

CITY OF COVINA
PLANNING COMMISSION AGENDA
REGULAR MEETING, TUESDAY, AUGUST 9, 2011
COUNCIL CHAMBER, CITY HALL, 125 EAST COLLEGE STREET
7:30 P.M.

PLEASE NOTE: THOSE WHO WISH TO ADDRESS THE PLANNING COMMISSION ON ANY ITEM ARE REQUESTED TO FILL OUT A SPEAKER'S CARD AND LEAVE IT WITH A MEMBER OF THE STAFF PRIOR TO THE ITEM BEING CALLED. THE PURPOSE OF THIS IS TO ENSURE THAT YOUR NAME AND ADDRESS ARE CORRECTLY IDENTIFIED IN THE MINUTES OF THE PLANNING COMMISSION.

1. Opening Matters
 - A. Pledge of Allegiance.
 - B. Roll Call of Commissioners: Chadwick, Connors, Hodapp, McMeekin and Patterson.
 - C. Amendments to the Agenda.
 - D. Public Comment:

Citizens wishing to address the Commission on any matter **not** on the agenda may do so at this time. Citizens wishing to be heard on any matter on the agenda, please wait until that point on the agenda. **Please keep your comments to five minutes or less and try not to be repetitive.**

Under the provisions of the Brown Act, the Commission is prohibited from taking action on oral requests but may refer the matter to staff or to a subsequent meeting.

PUBLIC HEARINGS

2. Public Hearing of applications as they relate to the property located at 1126 North Grand Avenue, Covina
T-Mobile West Corporation, applicant
 - a. A Conditional Use Permit (CUP 11-005) for the construction and operation of a wireless communication facility (multiple panel antennas concealed within a 40-foot high light pole) and associated equipment in the rearward portion of the site; and
 - b. A Variance (VAR 11-003) to permit the equipment and a surrounding enclosure for the aforementioned wireless communication facility to be located within a required 10-foot setback pertaining to the eastern and southern property lines of the site.

- Staff Report
- Questions of staff from Commission
- Open public hearing; receive testimony in favor and in opposition of the applications
- Close public hearing
- Comments from Commission
- Motion to recommend to the City Council to approve or deny the applications
- Roll Call Vote

GENERAL MATTERS

3. NONE

ADMINISTRATIVE ITEMS

4. INFORMATION
5. COMMISSION COMMENTS
6. ADJOURNMENT

Additional information on any agenda item can be obtained by contacting the Planning Division at 125 East College Street, Covina, or by telephoning (626) 384-5450.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the Planning Division office at (626) 384-5450 or the California Relay Service. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

CITY OF COVINA
STAFF REPORT

AUGUST 9, 2011

ITEM NUMBER 2

TO: PLANNING COMMISSION

FROM: ROBERT NEIUBER, DIRECTOR OF COMMUNITY DEVELOPMENT

COORDINATOR: ALAN CARTER, ASSOCIATE PLANNER

SUBJECT: APPLICATIONS CUP 11-005 AND VAR 11-003

APPLICANT:

T-Mobile West Corporation

REQUESTS:

- a. Application CUP 11-005, a Conditional Use Permit for the construction and operation of a wireless communication facility (multiple panel antennas concealed within a 40-foot high light pole) and associated equipment in the rearward portion of the site; and
- b. Application VAR 11-003, a Variance to permit the equipment and a surrounding enclosure for the aforementioned wireless communication facility to be located within a required 10-foot setback pertaining to the eastern and southern property lines of the site.

LOCATION:

1126 North Grand Avenue

SURROUNDING LAND USES AND ZONING:

	EXISTING LAND USE	ZONING
Site	Commercial-office building and separate storage structure	C-P (PCD) (Administrative and Professional Office with a Planned Community Development overlay)
North	Residential-condominiums	Los Angeles County
South	Residential-apartments	Los Angeles County
East	Residential-apartments	Los Angeles County
West	Residential-detached houses	Los Angeles County

GENERAL PLAN DESIGNATION:

General Commercial

NOTIFICATION OF APPLICANT AND ADJACENT PROPERTY OWNERS:

The applicant and the property owner have each been mailed a copy of the staff report. All property owners within a radius of 300 feet were mailed notices of the public hearing on July 28, 2011.

ENVIRONMENTAL DETERMINATION:

The project proposal is categorically exempt pursuant to Class 11, Section 15311 of the California Environmental Quality Act (CEQA) Guidelines.

PROJECT DATA:

PROJECT DATA TABLE

DATA ITEM	CORRESPONDING FACT
Site Area	35,840 square feet (.82 acres)
Buildings on Property	1 two-story 12,588-square foot commercial building (principal structure at front of site) and 1 one-story 2,840-square foot storage building (appurtenant structure along southern property line toward rear of site)
General Location of Proposed Wireless Communication Facility and Equipment	Communication facility would be located at eastern end of “head to head” rows of parking in central portion of rearward parking area; and equipment would be situated in southeast corner of site, a currently unused area (both components are further depicted on project plans)
Access to Proposed Wireless Communication Facility and Equipment	Communication facility would be accessed from all surrounding points; equipment would be accessed from gate on southern side of equipment-surrounding enclosure (both components are further depicted on project plans)
Basis for Conditional Use Permit Application	For constructing and operating new standalone wireless communication facility (as defined under Section 17.65.040.B of the Covina Municipal Code (CMC)/new “Wireless” Ordinance), communication-related elements consisting of three panel

	antennas located atop and completely concealed within a new, 40-foot high, approximately 18-inch wide light pole)
Basis for Variance Application	To construct equipment and surrounding enclosure for wireless communication facility at a location that would deviate from the required 10-foot setback requirements (under Section 17.34.110.A of CMC, which appertain to situations where “C-P”-zoned properties abut residentially-zoned sites—the subject property abuts an apartment complex on the eastern and southern sides); the eastern side of the communication-facility-related enclosure would be located roughly 6 ½ feet from the adjacent eastern property line, and the southern side of the enclosure would be located roughly 8 ¼ feet from the adjoining southern property line

BACKGROUND:

T-Mobile West Corporation requests Conditional Use Permit and Variance application approvals to construct and operate an unmanned, standalone wireless communication facility and associated equipment on a property with a commercial office building and a related storage building plus associated improvements. The wireless communication facility would consist principally of three panel antennas that would be completely concealed within a new light pole in the rearward or parking area of the property. The combination light pole and wireless communication facility would match the style of existing lighting features in the parking area, and the lighting component would replace an existing light standard. For clarification on the planning-related details of, the key code-associated stipulations pertaining to, and the code-related deficiency triggering the Variance application requirement, the Planning Commission should refer to the Project Data section and to the accompanying project plans. The Planning staff will also summarize the salient elements of the application requests at the Commission meeting.

The representative of the applicant has stated that the communication facility is needed to augment T-Mobile West’s existing cellular public- and private-serving network, which supports portable telephones and other mobile communication devices. The representative has further stated that his company was unable to locate the proposed facility on any other site in the surrounding area. The representative can clarify any questions that the Planning Commission may have on this issue at the meeting, if requested.

Lastly, the proposed wireless communication facility constitutes the first proposal that was designed based the requirements of the new Wireless Communication Facility Ordinance (Ordinance No. 11-1996 or the future Chapter 17.65 of the Covina Municipal Code (CMC),

which, as the Planning Commission is aware, was adopted by the City Council on July 5, 2011. Please refer to the July 5th City Council Meeting Agenda on the City's website (or to the City Clerk's office) for a copy of the adopted Ordinance, if needed.) Key design-related provisions of the Ordinance call for new standalone wireless communication facilities: a) to preserve the pre-existing character of the appurtenant sites by being stealthed from view to the greatest extent practical; b) to have their antennae completely screened from surrounding views if located within 150 feet from any residential zone (which is the situation here—again refer to other sections of the report and to the associated plans for clarification); c) to not exceed 55 feet in height; and d) to have their equipment concealed from public view to the greatest possible. Other chief sections of the Ordinance require the applicants of all wireless communication facilities to submit expanded background information, to ensure that matters such as co-location potential and FCC standard accommodation have been sufficiently addressed, and to provide further information concerning public notification, requiring that all property owners within radii of 500 feet from project sites, not the standard 300 feet, are mailed public hearing-related notices.

ANALYSIS AND FINDINGS - CONDITIONAL USE PERMIT:

The Conditional Use Permit application pertains to the construction and operation of a standalone wireless communication facility and associated equipment, which have been described herein and in the associated project plans. Based on an analysis of the project, the Planning staff recommends that the Planning Commission make the following findings for this application:

1. That the site for the use is adequate in size and shape to accommodate the proposed use.

Fact: The appurtenant site is 0.82 of an acre in size, rectangular in shape, flat, and improved in a manner that could accommodate the proposed wireless communication facility and associated equipment, notably without the removal or modification of any on-site parking- or circulation-related elements or any trees or other landscaping. The property is further improved comparably to other commercial and industrial properties in the community where the City has approved standalone communication facilities, with there not being any reported issues concerning the other locations. Moreover, the Planning staff believes that the communication facility and supporting, adjacent equipment have been located in the most suitable portions of the property. In sum, the Planning staff has not identified any siting-related issues concerning the overall project proposal. (Although a Variance application was needed to address the setbacks of the wireless facility-related equipment and its enclosure, the staff does not believe that the filing of this application constitutes an issue because, as addressed below, all Variance-related findings can be made.)

2. That the streets adjacent to the use are adequate to handle the traffic generated.

Fact: The project site fronts on Grand Avenue. Grand Avenue and all other larger surrounding streets are fully improved. Because the proposed wireless communication facility would be unmanned and would only require maintenance approximately once a month by typically a single technician (according to information submitted with the application), facility-associated traffic would be negligible. In other words, no traffic or street-related circulation issues concerning the project proposal have been identified.

3. That the use will have no adverse effect on abutting properties.

Fact: The proposed wireless communication facility and its related equipment would be located in areas of the site that the Planning staff believes would be sufficiently away from and/or buffered from abutting properties, which are northerly condominiums and easterly and southerly apartments. For example, the communication facility, which would be completely concealed within the upper portion of a light standard, would further be situated between roughly 45 feet and 60 feet from the lot lines that are contiguous with the aforementioned surrounding properties (design features that conform to the provisions of the new Wireless Ordinance, No. 11-1996). And many of the existing improvements on the surrounding sites would further obscure from view the communication system-associated light standard or supporting structure. Concerning the equipment for the wireless facility, although a Variance would be needed for the setback from the facility to the adjacent easterly and southerly property lines, the equipment and appurtenances are generally lower-profile in character and would be fully screened by both existing block walls around the perimeter of the site and a new decorative enclosure. In sum, both of the aforementioned two components of the proposed wireless communication facility would be designed in a manner that should be compatible with the surroundings. Moreover, the conditions of approval pertaining to the wireless communication facility and equipment will provide the City with sufficient leverage for preventing any issues. Lastly, during project review, the Planning staff did not identify any overall land use-related problems concerning the project proposal relative to the adjacent properties.

4. That the proposed use does not affect the public health, safety, and general welfare of the community.

Fact: As noted under Findings 1 and 3 above, the proposed wireless communication facility and its associated equipment have been sited and designed in a manner that would blend with existing on-site conditions and that would be compatible with the surroundings. In addition,

according to documentation submitted with the Conditional Use Permit and Variance applications, the wireless communication facility would comply with all applicable Federal, State, and local (including building permit-related) regulations, and the electromagnetic (EM) emissions from the wireless communication facility would not exceed the standards set by the Federal Communications Commission (FCC). Also, no noise would be generated by the communication facility or the supporting light pole. Noise from the equipment cabinets would be minimal and consistent with that from other communication system-supporting elements around the community (whereat no problems have been reported), and the noise level would be limited in accordance with certain limits that are listed under the new Ordinance on Wireless Communication Facilities (or the future Chapter 17.65 of the Covina Municipal Code (CMC).) And any potential wireless facility-related lighting (presently not proposed for facility) would be restricted under the CMC as well. Therefore, referring to all surrounding private as well as public areas, the staff believes that the overall project proposal would not adversely impact the public health, safety, and general community welfare. Once again, the conditions of approval concerning the wireless communication facility and the related equipment will provide the City with adequate leverage for preventing any issues or incursions.

ANALYSIS AND FINDINGS - VARIANCE:

The Variance application pertains to the construction and operation of equipment and a surrounding enclosure for the aforementioned standalone wireless communication facility, which would be located within the required 10-foot setback relative to the eastern and southern property lines of the site. Based on an analysis of the project, the Planning staff recommends that the Planning Commission make the following findings for this application:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the same vicinity and zone.

Fact: Considering all improvements on the property and the surroundings, the communication facility and the associated equipment would be located in arguably the most appropriate, least intrusive sections of the site. But the equipment also would be located within the required 10-foot setback areas relative to the eastern and southern lot lines. This particular setback issue has not arisen in the consideration of virtually all of the other wireless communication-related applications. The Planning staff believes that the equipment location would meet the intent of the applicable provisions of the Covina Municipal Code by being sufficiently screened from the closest residential properties and by having at least some setback relief from the adjoining lot lines (roughly 6 ½ feet from the east and 8 ¼ feet from the south, as measured from the equipment enclosure), and by being

concealed with an enclosure that would be harmonious with both on-site improvements and surrounding uses. In addition, the closest residential structure would be over 25 feet from the equipment enclosure, though most of the surrounding residences would be much farther away.

2. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the same vicinity and zone, and the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the same vicinity and zone.

Fact: The strict adherence to the Covina Municipal Code with respect to the required, aforementioned 10-foot setbacks would possibly prohibit the construction of the proposed wireless communication facility and the associated equipment in what the staff believes are viable sections of the site. But for reasons stated in the aforementioned findings, the property is well-suited to accommodate the overall communication facility, the height and design of the communication facility itself would be reasonable and harmonious with respect to existing, on-site improvements, and the staff believes that there would be no negative impacts on adjacent properties from either the facility or the equipment. Moreover, the City has determined that the communication facility and its supporting equipment would represent reasonable improvements to the property and that the equipment would meet the intent of the Municipal Code by maintaining at least some setback relief from the easterly and southerly site boundaries. Therefore, the Variance could be considered as a necessary mechanism for ensuring that the applicant's property rights are maintained.

3. The granting of the variance will not be materially detrimental to the public health, safety, convenience, and welfare or injurious to property and improvement in the same vicinity and zone in which the property is located.

Fact: As noted under the above Conditional Use Permit findings and as addressed in the conditions of approval, the proposed wireless communication facility would comply with all applicable Federal, State, and local (including building permit-related) regulations, and the electromagnetic (EM) emissions from the wireless communication facility would not exceed the standards set by the Federal Communications Commission (FCC). Also, no noise would be generated by the communication facility or the connected light pole. Noise from the equipment cabinets, the source of the Variance application, would be minimal and consistent with that from other communication system-supporting elements around the community (whereat no problems have been reported), and the noise level would be limited in accordance with certain limits that are listed under the new Ordinance on Wireless Communication Facilities (or the future Chapter 17.65 of the Covina

Municipal Code (CMC).) And any potential lighting for the wireless facility or for the equipment area (presently not proposed for facility) would be restricted under the CMC as well. Also, the previously-noted design and siting of the communication facility and its equipment would be compatible with the existing improvements on the property and would be harmonious with respect to the surrounding uses. Therefore, the overall project proposal should sustain the welfare, character, and appearance of the appurtenant property and the surrounding area by consisting of elements that would prevent any potentially negative impacts or incursions. And once again, the conditions of approval pertaining to the wireless communication facility and the associated equipment will provide the City with sufficient leverage for preventing any issues. In short, there should be no problems or obtrusiveness associated with the proposal.

4. The granting of such a variance will not be contrary to the objectives of the General Plan.

Fact: The General Plan regards wireless communication facilities and their supporting equipment as acceptable structures. The Plan also places a strong emphasis on maintaining the appearance, character, and vitality of the community, and on implementing the City Code in an appropriate fashion. Because the proposal, as noted herein, meets these goals, and because the first three findings of the Variance request can be made, the staff believes that this final finding can be made as well.

STAFF RECOMMENDATION:

The Planning staff recommends that the Planning Commission approve Applications CUP 11-005 and VAR 11-003, subject to the proposed conditions of approval.

EXHIBITS:

- A. 500-Foot Radius Map
- B. Area Map
- C. Project Plans and Photo Simulations (submitted under separate cover)

**CITY OF COVINA
APPLICATION CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT (CUP) 11-005
VARIANCE (VAR) 11-003
AS RECOMMENDED FOR APPROVAL TO THE PLANNING COMMISSION
ON AUGUST 9, 2011**

The Conditional Use Permit shall authorize the construction and operation of an unmanned, standalone wireless communication facility and associated equipment on the property at 1126 North Grand Avenue. The wireless communication facility would consist of 3 panel antennas that would be completely concealed within a maximum 40-foot high, roughly 18-inch wide light pole. The Variance shall permit the equipment and an adjoining enclosure for the wireless communication facility to be located within a required 10-foot setback relative to the eastern and southern property lines of the site. The precise location of the wireless communication facility and the equipment plus the enclosure are depicted on the (slightly revised, see condition 2.4) approved project plans.

1.0 TIME LIMIT:

- 1.1** The approval of the applications shall be subject to revocation one year from the date of the affirmation of the applications by the Planning Commission if the approved use has not commenced.

2.0 GENERAL REQUIREMENTS:

- 2.1** Failure to comply with any conditions of approval noted herein shall be deemed just cause for revocation of project approval by the Planning Commission.
- 2.2** The wireless communication facility and appurtenances plus its equipment have been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA). If a Notice of Exemption is filed with the City, then the period during which legal challenges can be filed based upon violations of CEQA is reduced from 180 days to 35 days. To file the Notice of Exemption, please contact the Planning Division.

- 2.3** The wireless communication facility and its associated equipment shall be developed and operated in accordance with all design details as approved by the Planning Commission (notably concerning the completely concealed design of the wireless communication facility on the appurtenant, 40-foot high, roughly 18-inch wide light pole, the color and texture of which matches those of the existing light poles on the site, with the light fixtures on the pole similarly matching the appearance, color and texture of the current fixtures), the approved plans on file with the City, all representations of record made by the applicant (notably the photographic simulations, which the facility shall most closely resemble), the conditions contained herein, and the Covina Municipal Code (CMC) and Covina Design Guidelines (CDG) (except where a specified provision has been waived under the appurtenant approval process). **Notwithstanding the above, the subsequent final or construction plans pertaining to the project (see condition 2.4 below) shall reflect the minor clarifications noted in condition 2.4 to ensure that that the project proposal conforms to all applicable provisions of the CMC and the CDG.** Prior to completion of the approved improvements, all conditions of approval shall be complied with to the satisfaction of the City Planner or his/her designee.
- 2.4** Final or construction plans incorporating all conditions of approval and all plan-related changes required in the approval process shall be submitted for review to and approval by the City Planner or his/her designee prior to building permit issuance in conjunction with the Plan Check process of the Building Division (see condition 2.23 below). All construction/final plans and documents shall conform to the (revised) plans approved by the Planning Commission. **The construction/final plans shall further reflect in the appropriate area(s) the following minor clarifications to ensure that the equipment enclosure pertaining to the wireless communication facility will conform to all applicable provisions of the CMC and the CDG: notes indicating a) that the height of the block-comprised portions of the enclosure will be 7 feet (instead of 6 feet), to fully screen the equipment cabinets from all surrounding views; and b) that the height of the wrought iron-comprised or southern portion of the enclosure will also be raised to 7 feet and will have solid metal materials fastened to the upper section of the wrought iron elements to also completely screen the equipment cabinets form all adjacent views.)** In addition, the conditions of approval listed herein shall be printed upon the face of and included as part of the construction/final plans.
- 2.5** All equipment, equipment cabinets, and associated components concerning the wireless communication facility shall be kept within the area depicted and described in the (revised) approved project plans as the generally concrete block-comprised enclosure. In addition, the height of the equipment cabinets and any appurtenances shall not project above the highest level of the enclosure.

**CITY OF COVINA
CONDITIONS OF APPROVAL
FILE NUMBERS CUP 11-005 & VAR 11-003**

AUGUST 9, 2011

- 2.6** All related utility lines concerning the wireless communication facility shall be placed underground.
- 2.7** No parking stalls, vehicle-serving access areas, drive aisles, planters, or landscaping or vegetation shall be modified or removed under this application.
- 2.8** During project construction and following completion, all site-related drainage around the wireless communication facility and in and around the equipment area shall conform to all applicable requirements.
- 2.9** The applicant shall demonstrate good faith in attempting to accommodate potential co-located wireless communication facilities in the future.
- 2.10** In accordance with Chapter 11.36 of the Covina Municipal Code, no street trees adjacent to the property shall be cut or trimmed in any manner by any persons associated with management, operational, or maintenance activities on the site without first obtaining a written permit from the Public Works Department.
- 2.11** In addition to obtaining approval from the City of Covina and all other applicable agencies regarding any future changes to the communication facility that is addressed under this Conditional Use Permit application, the applicant or the applicant's successor in interest a) shall make reasonable attempts to coordinate any change/modifications with any and all other communication facility operators on the site and with the appurtenant property owners and the wireless communication facility owner (if different from the applicant and the land owner); and b) shall inform the owners of all abutting properties.
- 2.12** Under this approval, the initial zoning-related application pertaining to the project proposal that was reviewed by the Planning staff, application SPR 11-006, shall also be deemed to be granted by the City.
- 2.13** All current zoning entitlements pertaining to the appurtenant commercial office property shall remain in effect, except where certain provisions of the entitlements have been expressly superseded by these Conditional Use Permit and Variance applications.
- 2.14** Approval of this request shall not waive compliance with all other sections of the Covina Municipal Code, the Covina Design Guidelines, and all other applicable plans and non-City laws and regulations that are in effect at the time of building permit issuance.

**CITY OF COVINA
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FILE NUMBERS CUP 11-005 & VAR 11-003**

AUGUST 9, 2011

- 2.15** The applicant shall defend, indemnify, and hold harmless the City and its officers, agents, and employees from any claim, action, or proceeding against the City or its officers, agents, or employees to attack, set aside, void, or annul any approval under Chapter 17.65 (Wireless Communication Facilities) under the Covina Municipal Code (CMC). The applicant shall further shall defend, indemnify, and hold harmless the City, its officers, agents, and employees from any damages, liabilities, claims, suits, or causes of action of any kind or form, whether for personal injury, death, or property damage, arising out of or in connection with the activities or performance of the applicant, its agents, employees, licensees, contractors, subcontractors, or independent contractors, pursuant to the approval issued by the City.
- 2.16** The applicant shall reimburse the City for any court and attorney's fees which the City may be required to pay as a result of any claim or action brought against the City because of this approval. Although the applicant is the real party in interest in an action, the City may, at its sole discretion, participate at its own expense in the defense of the action, but such participation shall not relieve the applicant of any obligation under this condition.
- 2.17** If any provision of this grant is held or declared to be invalid, the entire approval shall be void and the privileges granted hereunder shall lapse.
- 2.18** The costs and expenses of any code enforcement activities, including, but not limited to, attorneys' fees, caused by applicant's violation of any condition imposed by the Conditional Use Permit or the Variance or any provision of the Covina Municipal Code or the Covina Design Guidelines shall be paid by the applicant and/or the property owner.
- 2.19** The installation of any security system that is associated with the project, as addressed under Chapter 8.20 of the Covina Municipal Code, shall first be coordinated with the Covina Police Department.
- 2.20** If desired, the designation of a separate address for the wireless communication facility shall first be coordinated with the Engineering Division.
- 2.21** All construction must conform to the City Noise Ordinance, prohibiting construction between 8:00 p.m. and 7:00 a.m. on any day and on Sundays and legal holidays (except by special permit).

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- 2.22** Any proposed new or modified site features for the disabled that are associated with this project approval, including, but not limited to, property access identification, parking stall and unloading area dimensions, path of travel, and building access, must comply with all applicable State Codes and must first be reviewed and approved by the Building Division (contact the Building Division for specific requirements).
- 2.23** The following items are required in order to comply with the Building Division code requirements as they pertain to this proposal:
- 2.23.1** Please submit six sets of complete plans; two sets shall be **“stamped approved”** by the Covina Planning Division and shall include the Building Division’s comments for consultant review. This project must comply with the 2010 California Building Standards and the 2008 energy code.
- 2.23.2** Two sets each of soil reports and structural and energy calculations shall be submitted with the above-mentioned plans. All calculations must bear an original signature from the documented author.
- 2.23.3** This project must comply with Federal and State Accessibility requirements to and throughout the building. Please be prepared to provide details.
- 2.23.4** Demolition and renovation activities require an asbestos containing materials (ACM) survey (SCAQMD RULE 1403). **The ACM report shall be prepared by an accredited testing laboratory in accordance with SCAQMD rules and regulations.** Proof of notification to the South Coast Air Quality Management District (SCAQMD), Office of Operations shall be submitted to the Building Division with the permit application for all renovations and demolition activities. Contact the SCAQMD at the address or number below for more information. Once any demolition activity has been approved by the SCAQMD, a formal demolition plan and permit must be obtained from the Building Division. **SCAQMD Headquarters; 21865 Copley Drive, Diamond Bar, CA, (909) 396-2381.**
- 2.23.5** The Los Angeles County Fire Department may need to review the construction plans. To expedite this process, the applicant will need to contact one or more of their regional plan check office(s). **Appointments to discuss Fire Department requirements may be made between 7:30 a.m. and 10:30 a.m. The main office is located at 5823 Rickenbacker Road, Commerce, CA, 90040-3027. The phone number is (323) 890-4125.**

Regional plan check offices for the Los Angeles County Fire Department:

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Glendora Office, Building Plan Review Only

231 W. Mountain View Avenue
Glendora, CA 91740
(626) 963-0067

Commerce Office, Sprinkler & Alarm Plan Review

5823 Rickenbacker Road
Commerce, CA 90040-3027
(323) 890-4125

Commerce Office, Land Development / Access

5823 Rickenbacker Road
Commerce, CA 90040-3027
(323) 890-4243

- 2.23.6** Please provide an additional digital copy (pdf preferred) of the building floor plan, elevations, and site plan to be submitted to the Los Angeles County Tax Assessor. This copy should be in sufficient detail to allow the assessor to determine the square footage of the building and, in the case of residential buildings, the intended use of each room. **For additional information, please contact the Los Angeles County Tax Assessor, Public Service Desk at 888-807-2111.**
- 2.23.7** The City of Covina has formally adopted a public noticing program for residential-zoned construction projects to provide the public with an opportunity to verify the validity of construction within their neighborhoods. This program requires the property owner and/or contractor to place a sign, 14 inches high and 22 inches wide, using a minimum black, 24-point font (Arial) on a white background. The noticing sign must be suitable for outdoor use and must be placed within the front yard where it is clearly visible from the public right-of-way. The following items must be included on the residential noticing sign: a) address of construction project; b) type of construction project; c) name of contractor/owner; d) telephone number of contact person; e) contractor's license number; f) permit number with date of issuance; g) City of Covina Building Division telephone number; and h) construction activity prohibited Monday through Saturday from 8 pm to 7 am and all day on Sundays or Legal Holidays unless otherwise permitted. Residential noticing signs shall remain posted until approval at final inspection. Failure to maintain construction signage may delay scheduled inspections.
- 2.23.8** Construction activity is prohibited between the hours of 8:00 pm and 7:00 am and on Sundays and Legal Holidays, unless otherwise permitted by the City.
- 2.23.9** The Building Division Plan Check or plan review process may address additional concerns.

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2.24 The following items are required in order to comply with Environmental Services Division code requirements as they pertain to this proposal: please refer to attachment.

3.0 PRIOR TO THE GRANTING OF FINAL APPROVAL OF THE NEW, APPROVED USE OR THE COMMENCEMENT OF OPERATIONS OF THE NEW, APPROVED USE:

3.1 All building or structural improvements shall be constructed or installed in a good workmanlike manner, consistent with the standard best practices of the subject trades and in a manner acceptable to the City.

3.2 Any project-related damages to the existing improvements on the property shall be fully replaced, repaired, and/or painted, matching the existing conditions.

3.3 The approval shall not be effective until such time as the applicant and the property owner each obtain an Inspection and Verification Permit and the City Planner or his/her designee certifies on said permits that the premises and use complies with all of the terms and conditions of this grant.

3.4 The approval shall not be effective for any purposes until the applicant and the property owner have each filed at the office of the Planning Division certain affidavits (distributed separately) stating that they are aware of, and agree to accept, all of the conditions of this grant.

3.5 Any and all new exterior lighting fixtures on the property associated with the wireless communication facility and/or its appurtenances shall be installed in accordance with plans on file with the Planning and Building Divisions and shall be fully operational.

3.6 The old light pole that was replaced by the new combination light pole and wireless communication facility shall be completely removed (including the footing), and the ground shall be paved with concrete, matching the existing adjacent conditions.

4.0 THE APPROVED USE SHALL BE OPERATED IN ACCORDANCE WITH THE FOLLOWING:

4.1 Any general repair work and/or maintenance of the wireless communication facility or the associated equipment shall conform to the City of Covina Noise Ordinance and to any other applicable provisions of the Covina Municipal Code.

4.2 Prior to commencing operations of the wireless communication facility, the owner or operator shall file with the City, and shall maintain in good standing throughout the term of its approval, a bond or other sufficient security in an

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amount equal to the cost of physically removing the wireless communication facility and all related facilities and equipment on the site, as determined by the Chief Planning Official or the Director of Public Works, whichever is applicable.

However, the City may not require the owner or operator to post a cash deposit or establish a cash escrow account as security under this condition. In setting the amount of the bond or security, the Chief Planning Official or the Director of Public Works, whichever is applicable, shall take into consideration the applicant's estimate of removal costs.

- 4.3** The Planning Commission shall review the conditions of approval of the wireless communication facility and appurtenances on the site every ten (10) years. The cost associated with the review shall be paid by the wireless communication facility operator and/or the property owner.
- 4.4** The wireless communication facility shall comply with all radio frequency (RF) emission levels of the FCC at the time of initial operation and in perpetuity.
- 4.5** The applicant shall, within ninety (90) days after commencing wireless communication facility operations, submit a written report to the City prepared by a qualified engineer, certifying that the facility continues to comply with all applicable Federal, State, and local regulations. Thereafter, the applicant shall submit a written report to the City within thirty (30) days after termination of any FCC, PUC, or other Federal or State operating license for the wireless communication facility.
- 4.6** Upon request by the City or when an alteration should occur, such as co-location, the applicant shall submit to the Planning Division certification that the radio frequency (RF) emission levels across the portion of the electromagnetic spectrum used by this applicant continue to meet the FCC radio frequency levels. The cost associated with the review shall be paid by the applicant or the applicant's successor in interest.
- 4.7** Any proposed changes in the existing exterior lighting on the property concerning the overall communication facility-related project shall be designed and installed in a manner that would meet all applicable requirements (notably the restrictions under Chapter 17.65 (Wireless Communication Facilities) of the Covina Municipal Code and the safety-related provisions under the Covina Design Guidelines), that would match the design of the improvements on the site, and that would not generate any glare onto the surroundings.
- 4.8** No noise shall be generated from the operation of the wireless communication facility or the appurtenant light pole. Any noise generated from the associated

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equipment shall be minimal and shall conform to the restrictions under Chapter 17.65 (Wireless Communication Facilities) of the Covina Municipal Code. The equipment, equipment cabinets, and appurtenances pertaining to the wireless communication facility shall further incorporate the most current physical and technological features to minimize any noise generation.

- 4.9** Any future outdoor storage on the property must conform to applicable City standards concerning location, screening, enclosure materials (if applicable), and related matters.
- 4.10** The site- and building-related improvements on the site shall be maintained in a sound and attractive condition, free of weeds, trash or debris, visible deterioration, graffiti, or other conditions that violate the Covina Municipal Code. The City may require that the applicant and/or the property owner pay the actual and reasonable cost for code compliance services needed to address any identified problem conditions.
- 4.11** The wireless communication facility, including antennae, mounts, wires, conduit, lighting, fences, shields, cabinets, poles and stealthing materials (including artificial foliage), shall be maintained by the owner or operator in good repair, free from trash, debris, litter, and graffiti and other forms of vandalism, and any damage from any cause shall be repaired as soon as practicable so as to maintain the facility's original appearance and to minimize occurrences of dangerous conditions or visual blight. All trash, debris, litter and graffiti shall be removed by the owner/operator within forty-eight (48) hours following notification from the City.
- 4.12** The trees, foliage, and other landscaping elements on the site shall be maintained in good condition at all times, and the owner or operator of the facility shall be responsible for replacing any damaged, dead, or decayed landscaping as soon as practicable, and in accordance with any approved landscape plan(s) for the property.
- 4.13** The owner or operator of the wireless communication facility shall routinely and regularly inspect the site to ensure compliance with these conditions of approval and the standards set forth in Chapter 17.65 of the Covina Municipal Code (CMC). Further, the Chief Planning Official or a designee may, upon providing reasonable advance notice to the owner or operator, conduct an inspection of a facility to verify compliance with these conditions of approval and the provisions of CMC Chapter 17.65.
- 4.14** To ensure compliance with these conditions of approval and the provisions of Chapter 17.65 of the Covina Municipal Code (CMC), the owner or operator of the wireless communication shall affix a label or marker to the facility in a prominent

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location that identifies the facility and provides a telephone number that may be called to report any damage, destruction, graffiti, or vandalism to the facility.

- 4.15** Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 10:00 p.m. and 7:00 a.m. on any day.
- 4.16** If the owner or operator of the wireless communication facility intends to abandon the communication facility or a portion thereof, the owner or operator shall notify the City by certified U.S. mail of the proposed date of abandonment or discontinuation of operations and the date the facility shall be removed. The notice shall be given not less than sixty (60) days prior to abandonment. Failure to give notice shall not affect the owner's or operator's obligation to remove an abandoned facility.
- 4.17** Upon abandonment, revocation, or other lawful order of any federal, state or local agency to terminate wireless communication facility operations, the owner or operator of the communication facility shall physically remove the facility or terminated/abandoned elements within thirty (30) days following the date of abandonment or termination of use. "Physically remove" shall include, but not be limited to: a) the removal of antennae, mounts, equipment cabinets, and security barriers from the subject site; b) the transportation of the antennae, mounts, equipment cabinets, and security barriers to an appropriate repository; and c) the restoring of the site to its prior condition except for retaining the landscaping improvements and any other improvements at the discretion of the Chief Planning Official.
- 4.18** The Chief Planning Official or a designee may stay the requirement to remove an abandoned/terminated wireless communication facility upon written request and evidence submitted by the owner or operator that another wireless provider is in reasonable negotiations to acquire and use the wireless communication facility.
- 4.19** If an owner or operator of an abandoned wireless communication facility fails to physically remove the facility and all related equipment within the time frames set forth herein, the City may do so at the owner/operator's expense. The City may pursue forfeiture of all or a part of any bond or other security posted by the owner/operator pursuant to the provisions of Condition 4.2/Section 17.65.110(E) of the Covina Municipal Code (CMC).