

**A MEETING OF THE PLANNING COMMISSION OF
THE CITY OF LA CAÑADA FLINTRIDGE,
HELD SEPTEMBER 11, 2001**

CALL TO ORDER:

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

ROLL:

Present were: Commissioners Brown, Engler, Gelhaar and Mehranian, Deputy City Attorney Steres, Director of Community Development Stanley, Senior Planner buss, Planner Cantrell and Planning Aide Gjolme.

Chairman Levine addressed the terrorist attack on the country that occurred earlier that day. He made a motion to continue the meeting to September 17th, out of respect for those who lost their lives or who were injured. Commissioner Engler seconded the motion.

Discussion followed on the motion. Commissioner Gelhaar expressed his strong belief that disruption of American life is exactly what the terrorists want to accomplish. He amended the motion to have a moment of silence for those who lost their lives or injured, and for their families.

Commissioner Brown agreed; not going forward would be a small, albeit meaningless victory for the terrorists. He was willing to accommodate any individual who wished to have his/her request continued., but to disrupt additional lives would send the wrong message.

Commissioner Mehranian agreed with Chairman Levine and stated it would be difficult to talk about zoning issues in light of the tragedy.

Commissioner Engler felt that the public should have ample time to comment on the issues and noted attendance was light.

M/S Gelhaar/Brown amending the motion to continue the meeting, which would include a moment of silence.
4 Ayes; No: Mehranian.

Chairman Levine remarked that should the public hearing be held, he would want comments kept as brief as possible. The Commissioners agreed to give the Chair the discretion to continue a project should he determine insufficient testimony, etc. was available.

COMMENTS FROM THE PUBLIC:

Comments were not offered.

CONSENT CALENDAR: Minutes

M/S/C Engler/Mehranian to adopt the minutes of July 24, 2001. Unanimous.

Finding of substantial conformance with prior approval; HDP 00-33; 3701 Via Serrano:

Director Stanley remarked on Staff's determination that the three requests conform to the approval given and that extenuating circumstances required shifting the structures as explained in the Staff report.

Commissioner Brown commented that there is only a 2-ft change on the 3701 Via Serrano project, yet there is a significant siting change of house at other end .

Director Stanley advised that the shift was due to the easement and the change in pad height.

M/S/C Brown/Gelhaar, finding that the revisions conform with the original approval. Unanimous.

Finding of substantial conformance with prior approval; HDP 00-44; 3707 Via Serrano:

Director Stanley advised this was an identical situation.

M/S/C Gelhaar/Engler making a finding of substantial conformance with the prior approval. Unanimous.

Finding of substantial conformance with prior approval; HDP 99-30; 4033 Alta Vista:

Director Stanley reported that the revisions do not comprise any change to the sq. footage. A deck is now proposed above existing covered area and interior attic space would be converted to livable space. The roofline would remain unchanged and the house is screened from all angles.

M/S/C Brown/Mehranian making a finding of substantial conformance. Unanimous.

Chairman Levine then called for a moment of silence was observed in respect for the lives lost and affected from the terrorist attacks earlier that day.

**CONTINUED PUBLIC
HEARING:
ZONE CHANGE 00-02;
CITY OF LA CAÑADA
FLINTRIDGE; city-wide:**

Chairman Levine confirmed that no one in the audience was present to discuss this matter. Commissioner Engler commented that was not representative of residents who were involved in this issue.

Commissioner Brown felt it would be appropriate for the Commission to provide input on the Draft Ordinance.

Senior Planner Buss recalled that when this matter was initially heard in June, the Commission continued the item with direction to the Telecommunications Committee to review the Draft Ordinance and to consider comments provided by residence and vendors alike. The Committee has since met twice, including a meeting with the City Attorney, which resulted in additional amendments to the Draft Ordinance. A significant change is the exemption of telecommunication facilities located within public rights-of-way; those will be considered in a separate ordinance. Therefore, the Draft Ordinance before the Commission deals only with facilities on private property.

Commissioner Brown commented on the exclusions. He asked if the intent was that regulations apply to the larger satellite dishes for home reception.

Responding to a question from Commissioner Mehranian, Deputy City Attorney Steres advised of having met with to discuss the legal limitations regarding the ability to regulate these facilities. He met with the industry representatives and the Committee and believed that the Draft Ordinance represents a good balance between allowing these facilities, which the community wants, in a non-invasive manner.

Commissioner Brown referred to the Applicability Section and questioned if the wording excluded the larger satellite dishes.

Attorney Steres stated that the only item exempted are the "small dishes", defined as 1 meter or less in diameter.

Chairman Levine opened the public hearing.

Don Murrey, representing Sprint PCS, reported that at the last Telecommunications Committee meeting, a suggestion was made that buildings with a depth of 100 ft, rather than 200 ft., would qualify as *commercial*. He confirmed that did not carry forward. Aside from that, he stated that Staff and the Committee had done an excellent job and he looked forward to serving the community.

Bob Ferber, member of the Telecommunications Committee expressed disappointment with the Draft Ordinance's confinement to private property. He suggested that a companion ordinance, addressing locations within easements, rights-of-way, etc., begin post haste. Speed is important in deciding how the City wants to govern these installations, since they are occurring without standards.

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

Commissioner Brown commented on what he stated was a superb job done by Staff and the Committee. He had a couple of conceptual issues -1) interaction between the Design and Planning Commissions; -he noted that with telecommunication facilities, so much of what would be reviewed is the ability to hide the fixture. He stated that he was unsure how he, as a Commissioner, could approve a concept without seeing the design and how it would be "stealthed". On the other hand, the Design Commission might be hampered by the location set by the Planning Commission. The way the Ordinance reads, the Planning Commission would review a project before the Design Commission. He preferred that situation reversed, so that the Planning Commission would review a request as a finished package.

2) His second concern was the Special Notice requirement and the additional obligation to have the "site users" notified. While he understood that this

requirement evolved from the St. Francis situation , where the school, as a single donor, sent notices home with its students.. He stated that it would not always be that easy; situations would arise where multiple users or tenants are involved. It may not be within the power of the applicant to make that happen, especially if there is a project proposed near a site that accommodates a lot of people. He questioned if requiring an extraordinary notice, i.e., in the newspaper, wouldn't reach more people effectively, than what the Ordinance requires.

Another minor concern is the co-location requirement. He felt that an initial approval should include a condition requiring an irrevocable offer to make the site available to other providers. Doing so would put the City in a much stronger position to require co-location. He felt this should apply to city-owned property as well.

Commissioner Mehranian congratulated the committee for their successful efforts; she felt the matter was at a point where we could move on. She confirmed that the FCC monitors compliance.

Attorney Steres noted that—page 12, under *Monitoring Requirements*, requires an engineer's report on annual intervals.

Commissioner Mehranian inquired how the 20 year _____ came about. *****

Attorney Steres recognized that 20 years might seem a long time, but he pointed out that CUP approvals apply so long as the use is not abandoned and not in violation. Also, the standard term for leases is from 10-25 years, with an option to extend the term.

Commissioner Engler remarked that 20 years is preferable to granting an approval in perpetuity.

Commissioner Mehranian referred to language requiring removal of equipment upon abandonment of a site. She inquired if the City should allow the use to be extended if another user wanted to take it over.

Attorney Steres advised that the Draft Ordinance allows a facility to remain upon transfer to another user.

Commissioner Engler, a member of the Telecommunications committee, reported the Committee's sense of urgency that the City Council allow the Committee to continue its work and address rights-of-way issues. The recent 9th Circuit Court's decision has allowed providers to locate electrical boxes in the right-of-way and on power poles, without any ministerial action.

Commissioner Gelhaar thanked the Committee for an outstanding job and echoed Commissioner Engler's concerns.

M/S/C Mehranian/Engler to adopt the Draft Ordinance.

Commissioner Brown asked if his colleagues had any concern with a simultaneous Design Review process.

Commissioner Buss remarked that there is a reference on page 3 stating that an applicant may apply for preliminary review by the Design Commission, prior to review by the Planning Commission. He suggested modifying the language to require Design Commission first.

Commissioner Mehranian amended her motion to include direction to Staff to modify the language as discussed. The moti

M/S/C Engler 5-0

Recommending that the CC cont Telecom Cmt to address development standards in r-o-w. Understands dthat it must apply to all utilities.

Brown - rec that CC enact a moratorium for things in the r-o-w. Second Gelhar.

No discussion on this item.

4 Ayes. Abstain Levine due to his employment by Edison.

Levine to Steres - if utility
has exist franchse - does
the city have the authority
to impose a moratorium
on those locations?
Steres - wld be listed
execptions