

**OFFICIAL MINUTES
MONTEREY PARK PLANNING COMMISSION
REGULAR MEETING
September 27, 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, September 27, 2016 at 7:00 p.m.

CALL TO ORDER:

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

ROLL CALL:

Planner Tewasart called the roll:

Commissioners Present: Ricky Choi, Larry Sullivan, Margaret Leung, Theresa Amador, and Delario Robinson

Commissioners Absent: None

ALSO PRESENT: David King, Deputy City Attorney, Michael A. Huntley, Director of Community and Economic Development, Samantha Tewasart, Senior Planner

ORAL AND WRITTEN COMMUNICATIONS:

None

AGENDA CHANGES AND ADOPTION:

None

APPROVAL OF MINUTES:

None

CONSENT CALENDAR:

None

UNFINISHED BUSINESS:

None

NEW BUSINESS (PUBLIC HEARING):

2-A. TENTATIVE MAP NO. 074375 – 206 NORTH MOORE AVENUE (TM-16-03)

Planner Tewasart provided a brief summary of the staff report.

Commissioner Sullivan inquired about address numbers on the curb. Director Huntley replied that the Fire Department is now requiring that address numbers be visible for when they respond to a call. This is new direction from the Fire Chief for new developments.

Chairperson Choi inquired about the required number of parking since the code was recently amended. Planner Tewasart replied that the code amendment had gone before the City Council, but has not gone into effect.

Commissioner Leung inquired if the single sheet tentative map was a complete submittal packet. Director Huntley replied that the application is tentative map, so the Planning Commission is reviewing the subdivision itself and not the development of the building.

Chairperson Choi opened the public hearing.

Engineer Jack Lee of Cal Land Engineering, 576 Lambert Road, Brea, stated that they reviewed the resolution and will comply with the conditions.

Commissioner Leung inquired about the underground sewer, waste water system. Engineer Lee replied that the sewer plan will comply with the City and County design. If the sewer line at the back is lower than the sewer line at the street, then a sewer pump will be necessary. Commission Leung inquired if this is the responsibility of the property owner. Engineer Lee replied yes and the eventually the association.

Commission Leung inquired the building height and whether that is reflected on the civil drawing. Architect David Chun replied that the height was shown on the packet reviewed by the Design Review Board.

Commission Leung inquired if the utility will be undergrounded to the sidewalk. Director Huntley replied that that detail is typically not shown on a subdivision map.

Attorney King stated that the item is a tentative map for the project. It is not a comprehensive review of the project in total. The Commission's role is to review the map to ensure that is consistent with the General Plan and Subdivision Map Act.

Commission Amador inquired if they are reviewing the air space. Attorney King replied yes. Director Huntley replied that air right is not associated with the construction of the building, but the division of land or air space.

Commissioner Leung inquired if additional information can be added to the plans and stated that she does not have enough information to approve the project.

Chairperson Choi closed the public hearing.

Action: The Planning Commission after considering the evidence present during the public hearing adopted **Resolution No. 21-16** approving Tentative Map No. 074375

(TM-16-03) to subdivide air rights to develop a 5-unit condominium project at 206 North Moore Avenue in the R-3 (High Density Residential) Zone.

Motion: Moved by Commissioner Amador and seconded by Commission Robinson, motion carried by the following vote:

Ayes: Commissioners: Choi, Sullivan, Amador and Robinson
Noes: Commissioners: Leung
Absent: Commissioners: None
Abstain: Commissioners: None

COMMISSION COMMUNICATIONS:

Commissioner Leung is requesting that the Planning Commission recommend to the City Council to consider amending Chapter 9.06 Aircrafts to update the existing regulations.

Director Huntley stated that is a Commission Communication item. At the last Planning Commission meeting, Commission Leung brought in front of the Commission an interest in getting the Commission to recommend to the City Council to consider certain amendments. This is not a staff item.

Chairperson Choi requested that staff provide clarification as to the Commission's role with regards to this issue. This body is here to consider matters in land use issues such as zone changes, specific plans, subdivision maps, conditional use permits and the like and make recommendations to the City Council on policies dealing with the present and future growth of the City.

Director Huntley replied that the Planning Commission's job as appointees from the City Council is to review all land use within the City and all the issues of Title 21 which is the Zoning Code and all development projects. The Zoning Code does include performance standards, which includes noise, but typically land based. The Planning Commission does not have the purview over Chapter 9, which is why the Commissioner would like discuss tonight. That does not mean that the Commissioner cannot make a suggestion to the other Commissioners and as a body make a recommendation to the City Council on it.

Attorney King stated that the Planning Commission's role is defined to oversee land use and serve as an advisory body to the City Council and to strike a balance between private interest and public welfare and that is why there are public hearings and public comments. Chapter 9 is a Peace, Safety, and Morals Title of the Monterey Park Municipal Code a little out of the purview of the Planning Commission, but it doesn't stop the Planning Commission from making a recommendation to the City Council. If the City Council were to take this up, this Ordinance would not come before the Planning Commission again.

Chairperson Choi stated that although he understands that it is of great importance to the community that this might not be the correct forum for this discussion, but will defer to the other Commissioners.

Commissioner Leung stated that the purpose of the proposed revision to Chapter 9.06 Aircraft, which talks about flight altitudes in populated areas during takeoff and landing, is due to recent events of commercial flights, in particular west arrival flights are using Monterey Park as a turnaround point and they call it an extended downwind approach and they are flying over Monterey Park at an altitude of 2,500 which is becoming a big nuisance to most residents in the area. This matter has been brought before the FAA and the City is currently represented at the LAX roundtable for a regional resolution. The municipal is antiquated; it talks about 1,000 feet above ground which came from a safety code in the CFRs. There is no rule in place right now that prevents Monterey Park from imposing a more restrictive number. The number being proposed tonight has been reviewed and they were taken from white papers. It was acknowledged by the LAX operations manager that some of the numbers are currently in use for the east arrival flights and the proposal is to implement the numbers for the west arrival flights also.

Commissioner Robinson stated that since Commissioner Leung has brought up the matter he has been viewing the aircrafts that would come from the airport. Once or twice a week they will come towards Monterey Park and on the other days the FAA has done a good job on trying to reroute aircrafts to other areas. He doubts that Monterey Park is a pinpoint location for the aircraft to come and be that close to the ground. If Commissioner Leung wants to go before the City Council to raise the issue that would be more appropriate.

Commissioner Amador inquired is the purpose is to review the proposal and recommend it to the City Council. Chairperson Choi replied that that is what Commissioner Leung is proposing, to review the changes to the Municipal Code regarding Chapter 9.06 and that the Commission recommend to the City Council to make these changes. Commissioner Amador stated that if the Commission is to review the proposal it should be a complete package and look at including drones, balloons, and airships such as the Good Year blimp, which the City may be concerned with the future. The decision making body of the proposal should come from the City Council. She supports Commissioner Robinson and this should be proposed at the City Council level and this should be their decision.

Commissioner Sullivan stated that in the Municipal Code nowhere does not mention fire and rescue helicopters and inquired who issues authority for that. He contacted the County and they said the District Flight Control Coordinator would take over all responsibility for water dropping on a City where it is mandated and they dictate the altitude and everything based on their graphics. He inquired if that should be incorporated into the proposed amendment.

Attorney King replied that the code is antiquated and the code is probably not enforced too often in the City. Matters dealing with water drops for fire are probably regulated in other areas. The federal government, Federal Aviation Administration would have perimeters as far as flight altitudes. Whether or not the code needs to be amended is not something that a city typically enforces on a daily basis.

Chairperson Choi stated that he reviewed other cities' codes. Alhambra is similar to Monterey Park at 1,000 feet in their congested areas. Any other areas are at 500 feet, which is very lenient in terms of that. The cities of Rosemead and San Gabriel do not have any regulations. That may have to do with the fact that city ordinances do not trump federal regulations with regards to this matter, so putting this in the books is not really enforceable. He has worked in various levels of government and a better approach may be to go to the regulatory body that has jurisdiction and oversight on this matter. If that agency is the Federal Aviation Administration (FAA), then Congress has oversight on the FAA. The conversation should be had with the City's congressional representative. She may be able to request a direct meeting with the regional administrator of the FAA here or even the FAA administrator from Washington DC. That direction may be more effective than having the City take action and put something in the books that is not going to be enforceable. He also recommends that residents continue to report noisy low flights Los Angeles World Airports (LAWA); they have a noise complaint process and to continue to participate in the roundtable. It is important that the city's message gets conveyed to the right people.

Commissioner Leung stated that the Commission will only be making a recommendation to the City Council to take some action. The proposed wording may not be perfect, but it is only a recommendation for the City to make some changes or update this particular section of the code. The Metroplex Project has been approved and it is going to be implemented in November. This particular issue with Monterey Park started back in the 1990s. Monterey Park hired a consultant to provide a resolution and in mid-stream the funding stopped and even the FAA stated the fact that the only way to resolve Monterey Park's issue is to redesign their airspace. The proposed amendment is a temporary relief for the residents of Monterey Park.

Commissioner Sullivan stated that the word commercial is missing, which is the nuisance. Private flights would not want to be regulated.

Commissioner Amador stated that the current code does include private planes. Commissioner Sullivan replied that that is something that has to be looked at.

Commissioner Amador inquired if this is a PR vehicle, so that the City Council can act on it and say that the City of Monterey Park introduced this. Commissioner Leung replied yes.

Commissioner Robinson stated that stands behind Chairperson Choi.

Commissioner Amador inquired if the Deputy City Attorney can clarify what was recommended to the Planning Commission.

Attorney King replied that Commissioner Leung had inquired about the vehicle to bring the item before the Commission and ultimately to the City Council. Any Planning Commissioner can bring up any issue and ask the Planning Commission if they would like to recommend something to the City Council. It would take a majority of the Planning Commission, and it would require a vote. It would require a majority of the

Planning Commission to speak on behalf of the Commission. If there was a majority that would approve this, the Commission would then direct staff to put the item on the next City Council agenda or if the Commission would like to see something more formal the Commission can direct staff to prepare a resolution and adopt it at the next Planning Commission meeting. Typically, Planning Commissioners are focused on the land use issues and that is in the purview of the Planning Commission, but that does not mean that matters of general concern cannot be brought up. It would require legislation because what is before the Commission is Chapter 9.06, which is a part of the code and in order to make the proposed changes, those would have to be adopted in an ordinance at the City Council level. The Planning Commission does have purview over Chapter 9.06.

Attorney King further clarified that the regulations in Chapter 9.06 are enforceable to a point. The City is concerned about City jurisdiction and typically local issues. The FAA has oversight on interstate commerce and interstate travel which would include commercial aircrafts that are flying at a much high altitude. This chapter seems to be concerned with lower flying aircraft and the definition of aircraft is much broader, including balloons or other conveyances, which would typically fly at a much lower level. This chapter is enforceable to a certain extent as long as it does not conflict with federal law. As Commissioner Sullivan brought up there are other issues as well. Other regulations such as water drops during fires which would be regulated more at the county level. There are different layers. Cities are usually more concerned with local smaller flying aircrafts over certain structures within the city. The FAA is concerned with much bigger aircraft flying at much higher altitudes. The drafters of the code may not have been thinking about commercial airlines. They may have been thinking about balloons that may be damaged and hurt someone on the ground.

Chairperson Choi opened the public hearing.

Speaker Tom Lu, 30-year resident of Monterey Park, stated that he is one of the residents that file daily complaints to LAX about the lower flying aircraft noise. Every 90 seconds a plane flies over his house at around 2,500 to 3,000 feet. He is disappointed to hear that some of the commissioners do not understand or know what is happening. The planes are turning earlier now because of the City's complaints. This effort might be meaningless, but it is moral support for the residents of Monterey Park

Speaker Virginia Kiehl, 18-year resident on Coral View Street, stated that this is a problem for certain people in the City, but it is a huge problem. It is affecting her land use. When the planes are passing by every minute you cannot use your yard. Anything that we can do to help the residents get out from underneath the noise, environmental health issues, and safety issues of the planes would be appreciated.

Speaker Nancy Arcuri, 1971 resident, lives on the east side of town inquired about the definition of air space.

Chairperson Choi closed the public hearing.

Action: The Planning Commission after considering the evidence presented during the public hearing **recommended** to the City Council to consider an amendment to Monterey Park Municipal Code Chapter 9.06.

Motion: Moved by Commissioner Leung and seconded by Commission Amador, motion carried by the following vote:

Ayes: Commissioners: Sullivan, Amador, and Leung
Noes: Commissioners: Choi and Robinson
Absent: Commissioners: None
Abstain: Commissioners: None

FUTURE AGENDA ITEMS AS DIRECTED BY THE COMMISSION:

None

STAFF UPDATES:

None

CLOSED SESSION:

None

ADJOURNMENT:

There being no further business for consideration, the meeting was adjourned on September 27, 2016 at 8:29 p.m. to the next regular meeting on October 11, 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.