

**A MEETING OF THE PLANNING COMMISSION OF  
THE CITY OF LA CAÑADA FLINTRIDGE  
HELD APRIL 24, 2001**

- CALL TO ORDER:** Chairman Orr called the meeting to order at 6:05 p.m.
- ROLL:** Present were Commissioners Engler, Levine and Mehranian, Assistant City Attorney Steres, Director of Community Development Stanley, Senior Planer Buss, and Planner Cantrell.
- COMMENTS FROM THE PUBLIC:** Comments were not offered.
- CONSENT CALENDAR:** M/S/C Orr/Levine to adopt the Minutes of April 10 as modified. Unanimous.
- CONTINUED PUBLIC HEARING:**
- REORDERING OF THE AGENDA:  
CONTINUED PUBLIC HEARING; ZONE CHANGE 00-02; re:  
REGULATION OF WIRELESS FACILITIES:** After confirming that no one wished to speak on this item, the Chair elected to move this item to the end of the agenda for the convenience of the applicants who were present.
- PUBLIC HEARINGS:  
HILLSIDE DEVELOPMENT PERMIT 00-40;  
MODIFICATION 01-17;  
LLUIS; 5350 HARTER LANE:** Planner Cantrell described the applicant's request to construct a new, two-story home on a graded, one-acre hillside property.
- The site, which is nearly three times the minimum lot area in the R-1-15,000 Zone, is irregular in shape and has an average slope of 28%. The driveway descends more than 300 ft, without exceeding slope limits, to the pad that is approximately 40 ft below street level. Abutting the east side of the site is an equestrian trail, which is adjacent to a paved portion of the Gould Canyon Channel. The Trail includes of a 10-ft easement across the subject property that begins on the east side and continues up the driveway to Harter Lane to an off road trailhead connecting to the cross-city trail.
- There are no abutting properties with views of or over the subject property. There are a number of trees on the site, including a pair of centrally located sycamores that are

slated for removal and which do not meet the protection threshold of the Tree Ordinance. One of those trees is not a healthy specimen. Three, 24-inch box size sycamores are proposed to be planted as well as an oak and 4 Brazilian pepper trees.

Staff regards the design as well conceived. Planner Cantrell noted that the architect made considerable effort to allow continued equestrian use. A 6-ft-high wrought iron fence would separate the trail from the remainder of the property with a solid privet hedge on the yard side. Staff has a concern that barring considerable maintenance, the privet could grow in width and impede use of the trail. Therefore, draft conditions require a wire grid to inhibit privet growth. Further, because horses' ease of climbing the driveway would be affected by the paving; the City Engineer has endorsed the use of a softer surface on 5 ft of the driveway width. Retaining walls will have to be constructed to comply with the Fire Department's request, which would encroach into the front setback and into the public right-of-way. Planner Cantrell noted that they would appear a part of the property and well set back from Harter Lane. The work is required to conform to City engineering standards and the configuration is acceptable to the City Engineer. A vacation of easement has not been requested by Public Works.

The applicant has consulted with the Trails Council regarding the proposal.

Responding to questions from Commissioner Mehranian, Planner Cantrell stated that the City Engineer has advised that the channel at the east side of the property is paved and due to the diversion of the water course, is no longer designated as a Blue Line Stream. However, even if it were, this project does not affect that area. Additionally, the landscape plan calls for plantings at the perimeter of the site and in the long term would screen the project more.

Commissioner Engler stated he reserved his right to review the percolation, geological and grading plans.

Applicant, Barbara Lluís, distributed a copy of the letter that she mailed to all her neighbors and advised that she, her husband and the project architect, met on site with Liz Blackwelder, president of the Trails Council.

Commissioner Levine asked about the ramifications if the Modification to construct the retaining walls was not granted.

Brad Barcus, project architect, advised that the retaining wall creates an access for the applicant, equestrians and the Fire Department. Originally, a more narrow driveway was planned; however, the Fire Department required a larger one. He pointed out the hammerhead configuration and confirmed that approximately 10 ft of the driveway is on public property. He then displayed a color rendering of the home and a site plan.

Chairman Orr opened the public hearing.

Liz Blackwelder, 4443 Commonwealth, president of the Trails Council, stated she was pleased that the City called to advise her of the project and that Mr. Barcus met with her at the project site. She expressed concern about the equestrians crossing on the driveway along a wall; "horses do not like that". Mr. Barcus suggested a crib wall so it could be planted, but she was unsure if it would work on hillside areas; she suggested using a web-like material that holds soil called Geoweb. Noting that the trail is a major access to the cross town trail, she asked that it remain open during construction. Further, because the County can access the trail only from the Lluís property, the applicants should be aware that the County would occasionally bring in large equipment to maintain the trail.

Further comments were not offered, and the public hearing was closed.

Commissioner Mehranian stated that the design was tasteful and that she appreciated the concern shown to protect the trail. She advised that the most important issue to her was the requested removal of two sycamore trees; she was still struggling with the short and long term

repercussions. The retaining wall was not a major issue if property screened.

Commissioner Levine did not have further comments.

Commissioner Engler stated that he did not have a problem with the project. His concern was with the disposal system; he spoke to Mr. Barcus about installing a leach system in lieu of a cesspool because of the proximity to a Blue Line Stream. He stated that is why he likes the opportunity to review the percolation reports. He also had a concern with slope stability; however, the soils report just distributed notes that the slope would be scarified.

Chairman Orr remarked that some of the conditions were vague and cited the recommendations that he felt should be imposed as conditions. Otherwise, he stated the project was "very tastefully done and would be a real improvement".

Commissioner Mehranian's concern continued regarding removal of the two sycamores. She asked that a condition be added "that an attempt will be made to preserve the trees if possible".

Director Stanley commented that one of the sycamores is nearly dead and the other if not a fine specimen. Neither tree meets the requirements for protection under the Tree Ordinance.

Commissioner Engler asked who would maintain the public access portion of the trail.

Planner Cantrell stated that it would fall under the same category as residential parkway maintenance --- it is City property, but the individual property owner maintains it. He noted that this was not stipulated in a condition and that it would be good practice to add it.

M/S/C Engler/Mehranian to approve Hillside Development Permit 00-40 and Modification 01-17 as modified. Unanimous.

Chairman Orr asked that Staff return on May 8<sup>th</sup> with a resolution that reflected the discussed modifications.

Director Stanley commented that the 15-day appeal period would commence after the Resolution is adopted.

**HILLSIDE  
DEVELOPMENT  
PERMIT 01-11; HAZEL;  
347 NOREN STREET:**

Planner Cantrell reported the applicant's request to construct a 1,766-sf, single-story addition to the rear of a home on hillside property.

The project site is located on the north side of Noren Street, west of Redwillow Lane in the R-1-15,000 Zone. There is a considerable slope at the front and rear of the property, which has an average slope of 22%. Four neighboring properties on Redwillow abut the rear portion of the property at much higher elevations. Planner Cantrell noted that the ridge of the subject house is approximately 20 ft below the elevation of the rear property line.

The project would convert the existing garage at the rear of the house into a den; beyond that a wood shop would be built and adjacent to the woodshop, a three-car garage would be constructed. The new construction would form an "L", and the new garage door would face the driveway. The project would not be viewed from the street. With the exception of the east side where the setback would just meet requirements, all other setbacks are far exceeded. The project meets all other development standards for the R-1 Zone and the Hillside Ordinance. Planner Cantrell noted that at 4,246 sf, total floor and roofed area is approaching the new limit.

No hillside issues are raised by the proposal Staff recommended positive findings and project approval.

Chairman Orr noted that the geotechnical report is titled 'preliminary'. Noting the significant grading, foundations and retaining walls that are referenced in the geotechnical report, he felt a condition be added that those recommendations be "requirements", including that an engineer be on site, observing.

Responding to a question from Commissioner Mehranian, Planner Cantrell stated that he raised the matter of the

windowless woodshop because it is detached from the house and Staff wanted to be certain that the Commission understood it was not an ALQ.

Applicant, Gary Hazel, explained that the new garage would provide space for his power tools and two vehicles. He confirmed that a geotechnical engineer would be on site and concurred with all recommendations of the report.

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

Commissioner Engler concurred with Chairman Orr's comment and asked that a condition be added they the applicant comply with all recommendations in the geotechnical report.

M/S/C Mehranian/Levine to approve Hillside Development Permit 01-11 as amended. Unanimous.

**TENTATIVE PARCEL  
MAP 26015; PANENO;  
4600 OCEANVIEW  
BOULEVARD:**

Senior Planner Buss described the applicant's report to divide a 44,640-sf-parcel into four lots and to create a public cul-de-sac, in the R-1-5,000 zone. The project site is located between Ocean View and Rockland Place. The majority of the property is located to the rear of 4600 Ocean View and its southerly boundary abuts the commercial center (Pic N Save, etc) to the south, also owned by the applicant.

The applicant has submitted a Will Serve letter from Crescenta Valley Water District to provide sewer service. The Fire Department did not respond to Staff's request for comments; however, fire flow and water pressure would need to be identified. The City Engineer has recommended that the drainage continue southward.

The proposal would create: Lot 1: 7,052 sf, Lot 2: 7,538 sf, Lot 3: 8,595 sf and Lot 4: 8, 245 sf. The cul-de-sac would be created in the area now developed with a residence and each parcel would have at least forty feet of frontage. The proposed lots are similar in nature to those in the area and the General Plan's designation for this site is Medium Density Residential. Since the development surrounding

this site is single-story, Staff was originally recommending that future development be restricted likewise. However, more recent discussions with the Director and the City Attorney resulted in a reversal of that thinking.

The City Council's recently adopted Resolution 00-50 states that new cul-de-sacs serving less than 6 residential lots are generally not compatible with the residential character of the City; nor are cul-de-sacs with a length of less than 200 ft when measured from the center of the bulb to the closest edge of the right-of-way of the intersecting street.

Senior Planner Buss pointed out that 6 properties would front the cul-de-sac and that its length is 200 ft. Staff considered the request to be straightforward and recommended that the matter be continued to the next meeting so that Staff could respond to comments on the Negative Declaration, since the comment period ended on April 23.

Commissioner Engler confirmed that the sheet water would flow southward to the storm drain near the commercial property and confirmed with the Assistant City Attorney that the Commission could take action at this meeting.

Chairman Orr stated that he was puzzled by the Staff report, which states that "staff was forced to proceed on the process ... using incorrect information".

Mr. Buss commented that Staff had no other option than to proceed because of the Permit Streamlining Act. Staff had advised the applicant the file was 'complete', despite the fact that there were inconsistencies shown on the map.

Chairman Orr stated that he understood Staff's desire to be cooperative, but if Staff was not satisfied, the applicant should be required "to meet the bar". He felt that some of the inconsistencies could be easily corrected.

Director Stanley concurred, adding that Staff could have deemed the application 'incomplete' until the City received a definitive map.

Chairman Orr then compared this submittal with the City Council's recent policy regarding creation of new cul-de-sacs. The two properties that abut the subject site on the north and south face Ocean View and they most likely would have associated addresses (though not necessarily). He also assumed there would be natural barriers such as fences, shrubs, etc., indicating that those property owners would access their properties and garages directly from Ocean View, rather than from the cul-de-sac. Just looking at the map, he felt those were safe assumptions.

Chairman Orr felt it was debatable whether this cul-de-sac serves the two existing lots along Ocean View, compared with the Olive Lane project where all four lots were clearly served by the new cul-de-sac. His understanding was that the City Council did not favor new, "short" cul-de-sacs and he was concerned with moving forward on this request without getting feedback from the Council as to whether this proposal meets the spirit of the new Ordinance and what was intended.

Bill Shen, project engineer, expressed concurrence with the Staff report and noted that the vacant project site exceeds one acre in area.

Applicant, Joe Paneno, advised that the project site has been family-owned since the early '60s. Because his family has a history in the community, the direction given to the project engineer was to design something that would exceed the minimum standard. The average lot is approximately 7,400 sf, compared with the zoning of R-1-5000.

Commissioner Engler confirmed that the deodar located where the road is proposed would have to be either transplanted or replaced. He then asked Mr. Paneno if he planned single-story or two-story development.

Mr. Paneno responded that he would like the option of two-story development and perhaps mix it with single-story homes.

Commissioner Engler stated that many people have a problem when adjacent two-story developments "look down in their back yards".

Mr. Paneno stated that he has lived in those circumstances and noted that there is a two-story home contiguous to the subject site.

Director Stanley noted for the record that the City's Ordinance does not preclude construction of two-story homes; the applicant would have to meet all new R-1 revised codes.

Chairman Orr opened the public hearing.

Rex Quinn, 4518 Ocean View, resides on the first lot above the dairy located on Foothill. He stated that he was not opposed to having homes "back there"; however, his concerns were lighting and privacy. Mr. Quinn related that the shopping center lighting has eliminated use of his back yard. Trash trucks servicing the shopping center come down the alley in the early morning and delivery truck service Pic 'N Save at "any hour of the night". Mr. Quinn further advised that multi-story development would look into his back yard and the retaining wall along the south property line has increasingly leaned over the years. He suggested that perhaps subterranean irrigation would catch the water below ground.

Chairman Orr confirmed that the wall Mr. Quinn alluded to is the high wall at the rear of the shopping center.

Bob Langdon, 4634 Lasheart Drive, attended the Planning Commission and City Council meetings on the Olive Lane project. He felt this proposal failed to meet the spirit and the intent of Resolution 00- 50 and the Council's direction.

There were no further comments offered, and the public hearing was closed.

Commissioner Levine stated that he concurred with Chairman Orr's comments and was ready to make a motion to deny the request.

Commissioner Mehranian agreed.

Commissioner Engler reiterated that the project does not meet the requirements set by the City Council.

Assistant City Attorney Steres stated that if the request is denied, staff would return with a resolution and the required findings at the following meeting. He observed that the Planning Commission had been focusing on the City Council's Resolution, which set policy to look at certain factors in determining whether a new cul-de-sac subdivision is compatible with the existing character of the surrounding area and therefore consistent with the General Plan. He stated that this Parcel Map arguably meets the new policy and asked to hear more discussion as to why the Commissioners did not believe that was so and why they did not believe it is consistent with the General Plan.

Commissioner Engler did not believe that the two existing lots facing Ocean View served the proposed cul-de-sac and the required street lighting would be detrimental to the area.

Commissioner Levine felt that was the issue - the new street would be serving 4, rather than 6 lots. He added that the applicant has the option of appealing his case to the City Council who directed the policy.

Chairman Orr conceded that the issue is one that properly should be before the City Council --on this point. He added that he understood a majority (Engler, Mehranian and Orr) to be concerned with the possibility of two-story houses.

Commissioner Levine stated that while he would prefer a single-story development, he agreed with the Director that Code does not provide the means to prohibit the construction of second stories.

Chairman Orr felt that two-story homes would detrimentally alter the neighborhood and would be therefore inconsistent with the Land Use Element of the General Plan. He shared Mr. Quinn's concern about having his back yard turned into a "fish bowl". The applicant is on the record that he has not ruled out constructing two story houses; Chairman Orr felt there needed to be some effort shown by the applicant to justify two-story homes.

Commissioner Levine remarked that he did not want to preclude the applicant from constructing two-story homes, but was willing to include a condition requiring Planning Commission review of any two-story development for this project.

Assistant City Attorney Steres recommended against including that as a finding, stating that we do not prohibit two-story homes anywhere in the City. Referring to the map of the most immediate area, he pointed out that the most northern lot on Ocean View that abuts the Sarranne Street cul-de-sac has the identical scenario that could be created by this Parcel Map. There is no condition on that property restricting it to single-story development.

Chairman Orr felt the Sarrane lots were divided a long time ago. He felt the City could treat the subject property differently because the request is for a tentative parcel map, addressing new lots. "Hearing Mr. Quinn's concerns, I think there might be other neighbors who are having a concern about a two-story house built right beside their fence, whether it be a side fence or a back fence - and they are not here tonight, but that doesn't mean the Commission can't consider what effect that might have".

Director Stanley stated that even so, the City did not place conditions on the surrounding lots, restricting them to single-story development.

Commissioner Engler stated that the applicant could remove the house, get a tree removal permit and build a two-story house -- "those are our rules", and that he did not have a problem with that.

Commissioner Mehranian stated that the configuration of the lots was more important at this point.

M/S/C Levine/Engler recommending denial of TPM 26015 and have Staff return at the next meeting with the appropriate findings. Unanimous.

Attorney Steres advised that the decision is not final until 15 days following the day the Resolution is adopted i.e., 15 days after May 8<sup>th</sup>.

Chairman Orr encouraged the applicant to appeal the decision to the City Council and "get a reading from them as to how they view their policy".

**TREE REMOVAL 01-04;  
CALL;  
4632 PALM DRIVE:**

Senior Planner Buss advised of the applicant's request to remove a deodar cedar that is centrally located on vacant property at 4732 Palm Drive. The subject tree has a diameter of 37" when measured 4 ft above adjacent grade and is therefore a protected 'mature' tree, which required an environmental evaluation.

Staff's report included photos of the subject tree, depicting approximately 30% of the base circumference is rotted. Mr. Buss reported that he was able to insert his hand into base and through the tree and that major trunk roots are in the same condition. He noted that the tree is not a particularly healthy specimen; it has been topped and its limbs removed very high up the trunk. An arborist report was included, which recommended that the tree be removed.

With disease and structural defects in the root system, Staff recommended its removal and that it be replaced with two, 36-inch box oak trees.

Responding to a question from Commissioner Engler, Senior Planner Buss explained the hazard of the tree falling at anytime, particularly in a windstorm, because part of its root system is destroyed.

Bryce Call, MDI Development, advised that he's had "a couple of arborists evaluate the tree; one measured the tree to be 70 ft in height with a clinometer. He displayed a sample of the root to show its consistency, which crumbles. Neither arborist could recommend that a structure or even a swing set be located inside the 'danger' zone, which equates to a 70 ft radius in all directions that the tree could fall. He advised that the buildable area of the lot is located entirely in the danger zone. The neighboring lot to the south is also within the danger zone. Foliage is only on the top third of the tree as well as being topped and has a 4 to 5° lean towards the decayed side of the roots. Fire Department does not recommend that deodars be located adjacent to residences because of their capability to hold heat.

Chairman Orr opened the public hearing.

Ralph Martin, 4633 Hillard Avenue, stated that he has a degree in forestry and "any architect should be able to design a house without interfering with this tree". He questioned that the tree is progressively decaying and believed that the basis for the tree removal was to change the grade to make it easier to site the house.

Steve MacPherson, 4648 Palm Drive, resides north of the project site. He concurred with Mr. Martin's comment and stated that the request "is a ruse to build where they want". He asked that if removal is permitted, that mature trees be required as replacement.

Chairman Orr referred to his record of being sensitive to trees in this community. His concern was that the applicant submitted an arborist report which states that the tree is either so diseased or damaged, that it poses a threat. He asked that with that in the file, what would the status of the City be should the tree fall and injure someone?

Mr. MacPherson responded that removing the tree was not an issue for him, but he "felt sorry for others". He alleged that a white substance was placed at the base of the trees and reiterated that replacing the tree with "something substantial" would mitigate the removal.

Sandy Evangelista, 4643 Hillard, asked what the impact would be if the tree was not removed.

Senior Planner Buss explained that the applicant would have to design the house around the tree.

Chairman Orr repeated his earlier concern and added that the Commission did not have an arborist report that overrides what is in the file.

Bob Ferber stated "the issue of liability should be the last thing on our minds; we should make decisions based on beautification. If we are worried, we can always get the City arborist to look at it".

Senior Planner Buss advised that under existing Code, the City's arborist is not permitted to evaluate trees on private property.

Further comments were not offered and the public hearing was closed.

Commissioner Engler stated that allegations by residents of tree poisoning was hearsay. "The contractor wants to put the house in that place and he wants to remove the tree; it may be coincidental that the tree is diseased. He stated that he could vote to support the request if the applicant replaced the deodar with four, 72"-box trees.

Commissioner Levine concurred with Commissioner Engler's comments and stated that "it is convenient to want to remove this tree to build a house there." He felt the home the applicant just constructed on Hillard "is too big and the only control I see to limit the size of this home is that this tree stays where it is, or something much larger will be planted".

Commissioner Mehranian stated that she definitely did not want any trees to be removed but the Commission needed to deal with the arborist report in some form. She agreed with Commissioners Engler and Levine's comments regarding the size of any replacement tree.

Chairman Orr stated that he tended to agree with the Staff report. The removal is borderline based on what the contractor wants to do, but there was the issue of the arborist report, from which he then quoted. He was concerned with any susceptibility on the part of the City if the tree should fall.

Commissioner Levine stated that "a way to control what happens on this lot is to remove the tree and replace it with another 72"-box in the same location".

Commissioner Engler made a motion to allow removal with a condition that the removed tree be replaced with four, 72" box oaks that could be planted anywhere on the property.

The motion died for lack of a second.

Commissioner Levine moved to allow removal with a condition that one, 72-inch-box tree be planted in the same location.

The motion died for lack of a second.

Commissioner Engler reiterated his prior motion to allow removal with the condition that four, 72"-box oaks be planted anywhere on the property. Commissioner Mehranian seconded the motion. No: Orr and Levine. The motion failed for lack of a majority.

Commissioner Levine moved to deny the request. The motion died for lack of a second.

Chairman Orr moved to approve removal with a condition that it be replaced by two, 72" oaks, planted anywhere on the property. The motion failed for lack of a second.

Director Stanley suggested three, rather than four trees be required. Chairman Orr felt it was excessive but would support such a motion.

M/S Orr/Engler to approve the request with a condition that it be replaced with three, 72"- box oaks anywhere on the property, with the standard language that they survive for two years. No: Mehranian and Levine.

Chairman Orr commented that all Commissioners agree that the tree should be removed, and restated his motion to allow the removal with a condition that it be replaced with three, 72"-box oaks anywhere on the property. Second: Engler. 3 Ayes; No: Levine.

Chairman Orr advised the residents of their right to appeal the decision to the City Council.

**CONTINUED PUBLIC HEARING:**

**ZONE CHANGE 00-02;  
CITY OF LA CANADA  
FLINTRIDGE; RE:  
WIRELESS  
COMMUNICATIONS:**

Senior Planner Buss recalled that this item was last reviewed by the Planning Commission in November, when it recommended that the City Council review the work done to date and remand it back to the Commission

for one final review ---the Council concurred with that recommendation.

The Telecommunications Committee just completed a fairly major re-write that was reviewed by Staff and the City Attorney. The Draft Ordinance now addresses: stakeholder notification, defines "abandonment", defines "improvements", added permit requirements, rejected the "right-of-way" analysis and added additional standards and findings. The Draft Ordinance was provided to a number of carriers - some of whom had representatives in the audience. Senior Planner Buss distributed a letter received from The Planning Consortium. The Commission and the Assistant City Attorney then reviewed minor revisions and "clean-up" areas.

Commissioner Engler stated he felt it was not appropriate for the Commission to review the letter from the Planning Consortium. He felt it could be referring to a future application.

Chairman Orr opened the public hearing.

Commissioner Levine requested to have a single spokesperson address the Commission on behalf of the Committee.

Committee member Bob Langdon, stated that because of the various levels of expertise on the Committee, trying to combine the information at this late date, might be difficult. He related that Committee member Smythe reworked the Draft Ordinance and the closest possible compromise was reached.

Committee member Bob Ferber, stated that the Draft Ordinance could be considered a model and gives priority to the City and services to the City.

Committee member Walt Diem, described how the Committee was careful to assure that wireless installations would be compatible to the extent that residents would be unaware of their presence.

Chairman Orr opened the public hearing.

Leslie Daigle, representing AT & T, advised that a multi-level analysis was required on how to meet federal mandates. AT & T's lawyers have reviewed the Draft Ordinance and are "very concerned". She felt that counsel for AT & T could review the Draft Ordinance with Assistant City attorney Steres by the following week and emphasized that there are "very serious concerns".

Commissioner Levine stated that despite those concerns, the Commission could take action, since the City Council is the final authority.

Ms. Daigle commented that she had no problem with the standards in concept; they provide predictability. She did have issues with regulating the right-of-way, adding that carriers have considerable rights under state law, including eminent domain. She expressed a preference to dialogue with the City Attorney before the Planning Commission took action.

Dean Brown of The Planning Consortium, represented Sprint PCS. He apologized for the late nature of his comments, but he was only recently retained by his client. He reported of having met with Director Stanley and Senior Planner Buss the day before, when he was given a copy of the Draft Ordinance. He composed the letter which was distributed to the Commission the night before. Mr. Brown stated that Sprint has concerns similar to those of AT & T -- of microcell facilities located in rights-of-way. He advised that there are such facilities on Angeles Crest, another by the golf course and near Devil's Gate Dam. He stated that he would like to work with Staff and the City Attorney on his concerns.

Chairman Orr confirmed that Mr. Brown was addressing language contained in the Draft Ordinance rather than a substantive concern regarding the lack of coverage due to physical factors within the City. He also confirmed that Mr. Brown could work within the same timeframe as AT & T was requesting.

Assistant City Attorney Steres commented that the letter did contain substantive comments on the Draft Ordinance.

Mr. Brown asked Staff how they arrived at the definition of a microcell as having "an antenna that is no more than 300 sq inches in visual cross section with no one dimension exceeding four ft". He asked if there was any latitude related to the size of the antenna. He was also concerned about the definition of "stealth" with regard to microcell facilities in residential zones. By using existing utility poles in public rights-of-way, the need for new antenna support structure is avoided. The microcell box on the pole is small and painted earthtone colors. All ground-mounted equipment within rights-of-way would be required to be "undergrounded"; he asked if landscaping and boulders would suffice as screening measures? Why is the Wireless industry being singled out for special noticing requirements than other CUP applicants? Mr. Brown advised that wireless carriers cannot operate at power levels that exceed FAA standards. If those standards are exceeded, a fine of \$10,000 per day and their license is at risk. He stated that the "last thing a carrier would do is broadcast in excess of standards". He also requested clarification of the need for a report -- "do we have to test emissions from the site, or would they accept a letter from an engineer?" Mr. Brown advised that wireless carriers can only 'look' 2 to 3 years in the future; the Draft Ordinance asks for 5 years. Also, section 11.26.050, relates to setbacks and asked if they would apply to microcell projects proposed in public rights-of-way? Since the City's zoning extends to the centerline of the roadway; how could a project within a right-of-way comply with R-1 setback requirements?

Chairman Orr felt that it would be a mistake to proceed at this point, noting that the Draft Ordinance is an attempt to refine a new area and he was not surprised that the effort, as good as it is, would be subject to scrutiny "by someone who is coming from another angle". He felt it would be prudent to allow the carriers to discuss their concerns with the City Attorney and Staff and encouraged his colleagues to think in terms of a short continuance.

Commissioners Engler and Levine were in favor of acting at this meeting. They felt the carriers could present their concerns to the City Council.

Attorney Steres commented that one option would be to hear the comments regarding the regulation of cell sites in the public right-of-way to have them on the record without acting on them. The City Council would then take action although, that should not be the driving force. He noted that the appeal filed by Nextel is set for May 24<sup>th</sup> and that public right-of-way issues are not present in that matter.

Chairman Orr took a straw vote as to whether the Commission wished to hear from AT & T. Commissioners Levine and Engler voted to go forward; Commissioner Mehranian and Chairman Orr preferred to wait for further information.

M/S Orr/Mehranian to continue Zone Change 00-02 to May 8 and in the interim, AT & T and Sprint will have until April 30 to submit all written and oral comments to the City Attorney. Staff's report will be made on the basis of comments submitted.

Commissioner Engler amended the motion, requiring that the comments be forwarded to the Commissioners as they are submitted to the City Attorney.

Chairman Orr accepted the amended motion. Mr. Langdon asked that the committee members also receive copies of comments.

Commissioner Levine stated that he would not support the motion but was concerned that other carriers would show up on May 8<sup>th</sup> with similar concerns.

Mr. Ferber advised that the committee had received extensive input from other carriers and that the Draft Ordinance addresses their comments.

The motion passed; 3 Ayes: No: Levine

**OTHER BUSINESS:**

**REVIEW OF CAPITAL  
IMPROVEMENT  
PROGRAM:**

Director Stanley advised that the state government code requires the Planning Commission to annually review the City's Capital Improvement Plan (CIP). The Plan identifies Public Works projects 5 years in the future. The projects focus on upgrading and maintaining existing public facilities, many which are carried forward from

previous years. It is the Planning Commission's responsibility to determine whether the CIP is consistent with the General Plan.

Commissioner Levine stated that he wanted to be sure that the business owners in the Old Town District have input as to what affect a median would have on their business.

Attorney Steres read the resolution, noting that the basic finding is consistency with the General Plan.

M/S/C Levine/Mehranian, determining that the Capital Improvement Plan for 2001-2002 conforms with the goals and policies of the City's General Plan. 4 Ayes, with Commissioner Levine abstaining on the street lighting projects.

**DIRECTOR'S REPORT:**

Director Stanley reported that the City was in receipt of an application from Sport Chalet to construct a corporate office building on the north side of where the North Road would be located. The request should be before the Planning Commission in June.

Additionally, the City has hired a consultant to work with Caltrans on a Project Study Report (PSR) to determine if the east-bound ramp on the east side of Angeles Crest can be eliminated and replaced with a four-leg intersection. The process will take approximately one year. The City also hired a consultant to survey and engineer the North Road alignment in a manner that the City would control the alignment.

**ADJOURNMENT:**

M/S/C Mehranian/Levine to adjourn at 10:00 p.m.  
Unanimous.