

**OFFICIAL MINUTES
MONTEREY PARK PLANNING COMMISSION
REGULAR MEETING
February 9, 2016**

The Planning Commission of the City of Monterey Park held a Regular Meeting of the Board in the Council Chambers, located at 320 West Newmark Avenue in the City of Monterey Park, Tuesday, February 9, 2016 at 7:00 p.m.

CALL TO ORDER:

Chairperson Garcia called the meeting to order at 7:00 p.m.

ROLL CALL:

Planner Tewasart called the roll:

Commissioners Present: Rodrigo Garcia, Larry Sullivan, and Lincoln Lee

Commissioners Absent: Ricky Choi and Margaret Leung

ALSO PRESENT: Karl H. Berger, Assistant City Attorney, Michael A. Huntley, Director of Community and Economic Development, Samantha Tewasart, Senior Planner, Harald Luna, Assistant Planner

ORAL AND WRITTEN COMMUNICATIONS:

None

AGENDA CHANGES AND ADOPTION:

None

APPROVAL OF MINUTES:

October 27, 2015 –

Action Taken: The Planning Commission approved the minutes of October 27, 2015.

Motion: Moved by Commissioner Sullivan and seconded by Commissioner Lee, motion carried by the following vote:

Ayes: Commissioners: Garcia, Sullivan, and Lee

Noes: Commissioners: None

Absent: Commissioners: Choi and Leung

Abstain: Commissioners: None

January 26, 2016 –

Action Taken: The Planning Commission approved the minutes of January 26, 2016.

Motion: Moved by Commissioner Sullivan and seconded by Commissioner Lee, motion carried by the following vote:

Ayes: Commissioners: Garcia, Sullivan, and Lee
Noes: Commissioners: None
Absent: Commissioners: Choi and Leung
Abstain: Commissioners: None

CONSENT CALENDAR:

None

UNFINISHED BUSINESS:

2-A. CONDITIONAL USE PERMIT – 901 CORPORATE CENTER DRIVE (CU-15-08)

Planner Luna provided a brief summary of the staff report.

Commissioner Sullivan inquired about the height of the existing penthouse on the rooftop. Director Huntley replied that the code allows appurtenances such as elevator and stair towers and roof screening. There are also provisions within the zoning code that allows for heights to be slightly deviated associated with the installation of such facilities.

Chairperson Garcia opened the public hearing.

Applicant Lisa Desmond, 2362 McGaw Avenue, Irvine, CA 92614, stated that coverage is needed in the area and is available for any questions.

Speaker Environmental Commissioner Shirely Hwong, 475 Cumbre Street, Monterey Park, CA 91754, expressed concerns about radiation and stated that she does not have any issues with coverage. She stated that she was speaking on behalf of the children and seniors that had contacted her about their concerns.

Speaker Esther Wong, 560 Casuda Canyon Drive, Monterey Park, CA 91754, stated that she did not receive notification about the meeting and expressed concerns about health and property value impacts.

Speaker Antonial Ng, 2147 Arriba Drive, stated that he did not receive notification about the meeting and expressed concerns about health impacts.

Speaker Ho Ying Lee, 2107 Arriba Drive, expressed similar concerns as the other speakers.

Representative William Desmond, 2362 McGaw Avenue, Irvine, CA 92614, stated that with respect to concerns raised regarding health effects of wireless telecommunications facilities, the Federal Telecommunications Act of 1996 prohibits local jurisdictions from considering health effects in rendering land use decisions regarding the siting of wireless telecommunications facilities. Anecdotal comments, remarks, and opinions

expressed regarding health effects are outweighed by reputable sources, including the Federal Telecommunications Commission, American Cancer Society, European Commission, and even the World Health Organization concludes that there is no known health effects associated with wireless telecommunications facilities. For this reason the Telecommunications Act prohibits the consideration of health effects by local jurisdictions. There are a number of documents to the effect from these organizations.

With regards to concerns relative to impacts on property values, it is matter of established case law in the United States and more specifically in California in federal courts have two separate decisions, which have both stipulated that the claims of impacts on property values is not substantiated by any evidence. The most recent study done regarding impacts on property values part of Joint Venture Silicon Valley looked at the sales transactions of over 1,600 single-family residences over a 12-month period and found that there was no impact on property values. One of the leading considerations of people looking to purchase a new home is whether or not they have reliable wireless service. The current statistics show that 47 percent of households no longer have a landline; therefore, they rely on wireless devices in order to have their external communications both voice and data.

Chairperson Garcia closed the public hearing.

Commissioner Sullivan inquired the notification radius. Planner Luna replied that in compliance with the Zoning Code, the public notification was sent to properties within a 500 foot radius and a 3 foot by 4 foot notice was posted at the site, 30 days before the public hearing.

Commissioner Sullivan inquired if there was an AT&T facility on the building. Planner Tewasart replied that a similar project was approved across the street at the different location.

Commissioner Lee clarified that comments were made that the project is a tower, but the project is not a tower. The project is a facility that occurs everywhere within the City and in other cities. The project is some equipment on the roof. Planner Luna stated that the project is not a freestanding structure. The project is antenna panels that will be placed on the rooftop of an existing building.

Commissioner Lee inquired if Monterey Park has other facilities in the City. Planner Luna replied that there are two similar projects that were approved within the surrounding area. Also, in 1993, the Planning Commission approved a similar project on the rooftop of this building, but those antennas have been removed from the site.

Chairperson Garcia inquired when staff goes through the process of reviewing these telecommunication towers does staff review the health concerns. Attorney Berger replied that the City is precluded by federal law to take into consideration anything that has to do with radio frequencies. Congress determined in 1996 that there were no health concerns from its perspective that a city or local agency can look at when considering whether or not to allow a wireless facility to be constructed within their

jurisdiction. There is widespread discussion about whether or not there are actual health effects, but legally a city cannot consider those health concerns when considering whether or not a wireless facility can be approved.

Commissioner Garcia inquired when the public notification was mailed out. Planner Luna replied that the notices were mailed and posted on January 8th.

Commissioner Sullivan stated that the lots on Corporate Center are significant in size, so 500 feet may not have reached many properties.

Chairperson Garcia stated that he understands the perspective about being health and environmentally conscious, but the Planning Commission's ability to deny the project is very restricted.

Action Taken: The Planning Commission after considering the evidence presented during the public hearing adopted **Resolution No. 03-16** approving Conditional Use Permit (CU-15-08) for a wireless telecommunication facility at 901 Corporate Center Drive.

Resolution No. 03-16, entitled:

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CUP-15-08) FOR A WIRELESS TELECOMMUNICATION FACILITY AT 901 CORPORATE CENTER DRIVE

Motion: Moved by Commissioner Lee and seconded by Commissioner Sullivan, motion carried by the following vote:

Ayes:	Commissioners: Garcia, Sullivan, and Lee
Noes:	Commissioners: None
Absent:	Commissioners: Choi and Leung
Abstain:	Commissioners: None

2-B. CONDITIONAL USE PERMIT – 417 NORTH GARFIELD AVENUE (CU-15-09)

Planner Tawasart provided a brief summary of the staff report.

Applicant Jerry Ambrose, 3905 State Street, #7-188, Santa Barbara, CA 93105, stated that he was available for questions and accepted the conditions included in the resolution.

Speaker Dr. Thomas Leung, 455 North Garfield Avenue, cited studies that show health impacts to fetuses and animals.

Chairperson Garcia inquired if Dr. Leung was citing the Federal Communications rules and regulations. Speaker Dr. Leung replied that he is citing a local government official's guide to transmitting and antenna emissions safety published in 2000.

Speaker Dr. Lorinda Liang, 405 North Garfield Avenue, expressed concerns about health impacts.

Action Taken: The Planning Commission after considering the evidence presented during the public hearing adopted **Resolution No. 04-16** approving Conditional Use Permit (CU-15-08) for a wireless telecommunication facility at 901 Corporate Center Drive.

Resolution No. 04-16, entitled:

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CUP-15-09) FOR A WIRELESS TELECOMMUNICATION FACILITY AT 417 NORTH GARFIELD AVENUE

Motion: Moved by Commissioner Lee and seconded by Commissioner Sullivan, motion carried by the following vote:

Ayes: Commissioners: Garcia, Sullivan, and Lee
Noes: Commissioners: None
Absent: Commissioners: Choi and Leung
Abstain: Commissioners: None

NEW BUSINESS (PUBLIC HEARING):

3-A. CONDITIONAL USE PERMIT – 111 NORTH ATLANTIC BOULEVARD #349 (CU-15-11)

Planner Luna provided a brief summary of the staff report.

Chairperson Garcia opened the public hearing.

Applicant Kelvin Xingang Yao, 111 North Atlantic Boulevard, #349, stated that he is available for questions.

Chairperson Garcia closed the public hearing.

Action Taken: The Planning Commission after considering the evidence presented during the public hearing adopted **Resolution No. 05-16** approving Conditional Use Permit (CU-15-11) for on-sale alcohol beverages (beer and wine) in conjunction with a bona fide public eating place at 111 North Atlantic Boulevard #349.

Resolution No. 05-16

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CUP-15-11) TO PERMIT ON-SALE ALCOHOLIC BEVERAGES (BEER AND WINE) IN CONJUNCTION WITH A BONA FIDE PUBLIC EATING PLACE AT 111 NORTH ATLANTIC BOULEVARD #349

Motion: Moved by Commissioner Sullivan and seconded by Commissioner Lee, motion carried by the following vote:

Ayes: Commissioners: Garcia, Sullivan, and Lee
Noes: Commissioners: None
Absent: Commissioners: Choi and Leung
Abstain: Commissioners: None

COMMISSION COMMUNICATIONS:

None

FUTURE AGENDA ITEMS AS DIRECTED BY THE COMMISSION:

None

STAFF UPDATES:

Director Huntley provided an updated on the Marriott and Market Place developments.

CLOSED SESSION:

None

ADJOURNMENT:

There being no further business for consideration, the meeting was adjourned on February 9, 2016 at 8:00 p.m. to the next regular meeting on February 23, 2016 at 7:00 p.m. in the Council Chambers.

Michael A. Huntley
Director of Community and Economic Development

Approved on at the regular Planning Commission meeting.