



CITY OF WEST COVINA

PLANNING COMMISSION

**JUNE 8, 2021, 7:00 PM
REGULAR MEETING**

**CITY HALL COUNCIL CHAMBERS
1444 W. GARVEY AVENUE SOUTH
WEST COVINA, CALIFORNIA 91790**

**Livier Becerra, Chair
Nickolas Lewis, Vice-Chair
Brian Gutierrez, Commissioner
Shelby Williams, Commissioner
Sheena Heng, Commissioner**

On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On March 17, 2020, Governor Newsom issued Executive Order N-29-20, suspending certain requirements of the Brown Act relating to the conduct of public meetings. Pursuant to the Executive Orders, Planning Commissioners may attend Planning Commission meetings telephonically and the Planning Commission is not required to make available a physical location from which members of the public may observe the meeting and offer public comment.

On June 18, 2020, the California Department of Public Health issued guidance mandating that people in California wear cloth face coverings in specified circumstances, including when they are inside, or in line to enter, any indoor public space

Due to the ongoing COVID-19 emergency and pursuant to State and County public health directives, the City Council Chambers will have limited seating available on a first-come, first-served basis for members of the public to attend and participate in the Planning Commission meeting in person. All persons attending the meeting are required to wear cloth face coverings and observe social distancing protocols. Members of the public may also watch Planning Commission the meeting live on the City's website at: <https://www.westcovina.org/departments/city-clerk/agendas-and-meetings/current-meetings-and-agendas> under the "Watch Live" tab or through the West Covina City YouTube channel at www.westcovina.org/LIVE.

If you are experiencing symptoms such as fever or chills, cough, shortness of breath or difficulty breathing, fatigue, or sore throat, the City requests that you participate in the meeting from home by watching the meeting live via the links set forth above.

REMOTE PUBLIC PARTICIPATION:

In lieu of attending the meeting in person, members of the public can submit public comments via email or address the Planning Commission by telephone using the methods described below.

EMAILED PUBLIC COMMENT:

Members of the public can submit public comments to the City Clerk via e-mail at Planning_Dept@westcovina.org. The subject line should specify “Oral Communications – 3/25/2021”. Please include your full name and address in your e-mail. All emails received by 5:00 P.M. on the day of the Commission meeting will be posted to the City’s website under “Current Meetings and Agendas” and provided to the Planning Commission prior to the meeting. No comments will be read out loud during the meeting. All comments received by the start of the meeting will be made part of the official public record of the meeting.

TELEPHONIC ACCESSIBILITY

Members of the public that wish to address the Commission by telephone during Oral Communications or a public hearing may contact the City Clerk by email Planning_Dept@westcovina.org or by telephone (626) 939-8422 by 5:30 P.M. on the day of the Commission meeting for instructions regarding addressing the Planning Commission by telephone during the meeting.

Please turn off all cell phones and other electronic devices prior to entering the Council Chambers

AMERICANS WITH DISABILITIES ACT

The City complies with the Americans with Disabilities Act (ADA). If you need special assistance at Planning Commission meetings, please call (626) 939-8433 (voice) or (626) 960-4422 (TTY) from 8 to 5 Monday through Thursday. Please call at least one day prior to the meeting date to inform us of your particular needs and to determine if accommodation is possible. For sign language interpreter services at Planning Commission meetings, please request no less than four working days prior to the meeting.

PUBLIC COMMENTS/ADDRESSING THE COMMISSION

Any person wishing to address the Planning Commission on any matter listed on the agenda or on any other matter within their jurisdiction is asked to complete a speaker card that is provided on the speaker podium and submit the card to a Planning Department staff member.

Please identify on the speaker card whether you are speaking on an agenda item or non-agenda item.

Requests to speak on non-agenda items will be heard during “Oral Communications” before the Public Hearing section of the agenda. Oral Communications are limited to thirty (30) minutes. Generally, comments are limited to five minutes per speaker unless further time is granted by the Chairperson. ***The Chairperson may also, at his or her discretion, further limit the time of each speaker in order to accommodate a large number of speakers and/or to ensure that the business of the Planning Commission is effectively conducted.***

Any testimony or comments regarding a matter set for Public Hearing will be heard during the public hearing for that item.

MOMENT OF SILENT PRAYER/MEDITATION

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES - May 25, 2021

1. Regular meeting, May 25, 2021

ORAL COMMUNICATIONS

This is the time when any member of the public may speak to the Commission on any matter within the scope of duties assigned to the Commission relating to non-agendized or consent calendar items. Other matters included on this agenda may be addressed when that item is under consideration. For all oral communications, the chairperson may impose reasonable limitations on public comments to assure an orderly and timely meeting. The Ralph M. Brown Act limits the Planning Commission and staff's ability to respond to public comments at this meeting. Thus, your comments may be agendized for a future meeting or referred to staff. The Commission may ask questions for clarification, if desired, at this time.

By policy of the Commission, Oral Communications at this time on the agenda is limited to a total of 15 minutes. Persons who are not afforded the opportunity to speak at this time may do so under "Continuation of Oral Communications" later on the agenda.

PUBLIC HEARINGS - None

NON-HEARING ITEMS

2. **FISCAL YEAR (FY) 2021-2022 CAPITAL IMPROVEMENT PROGRAM FILING OF CONFORMANCE WITH THE GENERAL PLAN**
3. **A RESOLUTION ADOPTING DESIGN GUIDELINES FOR SMALL WIRELESS FACILITIES IN THE PUBLIC RIGHT-OF-WAY**

TEN-DAY APPEAL PERIOD: Actions taken by the Planning Commission that are not recommendations to the City Council will become final after ten (10) calendar days unless a written appeal with the appropriate fee is lodged with the City Clerk's Office before close of business on the tenth day.

COMMISSION REPORTS/COMMENTS AND MISCELLANEOUS ITEMS

This is the time when any member of the Commission may bring a matter to the attention of the full Commission that is within the scope of duties assigned to the Commission. Any item that was considered during the Agenda is not appropriate for discussion in this section of the agenda. **NO COMMISSION DISCUSSION OR ACTION CAN BE CONSIDERED AT THIS TIME.** If the Commission desires to discuss an issue raised by a speaker or take an action, the Commission may vote to agendize the matter for a future meeting.

4. **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT:**
 - a. Forthcoming - June 22, 2021

5. **CITY COUNCIL ACTION:**

This is an oral presentation of City Council matters and actions, which are in the Commission's area of interest

ADJOURNMENT

A G E N D A

ITEM NO.

DATE: 06/08/2021

TO: Planning Commission
FROM: Planning Division
SUBJECT: **APPROVAL OF MINUTES - May 25, 2021**

Attachments

Minutes - 5.25.21

A G E N D A

ITEM NO. 2.DATE: 06/08/2021

TO: Planning Commission

FROM: Planning Division

SUBJECT: FISCAL YEAR (FY) 2021-2022 CAPITAL IMPROVEMENT PROGRAM FILING OF CONFORMANCE WITH THE GENERAL PLAN

BACKGROUND:

The Capital Improvement Program (CIP) identifies the proposed major projects or purchases over FY 2021-2022. Typically, the CIP is considered with the budget every year. Capital improvements are those individual construction projects and purchase of land, equipment, and contract services that need to be addressed in the new fiscal year or future years.

Pursuant to California Government Code Section 65401, the CIP “shall be submitted to the county or city planning agency for review.... as to conformity with the adopted general plan...” The Planning Commission fulfills the role of “planning agency” for this purpose. Once the Planning Commission finds the CIP consistent with the General Plan, the proposed CIP will be presented to the City Council for adoption and appropriate funding for the ensuing year CIP projects and five-year funding schedule.

New Proposed Projects for FY 2021-2022**Buildings**

Description	Cost
ADA Access - Public Facilities	\$100,000
Dispatch Center - New Roof	\$60,000
Energy Efficiency Project	\$2,804,600

General

Description	Cost
Self Contained Breathing Apparatus	\$1,200,000
Police & Fire Portable & Mobile Radios	\$3,300,000
EKG Heart Monitors	\$265,000
Projects TBD from Balance of \$20,000,000	\$15,235,000
Financial Software	\$1,000,000

Parks Playgrounds and Fields

Description	Cost
Lark Ellen Park - Lark Ellen House Design & Demo	\$200,000
Shadow Oak Park Restroom	\$408,600
Galster Park Playground Improvements	\$400,000
Friendship Park Improvements	\$1,000,000

Walmerado Park New Restrooms	\$753,000
Shadow Oak Park NPDES Improvements	\$800,000

Regional

Description	Cost
La Puente Road/Forecastle - New Traffic Signal with City of Walnut	\$200,000
Lark Ellen and Grovecenter - Pedestrian Improvement with City of Covina	\$91,200

Sewer

Description	Cost
Sewer System Management Plan Update	\$75,000
CIPP Lining Program	\$152,600
Sewer Main Replacement - Portions Glenview Rd, Michelle St & Azusa Ave	\$1,500,000
Sewer Main Replacement - Portion of Azusa Ave	\$295,000
Sewer Main Replacement - Portion of Citrus St.	\$230,000
Sewer System Controls & Power - Program	\$280,000

Streets and Sidewalks

Description	Cost
Annual Concrete Sidewalk & Curb & Gutter Repair Program	\$180,000
Annual Concrete Sidewalk and Stamped Concrete Replacement	\$70,000
Median Landscaping	\$1,000,000
ADA Curb Access Ramp Program	\$100,000
Sidewalk Assessment & Repair	\$240,000
Residential Street Rehabilitation - Annual Program	\$2,067,200
Residential CDBG Street Improvements	\$500,000
Catch Basin Cleaning	\$120,000
Street Lights LED's Conversion Program	\$300,000

Traffic Signals

Description	Cost

Video Detection Citywide	\$50,000
Traffic Signal Controller Replacement & Backup Battery	\$60,000
Installation of Traffic Control Devices	\$30,000

DISCUSSION:

Overall, the proposed projects included in the CIP are consistent with the intent of the existing General Plan of supporting growth and development, providing municipal services and improving/maintaining infrastructure and quality of life and safety. The CIP fulfills the following goals of the General Plan:

Our Prosperous Community:

Action 2.3a - Invest in infrastructure and improve the public realm.

Policy 2.4 - Build on and grow West Covina's regional appeal.

Our Accessible Community:

Action 4.2b - Review capital improvement projects to ensure that needs of non-motorized travelers are considered in planning, programming, design, reconstruction, retrofit, maintenance, construction, operations, and project development.

Our Resilient Community:

Action 5.8b - Preserve the longevity and sound condition through evaluation and maintenance of the sewer infrastructure.

Action 5.8.c - Pursue construction of new or replacement sewer lines consistent with the City's Sewer System Management Plan.

Policy 5.9 - Provide adequate facilities and services for the collection, transfer, recycling, and disposal of refuse.

Our Active Community:

Policy 8.8 - Increase safety in public parks.

Action 8.8a - Provide adequate lighting; maintaining landscaping to maximize visibility; remove graffiti as soon as possible; remove trash, debris, weeds, etc. from public areas with ongoing maintenance of those public areas; and conduct regular police patrols and provide public safety information.

Action 8.8b - Continue to use the Capital Improvements Program to plan for the identification of available resources for park facility repair, upgrades, and replacements through the budget process.

ENVIRONMENTAL ANALYSIS:

The California Environmental Quality Act (CEQA, Section 21000, et seq. of the California Public Resources Code), requires that the potential impacts of projects that will have a physical impact on the environment be analyzed prior to their construction. State CEQA Guidelines Sections 15061(b)(3) and 15378 exempts projects that have no potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Planning Commission's action involves determining the consistency of the FY 2021-2022 Capital Improvement Program with the City's General Plan. It does not directly authorize the construction of the individual projects enumerated in the listing. Therefore, the determination of consistency will not have a direct effect on the environment. As such, the potential action qualifies for this exemption and no further environmental review is required.

CONCLUSION:

Environmental documentation for projects will be prepared or initiated prior to start of construction. The

resolution attachment lists all the projects in the CIP for the next year and a summary of the status of their environmental clearance.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution No. 21-6083, determining that the FY 2021-2022 budget of the draft CIP, as outlined, is in conformance with the General Plan.

Submitted by: Jo-Anne Burns, Planning Manager

Attachments

Attachment No. 1 - CIP Resolution

TO: Planning Commission

FROM: Planning Division

SUBJECT: A RESOLUTION ADOPTING DESIGN GUIDELINES FOR SMALL WIRELESS FACILITIES IN THE PUBLIC RIGHT-OF-WAY

BACKGROUND:

On September 27, 2018, the Federal Communications Commission (FCC) released a Declaratory Ruling and Third Report and Order (FCC Order) significantly limiting local management of Small Wireless Facilities (SWF). In summary, the FCC Order does the following:

- Defines SWFs as facilities (a) mounted on structures 50 feet or less in height (including antennas); or (b) mounted on structures no more than 10% taller than other adjacent structures; or (c) do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10%, whichever is greater; AND each antenna is no more than 3 cubic feet in volume, and the total associated wireless equipment on one structure is no more than 28 cubic feet in volume.
- Limit fees local governments can charge to the actual and reasonable cost of providing service.
- Enacts shot clocks of 60 days for SWFs added to existing structures (regardless of whether the structure already supports a wireless service) and 90 days for SWFs proposing a new structure.
- Exempts from federal preemption aesthetic requirements for SWFs in the PROW unless they are (1) reasonable; (2) no more burdensome than those applied to other types of infrastructure deployments; (3) objective; and (4) published in advance.

On April 4, 2019, the California Supreme Court decided T-Mobile West, LLC vs. City and County of San Francisco, validating that municipalities can regulate the aesthetics of wireless facilities in the right of way.

On April 23, 2019, the Planning Commission adopted design guidelines for small wireless facilities located in the public right-of-way (Attachment No. 2) to address the FCC Order pertaining to aesthetic requirements being reasonable, not burdensome, and published in advance.

At its May 14, 2019 and July 23, 2019 meetings, the Planning Commission held study sessions on wireless facilities in the public right-of-way. During the July 23, 2019 study session, the Planning Commission voted to direct staff to draft an ordinance that:

- References Design Guidelines in order to allow flexibility for modifications that may be needed in the future;
- Allows administrative review by staff for all wireless facilities in compliance with Design Guidelines and Planning Commission review if not in compliance with Design Guidelines;
- Identifies a review threshold that requires wireless telecommunication facilities to be at least 250 feet from another wireless telecommunication in order to qualify for administrative review by staff;
- Requires wireless telecommunication facilities to be set back 15 to 30 feet from residential structures (depending on zoning designation).

Subsequent to that discussion, Administrative Use Permit (AUP) applications were submitted for 5 small wireless facilities in the public right-of-way proposed on top of replacement street light poles in the Woodside Village area. These facilities were located off of Amar Road, east of Azusa Avenue. The Planning Commission approved the AUP applications on July 23, 2019 and an appeal was filed on August 5, 2019. On October 1,

2019 the City Council voted 3-2 to overturn the Planning Commission's decision to approve the 5 small wireless facilities and denied the AUP applications. The City Council felt that the proposed small wireless facilities were not sufficiently concealed.

On November 26, 2019 and January 28, 2020, the Planning Commission held public hearings to review Code Amendment No. 16-03 and adopted Resolution No. 20-6018 recommending that the City Council approve the presented Ordinance No. 2470.

At its May 5, 2020 meeting, the City Council reviewed Code Amendment No. 16-03 and adopted Ordinance No. 2470 (Attachment No. 3).

At its July 28, 2020 and August 25, 2020 meeting, the Planning Commission held study sessions to update the Design Guidelines for Small Wireless Facilities in the public right-of-way in order to make it consistent with the recently updated West Covina Municipal Code (WCMC). During the study sessions staff presented the Planning Commission examples of Design Guidelines from other cities. The Planning Commission expressed the need for a simple document that is easy to understand and straight forward. In addition, the Planning Commission agreed on including hierarchy of design and location preferences in the City's Design Guidelines. The Planning Commission directed staff to note that facilities with above ground equipment will automatically require a discretionary application review process and to require a tapered design if the antenna/equipment shroud is slightly larger in diameter than the pole that it is on. Minutes to the Planning Commission Study Sessions are included as Attachment No. 4.

DISCUSSION:

The proposed Design Guidelines identifies the City's design preference and provides acceptable design standards for ministerial review if the SWF's design complies with the following:

- Equipment to be placed on existing poles designed to match its color and texture. Replacement and/or new poles should be aggregate/marbilite to match color and shape of existing poles in the vicinity.
- Antennas and RRUs are required to be placed above the light pole and shrouded.
- Shrouds should be the same diameter as the pole. A tapered design should be utilized if the pole is slightly larger than the shroud.
- Wires and cables should be contained within the shroud and run inside the pole, or in conduits that are subdued and matches the adjacent surface.
- Wireless and/or underground metering is required

Placement within the hierarchy of design and location preference does not indicate or guarantee that the review process for the proposed wireless facility will be ministerial.

If adopted, staff will provide the City Council a copy of the adopted SWF Design Guidelines and make the Guidelines available at the Planning counter, Engineering counter, and the City's website.

The SWF Design Guidelines may be amended as necessary (i.e. per the request of City Council, Planning Commission, or to make consistent with new State and/or Federal mandates/laws).

ENVIRONMENTAL DETERMINATION:

The proposal is not subject to the California Environmental Quality Act (CEQA) per Section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to activity that results in direct or reasonably foreseeable indirect physical change in the environment and for activity considered to be a project, respectively. The revision to the Small Wireless Facility Design Guidelines would not result in a physical change in the environment because it would clarify design standards and submittal requirements.

RECOMMENDATION:

Staff is recommending the Planning Commission adopt Resolution No. 21-6082, approving Design Guidelines for Small Wireless Facilities in the Public Right of Way.

Submitted by: Jo-Anne Burns, Planning Manager

Attachments

Attachment No. 1 - Design Guidelines Resolution (draft)

Attachment No. 2 - Signed Resolution for April 2019 Adopted Design Guidelines

Attachment No. 3 - Ordinance No. 2470

Attachment No. 4 - July 28 2020 and Aug 25 2020 Planning Commission Meeting Minutes (Excerpt)

A G E N D A

ITEM NO. 4.a.

DATE: 06/08/2021

TO: Planning Commission
FROM: Planning Division
SUBJECT: Forthcoming - June 22, 2021

Attachments

Forthcoming - June 8, 2021
