

PLANNING COMMISSION

RESOLUTION NO. 21-6101

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 21-03

CONDITIONAL USE PERMIT NO. 21-03

CATEGORICAL EXEMPTION

APPLICANT: Jessica Grevin on behalf of AT&T

LOCATION: 3540 E Cameron Avenue

WHEREAS, there was filed with the City, a verified application on the forms prescribed in Chapter 26, Article VI of the West Covina Municipal Code, requesting approval of a conditional use permit to:

Allow for the installation of a 60-foot high wireless communication facility designed as a eucalyptus tree with 12 panel antennas. On certain property described as follows: 8277030028

Assessor Parcel No. 8277-030-028 as shown on the latest rolls of the Los Angeles County Tax Assessor; and

WHEREAS, the Planning Commission, upon giving the required notice, did on the 26th day of October 2021 and on the 14th day of December 2021, conduct a duly advertised public hearing as prescribed by law to consider said application; and

WHEREAS, studies and investigations made by this Commission and in its behalf reveal the following facts:

1. The applicant is requesting the approval of a conditional use permit to allow the installation of 50-foot wireless telecommunications facility designed as a eucalyptus tree located at 3540 E Cameron Avenue (Valencia Heights Water Tanks), which is zoned “Residential Single Family” (R-1) Zone.
2. Findings necessary for approval of a conditional use permit are as follows:
 - a. *That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or community.*

- b. *That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.*
- c. *That the site for the proposed use is adequate in size and is so shaped as to accommodate said use, as well as all yards, spaces, walls, fences, parking, loading, landscaping, and any other features necessary to adjust said use to the land and uses in the neighborhood and make it compatible therewith.*
- d. *That the site abuts streets and highways adequate in width and improvements to carry traffic generations typical of the proposed use and that street patterns of such a nature exist as to guarantee that such generations will not be channeled through residential areas on local residential streets.*
- e. *That the granting of such conditional use permit will not adversely affect the general plan of the city, or any other adopted plan of the city.*

Section 26-685.998 of the Municipal Code requires the following additional findings for approval of a wireless telecommunications facility:

- f. *The facility structures and equipment are located, designed, and screened to blend with the existing natural environment or built surroundings so as to reduce visual impacts to the extent feasible considering the technological requirements of the proposed telecommunications service and the need to be compatible with neighboring residents and the character of the community.*
 - g. *The facility is designed to blend with any existing supporting structures and does not substantially alter the character of the structure or local area.*
3. Pursuant to the California Environmental Quality Act (CEQA), the project is a Categorical Exemption, Class 3 (Section 15303: New construction of small new facilities), pursuant to the requirements of the California Environmental Quality Act of 1970 (CEQA) in that it consists of the installation of a new wireless facility within equipment enclosed within a small structure.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of West Covina as follows:

- 1. On the basis of evidence presented, both oral and documentary, the Planning Commission makes the following findings for approval of a conditional use permit:
 - a. The proposed location of the telecommunications facility is both desirable and necessary to meet the demand for telecommunication service within the vicinity of

the site. It will reduce the “coverage gap” that currently exists in the vicinity to provide better service. In addition, the additional telecommunication facility will allow private utility service providers to willfully and efficiently serve West Covina’s homes and businesses. It will also reduce the load on existing wireless facilities in order to meet capacity needs, and provide new LTE service to the surrounding area.

The cellular antenna structure is designed as a eucalyptus tree, located in a landscaped area to the southwest side of the Valencia Heights Water District property. The minimum distance required is 100 feet from any residential property. The proposed tower and equipment structure will be located approximately 176-feet from the nearest residential property, and because of the existing landscaping and the proposed landscaping surrounding the proposed facility, the proposed location is a good location for such a facility.

- b. The proposed telecommunication facility will not be detrimental to the health, safety, peace or general welfare of persons residing in the vicinity in that it is located at least 100 feet from the nearest residence in a residentially zoned property, and is less visually obtrusive than it otherwise would be because it is surrounded by landscaping and is in a faux-eucalyptus design. A structure will screen the cabinets and equipment necessary to support the wireless telecommunication facility. The proposed equipment associated with the tower does not emit fumes, smoke, or odors that would be considered offensive and operates virtually noise free.
- c. The site is adequate in size and shape to accommodate the proposed project and does not require any adjustments to the land to make it compatible with the surrounding area. The monoeucalyptus wireless telecommunication facility design will limit the visual impacts of the project and help the wireless communication facility installation integrate with the surrounding visual landscape. In addition, conditions of approval have been included requiring the applicant to install vines along the fence adjacent to Heritage Park and two new eucalyptus trees to allow the structure to blend with surrounding landscaping and setting. The project is an unmanned wireless facility which will not result in requiring additional parking or affecting existing onsite parking.
- d. The subject site’s access streets are adequate in width to accommodate the proposed use. The proposed wireless facility is unmanned and therefore is not anticipated to have an increase in the amount of traffic or to alter existing traffic patterns once construction is complete. The subject site gains access from Cameron Avenue onto a private street. A new driveway will be constructed on the site. The unattended facility will require periodic maintenance checks, however, these checks will not substantially alter surrounding traffic levels or circulation patterns on Cameron Avenue and the private street.

- e. The granting of the conditional use permit will not adversely affect the West Covina General Plan since the proposed use is consistent with Policy 2.3a that directs staff to “invest in infrastructure to improve the public realm” and Policy 6.24 "Ensure that new development does not expose surrounding land us to excessive noise." The proposed wireless facility would provide service for residents who are increasingly reliant on their electronic devices for many day-to-day tasks. Additionally, approval of the facility could prevent the loss of life, serious injuries, and facilitate emergency response during an act of God or a catastrophic event. Therefore, the proposed use is consistent with the goal and intent of the City’s General Plan. The proposal does not conflict with any other plans in the city.
 - f. The proposed telecommunication facility will be located, designed and screened to limit the visual impacts and help the wireless facility to integrate with the surrounding visual landscape. The proposed antenna structure will be disguised as a stealth facility, as the antennas will be hidden within the branches of the monoeucalyptus tree. The tree will blend with the surrounding landscape, which includes several mature weeping willow trees, and the required installation of two eucalyptus trees.
 - g. The proposed equipment structure will be designed to be consistent with other structures on the grounds of the Valencia Heights Water District property. The enclosure will feature 8-foot high solid concrete masonry block walls. The installation of new climbing vines will surround the west fence adjacent to Heritage Park for additional security and screening. The finished structure, including the tower element, will match the existing buildings in materials and color, and will also provide security by separating the tower from public access. High-quality sock covers will be required as a condition of approval.
- 2. That pursuant to all of the evidence presented, both oral and documentary, and further based on the findings above, Conditional Use Permit No. 21-03 is approved subject to the provisions of the West Covina Municipal Code provided that the physical development of the herein described property shall conform to said conditional use permit and the conditions set forth herein which, except as otherwise expressly indicated, shall be fully performed and completed or shall be secured by bank or cash deposit satisfactory to the Community Development Director before the use or occupancy of the property is commenced and before a certificate of occupancy is issued, and the violation of any of which shall be grounds for revocation of said conditional use permit by the Planning Commission or City Council.
 - 3. The conditional use permit shall not be effective for any purpose until the owner of the property involved (or his duly authorized representative) has filed at the office of the Community Development Director his affidavit stating he is aware of, and accepts, all conditions of this conditional use permit as set forth below. Additionally, no permits shall be issued until the owner of the property involved (or a duly authorized representative) pays all costs associated with the processing of this application pursuant to City Council Resolution No. 8690.

4. The costs and expenses of any enforcement activities, including, but not limited to attorney's fees, caused by the applicant's violation of any condition imposed by this approval or any provision of the West Covina Municipal Code shall be paid by the applicant.
5. That the approval of the conditional use permit is subject to the following conditions:
 - a. Comply with plans reviewed by the Planning Commission on October 26, 2021 which, among other things, depict a wireless telecommunications facility ("facility") designed to appear as a eucalyptus tree (this design is known in the wireless industry as a mono-eucalyptus facility), and an equipment structure with related equipment.
 - b. These conditions of approval shall be printed on or attached to the working drawings submitted to the Building Division for approval.
 - c. Comply with all requirements of the "Residential Single Family" (R-1) Zone and all other applicable standards of the West Covina Municipal Code.
 - d. The top of the facility shall be a maximum of 60-feet.
 - e. No portion of the antenna arrays shall extend beyond the branch line.
 - f. All cellular antennas mounted to the mono-eucalyptus shall have "sock covers" installed over each antenna to simulate tree branches/leaves/needles, etc. for additional stealthing.
 - g. The facility shall bear a realistic resemblance to a eucalyptus to the greatest extent possible, with emphasis on features including branches, leaves, trunk shape and trunk diameter.
 - h. The facility shall be a "heavy branched" monoeucalyptus model that includes a minimum of 3.2 branches for every lineal foot of height where branches are installed. The construction plans shall clearly indicate that there are 3.2 branches per lineal foot.
 - i. The lowest branches on the mono-eucalyptus shall be a minimum of 15 feet from the ground.
 - j. The antennas shall extend from the trunk of the tree no more than half the dimension of the branches. (alternatively at the branches shall extend at least 2 feet beyond the antenna).
 - k. The wireless facility shall be maintained in appearance, replacement of worn, faded or deteriorated portions of the wireless facility shall be replaced or repaired so that the facility appears as the project was approved.

- l. At all times the facility shall include all required branches, and any replacement branches shall be promptly installed.
- m. Any proposed change to the approved plan must first be reviewed by the Planning, Building, Fire and Police Departments and that the written authorization of the Planning Director shall be obtained prior to implementation.
- n. All outstanding fees and any required development impact fees shall be paid prior to the issuance of a building permit.
- o. The approved use shall not create a public nuisance as defined under Section 15-200 of the West Covina Municipal Code.
- p. The equipment shall have signage placed on it to warn others from tampering with the equipment. All legally required signs, including any signs required by the Federal Communications Commission, shall be maintained on site at all times.
- q. Prior to the issuance of building permits, the owner shall obtain approval from the Planning Division for all ground mounted mechanical equipment, not shown on the approved plans, and demonstrate that the equipment will not be exposed to view from all sides.
- r. A Landscaping and Irrigation plan for the areas where construction will occur shall be approved prior to the issuance of building permits that shall indicate the plant material to be installed or replaced around the lease area and the area the structure housing equipment as shown preliminarily on the approved plans
- s. Any trees removed during construction shall be replaced with two (2) 36-inch box trees per removed tree. Approval of a Tree Removal Permit may be required for the removal of any trees.
- t. Two 24 inch box eucalyptus trees shall be installed as designated on the approved site plan. The trees shall be continuously maintained and replaced if necessary.
- u. The chain-link fence dividing Heritage Park and the subject property shall have climbing vines installed and maintained for screening. Should the climbing vines die, new climbing vines shall be planted in their place.
- v. The telecommunication facility shall not be operational until final approval of the installation is given by the Planning Division.
- w. The owner/operator of the wireless facility shall remove the facility and all associated equipment and restore the property to its original condition within ninety (90) days after the abandonment, expiration or termination of the conditional use permit.

- x. The owner or operator of the facility shall submit and maintain with the City current contact information at all times. The applicant shall notify the City of any changes to the information submitted within 30 days of any change, including change of the name or legal status of the owner or operator. This information shall include the following:
 - i. Identity, including name, address, and telephone number, and legal status of the owner of the facility including official identification numbers and FCC certification, and if different from the owner, the identity and legal status of the person or entity responsible for operating the facility.
 - ii. Name, address and telephone number of a local contact person for emergencies.
 - iii. Identification signs, including emergency phone numbers of the utility provider, shall be posted at communication facility sites.
- y. All communication facilities and related equipment, including lighting, fences, shields, cabinets, and poles shall be maintained in good repair, free from trash, debris, litter, graffiti, and other forms of vandalism, and any damage from any cause shall be repaired as soon as reasonably possible so as to minimize occurrences of dangerous conditions or visual blight. Graffiti shall be removed by the service provider from any facility or equipment as soon as possible, and in no instances more than 24 hours from the time of notification by the City.
- z. All wireless telecommunications facilities shall be installed and maintained in compliance with the requirements of the following:
 - i. All antennas shall be permanently and properly grounded for protection against a direct strike of lightning, with an adequate ground wire as specified by the electrical code.
 - ii. All electrical wires (excluding those wires covered in co-axial cables) connected from the electrical cabinets to the antennas or antenna support structure shall be protected in conduit, which shall be undergrounded or fixed to the ground and/or building.
 - iii. All wireless telecommunication facilities shall comply at all times with all FCC regulations rules and standards.
- aa. Co-location on the monoeucalyptus shall require the following:
 - i. The branches on the monoeucalyptus shall extend farther horizontally than the length of any antenna.
 - ii. Antenna arrays shall be fully screened with socks or sleeves.
 - iii. The equipment shall be installed only in the approved enclosed area.
 - iv. Landscaping shall be upgraded to provide screening for any additional equipment or enclosures.

bb. BUILDING DIVISION

1. Submit complete construction plans, calculations, and soils report to the Building Division for review.
2. The second sheet of building plans is to list all conditions of approval and to include a copy of the Planning Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.
3. In accordance with paragraph 5538(b) of the California Business and Professions Code, plans are to be prepared and stamped by a licensed architect.
4. Structural calculations prepared under the direction of an architect, civil engineer or structural engineer shall be provided.
5. Electrical plan check is required.

cc. FIRE DEPARTMENT

1. A Knox key box shall be installed or maintained just outside of the gate or enclosure (Prior to FINAL). The Knox box shall contain a key or combination to the gate lock, so as to allow for emergency responder access.
2. The property address, as well as the cellular company and owner's emergency contact information shall be permanently posted just outside the enclosure. The cellular or servicing company account number shall also be provided.
3. An NFPA 704 hazmat placard shall be affixed to the wall or fence surrounding the lease area (Prior to FINAL). This shall identify potential emission, battery-related and other potential hazards at the site.
4. One currently serviced and date tagged portable dry chemical fire extinguisher of a minimum 3A40BC rating, shall be mounted/maintained just inside the enclosure containing the cellular and/or generator equipment.

Additional Fire Department requirements may be set upon future review of a full set of architectural plans.

I HEREBY CERTIFY, that the foregoing Resolution was adopted by the Planning Commission of the City of West Covina, at a meeting held on the 14th day of December, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DATE: December 14, 2021

Livier Becerra, Chairperson
Planning Commission

Paulina Morales, Secretary
Planning Commission