

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE
CITY OF LA CAÑADA FLINTRIDGE
HELD MARCH 14, 2006**

I. CALL TO ORDER:

Chairman Gelhaar called the meeting to order at 6:00 p.m.

II. ROLL CALL:

Present were Commissioners Cahill, Davitt, Engler and Mehranian, Deputy City Attorney Cobey, Director of Community Development Stanley, Senior Planner Buss, Assistant Planner Lang and Planning Intern Mikhail.

III. PLEDGE OF ALLEGIANCE

Chairman Gelhaar led the salute to the flag.

IV. COMMENTS FROM THE PUBLIC:

Don Shields requested that the following policies be implemented immediately: whoever drafted the Zoning Code, Chapters 11.43, etc., should prepare annotations to each section, showing from where they were derived; all transcripts be immediately copied by a certified duplicating service and stored in a secure area not available to Staff; require the Director of Community Development to identify the staff member who is responsible to see that conditions are carried out.

Commissioner Engler referred Mr. Shields to the City Council.

George Boghossian addressed the Commission on behalf of his client James Copeland, whose Tentative Tract Map 062658 was denied at the previous hearing. Noting the Commissioners dissatisfaction with the proposed pad location, he requested that action be deferred on the Resolution of Denial (item F on the agenda), and allow him to re-file a plan that would hopefully satisfy the Commission.

Chairman Gelhaar commented that his denial was based on his understanding that a house could not be built within the flood hazard area. He was willing to grant reconsideration on the condition that Mr. Boghossian substantiate the viability of building a house in the flood plane.

Commissioner Mehranian objected to pulling the item from the Consent Calendar as her concerns lay with the proposed boundary lines. She was not favorably inclined to move forward with a hillside permit for this site.

Commissioner Engler preferred that the item remain on the Consent Calendar.

Commissioner Davitt recalled that he was willing to grant a continuance for redesign last time.

Commissioner Cahill could not vote for reconsideration since he was not present at the meeting.

Chairman Gelhaar pulled the item from the Consent Calendar.

Commissioner Engler pulled item E for discussion.

V. REORDERING OF THE AGENDA:

Chairman Gelhaar announced that item IX, Other Business, had been withdrawn by the City and item VII, a continued public hearing for Stewart on Descanso Drive, was also withdrawn at the request of the applicant.

VI. CONSENT CALENDAR:

Chairman Gelhaar announced that item C, a resolution approving Tentative Tract Map 53647 for Flintridge Properties had been postponed pending more information.

M/S/C Davitt/Engler, approving item A, the minutes of October 25, 2005, item B, adopting Resolution 06-16 for HDP 05-48; Ford and item D, approving Lot Line Adjustment 05-02; 4154-70 Cambridge Road. 4 Ayes; Cahill abstaining on item B.

Item # E- Lot Line Adjustment 05-03; Commissioner Engler asked if there was development associated with this request.

Senior Planner Buss responded that at this point, the applicant was only seeking to increase the frontage of Lot A and exempt future development from the Floor Area Review process.

M/S/C Davitt/Mehranian to approve Lot Line Adjustment 05-03; Jamison, 5465-71 La Forest Drive. Unanimous.

Item F was then discussed. Senior Planner Buss recalled that the four Commissioners who heard the request to create TTM 062658 unanimously denied the project, partly due to concerns having to do with location of the pad. He related two available options: allow reconsideration and require

submittal of a hillside permit for Lot 2 prior to deciding on the Map or, approve the Map provided the applicant presents and receives approval of a hillside permit for Lot 2.

Responding to a question from Commissioner Mehranian, Mr. Buss suggested that the purpose of reviewing a hillside permit prior to deciding the Map would demonstrate whether a viable lot could be created.

Chairman Gelhaar referred to the plot plan on Powerpoint. Now that he understood that Lot 2 did not have to be developed outside the flood plane, and could be relocated away from the street, he would be more inclined to support the Map. He suggested that the applicant get approval "up front".

Commissioner Engler confirmed that the County Flood Control is the governing agency. He asked if the trail represents a prescriptive easement situation.

Commissioner Mehranian suggested a scenario that a hillside application would not be submitted until approval from County Flood Control is obtained. Conceptual approval would be acceptable, rather than going the hillside approval route.

Mr. Buss felt that would be setting a lower standard than what Staff suggested.

Commissioner Davitt felt the Commission would be allowing another step rather than an outright denial. A condition for hillside approval could still be added when and if permission is obtained from County Flood Control.

Director Stanley cautioned the Commissioners that they could not put conditions on a reconsideration action; nevertheless, the applicant heard and is fully aware of their concerns.

VII. PUBLIC HEARINGS:

A. Telecommunications Permit 05-02; Omnipoint Communications (T-Mobile) and SCE; Transmission Tower in the Edison right-of-way, approximately 230 ft south of Foothill Boulevard:

Senior Planner Buss reported the applicant's request to establish a cellular antenna on an existing Edison transmission tower and a cabinet containing ground equipment approximately 100 ft south of the tower. The request includes a waiver to place antennas in the right-of-way. The site, which is zoned Open Space, contains the transmission towers, a City trail that extends along the west side and behind 3 homes on Indiana Avenue and a County Flood Control easement.

The subject site lies within the Edison right-of-way that bisects the middle of the City, between Foothill Boulevard and the 210 freeway in a north/south direction.

The request is similar to one the Commission recently approved. Antennas would be mounted to one of the tower's legs, approximately 50 ft above ground. Twelve antennas would be mounted in 3 sectors, each comprised of 4 antennas. Associated ground equipment and a GPS unit would be located within 3 cabinets on a 20' x 16'- concrete pad approximately 100 ft to the south. A 6-ft-high chain link fence with slats would enclose the cabinets; all wiring between the antennas and the ground equipment would be routed underground. The facility would be unmanned and be maintained monthly.

Staff supports the project as located and recommended positive findings and project approval.

Commissioner Engler asked if there was a reason the equipment cabinet could not be located underground.

Senior Planner Buss responded asked that the applicant address that point and noted that in the past, the Commission has allowed the equipment to be enclosed by chain link fencing and landscaping.

Bryan Stottlemyer, representing T-Mobile, advised that they must follow Edison's standards; the majority of design criteria is out of their hands. He concurred with all draft conditions with exception of the landscape requirement, which Edison typically prohibits. The equipment is not undergrounded because it would not function properly; polarization would conflict with the high voltage towers and affect the mechanics of the equipment.

Commissioner Engler preferred that the applicant investigate whether the equipment could be placed underground; he requested evidence from Edison that it was not permitted.

Chairman Gelhaar opened the public hearing.

Marjorie Cates, 4471 Indiana Avenue, was a member of the ad hoc committee when development of the empty lot at Indiana and Foothill was under consideration. The lot is located under Edison transmission towers. She did not believe that the instant request would be a problem, but she noted the linear difference between this request, which has the equipment cabinet approximately 160 ft from the tower, and the following request on the agenda,

which shows the equipment 100 ft away. She suggested that the difference might allow parking under the Edison lines.

Mr. Stottlemeyer commented that on the following proposal, the distance line is straight, whereas this request is a dead-end tower. He offered to move the cabinet as close to the pole as possible, while satisfying Edison's requirement. He pointed out that the measurement takes the existing lattice tower within the easement area into consideration.

Chairman Gelhaar asked Staff to comment.

Senior Planner Buss felt it would be practical to have the cabinet as close as possible to the tower and suggested adding a condition that the equipment cabinet be located at Edison's minimum requirements from the tower.

Rain Stecklein-Totten, 4535 Indiana Avenue, opposed the request based on her concerns of health risks associated with cell towers and transmission towers. She stated that her research established a risk from the towers and that this community and its children should outweigh corporate interests.

Senior Planner Buss explained that federal law pre-empts the discussion of health issues when considering these requests.

Deputy City Attorney Cobey stated that it was important for the record to reflect the strong public policy by state and federal governments in favor of wireless services. Municipalities are cautioned against discriminating based on health issues.

The public hearing was closed since further comments were not offered.

Commissioner Cahill concurred with Staff that the proposed placement is the least conspicuous location and he asked that the pad be screened if the equipment cannot be located underground.

Commissioner Mehranian agreed.

Commissioner Davitt commented that the location is satisfactory and screening the equipment cabinet was a good solution.

Commissioner Engler agreed, but asked that Staff investigate why the pad cannot be located underground. He confirmed that his colleagues preferred that it be under, rather than above ground.

Attorney Cobey advised that Staff would have to investigate the cost as well; if the cost is prohibitive, the City could find itself in a legal situation. In researching another request for solar equipment, it was clear that adding 20% to the cost was considered to be "cost prohibitive".

Mr. Stottlemeyer stated that Commissioner Engler's suggestion would triple the cost and advised that conduit runs and equipment cabinets are used world-wide, rather than vaults. Vaults are not mass produced and one carrier cannot necessarily use another's equipment.

Commissioner Engler stated that he understood, but felt that the costs needed to be investigated. He asked if there was a way to craft a condition to approve the request, unless there is a way to underground the equipment cabinet and meet all legal requirements.

Attorney Cobey advised that the Commission could approve the request with a condition that the equipment be located underground. Should the Director receive convincing evidence that doing so exceeds 20% of the valuation, he would have the discretion of allowing it above ground.

Commissioner Davitt stated that we need to obtain Edison's permission to locate underground as well as reducing the distance from the cabinet to the pole.

M/S/C Mehranian/Davitt to approve TP 05-02 with conditions as discussed. Unanimous.

B. Telecommunications Permit 05-03; Omnipoint Communications (T-Mobile) and SCE; transmission tower in the Edison right-of-way, approximately 370 ft south of El Vago Street:

Senior Planner Buss reported that the same applicant of the previous project was requesting approval to mount cellular antennas on an Edison high-voltage transmission tower. A concrete pad with 3 equipment cabinets and a GPS unit is also proposed approximately 100 feet south of the tower.

The subject site is located in the Edison transmission right-of-way that runs through the center of the city. The antennas would be located approximately 370 ft south of El Vago on a leg of the transmission tower, in the Open Space Zone. The site was selected based on radio frequency criteria that identified it as capable of filling gaps in T-Mobile's wireless network.

As with the prior request, the equipment pad would be surrounded by a 6-ft-high chain link fence with slats. Landscape screening is not proposed as it would facilitate someone climbing the fence and gaining access to the site. Senior Planner Buss noted that the cabinets appear to exceed the height of the 6-ft fence, which triggered Staff's recommendation for a higher fence. Since the area is surrounded by trees located in the right-of-way, an over-height fence should not be an issue.

Staff recommended positive findings and project approval as conditioned.

Responding to a question from Commissioner Cahill, Mr. Buss advised that Edison does not want any vegetation around its fences, as it facilitates illegal access to its equipment.

Commissioner Engler felt the cabinets could be landscaped and still meet Edison's requirements.

Mr. Stottlemeyer advised of having walked the site several times with an Edison representative. It comes down to the fact that Edison does not want vegetation anywhere in its easements. He was willing to accept a condition of approval requiring landscaping based on Edison's final say on how to mitigate any visual impact.

Commissioner Engler stated that Edison's position is inconsistent, as they allow nurseries to plant trees, etc. within their easements.

Chairman Gelhaar opened the public hearing. Comments were not offered and the public hearing was closed.

Discussion followed among the Commissioners with agreement to require the cabinets to be screened, regardless of Edison's approval.

M/S/C Davitt/Mehranian to approve TP 05-03 with a condition that the equipment cabinet be located underground unless the Director receives convincing evidence that doing so would exceed 20% of the project's valuation. In that case, he would have the discretion of allowing the cabinets to be located above ground with landscaping at the pad's perimeter. Unanimous.

VIII. OTHER BUSINESS:

IX. Overhead Utilities Agreement 05-01; La Cañada Presbyterian Church' 626 Foothill Boulevard:

This item was pulled by the City as announced earlier by the Chair.

IX. COMMENTS FROM THE COMMISSIONERS

Chairman Gelhaar addressed Planning Intern Mikhail, stating that she had done outstanding work during her tenure with the City and that the Commission as a whole was disappointed that she was leaving.

X. COMMENTS FROM THE DIRECTOR

Director Stanley advised that the City Council would conduct a study session on Monday, March 20th to address proposed revisions to the R-1 standards. Items for discussion include: definition of "structure" definition and regulations for "yard equipment", parking/storage of recreational vehicles and residential design guidelines that deal with second-stories.

Director Stanley concurred with the Commissioners' sentiment regarding Planning Intern Mikhail; the Department will miss her input and contributions. She was wished well as she progresses in her career.

XI. ADJOURNMENT

M/S/C Cahill/Engler to adjourn at 7:17 p.m. Unanimous.

Secretary to the Planning Commission