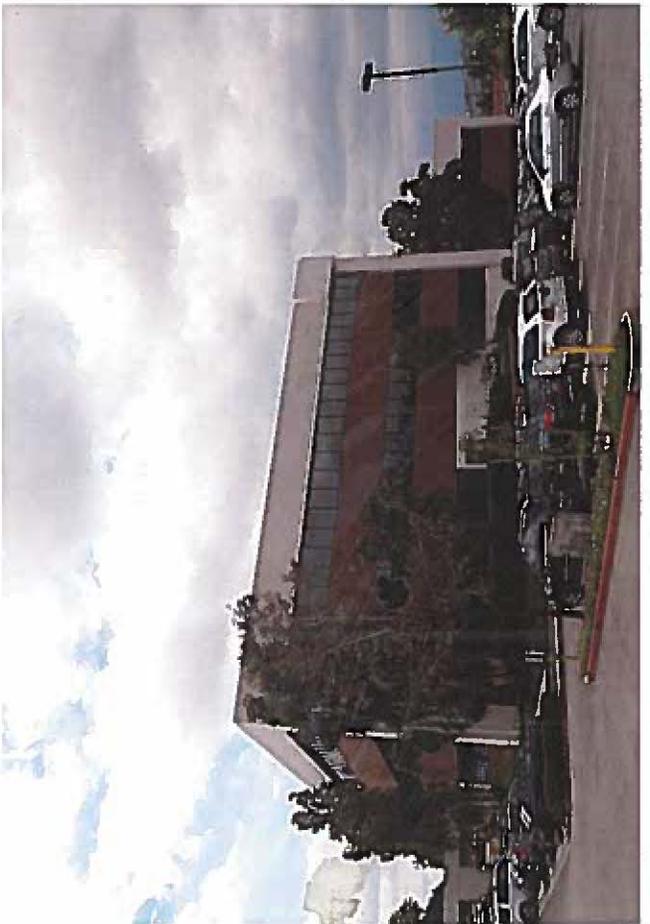
View from northwest across Azusa Avenue











Antennas on Extended Pole Mounts

Before



After



Site Photos

Full view of rooftop



Full view of rooftop



Site Photos

If collo, other carriers



If collo, other carriers

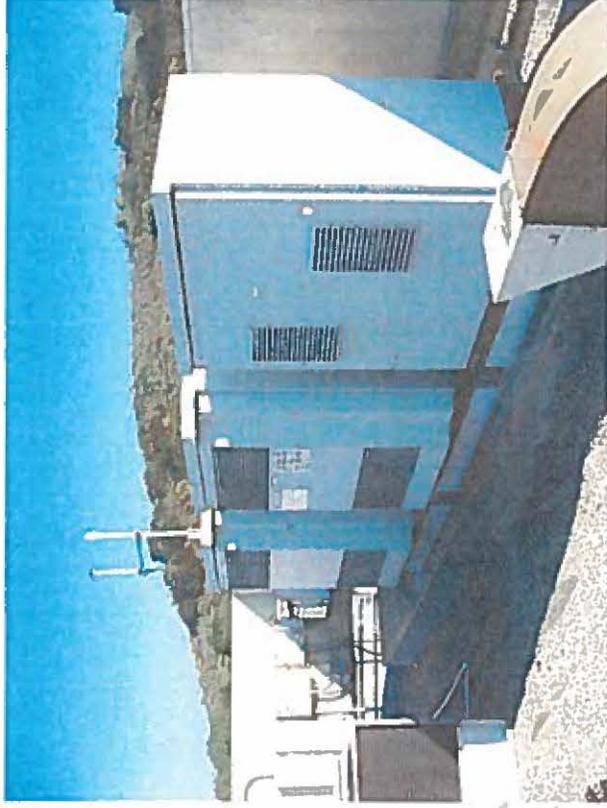


BTS Photos

Full view of all BTS's



Full view of all BTS's



Antenna Photos – Sector A

Front of antennas – Full view



Back of antennas – Full view



Antenna Photos – Sector B

**Front of antennas – Full
View**



TMA



Antenna Photos – Sector C

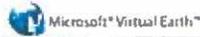
Front of antennas – Full View



Back of antennas – Full View



LOCATION

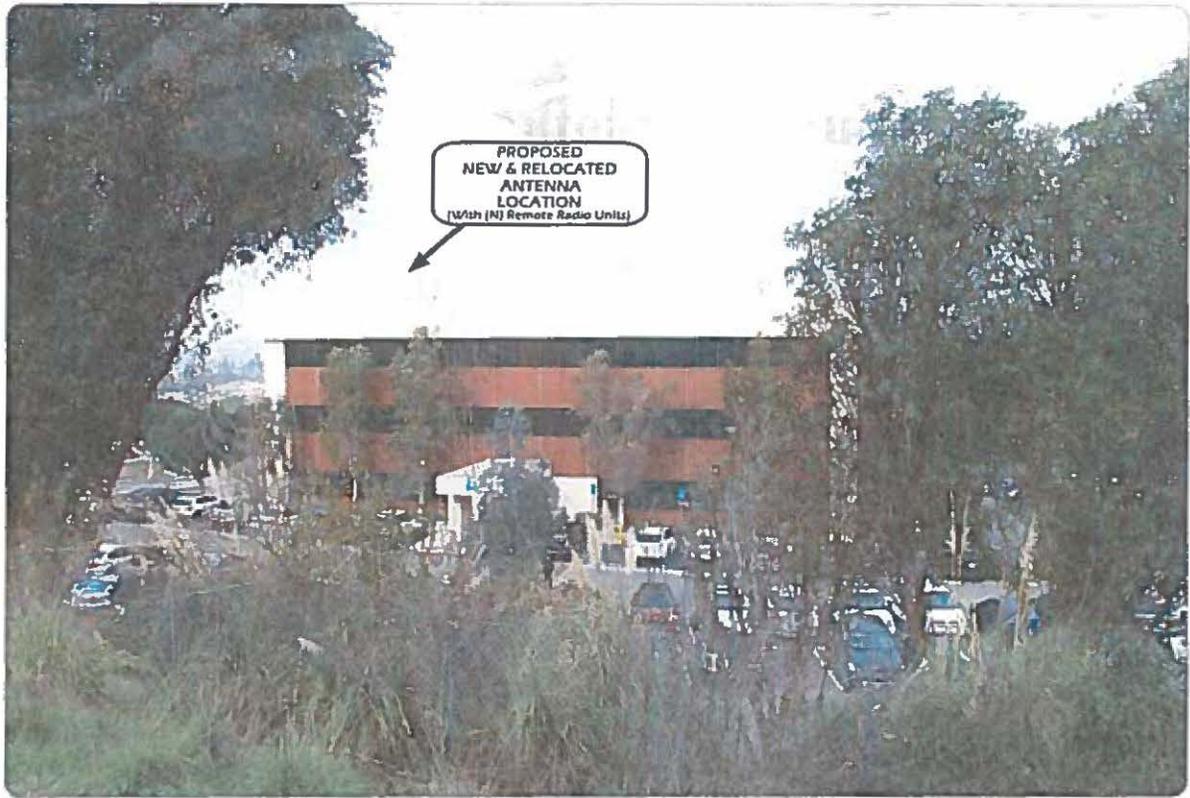


View from the Southeast looking Northwest

EXISTING



PROPOSED



PROPOSED
NEW & RELOCATED
ANTENNA
LOCATION
(With (N) Remote Radio Units)

LA02562A

VY137 Medical Center

1850 South Azusa Avenue
Hacienda Heights, CA 91745

VIEW 1

APPLICANT

T-Mobile
3257 E. Guasti Road, Suite 200
Ontario, CA 91761

CONTACT

Cortel, LLC
Suzanna Iselt
p 310.382.4622

Completed January 28, 2015



BLUE WATER DESIGN
bluewater-design.net
michelle@bluewater-design.net
p 714.473.2942
f 949.271.2560

Photo simulation accuracy is based on information provided to Blue Water Design by the applicant.

LOCATION

Microsoft® Virtual Earth™

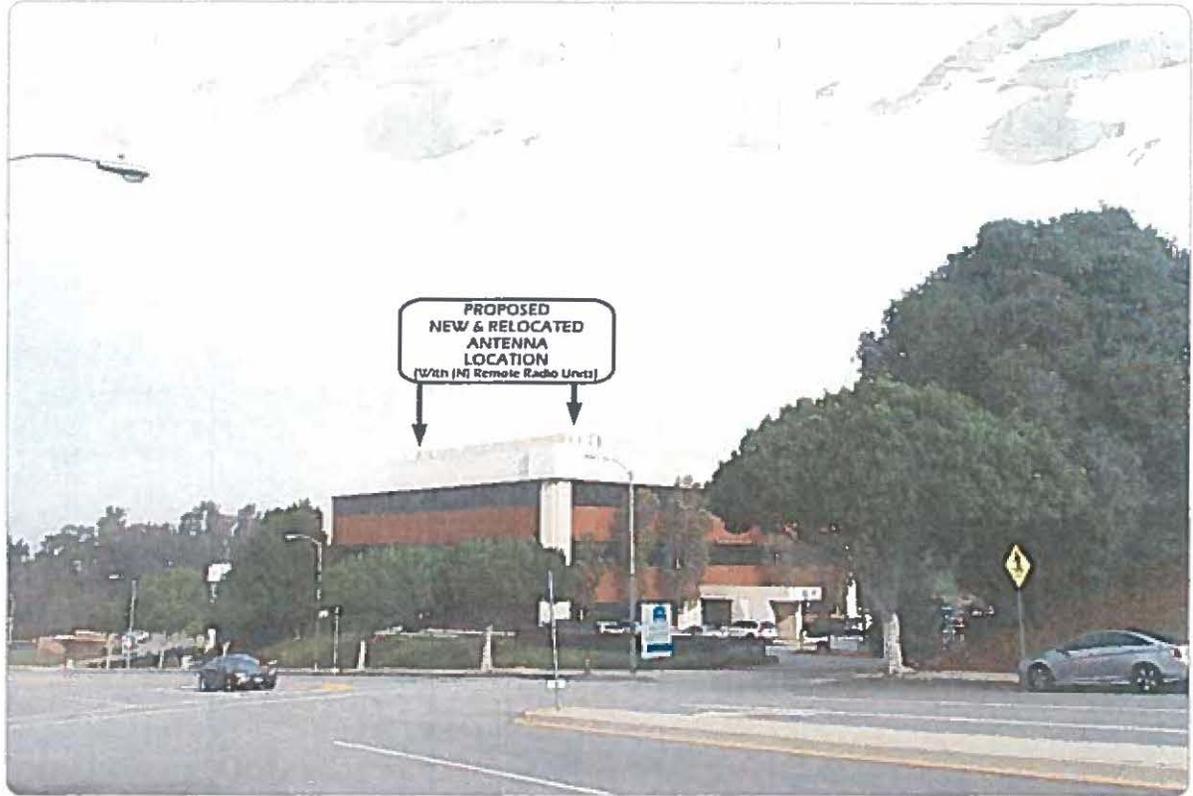


View from the Southwest looking Northeast

EXISTING



PROPOSED



Completed January 28, 2015

LA02562A
VY137 Medical Center
 1850 South Azusa Avenue
 Hacienda Heights, CA 91745

VIEW 2

APPLICANT

T-Mobile
 3257 E. Guasti Road, Suite 200
 Ontario, CA 91761

CONTACT

Coriel, LLC
 Suzanne Iselt
 p 310.382.4622



BLUE WATER DESIGN

bluewater-design.net
 michelle@bluewater-design.net
 p 714.473.2942
 f 949.271.2560

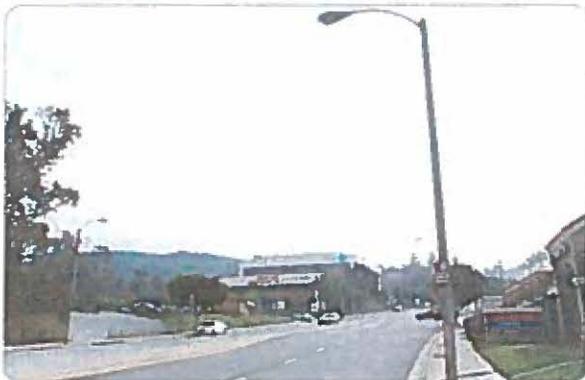
Photo simulation accuracy is based on information provided to Blue Water Design by the applicant.

LOCATION

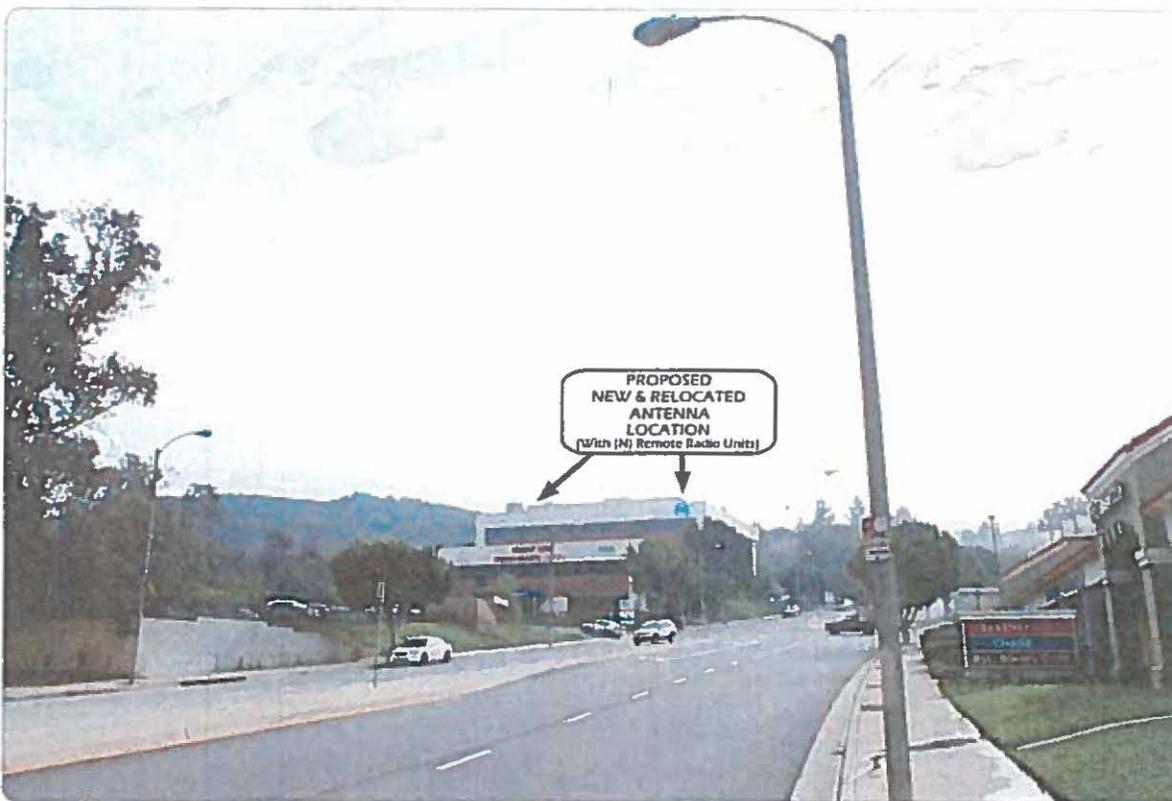


View from the North looking South

EXISTING



PROPOSED



Completed January 28, 2015

LA02562A

VY137 Medical Center

1850 South Azusa Avenue
Hacienda Heights, CA 91745

VIEW 3

APPLICANT

T-Mobile
3257 E. Guasti Road, Suite 200
Ontario, CA 91761

CONTACT

Cortel, LLC
Suzanne Iselt
p 310.382.4622



BLUE WATER DESIGN

bluewater-design.net
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p 714.473.2942
f 949.271.2560

Photo simulation accuracy is based on information provided to Blue Water Design by the applicant.



R2015-00887

Aerial Image

Printed: May 11, 2015



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Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



James E. Harll, AICP
Director of Planning

November 5, 2002

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Shannon McDonald
WFI
1225 W. 190th ST.
Suite 250
Gardena, CA 90248

RE: **CONDITIONAL USE PERMIT CASE NO. 02-192-(4)**
To authorize the construction, operation and maintenance of an unmanned wireless telecommunications facility on the roof of a medical center building

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 necessary forms and 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 is requesting a Conditional Use Permit to authorize the construction, operation and maintenance of an unmanned wireless telecommunications facility on the roof of a medical center.

PROCEEDINGS BEFORE THE HEARING OFFICER:

October 15, 2002 Public Hearing

A duly noticed public hearing was held on October 15, 2002. The applicant was sworn in and testified in favor of the project. The applicant agreed to the conditions of approval.

There being no further testimony, the Hearing Officer closed the public hearing and stated his intent to approve the wireless telecommunications facility subject to the conditions recommended by staff and directed staff to prepare findings and conditions for approval.

Findings

1. The applicant, Cingular Wireless, is requesting a Conditional Use Permit to authorize construction, operation and maintenance of an unmanned wireless telecommunications facility consisting of three sectors with four antennas each, and four equipment cabinets. The sectors will be attached to a screen wall on the rooftop of an existing medical building and painted to match the existing rooftop screen. The applicant is leasing 200 sq. ft. on the rooftop of the medical center building.
2. The subject property is located at 1850 S. Azusa, Hacienda Heights, in the Hacienda Heights Zoned District.
3. The subject property is zoned C-3-BE (Unlimited Commercial, Billboard Exclusion).
4. Surrounding properties are zoned as follows:
North: O-S (Open Space)
South: RPD-6,000-6U (Residential Planned Development, 6,000 sq. ft. lot minimum, 6 units per acre maximum)
East: O-S
West: C-3-BE
5. The subject property is currently used as a medical center facility.
6. Surrounding properties are used as follows:
North: Schabarum Regional Park and a gas station
South: Single family residences
East: Schabarum Regional Park

West: Hotel and retail plaza.

7. Plot Plan 35809 was approved 4/2/87 for the Puente Hills Medical Center.
8. Plot Plan 36818 was approved 2/18/88 for two building signs.
9. The subject property is designated "Commercial" in the Hacienda Heights Community Plan of the Los Angeles County General Plan. Properties in areas with this designation may be used for a variety of commercial uses, including retail, services, and office uses. There are no policies related to this type of use in the Community Plan.
10. The overall site plan shows the existing 55,185 sq. ft. Puente Hills Medical Center building surrounded by existing parking. The proposed wireless telecommunications facility will be located on top of the medical center roof. Three sectors of four panel antenna (1' X 4') each are on the northeast, northwest, and southwest corners of the roof. The four new equipment cabinets and power and telecommunication panels are on the southeast corner of the roof. The antennas will be mounted to the existing screen wall and painted to match the screen wall. The top of the antenna screen wall is 48'9" above grade and 4'4" above the roof parapet. A parking space to be used by the maintenance vehicle is depicted just southeast of the building.
11. A wireless telecommunications facility is a use not specified in Title 22 of the Los Angeles County Code (Zoning Ordinance). The use most closely matching a wireless telecommunications facility that is specified in the Los Angeles County Code is a radio or television tower. A radio or television tower requires a conditional use permit in the C-3 zone pursuant to section 22.28.210 of the Los Angeles County Zoning Ordinance.
12. Section 22.40.110 of the County Code requires that any premises with the –BE (Billboard Exclusion) designated zone may be used for any use permitted in the primary, basic zone, in this case the C-3 zone, except outdoor advertising signs (billboards). There are no billboards shown on the applicant's site plan and none are being proposed.
13. This project has been determined to be categorically exempt from the CEQA reporting requirements.
14. No public comments were received.
15. The property is located in a commercial/residential area. Currently, Cingular is experiencing both coverage and capacity problems within this area of Hacienda Heights. The development of this portion of the network will allow its customers seamless access to Cingular nationwide network of services.

16. As each antenna is relatively small, attached to an existing screen wall, and painted to match building color, the facility will not be visually obtrusive.
17. The proposed use as conditioned is consistent with the zoning, general plan and surrounding land uses.

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, Conditional Use Permit Case No. 02-192-(4) is **APPROVED**, subject to the attached conditions.

BY: Lee Stark DATE: 10/31/02
Lee Stark, HEARING OFFICER
Department of Regional Planning
County of Los Angeles

Attachments: Conditions
Affidavit

c: Each Commissioner, Zoning Enforcement, Building and Safety

1. This grant authorizes the use of the subject property for the operation and maintenance of an unmanned wireless telecommunications facility consisting of three sectors with four antennas each, and four equipment cabinets 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. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works;
 - d. The permittee shall provide one standard size (8.5 ft. x 18 ft.) parking space to accommodate a maintenance vehicle;
 - e. The antennas shall be painted to match the existing rooftop screen;
 - 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 annual 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. 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; and
 - h. The operator shall submit an annual maintenance report to the Department of Regional Planning by every January 1 for the duration of this grant, verifying the continued operation and maintenance of the said facility.
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 until all required fees have been paid pursuant to Condition No. 9.

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. **This grant will terminate on October 15, 2012.**

Entitlement to use of the property thereafter shall be subject to the regulations then in effect. Entitlement to the 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.

9. 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.

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.

10. 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.
11. Upon approval of this grant, 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.
12. 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.
13. 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 business being operated on the premises or that do not provide pertinent information about said premises.

14. 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. Inspections shall be made as provided in Condition 10 to ensure compliance with this condition, including any additional inspections as may be necessary to ensure such compliance.
15. The property shall be developed and maintained in substantial conformance with the approved plans on file. All revised site plans must be accompanied by the written authorization of the property owner.

RF:PH 10-16-02