CITY COUNCIL OF MONTEREY PARK
THE CITY COUNCIL ACTING ON BEHALF OF THE SUCCESSOR AGENCY OF THE FORMER REDEVELOPMENT AGENCY, THE HOUSING AUTHORITY, THE MONTEREY PARK FINANCING AUTHORITY AND THE MONTEREY PARK GEOLOGIC HAZARD ABATEMENT DISTRICT
AGENDA

REGULAR CITY COUNCIL MEETING
MONTEREY PARK CITY HALL COUNCIL CHAMBERS
320 W. NEWMARK AVENUE, MONTEREY PARK, CA 91754

Wednesday
October 2, 2024
6:30 p.m.

MISSION STATEMENT

The mission of the City of Monterey Park is to provide excellent services to enhance the quality of life for our entire community.

LAND ACKNOWLEDGMENT

We would like to acknowledge that the land we inhabit today was once known as Tovangaar, the home of the Gabrieleño-Tongva people. We show our respect to the Gabrieleño-Tongva people, as well as all Indigenous people, past, present, and future, and honor their labor as original caretakers of this land. We commit to uplifting the Gabrieleño-Tongva people, invite you to acknowledge the history, and join us in caring for this land.

GENERAL INFORMATION

Documents related to an Agenda item are available to the public in the City Clerk's Office located at 320 West Newmark Avenue, Monterey Park, CA 91754, during normal business hours and the City's website at http://www.montereypark.ca.gov/AgendaCenter/City-Council-17.

The public may watch the meeting live on the city's cable channel MPKTV (AT&T U-verse, channel 99 or Charter Communications, channel 182) or by visiting the city's website at http://www.montereypark.ca.gov/133/City-Council-Meeting-Videos. Per the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call City Hall at (626) 307-1359 for reasonable accommodation at least 24 hours before a meeting. Council Chambers are wheelchair accessible.

PUBLIC PARTICIPATION

You may speak up to 5 minutes on an/each Agenda item. You may combine up to 2 minutes of time with another person's speaking. No person may speak more than a total of 10 minutes. The Mayor and City Council may change the amount of time allowed for speakers. Written Communication will be accepted up to 24 hours before the meeting via email to mpclerk@montereypark.ca.gov or by completing an online form at www.montereypark.ca.gov/writtencomm.

While all comments are welcome, the Brown Act does not allow the City Council to take action on any item not on the agenda. The Council may briefly respond to comments after Public Communications is closed. Persons may, in addition to any other matter within the City Council's subject-matter jurisdiction, comment on Agenda Items at this time. If you provide public comment on a specific Agenda item at this time, however, you cannot later provide comments at the time the Agenda Item is considered.

CALL TO ORDER **Mayor**
FLAG SALUTE **The Monterey Park Fire Explorer**
ROLL CALL **Henry Lo, Vinh Ngo, Jose Sanchez, Thomas Wong, Yvonne Yiu**

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

PUBLIC COMMUNICATIONS

STAFF COMMUNICATIONS:

- City Clerk's Office
- Fire Department
- Library
- Police Department
- Recreation and Community Services
- Public Works

[1.] PRESENTATION – None.

[2.] OLD BUSINESS

2-A. SATURN PARK ADVISORY REVIEW COMMITTEE ("SPARC") OUTREACH AND RECOMMENDATION

It is recommended that the City Council consider:

(1) Receiving and filing the SPARC Community Visioning Workshop Series – Outreach Report (Attachment 1)

(2) Approving the minutes for the SPARC's regular meeting of August 29, 2024 (Attachment 2);

(3) Receiving the Saturn Park Advisory Review Committee's ("SPARC's") recommendation to expand allowed uses within Saturn Park and directing staff regarding the land uses for Saturn Park as deemed appropriate; and

(4) Taking such additional, related, action that may be desirable.

[3.] CONSENT CALENDAR ITEM NOS. 3A-3K

All items under the Consent Calendar are considered by the City Council to be routine and will be enacted by one motion. Specific items may be removed from the Consent Calendar at the request of any member of the City Council for separate consideration.

3-A. MINUTES

It is recommended that the City Council consider:

(1) Approving the minutes from the special meeting of May 22, 2024; and

(2) Taking such additional, related, action that may be desirable.

3-B. ADOPTION OF CITYWIDE MISSION, VISION AND VALUES STATEMENTS

It is recommended that the City Council consider:

(1) Officially adopting the Monterey Park Team Charter, containing the citywide Mission, Vision and Values Statements; and

(2) Taking such additional, related, action that may be desirable.

3-C. PROFESSIONAL SERVICES AMENDMENT FOR INFORMATION TECHNOLOGY (IT) SERVICES

It is recommended that the City Council consider:

(1) Authorizing the City Manager to execute a retroactive first amendment from July 1, 2024 to February 29, 2028, to the Knight Communications Agreement No. 2346-AA, in a form approved by the City Attorney. This first amendment will add IT services to the City's Police Department in the amount of $763,877, for a total not to exceed $3,248,551 for the term of the Agreement.

(2) Taking such additional, related, action that may be desirable.

3-D. WAIVE FURTHER READING AND ADOPT ORDINANCE FOR DEVELOPMENT AGREEMENT (DA-23-03) A DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF MONTEREY PARK AND THE COMMONS OF MPK, LLC, FOR THE DEVELOPMENT OF A 64-UNIT CONDOMINIUM PROJECT ON REAL PROPERTY LOCATED AT 338-410 S. ALHAMBRA AVENUE (ASSESSOR'S PARCEL NUMBERS 5259-004-036, 5259-004-037, AND 5259-004-038)

It is recommended that the City Council consider:

(1) Waiving the second reading and adopting the proposed ordinance; and

(2) Taking such additional, related, action that may be desirable.

3-E. CODE ENFORCEMENT OFFICER APPRECIATION WEEK RESOLUTION

It is recommended that the City Council consider:

(1) Adopting a Resolution declaring the week of October 6 – October 12, 2024, as Code Enforcement Officer Appreciation Week in Monterey Park; and

(2) Taking such additional, related, action that may be desirable.

3-F. OFFICE OF TRAFFIC SAFETY ("OTS") PEDESTRIAN AND BICYCLE SAFETY PROGRAM GRANT FUNDING FOR FISCAL YEAR 2024/2025

It is recommended that the City Council consider:

(1) Accepting grant funds and authorize the City Manager, or designee, to execute an agreement, in a form approved by the City Attorney, with the Office of Traffic Safety (OTS) in the amount of $25,555 for the Pedestrian and Bicycle Safety Program.

(2) Adopting a Resolution authorizing the City Manager, or designee, to receive and appropriate grant funds in fiscal year 2024-25, and execute an agreement, in a form approved by the City Attorney, with the OTS in the amount of $25,555 for the Pedestrian and Bicycle Safety Program; and

(3) Taking such additional, related, action that may be desirable.

3-G. OFFICE OF TRAFFIC SAFETY SELECTIVE (OTS) TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT FUNDING FOR FISCAL YEAR 2024/2025

It is recommended that the City Council consider:

(1) Accepting grant funds and authorize the City Manager, or designee, to execute an agreement, in a form approved by the City Attorney, with the Office of Traffic Safety (OTS) in the amount of $190,000 for the Selective Traffic Enforcement Program (STEP);

(2) Adopting a Resolution authorizing the City Manager, or designee, to receive and appropriate grant funds in fiscal year 2024-25, and execute an agreement, in a form approved by the City Attorney, with the OTS in the amount of $190,000 for the STEP; and

(3) Taking such additional, related, action that may be desirable.

3-H. RECEIVE AND FILE STAFF REPORT SUMMARIZING THE STATUS OF SISTER CITIES COMMISSION AD-HOC COMMITTEE

It is recommended that the City Council consider:

(1) Receiving and filing the staff report summarizing the status of the Sister Cities Commission Ad-Hoc Committee; and

(2) Taking such additional, related, action that may be desirable.

3-I. MONTEREY PASS ROAD OVERLAY – AWARD OF PUBLIC WORKS CONTRACT TO HARDY & HARPER, INC.

It is recommended that the City Council consider:

(1) Authorizing the City Manager to execute a public works contract, in a form approved by the City Attorney, with Hardy & Harper, Inc. in the contract amount of $1,133,912 for the Monterey Pass Road Overlay Project;

(2) Appropriating an additional $150,000 from Fund 241 Prop C Funds, and an additional $100,000 from Fund 100 General Funds to the FY2024-25 budget;

(3) Authorizing the Director of Public Works to approve change orders not to exceed $113,392 over the total contract amount; and

(4) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The City reviewed the environmental impacts of the proposed Ordinance pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, et seq. “CEQA”) and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et seq., the “CEQA Guidelines”). CEQA Guideline § 15301(c) (Existing Facilities) exempts the operation, repair, maintenance, alteration of existing public or private structures which involve negligible or no expansion of existing or former use. The proposed work will occur entirely within an existing structure. Accordingly, no further environmental review is required.

3-J. PURCHASE OF BULK CHEMICALS FOR WATER DIVISION

It is recommended that the City Council consider:

(1) Authorizing the City Manager to execute three-year agreements, in a form approved by the City Attorney, with Pacific Star Chemical, LLC; Univar Solutions USA, LLC; and USP Technologies for the purchase and delivery of hydrogen peroxide for a combined total not to exceed $240,000 annually;

(2) Authorizing the City Manager to execute a three-year agreement, in a form approved by the City Attorney, with Gallade Chemical, Inc. for the purchase and delivery of sodium chloride for an amount not to exceed $40,000 annually; and

(3) Appropriating to the FY 2024-25 budget, $140,000 in water treatment funds for the purchase and delivery of hydrogen peroxide, and $15,000 in water operations funds for sodium chloride; and

(4) Taking such additional, related, action that may be desirable.

3-K. EASEMENT WITH THE LOS ANGELES COMMUNITY COLLEGE DISTRICT FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF THE ELAC NORTHEAST DRAINAGE AREA AND BIOFILTRATION PROJECT

It is recommended that the City Council consider:

(1) Authorizing the City Manager to execute the grant of easement, in a form approved by the City Attorney, with the Los Angeles Community College District for a biofiltration project located in the ELAC Northeast Drainage area;

(2) Taking such additional, related, action that may be desirable.

[4.] PUBLIC HEARING

4-A. PUBLIC HEARING TO REVIEW AND APPROVE THE FISCAL YEAR (FY) 2023-24 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) FOR SUBMITTAL TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

It is recommended that the City Council consider:

(1) Opening the public hearing to receive testimonial and documentary evidence;

(2) Approving the draft FY 2023-2024 Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant ("CDBG"), and HOME Investment Partnerships ("HOME") Programs;

(3) Directing staff to prepare and transmit the final documents to the U.S. Department of Housing and Urban Development ("HUD");

(4) Authorizing the City Manager, or her designee, to take all actions necessary or desirable to complete and submit the CAPER; and

(5) Taking such additional, related, action that may be desirable.

[5.] NEW BUSINESS

5-A. CONSIDERATION AND POSSIBLE ACTION TO INTRODUCE AND WAIVE FIRST READING OF AN ORDINANCE AMENDING SECTION 105.3.2 TO THE ADMINISTRATIVE PROVISIONS OF THE CALIFORNIA BUILDING CODES GOVERNING TIME LIMITATIONS FOR BUILDING PERMIT APPLICATIONS.

It is recommended that the City Council consider:

(1) Introducing and waiving first reading for an Ordinance amending Section 105.3.2 to the Administrative Provisions of the California Building Standards Code (as codified at Monterey Park Municipal Code § 16.01.040); and

(2) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The City reviewed the environmental impacts of the proposed Ordinance pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq*. "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, *et seq*., the "CEQA Guidelines"). CEQA Guidelines §§ 15060(c)(2), 15061(b)(3), 15378, and 15308 exempt activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment, activities where there is possibility that it may have a significant effect on the environment, activities that do not constitute a "project" as defined, and actions to protect the environment, respectively. This activity is for general policies and procedure-making that applies to building applications. Any subsequent construction or development will be evaluated separately under the CEQA Guidelines. Accordingly, this Ordinance is exempt from further CEQA review.

[6.] CITY COMMUNICATIONS (CITY COUNCIL)

6-A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, CALIFORNIA, SUPPORTING PROPOSITION 2: THE KINDERGARTEN THROUGH GRADE 12 SCHOOLS AND LOCAL COMMUNITY COLLEGE PUBLIC EDUCATION FACILITIES MODERNIZATION, REPAIR, AND SAFETY BOND ACT OF 2024

It is recommended that the City Council consider:

(1) Adopting a Resolution of the City Council of Monterey Park, California, supporting Proposition 2: the Kindergarten Through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024; and

(2) Taking such additional, related, action that may be desirable.

6-B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, CALIFORNIA, DECLARING AND RECOGNIZING OCTOBER 9, 2024, AS NATIONAL WALK & ROLL TO SCHOOL DAY

It is recommended that the City Council consider:

(1) Adopting a Resolution of the City Council of Monterey Park, California, declaring and recognizing October 9, 2024, as National Walk & Roll to School Day; and

(2) Taking such additional, related, action that may be desirable.

[7.] FUTURE AGENDA ITEMS

[8.] CLOSED SESSION (IF REQUIRED; CITY ATTORNEY TO ANNOUNCE)

ADJOURN

City Council Staff Report

DATE: October 2, 2024

AGENDA ITEM NO: Old Business - 2A

TO: The Honorable Mayor and City Council

FROM: Jessica Serrano, Director of Community Development

SUBJECT: Saturn Park Advisory Review Committee ("SPARC") Outreach and Recommendation

RECOMMENDATION:

It is recommended that the City Council consider:

1. Receiving and filing the SPARC Community Visioning Workshop Series – Outreach Report (Attachment 1);
2. Approving the minutes for the SPARC's regular meeting of August 29, 2024 (Attachment 2);
3. Receiving the Saturn Park Advisory Review Committee's ("SPARC's") recommendation to expand allowed uses within Saturn Park and directing staff regarding the land uses for Saturn Park as deemed appropriate; and
4. Taking such additional, related, action that may be desirable.

BOARD/COMMISSION REVIEW:

On April 9, 2024, the Planning Commission discussed future land uses at Saturn Park as contemplated by the Land Use and Urban Design Element ("LUE") to the General Plan approved by voters through Measure JJ in 2020 (Ordinance No. 2198; Attachment 3). Additional background regarding the adoption of the LUE is contained in the City Council Staff Report, dated June 17, 2020 (Attachment 4). During a subsequent Planning Commission meeting on April 15, 2024, the majority of the Planning Commission expressed support for expanded land uses within Saturn Park to implement the vision expressed in the LUE.

EXECUTIVE SUMMARY:

The SPARC was formed on May 22, 2024 by the City Council to solicit public input and develop a recommendation regarding potential future land uses as part of the implementation of the LUE. A four-part series of community workshops was held by the SPARC beginning on July 29, 2024 and ending on August 29, 2024. At the final meeting, the SPARC voted 8-1 to recommend that City Council expand allowed uses at Saturn Park and create two different zones for properties to the north vs. properties to the south of Saturn Street. The recommended action includes that City Council consider providing direction regarding any desirable "next steps" for implementing the LUE based upon the SPARC Community Visioning Workshop Series – Outreach Report (dated October 2024).

BACKGROUND:

The area referred to as Saturn Park in the LUE is approximately 65 acres and is bordered by adjacent residential uses, La Loma Park, and La Loma Reservoir to the north, Potrero Grande Drive to the south, Orange Avenue to the east, and residential uses to the west. The area is comprised of 19 lots with 12 different property owners. This area was historically a decomposed granite quarry, but in later years became a business park called McCaslin Business Park.

Saturn Park currently has voter enacted zoning regulations, Office Professional ("O-P") zone, that were enacted through Measure D (Ordinance No. 1933) on April 14, 1998. The voter approved O-P zone in Saturn Park poses challenges to businesses wishing to locate in that area due to the limited allowed uses. Additionally, Saturn Park has office buildings that are obsolete and remain unoccupied due to changes to the mode in which businesses operate in the post-Pandemic era. Currently, approximately 73% of the available building square footage is unoccupied.

On November 3, 2020, voters enacted Measure JJ which adopted the LUE. A full discussion regarding the LUE was provided to the City Council in 2019 and 2020. Copies of those staff reports (without attachments) are included with this Staff Report for context (Attachment 4).

Measure JJ constitutes the 20-year voter approved vision for development in the City. Measure JJ designates Saturn Park as "Innovation/Technology" (LUE – Figure LU-3: Land Use Policy Map, Attachment 5). Uses for this designation include research and development; light manufacturing; service commercial; professional offices; entertainment; and breweries/wineries/distilleries; trade and technical schools; public utilities, and similar uses "per zoning regulations." Prohibited uses include warehousing, freight terminals, vehicle storage, and heavy manufacturing. Section 3(A) of Measure JJ specifically authorizes the City Council to "implement [Measure JJ] including, without limitation, adopting all zoning regulations needed to effectuate [Measure JJ] by ordinance."

The SPARC was formed by the City Council on May 22, 2024 to solicit public input and develop a recommendation regarding potential future land uses at Saturn Park as part of the implementation of the LUE. On July 17, 2024, the City Council authorized the City Manager to execute a task order and budget appropriation to retain Willdan Engineering to assist the City with conducting outreach activities and potentially amending the zoning code to govern Saturn Park land uses in accordance with Measure JJ.

On June 18, 2024, the City Council adopted Urgency Ordinance No. 2245 instituting a moratorium governing the acceptance, approval and issuance of new permits for development within Saturn Park for at least 45 days, which ended on August 2, 2024. The moratorium was extended by adopting Ordinance No. 2246 on July 17, 2024 for an additional 90 days until October 31, 2024.

The Urgency Ordinance allowed time for the SPARC to receive public input regarding recommended land uses for Saturn Park and implementation of the LUE. Additional extensions of the Urgency Ordinance may be desirable if the City were to pursue changes to the existing zoning regulations.

As part of the SPARC's outreach, a four-part workshop series was held with sessions on July 29, August 12, August 19 and August 29, 2024. The workshop series was led by Willdan Engineering representatives who were responsible for leading discussions, breakout groups, and voting exercises aimed at gathering community feedback. The outreach process and community input are summarized in the SPARC Community Visioning Workshop Series – Outreach Report contained in Attachment 1. Part of the recommended action is that City Council receive and file this report.

At the final meeting on August 29, 2024, the SPARC members received a recap of the community input received at the prior workshops and voted on a recommendation to City Council regarding potential future land uses at Saturn Park. With an 8-1 vote, the SPARC voted to:

> *Recommend that the Monterey Park City Council expand land uses for the Saturn Park area with consideration for areas and parcels above and west of Saturn Street versus the south of Saturn Street without eliminating any existing permitted land uses.*

Since the SPARC is not scheduled to reconvene, the meeting minutes from August 29, 2024 are being presented to the City Council for consideration. The recommended action includes that City Council direct staff as deemed appropriate in regard to the land uses for Saturn Park.

2024-25 STRATEGIC PLAN GOAL:
Potential direction to staff to implement the SPARC's recommendation to expand allowed uses at Saturn Park will advance the City Council's Strategic Plan Goal to "Strengthen our local economy and enhance housing opportunities" by increasing options for potential future businesses at Saturn Park.

FISCAL IMPACT:
No fiscal impacts are anticipated.

Respectfully submitted and prepared by:

Jessica Serrano
Director of Community Development

Approved by:

Inez Alvarez
City Manager

Reviewed by:

Karl H. Berger
City Attorney

ATTACHMENTS:

1. SPARC Community Visioning Workshop Series – Outreach Report, dated October 2024
2. SPARC Meeting Minutes, dated August 29, 2024
3. Ordinance No. 2198, Enactment of LUE
4. City Council Staff Report, dated June 17, 2020
5. LUE – Figure LU-3: Land Use Policy Map

ATTACHMENT 1

SPARC Community Visioning Workshop Series – Outreach Report, dated October 2024

CITY OF MONTEREY PARK
CALIFORNIA

Saturn Park Advisory Review Committee (SPARC)

Community Visioning Workshop Series
Outreach Report

October 2024

WILLDAN

Introduction

This Report is a comprehensive summary of the activities associated with the series of Saturn Park Advisory Review Committee (SPARC) community visioning workshops. The series was designed to solicit input and feedback from participants and residents and to provide information for the SPARC to develop a recommendation to City Council for the Saturn Park land use planning or zoning moving forward.

The Saturn Park Advisory Review Committee was formed by the Monterey Park City Council to help determine if alternative and/or additional land uses could help to reinvigorate the Saturn Park site. The SPARC considered public feedback in order to develop and form its recommendation to the City Council for a possible plan to help revitalize the site under its current permitted uses or under a broader range of land uses.

Willdan facilitated these workshops and captured the community feedback needed for the SPARC to formulate its recommendations to the City Council. The team put together an outline of the topics to be addressed at each meeting. These workshops were structured to give the SPARC and attendees information on Saturn Park and existing land use and zoning regulations in order to facilitate productive conversations and feedback at the meetings. Participants included SPARC members, residents, and other stakeholders.

Attached at the end of this report is a series of documents associated with each meeting and written email comments received outside of the meetings. The summaries provided below reflect these attachments.

Purpose

The purpose of the series of workshops was to engage the public in envisioning a future for the site that the community at-large can generally support. Community feedback, suggestions, and ideas are important to help achieve a broad consensus among various stakeholders.

The objective of the workshops was a final recommendation to the full City Council on how to best move forward with a vision for the site.

The role of the SPARC was to receive public comment and guidance, help achieve general consensus, and to advise the City Council on a path forward or alternatively a recommendation of a no change option.

The Site

The Saturn Park Site and Vicinity, aerial image

The Saturn Park site, also known as McCaslin Business Park, was named after the original owner and developer Lowry B. McCaslin in the 1940s. The site was originally a quarry for mining decomposed granite and was then developed into a business park in the 1970s with office uses, particularly a corporate office center. The site was fully utilized in the 1980s, but over the past 10 years has declined in building occupancy and usefulness. In addition, the post-pandemic office market has shifted as in-person office attendance has been reduced/replaced as companies continue to offer remote or hybrid

work models resulting in driving the demand for office space down and vacancy rates up.

Today the site is a mix of multiple, privately-owned parcels. In addition to office use, other uses include warehousing and distribution. Lack of land use diversities, high vacancies, unimproved older buildings, and underutilization of the site extend over large portions of the area. The site is adjacent to single family neighborhoods to the southwest, north and northwest. The Edison electrical substation is located southeast of the site and the I-60 Freeway is located to the south. Further southeast is a commercial/retail development known as The Market Place.

The site is directly accessed by Potrero Grande Drive to the south through both Atlas Avenue at the southern edge of the site and Saturn Street at the eastern edge of the site. A series of three driveways from Potrero Grande also provide direct access from the southern edge of the site.

The topography is sloping. A range of building types, sizes, layout, styles/themes, and construction methods are found throughout. The site overall does not appear to be a uniform business park, with inconsistent and lackluster streetscapes, inconsistent signage, an overabundance of parking lots, and lack of pedestrian accessibility contributing to an outdated industrial/office park model.

Saturn Park Occupancy (yellow=vacant buildings; blue=occupied buildings; red=partially vacant buildings)

Site Information
Saturn Park

- Size: 64.6 acres
- Building Area: 2,164, 909 sq. ft.
- Number of Parcels: 19
- Number of Owners: 12
- Parking Spaces: +/- 3,450
- Unoccupied Building Square Footage: approximately 82%

Land Use Designation:
Innovation /Technology

Regulating Plan:
Floor Area Ratio: 0.60
Max Height: 40 FT

Primary Uses:
Research and development
Light manufacturing
Service commercial
Professional offices
Entertainment
Breweries/wineries/distilleries

Other Permitted Uses:

Trade and technical schools
Public utilities
Similar uses per zoning regulations

Prohibited Uses:
Warehousing
Freight terminals
Vehicle storage
Heavy manufacturing

Sample Uses Allowed per Zoning Regulations:
Sales and Service Businesses
Data Processing Facility
General Research Facility
Restaurants/Cafes
Sudio, Art, Dance, Martial Arts, Photography

SPARC Committee

In April 2024, discussions were held with the Planning Commission to discuss the issues surrounding the underutilization of Saturn Park and explore ideas for expansion of existing permitted uses.

On May 22, 2024, the City Council established the SPARC to solicit public input on future land uses of Saturn Park as part of the implementation of the General Plan Land Use and Urban Design Element. The SPARC is made up the following members:

Council Members:
Mr. Thomas Wong- Chairperson
Mr. Vinh Ngo- Vice-Chairperson

Selected Members of the Public:
Mr. Philip Chang
Mr. Johnny Kwok
Mr. Paul Lee
Mr. Joe Leyva
Ms. Tammy Sam
Ms. Victoria Chen Stapleton
Ms. Maychelle Yee

Their role is to gather public input and based on that input decide if the existing allowable land uses should remain as contained in the General Plan and Land Use Element or should include more flexible uses.

Background

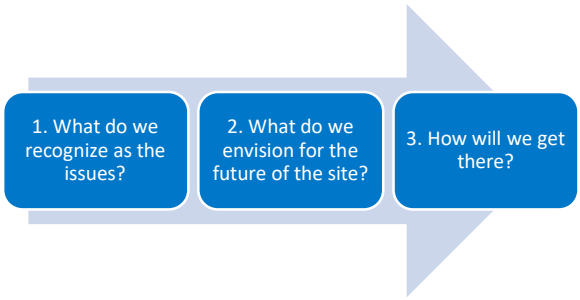
Although concerns and issues surround the site, such as high vacancy rates, the site also presents an opportunity for a re-imagined place. Therefore, the City Council moved to form the SPARC to develop recommendations with community feedback.

While community outreach is being conducted, the City Council voted to impose a moratorium on new development within the site for an initial 45 days and with a subsequent 3-month extension, which is set to expire on October 31, 2024.

The visioning process is a precursor to any activities surrounding preparing a land use plan for the site.

The Visioning Process

There are no current plans for the future of Saturn Park (other than what is provided generally in Monterey Park's General Plan and the Land Use Element adopted through Measure JJ). This visioning process is intended to, with an open mind, see what possibilities are available and desired by the broader neighborhood and community. Although there are constraints to achieving a desired future, beginning with a general consensus among various stakeholders will help to shape a plan that could address some of the concerns surrounding the site. The visioning process for a Saturn Park future can be illustrated in three steps, as shown below.



The Workshop Series

The community workshop series was designed to be engaging and informative. Four workshop meetings were scheduled and publicly noticed. The Chair opened each meeting; provided an introduction of the purpose of the meetings, accepted public comment and introduced the consulting team. Language interpreters were available as needed. City staff were available to assist as needed.

The city mailed out meeting notice flyers to residents and businesses within a 500-foot radius of the Saturn Park site. The City's website has a devoted page which explains the purpose of the SPARC and workshops. It can be accessed at:

https://www.montereypark.ca.gov/1636/Saturn-Park-Advisory-Review-Committee-SP

The City hired Willdan as consulting facilitators for the workshop series. Mr. Salvador Lopez, Director of Planning, and Ms. Juliet Arroyo, Principal Planner, provided presentations, lead exercises, and documented the process.

WORKSHOP NO. 1 – LISTENING SESSION

This first meeting served as the beginning of the visioning process by listening to public comments. Oral comments were written on large poster boards, then compiled. The public presented some ideas, asked questions, considered concerns, and mentioned the conditions of the site today.

Because the visioning is focused on possible future land uses, participants mentioned some of the land uses they might like to see.

Comments were received in favor of allowing more uses, as well as comments in favor of keeping the current permitted uses in place without changes. The following were some potential uses mentioned:

- Pedestrian friendly development
- Mixed Use
- Arts District
- Retail
- Grocery stores
- Public amenities (senior center, dog park)
- Residential/Housing
- Open space/gathering spaces
- Entertainment

WORKSHOP NO. 2 – WORKING GROUPS

Out of the comments from Meeting No. 1 came four general possible land use categories.

Land Use Categories:

1) Innovation/Technology
2) Housing/residential

3) Commercial
4) Public/Open Space

This meeting was developed as a working group exercise to encourage small group dialog and discussion. The participants and SPARC members gathered around four tables led by the facilitators from Willdan. The group discussed each of the four land use categories, reviewed comments from Meeting No. 1, helped to define the land uses, and discussed the strengths, weaknesses, opportunities, and constraints for each.

Although there was input regarding all potential development, there was a common theme of wanting **low intensity development and growth** while being **sensitive to the outlying residential neighborhoods**.

WORKSHOP NO. 3 – RANKING EXERCISE

Based on the feedback from Meeting No. 2, most participants generally supported a low-intensity, neighborhood serving development option.

A presentation was given that described the purpose of the workshop series and explained the ranking exercise. The presentation introduced seven use categories based on input from Workshop No. 2. These categories are:

"Innovation/Technology"
(current conditions)

"Low Density Residential"

"Medium Density Residential"

"High Density Residential"

"Mixed Use"

"Neighborhood Serving Commercial"

"Public/Open Space"

Workshop No. 3 was intended to be an independent activity to provide an opportunity to express individual thoughts and preferences of land uses that came out of the previous two workshops.

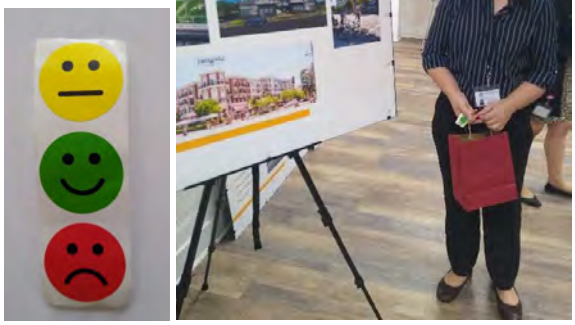
More in-depth explanation and visual examples were provided. These images were included as examples to help convey what each category means. This was more of a vision exercise than a planning exercise.

The exercise began by describing types of developments that fall within each use category. Photos and illustrations (as shown above) were provided as samples only. The presentation explained the following ranking options using colored stickers as follows:

Green Sticker (with smiley face) – Means general support for this use category.

Yellow Sticker (with indifferent face) – Means neutral support but with reservation, and a need for more information, or with conditions.

Red Sticker (with disappointed face) – Means general disapproval of this use category.



Ranking Exercise

All meeting attendees were given a set of Green/Yellow/Red stickers for each category and given the opportunity to place one of the three options for each of the categories that best reflects their preference. The following was recorded:

Results

The category of Innovation/Technology received the highest support with 47.5 percent of participants ranking this category with a "Green" sticker.

The category of Mixed Use received 38.4 percent support.

The category of Neighborhood Serving Commercial received the highest unsure support with 28.2 percent of the participants ranking this category with a "Yellow" sticker, followed closely by Innovation/Technology.

Residential uses, in all densities, did not seem to gather most of the support among the participants, but Mixed Use and Neighborhood Serving Commercial appear to have broader support, likely with some reservations and conditions.

The category of Public/Open Space received the highest disapproval with 66.7 percent of the participants ranking this category with a "Red" sticker. This was followed closely by "High Density Residential" and "Medium Density Residential".

Wall Post- It Notes

The following note from a participant was included in the exercise.

1. Regional Sports Center

Public Comments

Members of the public came up to the microphone and voiced comments, concerns, and questions about the process. Some provided support for keeping the existing zoning unchanged and some provided support for allowing more flexible uses to re-invigorate the site.

TABLE 1. RANKING EXERCISE RESULTS

USE CATEGORY	Green	Yellow	Red	Total
Innovation/ Technology	19 (47.5%)	11 (27.5%)	10 (25.0%)	40 (100%)
Low Density Residential	12 (31.6%)	6 (15.8%)	20 (52.6%)	38 (100%)
Medium Density Residential	12 (31.6%)	4 (10.5%)	22 (57.9%)	38 (100%)
High Density Residential	10 (25.6%)	4 (10.3%)	25 (64.1%)	39 (100%)
Mixed-Use	15 (38.4%)	9 (23.1%)	15 (38.5%)	39 (100%)
Neighborhood Serving Commercial	14 (35.9%)	11 (28.2%)	14 (35.9%)	39 (100%)
Public/Open Space	11 (28.2%)	2 (05.1%)	26 (66.7%)	39 (100%)

MEETING NO. 4 – SPARC RECOMMENDATIONS

At Meeting No. 4, the SPARC heard additional testimony from the public. Willdan made a brief presentation summarizing the process and public feedback received. The SPARC then voiced their comments as individual members. The SPARC comments were followed by a vote on a motion reflecting their recommendations to the City Council. The following motion was passed:

"Recommend that the Monterey Park City Council expand land uses for the Saturn Park area with consideration for areas and parcels above and west of Saturn Street versus the south of Saturn Street without eliminating any existing permitted land uses."

WORKSHOP FINDINGS

A unanimous consensus was not found among the workshop participants. Some residents support keeping the site's current allowable uses unchanged. Other participants appeared to support more flexible uses with the reasoning that they would like to see a more economically robust Monterey Park.

Mixed Reactions

The participants had mixed opinions about allowing a broader range of uses for the future of the site. There was a group of participants that favored keeping the site's current zoning and land use designation the same. Another group favored allowing more uses to help invigorate the site and support a stronger, more economically viable, Monterey Park. Another group was still unsure about the process, and what they were commenting on, or felt they would rather listen than provide feedback.

A group of participants commented that Monterey Park should allow for more housing opportunities to help realize its share of housing needs across the State.

Surprisingly, although participants expressed an interest in open space and recreational uses in Meeting Nos. 1 and 2, the "Public/Open Space" use category received the greatest number of "Red" stickers among the seven use categories at Meeting No. 3.

There was general support for "Mixed Use" and "Neighborhood Serving Commercial" introduced to the site. Participants who were in favor of these land use categories were receptive to having "Mixed-Use" with a combination of commercial uses together with "Low Density Residential" to "Medium Density Residential".

Concerns

Some participants expressed concerns about traffic, noise, pollution, crime, with future development, particularly with a broader range of uses. Concerns were also raised about the city meeting its Regional Housing Needs Allocation. Participants were also concerned about the City's tax base and felt that allowing commercial uses could increase City revenues.

Questions

There were questions on the process of changing the zoning and allowable uses and whether that would be done by City Council approval or by the voters. This question was most pronounced at Meeting No. 4.

Next Steps

Following the formal recommendation from the SPARC as a committee, the SPARC and staff will present the recommendations to the City Council, planned for September 2024. The City Council will consider the SPARC recommendations, receive public testimony, deliberate and discuss a course of action for the site.

EXHIBITS:

1. SPARC Agendas, Meetings 1-4
2. Meeting Minutes, Meetings 1-4 (with written communications)
3. Wildan Meeting Summaries/Notes (Meetings 1-4)
4. PowerPoint Presentations (Meetings 1-4)
5. Sign-In Sheets (Meetings 1-4)
6. Outreach Flyer

Exhibit No. 1

SPARC Agendas

Thursday, July 29, 2024

Monday, August 12, 2024

Monday, August 19, 2024

Thursday, August 29, 2024

SATURN PARK ADVISORY REVIEW COMMITTEE (SPARC)
AGENDA

REGULAR SPARC MEETING
Monterey Park City Service Club House
440 South McPherrin Avenue

Monday
July 29, 2024
6:00 PM

MISSION STATEMENT
The mission of the City of Monterey Park is to provide excellent services to enhance the quality of life for our entire community.

LAND ACKNOWLEDGMENT
We would like to acknowledge that the land we inhabit today was once known as Tovangaar, the home of the Gabrieleño-Tongva people. We show our respect to the Gabrieleño-Tongva people, as well as all Indigenous people, past, present, and future, and honor their labor as original caretakers of this land. We commit to uplift the Gabrieleño-Tongva people, invite you to acknowledge the history, and join us in caring for this land.

GENERAL INFORMATION

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PUBLIC PARTICIPATION

Pursuant to Government Code § 54954.3(a), the public may address the SPARC only on matters listed on the Agenda. Those wishing to speak on a listed item should come to the podium, be recognized by the Chairperson, and state your name for the record. Each speaker will be provided a maximum three minutes to address the SPARC. Note, however, that public comment will be received by the SPARC throughout the meeting as part of the workshop.

Per the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call City Hall at (626) 307-1359 for reasonable accommodation at least 24 hours before a meeting. Council Chambers are wheelchair accessible.

CALL TO ORDER	Chairperson Wong
FLAG SALUTE	Vice Chairperson Ngo
ROLL CALL	Chairperson Thomas Wong, Vice Chairperson Vinh Ngo, Member Philip Chang, Member Johnny Kwok, Member Paul Lee, Member Joe Leyva, Member Tammy Sam, Member Victoria Chen Stapleton, Member Maychelle Yee

[1.] NEW BUSINESS

[2.] WORKSHOP TO GATHER COMMUNITY INPUT REGARDING LAND USE REGULATIONS AND POTENTIAL FUTURE USES AT SATURN PARK. THE WORKSHOP WILL BE MODERATED BY REPRESENTATIVES FROM WILLDAN ENGINEERING.

It is recommended that the SPARC consider:

(1) Discussing land use regulations and potential future uses at Saturn Park and receiving and filing the presentation provided by Willdan Engineering. Potential discussion involves current land use regulations; land use designations and governance adopted by voters via Measure JJ in 2020; future land uses based upon California law and Measure JJ; and other, similar, topics. No particular action is recommended for this meeting;

(2) Continuing the discussion of land use regulations and future uses at Saturn Park to the next scheduled meeting on August 12, 2024; and

(3) Taking such additional, related, action that may be desirable.

ADJOURN

Next regular scheduled meeting is on August 12, 2024.

SATURN PARK ADVISORY REVIEW COMMITTEE (SPARC)
AGENDA

REGULAR SPARC MEETING
Monterey Park City Service Club House
440 South McPherrin Avenue

Monday
August 12, 2024
6:00 PM

MISSION STATEMENT
The mission of the City of Monterey Park is to provide excellent services to enhance the quality of life for our entire community.

LAND ACKNOWLEDGMENT
We would like to acknowledge that the land we inhabit today was once known as Tovangaar, the home of the Gabrieleño-Tongva people. We show our respect to the Gabrieleño-Tongva people, as well as all Indigenous people, past, present, and future, and honor their labor as original caretakers of this land. We commit to uplift the Gabrieleño-Tongva people, invite you to acknowledge the history, and join us in caring for this land.

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CALL TO ORDER	Chairperson Wong
FLAG SALUTE	Member Philip Chang
ROLL CALL	Chairperson Thomas Wong, Vice Chairperson Vinh Ngo, Member Philip Chang, Member Johnny Kwok, Member Paul Lee, Member Joe Leyva, Member Tammy Sam, Member Victoria Chen Stapleton, Member Maychelle Yee

[1.] CONSENT CALENDAR

1-A. MINUTES

It is recommended that the SPARC consider:

(1) Approving the minutes for the regular meeting of July 29, 2024; and

(2) Taking such additional, related, action that may be desirable.

[2.] NEW BUSINESS

2-A. WORKSHOP # 2 TO GATHER COMMUNITY INPUT REGARDING LAND USE REGULATIONS AND POTENTIAL FUTURE USES AT SATURN PARK. THE WORKSHOP WILL BE MODERATED BY REPRESENTATIVES FROM WILLDAN ENGINEERING.

It is recommended that the SPARC consider:

(1) Discussing land use regulations and potential future uses at Saturn Park and receiving and filing the presentation provided by Willdan Engineering. Potential discussion involves current land use regulations; land use designations and governance adopted by voters via Measure JJ in 2020; future land uses based upon California law and Measure JJ; and other, similar, topics. No particular action is recommended for this meeting;

(2) Continuing the discussion of land use regulations and future uses at Saturn Park to the next scheduled meeting on August 19, 2024; and

(3) Taking such additional, related, action that may be desirable.

ADJOURN

Next regular scheduled meeting is on August 19, 2024.

SATURN PARK ADVISORY REVIEW COMMITTEE (SPARC)
AGENDA

REGULAR SPARC MEETING
Monterey Park City Service Club House
440 South McPherrin Avenue

Monday
August 19, 2024
6:30 PM

MISSION STATEMENT
The mission of the City of Monterey Park is to provide excellent services to enhance the quality of life for our entire community.

LAND ACKNOWLEDGMENT
We would like to acknowledge that the land we inhabit today was once known as Tovangaar, the home of the Gabrieleño-Tongva people. We show our respect to the Gabrieleño-Tongva people, as well as all Indigenous people, past, present, and future, and honor their labor as original caretakers of this land. We commit to uplift the Gabrieleño-Tongva people, invite you to acknowledge the history, and join us in caring for this land.

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CALL TO ORDER	Chairperson Wong
FLAG SALUTE	Member Johnny Kwok
ROLL CALL	Chairperson Thomas Wong, Vice Chairperson Vinh Ngo, Member Philip Chang, Member Johnny Kwok, Member Paul Lee, Member Joe Leyva, Member Tammy Sam, Member Victoria Chen Stapleton, Member Maychelle Yee

[1.] CONSENT CALENDAR

1-A. MINUTES

It is recommended that the SPARC consider:

(1) Approving the minutes for the regular meeting of August 12, 2024; and

(2) Taking such additional, related, action that may be desirable.

[2.] NEW BUSINESS

2-A. WORKSHOP # 3 TO GATHER COMMUNITY INPUT REGARDING LAND USE REGULATIONS AND POTENTIAL FUTURE USES AT SATURN PARK. THE WORKSHOP WILL BE MODERATED BY REPRESENTATIVES FROM WILLDAN ENGINEERING.

It is recommended that the SPARC consider:

(1) Discussing land use regulations and potential future uses at Saturn Park and receiving and filing the presentation provided by Willdan Engineering. Potential discussion involves current land use regulations; land use designations and governance adopted by voters via Measure JJ in 2020; future land uses based upon California law and Measure JJ; and other, similar, topics. No particular action is recommended for this meeting;

(2) Continuing the discussion of land use regulations and future uses at Saturn Park to the next scheduled meeting on August 29, 2024; and

(3) Taking such additional, related, action that may be desirable.

ADJOURN

Next regular scheduled meeting is on August 29, 2024.

SATURN PARK ADVISORY REVIEW COMMITTEE (SPARC)
AGENDA

REGULAR SPARC MEETING
Monterey Park City Service Club House
440 South McPherrin Avenue

Thursday
August 29, 2024
6:00 PM

MISSION STATEMENT
The mission of the City of Monterey Park is to provide excellent services to enhance the quality of life for our entire community.

LAND ACKNOWLEDGMENT
We would like to acknowledge that the land we inhabit today was once known as Tovangaar, the home of the Gabrieleño-Tongva people. We show our respect to the Gabrieleño-Tongva people, as well as all Indigenous people, past, present, and future, and honor their labor as original caretakers of this land. We commit to uplift the Gabrieleño-Tongva people, invite you to acknowledge the history, and join us in caring for this land.

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PUBLIC PARTICIPATION

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Per the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call City Hall at (626) 307-1359 for reasonable accommodation at least 24 hours before a meeting. Council Chambers are wheelchair accessible.

CALL TO ORDER	Chairperson Wong
FLAG SALUTE	Member Johnny Kwok
ROLL CALL	Chairperson Thomas Wong, Vice Chairperson Vinh Ngo, Member Philip Chang, Member Johnny Kwok, Member Paul Lee, Member Joe Leyva, Member Tammy Sam, Member Victoria Chen Stapleton, Member Maychelle Yee

[1.] CONSENT CALENDAR

1-A. MINUTES

It is recommended that the SPARC consider:

(1) Approving the minutes for the regular meetings of August 12, 2024 and August 19, 2024; and

(2) Taking such additional, related, action that may be desirable.

[2.] NEW BUSINESS

2-A. WORKSHOP # 4 TO GATHER COMMUNITY INPUT REGARDING LAND USE REGULATIONS AND POTENTIAL FUTURE USES AT SATURN PARK. THE WORKSHOP WILL BE MODERATED BY REPRESENTATIVES FROM WILLDAN ENGINEERING.

- **SPARC Purpose**:
  - Conducted community visioning workshops for Saturn Park (McCaslin Business Park) in Monterey Park, California.
  - Aim: Develop a recommendation for the City Council on future land use.
- **Background**:
  - Site history: Former quarry, later a business park.
  - Current issues: Decline in occupancy, outdated infrastructure, high vacancy rates, and post-pandemic office market shifts.
  - Site details: 64.6 acres, 2,164,909 sq. ft. of building area, mix of office, warehousing, and distribution uses.
- **Workshops**:
  - Facilitated by Willdan.
  - Included presentations on existing land use and zoning regulations.
  - Structured discussions to gather community feedback.
- **Community Feedback**:
  - Mixed opinions on maintaining current zoning vs. considering alternative uses.
  - Key potential uses discussed:
    - Innovation/technology
    - Mixed-use development
    - Neighborhood-serving commercial
    - Public/open space
- **Ranking Exercise**:
  - Based upon the previous three meetings, the current SPARC preferences are:
    - Innovation/technology and mixed-use categories favored.
    - Public/open space and high-density residential received most disapproval.
  - Concerns:
    - Traffic, noise, pollution.
    - Need for the city to meet its Regional Housing Needs Allocation.
- **Next Steps**:
  - Final workshop: at this workshop, the SPARC will deliberate and vote on recommendations for the City Council.

It is recommended that the SPARC consider:

(1) Receiving and filing a summary report of the SPARC outreach process by Willdan Engineering;
(2) Opening the discussion to SPARC members;
(3) Receiving a motion and second for a recommendation from the SPARC to the City Council;
(4) Having SPARC members vote on the motion; and
(5) Taking such additional, related, action that may be desirable.

ADJOURN

Exhibit No. 2

SPARC Meeting Minutes (with Written Communications)

Thursday, July 29, 2024

Monday, August 12, 2024

Monday, August 19, 2024

Thursday, August 29, 2024

MINUTES
SATURN PARK ADVISORY REVIEW COMMITTEE (SPARC)
REGULAR MEETING
JULY 29, 2024

REGULAR SPARC MEETING
Monterey Park City Service Club House
440 South McPherrin Avenue
Monterey Park, CA 91754

MONDAY
July 29, 2024
6:00 PM

The Saturn Park Advisory Review Committee (SPARC) held a Regular Meeting in the Monterey Park City Service Club House, located at 440 South McPherrin Avenue in the City of Monterey Park, Monday, July 29, 2024, at 6:00pm.

CALL TO ORDER:
Chairperson Wong called the meeting to order at 6:06 p.m.

FLAG SALUTE: Vice-Chairperson Ngo led the flag salute.

ROLL CALL: Chairperson Wong called the roll:

Members Present: Vice Chairperson Vinh Ngo, Member Philip Chang, Member Johnny Kwok, Member Joe Leyva, Member Tammy Sam, Member Victoria Chen Stapleton, Member Maychelle Yee

Members Absent: Member Paul Lee

ALSO PRESENT: City Manager Inez Alvarez, Assistant City Manager Diana Garcia, City Librarian Kristin Olivarez, Director of Public Works Shawn Igoe, Director of Recreation and Community Services Director Aguirre, Director of Community Development Jessica Serrano, Planning Manager Beth Chow, Economic Development Manager Joseph Torres, Economic Development Specialist Janice Huang, Office Assistant II Megan Cheung

City Consultants from Willdan Engineering Salvador Lopez and Juliette Arroyo.

1. **NEW BUSINESS**

2. **WORKSHOP TO GATHER COMMUNITY INPUT REGARDING LAND USE REGULATIONS AND POTENTIAL FUTURE USES AT SATURN PARK. THE WORKSHOP WILL BE MODERATED BY REPRESENTATIVES FROM WILLDAN ENGINEERING.**

Consultant Mr. Lopez made a presentation about Saturn Park including, current land use regulations, land use designations and initiatives adopted by voters via Measure JJ in 2020, future land uses based upon California law and Measure JJ. He also discussed the formation of the

SPARC Committee, goals and policies of General Plan, and needs and strategies on discussing future uses.

The meeting was opened for public input from the attendees, with a limit of 3 minutes for comments.

Comments received from the public included:

- Question related to any current entitlement applications for properties on Saturn Street;
- Request for additional information about data centers;
- Concern about potential breweries as future uses;
- Opposition to “high-rise”, high-density residential uses;
- Opposition to any residential uses;
- Concern about pedestrian access to current areas around Saturn Park;
- Concern about current building vacancies in Saturn Park;
- Question about the need to focus on re-development of this area when there are other areas in the City that also need redevelopment, ex. Garvey/Garfield;
- Concern about traffic and noise in the area;
- Preference for single-family residential as opposed to multi-family residential, if residential uses are allowed;
- Need to publicize outreach efforts more in the community;
- Concern about proposed data centers’ noise generation and energy usage;
- Support for mixed use retail and residential developments that create walkable neighborhoods;
- Preference to allow for development of senior day care centers or other uses to serve seniors;
- Preference to allow for parks and other opens spaces;
- Support for revitalization of Saturn Park, including the affordable housing, with higher densities and moving away from Euclidean zoning;
- Question about the timeline on implementing a Specific Plan;
- Desire to see high end retail establishments that help generate sales tax;
- Concern about uses that do not generate income and may affect taxes for existing residents;
- General questions related to the zoning and planning processes; and
- Applicant for data center in Saturn Park provided a brief presentation of data centers and their benefits to the community and City.

Comments received from members of the SPARC include:

- Need of discussing future uses in the area because due to high vacancy rates;
- Encouragement for open dialogue and participation that may lead to opportunity for economic growth;
- Request to learn more about data centers and their benefits;
- Request to invite retail and/or mixed use developers to present at future meetings;
- Concerns about latest efforts to change voter approved initiatives for the area;
- Preference for the area to remain viable for innovation and technology uses;
- Desire to create a positive development that could provide economic growth, using the Market Place development as an example;
- Desire to have land uses evolve with the times and community;
- Safety concerns due to vacant buildings and lack of foot traffic currently;

- Desire for an arts district or creation of entertainment spaces geared towards ages 25-50, that currently go outside the city to find amenities;
- Emphasis on ideal and attractive location of Saturn Park with its proximity to the freeway;
- Desire to see change in the area and make the community safe, while allowing positive development of Saturn Park
- Developer's need for any future development of Saturn Park to make financial sense;
- Willingness to hear and consider opinions of the public for the best uses in Saturn Park;
- Support of higher density residential uses to create "attainable housing"; and
- Interest in what the community opinions for the future land uses.

Comments were received from SPARC members and attendees. No action was taken by the SPARC. The workshop and discussion of land use regulations and future uses at Saturn Park will continue at the next scheduled meeting on August 12, 2024.

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 7:35 p.m.

J. Serrano

Jessica Serrano
Director of Community Development

MINUTES
SATURN PARK ADVISORY REVIEW COMMITTEE (SPARC)
REGULAR MEETING
AUGUST 12, 2024

REGULAR SPARC MEETING
Monterey Park City Service Club House
440 South McPherrin Avenue
Monterey Park, CA 91754

MONDAY
August 12, 2024
6:00 PM

The Saturn Park Advisory Review Committee (SPARC) held a Regular Meeting in the Monterey Park City Service Club House, located at 440 South McPherrin Avenue in the City of Monterey Park, Monday, August 12, 2024, at 6:00pm.

CALL TO ORDER:
Chairperson Wong called the meeting to order at 6:01 p.m.

FLAG SALUTE: Member Philip Chang lead the flag salute.

ROLL CALL:
Chairperson Wong called the roll:

Members Present: Vice Chairperson Vinh Ngo, Member Philip Chang, Member Johnny Kwok, Member Paul Lee, Member Joe Leyva, Member Tammy Sam, Member Victoria Chen Stapleton, Member Maychelle Yee

Members Absent: None.

ALSO PRESENT: City Manager Inez Alvarez, Assistant City Manager Diana Garcia, Fire Chief Chris Thompson, Director of Finance Martha Garcia, Director of Public Works Shawn Igoe, Director of Recreation and Community Services Robert Aguirre, Director of Human Resources and Risk Management Christine Tomikawa, Director of Community Development Jessica Serrano, Planning Manager Beth Chow, Finance Manager Laura Borjon, Office Assistant II Megan Cheung

City Consultants from Willdan Engineering: Salvador Lopez, Juliet Arroyo, Jennifer Maria, and Chad Brown.

[1.] CONSENT CALENDAR

1-A. MINUTES

Action Taken: The SPARC approved and adopted the meeting minutes for the regular meeting of July 29, 2024.

Motion: Moved by Vice-Chairperson Ngo and seconded by Member Sam, motion carried by the following vote:

Ayes:	SPARC Members:	Wong, Ngo, Chang, Kwok, Leyva, Sam, Stapleton, Yee
Noes:	SPARC Members:	None
Absent:	SPARC Members:	None
Abstain:	SPARC Members:	Lee
Recusal:	SPARC Members:	None

[2.] NEW BUSINESS

2-A. WORKSHOP #2 TO GATHER COMMUNITY INPUT REGARDING LAND USE REGULATIONS AND POTENTIAL FUTURE USES AT SATURN PARK. THE WORKSHOP WILL BE MODERATED BY REPRESENTATIVES FROM WILLDAN ENGINEERING.

Consultant Salvador Lopez made a presentation about Saturn Park including: land area, occupied vs. unoccupied space, number of lots, number of parking spaces, current land use regulations and primary uses. Additionally, information was presented about the City's role in development, pending data center application at Saturn Park, and a summary of community input received at the July 29, 2024 meeting.

Consultant Juliet Arroyo led working group exercises and attendees participated in round table discussions led by Willdan facilitator, including Salvador Lopez, Juliette Arroyo, Jennifer Maria, and Chad Brown. The working group exercises involved having the participants review comments from SPARC Workshop #1 and select which of the following land use categories it belongs to: innovation/technology (current zoning), residential/housing, retail/commercial, and public uses (parks/open space, government/education). The participants were instructed to provide what the strengths, weaknesses, opportunities, and/or threats were for each of the uses.

Comments received from the public included:

<u>Table 1:</u>

- Overall, group was supportive of more development at Saturn Park.
- Innovation/Technology:
    - Concerns: does not fit in with this area due no large universities nearby; group was not against data centers, but have concerns about current proposal due to lack of employment opportunities, needs a public component and better buffering;
- Housing/Residential:
    - Acceptable: residential okay if it is low impact; blends with existing uses; condos/townhomes; mixed use and medium density (3-stories) with retail and walkable area; amenities such as walking paths/trails would be good for residents;

  - Not Acceptable: mostly against high-density residential;
  - Concerns: vacant retail; RHNA goals should be considered; city lacks affordable housing; retail should be walkable;
- Retail/Commercial:
  - Acceptable: family-oriented; arts district on a portion of the site with local businesses, including service; a pavilion with rotating uses; art walk event in an art center with art space easement; walkable; retail can face main roadways; commercial in moderation;
  - Not Acceptable: no big box retail; Montebello has big box retailers;
  - Concerns: consider business interests;
- Public Uses (parking/open space, government/education):
  - Acceptable: recreation area for exercising (portion of site); circular walking trails with a dog walk; good example: Almanor Park, Alhambra; pocket park would be with demonstration/botanical gardens, with native California plants.

Table 2:

- Overall, group wants to keep the area as is and does not support any new development and were concerned about impacts to the surrounding community. A minority of the group was supportive of new development to support economic vitality.
- Innovation/Technology:
  - Acceptable: want to keep the area as is;
  - Concerns: want to keep area quiet; undesirables and unsafe conditions; noise impacts such as a grocery store and delivery trucks; rodents; trash; crime;
- Housing/Residential:
  - Acceptable: minimal support; would consider low-density single-family development; a minority of this group was open to residential development
  - Not Acceptable: area is too small for affordable housing; no apartments or townhomes; no density;
  - Concerns: building height and view obstruction; traffic; noise
- Retail/Commercial:
  - Acceptable: minority of this group was open to neighborhood serving retail/commercial;
  - Not Acceptable: no commercial, retail or entertainment;
  - Concerns: existing infrastructure/street grid cannot support new development; traffic and noise impacts;
- Public Uses (parking/open space, government/education):
  - Acceptable: open space barrier should be provided between existing residential and any new development; indoor/covered open space sensitive to the outlying residential; pickleball courts; free public pool.

Table 3:

- Overall, the group reached consensus on many topics although there were differences in opinion.
- Innovation/Technology:
  - Acceptable: data center (although there were mixed opinions about whether this use should be allowed); life science business; medical device manufacturing;
  - Concerns: traffic impacts; energy consumption;
- Housing/Residential:
  - Acceptable: affordable housing; mixed use to create housing and convenience to retail/food service and freeways; senior housing;
  - Not Acceptable: affordable housing;
  - Concerns: City's RHNA numbers and progress towards meeting the housing goals; consider proximity to Edison site;
- Retail/Commercial:
  - Acceptable: higher-end retail; Amazon Fresh; food services; medical device manufacturing; promote local businesses; make more welcoming to nearby residents; new tax revenues; new jobs;
  - Not Acceptable: no commercial uses;
  - Concerns: preserve residential feel; high number of commercial vacancies; traffic; noise;
- Public Uses (parking/open space, government/education):
  - Acceptable: regional sports center including tennis, pickleball courts, racquetball; swimming pool;
  - Not Acceptable: No recreation;
  - Concerns: current facilities are run down; risk losing access to existing pool due to its condition; closest regional sports center too far from MPK; private ownership of properties makes it difficult to create more open space; City has not intention to purchase land at Saturn Park; traffic concerns; data center proposal could include public park with playground and/or dog park and offer fiber optic capabilities to nearby residents.

Table 4:

- There was a mixture of opinions for and against new development. There was a request for examples of what is low, medium, and high density.
- Innovation/Technology:
  - Acceptable: expansion of cemetery; tech incubator; Edison training area; technology related school; tech job; EV charging stations; data centers bring utility taxes, $400 million on improvements; undergrounding power lines; other businesses will benefit from data center investments.
  - Not Acceptable: electrical infrastructure;
  - Concerns: potential environmental impacts of data centers;
- Housing/Residential:

  - Acceptable: mixed use and higher density;
  - Not Acceptable: no mixed use or high density;
  - Concerns: business owner in the area worried about housing impacting his business including traffic to and from and his ability to sell his business in the future, but not opposed to residential; more fire protection desired, questions about police services; traffic; ample parking for any use; high density residential would bring undesirable conditions;
- Retail/Commercial:
  - Acceptable: Whole foods, Trader Joes, Sprouts, Amazon Fresh, not Ralphs; sales tax, more revenue; potential revitalization; more jobs;
  - Concerns: no retail demand; traffic; trash; increased crime; theft; noise; inability to fill current vacancies; most worried about residential that abuts the businesses; pedestrian safety; no sidewalks; environmental impacts; focus on bringing in more complimentary industries;
- Public Uses (parking/open space, government/education):
  - Acceptable: dog park; manmade lake with recreation; pickleball courts; community theater; playhouse; fine arts center; amphitheater; musical (enclosed);
  - Not Acceptable: No recreation;
  - Concerns: wants a buffer with residential.

Wall Charts (direct quote from participants):

- Innovation/Technology:
  - Tech Incubator; should be close to Cal Tec; research center.
- Housing/Residential:
  - Some rental residential units; some condominiums;
  - No affordable housing;
  - Mixed-use housing (medium to high density);
  - Bunker Hill Apartments (example);
  - Medium density; 10-12 units per acre; 70 acres can yield 500 to 600 units.
  - Single family use, no high-density housing.
- Retail/Commercial:
  - Tell the State of California to stop being anti-business. Chevron moved to Texas after being in California for 100 years.
- Public Uses (parking/open space, government/education):
  - Green space near Edison powerlines;
  - This is such an important topic and change. After antics, we have little time for actual impact; and
  - “Smorgasburg” concept, weekend public market, high end market, retail.

Written Comments submitted prior to or on August 12, 2024 (see Attachments 1-4):

- Email from Jairo Avalos, dated August 6, 2024
  - Supports mixed use development at Saturn Park and provided case studies.

- Email from Deb, dated August 7, 2024
  - Provided research with regulations from other municipalities regarding data centers.
  - Supports residential development at Saturn Park.

- Email from Joe Leyva, dated August 12, 2024
  - Provide link to article about impacts of data centers including delay in conversion to clean energy in CA, increase in electrical bills for everyone else, increased risk of blackouts, and increase water use, among others.

- Handout from Scott Rynders, submitted August 12, 2024
  - Draft Saturn Park Data Center Zoning Overlay Areas

Comments were received from SPARC members and attendees. No action was taken by the SPARC. The workshop and discussion of land use regulations and future uses at Saturn Park will continue at the next scheduled meeting on August 19, 2024.

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 7:42 p.m.

J. Serrano
_____
Jessica Serrano
Director of Community Development

Attachments:

1. Email from Jairo Avalos, dated August 6, 2024
2. Email from Deb, dated August 7, 2024
3. Email from Joe Leyva, dated August 12, 2024
4. Handout from Scott Rynders, submitted August 12, 2024

ATTACHMENT 1
Email from Jairo Avalos, dated August 6, 2024

Cheung, Megan

From: Serrano, Jessica
Sent: Monday, August 26, 2024 3:55 PM
To: Cheung, Megan
Subject: FW: Sent over Saturn Park ideas but email was blocked

JESSICA SERRANO • **DIRECTOR OF COMMUNITY DEVELOPMENT**
320 WEST NEWMARK AVENUE, MONTEREY PARK, CA 91754
Office (626) 307-1463
Email • jserrano@montereypark.ca.gov

From: Jairo Avalos <jairo.r.avalos@gmail.com>
Sent: Wednesday, August 7, 2024 12:23 PM
To: Wong, Thomas <twong@MontereyPark.ca.gov>
Cc: Ngo, Vinh T. <vngo@MontereyPark.ca.gov>; Alvarez, Inez <ialvarez@MontereyPark.ca.gov>; Wong, Diana <DWong@MontereyPark.ca.gov>; Serrano, Jessica <jserrano@MontereyPark.ca.gov>
Subject: Re: Sent over Saturn Park ideas but email was blocked

[EXTERNAL EMAIL]

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Thank you all!

On Tue, Aug 6, 2024 at 9:57 PM Wong, Thomas <twong@montereypark.ca.gov> wrote:

> Thanks! Want to make sure we incorporate this as something for the committee to think about.
>
> Sent from my iPhone
>
> > On Aug 6, 2024, at 9:34 PM, Ngo, Vinh T. <vngo@montereypark.ca.gov> wrote:
> >
> > Thanks Jairo,
> >
> > Hope to see you at the next SPARC meeting. If not, we will be sure to share your vision of a mixed-use community of high density housing over retail.
> >
> > Vinh
> > Sent from my iPhone
> >
> > > On Aug 6, 2024, at 7:10 PM, Jairo Avalos <jairo.r.avalos@gmail.com> wrote:

[EXTERNAL EMAIL]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Attempting to resend with smaller images (I also sent this earlier to Sal from Will Dan which seemed to go through)

Hi,

Thank you for working on this project and incorporating the community's input. It is vital for the city and all of us who live nearby that the Saturn Park area gets revitalized. The area today is a ghost town, with tons of empty parking lots, no sidewalks, and a dangerous feeling. Families and residents don't feel safe walking around that area, especially close to sunset or in the early morning. The best way to change this is to bring life to the Saturn Park area, while providing amenities that all residents can enjoy.

I wanted to pass on some ideas that should be considered and put into the plan, specifically that we should:

1. Allow and encourage the development of housing above retail
2. Let this area be zoned in such a way that housing density and building height are maximized

1. Allow and encourage the development of housing above retail
By allowing and encouraging housing to be built over retail, the area will be transformed. New residents will make the area vibrant and safe. Having retail on the ground floor of residential will allow for businesses to open up that can cater to the new residents and everyone in the surrounding community. Building housing right above those ground floor businesses will mean that there will always be people to patronize them.

I wanted to share two case studies of places that have done something similar to what we are trying to do with Saturn Park. These areas were industrial and then changed to be residential, where housing was built above ground floor retail.

Case studies

****

Park & Paseo
Santa Ana CA

https://parkandpaseo.com/

****

****

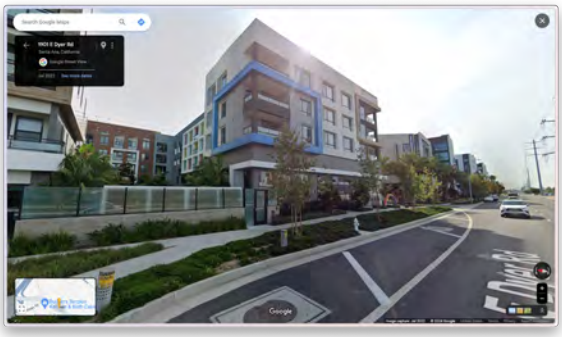
<Park & Paseo copy.png>

Park & Paseo is exactly the type of development we should be allowing and incentivizing in the Saturn Park area. Park & Paseo is a development that has

- Housing above retail (coffee shops, beauty spas, etc)
- A community park, with space for a food truck to drive into
- Community running/walking loop
- Dog park & Basketball courts
- Gym
- A coworking space

It has amenities for all residents and for people in the surrounding community. All spaces are active at all hours of the day and residents don't have to travel far to get their basic needs met, this means less driving and traffic and more living.

This development area is almost IDENTICAL to the Saturn Park area. It is right near a freeway and used to be an industrial area with high vacancy until changes were made to allow for this type of development. The similarities are very clear and the benefits to allowing this are very clear as well

Before (high vacancy industrial area)	**After (vibrant community of housing over retail)**
	

****

****

Culdesac
Tempe, AZ
https://culdesac.com/

****
<Cul de sac copy.png>

Culdesac is a housing development where the ground floor can be retail or additional units of housing. The flexibility allows the space to evolve with the community and their needs. This development is particularly great because it incorporates a

- Grocery store
- Gym
- Laundry
- Barber shop
- Restaurant
- Bike shop

among other things. Having all key necessities like food and entertainment in the same space both increases the taxes that the city gets but also reduces car dependency (and traffic) because all basic necessities are easily accessible. The development also provides car and scooter-share on-site for when those are needed.

This is another example of a successful project of housing over retail that has revitalized an area that didn't have much happening for years.

2. Let this area be zoned in such a way that housing density and building height are maximized
Hand in hand with point #1, it's important that we incentivize beneficial projects like this by ensuring that they can get built. Potential partners to redevelop this site will be swayed more by allowing the maximum density and building height so that projects can pencil out.

Thank you once again for adding these thoughts and ideas to the development team's discussion and I hope we can move forward with allowing and incentivizing these types of uses.

On Tue, Aug 6, 2024 at 8:05 AM Wong, Thomas <twong@montereypark.ca.gov> wrote:

> Our filters can be pretty aggressive, maybe try again, and send to Inez as well? If it still doesn't come through, we can have IT check.
>
> Sent from my iPhone
>
> > On Aug 6, 2024, at 7:52 AM, Jairo Avalos <jairo.r.avalos@gmail.com> wrote:

[EXTERNAL EMAIL]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Mayor Wong and Mayor Pro tem Ngo,

I sent over an email with some ideas for Saturn Park, along with some useful short examples of types of good developments to allow but I received a note saying the email was blocked. Do you all know if emails sent with images or links etc are blocked? I would love for you two to be able to see the examples.

ATTACHMENT 2
Email from Deb, dated August 7, 2024

From:	Deb SGV
To:	Ngo, Vinh T.; Wong, Thomas; Yiu, Yvonne; Lo, Henry; Sanchez, Jose; MPClerk; CMO; Serrano, Jessica; slopez@willdan.com
Subject:	Saturn Park - Data Center Laws From AZ, VA
Date:	Wednesday, August 7, 2024 10:14:25 PM
Attachments:	Fairfax County VA Data-Centers-Draft-text.pdf ChandlerAZ DataCenter Final Ordinance.pdf

---

[EXTERNAL EMAIL]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi - it's Deb Shibuyama Simone from Orange Ave, less than a quarter mile from the 1977 Saturn site. I spoke at the first SPARC meeting, and plan to speak again this week. I've been doing research and I found several municipalities, counties, and states that have had to retroactively regulate data centers after concerns about noise and power usage.

I'm going to present a synopsis of what I found to the committee, but I wanted to share these two ordinances, directly with all of you, because they sum up the issues well. If we go with the new data center, regulations like this will save a lot of headaches later, literally and figuratively.

Not sure if any of this has already been discussed, but I figured I'd do due diligence.

The issues basically are: Noise, Power Usage, and Accountability.

I plan to advocate for re-zoning that area as residential and putting up some townhomes for younger families, because these new giant data centers seem like more trouble than they're worth. I'll say that in the meeting as well.

Thanks,

Deb

April 23, 2024

ZONING ORDINANCE AMENDMENT – DATA CENTERS
Staff Summary

BACKGROUND

On March 19, 2024, the Board of Supervisors (Board) directed staff to prepare a Zoning Ordinance amendment to strengthen the current provisions for data centers and authorized the scheduling of public hearings on an amendment. The Board Matter stated that the public hearing before the Board should be scheduled for July 2024. Public hearings on a proposed Zoning Ordinance amendment relating to data centers are scheduled for:

- Planning Commission: June 5, 2024, at 7:00 p.m.
- Board of Supervisors: July 16, 2024, at 4:00 p.m.

This document provides a summary of potential options for consideration and draft text for discussion (Attachment 1). The draft text is based on the research included in the Data Centers Report and Recommendations, dated January 9, 2024, and the discussions at the Board's Land Use Policy Committee meeting on March 12, 2024. Prior to the Planning Commission public hearing, a staff report with proposed text will be published.

CURRENT REGULATIONS

The Zoning Ordinance currently allows data centers in the zoning districts shown in Table 1 below. Lot size and bulk regulations vary according to the zoning district. In addition, transitional screening and barriers are required in accordance with the recently amended Section 5108 of the Zoning Ordinance. Among other provisions, these regulations require a 50-foot-wide landscaped transitional screening yard between industrial and residential uses.

The use standards for data centers include the building size thresholds for by-right development listed in the table below, as well as a requirement that, except in the I-4, I-5, and I-6 Districts, all equipment for cooling, ventilating, or otherwise operating the facility, including emergency power generators and other power supply equipment, be contained in an enclosed building.

Department of Planning and Development
Zoning Administration Division
12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035-5507
Phone 703-324-1314
Fax 703-803-6372
www.fairfaxcounty.gov/planning-development

Zoning District	By Right	Special Exception
C-3 (Office) C-4 (High Intensity Office)	Up to 40,000 SF of GFA; or larger if repurposing a building existing on May 10, 2023	Required for larger size; or for increase in height or FAR
I-2 (Low Intensity Industrial) I-3 (Light Intensity Industrial)	Up to 80,000 SF of GFA; or larger if repurposing a building existing on May 10, 2023	Required for larger size; or for increase in height or FAR
I-4 (Medium Intensity Industrial) I-5 (General Industrial) I-6 (Heavy Industrial)	Yes (limited by district height of 75 feet and FAR of 0.5)	Required for increase in height or FAR
PRC (Town Center, Convention/Conference Center) PDC (Planned Development Commercial) PTC (Planned Tysons Corner Urban)	Yes, if shown on the development plan	n/a

Table 1: Current Zoning Permissions[1]

POTENTIAL ZONING ORDINANCE REVISIONS

The overall approach of the draft text (Attachment 1) is to add new use standards and revise the existing use standards that apply to data centers permitted by right, and to allow a special exception (SE) application to modify certain of those standards. Similarly, the draft text proposes additional standards for data centers in P districts that could be modified by the Board. This approach recognizes that the potential impacts of a data center may vary based on its size, location, equipment, and other features, as well as the evolving nature of the data center industry. Further, the approach reflects the purpose of each zoning district and intends to guide data centers to the heaviest industrial districts.

Permissions

The draft text revises the permissions for data centers to show that in all conventional districts where a data center is allowed, it could be approved by right, subject to use-specific standards, and an SE could be allowed to modify certain standards. For example, if a use standard specifies a maximum building size or a minimum distance to residential, then an SE could allow for a larger size or a lesser distance. To provide flexibility for the Board, the permission options are broadly proposed to allow the Board to adopt this permission structure (by right with use standards/modifications by SE) for certain districts, while regulations in other districts could require an SE for any data center or disallow any new data centers.

[1]Abbreviations used in the table: SF – square feet; GFA – gross floor area; FAR – floor area ratio.

The draft text does not propose any changes to the zoning districts in which data centers are allowed, except for the PRC District. While data centers are currently permitted in the PRC District, no existing or approved data centers are currently located in the PRC District. Additionally, no other industrial uses are allowed in the PRC District except for craft beverage production establishment and small-scale production establishment – uses with a customer focus that is compatible with the Town Center and Convention/Conference Center areas. Therefore, the draft text shows an option to remove the permission for data centers in the PRC District. Additionally, in the P districts, sometimes the proffers allow all or most of the uses permitted in the zoning district. To ensure that a data center is specifically planned for a particular location, the draft text revises the permissions in the P districts to SE (including the PRC District if the use is not removed).

Use Standards

Several new and revised standards are listed in Table 2 and further described below.

	By-right standards	**SE standards**
Equipment screening/enclosure	All districts	Same
Maximum size	C-3, C-4: 40,000 SF or repurposing I-2 – I-4: 80,000 SF or repurposing	Size limit may be exceeded; zoning district FAR still applies
Setback from residential	200 feet (up to 500 feet)	SE for lesser distance
Distance from Metro	½ mile	SE for lesser distance
Noise study	All districts	Same
Building design standards	Conventional districts: main entrance feature; variation in façade surface every 150 feet; minimum 30% fenestration	SE or development plan: submit architectural sketches, sight line studies; variation in massing if within 200 feet of residential

Table 2: Data Center Use Standards

In addition to the use-specific standards, all SE uses must comply with the general SE standards in the Zoning Ordinance and must be in harmony with the Comprehensive Plan. The general SE standards (subsection 4102.1.F) include, among other standards, that the proposed use must not adversely affect the use or future development of neighboring properties. The Comprehensive Plan review includes the Policy Plan and any site-specific text and may recommend that issues such as green building and renewable energy commitments, stormwater quality, and other environmental topics be addressed. On December 6, 2022, the Board authorized consideration of a Comprehensive Plan amendment to update the Countywide Policy Plan. The first stage of community engagement is scheduled to begin in the summer of 2024.

Revised use-specific standards are shown in the draft text to mitigate potential impacts. Certain standards that apply to by right development could be modified as part of an SE process. In addition to the standards below, staff is reviewing whether additional provisions should be considered for surface containment around above-ground fuel tanks.

- Screening and enclosure of equipment – The Zoning Ordinance currently requires equipment for data centers (HVAC, generators, etc.) to be in an enclosed building, except in the I-4, I-5, and I-6 Districts. The draft text includes several revisions to this standard: (a) removes the exception for the I-4, I-5, and I-6 Districts; (b) adds that the purpose of the provision is to provide visual screening and reduce noise; (c) requires equipment to be fully enclosed, except where the Director of Land Development Services determines that it is not mechanically feasible and adds a requirement for a screening wall if the equipment cannot be fully enclosed; and (d) adds a requirement for a screening wall for any accessory electrical substation. The changes recognize that certain types of systems, such as a cooling tower, cannot be located within an enclosed building.
- Size thresholds for by-right data centers – The potential for certain localized impacts of data centers increases in accordance with the gross floor area. Size thresholds allow data centers to be approved by right up to a certain size, or larger with SE approval. In order to guide data centers to locate in the I-5 and I-6 Districts, the heaviest industrial areas in the County, no additional building size limit is proposed for these districts. Each district's limitations on floor area ratio would continue to apply.
  - C-3 and C-4: These are commercial office districts. Recognizing that data centers are industrial uses which may not be compatible with the surrounding development, the Zoning Ordinance currently allows a maximum size of 40,000 square feet of gross floor area, or a larger size with repurposing of an existing building or with SE approval in a new building. No changes are proposed for these districts. However, options are included to remove the allowance for a larger by-right size with repurposing or to add a maximum size of 200,000 square feet of GFA for a data center proposed by right through repurposing.
  - I-2, I-3, and I-4: The draft text adds the I-4 District to the standard that currently applies to I-2 and I-3, which limits the maximum size of a data center to 80,000 square feet of gross floor area. As with the standard that applies to C-3 and C-4, the 80,000-square-foot limit can be exceeded with SE approval or with the repurposing of an existing building; options are included to remove the allowance for a larger by-right size with repurposing or to add a maximum size of 200,000 square feet of GFA for a data center proposed by right through repurposing.
- Setback from residential – Setbacks can minimize potential visual and noise impacts on surrounding areas. A new standard is included in the draft text that requires a data center building and/or its equipment (e.g., HVAC, generators) to be located a minimum distance from residential zoning, and a lesser distance would be allowed with SE approval. The proposed standard refers to an "R district" which includes both conventional and planned

district residential areas in accordance with subsection 9100.11 of the Zoning Ordinance. The draft standard includes a setback of 200 feet, but a broad range could be considered. This setback is based on a review of other setbacks in the Zoning Ordinance for uses which can have impacts on adjacent residential property including, among other uses, 100 feet for a barn for livestock or poultry with an agricultural operation, 150 to 250 feet for an extraction activity, and 250 feet for a crematory. In addition, Loudoun County, with the recent update of its zoning ordinance, requires a 200-foot setback for a data center from residential property.

- Distance from Metro – Because of the expectation for pedestrian activity and active street fronts, and the desire to put high-population and employment centers near transit, data centers would not generally be compatible with the type of development planned for transit station areas and other areas near Metro stations. Therefore, a standard is included in the draft text that would not allow a data center within ½ mile of a Metro station entrance without SE approval. The SE approval would allow an innovative data center form, such as wrapping a building with active uses, to be accommodated on a site-specific basis.
- Noise study – To ensure that data centers incorporate the features needed to mitigate potential noise impacts and comply with the Noise Ordinance, the draft text includes a standard requiring a noise study to be submitted for by right data centers as well as those undergoing rezoning or SE review. The standard also requires a post-construction noise study to confirm compliance with the Noise Ordinance prior to issuance of a Nonresidential Use Permit. Noise studies have been submitted as part of the review of certain data centers within Fairfax that have been approved by a rezoning or SE, and are required by other jurisdictions, including Loudoun County.
- Building design – A data center is an industrial building, and many have large blank facades. To facilitate a high-quality building design, standards are proposed for by-right data centers. The draft standards are objective and would require building designs that include a main entrance feature, façade variation, and a minimum amount of fenestration design features, which can include faux windows. For data centers undergoing rezoning or SE review, architectural renderings and sight-line studies would be required to demonstrate that the building would be reflective of a high-quality design. For data centers that are closer to residential areas, a variation in massing would also be required, such as changes in the building height.

Submission requirements

The draft text includes new submission requirements for a rezoning or SE to support the use standards for a noise study and architectural depictions.

NEXT STEPS

Community meetings are scheduled for:

Thursday, May 2, 2024, at 12:00 noon
Thursday, May 2, 2024, at 7:00 p.m.
Monday, May 6, 2024, at 7:00 p.m.
Wednesday, May 8, 2024, at 12:00 noon

All four meetings will be virtual and include the same content. The different dates and times are intended to provide flexibility for attendees. Information about these meetings is posted on this website: https://www.fairfaxcounty.gov/planning-development/zoning-ordinance/amendments. In addition, questions and comments can be directed to Carmen Bishop, Deputy Zoning Administrator, at 703-324-1314, or ffx-data-centers@PublicInput.com. A staff report with the proposed amendment will be published before the Planning Commission public hearing.

ATTACHMENT

1. Draft Zoning Ordinance Text for Discussion

Proposed Zoning Ordinance Amendment – Data Centers
Draft Text for Discussion
April 23, 2024

ARTICLE 4 - USE REGULATIONS

4101. Use Tables

INSTRUCTION: Revise permissions for Data Center to add SE for I-4, I-5, I-6, as shown in Table 4101.1 below. Table 4101.2, Option 1 removes the permission for a data center in the PRC District, and both options revise the planned district permissions to SE. ***In addition to the options shown below, consider all options for permissions – P and/or SE and/or if shown on a development plan for planned districts; or not permitted in***

3. Use Table for Residential, Commercial, and Industrial Districts

TABLE 4101.1: Use Table for Residential, Commercial, and Industrial Districts

P = permitted; SE = special exception; SP = special permit; blank cell = not allowed
A = allowed as accessory use only; A+ = permitted as an associated service use; AP = allowed with approval of administrative permit

Use	Residential Districts														Commercial Districts								Industrial Districts						Use-Specific Standards NOTE: General Standards also apply
	R-A	R-C	R-E	R-1	R-2	R-3	R-4	R-5	R-8	R-12	R-16	R-20	R-30	R-MHP	C-1	C-2	C-3	C-4	C-5	C-6	C-7	C-8	I-1	I-2	I-3	I-4	I-5	I-6	
Industrial Uses																													
Freight Movement, Warehousing, and Wholesale Distribution: uses involving the movement, storage, and distribution of goods. Goods are generally delivered to other firms or the final consumer.																													
Data Center																	P SE	P SE						P SE	P SE	P SE	P SE	P SE	4102.6.A

4. Use Table for Planned Development Districts

TABLE 4101.2: Use Table for Planned Development Districts

✓ = permitted if shown on final development plan/PRC development plan and PRC plan;
✓/SE = permitted if shown on final development plan/PRC development plan and PRC plan, or as special exception if not on plan(s)
SE = special exception; SP = special permit; blank cell = not allowed
A = allowed as accessory use only; A+ = permitted as an associated service use;
AP = allowed with approval of administrative permit

Use	PDH		PRC					PDC		PRM		PTC	PCC		Use-Specific Standards NOTE: General Standards also apply
	Principal	Secondary	Residential	Neighborhood Convenience Center	Village Center	Town Center	Convention/ Conference Center	Principal	Secondary	Principal	Secondary		Principal	Secondary	
Industrial Uses															
Freight Movement, Warehousing, and Wholesale Distribution: uses involving the movement, storage, and distribution of goods. Goods are generally delivered to other firms or the final consumer.															
Data Center ***OPTION 1***						✓	✓	✓ SE				✓ SE			4102.6.A
Data Center ***OPTION 2***						✓ SE	✓ SE	✓ SE				✓ SE			4102.6.A

4102. Use Standards

INSTRUCTION: Revise the standards as shown below. Renumber/reletter as needed. ***Options included below.***

6. Industrial Uses

Freight Movement, Warehousing, and Wholesale Distribution

A. Data Center

Standards applicable to all data centers:

(1) ~~In all districts except the I-4, I-5, and I-6 Districts,~~ To provide visual screening and reduce noise levels, all equipment necessary for cooling, ventilating, or otherwise operating the facility, including power generators or other power supply equipment, must be ~~contained within an~~ fully enclosed, except where determined by the Director to not be mechanically feasible. ~~building where the use is located. This includes emergency power generators and other emergency power supply equipment.~~ If the equipment is not enclosed, it must be screened by a wall or similar barrier. In addition, any accessory electrical substation must be screened by a wall or similar barrier.

(2) In the C-3 and C-4 Districts, the maximum building size is 40,000 square feet of gross floor area. However, this size limit may be exceeded:

(a) If the use is located in a building existing on ~~May 10, 2023~~ ***(insert effective date of the amendment)***; or ***[option to delete this allowance for a larger size in an existing building or to add a maximum size of up to 200,000 square feet of gross floor area when the use is located in an existing building]***

(b) With special exception approval in accordance with subsection 8100.3.

(3) In the I-2, ~~and~~ I-3, and I-4 Districts, the maximum building size is 80,000 square feet of gross floor area. However, this size limit may be exceeded:

(a) If the use is located in a building existing on ~~May 10, 2023~~ ***(insert effective date of the amendment)***; or ***[option to delete this allowance for a larger size in an existing building or to add a maximum size of up to 200,000 square feet of gross floor area when the use is located in an existing building]***

(b) With special exception approval in accordance with subsection 8100.3.

(4) Any data center building, equipment for cooling, ventilating, or otherwise operating the facility, power generator, or other power supply equipment must be located at least 200 feet from the lot line of an R district. A lesser distance may be allowed with special exception approval in accordance with subsection 8100.3. ***[option for a minimum distance up to 500 feet, and for a different distance within the 500-foot limit for I-5 and I-6 than other districts]***

(5) A data center building must be located at least one-half mile from a Metro station entrance. A lesser distance may be allowed with special exception approval in accordance with subsection 8100.3.

(6) Prior to site plan approval, a noise study must be submitted demonstrating to the Zoning Administrator's satisfaction that the operation of the data center will comply with the Noise Ordinance, Chapter 108.1 of the County Code. In addition, prior to issuance of a Nonresidential Use Permit, a post-construction noise study must be submitted demonstrating to the Zoning Administrator's satisfaction that the operation complies with the Noise Ordinance.

Standards when permitted by right:

(7) A data center building must include a main entrance feature that is differentiated from the remainder of the building façade by a change in building material, pattern, texture, color, or accent material. The entrance feature must also either project or recess from the adjoining building plane.

(8) All building façades must include:

(a) A change in the facade surface for every 150 horizontal feet of at least one of the following: building material, pattern, texture, color, or accent material; and

(b) Windows, doors, or similar fenestration design features such as faux windows, must be distributed horizontally and vertically across the façade and comprise a minimum of 30 percent of the individual façade.

Standards when permitted by development plan or special exception:

(9) A data center building must be designed to minimize adverse visual impacts on surrounding development as demonstrated by the submission of elevations, architectural sketches, or sight line studies. The building should have a high-quality design as evidenced by the use of materials, color, and texture. If the building is located less than 200 feet ***[distance to match the distance in***

A(4) above] from an R district, it should include changes in building height or other design techniques to provide variation in building mass as viewed from the nearby residential district.

INSTRUCTION: Add rezoning and special exception submission requirements for a data center**.** Renumber as needed.

ARTICLE 8 - ADMINISTRATION, PROCEDURES, AND ENFORCEMENT

8101. Submission Requirements

2. Zoning Map Amendments (Rezonings)

E. Supporting Reports and Studies

The following additional information must be submitted:

(12) Data Center

For a rezoning to allow a data center, the application requires the following additional information:

(a) A noise study demonstrating that the operation of the data center will comply with the Noise Ordinance, Chapter 108.1 of the County Code.

(b) Architectural depictions of the proposed building and associated equipment as viewed from all lot lines and street lines.

3. Special Exceptions, Special Permits, and Variances

D. Additional or Modified Submission Requirements for Specific Special Exception Applications

The following are additional or modified submission requirements for special exception applications for:

(8) Data Center

(a) A noise study demonstrating that the operation of the data center will comply with the Noise Ordinance, Chapter 108.1 of the County Code.

(b) Architectural depictions of the proposed building and associated equipment as viewed from all lot lines and street lines.

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ORDINANCE NO. 5033

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AMENDING ARTICLES II. DEFINITIONS, AND XXII. ADDITIONAL HEIGHT AND AREA REGULATIONS OF CHAPTER 35 OF THE CITY CODE OF THE CITY OF CHANDLER, RELATING TO DATA CENTERS.

WHEREAS, in accordance with A.R.S. 9-462, the legislative body may adopt by ordinance, any change or amendment to the regulations and provisions as set forth in the Chandler Zoning Code; and

WHEREAS, this amendment, including the draft text, has been published as an 1/8-page display ad in a local newspaper with general circulation in the City of Chandler, giving fifteen (15) days' notice of time, date and place of public hearing; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission as required by the Zoning Code, on October 19, 2022.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

Section 1. Section 35-200, of Article II. Definitions, of Chapter 35 of the City Code of the City of Chandler, is hereby amended by adding the following definition:

Data Center: A facility or portion of a facility housing networked computer systems and telecommunications equipment used for remote storage, processing, and distribution of data.

Section 2. Section 35-2214, of Article XXII. ADDITIONAL HEIGHT AND AREA REGULATIONS, of Chapter 35, of the City Code of the City of Chandler, is hereby added to read as follows:

35-2214. Data Centers.

(1) Data Centers are not permitted to operate in the City of Chandler unless explicitly approved as part of a Planned Area Development zoning district. Data Centers that are ancillary to another primary use are permitted if they a) occupy no more than ten percent of the building footprint, b) are used to serve the enterprise functions of the on-site property owner and are not used to lease data storage and processing services to third parties, and c) are not housed in a separate stand-alone structure on the parcel.

(2) Before a Data Center is constructed within a Planned Area Development zoning district, the property owner proposing to build a Data Center must comply with the following:

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a. The Data Center operator or property owner must notify residents within a half-mile radius of the parcel, including any affiliated homeowners' association operating within the half-mile radius, that the property owner intends to build and operate a Data Center on the property. The notice required in this section must be mailed to all postal addresses and homeowners' association addresses contained within a half-mile radius extending from the property line where the proposed Data Center will be built.

b. The Data Center operator must schedule and attend two neighborhood meetings with residents to describe the project and the proposed sound-mitigation aspects of the project design. Notice of the neighborhood meetings must be mailed to all residents and homeowners associations within a half-mile radius of the parcel. A representative of the developer or owner with decision-making authority on the design of the Data Center must attend the neighborhood meetings. The Data Center operator or property owner must also post a sign on the subject property, at least fifteen days before each neighborhood meeting, in accordance with design standards specified in Section 35-2601.1. The sign must be located along an arterial street or other high-visibility location as reasonably determined by the Zoning Administrator. The content of the sign shall (i) be consistent with the City's generally applicable sign guidelines for posting signs for notification of neighborhood meetings, (ii) include the applicant name and contact information, a brief description of the Data Center project, and the date, time, and location of the neighborhood meeting, and (iii) must be reviewed and approved by the Zoning Administrator before installation. The applicant must remove the sign at the conclusion of the citizen review process.

(3) Upon request by City staff after issuance of a certificate of occupancy and commencement of the operation of the Data Center, the operator of a Data Center must provide an on-site neighborhood liaison between the hours of 8:00 am and 10:00 pm MST each day to respond to complaints about noise emanating from the Data Center.

(4) Before the first neighborhood meeting is held, the property owner proposing to build a Data Center must conduct a sound study performed by a third-party acoustic engineer to document baseline sound levels in the area of the proposed Data Center, including noise levels measured at the property line of the nearest property to the Data Center property that is planned or zoned for residential land uses, or other noise sensitive use as reasonably determined by the Zoning Administrator. The property owner must provide a copy of the results of the study to the City before the first neighborhood meeting.

(5) The Data Center must be designed and built to incorporate sound mitigation methods sufficient to prevent the sound levels emanating from the Data Center (as determined by a third-party acoustic

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engineer) from exceeding the ambient noise levels that were observed in the baseline study. Design specifications for such sound mitigation must be provided to the City before building permit approval.

(6) Upon issuance of a certificate of occupancy or certificate of completion, whichever occurs first, the Data Center operator must conduct a noise study performed by a third-party acoustical engineer to document noise levels emanating from the Data Center measured at the property line of the nearest property to the Data Center property that is planned or zoned for residential land uses, or other noise sensitive use as reasonably determined by the Zoning Administrator during peak operation of the Data Center mechanical equipment. The Data Center operator must also conduct an additional noise study, as measured at the property line of the nearest property to the Data Center property that is planned or zoned for residential land uses, or other noise sensitive use as reasonably determined by the Zoning Administrator, annually during peak operation of the Data Center mechanical equipment for five years after completion of the initial post-construction noise study. The Data Center operator must provide the results of the noise study to the City within thirty days of the anniversary of the date on which the certificate of occupancy or certificate of completion was issued by the City.

(7) If the Data Center operator intends to use backup power generators on the parcel, the operator must maintain a public website announcing the times when the generators will be in operation. Any routine operation of the backup generators, including for testing purposes, must be announced on the website at least twenty-four hours in advance. The operator shall also notify the City of Chandler Communications and Public Affairs Department at least 24 hours in advance of a test. Unless the generators are supplying backup electrical supply during a power outage, backup generators may operate between the hours of 9:00 am and 5:00 pm, Monday through Friday, excluding holidays. Upon request by City staff, the Data Center operator must provide the address of the website where the notices required by this section are published.

Section 3. Providing for Repeal of Conflicting Ordinances.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance, or any parts hereof, are hereby repealed.

Section 4. Providing for Severability.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

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INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this 5 day of December, 2022.

ATTEST:

Dana R. DiLong
CITY CLERK

Kevin Hartke
MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona, this 8 day of December, 2022.

ATTEST:

Dana R. DiLong
CITY CLERK

Kevin Hartke
MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 5033 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 8 day of December, 2022, and that a quorum was present thereat.

Dana R. DiLong
CITY CLERK

CITY OF CHANDLER CORPORATE SEAL ARIZONA

APPROVED AS TO FORM:

CITY ATTORNEY TA

Published in the Arizona Republic on: December 16, and December 23, 2022.

REFERENCED EXHIBIT(S) AND/OR ATTACHMENT(S) ON FILE AT THE CITY CLERK'S OFFICE.

ATTACHMENT 3

Email from Joe Leyva, dated August 12, 2024

From: Joe Leyva (HPC)
To: Serrano, Jessica; Chow, Beth
Subject: Explosion of power-hungry data centers could derail California clean energy goals
Date: Monday, August 12, 2024 9:22:07 AM

[EXTERNAL EMAIL]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I thought you would be interested in this story I found on MSN: Explosion of power-hungry data centers could derail California clean energy goals - https://www.msn.com/en-us/money/companies/explosion-of-power-hungry-data-centers-could-derail-california-clean-energy-goals/ar-AA1oEeJN?ocid=socialshare&cvid=d1ac5d9c115243e8b60ddadbc9ff2dba&ei=33

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IN THIS ARTICLE

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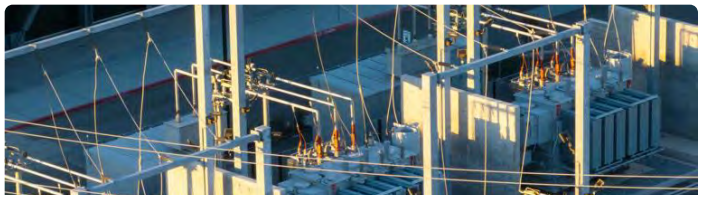
A Santa Clara neighborhood sits in the shadow of a large data center. There are more than 50 data centers in the city of Santa Clara that consume 60% of the power from the municipal utility called Silicon Valley Power. ((Paul Kuroda / For The Times))
© (Paul Kuroda / For The Times)

Near the Salton Sea, a company plans to build a data center to support artificial intelligence that would cover land the size of 15 football fields and require power that could support 425,000 homes.

In Santa Clara — the heart of Silicon Valley — electric rates are rising as the municipal utility spends heavily on transmission lines and other infrastructure to accommodate the voracious power demand from more than 50 data centers, which now consume 60% of the city's electricity.

And earlier this year, Pacific Gas & Electric told investors that its customers have proposed more than two dozen data centers, requiring 3.5 gigawatts of power — the output of three new nuclear reactors.



Search the web

Vantage Data Center in Santa Clara is equipped with its own electrical substations. ((Paul Kuroda / For The Times))
© (Paul Kuroda / For The Times)

While the benefits and risks of AI continue to be debated, one thing is clear: The technology is rapacious for power. Experts warn that the frenzy of data center construction could delay California's transition away from fossil fuels and raise electric bills for everyone else. The data centers' insatiable appetite for electricity, they say, also increases the risk of blackouts.

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Even now, California is at the verge of not having enough power. An analysis of public data by the nonprofit GridClue ranks California 49th of the 50 states in resilience — or the ability to avoid blackouts by having more electricity available than homes and businesses need at peak hours.

“California is working itself into a precarious position,” said Thomas Popik, president of the Foundation for Resilient Societies, which created GridClue to educate the public on threats posed by increasing power use.

The state has already extended the lives of Pacific Gas & Electric Co.'s Diablo Canyon nuclear plant as well as some natural gas-fueled plants in an attempt to avoid blackouts on sweltering days when power use surges.

Worried that California could no longer predict its need for power because of fast-rising use, an association of locally run electricity providers called on state officials in May to immediately analyze how quickly demand was increasing.

The California Community Choice Assn. sent its letter to the state energy commission after officials had to revise their annual forecast of power demand upward because of skyrocketing use by Santa Clara’s dozens of data centers.

A large NTT data center rises in a Santa Clara neighborhood. ((Paul Kuroda / For The Times))
© (Paul Kuroda / For The Times)

The facilities, giant warehouses of computer servers, have long been big power users. They support all that Americans do on the internet — from online shopping to streaming Netflix to watching influencers on TikTok.

But the specialized chips required for generative AI use far more electricity — and water — than those that support the typical internet search because they are designed to read through vast amounts of data.

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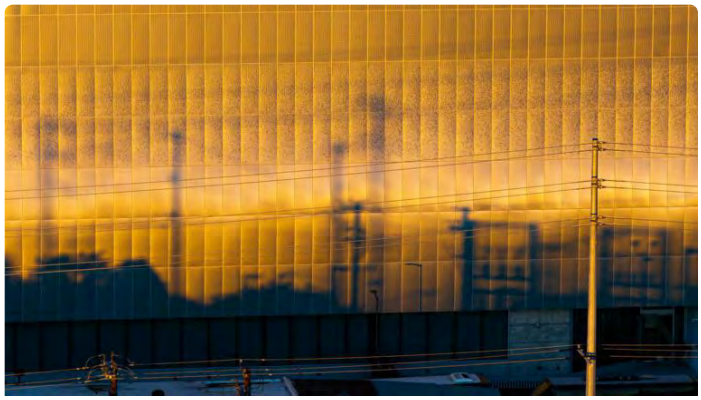
A ChatGPT-powered search, according to the International Energy Agency, consumes 10 times the power as a search on Google without AI.

And because those new chips generate so much heat, more power and water is required to keep them cool.

"I'm just surprised that the state isn't tracking this, with so much attention on power and water use here in California," said Shaolei Ren, associate professor of electrical and computer engineering at UC Riverside.

Ren and his colleagues calculated that the global use of AI could require as much fresh water in 2027 as that now used by four to six countries the size of Denmark.

Driving the data center construction is money. Today's stock market rewards companies that say they are investing in AI. Electric utilities profit as power use rises. And local governments benefit from the property taxes paid by data centers.



Transmission lines are reflected on the side of the NTT data center in Santa Clara. ((Paul Kuroda / For The Times))
© (Paul Kuroda / For The Times)

Silicon Valley is the world's epicenter of AI, with some of the biggest developers headquartered there, including Alphabet, Apple and Meta. OpenAI, the creator of ChatGPT, is based in San Francisco. Nvidia, the maker of chips needed for AI, operates from Santa Clara.

The big tech companies leading in AI, which also include Microsoft and Amazon, are spending billions to build new data centers around the world. They are also paying to rent space for their servers in so-called co-location data centers built by other companies.

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In a Chicago suburb, a developer recently bought 55 homes so they could be razed to build a sprawling data center campus.

Energy officials in northern Virginia, which has more data centers than any other region in the world, have proposed a transmission line to shore up the grid that would depend on coal plants that had been expected to be shuttered.

In Oregon, Google and the city of The Dalles fought for 13 months to prevent the Oregonian from getting records of how much water the company's data centers were consuming. The newspaper won the court case, learning the facilities drank up 29% of the city's water.

By 2030, data centers could account for as much as 11% of U.S. power demand — up from 3% now, according to analysts at Goldman Sachs.

"We must demand more efficient data centers or else their continued growth will place an unsustainable strain on energy resources, impact new home building, and increase both carbon emissions and California residents' cost of electricity," wrote Charles Giancarlo, chief executive of the Santa Clara IT firm Pure Storage.

Santa Clara a top market for data centers

Boys ride their bikes on Main Street near a large data center in Santa Clara. ((Paul Kuroda / For The Times))
© (Paul Kuroda / For The Times)

California has more than 270 data centers, with the biggest concentration in Santa Clara. The city is an attractive location because its electric rates are 40% lower than those charged by PG&E.

But the lower rates come with a higher cost to the climate. The city's utility, Silicon Valley Power, emits more greenhouse gas than the average California electric utility because 23% of its power for commercial customers comes from gas-fired plants. Another 35% is purchased on the open market where the electricity's origin can't be traced.

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The utility also gives data centers and other big industrial customers a discount on electric rates.

While Santa Clara households pay more for each kilowatt hour beyond a certain threshold, the rate for data centers declines as they use more power.

The city receives millions of dollars of property taxes from the data centers. And 5% of the utility's revenue goes to the city's general fund, where it pays for services such as road maintenance and police.

An analysis last year by the Silicon Valley Voice newspaper questioned the lower rates data centers pay compared with residents.

"What impetus do Santa Clarans have to foot the bill for these environmentally unfriendly behemoth buildings?" wrote managing editor Erika Towne.

In October, Manuel Pineda, the utility's top official, told the City Council that his team was working to double power delivery over the next 10 years. "We prioritize growth as a strategic opportunity," he said.

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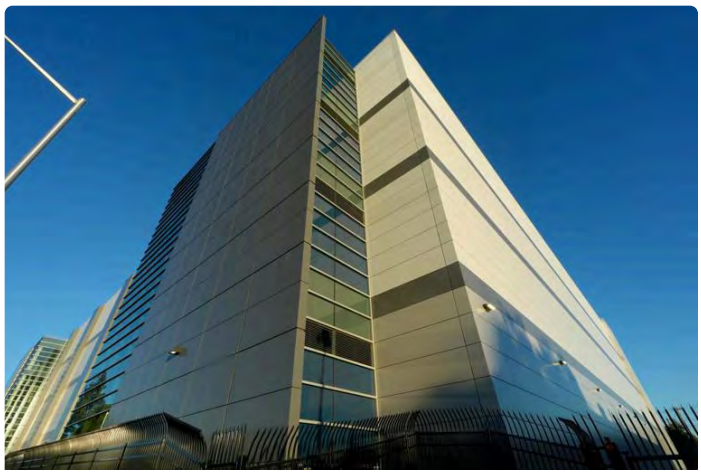
He said usage by data centers was continuing to escalate, but the utility was nearing its power limit. He said 13 new data centers were

under construction and 12 more were moving forward with plans.

“We cannot currently serve all data centers that would like to be in Santa Clara,” he said.



Dozens of data centers have been built for artificial intelligence and the internet in Santa Clara. ((Paul Kuroda / For The Times))
© (Paul Kuroda / For The Times)

To accommodate increasing power use, the city is now spending heavily on transmission lines, substations and other infrastructure. At the same time, electric rates are rising. Rates had been increasing by 2% to 3% a year, but they jumped by 8% in January 2023, another 5% in July 2023 and 10% last January.

Pineda told The Times that it wasn’t just the new infrastructure that pushed rates up. The biggest factor, he said, was a spike in natural gas prices in 2022, which increased power costs.

He said residential customers pay higher rates because the distribution system to homes requires more poles, wires and transformers than the system serving data centers, which increases maintenance costs.

Pineda said the city’s decisions to approve new data centers “are generally based on land use factors, not on revenue generation.”

Loretta Lynch, former chair of the state’s public utilities commission, noted that big commercial customers such as data centers pay lower rates for electricity across the state. That means when transmission lines and other infrastructure must be built to handle the increasing power needs, residential customers pick up more of the bill.

“Why aren’t data centers paying their fair share for infrastructure? That’s my question,” she said.

PG&E eyes profits from boom

The grid's limited capacity has not stopped PG&E from wooing companies that want to build data centers.

"I think we will definitely be one of the big ancillary winners of the demand growth for data centers," Patricia Poppe, PG&E's chief executive, told Wall Street analysts on an April conference call.

Poppe said she recently invited the company's tech customers to an event at a San José substation.

"When I got there, I was pleasantly surprised to see AWS, Microsoft, Apple, Google, Equinix, Cisco, Western Digital Semiconductors, Tesla, all in attendance. These are our customers that we serve who want us to serve more," she said on the call. "They were very clear: they would build … if we can provide."

In June, PG&E revealed it had received 26 applications for new data centers, including three that need at least 500 megawatts of power, 24 hours a day. In all, the proposed data centers would use 3.5 gigawatts. That amount of power could support nearly 5 million homes, based on the average usage of a California household of 6,174 kilowatts a year.

In the June presentation, PG&E said the new data centers would require it to spend billions of dollars on new infrastructure.

Already PG&E can't keep up with connecting customers to the grid. It has fallen so far behind on connecting new housing developments that last year legislators passed a law to try to shorten the delays. At that time, the company told Politico that the delays stemmed from rising electricity demand, including from data centers.

In a statement to The Times, PG&E said its system was "ready for data centers."

The company said its analysis showed that adding the data centers would not increase bills for other customers.

Most of the year, excluding extreme hot weather, its grid "is only 45% utilized on average," the company said.

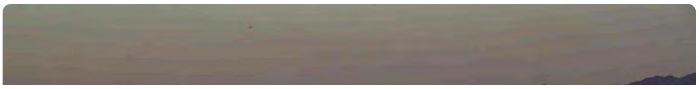
"Data centers' baseload will enable us to utilize more of this percentage and deliver more per customer dollar," the company said. "For every 1,000 MW load from data centers we anticipate our customers could expect 1-2% saving on their monthly electricity bill."

The company added that it was "developing tools to ensure that every customer can cost-effectively connect new loads to the system with minimal delay."

Lynch questioned the company's analysis that adding data centers could reduce bills for other customers. She pointed out that utilities earn profits by investing in new infrastructure. That's because they get to recover that cost — plus an annual rate of return — through rates billed to all customers.

"The more they spend, the more they make," she said.

In the desert, cheap land and green energy



A geothermal plant viewed from across the Salton Sea in December 2022. ((Gina Ferazzi / Los Angeles Times))
© (Gina Ferazzi / Los Angeles Times)

The power and land constraints in Santa Clara and other cities have data center developers looking for new frontiers.

"On the edge of the Southern California desert in Imperial County sits an abundance of land," begins the sales brochure for the data center that a company called CalEthos is building near the south shore of the Salton Sea.

Electricity for the data center's servers would come from the geothermal and solar plants built near the site in an area that has become known as Lithium Valley.

The company is negotiating to purchase as much as 500 megawatts of power, the brochure said.

Water for the project would come from the state's much fought over allotment from the Colorado River.

Imperial County is one of California's poorest counties. More than 80% of its population are Latino. Many residents are farmworkers.

Executives from Tustin-based CalEthos told The Times that by using power from the nearby geothermal plants it would help the local community.

"By creating demand for local energy, CalEthos will help accelerate the development of Lithium Valley and its associated economic benefits," Joel Stone, the company's president, wrote in an email.

"We recognize the importance of responsible energy and water use in California," Stone said. "Our data centers will be designed to be as efficient as possible."

For example, Stone said that in order to minimize water use, CalEthos plans a cooling system where water is recirculated and "requires minimal replenishment due to evaporation."

Already, a local community group, Comite Civico del Valle, has raised concerns about the environmental and health risks of one of the

nearby geothermal plants that plans to produce lithium from the brine brought up in the energy production process.

One of the group's concerns about the geothermal plant is that its water use will leave less to replenish the Salton Sea. The lake has been decreasing in size, creating a larger dry shoreline that is laden with bacteria and chemicals left from decades of agricultural runoff. Scientists have tied the high rate of childhood asthma in the area to dust from the shrinking lake's shores.

James Blair, associate professor of geography and anthropology at Cal Poly Pomona, questioned whether the area was the right place for a mammoth data center.

"Data centers drain massive volumes of energy and water for chillers and cooling towers to prevent servers from overheating," he said.

Blair said that while the company can tell customers its data center is supported by environmentally friendly solar and geothermal power, it will take that renewable energy away from the rest of California's grid, making it harder for the state to meet its climate goals.

This story originally appeared in Los Angeles Times.

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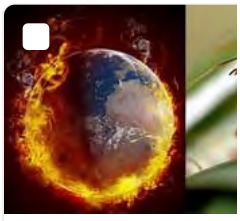

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ATTACHMENT 4

Handout from Scott Rynders, submitted August 12, 2024

DRAFT

Saturn Park
Data Center Zoning Overlay Areas

Section 1. Establishment of the Saturn Park Specific Plan Overlay Areas. The City Council establishes the Saturn Park Specific Plan, which shall be applicable to the area of the City shown in Exhibit A – Specific Plan Boundary Map; and establishes Zoning Overlay Area 1 and Zoning Overlay Area 2, shown in Exhibit B – Zoning Overlay Areas, to establish permissive zoning and use standards for data centers, and other permitted uses set forth in the Monterey Park Municipal Code (MPMC) and Monterey Park General Plan (General Plan).

Section 2. Purpose. The Saturn Park Specific Plan is intended to guide the development of that portion of the City of Monterey Park as shown on the Specific Plan Boundary Map. The proposed overlays intend to further guide development by ensuring the following:

A. The Saturn Park Specific Plan provides appropriate regulatory controls and incentives to implement expressed policies set forth in the General Plan; and

B. Encourage development of a mix of uses as designated in the General Plan and the Saturn Park Specific Plan; and

C. Expand the economic base of the City by providing additional employment opportunities and attracting new revenue to the region.

Section 3. Specific Plan Overlay Areas. The Saturn Park Specific Plan establishes two overlay areas as shown below in Exhibit B – Zoning Overlay Areas.

Section 4. Existing and Proposed Land Use and Zoning.

The overlay areas are meant to ensure consistency with the underlying General Plan Land Use designation while also advancing the purpose of the Saturn Park Specific Plan by expanding permissible uses, and expressly permitting data center development within the overlay areas.

Section 5. Relationship to Monterey Park Municipal Code.

This Specific Plan was prepared in conformity with Government Code §§ 65451, et seq. Together with the zoning regulations adopted by the MPMC, and other applicable law, this Specific Plan sets forth the regulations for the Saturn Park Specific Plan area. The regulations of this Specific Plan are in addition to those set forth in the planning and zoning provisions of the MPMC as amended, and any other relevant ordinances. Wherever this Specific Plan contains provisions which establish regulations which are different from, more restrictive, or more permissive than would be allowed pursuant to the provisions contained in the MPMC, this Specific Plan shall prevail and supersede the applicable provisions of the MPMC and those relevant ordinances.

Exhibit A. Specific Plan Boundary Map

Exhibit B. Zoning Overlay Areas

MINUTES
SATURN PARK ADVISORY REVIEW COMMITTEE (SPARC)
REGULAR MEETING
AUGUST 19, 2024

REGULAR SPARC MEETING
Monterey Park City Service Club House
440 South McPherrin Avenue
Monterey Park, CA 91754

MONDAY
August 19, 2024
6:30 PM

The Saturn Park Advisory Review Committee (SPARC) held a Regular Meeting in the Monterey Park City Service Club House, located at 440 South McPherrin Avenue in the City of Monterey Park, Monday, August 19, 2024, at 6:30pm.

CALL TO ORDER:
Chairperson Wong called the meeting to order at 6:36 p.m.

FLAG SALUTE: Member Johnny Kwok lead the flag salute.

ROLL CALL:
Chairperson Wong called the roll:

Members Present: Vice Chairperson Vinh Ngo, Member Philip Chang, Member Johnny Kwok, Member Paul Lee, Member Joe Leyva, Member Tammy Sam, Member Victoria Chen Stapleton, Member Maychelle Yee

Members Absent: None.

ALSO PRESENT: City Manager Inez Alvarez, Assistant City Manager Diana Garcia, Director of Public Works Shawn Igoe, Director of Community Development Jessica Serrano, Planning Manager Beth Chow, Office Assistant II Megan Cheung

City Consultants from Willdan Engineering: Salvador Lopez and Juliet Arroyo

[1.] CONSENT CALENDAR

1-A. MINUTES
Approving the meeting minutes for the regular meeting of August 12, 2024.

Action Taken: The approval of the August 12, 2024 meeting minutes was continued to the next regular meeting of July 29, 2024.

[2.] NEW BUSINESS

2-A. WORKSHOP #3 TO GATHER COMMUNITY INPUT REGARDING LAND USE REGULATIONS AND POTENTIAL FUTURE USES AT SATURN PARK. THE WORKSHOP WILL BE MODERATED BY REPRESENTATIVES FROM WILLDAN ENGINEERING.

The meeting started with public input from attendees. Each speaker was given a maximum of three minutes to address their comments.

Comments received from the public included:

- Opposition to stagnation in the community;
- Question as to why some residents want the area to stay the same;
- Suggestion that the City retain consultants to help market Saturn Park to promote the sale of vacant properties;
- Clarification on land use decision appearing on ballot during Citywide election;
- Clarification and restatement that data centers are permitted uses;
- Suggestion to participants pay attention to details provided because the "80% vacancy rate" only applies to two buildings;
- Suggestion on split uses based on proximity to residences;
- Need for participants to understand that the committee is there to explore possibilities; and
- Concern that the City is not as developed as neighboring cities.

Consultant Salvador Lopez made a presentation about Saturn Park including: land area, occupied vs. unoccupied space, number of lots, number of parking spaces, current land use regulations and primary uses. Additionally, information was presented about the SPARC visioning process, development review process, and a summary of community input received at the July 29, 2024 and August 12, 2024 regular meetings.

Consultant Salvador Lopez and Juliet Arroyo led participants on a series of ranking exercises and introduced seven land use types based on the input received at the SPARC Meeting No. 2. They first provided explanations on each type of land use, then provided several boards with visual themes and ideas; one board for each land use, and asked participants to place one sticker on each board. Green sticker indicated high favorability, red sticker indicated low favorability, and yellow sticker indicated neutral. The seven land uses were:

- Innovation Technology;
- Low Density Residential;
- Medium Density Residential;
- High Density Residential;
- Mixed-Use Development;

- Neighborhood Serving Commercial; and
- Public/Open Spaces

Participated placed a green, yellow or red sticker on each of the 7 boards to indicate their preference for that land use category at Saturn Park. The table below summarizes the outcome of this exercise:

USE CATEGORY	Green	Yellow	Red	Total
Innovation/Technology	19 (47.5%)	11 (27.5%)	10 (25.0%)	40 (100%)
Low Density Residential	12 (31.6%)	6 (15.8%)	20 (52.6%)	38 (100%)
Medium Density Residential	12 (31.6%)	4 (10.5%)	22 (57.9%)	38 (100%)
High Density Residential	10 (25.6%)	4 (10.3%)	25 (64.1%)	39 (100%)
Mixed-Use	15 (38.4%)	9 (23.1%)	15 (38.5%)	39 (100%)
Neighborhood Serving Commercial	14 (35.9%)	11 (28.2%)	14 (35.9%)	39 (100%)
Public/Open Space	11 (28.2%)	2 (05.15)	26 (66.7%)	39 (100%)

SPARC members made closing remarks and received additional public comments, including:

- Opposition to open spaces;
- City should concentrate on spending money on fixing existing Barnes swimming pool and gym instead of focusing on this project;
- Support for dog park;
- Need to attract more young families due to concerning enrollment rate at Hillcrest, leading to cuts in staff and classes; and
- Concerns that current infrastructures do not support additional retail development as well as additional traffic.

Written Comments submitted prior to or on August 19, 2024 (see Attachments 1-2):

- Email and letter from Lucia and Eric Roybal, dated August 16, 2024
  - Expressed concerns regarding the SPARC visioning process, opposition to make any changes to existing zoning, and urge City to conduct environmental study of Saturn Park.
- Emails from Dave Jones, dated August 18, 2024
  - Provided four links with videos promoting moving away from car dependent development and instead, promoting walkability, sustainability, and concept of the 15-minute city.

Comments were received from SPARC members and attendees. No action was taken by the SPARC. The workshop and discussion of land use regulations and future uses at Saturn Park will continue at the next scheduled meeting on August 29, 2024.

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 8:07 p.m.

J. Serrano
_____

Jessica Serrano
Director of Community Development

ATTACHMENT 1
Email and Letter from Lucia and Eric Roybal, dated August 16, 2024

From:	Wong, Thomas
To:	Alvarez, Inez; Garcia, Diana; Serrano, Jessica
Subject:	Fwd: Opposition to Rezoning Saturn Park Without Further Environmental Study
Date:	Friday, August 16, 2024 8:03:35 AM
Attachments:	SaturnPark_Council.docx

FYI

Sent from my iPhone

Begin forwarded message:

From: Luci Corona <lucicorona@icloud.com>
Date: August 16, 2024 at 12:29:07 AM PDT
To: "Wong, Thomas" <twong@montereypark.ca.gov>, "Ngo, Vinh T." <vngo@montereypark.ca.gov>, "Yiu, Yvonne" <yyiu@montereypark.ca.gov>
Cc: Eric Roybal <ericjroybal@icloud.com>, "Lo, Henry" <hlo@montereypark.ca.gov>, "Sanchez, Jose" <josanchez@montereypark.ca.gov>, MPClerk <MPClerk@montereypark.ca.gov>
Subject: Opposition to Rezoning Saturn Park Without Further Environmental Study

[EXTERNAL EMAIL]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear City of Monterey Park Council Members,

I am writing to express my concerns regarding the representation provided by the Saturn Park Advisory Review Committee (SPARC). As a homeowner residing directly adjacent to Saturn Park, I have attended all SPARC workshops to date. Unfortunately, I believe the committee does not adequately represent the interests of community members like myself.

Firstly, there are no committee members who live adjacent to the property and would be directly affected by any rezoning decisions related to Saturn Park. This lack of representation raises questions about the committee's ability to make informed and fair recommendations.

Secondly, the workshop format employed by SPARC has been confusing, unorganized, and misguided; our own input has been misinterpreted by both the committee and its moderators.

Furthermore, the workshops are presented as an opportunity for community

members to share their interests and ideas, however, it appears that city council and SPARC committee are already considering adding a residential component that would allow for mixed-use development and low income housing to Saturn Park, as described in Ordinance 2245 Section 2 H & I.

I wish to formally express my opposition, along with my partner Eric Roybal to any zoning changes that would impact the Saturn Park Innovation/Technology area. While we appreciate the city council's proactive efforts to reimagine and reshape underutilized spaces, we believe that a comprehensive study is essential to assess the potential effects on community health and overall quality of life.

All environmental studies conducted over the past 23 years have exclusively focused on specific areas, including Corporate Center, Corporate Place, Monterey Pass, Downtown Core, Downtown Perimeter, Garvey Corridor, South Atlantic, and North Atlantic. The reports consistently conclude that new policies and programs in these specific areas would have significant and unavoidable impacts. Therefore, we strongly urge the city to extend this analysis to include Saturn Park, considering its unique context, proximity to residential neighborhoods, and limited thoroughfare.

Thank you for your attention to this matter.

Sincerely,
Lucia and Eric Roybal
Monterey Park Resident
(323) 350-7244

Please see attached document

August 16, 2024

To: City of Monterey Park Council Members
320 Newmark Ave.
Monterey Park, CA 91754

From: Lucia and Eric Roybal
2020 Clover Dr.
Monterey Park, CA. 91755

Re: Opposition to Rezoning Saturn Park Without Further Environmental Study

Dear City of Monterey Park Council Members,

I am writing to express my concerns regarding the representation provided by the Saturn Park Advisory Review Committee (SPARC). As a homeowner residing directly adjacent to Saturn Park, I have attended all SPARC workshops to date. Unfortunately, I believe the committee does not adequately represent the interests of community members like myself.

Firstly, there are no committee members who live adjacent to the property and would be directly affected by any rezoning decisions related to Saturn Park. This lack of representation raises questions about the committee's ability to make informed and fair recommendations.

Secondly, the workshop format employed by SPARC has been confusing, unorganized, and misguided; our own input has been misinterpreted by both the committee and its moderators.

Furthermore, the workshops are presented as an opportunity for community members to share their interests and ideas, however, it appears that city council and SPARC committee are already considering adding a residential component that would allow for mixed-use development and low income housing to Saturn Park, as described in Ordinance 2245 Section 2 H & I.

I wish to formally express my opposition, along with my partner Eric Roybal to any zoning changes that would impact the Saturn Park Innovation/Technology area. While we appreciate the city council’s proactive efforts to reimagine and reshape underutilized spaces, we believe that a comprehensive study is essential to assess the potential effects on community health and overall quality of life.

All environmental studies conducted over the past 23 years have exclusively focused on specific areas, including Corporate Center, Corporate Place, Monterey Pass, Downtown Core, Downtown Perimeter, Garvey Corridor, South Atlantic, and North Atlantic. The reports consistently conclude that new policies and programs in these specific areas would have significant and unavoidable impacts. Therefore, we strongly urge the city to extend this analysis to include Saturn Park, considering its unique context, proximity to residential neighborhoods, and limited thoroughfare.

Thank you for your attention to this matter.

Sincerely,

Lucia and Eric Roybal
Monterey Park Resident
(323) 350-7244

ATTACHMENT 2
Emails from Dave Jones,
dated August 18, 2024

From: Dave Jones <davejones.pm@gmail.com>
Sent: Sunday, August 18, 2024 6:20:52 PM
To: Salvador Lopez <slopez@willdan.com>
Subject: Saturn Park Advisory Review Committee - Walkable Cities

CAUTION: This email originated from outside of Willdan. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Lopez,

Please share these two videos on walkable cities in the US that represent my vision of the example Saturn Park can become for the future of Monterey Park.

https://youtu.be/XLJLw3VkMoA?si=Nx02JMczOnoFcZcn

https://youtu.be/QcPaxCTZpfM?si=4jUFQMxNoU9jnOdR

City Nerd has a great YouTube channel for cities like Monterey Park should strive to become. Highly recommended.

Thank you,
Dave Jones

From: Dave Jones <davejones.pm@gmail.com>
Sent: Sunday, August 18, 2024 6:10:50 PM
To: Salvador Lopez <slopez@willdan.com>
Subject: Saturn Park Advisory Review Committee: 15-minute city

CAUTION: This email originated from outside of Willdan. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Lopez,

Please share this video featuring Carlos Moreno's talk on his idea of the 15-minute city.

https://youtu.be/TQ2f4sJVXAI?si=t1rNlnPo7VFdUbkn

This represents the core of my vision for what Saturn Park can become.

Thank you,
Dave Jones

From: Dave Jones <davejones.pm@gmail.com>
Sent: Sunday, August 18, 2024 6:05:34 PM
To: Salvador Lopez <slopez@willdan.com>
Subject: Saturn Park Advisory Review Committee

CAUTION: This email originated from outside of Willdan. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Lopez,

Please share this video with the members of the Saturn Park Advisory Review Committee (SPARC).

The video explains why the car dependent development central to Monterey Park's existing development will eventually bankrupt the city, and why I believe Saturn Park presents a unique opportunity to envision a more sustainable future for the city.

https://youtu.be/7IsMeKl-Sv0?si=V3v4i7t_E_4AQ26f

Thank you,
Dave Jones

MINUTES
SATURN PARK ADVISORY REVIEW COMMITTEE (SPARC)
REGULAR MEETING
AUGUST 29, 2024

REGULAR SPARC MEETING
Monterey Park City Service Club House
440 South McPherrin Avenue
Monterey Park, CA 91754

THURSDAY
August 29, 2024
6:00 PM

The Saturn Park Advisory Review Committee (SPARC) held a Regular Meeting in the Monterey Park City Service Club House, located at 440 South McPherrin Avenue in the City of Monterey Park, Thursday, August 29, 2024, at 6:00pm.

CALL TO ORDER:
Chairperson Wong called the meeting to order at 6:06 p.m.

FLAG SALUTE: Member Johnny Kwok lead the flag salute.

ROLL CALL:
Chairperson Wong called the roll:

Members Present: Vice Chairperson Vinh Ngo, Member Philip Chang, Member Johnny Kwok, Member Paul Lee, Member Joe Leyva, Member Tammy Sam, Member Victoria Chen Stapleton, Member Maychelle Yee

Members Absent: None.

ALSO PRESENT: City Manager Inez Alvarez, Assistant City Manager Diana Garcia, Director of Public Works Shawn Igoe, Director of Community Development Jessica Serrano, Director of Finance Martha Garcia, City Librarian Kristin Olivarez, Police Captain Bill Cuevas, Detective Guotao Zeng, Planning Manager Beth Chow, Office Assistant II Megan Cheung

City Consultants from Willdan Engineering: Salvador Lopez and Juliet Arroyo

[1.] CONSENT CALENDAR

1-A. MINUTES

Action Taken: The SPARC approved and adopted the meeting minutes for the regular meetings of August 12, 2024 and August 19, 2024.

Motion: Moved by Vice Chairperson Ngo and seconded by Member Joe

Leyva, a motion was carried by the following vote:

Ayes: Committee Members: Wong, Ngo, Chang, Kwok, Lee, Leyva, Sam, Chen Stapleton
Noes: Committee Members: None
Absent: Committee Members: None
Abstain: Committee Member: Yee

[2.] NEW BUSINESS

2-A. WORKSHOP #4 TO GATHER COMMUNITY INPUT REGARDING LAND USE REGULATIONS AND POTENTIAL FUTURE USES AT SATURN PARK. THE WORKSHOP WILL BE MODERATED BY REPRESENTATIVES FROM WILLDAN ENGINEERING AND SPARC WILL DELIBERATE AND VOTE ON RECOMMENDATIONS FOR THE CITY COUNCIL.

The meeting started with public input from attendees. Each speaker was given a maximum of three minutes to address their comments.

Comments received from the public included:

- Concern that there was inconsistency between voting results and Measure JJ;
- Support for recreation areas such as sports facilities, stadiums, indoor playgrounds, wellness center and active adult community;
- Suggestion for participants to think “long-term” into the future and consider how the changes can benefit current children and incoming families;
- Question as to why the formation of SPARC committee did not require voting by residents;
- Need for City’s own school district, rather than the whole City splitting into four school districts;
- Need for affordable housing and mixed-uses to attract younger families to improve Hillcrest’s declining enrollment;
- Concerns that not enough outreach efforts were made in the vicinity;
- Concerns on potential traffic problems and pedestrian safety;
- Support to maintain current uses in the neighborhood including allowing data centers; and
- Support for a walkable neighborhood with parks that feel safe.

Consultant Salvador Lopez made a presentation about Saturn Park including: an overview of the SPARC outreach process and recommendation, background information about the general plan land use regulations and allowed uses per zoning regulations, information about Measure JJ, and summary of community input from previous meetings. During the presentation, Director Serrano provided Saturn Park data and addressed concerns

expressed by community members.

Following the presentation, discussion and comments were made by SPARC members, including:

- Support for expanded uses to help generate revenue for the City;
- Need for more Saturn Park property owners to come together for further discussion;
- Concerns about the voter approved initiatives;
- Support to keep existing allowed uses which allow data centers;
- Clarification that the committee's recommendation is to expand uses, not reduce uses;
- Need to consider long-term vision for the City;
- Support to apply different land uses to north and south of the area;
- Opposition to vacancies in the area; and
- Support for more housing opportunities.

After the discussion, SPARC members proceeded to develop and vote on a recommendation to the City Council.

Action Taken: Recommend that the Monterey Park City Council expand land uses for the Saturn Park area with consideration for areas and parcels above and west of Saturn Avenue versus the south of Saturn Avenue without eliminating any existing permitted land uses.

Motion: Moved by Member Lee and seconded by Member Leyva, the motion was carried by the following vote:

Ayes: Committee Members: Wong, Ngo, Chang, Kwok, Lee, Leyva, Sam, Chen Stapleton
Noes: Committee Members: Yee
Absent: Committee Members: None
Abstain: Committee Member: None

A substitute motion was presented by Committee Member Yee to allow voters to decide, but did not get any support from other members.

Additional comments received from the public included:

- Perception that the City and committee are not following legal processes and suggestion that the SPARCS's recommendation require citywide voter approvals;
- Concerns that more time and community involvement are needed before any additional action is taken; and
- Support on lifting moratorium to allow more interested businesses to

occupy vacant buildings.

Written comments submitted between August 26, 2024 – September 5, 2024 (see Attachments 1-17):

- Email supporting continuing to allow data centers: 1
- Emails supporting no changes to existing zoning: 5
- Emails supporting expanded uses: 11

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 8:08 p.m.

J. Serrano

Jessica Serrano
Director of Community Development

ATTACHMENT 1
Email Eric Roybal,
dated August 26, 2024

From: Eric Roybal
To: CMO; Wong, Thomas; planningpermitcounter
Subject: ATTN: SPARC - Vote NO
Date: Monday, August 26, 2024 4:07:05 PM

[EXTERNAL EMAIL]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

To Whom It May Concern: It is illegal for the City of Monterey Park to overturn the voter-approved General Plan. The City of Monterey Park must abide by the election results and uphold the General Plan as approved by the voters. Our voices matter. No changes or deviations from the existing voter-approved General Plan uses should be permitted. No one is above the law. The Monterey Park City Council must, also, follow the law and adhere to the legal process of updating the General Plan and related code requirements through review and approval by the voters as required.

ATTACHMENT 2
Email from Mary Lei,
dated August 27, 2024

From: Mary Lei
To: CMO; Wong, Thomas; planningpermitcounter
Subject: ATTN: SPARC - Vote NO
Date: Tuesday, August 27, 2024 1:16:00 AM
Attachments: planningpermitcounter@montereypark.ca.gov

[EXTERNAL EMAIL]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

To Whom It May Concern:

It is illegal for the City of Monterey Park to overturn the voter-approved General Plan. The City of Monterey Park must abide by the election results and uphold the General Plan as approved by the voters. Our voices matter. No changes or deviations from the existing voter-approved General Plan uses should be permitted. No one is above the law. The Monterey Park City Council must, also, follow the law and adhere to the legal process of updating the General Plan and related code requirements through review and approval by the voters as required.

I would strongly disapprove the City to abuse zoning rules and regulations to create multihousehold neighborhoods where single residential units are present and destroy the peace of our neigborhood. Overbuilding our city is destroys the peace and tranquility we long time residents enjoy and the reason why we settle here.

Mary Lei

resident since 1971

ATTACHMENT 3

Email and Letter from Lucia and Eric Roybal, dated August 27, 2024

From:	Lucia Corona
To:	Wong, Thomas; Ngo, Vinh T.; Yiu, Yvonne; Lo, Henry; Sanchez, Jose; MPClerk; CMO; planningpermitcounter
Cc:	Eric Roybal
Subject:	Opposition to Rezoning Saturn Park
Date:	Tuesday, August 27, 2024 9:50:40 PM
Attachments:	A close-up of a document Description automatically generated.png cidclip_image002.png PastedGraphic-3.tiff SaturnPark_Council-2.docx

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[EXTERNAL EMAIL]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear City of Monterey Park Council Members,

We are writing to express our concerns regarding the recent workshops, the summary presented, and the composition of the committee involved in the rezoning discussions for Saturn Park. As highlighted in our previous correspondence, the information disseminated during these sessions appears ambiguous and misleading. It is troubling that members of city council and the committee, who have a vested interest in advancing a specific agenda, were permitted to participate in these workshops. This inclusion not only skews public opinion but also directs the narrative towards a predetermined outcome.

To illustrate, the total land use area under discussion encompasses 64.59 acres, comprising 19 parcels, however only 8 of these parcels are genuinely vacant. Furthermore, if the data center (which is effectively approved) is excluded, the number of truly vacant parcels is reduced to 7, totaling 27.72 acres.

Additionally, the workshop summary fails to accurately address the access routes to the proposed area. While it is correct that the site is directly accessible via Potrero Grande, Atlas Avenue, and Saturn Street, the assertion that there are "a series of three driveways from Potrero Grande" providing direct access to the entire site is misleading. These driveways primarily serve the businesses located on the southern side of the site and offer only limited access to the rest of the area through parking lots. Moreover, Potrero Grande becomes a one-way street traveling west, just 700 feet from Atlas Avenue, significantly limiting access to the site from the east. Any alternative access routes would exacerbate the congestion on already overburdened neighborhood streets.

We also seek clarity on the data supporting the claims presented to the public. Has the city monitored the decline in occupancy at Saturn Park? Can the city provide studies or evidence demonstrating how the post-pandemic office market has evolved, particularly with the shift towards remote and hybrid work models as it pertains to Saturn Park? Is there evidence that supports the city's claim that changes have undoubtedly reduced the demand for office space and contributed to increased vacancy rates within Saturn Park?

The stated objective of the workshop is to "reimagine" Saturn Park, currently characterized by a lack of land use diversity, high vacancy rates, and underutilization. However, it appears that the city itself is contributing to the high vacancy rates by rejecting applications from prospective developers whose proposals do not align with the city's preferences.

City council intends to alter previously approved land uses based on a biased workshop, and disregards years of taxpayer-funded research that clearly indicate the city has sufficient space to accommodate the Regional Housing Needs Assessment (RHNA) under the current land use designations. The proposed changes to the Saturn Park Specific Plan and the corresponding zoning alterations seem to be driven by the interests of the city council rather than the needs and desires of the community. (Figure below, Housing Element 2023)

It is imperative to note that it is illegal for the City of Monterey Park to overturn the voter-approved General Plan. The city must adhere to the election results and maintain the General Plan as approved by the voters. The voices of the community must be respected, and no changes or deviations from the existing voter-approved General Plan should be permitted.

We urge the Monterey Park City Council to comply with the law and follow the proper legal

procedures for updating the General Plan and related code requirements. Any proposed changes must be subject to review and approval by the voters, as required by law.

I also wish to request the workshops be recorded and made available to the public.

Thank you for your attention to this critical matter.

Sincerely,

Lucia and Eric Roybal
Monterey Park Residents

Please see attached document

August 27, 2024

To: City of Monterey Park Council Members
320 Newmark Ave.
Monterey Park, CA 91754

From: Lucia and Eric Roybal
2020 Clover Dr.
Monterey Park, CA 91755

Re: Opposition to Rezoning Saturn Park

Dear City of Monterey Park Council Members,

We are writing to express our concerns regarding the recent workshops, the summary presented, and the composition of the committee involved in the rezoning discussions for Saturn Park. As highlighted in our previous correspondence, the information disseminated during these sessions appears ambiguous and misleading. It is troubling that members of city council and the committee, who have a vested interest in advancing a specific agenda, were permitted to participate in these workshops. This inclusion not only skews public opinion but also directs the narrative towards a predetermined outcome.

To illustrate, the total land use area under discussion encompasses 64.59 acres, comprising 19 parcels, however only 8 of these parcels are genuinely vacant. Furthermore, if the data center (which is effectively approved) is excluded, the number of truly vacant parcels is reduced to 7, totaling 27.72 acres.

TOTAL PARCELS	ACRES	VACANT PARCELS	ACRES	VACANT PARCELS NOT INCLUDING DATA CENTER		VACANT PARCELS NOT INCLUDING DATA CENTER OR (TENANT IMPROVEMENT)	
5265025040	2.05						
5265025041	0.24						
5265025042	2.48						
5265025043	2.04						
5265025044	3.44						
5265025045	0.62						
5265025046	1.52						
5265025047	1.19						
5265025048 (Tenant improvemenmt)	3.5	5265025048 (Tenant improvemenmt)	3.5	5265025048 (Tenant improvemenmt)	3.5		
5265025052	2.08						
5265025056	1	5265025056	1	5265025056	1	5265025056	1
5265025058	5.55	5265025058	5.55	5265025058	5.55	5265025058	5.55
5265026054 (data center)	15.83	5265026054 (data center)	15.83				
5265026055	1.38	5265026055	1.38	5265026055	1.38	5265026055	1.38
5265026058	2.64	5265026058	2.64	5265026058	2.64	5265026058	2.64
5265026059	2.89	5265026059	2.89	5265026059	2.89	5265026059	2.89
5265026060	7.97	5265026060	7.97	5265026060	7.97	5265026060	7.97
5265026061	6.29	5265026061	6.29	5265026061	6.29	5265026061	6.29
5265026064	1.88						
TOTAL	64.59		47.05		31.22		27.72

Additionally, the workshop summary fails to accurately address the access routes to the proposed area. While it is correct that the site is directly accessible via Potrero Grande, Atlas Avenue, and Saturn Street, the assertion that there are "a series of three driveways from

Potrero Grande" providing direct access to the entire site is misleading. These driveways primarily serve the businesses located on the southern side of the site and offer only limited access to the rest of the area through parking lots. Moreover, Potrero Grande becomes a one-way street traveling west, just 700 feet from Atlas Avenue, significantly limiting access to the site from the east. Any alternative access routes would exacerbate the congestion on already overburdened neighborhood streets.

We also seek clarity on the data supporting the claims presented to the public. Has the city monitored the decline in occupancy at Saturn Park? Can the city provide studies or evidence demonstrating how the post-pandemic office market has evolved, particularly with the shift towards remote and hybrid work models as it pertains to Saturn Park? Is there evidence that supports the city's claim that changes have undoubtedly reduced the demand for office space and contributed to increased vacancy rates within Saturn Park?

The stated objective of the workshop is to "reimagine" Saturn Park, currently characterized by a lack of land use diversity, high vacancy rates, and underutilization. However, it appears that the city itself is contributing to the high vacancy rates by rejecting applications from prospective developers whose proposals do not align with the city's preferences.

City council intends to alter previously approved land uses based on a biased workshop, and disregards years of taxpayer-funded research that clearly indicate the city has sufficient space to accommodate the Regional Housing Needs Assessment (RHNA) under the current land use designations. The proposed changes to the Saturn Park Specific Plan and the corresponding zoning alterations seem to be driven by the interests of the city council rather than the needs and desires of the community. (Figure below, Housing Element 2023)

The City was allocated a Regional Housing Needs Assessment (RHNA) of 5,257 units for the 2021-2029 Housing Element planning period. The sites inventory capacity analysis found that existing land use designations can accommodate the RHNA on vacant and underutilized land (see Chapter 4 Housing Resources for more information). There are adequate underutilized sites available to accommodate RHNA without requiring changes to the land use designations or zoning; however, an increase in density in the R-3 zone is necessary to accommodate lower income units and ensure

It is imperative to note that it is illegal for the City of Monterey Park to overturn the voter-approved General Plan. The city must adhere to the election results and maintain the General Plan as approved by the voters. The voices of the community must be respected, and no changes or deviations from the existing voter-approved General Plan should be permitted.

We urge the Monterey Park City Council to comply with the law and follow the proper legal procedures for updating the General Plan and related code requirements. Any proposed changes must be subject to review and approval by the voters, as required by law.

I also wish to request the workshops be recorded and made available to the public.

Thank you for your attention to this critical matter.

Sincerely,

Lucia and Eric Roybal
Monterey Park Residents

ATTACHMENT 4
Email from Cindy Yee,
dated August 27, 2024

From: Garcia, Diana
To: Alvarez, Inez; Juliet Arroyo; Serrano, Jessica; slopez@willdan.com
Subject: Fwd: LEAVE THE GENERAL PLAN AS IS
Date: Thursday, August 29, 2024 1:43:42 PM

Get Outlook for iOS

From: Cindy <pipsqkcyee@hotmail.com>
Sent: Thursday, August 29, 2024 1:34:31 PM
To: twong@montereypark.ca.gov <twong@montereypark.ca.gov>; vngo@montereypark.ca.gov <vngo@montereypark.ca.gov>; hlo@montereypark.ca.gov <hlo@montereypark.ca.gov>; josanchez@montereypark.ca.gov <josanchez@montereypark.ca.gov>; yyiu@montereypark.ca.gov <yyiu@montereypark.ca.gov>; cmo@montereypark.ca.gov <cmo@montereypark.ca.gov>; jtorres@montereypark.ca.gov <jtorres@montereypark.ca.gov>
Subject: LEAVE THE GENERAL PLAN AS IS

[EXTERNAL EMAIL]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Attention City Council Members, City Manager, and Development Dept,

The vote of the voters has spoken and MUST be followed by our city laws. Until you can improve the lives of Monterey Park residents within our boundaries, you should not break the law by simply overturning the zoning codes in Saturn Park. You have a viable candidate that will lead to other businesses wanting to do business in that area. The worst thing this area possesses for any home building is the enormous transmission lines strung across Potrero Grande and over into the SCE power plant.

Our city's infrastructure, with the empty storefronts and empty lots at two major intersections, is not just unsightly, it's a blight that does not appeal to visitors, let alone us residents. It's an embarrassment!

We don't have our own school district for those who don't know or care. One member of your committee mentioned that only three students are enrolled at Hillcrest. That's totally wrong. I don't know about Bella Vista, but you should give them a call. There are four kindergarten classrooms at Brightwood and Highlands because school districts like Alhambra, Garvey, Montebello, and LA (Robert Hill Lane) are using our children as pawns on a chessboard for one thing --- the almighty dollar known as ADA money (average daily attendance). You even have a member on your committee who is part of Mann's Realty, which is a definite conflict of interest!

The people's vote has spoken, and your job is to work towards building a brighter future for Monterey Park or revamping your community and development departments. Could you allow the

data center to move into Saturn Park because the correct zoning can entice future businesses?

Yours truly,

Cindy Yee
50 year resident

ATTACHMENT 5
Email from Cathy Ta,
dated August 29, 2024

From: Wong, Thomas
To: Cathy Ta
Cc: Serrano, Jessica; Alvarez, Inez; slopez@willdan.com
Subject: Re: Saturn Park - Email in Support of Redevelopment for Aug. 29 Meeting
Date: Thursday, August 29, 2024 1:04:50 PM

Thank you for your email, we will include in the record.

Sent from my iPhone

> On Aug 29, 2024, at 10:48 AM, Cathy Ta <ct.cathyta@gmail.com> wrote:
>
> [EXTERNAL EMAIL]
>
> CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.
>
> Hello, Jessica,
>
> Below please find my email to the City Council in support of the redevelopment of the Saturn business park area of Monterey Park, particularly for tonight's final meeting on the project.
>
> Please let me know if you have any questions or need anything else.
>
> Best,
> Cathy Ta
>
> ********** Dear City Council,
>
> I am writing to support proposals to reimagine and redevelop the Saturn business park area of Monterey Park, which I understand, is suffering from a high level of (commercial) vacancy.
>
> Monterey Park is my hometown. Having grown up here, I feel a measure of pride when the city is recognized for its good schools, wonderful location, local economy and family-friendly neighborhoods. When my husband and I were in the process of deciding where to settle down and raise our kids, Monterey Park won out due to these positive attributes, but also primarily because it is a place my parents still call home, as do my grandma - who is still alive, my brother and his family, and my extended relatives. The opportunity to raise our kids around

multi-generational relatives is bar none.

Yet, this opportunity to live near family is not available to everyone due to sky-rocket housing prices and record-low housing inventories throughout the state and the nation, Monterey Park being no exception. As a community, we need to recognize that the housing situation will only get worse, unless deliberate policies are enacted to solve the situation.

But, this is not just an economic issue. It is also a family issue and an intergenerational issue. Without practical solutions to pave the way for much needed inventory, the problem will continue into the future where our children will find themselves facing the financial predicament of being unable to afford housing within their means, much less climb onto the homeownership ladder, unless they are in the very top 1% of the income bracket. Even then, it is uncertain that they would be successful in securing a home close to family or other relatives without financial help and luck.

Monterey Park - a city of diversity with a reputation for being forward-thinking and resourceful against many odds over the years - has never been a type of place to deliberately narrow economic choices and family prospects for its own community. Instead, it needs to recommit to broadening opportunities, particularly by increasing housing supply.

The short-term and mid-term economic benefits of revitalizing the Saturn area to create more housing - whether as a mixed use project or other housing-related project - are plentiful, so I will not outline them here. What I will emphasize instead is that it is also - 100% - an intergenerational and family issue, if we are still in the business of giving opportunities for families to live and be close to one another and otherwise maintain family ties - benefits in themselves that are numerous across the board.

Overall, we need more housing-related projects, not less, as what is certain is that our Southern California housing market - and Monterey Park's - will continue to be in high demand into the future.

Sincerely,
Cathy Ta

ATTACHMENT 6
Email from Connie Cheung,
dated August 29, 2024

From: Wong, Thomas
To: Connie Cheung
Cc: Serrano, Jessica; Alvarez, Inez; slopez@willdan.com
Subject: Re: Saturn Park - Email in Support of Redevelopment for Aug. 29 Meeting
Date: Thursday, August 29, 2024 1:03:57 PM

Thank you for your email, we will include in the record.

Sent from my iPhone

> On Aug 29, 2024, at 11:24 AM, Connie Cheung <cheungc22@gmail.com> wrote:
>
> [EXTERNAL EMAIL]
>
> CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.
>
> Dear City Council,
>
> I am writing to support proposals to reimagine and redevelop the Saturn business park area of Monterey Park, which I understand, is suffering from a high level of (commercial) vacancy.
>
> Monterey Park is my hometown. Having grown up here, I feel a measure of pride when the city is recognized for its good schools, wonderful location, local economy and family-friendly neighborhoods - reasons why I choose to live here still.
>
> To keep our city going strong into the future, we should create better use of the Saturn business area through a mixed-used project or other housing-related development. We are in a housing crisis throughout the nation and state, so as a community, we need to recognize that Monterey Park is no exception. The housing situation will only get worse, unless deliberate policies are enacted to solve the situation.
>
> The short-term and mid-term economic benefits of revitalizing the Saturn area to create more housing - whether as a mixed-use project or other housing-related project - are plentiful. The worst case scenario would be to leave the area as is and to deteriorate over time.
>
> Overall, we need more housing-related projects, not less, as what is certain is that our Southern California housing market - and Monterey Park's - will continue to be in high demand into the future.
>
> Sincerely,
> Connie Cheung

ATTACHMENT 7
Email from Tina Ly,
dated August 29, 2024

From: Wong, Thomas
To: Tina Ly
Cc: Serrano, Jessica; slopez@willdan.com; Alvarez, Inez
Subject: Re: Saturn Park - Support of Redevelopment for Aug. 29 Meeting
Date: Thursday, August 29, 2024 1:02:28 PM

Thank you for your email, we will include in the record.

Sent from my iPhone

> On Aug 29, 2024, at 12:49 PM, Tina Ly <ly.tina@gmail.com> wrote:
>
> [EXTERNAL EMAIL]
>
> CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.
>
> Dear City Council,
>
> We are writing to support proposals to reimagine and redevelop the Saturn business park area of Monterey Park, which I understand is suffering from a high level of commercial vacancy.
>
> Monterey Park, as well as much of the country, needs more housing and more affordable housing. While the development on South Alhambra Avenue is poorly designed as it disregards its impact on an already congested street, the Saturn business park area would be much more appropriate for a large development.
>
> As residents of Monterey Park since 1986, we want the city to continue to attract families looking for a beautiful, diverse, interesting, and welcoming community such as ours. Redeveloping Saturn business park to provide more mixed use and housing would be a step in that direction.
>
> Kind regards,
> Tina Ly
> Khiem Ly
> Thong Ly
> 318 S Alhambra Ave Monterey Park CA

ATTACHMENT 8
Email from Alan Beadle,
dated August 29, 2024

From: Wong, Thomas
To: Alan Beadle
Cc: Serrano, Jessica; slopez@willdan.com; Alvarez, Inez
Subject: Re: Saturn Park - Email in Support of Redevelopment for Aug. 29 Meeting
Date: Thursday, August 29, 2024 1:02:08 PM

Thank you for your email, we will include in the record.

Sent from my iPhone

> On Aug 29, 2024, at 12:44 PM, Alan Beadle <beadle.a@gmail.com> wrote:
>
> [EXTERNAL EMAIL]
>
> CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.
>
> Hi Jessica,
>
> I would like to share the below email to the City Council in support of the redevelopment of the Saturn business park area of Monterey Park, for consideration at tonight's final meeting on the project.
>
> Let me know if you would like to talk further or have any questions.
>
> Thanks,
>
> Alan
>
> ****
>
> Dear City Council,
>
> I would like to share my support for proposals to reimagine and redevelop the Saturn business park area of Monterey Park, which I understand is suffering from high levels of vacancy.
>
> My family and I have lived in Monterey Park for over 14 years and I am proud to call the city home. When my wife and I were in the process of deciding where to settle down and raise our kids, we chose Monterey Park not just for its positive attributes, such as its great schools, location, local economy and family-friendly

neighborhoods, but also primarily because it is a place where my wife's parents, grandma, brother and his family, and extended relatives live. Being able to raise our kids around multi-generational relatives has been incredibly important and impactful for us.

Unfortunately, I realize that the opportunity to live near family is not available to everyone due to sky-high housing prices and low housing inventories throughout California and the nation as a whole. Monterey Park is no exception to these problems and as a community we need to recognize that the housing situation will only get worse, unless deliberate steps are taken.

This is not just an economic issue. It is also a family and intergenerational issue. Without practical solutions to create much needed housing inventory, the problem will grow to a point where our children will be unable to afford housing within their means, much less get onto the homeownership ladder, unless they are in the very top 1% of the income bracket. Even then, it is unclear if they would be successful in finding a home close to family or other relatives without additional financial support and luck.

Monterey Park is a diverse city known for being forward-thinking and resourceful against many challenges over the years. It has never been the type of place to deliberately narrow economic choices and family prospects for its own community. At this moment, the city needs to recommit to broadening opportunities, particularly by increasing housing supply.

There are many short-term and mid-term economic benefits to revitalizing the Saturn area to create more housing (either as a mixed use project or some other housing-related project). What I would like to add to this conversation is a consideration of the intergenerational and family issues. Creating opportunities for families to live and be close to one another and otherwise maintain family ties bring numerous benefits not just to those families, but our community as a whole.

The demand for housing in Southern California, and Monterey Park specifically, is going to remain high. We need more housing-related projects, not less, to meet this need.

Yours,

Alan Beadle

ATTACHMENT 9
Email from Jan Nishia,
dated August 29, 2024

From: Garcia, Diana
To: Alvarez, Inez; Serrano, Jessica; slopez@willdan.com; Juliet Arroyo; Wong, Thomas
Subject: Fwd: SPARC - Vote NO
Date: Thursday, August 29, 2024 9:00:17 AM

Good morning -

Forwarding an email received this morning.

Diana G.

Get Outlook for iOS

From: Jan Nishida <nishida3@juno.com>
Sent: Thursday, August 29, 2024 8:51:42 AM
To: cmo@montereypark.ca.gov <cmo@montereypark.ca.gov>
Subject: SPARC - Vote NO

[EXTERNAL EMAIL]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Subject Line: ATTN: SPARC - Vote NO

To Whom It May Concern:

It is illegal for the City of Monterey Park to overturn the voter-approved General Plan. The City must abide by the election results and uphold the General Plan approved by the voters. No changes or deviations from the existing voter-approved General Plan should be permitted.

The Monterey Park City Council must also follow the law and adhere to the legal process of updating the General Plan and related code requirements through review and approval by the voters as required.

Your Concerned Monterey Park Neighbor

ATTACHMENT 10

Email and Letter from James Pugh,
recieved August 29, 2024

From:	MPClerk
To:	Serrano, Jessica
Cc:	Garcia, Diana
Subject:	FW: Saturn Park Advisory Review Committee - Data Center Letter
Date:	Thursday, August 29, 2024 11:44:02 AM
Attachments:	SPARC Recommendation - Data Center in Saturn Park.pdf image001.png image003.png

Good Morning,

Please see attached written communication for the SPARC meeting.

Thank you,

HELENA CHO, CMC • **ASSISTANT DEPUTY CITY CLERK**
Monterey Park City Clerk's Office
Office (626) 307-1362

From: James Pugh <JPugh@sheppardmullin.com>
Sent: Thursday, August 29, 2024 9:46 AM
To: MPClerk <MPClerk@MontereyPark.ca.gov>
Cc: Bryan Marsh <bmarsh@stratcap.com>; Chris Flynn <cflynn@stratcap.com>; Scott Rynders <scott@rynderscorp.com>; Berger, Karl H. <KBerger@bwslaw.com>
Subject: Saturn Park Advisory Review Committee - Data Center Letter

[EXTERNAL EMAIL]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning City Clerk,

Please provide the SPARC with the attached letter before the public meeting today. And kindly add it to the record of proceedings for SPARC.

Thank you,

James E. Pugh | Partner
+1 213-617-4284 | direct
+1 949-877-4891 | mobile
JPugh@sheppardmullin.com | Bio

SheppardMullin
333 South Hope Street, 43rd Floor
Los Angeles, CA 90071-1422
+1 213-620-1780 | main

Attention: This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

SheppardMullin

Sheppard, Mullin, Richter & Hampton LLP
333 South Hope Street, 43rd Floor
Los Angeles, California 90071-1422
213.620.1780 main
213.620.1398 fax
www.sheppardmullin.com

213.617.4284 direct
jpugh@sheppardmullin.com

File Number: 89AF-371175

August 28, 2024

VIA E-MAIL

Saturn Park Advisory Review Committee
City of Monterey Park
320 W. Newmark Avenue
Monterey Park, CA 91754
Email: c/o City Clerk,
MPClerk@montereypark.ca.gov

Re: Data Center Zoning in Saturn Park

Dear Saturn Park Advisory Review Committee,

We represent SDCF Monterey Park, LLC ("Applicant") regarding its data center project ("Project") located at 1977 Saturn Street ("Site") in the City of Monterey Park ("City"). This letter memorializes the Applicant's position that data centers are appropriate and permitted land uses in Saturn Park per existing land use and zoning regulations. Likewise, as discussed below, data centers should remain permitted uses in Saturn Park even if the City decides to update the zoning, or create a specific plan, for the area. That conclusion is consistent with our legal analysis and is consistent with community sentiment expressed during the Saturn Park Advisory Review Committee ("SPARC") workshops. Therefore, when SPARC makes its formal recommendation to the City Council, we request that SPARC recommend that data centers remain expressly permitted uses in Saturn Park.

The Applicant participated in every SPARC workshop. We have also reviewed the Community Visioning Workshop Series Outreach Report prepared by Willdan ("Outreach Report") in August 2024. One thing is abundantly clear – there is solid support for uses allowed by the existing Innovation/Technology land use designation. In fact, as you know, the community and SPARC participants ranked the Innovation/Technology category as the most desirable land use by a large margin. And, as we have pointed out in our previous letters to the City, data center uses are consistent with the Innovation/Technology policies in the City's land use element. Thus, we believe the SPARC process has solidified the position that any future zoning for Saturn Park must include data centers as expressly permitted uses. To do otherwise would ignore community input and undermine the existing land use element.

In addition, we understand that at SPARC's fourth (and final) meeting it intends to vote on how to proceed with planning for Saturn Park. The Applicant's position on future planning for Saturn Park is as follows. First, the City could simply retain the existing voter-enacted zoning, which permits data centers, and appears acceptable to the community based on the SPARC exercise. Second, portions of Saturn Park are ideally situated to accommodate data centers proximate to the existing Mesa Southern California Edison ("SCE") substation. Accordingly, if the

City modifies the zoning in Saturn Park, then the properties located at 1977 Saturn Street and 1980 Saturn Street should be zoned to expressly permit data centers. The Applicant provided SPARC with overlay zones that could implement that type of zoning. Third, in no scenario should the City implement zoning, through a specific plan or any other means, that prohibits data centers or overly burdens the administrative process for such uses. We believe this is particularly important because: (a) the general plan supports new technology uses in Saturn Park like data centers; (b) the community confirmed its support for Innovation/Technology land uses; and (c) the City has an immediate data-center-redevelopment opportunity that would provide community benefits, new jobs, and substantial tax revenue. Hence, rezoning Saturn Park in a manner that prohibits or dissuades data centers would be counterproductive to smart planning and public policy.

In closing, with thank SPARC and the City for the opportunity to participate in the visioning process for Saturn Park. Please include our requests herein in the SPARC recommendation to City Council.

Sincerely,

James E. Pugh
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

cc:
mpclerk@montereypark.ca.gov
kberger@bwslaw.com
Bryan Marsh, StratCap
Chris Flynn, StratCap
Scott Rynders, The Rynders Corporation

SMRH:4863-5531-6190.1

ATTACHMENT 11
Email from Karen Ta,
dated August 29, 2024

From: Alvarez, Inez
To: Serrano, Jessica
Cc: Salvador Lopez; Garcia, Diana
Subject: FW: Saturn Park - Email in Support of Redevelopment for Aug. 29 Meeting
Date: Thursday, August 29, 2024 4:30:19 PM

From: Wong, Thomas <twong@MontereyPark.ca.gov>
Sent: Thursday, August 29, 2024 3:00 PM
To: Karen Ta <karenta93@gmail.com>
Cc: jserrano@montereypark.ca; slopez@willdan.com; Alvarez, Inez <ialvarez@MontereyPark.ca.gov>
Subject: Re: Saturn Park - Email in Support of Redevelopment for Aug. 29 Meeting

Thank you for sending this email, it will be noted in the record.

Sent from my iPhone

> On Aug 29, 2024, at 2:58 PM, Karen Ta <karenta93@gmail.com> wrote:
>
> [EXTERNAL EMAIL]
>
> CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.
>
> Dear City Council,
>
> I am writing to support proposals to reimagine and redevelop the Saturn business park area of Monterey Park, which I understand, is suffering from a high level of (commercial) vacancy.
>
> Monterey Park is my hometown. Having grown up here, I feel a measure of pride when the city is recognized for its good schools, wonderful location, local economy and family-friendly neighborhoods - reasons why I choose to live here still.
>
> To keep our city going strong into the future, we should create better use of the Saturn business area through a mixed-used project or other housing-related development. We are in a housing crisis throughout the nation and state, so as a community, we need to recognize that Monterey Park is no exception. The

housing situation will only get worse, unless deliberate policies are enacted to solve the situation.

The short-term and mid-term economic benefits of revitalizing the Saturn area to create more housing - whether as a mixed-use project or other housing-related project - are plentiful. The worst case scenario would be to leave the area as is and to deteriorate over time.

Overall, we need more housing-related projects, not less, as what is certain is that our Southern California housing market - and Monterey Park's - will continue to be in high demand into the future.

Best,

Karen Ta
pronouns: she/they

ATTACHMENT 12
Email from Eok Ngo,
dated August 29, 2024

From: Eok Ngo
To: Serrano, Jessica; Wong, Thomas
Subject: Saturn Park - Email in Support of Redevelopment for Aug. 29 Meeting
Date: Thursday, August 29, 2024 4:57:38 PM

[EXTERNAL EMAIL]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear City Council,

I am writing to support proposals to reimagine and redevelop the Saturn business park area of Monterey Park, which I understand, is suffering from a high level of (commercial) vacancy.

Monterey Park is my hometown. Having grown up here, I feel a measure of pride when the city is recognized for its good schools, wonderful location, local economy and family-friendly neighborhoods - reasons why I visit frequently and continue to patronize its establishments.

To keep the city going strong into the future, we should create better use of the Saturn business area through a mixed-used project or other housing-related development. We are in a housing crisis throughout the nation and state, so as a community, we need to recognize that Monterey Park is no exception. The housing situation will only get worse, unless deliberate policies are enacted to solve the situation.

The short-term and mid-term economic benefits of revitalizing the Saturn area to create more housing - whether as a mixed-use project or other housing-related project - are plentiful. The worst case scenario would be to leave the area as is and to deteriorate over time.

Overall, we need more housing-related projects, not less, as what is certain is that our Southern California housing market - and Monterey Park's - will continue to be in high demand into the future.

Sincerely,
Eok Ngo

ATTACHMENT 13
Email from William Tran,
dated August 29, 2024

From: William Tran
To: Serrano, Jessica
Cc: Wong, Thomas
Subject: Saturn Development support letter
Date: Thursday, August 29, 2024 5:07:38 PM

[EXTERNAL EMAIL]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear City Council,

I am writing to support proposals to redevelop and re-imagine the Saturn business park area of Monterey Park, which I understand is suffering from a high level of commercial vacancy.

Monterey Park is my hometown. Having grown up here, I feel pride when the city is recognized for its good schools, wonderful location, local economy and family-friendly neighborhoods - reasons why I choose to still live here as an adult.

To keep our city going strong into the future, we should create better use of the Saturn business area through a mixed-used project or other housing-related development. We are in a housing crisis throughout the nation and state, so as a community, we need to recognize that Monterey Park is no exception. The housing situation will only get worse, unless deliberate policies are enacted to solve the situation.

The short-term and mid-term economic benefits of revitalizing the Saturn area to create more housing - whether as a mixed-use project or other housing-related project - are plentiful. The worst case scenario would be to leave the area as is and to deteriorate over time.

Overall, we need more housing-related projects, not less, as what is certain is that our Southern California housing market - and Monterey Park's - will continue to be in high demand into the future.

Sincerely,
William Tran

ATTACHMENT 14
Email from Sylvia Chang,
dated August 29, 2024

From:	Sylvia Chang
To:	Serrano, Jessica
Cc:	Wong, Thomas
Subject:	Saturn Park - Email in Support of Redevelopment for August 29th Meeting
Date:	Thursday, August 29, 2024 5:20:52 PM

[EXTERNAL EMAIL]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Council Members,

I'm writing to support the proposal to redevelop the Saturn business park area in Monterey Park, which has been struggling with high vacancy rates.

I made a conscious choice to move back to Monterey Park to grow my family. I'm proud of its great schools, location, culture, and family-friendly neighborhoods.

To keep our city thriving, we should make better use of the Saturn business area with a mixed-use or housing-related project. We're facing a housing crisis nationwide and here in California, and Monterey Park is no exception. The situation will only worsen without intentional policies.

Revitalizing the Saturn area to create more housing would bring both short-term and long-term economic benefits. Its location is ideal as its situated between residential and commercial (Costco area). **The worst thing we could do is leave it as it is and let it deteriorate.**

We need more housing options, not less. The demand for housing in Southern California, including Monterey Park, isn't going away anytime soon.

Sincerely,

Sylvia Chang/ Monterey Park Resident
sylvia.chang@gmail.com

ATTACHMENT 15
Email from Bryan Mercke,
dated August 29, 2024

From: Ngo, Vinh T.
To: Bryan Mercke
Cc: Wong, Thomas; Serrano, Jessica; MPClerk; Salvador Lopez; Alvarez, Inez
Subject: Re: SPARC Community Input
Date: Thursday, August 29, 2024 11:48:13 PM

Thanks for the note Bryan. I have cc MPK Clerk's office, the City Manager, the Director of Community Development and Sal with Wildan Consulting who is leading the SPARC discussion.

Vinh
Sent from my iPhone

> On Aug 29, 2024, at 11:40 PM, Bryan Mercke <bmercke@gmail.com> wrote:
>
> [EXTERNAL EMAIL]
>
> CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.
>
> Hello Council Members Wong and Ngo,
>
> My name is Bryan Mercke, I am an attorney that lives and works in Monterey Park. I live very close to the Saturn Park area.
>
> I was unable to attend the community workshops, but I hope the city is still soliciting input and will consider my opinion.
>
> I reviewed the materials presented on the website, including the Supplemental Outreach Report.
>
> The area, as it is now, is a dead zone. It is an ugly, underutilized space, and people speed up and down the street because there is little there. Please do now allow this current state of land usage to continue. Continuing to zone the area in its current way or zoning for "information/technology" will only permit this vacuum in our neighborhood to continue.
>
> The city has an obligation to meet state mandated housing requirements, as all cities do in our state. My brief review of the housing plan leads me to believe the city will fail to meet these housing obligations, and could be subject to a "builder's remedy." If people are upset about housing in this area of the city with giant, empty, concrete cubes, they will be livid when the power to approve or deny projects is stripped away from the city on certain projects if the "builder's remedy" is implemented.

Please consider a mixed use development in the Saturn Park area. If possible, I hope the city could also implement a park/green space in that area as well. There is enough space for both mixed use residential and a green space, and these two land uses compliment each other well. If a family is going to play in the park, they are more likely to stay for lunch when it is right next door, and residents/customers of the mixed use area would be more likely to utilize green space when the sun is shining and a bit of shade becomes irresistible. The area is ripe for mixed use development because of the Costco and shopping center nearby to address grocery shopping needs.

Mixed use would also serve the nearby residents and encourage foot traffic. I personally would love to be able to walk my dogs to a nearby green space from my front door, and buy a bagel and a cup of coffee. Currently, I do not enjoy walking my dogs down that stretch of Potrero Grande in front of Saturn Park because it is eerie, a dead zone, with cars speeding past. Commercial establishments are more likely to want to rent in a mixed use building with a pool of customers living right next door. I hope the city would consider generous height and density permitted to attract reputable developers, but I would be happy should mixed use be approved in any form.

I hope the Council and yourself will consider my comments when deciding the future of Saturn Park.

Best Regards,
Bryan Mercke

ATTACHMENT 16

Email and Letter from Charles Buck Stapleton, dated August 30, 2024

From: MPClerk
To: Serrano, Jessica; Chow, Beth
Subject: FW: Comments for SPARC Committee
Date: Tuesday, September 3, 2024 7:57:44 AM
Attachments: Letter to SPARC.pdf
image001.png
image003.png

Good Morning,

See below and attached comment for SPARC.

Thanks,

HELENA CHO, CMC • **ASSISTANT DEPUTY CITY CLERK**
Monterey Park City Clerk's Office
Office (626) 307-1362

From: Charles "Buck" Stapleton <buckstapleton@gmail.com>
Sent: Friday, August 30, 2024 3:52 PM
To: MPClerk <MPClerk@MontereyPark.ca.gov>
Cc: Wong, Thomas <twong@MontereyPark.ca.gov>; Ngo, Vinh T. <vngo@MontereyPark.ca.gov>; Alvarez, Inez <ialvarez@MontereyPark.ca.gov>; slopez@willdan.com
Subject: Comments for SPARC Committee

[EXTERNAL EMAIL]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Thank you for the opportunity to attend the meetings. Attached you will find a letter addressed to the Committee.

Unfortunately there was such a loud outburst by a few members of a special interest group that I preferred to write a letter rather than listen to their "outcries" and "oh no" so typical of a bad behavior of a few people that prevent free speech.

Cordially,

Charles "Buck" Stapleton

Charles "Buck" Stapleton
948 Village Drive
Monterey Park, CA 91755
e-mail: buckstapleton@gmail.com

August 30, 2024

SATURN PARK ADVISORY REVIEW COMMITTEE (SPARC)
City of Monterey Park

To Whom it May Concern:

I am writing to you not only as a resident of Monterey Park where I drive past Saturn Park daily to and from work, but as a college professor and author of a best-selling textbook, *California Real Estate Principles*, now in its 12th edition, also I'm writing as a member of the Village Drive/Plateau Neighborhood Watch. Five of us attended the August 29 meeting.

My concern is to offer my comments in a letter so as to avoid encountering a negative blast from those attending who have a special interest in keeping the 60+ acres area in its present vacant condition. We should not take a narrow approach but look at what is the highest and best use for the City of Monterey Park. **The current zone of Office Professional should be amended to include residential and mixed use.**

We would support lifting the moratorium so the Data Center project can continue to move forward. We would suggest, however, we believe there is a demand from all sectors of the City of Monterey Park for sensible growth and development in considering a zoning classification for residential and perhaps mixed use.

It is our understanding the vacancy rate for this area started before Covid and since 2020 has risen to 70% plus. We were disappointed that only two owners came to the meetings. Those owners are losing money as the vacancy rate continues to grow while they continue to maintain the property:

- The 1977 Saturn property designated for existing permitted use as a Data Center could adjust neighboring space to allow for residential use. This could act as a buffer for the residential neighbors.

- 1980 and 2100 Saturn should be rezoned to allow for residential and mixed use.

Allowing vacant property to go undeveloped can pose several risks, impacting both the local neighbors as well as the broader Monterey Park community as it is now doing.

1. Economic Opportunity Cost. The Saturn Park area represents a missed opportunity for economic growth. The area could potentially be used for housing, public amenities included when developers plan projects, and an opportunity for controlled mixed use.

2. Urban Decay and Blight. This area, 70% vacant with wide open spaces in an urban area can attract illegal dumping, vandalism, criminal activities including areas for drug use, leading to a decline in neighborhood safety. While some of the neighbors opposing development say they walk the area, I have never seen one person doing so as I leave for work at 7:30 am and return around 8: pm.

3. Environmental Concerns. While this vast area, 60+ acres obviously vacant, while maintained at the present time, may be neglected at some point. Unmanaged land can contribute to soil erosion and uncontrolled vegetation growth.

4. Social Impacts. Large vacant areas often contribute to a sense of neglect within the community. Monterey Park already suffers from visible vacant areas in the business district. This can lead to disinvestment in the area and drive investors to Alhambra, Arcadia, and other nearby areas that present a better picture than an investment in Monterey Park if Saturn Park is left in its current Office Professional zone.

5. Regional Housing Needs. Since 1969 California has required local governments to plan for adequate housing. The Regional Housing Needs Assessment for Monterey Park has provided a mandate to add adequate housing or face a fine.

Thank you for the opportunity to participate in the series of meetings. We are pleased to see the proactive urban planning process exhibited by the Saturn Park Advisory Review Committee and engaging with members of the community.

"The current zone of Office Professional should be amended to include residential and mixed use."

Cordially,

CHARLES STAPLETON

cc:
Thomas Wong
Ving Ngo
Inez Alverez

ATTACHMENT 17
Email from Jeffrey Su,
dated September 5, 2024

From: Wong, Thomas
To: Jeffery Su
Cc: Serrano, Jessica; slopez@willdan.com
Subject: Re: In Support of Saturn Park Redevelopment
Date: Thursday, September 5, 2024 5:54:48 PM

Thanks Jeff, we will include this in the record.

Sent from my iPhone

> On Sep 5, 2024, at 5:21 PM, Jeffery Su <JefferySu@aol.com> wrote:
>
> [EXTERNAL EMAIL]
>
> CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.
>
> Dear City Council:
>
> I am writing in support of the redevelopment of the Saturn business park area of Monterey Park which is currently vacant for the most part. As a longtime resident of Monterey Park, I believe it is imperative that we create an environment that welcomes quality development and preserves family-friendly neighborhoods. This is why I support a mixed-use project for the Saturn business area. As you know, this is a prime location just off the freeway and close to major food and retail outlets. This would also be a very attractive location for housing which we all know is in short supply
>
> Using a fresh approach to redeveloping this area can only enhance the city of Monterey Park while enhancing the quality of life for Monterey Park residents.
>
> Sincerely,
>
> JefferySu
> 716 Cereza Drive, Monterey Park
> (323) 283-7364

ATTACHMENT 18

Email response by Inez Alvarez, dated September 9, 2024

From: Alvarez, Inez
To: Yee, Maychelle
Subject: SPARC Meeting Inquiry - Measure JJ
Date: Monday, September 9, 2024 4:24:00 PM
Attachments: 06-18-2024 Agenda Item No. 5A - Urgency Ordinance Implementing Interim Development for Saturn Park.pdf
05-22-2024 Agenda Item No. 3C - Saturn Park Advisory Review Committee SPARC.pdf
image002.png
M. Yee Text Message 9.9.24.pdf

Hi Maychelle,

Thank you for your text, which I have attached for reference. I am replying by email, so that I can also forward you previous staff reports related to the matter.

As explained in writing to the City Council, the Planning Commission, and the SPARC – Measure JJ is the Land Use Element to the General Plan. Measure JJ provides the overall land use designation for Saturn Park. It does not establish zoning regulations.

To answer your question, no, this provision does not authorize the City Council to amend Measure JJ. No such authorization exists, i.e., voter delegation of authority to the City Council to amend Measure JJ.

As shown in the presentation at the SPARC meeting, Section 3(A) of Measure JJ specifically delegates authority to the City Council to adopt zoning regulations that are consistent with Measure JJ. This was also discussed in the staff reports for the May 22, 2024 and June 18, 2024 City Council meetings which I've attached for your convenience and reference. It is also explained in the ordinance establishing a moratorium on development in the Saturn Park area. I have highlighted the relevant language – hope this helps.

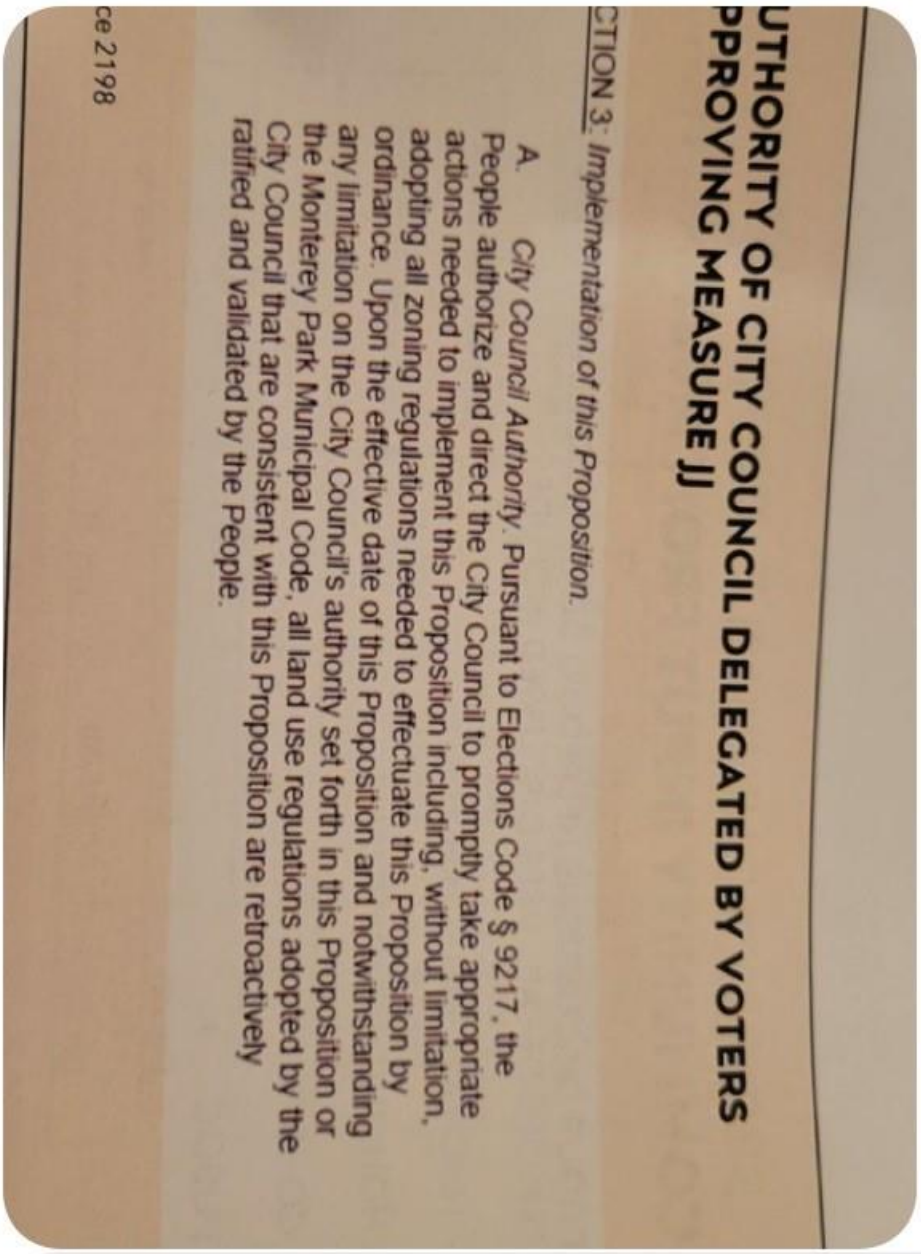
There has been no discussion regarding amending Measure JJ. The only discussion has been how to implement Measure JJ via zoning regulations.

Thank you,

INEZ ALVAREZ • **CITY MANAGER**
320 W. NEWMARK AVE. MONTEREY PARK, CA 91754
Office (626) 307-1497
Email • ialvarez@montereypark.ca.gov

This message is a public record and may be disclosed under the Public Records Act or other applicable law.

Today 9:40 AM



UTHORITY OF CITY COUNCIL DELEGATED BY VOTERS
PPROVING MEASURE JJ

CTION 3: *Implementation of this Proposition.*

A. *City Council Authority.* Pursuant to Elections Code § 9217, the People authorize and direct the City Council to promptly take appropriate actions needed to implement this Proposition including, without limitation, adopting all zoning regulations needed to effectuate this Proposition by ordinance. Upon the effective date of this Proposition and notwithstanding any limitation on the City Council's authority set forth in this Proposition or the Monterey Park Municipal Code, all land use regulations adopted by the City Council that are consistent with this Proposition are retroactively ratified and validated by the People.

ce 2198

Is this the paragraph that you were saying allows the Council to ammend Measure JJ to include expanded uses without approval by the voters?

City Council Staff Report

DATE: May 22, 2024

AGENDA ITEM NO: Consent Calendar - 3C

TO: The Honorable Mayor and City Council

FROM: Diana Garcia, Assistant City Manager

SUBJECT: Establishing the Saturn Park Advisory Review Committee ("SPARC")

RECOMMENDATION:

It is recommended that the City Council consider:

1. Establishing the Saturn Park Advisory Review Committee ("SPARC") initially comprised of Mayor Thomas Wong, Mayor pro tem Vinh Ngo, and Assistant City Manager Diana Garcia; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

On April 9, 2024, the Planning Commission considered future land uses at McCaslin Business Park as contemplated by the Land Use Element ("LUE") to the General Plan (approved by voters in 2020). A copy of the April 9th staff report is attached for reference.

During a subsequent Planning Commission meeting on April 15, 2024, Planning Commissioners expressed support for various land uses within the McCaslin Business Park to implement the vision expressed in the LUE. Based upon those discussions, it seems prudent for the City to solicit public input to adopt new land use regulations for what the LUE identifies as "Saturn Park." The LUE was guided by a citizen's oversight committee identified as the "General Plan Advisory Committee"; it is recommended that the City Council create the "Saturn Park Advisory Review Committee" or "SPARC" as described below.

BACKGROUND:

The general background for the future of Saturn Park is contemplated in the April 9th Planning Commission staff report. The recommendation is for the SPARC to be initially comprised of the Mayor, the Mayor pro tem (Saturn Park is located in District 5), and the Assistant City Manager. The Mayor and the Mayor pro tem would each appoint two persons from the community to the SPARC so that a total of seven members would serve on the SPARC. The SPARC would be subject to the Brown Act.

The SPARC is intended to oversee a series of meetings that would engage residents, the business community, and other stakeholders in drafting a Saturn Park Specific Plan ("SPSP") for consideration by the City Council. The SPSP would help implement the LUE by:

- Facilitating the coordination and planning of development within Saturn Park.
- Attracting investment and business to enhance Saturn Park's economic vitality.
- Improve Saturn Park's function and appearance
- Most of all, improving the quality of life for residents, business owners, employees, and visitors through neighborhood enhancements and improvements to public spaces.

To accomplish these objectives, the SPARC would provide ongoing and effective input to the City's Project Team (City staff and consultants) and elected officials. SPARC members would:

- Provide ongoing input that reflects a member's community knowledge, including reviewing and commenting on major work elements and products.
- Help the Project Team gain a broader understanding of public and interest group perspectives.
- Provide suggestions regarding public engagement efforts.
- Act as public engagement ambassadors by inviting/encouraging neighbors, friends, business colleagues, to participate in public engagement activities such as festival booths, workshops, etc.

Decision making within the SPARC would be a process that seeks to achieve mutual agreement. "Mutual agreement" does not necessarily mean that all members of the SPARC are equally enthusiastic about the decision or recommendation. It does mean that everyone in the committee is willing to "live with" the agreement even though some individuals might prefer an alternative solution.

The City already engaged a consultant to assist with developing the SPSP; the Community Development Director would serve as the SPARC liaison and secretary.

FISCAL IMPACT:

There is no immediate fiscal impact associated with the establishment of the SPARC.

Respectfully submitted by:

Diana Garcia
Assistant City Manager

Approved by:

Inez Alvarez
City Manager

Reviewed by:

Karl H. Berger
City Attorney

ATTACHMENT:

1. Staff Report and Attachments from April 9, 2024 Planning Commission Meeting

ATTACHMENT 1
Staff Report and Attachments from April 9, 2024 Planning Commission Meeting

Planning Commission Staff Report

DATE: April 9, 2024

AGENDA ITEM NO: 5-A

TO: The Planning Commission

FROM: Jessica Serrano, Director of Community Development

SUBJECT: **RECEIVE AND FILE** - Discussion of Land Use Regulations and future uses at McCaslin Business Park

RECOMMENDATION:

It is recommended that the Planning Commission consider:

(1) Receiving and filing this staff report as background information; and
(2) Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

This staff report provides the historical context regarding land use considerations in McCaslin Business Park to be used in discussing future uses of the area.

BACKGROUND:

McCaslin Business Park is named after Lowry B. McCaslin (a former All-American [1929] who played for USC) who owned the area between 1937 and his death in 1995. It was originally a quarry for mining decomposed granite. Mr. McCaslin eventually developed the sand and gravel pit into a 73-acre business and industrial park. Residential neighborhoods adjacent to the Business Park were developed during the years 1947 to 1954.

In 1956, the Monterey Park City Council adopted an ordinance that effectively zoned the gravel operations out of business after persons in the residential neighborhoods complained of noise and dust. Mr. McCaslin succeeded in invalidating these restrictions as unconstitutional (*McCaslin v. City of Monterey Park* (1958) 163 Cal.App.2d 399). He began building the industrial park in 1970.

In 1996, the City Council adopted a moratorium on the use and storage of certain hazardous materials within the Business Park. This was in response to Alpha Photonics, Inc.'s proposal to include crystal growing operations as part of their electronics component manufacturing business. The moratorium indicated that:

> "an application for a project at 2019 Saturn Street, Monterey Park, located in the McCaslin Industrial Park. The initial building permit application and plans did not disclose the use or storage of hazardous materials on site. The City subsequently became informed that the proposed use will handle and store certain quantities of hazardous materials. The use and storage of hazardous materials can pose a danger to the City and the City began investigating the

> regulation of the use and storage of these materials. Because of their potential danger, current law provides extensive State and County regulations for the handling and storage of hazardous materials."

The moratorium was extended throughout 1997 until the City Council placed a proposition onto the 1998 ballot (on December 17, 1997) that was later identified as "Measure D." Measure D was approved by voters on April 14, 1998 (Ordinance No. 1933, Attachment 1). Measure D added the "Office Professional" or "O-P" zone to the Monterey Park Municipal Code ("MPMC") as Chapter 21.14.

Most recently, the Measure D regulations were publicly discussed in 2018. At that time, the City discovered that the voter approved regulations in MPMC Chapter 21.14 were improperly changed by Ordinance No. 2097 that was adopted in 2013. This apparently occurred based upon a 2009 internal memorandum from the (then) Community Development Director to the (then) City Manager that asserted the City Council could make changes to MPMC Chapter 21.14 based upon its own authority. Measure D, however, did not delegate authority to the City Council to make any changes to MPMC Chapter 21.14.

The voter approved zoning restrictions in the Business Park are challenging to businesses wishing to locate to that area (see Attachment 2, e.g., letter from 2019 regarding 1977 Saturn). Currently, approximately 75% of the available building space is vacant.

Measure JJ was adopted by voters in 2020 (Ordinance No. 2198). Section 3(A) of Measure JJ provides that the City Council may "implement [Measure JJ] including, without limitation, adopting all zoning regulations needed to effectuate [Measure JJ] by ordinance." Measure JJ designates McCaslin Business Park as "Innovation/Technology" (Land Use Element – Figure LU-3: Land Use Policy Map, Attachment 3). Uses for this designation include research and development; light manufacturing; service commercial; professional offices; entertainment; and breweries/ wineries/distilleries; trade and technical schools; public utilities, and similar uses "per zoning regulations." Prohibited uses are warehousing, freight terminals, vehicle storage, and heavy manufacturing.

Respectfully submitted by:

Jessica Serrano
Director of Community Development

Reviewed by:

Justin A. Tamayo
Deputy City Attorney

ATTACHMENTS:

1. Ordinance No. 1933 – Measure D
2. August 14, 2019 Letter - 1977 Saturn
3. Land Use Element - Figure LU-3: Land Use Policy Map

ATTACHMENT 1
Ordinance No. 1933 – Measure D

ORDINANCE NO. 1933

AN ORDINANCE OF THE PEOPLE OF THE CITY OF MONTEREY PARK, CALIFORNIA, ADDING CHAPTER 21.14, ENTITLED OFFICE PROFESSIONAL, TO THE MONTEREY PARK MUNICIPAL CODE, MODIFYING SECTION 21.70.030 OF THE MONTEREY PARK MUNICIPAL CODE BY ADDING CERTAIN CONDITIONALLY PERMITTED USES IN THE OFFICE PROFESSIONAL ZONE, APPROVING A GENERAL PLAN AMENDMENT AND APPROVING A ZONE CHANGE FOR THE AREA COMMONLY KNOWN AS MCCASLIN BUSINESS PARK FROM MANUFACTURING (M) TO OFFICE PROFESSIONAL (O-P)

THE PEOPLE OF THE CITY OF MONTEREY PARK, CALIFORNIA, DO HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The People find and determine that a Zone Change pursuant to Title 21 of the Monterey Park Municipal Code (MPMC), to change the zoning designation from M (Manufacturing) to O-P (Office Professional), and to establish appropriate development regulations for the O-P zone are in the public interest and consistent with the General Plan.

SECTION 2. The People hereby amend the Monterey Park Municipal Code (MPMC) to establish an O-P (Office Professional) Zone, by adding Chapter 21.14 thereto to read as follows:

Chapter 21.14

O-P --- Office Professional Zone

Sections:

21.14.010 Purpose
21.14.020 Permitted uses
21.14.030 Prohibited uses
21.14.040 Principal uses
21.14.050 Conditional uses
21.14.060 Standards of development generally
21.14.070 Lots
21.14.080 Yards
21.14.090 Building height
21.14.100 Floor area ratio (FAR)
21.14.110 Off-street Parking

21.14.120 Required walls
21.14.130 Trash facilities
21.14.140 Buffering and maintenance of landscaping and easements
21.14.150 Compressors, air-conditioning units or similar mechanical equipment
21.14.160 Lighting
21.14.170 Exceptions
21.14.180 Site development plan approval
21.14.190 Limitations on permitted uses

21.14.010 Purpose. In order to provide for the development of integrated professional, office and limited retail areas that exhibit a diversity of business activity from both revenue and service quality standpoints, and which are compatible and responsive to abutting land uses, including residential developments, the following regulations shall be applicable to all properties classified in the O-P zone.

21.14.020 Permitted uses. No person shall use, nor shall any property owner permit the use of any lot classified in any O-P zone for any use, other than the following as set out in Section 21.14.040 and 21.14.050.

21.14.030 Prohibited uses. All uses not permitted in this chapter shall be prohibited.

21.14.040 Principal uses. The principal uses shall be permitted as follows:

Administrative and professional offices;
Beauty salon or barber shop;
Bookstore;
Cellular phone, telephone and pager store
Coffee shop;
Computer store, sales and service;
Confectionary shop;
Data processing facility;
Delicatessen;
Employment agency;
Financial institutions' corporate offices, no retail banking;
General research facility, not involving testing, manufacturing, fabrication or processing or sale of products, nor the use of a hazardous material that has a degree of hazard rating in health, flammability or reactivity of Class 4 as ranked by U.F.C. Standard 79-3 or succeeding standard;
Gift shop;
Ice cream parlor;
Import and export offices;
Investment service offices, stock brokers;
Jewelry store, sales and service;
Legal offices;

Mail box and service store;
Medical equipment and supplies, sales and service;
Notary public;
Photocopying and blueprinting;
Public utility customer service office
Real estate offices and title companies;
Restaurant, tearoom and cafe;
Service businesses;
Stationery;
Studio, art, dance, martial arts, photography;
Tax consulting;
Tobacco store;
Travel agency;
Video sales and rentals;

21.14.050 Conditional uses. Conditional uses shall be uses specifically enumerated in Section 21.70.030.

21.14.060 Standards of development generally. All premises in the O-P zone shall comply with the following standards of development as set out in Sections 21.14.070 through 21.14.190.

21.14.070 Lots. (a) Lot area. The minimum lot area of each lot shall be five thousand square feet.

(b) Lot width. The minimum width of each lot shall be fifty feet.

(c) Lot depth. The minimum depth of each lot shall be one hundred feet.

21.14.080 Yards. The following minimum yards shall be required on all lots:

(a) Front yard. No minimum front yard is required.

(b) Side and rear yards. Every lot shall have and maintain minimum side and rear yards as follows:

(1) When the side yard is adjacent to a street, the yard shall be at least fifteen feet in depth.

(2) When adjacent to a R-zone, the yard shall be no less than fifty feet, plus five feet in depth for each story above one story of building or each ten-foot increment above fifteen feet in height of building on the O-P zoned lot. Where there is an opening, including but not limited to windows, pedestrian doors and roll-up doors, in any building on the O-P zone facing a yard adjacent to a R-zone, the yard shall be no less than one hundred feet from any opening to the R zoned lot. The yard may be used for parking, excepting a minimum fifteen foot wide area abutting the R-zone which shall be landscaped and maintained in such a condition so as not to violate Section 9.54.010. The required landscaping shall also conform to the standards set forth in Section 21.14.140. When the O-P zoned lot is separated from a R-zone by an alley, a rear yard setback of forty feet shall be provided, as measured from the centerline of the alley. A minimum three-foot wide landscaped planter shall be installed and maintained along the alley, excepting at any vehicular access driveway.

(3) When adjacent to a commercially-zoned or M zoned lot, no yard is required.

21.14.090 Building height. No building or structure in excess of forty feet or three stories shall be located on any lot. Buildings or structures exceeding the height limits may be permitted upon approval of a conditional use permit.

21.14.100 Floor area ratio (FAR). The floor area ratio shall not exceed 0.5 when the lot is less than ten thousand square feet in area. When the lot is between ten thousand and twenty thousand square feet in area, the floor area ratio shall not exceed 0.65. When the lot is more than twenty thousand square feet in area, the floor area ratio shall not exceed 0.8. The floor area ratio may be increased to a maximum of 1.0 for all lots, upon approval of a conditional use permit.

21.14.110 Off-street parking and loading. Each O-P zoned lot shall have and maintain off-street parking and loading facilities as required by Chapter 21.40.

21.14.120 Required walls. Except as otherwise provided in Chapter 21.48, the following standards shall apply: (a) Where any part of the front yard or street side yard of a O-P zoned lot is used for parking or loading, a masonry wall compatible in color with the commercial building and/or sight-obscuring hedge a minimum of three feet in height shall be erected and maintained within a landscaped area a minimum of three feet in width adjacent to the sidewalk at the front or side yard property line as required by Section 21.40.180.

(b) When any O-P zoned lot has a common side or rear lot line with any R-zoned property, a six-foot solid decorative masonry or concrete block wall compatible in color with the commercial building shall be constructed and maintained along all such common side or rear lot lines. Where an easement exists, abutting the common property line, the said decorative wall may be constructed along the boundary of the easement on the commercial lot. A minimum three-foot wide landscaped planter with automatic irrigation system shall be placed adjacent to the wall, planted with trees, shrubs, ground cover and vines. Where a parking lot on the O-P zoned lot abuts a R-zoned lot, the additional parking lot landscaping requirements of Section 21.40.180 shall apply.

21.14.130 Trash facilities. Each O-P zoned lot shall be provided with facilities for the storage and collection of trash as follows:

(a) Any outdoor trash facility shall be enclosed by a minimum five-foot high solid masonry, brick or concrete wall except for the access way which shall be enclosed with solid decorative gates of the same height.

(b) Location and size shall be subject to approval by the planner. When any O-P zoned lot has a common property line with a R-zoned lot, no trash facility shall be located within the required building setback.

(c) Open vehicular and pedestrian access to and from such trash facility shall be provided. No parking spaces shall block such access to the trash facility.

(d) Trash facilities shall be maintained in a closed manner at all times to prohibit visibility from public rights-of-way or adjacent property.

Notwithstanding any other provision of this title, all existing uses, buildings and structures in the O-P zone which do not conform to this Section shall provide a fully enclosed trash facility within six months of the effective date of this ordinance unless providing such trash facility will eliminate any existing required off-street parking spaces.

21.14.140 Buffering and maintenance of landscaping and easements. For O-P zoned lots with side or rear yards that are adjacent to an R zoned lot, the following buffering provisions shall be provided and maintained:

(a) Landscaping, irrigation and maintenance plans shall be required and the plans shall be subject to approval of the design review board under the provisions of Chapter 21.72. The plans shall incorporate, but not be limited to, fifteen-gallon minimum trees at time of planting, interspersed shrubs, ground cover, raised earthen berms and automatic sprinkler systems. The City may require the maintenance plan to include a bonafide service agreement with a City licensed landscaping service business. Maintaining an active service agreement on file with the Community Development Department shall be the responsibility of the owner of the subject property or by his authorized agent.

(b) All landscaped areas and easements shall be maintained in good condition, weed and disease free, and in compliance with Chapter 9.54.

Notwithstanding any other provision of this title, all O-P zoned lots that abut a R zone and do not have landscaping, irrigation and maintenance plans that have been approved by the design review board pursuant to requirements of Chapter 21.72 shall submit a landscaping, irrigation and maintenance plan for design review board approval within six months of the effective date of this ordinance.

21.14.150 Compressors, air-conditioning units or similar mechanical equipment. Each O-P zoned lot which has compressors, air-conditioning units or similar mechanical equipment, located on the roof and outside of the exterior walls of any building or structure, shall comply with the following:

(a) All such equipment shall be installed with permanent sound proofing measures, including but not limited to, enclosures, parapet and sound attenuating walls and screens. All such equipment shall comply with noise standards set forth in Chapter 9.53. The location, type and scope of soundproofing measures for such equipment shall be subject to the approval of the Community Development Department.

(b) All such equipment shall be maintained in a clean and proper condition to prevent collection of litter and filth, emissions of dust or fumes, vibration or electrical disturbances.

21.14.160 Lighting. All outdoor lighting shall be located and shielded so as to prevent the direct spillage of light or glare onto adjacent lots and streets.

21.14.170 Exceptions. Except as otherwise provided in this section, any use, building or structure which is in existence or for which a permit has been issued, as of the effective date hereof, and which conformed to all zoning regulations of the city then in effect at such time, shall not be rendered nonconforming within the meaning of Chapter 21.68, solely by reason of the application of the development standards as set forth in this chapter; provided that any such existing use, building or structure shall comply with the provisions hereof upon a change in use, or upon use, building or structure expansion or reconstruction, in whole or in part.

21.14.180 Site development plan approval. Prior to the issuance of a building permit or business license for any use, building or structure to be located on any lot, as to which the provisions of this chapter apply, the provisions of Chapter 21.72, with regard to site development plans shall be complied with.

21.14.190 Limitations on permitted uses. Every use permitted in the O-P zone shall comply with the following:

(a) All uses shall be conducted totally within a completely enclosed building, except for those uses which are customarily conducted in the open, as determined pursuant to Section 21.06.060 or Section 21.74.030. Those uses conducted in the open shall be no closer than one hundred feet to any R zoned lot, except for parking.

(b) No outdoor storage shall be allowed unless the same is enclosed by a view-obscuring fence or wall, provided that no stored material is visible above the fence or wall, that the fence or wall is approved by the Department of Community Development, and that such storage shall be limited to the accessory storage of items sold or utilized in the conduct of a permitted use on the premises. Where the O-P zoned lot is adjacent to a R zoned lot, no outdoor storage shall be permitted within one hundred feet of a R zoned lot.

(c) No loading and unloading shall be permitted in any required side or rear yard.

(d) Where the O-P zoned lot is adjacent to a R zoned lot, no deliveries of goods and commodities nor loading or unloading shall be conducted during the hours from 10:00 p.m. to 7:00 a.m.

(e) There shall be no overnight parking of vehicles, except those vehicles used in conjunction with a permitted use.

(f) Driveways may not exceed thirty feet in width or sixty percent of the lot frontage.

(g) No use shall be permitted which produces or causes or emits any dust, gas, smoke, glare, noise, fumes, odors, electromagnetic emanations or vibrations which are or may be detrimental to the health, safety, welfare and peace of the city and its residents and businesses.

(h) No use shall be permitted which uses or stores a hazardous material that has a degree of hazard rating in health, flammability or reactivity of Class 4 as ranked by U. F. C. Standard 79-3 or succeeding standard. A business materials usage and operations form shall be filed with the Community Development Department prior to the approval of a certificate of occupancy. Notwithstanding any other provision of this title, all O-P zoned businesses that do not have a business materials usage and operations form on file shall submit a form within six months of the effective date of this ordinance.

(I) No person shall, at any location within the O-P zone, create nor allow the creation of noise which causes the noise level to exceed the applicable noise standards set forth in Chapter 9.53. Where the O-P zoned lot is adjacent to a R zoned lot, the noise level at the property line of the R zoned lot shall not exceed the allowable noise level for residential properties.

SECTION 3. The People hereby amend Section 21.70.030 of the Monterey Park Municipal Code (MPMC) by adding the following conditionally permitted uses:

Use	Zone in which allowed subject to Conditional Use Permit
Auditorium, not within 300 feet of a R-zone	O-P
Buildings exceeding height limit	O-P
Business college (office or medical, dental).	O-P
Child care center, not within 300 feet of a R-zone	O-P
Commercial office or service units which are shared by more than one independently owned business enterprise	O-P
Commercial developments of five or more units or with an area of more than one acre, and within 300 feet of a R-zone	O-P
Financial institution (retail banking)	O-P
Floor area ratio not to exceed 1.0	O-P
Government or public facility, except those owned or operated by the City of Monterey Park	O-P
Gymnasium, reducing salon and health center	O-P
Hotel	O-P
Lot size over an acre	O-P
Places of entertainment, except as otherwise provided in this title . .	O-P

SECTION 4. The People APPROVE General Plan Amendment to change the land use designation in the Land Use Element from Industrial to Commercial for the area set forth in the attached map incorporated herein by this reference, based on the following findings:

1. The proposed General Plan Amendment will protect the health, safety and general welfare of the community as the amendment provides for a land use more compatible with surrounding single family residential development.

2. The proposed General Plan Amendment reflects the conditions of the community and are in keeping with the character of the area. The proposed land use designation of commercial is more compatible than the existing manufacturing designation with the surrounding single family residential areas.

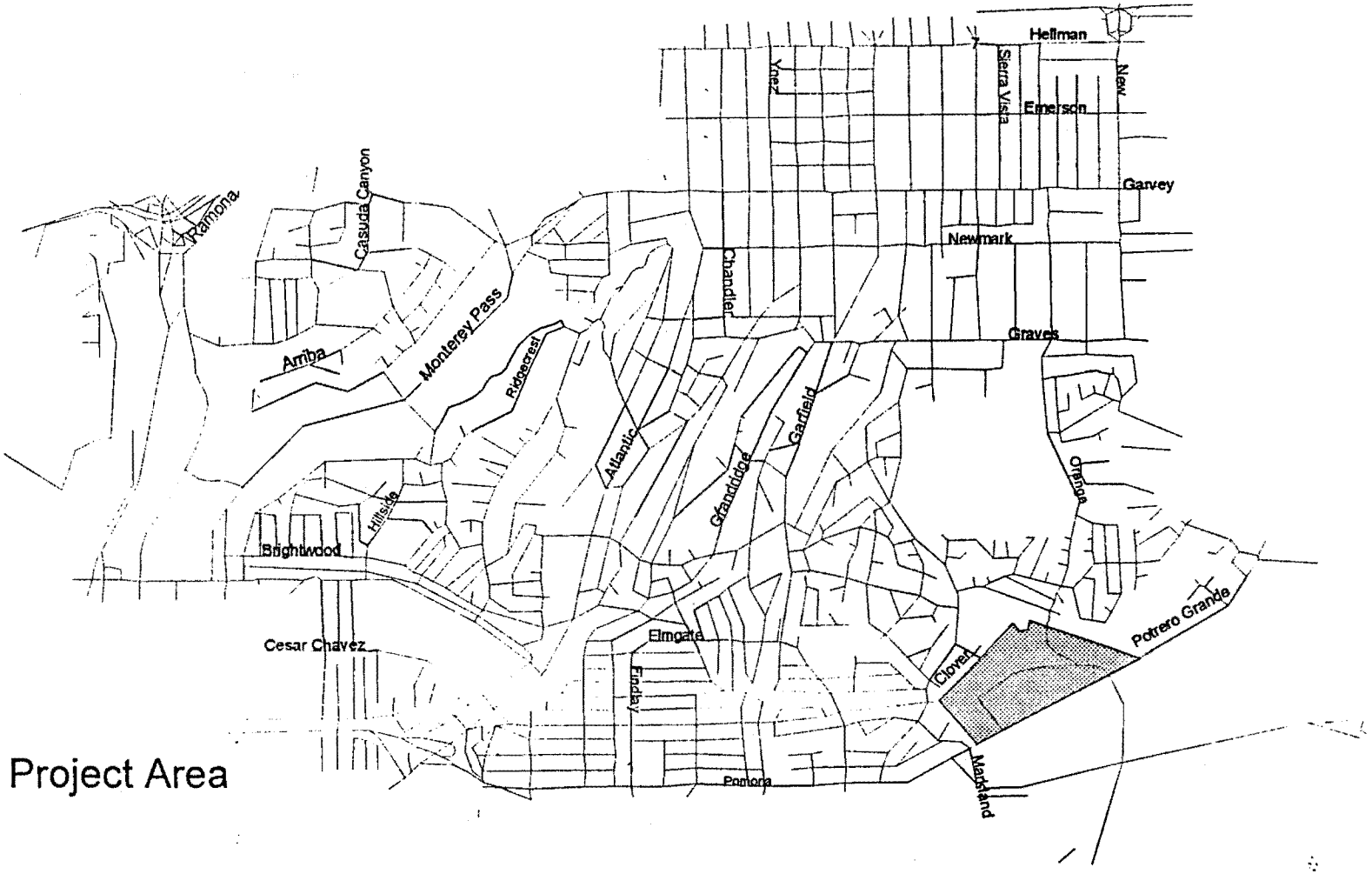
SECTION 5. The People **APPROVE** the Zone Change to change the land use classification from M to O-P for the area set forth in the attached map incorporated herein by this reference.

(1997\OP-.ORD)

REV: 12/30/97
11.45 A.M.

APPROVED AND ADOPTED AT THE APRIL 14, 1998,
SPECIAL MUNICIPAL ELECTION IN THE CITY OF MONTEREY PARK

MCCASLIN BUSINESS PARK GENERAL PLAN AMENDMENT AND ZONE CHANGE



ATTACHMENT 2
August 14, 2019 Letter - 1977 Saturn

CITY OF MONTEREY PARK
320 West Newmark Avenue • Monterey Park • California 91754-2896
www.montereypark.ca.gov

City Council
Peter Chan
Mitchell Ing
Stephen Lam
Hans Liang
Teresa Real Sebastian

City Clerk
Vincent D. Chang

City Treasurer
Joseph Leon

August 14, 2019

Lindsay M. Tabaian
Allen Matkins Leck Gamble Mallory & Natsis LLP
865 South Figueroa Street, Suite 2800
Los Angeles, CA 90017-2543
ltabaian@allenmatkins.com

Re: Letter dated June 25, 2019

Dear Ms. Tabaian:

Thank you for your letter dated June 25, 2019 (the "Letter"). As you know, the Letter contains an analysis regarding the potential zoning regulations affecting real property at 1977 Saturn Street within the City of Monterey Park (the "Property"). Further, the Letter requests that the City respond to that analysis so that your client, Apprentice & Journeymen Training Trust Fund ("A&J"), can determine whether to file a development application.

The City Planner is authorized to make interpretations regarding zoning regulations set forth in the Monterey Park Municipal Code ("MPMC").[1] Accordingly, this response to the Letter (the "Response") provides a general interpretation of the MPMC and how it affects the project proposed in the Letter. Nothing in this Response, however, constitutes an approval of a project or a prediction about whether the City would approve any application – whether filed by A&J or another person – affecting the Property. The Planning Commission and City Council are the only decision-making bodies that are legally authorized to make discretionary decisions. Accordingly, nothing in this Response should be relied upon in any transaction or by any person. This Response does not extend to, and may not be used, quoted, referred to, or relied upon by any person, firm, corporation or entity.

- *Only Measure D regulates the Property*

At the outset, please note that the Letter's analysis incorrectly relies upon certain provisions of the MPMC that were codified as a result of the City Council's adoption of Ordinance No. 2097 in 2013. On August 8, 2019 the City Attorney's office provided you with a copy of a staff report dated May

[1] MPMC § 21.02.090.

31, 2018, portions of which are relevant to these parts of the Letter. Specifically, that staff report states this (emphasis is added):

> "Measure D … was approved by voters in 1998. Measure D adopted Ordinance No. 1933 which added Chapter 21.14 to the … MPMC … and established regulations for the "Office Professional" or "O-P" zone. **Measure D does not delegate authority to the City Council to make any changes to MPMC Chapter 21.14**."
>
> "In 2013, the City Council adopted Ordinance No. 2097. That Ordinance made substantial revisions to the MPMC's land use regulations including renumbering and substantially revising MPMC Chapter 21.14 (as added by Measure D). **In accordance with the well established "equal dignities" rule generally applicable to legislation, however, MPMC Chapter 21.14 cannot be amended, repealed or suspended by an action of the City Council; it can only be changed by a voter approved ballot measure. [The City Attorney's] office has not identified a voter approved ballot measure after 1998 that amended MPMC Chapter 21.14.**"

The Letter (on p.2) purports to quote from Measure O (approved by voters in 2001) to support an assertion that voters delegated authority to the City Council to approve amendments to Measure D upon its own authority, i.e., without further need of voter approval. The quoted language, however, is from the City Attorney's Impartial Analysis for Measure O; it is not part of Measure O and does not constitute the voter's delegation of authority. Consequently, the Letter's reliance upon the current MPMC as to its regulation of the O-P zone is misplaced. The only relevant zoning regulations governing the Property are those set forth in Measure D. Accordingly, this Response only reviews the Letter's analysis as it relates to Measure D.

➢ *The Project set forth in the Letter*

The Letter describes a proposed project (the "Project") for the Property using the following Project Components ("PC"):

PC 1. This would be a "vocational college for the Southern California Pipe Trades." The Project would "include i) a school building with several types of training areas (classrooms, hands-on training areas, shops, an auditorium, meeting rooms); ii) administrative offices for various unions, agencies and personnel (housed within the same building); and iii) a large outdoor yard for additional training activities and some storage."

PC 2. The "large outdoor yard for additional training activities" would include "a rigging structure, areas for crane operation/site work, welding stations, sheds and an area for large pipe storage."

PC 3. The Project also proposes to include "several materials that are "hazardous" (per the Fire Code). They will be stored and utilized safely in accordance with all City and Fire Code regulations, and appropriate permits will be obtained from the Fire Department. **Two of these materials-propane and acetylene are "Class 4" substances as referenced in Measure D**."[2]

[2] Emphasis added.

➢ *MPMC and Measure D Regulations*

As noted above, the land uses authorized for the Property are governed by Measure D only. The codified version of the MPMC may only be used to the extent it does not supplant voter's intent as expressed in Measure D. With these principles in mind, the following sections of the MPMC and Measure D are relevant to consideration of the Project[3]:

> MPMC § 21.02.090: "The City Planner has the authority to interpret the use provisions applicable to each zone district identified in this title. In the event that a specific use or type of use is not listed, the City Planner has the authority to determine which listed use is most similar to the proposed use and thereby determine whether the use is permitted, permitted subject to conditional use permit review and approval, permitted as a temporary use, or prohibited. In determining "similarity," the City Planner must make all of the following findings:
>
> (1) The proposed use must meet the intent of, and be consistent with the goals, objectives and policies of the general plan;
>
> (2) The proposed use must meet the stated purpose and general intent of the district in which the use is proposed to be located;
>
> (3) The proposed use cannot adversely impact the public health, safety and general welfare of the City's residents; and
>
> (4) The proposed use must share characteristics common with, and not be of greater intensity, density or generate more environmental impact, than those uses listed in the permitted uses section."
>
> Measure D[4] § 21.14.020: "Permitted uses. No person shall use, nor shall any property owner permit the use of any lot classified in any O-P zone for any use, **other than the following as set out in Section 21.14.040 and 21.14.050**."
>
> § 21.14.030: "Prohibited uses. **All uses not permitted in this chapter shall be prohibited**."
>
> § 21.14.040: "Principal uses. The principal uses shall be permitted as follows … **[a]dministrative and professional offices**…."
>
> § 21.14.050: "**Conditional uses**. Conditional uses shall be uses specifically enumerated in **Section 21.70.030**."
>
> § 21.14.190: "Limitations on permitted uses. Every use permitted in the O-P zone shall comply with the following … All uses shall be conducted totally within a completely enclosed building, **except for those uses which are customarily**

[3] Text may be emphasized for discussion.
[4] References to sections other than those cited to the "MPMC" are to those set forth in Measure D.

conducted in the open, as determined pursuant to Section 21.06.060[5] or Section 21.74.030.[6] Those uses conducted in the open shall be no closer than one hundred feet to any R zoned lot, except for parking.... **No use shall be permitted which uses or stores a hazardous material that has a degree of hazard rating in health, flammability or reactivity of Class 4 as ranked by U. F.C. Standard 79-3 or succeeding standard**. A business materials usage and operations form shall be filed with the Community Development Department prior to the approval of a certificate of occupancy."

§ 21.70.030: "The People amend Section 21.70.030 ... by adding the following **conditionally permitted uses** ... **[a]uditorium, not within 300 feet of a R-zone** ... **[b]usiness college (office or medical, dental)**...."

➢ *Project Overview*

Applying the above regulations to the PCs shows the following:

PC 1: It does not appear that the overall Project could be approved as part of a conditional use permit ("CUP") application pursuant to § 21.70.030. While an "auditorium" use is specifically listed as a conditional use, the type of "business college" is restricted to "office or medical, dental." The Project is a vocational college that does not fit into the category of "business college."[7] For reasons explained more fully below (for PC 3), the City declines to utilize a different interpretation since doing so would be contrary to voter direction.

PC 2: The proposed outdoor activities are not those that would be "customarily conducted in the open" were the Project a "business college." Since, as noted in PC 1, the Project is not a "office or medical, dental" type of business college, the proposed vocational activities, e.g., welding, are not associated with the type of "office professional" use required for the O-P zone.

PC 3: Per the Letter, the Project proposes to store and use hazardous materials that are specifically identified in Measure D. Such use would directly violate § 21.14.190 and the voter's intent in enacting that section. The legislative history preceding Measure D's approval demonstrates that the City Council and voters specifically intended to prohibit the storage and use of hazardous materials on the Property and to discontinue the previously allowed manufacturing uses. On December 11, 1996, the City Council adopted Urgency Ordinance No. 1917 which prohibited the storage and use of hazardous materials at the Property. The City Council directed that this moratorium be extended on January 15, 1997; it subsequently adopted Urgency Ordinance No. 1920 on February 5, 1997 to extend the moratorium. The prohibitions contained in Ordinance Nos. 1917 and 1920 were thereafter incorporated into Measure D at § 21.14.190(h).

---

[5] This section is for "[c]larification of ambiguity" in the 1998 MPMC.
[6] This section was recodified to MPMC § 21.02.090, authorizing interpretations of the MPMC.
[7] If the Project is proposed only for professional offices, such would be allowed as a matter of right per § 21.14.040.

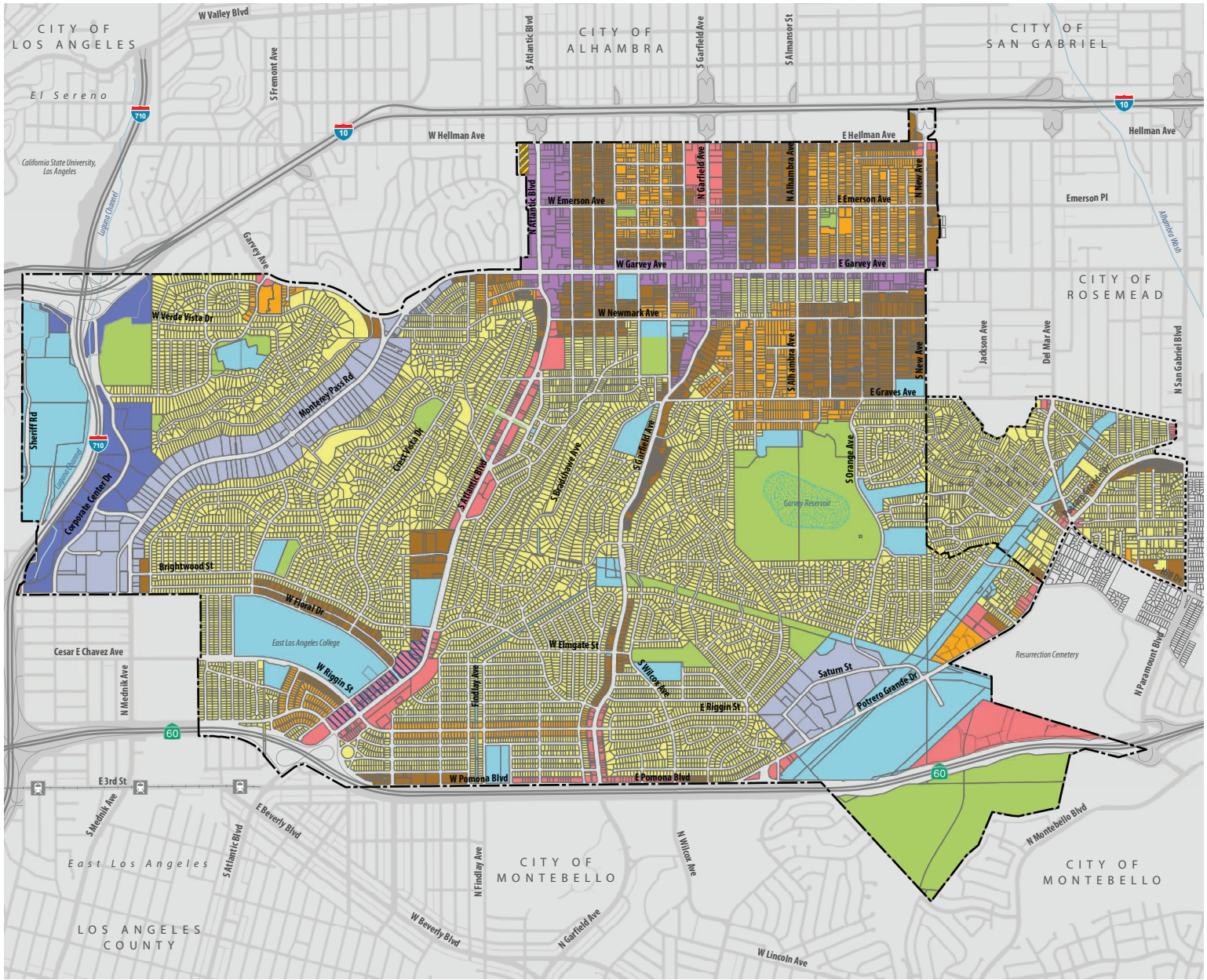
In sum, the Project is not a "business college" as defined by Measure D; the proposed outdoor activities are not those "customarily adopted in the open" for a business college; and storing/using the types of hazardous materials in the Letter would violate Measure D.

Please let us know if you have any questions.

Sincerely,

Mark A. McAvoy, PE
Director of Public Works / City Engineer / City Planner

ATTACHMENT 3
Land Use Element -
Figure LU-3: Land Use Policy Map



Monterey Park 2040

FIGURE LU-3:

LAND USE POLICY MAP

Land Use Designations

- Low Density Residential
- Medium Density Residential
- High Density Residential
- Commercial
- Mixed Use
- Corporate Center
- Innovation/Technology
- Public Facilities
- Open Space
- Housing Overlay I
- Housing Overlay II

Base Map Features

- Monterey Park Boundary
- Sphere of influence Boundary
- Metro Gold Line and Stations
- Watercourses and Channels
- Garvey Reservoir

Note: Also see Regulating Plan

October 2019

Sources: City of Monterey Park and MIG, 2019.

MIG

0 ¼ ½ 1 Mile

City Council Staff Report

DATE: June 18, 2024

AGENDA ITEM NO: New Business - 5A

TO: The Honorable Mayor and City Council

FROM: Diana Garcia, Assistant City Manager
Jessica Serrano, Community Development Director

SUBJECT: Consideration and possible action to adopt an urgency ordinance implementing interim development regulations for Saturn Park upon a four-fifths vote

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting an Urgency Ordinance upon 4/5 vote pursuant to Government Code § 65858 establishing a moratorium on new development within Saturn Park for 45 days; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

On June 5, 2024, the City Council directed that the City Manager and City Attorney prepare a draft moratorium governing Saturn Park for consideration on the June 18th meeting agenda. If adopted, the draft urgency ordinance would prohibit new permits being issued for development within Saturn Park for at least 45 days. This would allow the SPARC to receive public input regarding recommended land uses as part of the drafting of a Saturn Park Specific Plan ("SPSP") implementing the 2020 Land Use Element adopted by voters via Measure JJ. The moratorium may be extended up to a total of two years.

CEQA REVIEW:

Adopting the Urgency Ordinance is exempt from further environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq*., "CEQA") and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq*.) because it establishes rules and procedures for operation of existing facilities; minor temporary use of land; minor alterations in land use; new construction of small structures; and minor structures accessory to existing commercial facilities. The Urgency Ordinance, therefore, is categorically exempt from further CEQA review under CEQA Guidelines §§ 15301; 15303, 15304(e); 15305; and 15311. Further, the adoption of the Urgency Ordinance is also exempt from review under CEQA pursuant to CEQA Guidelines § 15061(b)(3) because the Ordinance is for general policies and procedure-making. This Ordinance does not authorize any new development entitlements, but simply establishes

policies and procedures for allowing the previously approved project to be constructed. Any proposed project that will utilize the changes set forth in this Ordinance will be subject to CEQA review as part of the entitlement review of the project. The Ordinance will not adversely impact the environment and is therefore exempt from the provisions of CEQA.

BACKGROUND:

The City Council asked that this matter be placed on the agenda for consideration pending the SPARC's efforts to solicit public input for drafting the SPSP. It is anticipated that the SPARC will wrap up its efforts in August or September 2024. Consequently, should the City Council adopt this urgency ordinance, it may need to consider extending a moratorium following a noticed public hearing before August 2, 2024.

As noted in the draft urgency ordinance, a review of existing zoning for Saturn Park shows that it is inconsistent with Measure JJ that voters approved in 2020. Measure JJ adopted the Land Use Element to the Monterey Park General Plan (the "2020 LUE").

The 2020 LUE designates land uses in Saturn Park as "Innovation/Technology." A description of those land uses are included as an exhibit to this staff report. Measure JJ specifically authorizes the City Council to adopt zoning regulations needed to implement this land use designation.

One of the complementary land uses contemplated by the Planning Commission and the City Council for Saturn Park is a residential component. It is anticipated that the SPARC will consider the feasibility of this land use as it considers public input regarding the SPSP. Residential use is desirable as it would help facilitate the City's adherence to its Certified Housing Element; reflects the California Legislature's ongoing efforts to increase housing opportunities; and implements the overall goal of the 2020 LUE as to providing flexible zoning to improve the City's livability.

The need for a moratorium is underscored by interest from private property owners within Saturn Park who already filed applications with the City seeking approvals via Chapter 21.14 of the Monterey Park Municipal Code ("MPMC"). This Chapter was added by voters in 1998 but is now inconsistent with the Monterey Park General Plan, i.e., the 2020 LUE. For land use regulations to be legal, California law (Government Code § 65860) requires that there be consistency between the General Plan and the City's zoning. Voter enacted regulations cannot overcome this requirement.[1]

Adopting a moratorium will provide the SPARC an opportunity to give the City Council an informed recommendation regarding the SPSP. If adopted by a 4/5 vote of the City Council, the urgency ordinance would impose a temporary moratorium on issuing permits for land use entitlements within Saturn Park. The temporary moratorium would expire on August 2, 2024 unless extended before that time.

[1] *See, e.g.*, *Lesher Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 531.

FISCAL IMPACT:
There are no identifiable fiscal impacts with adopting the draft urgency ordinance.

Respectfully submitted by:

Diana Garcia,
Assistant City Manager

Jessica Serrano,
Community Development Director

Approved by:

Inez Alvarez
City Manager

Reviewed by:

Karl H. Berger
City Attorney

Attachment(s)
1. Draft Urgency Ordinance
2. 2020 LUE – Innovation/Technology Land Use

ATTACHMENT 1
Draft Urgency Ordinance

ORDINANCE NO. _____

AN INTERIM ORDINANCE PROHIBITING PERMITS FOR LAND USE ENTITLEMENTS WITHIN THE MCCASLIN BUSINESS PARK TO CONSIDER ADOPTING A SATURN PARK SPECIFIC PLAN IN ACCORDANCE WITH THE LAND USE ELEMENT OF THE GENERAL PLAN

The City Council for the City of Monterey Park does ordain as follows:

SECTION 1: This Ordinance is adopted pursuant to Government Code §§ 36937, 65858, and other applicable laws.

SECTION 2: *Findings.* The City Council finds, determines and declares as follows:

A. The City may adopt and enforce all laws and regulations not in conflict with the general laws and the City holds all rights and powers established by California law.

B. On June 17, 2020, the City Council approved the Land Use Element to the Monterey Park General Plan (the "2020 LUE"). Thereafter, the 2020 LUE was placed onto the November 3, 2020 ballot as Measure JJ. Following voter approval on November 3, 2020, the 2020 LUE (via Ordinance No. 2198) became effective on December 2, 2020.

C. Section 3(A) of Ordinance No. 2198 authorizes the City Council to implement the 2020 LUE by, among other things, adopting zoning regulations. Section 4 of Ordinance No. 2198 provides that Measure JJ must be interpreted to be consistent with all applicable law; Section 6 of Ordinance No. 2198 provides that Measure JJ must be broadly construed to achieve the voter's intent in approving Measure JJ.

D. Monterey Park Municipal Code ("MPMC") Chapter 21.14 was added by Measure D on April 14, 1998 (via Ordinance No. 1933). Measure D provided zoning regulations for the area identified as McCaslin Business Park.

E. The Land Use Policy Map (Figure LU-3 to the 2020 LUE) renamed this area as "Saturn Park" with a designated land use of "Innovation/Technology." Goal 25 of the 2020 LUE directs the City Council to revitalize Saturn Park as a destination business park for high-quality service industry, research and development, and

emerging industry jobs. This directive is further refined via Policy Nos. 25.1 to 25.3.

F. The 2020 LUE also provides that the City Council should ensure flexible zoning regulations; support local businesses; maintain a proactive economic development program; and invest in commercial corridors (Policy Nos. 1.1 to 1.4).

G. The City's Housing Element reflects the City's desire to encourage construction of housing that is attainable for households of all income levels. Among other things, the City Council determined that the City should take proactive actions to increase the availability of dwelling units on underutilized properties (*see*, *e.g.*, Section 5(C) of Resolution No. 2022-R90, adopted November 16, 2022).

H. It is anticipated that the Saturn Park Advisory Review Committee ("SPARC") will consider incorporating a residential component into the SPSP to help enhance the Innovation/Technology land use designation by the 2020 LUE. Among other things, this would:

1. Allow employees to live near their workplace, reducing vehicle trips.

2. Allow companies to offer subsidized housing as an employee benefit and amenity to attract talent.

3. Facilitate a live-work-play environment where residential, office, and recreational spaces coexist.

4. Foster closer social connections and a sense of community among employees who can interact more freely outside of work.

5. Align with the post-pandemic shift towards more flexible and hybrid workplace models.

I. Such efforts are reflected in "real world" developments such as the West Edge in Los Angeles (https://westedgela.com).

J. Additionally, the California Legislature is seeking various methods for promoting housing such as AB 1532 (Haney, 2023) which, were it approved, would allow office conversion projects by right within all zones. While this "Office to Housing Conversion Act" failed to advance within the Legislature, it represents the latest legislative path taken by the Legislature to encourage more housing within

local jurisdictions.

K. A review of the 2020 LUE, the Certified Housing Element (March 30, 2023), and MPMC Chapter 21.14 shows that the existing zoning regulations are inconsistent with the voters' vision for Saturn Park; the zoning regulations must be reconciled with the most recent voter directives in Measure JJ, the California Legislature's directives (as reflected in the City's Certified Housing Element), and California law.

L. In April 2024, the Planning Commission considered conceptual renderings and land uses for Saturn Park during two meetings. Thereafter, on May 22, 2024, the City Council created the SPARC to receive and implement community input for drafting a Saturn Park Specific Plan ("SPSP").

M. On May 23, 2024, representatives from 1980 Saturn met with the Mayor, City Manager, City Attorney, Assistant City Manager, and Community Development Director to plan for a data center at that location – which is a permissible use pursuant to MPMC Chapter 21.14 but inconsistent with the 2020 LUE land use designation for Saturn Park. Additionally, on January 11, 2024, the City's Community Development Department received applications for a conditional use permit and design review for a data center proposed at 1977 Saturn Street.

N. As set forth in the City Council staff report dated June 5, 2024, it is anticipated that the SPARC would conclude its meetings in August or September of 2024 and provide the City Council with its recommendations regarding the SPSP at that time. The SPSP would implement the 2020 LUE as to Goal 25 and the Innovation/Technology land use designation.

O. Without the enactment of this Ordinance, the voter's vision for revitalizing Saturn Park via Measure JJ and the 2020 LUE would be thwarted: pending applications for land uses currently allowed by MPMC Chapter 21.14, if approved, would lock in certain types of land uses for the foreseeable future.

P. The City Council determines that the MPMC requires updating to protect the public against health, safety, and welfare dangers caused by multiple applicants relying upon outdated land use regulations. The City needs additional time to prepare, evaluate and adopt reasonable regulations to implement the voter's direction in Measure JJ and to ensure such regulations are applied in a nondiscriminatory manner.

Q. To prevent frustration of these studies and the implementation of new regulations, the public interest, health, safety, and welfare require enactment of this Ordinance. The absence of this Ordinance would impair the orderly and effective implementation of contemplated MPMC amendments, and any further authorization of these uses within the City during the period of the moratorium may conflict with or frustrate the contemplated updates and revisions of the MPMC.

R. Based on the foregoing, the City finds that that this Ordinance is necessary in order to protect the City from the potential effects and impacts of outdated land uses and the accompanying impacts from traffic and commerce on City streets, impacts on parking availability in the business areas of the City, the aesthetic impacts to the City, and other similar or related effects on property values and the quality of life in the City's neighborhoods.

S. The City Council further finds that this moratorium is a matter of local and City-wide importance and is not directed towards any business that currently seeks to utilize MPMC Chapter 21.14.

T. The City Council finds that this Ordinance is authorized by the City's police powers. The City Council further finds that the length of the moratorium imposed by this Ordinance will not in any way deprive any person of rights granted by state or federal laws, because the moratorium is short in duration and essential to protect the public health, safety and welfare.

SECTION 3: *Environmental Assessment.* Adoption of this Ordinance is exempt from further environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq*., "CEQA") and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq*.) because it establishes rules and procedures for operation of existing facilities; minor temporary use of land; minor alterations in land use; new construction of small structures; and minor structures accessory to existing commercial facilities. This Ordinance, therefore, is categorically exempt from further CEQA review under CEQA Guidelines §§ 15301; 15303, 15304(e); 15305; and 15311. Further, the adoption of this Ordinance is also exempt from review under CEQA pursuant to CEQA Guidelines § 15061(b)(3) because the Ordinance is for general policies and procedure-making. This Ordinance does not authorize any new development entitlements, but simply establishes policies and procedures for allowing the previously approved project to be constructed. Any proposed project that will utilize the changes set forth in this Ordinance will be subject to CEQA review as part of the entitlement review of the project. The Ordinance will not adversely impact the environment and is therefore exempt from the provisions of CEQA.

SECTION 4: *Interim regulations.* The following provisions are adopted as interim requirements for issuing permits pursuant to the MPMC for land uses within Saturn Park, and any construction or operation in the City in conflict with these provisions is expressly prohibited:

A. Restricted Activities. For a period of 45 days after adoption of this Ordinance, the City will not issue a permit or land use entitlement to any person for constructing, placing, or operating within the McCaslin Business Park, i.e., Saturn Park utilizing MPMC Chapter 21.14. The City Manager, or designee, must review any application for a permit or land use entitlement to determine compliance with the provisions of this Ordinance. City employees, and City boards and commissions, are directed to refrain from accepting, processing, or approving any application for any land use entitlement, including, without limitation, use permits, variances, building permits, licenses and certificates of occupancy, necessary for constructing, placing, or operating within the Saturn Park area, and to refrain from processing and issuing approvals for any land use entitlement for any pending applications already received. These restrictions do not apply to construction projects with active building permits and any emergency repairs or replacement of an element of a building, structure, utility system, or equipment that is essential to protect the public health, safety and welfare. These prohibitions will remain effective for 45 days following adoption of this Ordinance.

SECTION 5: *Construction*. This Ordinance must be broadly construed to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 6: *Enforceability*. Repeal of any provision of the MPMC does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 7: *Validity of Previous Code Sections*. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the MPMC or other city ordinance by this Ordinance will be rendered void and cause such previous MPMC provision or other the city ordinance to remain in full force and effect for all purposes.

SECTION 8: *Severability*. If any part of this Ordinance or its application is

deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 9: *Publication.* The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 10: *Report*. Pursuant to Government Code § 65858, the City Manager, or designee, must prepare a report for City Council consideration describing the measures taken to address the conditions which led to adoption of this Ordinance. This report must be provided to the City Council so that it may be considered and issued not later than 10 days before this Ordinance expires.

SECTION 11: *Effective Date.* This Ordinance will become effective immediately upon adoption pursuant to Government Code §§ 36937 and 65858 for the immediate preservation of the public peace, health, safety, and welfare. Pursuant to those statutes this Ordinance is adopted by a four-fifths vote.

SECTION 12: *Expiration Date*. After adoption, this Ordinance will be repealed by operation of law on August 2, 2024, unless a subsequent ordinance is adopted by the City Council that extends this date.

PASSED AND ADOPTED this ____ day of _____, 2024.

_____
Thomas Wong, Mayor

ATTEST:

_____
Maychelle Yee, City Clerk

APPROVED AS TO FORM:

_____
Karl H. Berger, City Attorney

ATTACHMENT 2
2020 LUE – Innovation/Technology Land Use

INNOVATION/ TECHNOLOGY USES

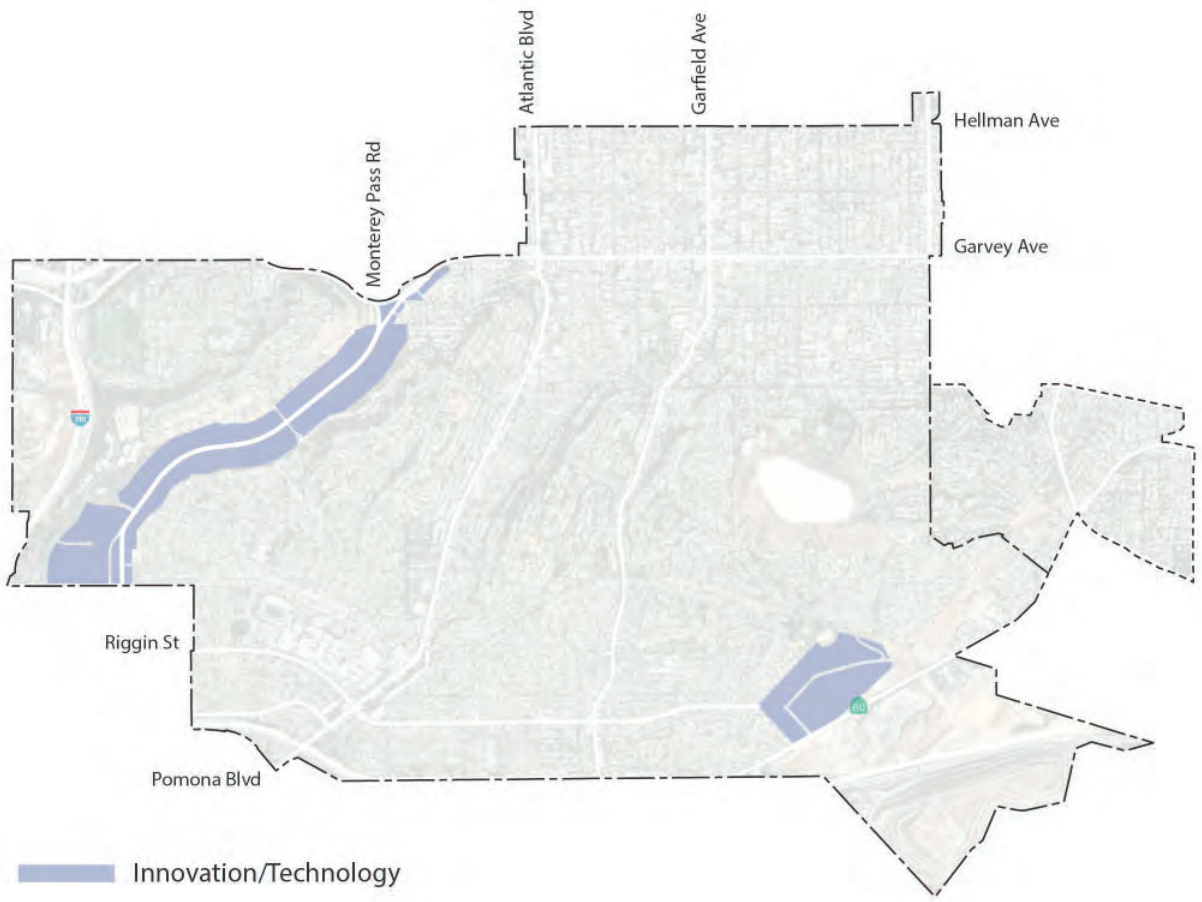
INTENSITIES

MONTEREY PASS
FAR: 0.65
HEIGHT (FT.): 35

SATURN PARK
FAR: 0.60
HEIGHT (FT.): 40

CORPORATE PLACE
FAR: 1.00
HEIGHT (FT.): 50

A list of all land use designated **DENSITIES & INTENSITIES** is provided in Table LU-1.



Technology will continue to evolve rapidly, changing how people work and do business. The City aims to accommodate and encourage new businesses that promote innovation and advances in technology, creating places for high-skilled and knowledge workers. The Monterey Pass Road corridor and Saturn Park district (on Saturn Street) provide prime properties, easy access to arterial roadways and freeways, and locations near housing perfect for new, clean technology, and creative industries.

The Monterey Pass Road corridor and Saturn Park district historically have been areas where a range of industrial businesses—including intensive manufacturing operations—have thrived. However, in Saturn Park, uses transitioned in the latter 1990s to lighter industrial and office enterprises in response to public concerns about the proximity of heavy industrial uses to residential neighborhoods. Along Monterey Pass Road, warehousing, trucking, and auto repair uses increased because of the distance from neighborhoods and relatively easy freeway access. While these uses have provided service-oriented jobs, the City is interested in attracting industries that offer higher-paying jobs and attract people of diverse interests, incomes, and talents who wish to both live and work in Monterey Park.

Properties along Monterey Pass Road and south of Davidson Drive between Monterey Pass Road and Corporate Center Drive have interesting and unique industrial buildings that can be retrofitted for creative office, research and development, and even commercial space such as breweries. The City's goal is to phase out trucking-intensive uses in favor of more environmentally sensitive businesses. Also, the City aims to improve the physical appearance of the corridor with increased landscaping, improved signage, identity lighting, and other public realm interventions. Finally, to provide for better interaction among land uses along the corridor, the City will provide better accommodations for pedestrians and cyclists and control cut-through traffic, as described in the Mobility Element.

Saturn Park will continue to function as a business park, focused on office-type and research and development uses, with supportive commercial businesses. Private reinvestment in properties will be encouraged through higher development intensity allowances. In turn, the City will require greater attention to landscaping, creative site design, and building quality.

GOAL 25 Saturn Park as a destination business park for high-quality service industry, research and development, and emerging industry jobs

Policy 25.1 **Zoning.** Ensure that zoning regulations applicable to Saturn Park permit the range of uses necessary to achieve land use goals, including prohibition on uses involving the storage and use of hazardous materials having a Class 4 ranking (UFC Standard 79-3 or succeeding ranking). Prohibit uses that conflict with the goals.

Policy 25.2 **Market.** Market the Saturn Park district as a premier location in the San Gabriel Valley for emerging technology businesses.

Policy 25.3 **Identity.** Create a distinct physical identity for the Saturn Park district.

Exhibit No. 3

Willdan Meeting Summaries/Notes

Thursday, July 29, 2024

Monday, August 12, 2024

Monday, August 19, 2024

Thursday, August 29, 2024

SPARC COMMUNITY WORKSHOP NO.1 (July 29, 2024)

PUBLIC & COMMITTEE COMMENTS AND IDEAS RECEIVED

POTENTIAL USES FOR THE FUTURE

1. Multi-use/mixed use complexes
2. Birthday venues/entertainment facilities
3. Live/work places
4. Variety of eating establishments
5. Higher end grocery stores like a Trader Joe's
6. If housing is the plan, it should be single family residential
7. Dog park
8. Open space/park space
9. Entertainment options
10. Retail
11. Arts district
12. Residential/Mixed use
13. Coffee shops
14. Senior day care center, with programming activities
15. Affordable housing opportunities
16. Community serving uses

POSSIBLE GOALS FOR THE FUTURE

1. Missing uses for young kids.
2. Close to freeway with easy access.
3. Maybe consider office conversion to residential.
4. Increase the local tax base. In other areas, for example, places have residential over retail, increases the tax base.
5. I support residential and there are ways to minimize issues.
6. Walkable neighborhoods results in less traffic, fewer cars.
7. The area could serve the 25 to 50 year old age groups, including parents, kids. We need more live/work areas. Monterey Park should be more proactive in providing walkable areas.
8. Multi-modal transportation where cars are less important.
9. This is an opportunity to reverse suburban spawl, provide affordable housing, and build a walkable area. The hope is to look at zoning in a different way. Need to move away from Euclidean zoning where cities are sectioned off by uses. Thriving metropolitan cities have mixed uses.
10. Great opportunity to re-envision Monterey Park. Opportunity to address urban sprawl.
11. Opportunity to re-envision area with an open mind.
12. I want to see development. One example is the commercial center developed from a former trash site.
13. As time goes on we should make land use changes to better fit the community.
14. There are lots of options. We need to reinvent the area for the next 40 to 50 years into the future.

15. We should look at the highest and best use along with what the public wants.
16. Economy is shifting dramatically and fundamentally.
17. There are economic opportunities.
18. Need higher density.
19. Re-invent and identity.
20. Need a better vision to be effective the next 50 years. Positive/tax base/generates business.
21. Affordability is important. Residents seek to keep younger family members close by.

ISSUES AND CONCERNS ABOUT THE FUTURE

1. Don't want 10-story buildings.
2. Not excited about new residential development.
3. Data centers bring noise and power issues, what can they provide.
4. Bringing in retail, will bring in more trucks and noise.
5. Concern, if mixed use, safety issues, plus what can the buildings be used as.
6. If we do pursue open space and dog parks, how do we pay for that, does it impact our taxes.
7. Funds could be used to benefit the community with higher end grocery stores, which could generate more taxes as well.
8. Data centers are useful, but bring issues such as noise, energy use, utilities.
9. If we allow housing, the demand for more schools, for example, will go up.
10. Concern from existing businesses if zoning changes, what does this mean.
11. Will citizen's taxes go up.

CHALLENGES TODAY/EXISTING CONDITIONS

1. Safety is a concern, area feels dangerous. The site is a creepy place. Nothing is going on. At night the area feels dangerous.
2. There are no sidewalks. The area lacks pedestrian access.
3. Parking lots are empty.
4. Saturn Park used to be vibrant in the 1970s to 2000s. At one point Saturn Park was full. Saturn Park stalled. In the 1980s it was vibrant. Deterioration occurred over the years.
5. There are high vacancies. Vacancy rate at 70 percent currently, therefore the reason for this Committee.
6. Office space is not coming back.
7. What uses can come if buildings can't support it.
8. Breweries have a host of problems.
9. Nothing is happening at the site.
10. As a property owner since 2008, we have a tenant lease. Land owners need to make a profit, but are willing to put money into the site.
11. We are on pause, to realize the future opportunity, the economy has shifted, such as the work from home model. We need to look at trends, and we need to know what to be informed about.
12. We don't have affordable housing in the city.
13. Data centers do not help residents.
14. Need to drive out of city to enjoy uses.

15. Area is stalled with no life. Doing nothing results in deterioration.
16. Data centers are useful but bring issues such as noise, energy use, utilities.
17. Site has large empty buildings.

GENERAL COMMENTS

1. We could do better with outreach. Outreach should have been better.
2. There are other areas within the city (vacant lots) that currently have proposed uses/mixed uses.
3. Why not look at other areas of the city, such as Garfield, Atlantic for example.
4. This is a loophole. Voters already approved land uses which do not include housing. Trying to get around what the voters enacted.
5. City has been able to generate revenue with development of the Marketplace.
6. Want to learn more about data centers -- Data center applicant at 1977 Saturn presented the project. Advantages, next to So Cal Edison is a great site, capacity is great for high electricity use.
7. Something needs to be done to improve this area.
8. Suggested inviting retailers and mixed use developers to present to SPARC.

QUESTIONS AND ANSWERS

1. How have existing properties been marketed, as data centers?
2. Have any proposed uses been submitted.
3. What types of inquiries have been received from developers? Answer - one pending application, plus a second expressing interest.
4. Inquiries have been received for housing, office, and data center development/occupancy.
5. Marketing has been for data centers.
6. Love the city, access, would data centers require a zone change?
7. We are keeping an open mind. Nothing has been determined.
8. The city is rezoning the whole city, piece by piece.
9. 1980 Saturn is listed for sale. Data center, retail, housing, are all expressing an interest in the property.
10. How are we moving forward with land we do not own. Is the City using eminent domain to take over properties and build? How does the city dictate land use without owning the properties? Answer – we as the city are providing the framework for allowing certain uses per the general plan and other planning rules. We are not purchasing or taking any property under ownership.
11. Can the buildings be converted to residential.

SPARC COMMUNITY WORKSHOP NO. 2 (August 12, 2024)

GROUP TABLE DISCUSSIONS & EXERCISES

Meeting focused on the following potential future uses:

1. Innovation/Technology (current zoning)
2. Housing/Residential (possible future)
3. Commercial (possible future)
4. Public (possible future)

Discussion was guided by the "Strengths", "Weaknesses", "Opportunities", and "Constraints" the site poses.

Working group tables:

Table participants included about 10 community members and 2 SPARC members, all providing input. The four table discussions were simultaneous and facilitated by:

1. Juliet Arroyo, Willdan
2. Sal Lopez, Willdan
3. Jennifer Maria, Willdan
4. Chad Brown, Willdan

INNOVATION/TECHNOLOGY

Table 2 Table included mostly residents of the residential neighborhood located northwest of the site and two SPARC members. The general sentiment of the residents is to keep the area as is and were not supportive of any new development and feel the area should remain untouched. The group is very sensitive to new development and concerned with the impacts it could bring on their surrounding community. The SPARC members actively heard resident's concerns and stated their support for a new vision for Saturn Park, which included residential, neighborhood serving retail/commercial, open space and economic vitality. The general comments received include: they chose to buy/live in this area because of its quiet environment; with new development comes undesirables and unsafe conditions; noise and nuisance impacts associated with new commercial development such as delivery trucks at rear docking locations, potential for rodents and trash, crime, etc..They are ok with driving to access services and want to see the area stay the same.	**Table 1** The group discussion seemed to focus on two areas: 1) It didn't seem like Monterey Park is the type of place for the type of development envisioned under this zoning category. There are no big universities in the area that would attract this type of development. 2) Data Centers. The group was not necessarily for or against data centers, but they are concerned about the current proposal at the site. The issue of employment came up and that data centers did not employ many people and that was a negative. The current proposal could be better if it integrated more of a public component, had better buffering, and fit in better.
Table 3 The participants initially felt that there were no uses proposed on the list of 16 proposed uses that fall under this category. Some individuals wanted to know what uses were already in place at the site. There was an eventual consensus that a data center was an appropriate use to place under this category. There were mixed feelings on whether data centers should be an allowed use at the site. It was highlighted that data centers could generate increased revenues for the city, as well as brand the city as innovative. Some considerations introduced were the potential impacts to traffic conditions and levels of energy consumption. Some additional ideas were briefly introduced for consideration, such as a Life Science business and Medical Device manufacturing.	**Table 4** Suggestions included: • Expansion of cemetery • Tech incubator • Edison training area • Technology related school • Tech job • EV charging • Maybe low density SPARC member mentioned: 400 million in upgrades for the data center, tax on the power. Data center makes sense in, interest in data center uses, potential impacts, environmental impacts. Comments about not liking the electrical infrastructure adjacent and crossing the area. Undergrounding power lines.

HOUSING/RESIDENTIAL

Table 2 • Minimal support of housing/residential • Would consider low-density single-family development. There was some discussion on lot sizes • Feel that the area is too small for affordable housing • Not supportive of affordable housing and density. Inquired about the meaning of affordable housing and if it meant Section 8. • Not supportive of residential densities such as apartments and townhomes. Concerned about building heights and views, traffic, noise.	**Table 1** There is already residential in the area around the site, any new residential should be low impact and blend with the existing. Condos and townhomes would be ok. Retail uses and a walkable area seemed to be desirable but concerns about vacant retail on the bottom came up. Medium density housing would be ok. Three-story townhomes would be ok. City has a RHNA housing goal that should be taken seriously. The group was against high density. The participants felt that housing in Monterey Park is very unaffordable ($1 million for a house), and this is an issue to be addressed, especially for families. Retail should be walkable. Can walk to Costco but not back. Local businesses like coffee shops should be walkable. Existing streets are designed wrong for housing. Amenities should include trails and pathways, would be good for residents. Overall, there seemed to be consensus among the table that townhomes would be ok and that medium density would be ok, but the table seemed to be mostly against high density residential.
Table 3 Initial discussions at the table surrounded the topic of RHNA numbers and the city's current progress with meeting State requirements. After a brief discussion of this topic, there were preferences expressed both in favor of and against affordable housing projects. Interest was expressed for mixed-use developments to create additional housing and convenience of access to retail & food services, as well as freeways. Senior housing was introduced and some consensus amongst the table members was expressed. It was expressed that this proposed use could make the site livelier and increase the tax base. A consideration mentioned during the discussion was the proximity of site to So Cal Edison.	**Table 4** Residential, yes and no. One of the table participants is a business owner in the area and was worried about housing impacting on his business, the traffic to and from it, and his ability to sell his business in the future. It was my understanding that he wasn't opposed to housing, but wary of its potential impacts and relationship to his business. Mixed Use: Not in favor of mixed use. Would like to be able to keep current uses, in particular existing businesses. Community commentary: More fire protection desired, questions about police. How all this is funded. Traffic fear. Would like to have ample parking for any use. Fear that high density residential would bring undesirable conditions.

COMMERCIAL

Table 2 • Not supportive of commercial development • No retail development • No entertainment • Existing infrastructure/street grid cannot support new development. There will be traffic and noise impacts on the adjacent residential streets • Asked if there was a plan to expand Potrero Grande and made comment about site accessibility (ingress/egress) due to current configuration, such as the one-way segment that limits access to south of the 60.	**Table 1** Desire for an arts district – In a portion of the site, where there are local businesses, small, like a bodega, and small services. A pavilion that had rotating uses. An art walk event could be included. Building an art center, include an art space easement. Small, family oriented businesses. "Cool" area. An area that defines Monterey Park with foot traffic. No big box retail, Monterey Park is mom and pop businesses. Montebello has the big box retailers. Business interests have their own strategies, consider an area that meets their interests. Commercial can be family-oriented, and can help to keep schools open. Stores can be on main roadways. Commercial should be in moderation. Townhomes and commercial could mix. The area could help to grow businesses from very small to medium size.
Table 3 Initial conversation about commercial uses involved what the group defined as commercial. Some participants expressed that they were not interested in any commercial uses at the site whatsoever. Concerns were raised about preserving the residential feel of the area, the possibility of a high volume of commercial vacancies over time, as well as potential noise pollution created by semi trucks delivering goods. Other participants expressed an interest in commercial businesses that can bring in higher-end retail, Amazon Fresh, food services and medical device manufacturing. The conversation evolved into an opportunity to promote local businesses with the opportunities to provide services to the community, making it much more welcoming to residents living near the site. It was discussed that adding commercial uses to the site could bring in new tax revenue and create new jobs for residents.	**Table 4** Strength: sales tax, more revenue, potential revitalization, jobs. Weaknesses: no retail demand, traffic, trash, increased crime, theft, noise, inability to fill current spaces, most worried about high density or any density that abuts the business, fear of pedestrians being impacted by traffic, there are no sidewalks. Opportunities: investment in pursuing the data center ("feels natural"), possible. environmental impact. Maybe focus on bringing in more complimentary industries. Since the data center is putting in so much money, surely other businesses may generate off of it. Desired: Whole foods, Trader Joes, Amazon Fresh, and Sprouts, not Ralphs.

PUBLIC

Table 2 • General support for open space • Would be open to park space that's sensitive to the outlying residential and recommended an open space barrier to protect the surrounding residential neighborhoods • Open to indoor/covered open spaces • Other outdoor recreational facilities such as pickle ball and a free public pool	**Table 1** Would like to see a recreation area for exercising (portion of site). Trails that meander along the site. On the back side of site, next to housing, can be walking trails. Can include a dog walk. Circular trails for strolling and jogging. Almanor Park in Alhambra is a good example. A pocket park would be fine, it does not have to be a big park. Demonstration gardens and botanical gardens would be good, with native California plants.
Table 3 A regional sports center to bring in access to such sports as tennis, pickleball, racquetball, but more importantly a swimming pool that would benefit the local High Schools, as well as allow for swim competitions. The current facilities are somewhat run down and there is a risk of losing access to the existing local pool due to its condition. The closest regional sports center is difficult to gain access to because of how far it is from Monterrey Park. A robust conversation ensued about the difficulty to secure publicly accessible open space given the private ownership of each property at the site. It was explained that the city has no intention of purchasing or gaining ownership of any properties at the site. It was also explained that property owners would need to allow public access to their property or donate property to the city to create open space at the site. Concerns regarding impacts to traffic conditions and increased congestion were voiced. The idea of creating additional roads was explored, but the group came to the conclusion that this would not alleviate any increases in traffic congestion. It was proposed that the data center under review could perhaps create a publicly accessible park with a playground and/or a dog park. It was also suggested that it would be nice for the data center to offer fiber optic capabilities to residents residing in close proximity to the site.	**Table 4** Dog park was stated as a potentially public use. There was confusion about how we could have public uses if everything on the site was already private. Mayor and facilitator helped shift from "what we don't want" to what would you like to see, what could you appreciate in the area. Desires expressed: Man-made lake with recreation, pickle ball court, community theater, playhouse, fine arts center, amphitheater, musical, enclosed area. Group wants a buffer with residential.

Wall charts, Post-It notes, direct quotes

The following were transcribed from handwritten notes placed on each category by participants

INNOVATION/TECHNOLOGY

1. Tech Incubator, should be, close to Cal Tech, for example research center.

HOUSING/RESIDENTIAL

1. Some rental/some condominiums.
2. We would not want affordable housing.
3. Mixed-use housing (medium to high density).
4. Bunker Hill Apartments (example).
5. Mixed-use housing (medium to high density).
6. Medium density, one acre for 10 to 12 townhouses, or 70 acres designed well can carry 500 to 600.
7. Single family use, no high-density housing.
8. Mixed-use housing!

COMMERCIAL

1. Tell the State of California to stop being anti-business. Chevron moved to Texas after being in California for 100 years.

PUBLIC

1. Green space near Edison powerlines.
2. This is such an important topic and change. After antics, we have little time for actual impact.
3. "Smorgasburg" concept, weekend public market, high end market, retail

Emerging themes

The following themes and topics appeared to emerge as prominent and reoccurring from the table discussions combined.

- Mixed Use (mixed reactions)
- Density (mixed reaction to low and medium density, opposed to high density)
- Open Space/Parks/Trails/Recreation (want)
- Retail vacancies (concern)
- Grocery stores (want)
- No change to current zoning (mixed reactions)
- Arts pavilion (want)
- Blend site uses with surrounding areas and create buffers (want)
- Traffic and streets don't support new development (concern)

SPARC COMMUNITY WORKSHOP NO. 3 (August 19, 2024)

RANKING EXERCISE & COMMUNITY FEEDBACK

PRESENTATION

Sal Lopez from Willdan provided a summary of the two previous meetings and explained the ranking exercise developed for this workshop. He stated that the task is simply asking for public feedback and not to design a project. There are two paths, one path is for no change to the current zoning and the other path seeks a change to the zoning and allowable uses. He mentioned that low intensity development emerged as a theme from Workshop No. 2. Questions from the attendees asked if housing is for renters or owners, if distance from Southern California Edison considers EMFs, and about the visioning process.

He explained the following seven use categories that emerged providing visual illustrations and density ranges (pursuant to the City's General Plan) for residential categories.

USE CATEGORY	Currently Allowed	Not Currently Allowed
Innovation/Technology	X	
Low Density Residential		X
Medium Density Residential		X
High Density Residential		X
Mixed Use		X
Neighborhood Serving Commercial		X
Public/Open Space		X

RANKING EXERCISE AND RESULTS

Mr. Lopez asked participants to place one of three stickers on the board for each category. The green sticker indicating personal general support for development within the category, the yellow sticker indicating some support but with reservations, and the red sticker indicating general disfavor of development within that category. The following results were recorded.

USE CATEGORY	Green	Yellow	Red	Total
Innovation/Technology	19 (47.5%)	11 (27.5%)	10 (25.0%)	40 (100%)
Low Density Residential	12 (31.6%)	6 (15.8%)	20 (52.6%)	38 (100%)
Medium Density Residential	12 (31.6%)	4 (10.5%)	22 (57.9%)	38 (100%)
High Density Residential	10 (25.6%)	4 (10.3%)	25 (64.1%)	39 (100%)
Mixed Use	15 (38.4%)	9 (23.1%)	15 (38.5%)	39 (100%)
Neighborhood Serving Commercial	14 (35.9%)	11 (28.2%)	14 (35.9%)	39 (100%)
Public/Open Space	11 (28.2%)	2 (05.1%)	26 (66.7%)	39 (100%)

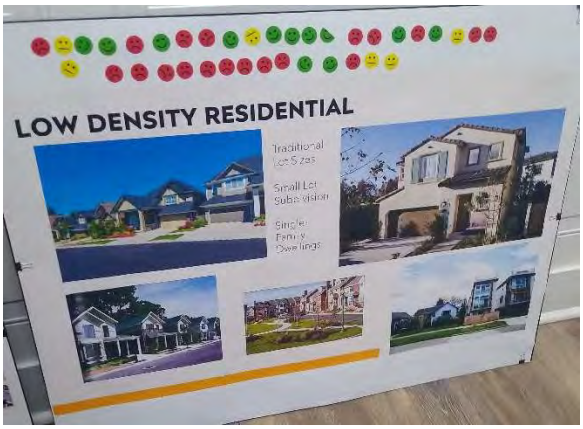
Note: "Total" reflects the total number of stickers placed for each use category and does not necessarily reflect the number of persons that participated in the exercise.

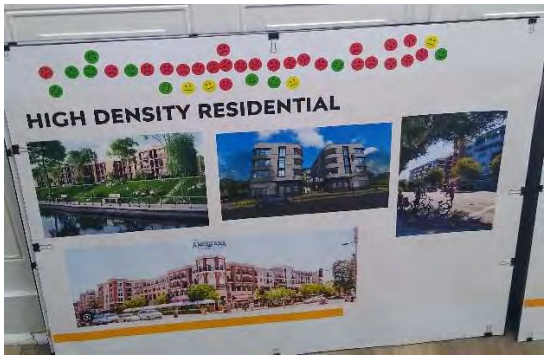
The results show mixed reactions to possible future development within each category. It appears that a significant number of participants see the current zoning favorably, giving "Innovation/Technology" 47.5 percent of stickers for "Green". The category of "Public/Open Space" received the highest percentage of "Red" or unfavorable ranking at 66.7 percent. Among the residential categories, "High Density Residential" received the highest percentage of disfavor, followed by "Medium Density Residential" then "Low Density Residential". "Mixed Use" and "Neighborhood Serving Commercial" received equal favorable and disfavorable ratings. See photos below showing final results.

Participants were also provided Post-It notes to additionally add any comments. The following single comment was provided.

1. Regional Sports Center

PHOTOS OF USE CATEGORIES
AFTER RANKING EXERCISE
WITH FINAL RESULTS





PUBLIC COMMENT

During the meeting the public had the opportunity to give oral comments at the speaker's stand. The Chair stated that public comments are taken at each meeting and that there is a fourth meeting next week and then a City Council meeting where opportunity for comments will also be given. In addition, the Chair stated that written comments can also be provided by emailing City elected officials, staff, or Willdan. The Chair explained the process and reiterated that the SPARC wants ideas, but also understands that doing nothing is an option.

The following comments were provided:

An attendee asked for more information about the square footage of the proposed data center in Saturn Park. Staff mentioned that it is 203,491 square feet on a 14.5 acre site.

An attendee mentioned a complaint that the youth don't have a place to go in Monterey Park.

An attendee mentioned that open public space is not very practical. Low density and medium to high density could be considered given surroundings.

An attendee mentioned that the problem in Saturn Park is that the property owners are asking too much money for the land, sites are too expensive and developers are going elsewhere and gave a comparison with Atlantic Square.

An attendee mentioned that kids have limited options, the pool is closed, and water damage at a city gym. City has to fix facilities.

One attendee mentioned dog parks and Trader Joe's when scouting for locations.

Another attendee mentioned decreased school enrolment and if schools are going to close. Need to meet housing goal of 5,200 units, a moral obligation, a burden all of the city should share. A home valued at $1 million is not affordable and the city needs to attract families.

An attendee mentioned that a rezone was not a part of the plan in the Land Use element and the 2020 General Plan.

An attendee mentioned that there are lots of empty retail shops.

An attendee mentioned that the current infrastructure and circulation at and surrounding the site is not made for more uses.

An attendee asked generally those that don't support change, what they have to present as an option, seeing the city as stagnant with a lack of investment.

An attendee asked for clarification, will the City Council decide or will the voters get to decide.

Staff mentioned that there have been inquiries from persons about housing, retail, data centers and mentioned that the moratorium is temporary and that 1980 Saturn Avenue is currently for sale.

An attendee asked where the density ranges come from. It was clarified that ranges are from the City's General Plan

An attendee asked for more clarification, if moving forward with a rezone, would Saturn Avenue be a dividing line, with different zoning north of the demarcation versus south of the line. Would recommendations allow different zoning in different directions.

An attendee mentioned that the voters already decided on zoning with approval of Measure JJ and is concerned about a precedent being set.

SPARC member expressed that the map showing vacancy is misleading because it shows land area but only some of the sites are vacant and for sale. Staff clarified that the vacancy rates are for buildings.

An attendee, a resident since 1983, appreciated having this opportunity to give input and give residents a chance to speak. The city should have the chance to change the rules to make improvements.

SPARC COMMUNITY WORKSHOP NO. 4 (August 29, 2024)

SPRC RECOMMENDATION & COMMUNITY FEEDBACK

The final meeting of the four meeting workshop series concluded in a SPARC recommendation to City Council with the following public testimony, presentation, and motion by the SPARC.

PUBLIC COMMENTS

The Chair of the SPARC opened the meeting to public comments. The following comments were heard.

1 – The language in the ordinance, in the resolution, from 2021, with zoning regulations, considers the most recent reconcile. The ordinances, with voters, had a vision with Measure JJ.

2 - In my option more public space is needed, such as an indoor stadium. Monterey Park lacks indoor recreation. The Library and City Hall provides for young people. An open area, a learning room, sports area, ping pong, indoor for all kinds of sports.

3 - Please consider the future for the kids. School enrollment is down. The younger generation is not coming to this city. No incoming families, kids coming from other affordable housing.

4- This is a part of the process, amend the General Plan and Saturn Park. City Council can make the final decision, this is a part of the committee, voters should have the opportunity to decide.

5- Current school district is Montebello School District. New residents must change districts and not go to Hillcrest school. New homes must split districts. There are four districts.

6 – Parents have concerns. Five new English only students in one class. Affordability in housing will help school enrolment.

7- Living on Clover Street, I visited door to door, and nobody knew what was going on. They had concerns about traffic, not having an adequate thoroughfare making it difficult for current residents. We don't feel heard.

8 – As a long-time resident, I see importance of keeping the same vibe, quiet, safe, good for walking. I like idea of dog park, of pedestrian friendly. Paetro Grande is dangerous. I agree this is something we should vote on. I don't think 500 feet notice is enough. Taylor Drive, Orange Avenue, should not be impacted, including Hillcrest school, should be safe for kids.

9 - Recreational use would be good, such as a regional community center, with pickle ball tournaments. This can generate money. Not against data center, buffer a consideration, a store can bring revenue. Why is there a moratorium. Housing and schools should be considered. There are four school districts.

10 – As a long-time resident, 70 acres is a lot, can create an environment for gaining population and have an active place for residents, like a health and wellness center. I would like to see recreation and cultural spaces.

11- To clarify total square footage, look at unoccupied buildings versus land area.

12 - Mixed use, with housing above retail, but retail is vacant. But housing creates a walkable community for necessities. I want a welcoming mixed use and affordable housing area, and to push for that zoning.

13 – For the 1977 Saturn Avenue data center proposed project, the area is a good fit. We have been working with the City for months. The plans allow data centers by right. Proximity to So Cal Edison is an advantage. We are close to finalizing a development agreement and the CEQA process. This process provides valuable input. We feel data centers are appropriate for the site.

14 - This City is park poor and should make investments in public spaces. The area feels unsafe. The need to look at something for young families, for mom-and-pop businesses, we need mixed uses.

15 - Monterey Park residents are not familiar with this meeting. More noticing would help. I'm not in favor of a zone change. Why not work at attracting more under the permitted uses. A park would be great, but there is a funding issue. Mixed use can be considered but there are lots of vacant spaces already. No guarantee with a rezone.

16 - For Saturn Park, what comes into play are demographics for owners and developers. Not everyone is going to agree. Have voters decide. Public input is important. If we allow housing, it fulfils City's requirements.

City staff mentioned that additional written comments have been received since the last meeting with five (5) expressing support for keeping the existing zoning in place, eight (8) in favor of expanding land uses, and one (1) in support of a data center.

PRESENTATION

Mr. Salvador Lopez from Willdan provided a summary of the three previous meetings. He reiterated the purpose of the workshop series, the role of Willdan as outreach facilitators, information about the subject site (Saturn Park), and the agenda of the meeting this evening. He summarized the ranking exercise results from Meeting No. 3, which did not reveal an overwhelming and clear consensus among the meeting participants.

SPARC COMMENTS AND DISCUSSION

The SPARC Chair, Thomas Wong, provided the opportunity for each member to voice their comments, the following was heard:

Mr. Johnny Kwock - Supports expanded uses. The site has been largely vacant for a long time which does not benefit residents or owners. I only see two owners participating. Expanding zoning benefits owners and residents. I support expanding and allowing flexibility. We should discuss with all of the owners. These are privately owned parcels.

Mr. Philip Chang – Appreciates everyone's comments and feedback. There are lots of owners and one developer. If you own, you should be here.

Ms. Maychelle Yee- Sees confusion at what is at stake. Trying to overturn the General Plan, approved by voters. The excuses for doing this is based on lies. Instead of fixing the code, this is taking advantage, overturning. The moratorium is 45 days plus extend to months. There were interested people but turned away. Why the election, then overturn, the process is a sham. The committee make up is tilted, two council members, two commissioners, one owner. Questions about financial interest, conflicts. Sees attack on democracy, purpose of elections, sees it as not fair. We follow process, but it is a sham. Community to select, based on values and quality of life. City does not own, intended to purchase in Saturn Park, they tried to buy property, conflict of interest. The negative public comments not reflected in notes. Housing and mixed use instead of the Land Use Element. Contractor used ugly pictures for existing permitted uses. Three tables of the four, for keeping the existing land uses. The majority want as is, based on stickers. Staff time, public time taken up. City should be abiding by voters. Please let the voters choose.

Chair Thomas Wong – Heard lots of misinformation from member Maychelle Yee. Vacancy predated moratorium and pandemic. City is moving ahead with rezoning for the whole city. He reminds participants, that the recommendation of the SPARC is not legally binding. This process is to collect feedback. He recognizes differences in option. Staff and Willdan will package the feedback for City Council to consider. Nothing is predetermined. Process is not a sham; all feedback is taken seriously. Accupsations are frustrating. City looked at site for possible use, but did not pursue. Some do not want to see changes to zoning, others are open to mixed use and housing. Discussion has been on expanding uses and not taking away from allowable uses.

Mr. Joe Leyva – As the only owner on the panel, we try to do business in the city, respect property owner's rights. Commercial interests can go elsewhere. We have been fully occupied for 15 years and are good corporate citizens. Our tenants prefer a quiet area, and they respect residents.

Mr. Paul Lee- This is democracy, opinions are heard. I serve on the Parks/Recreation Commission. This process is trying to get all perspectives. City has lacked vision. Hybrid work has changed businesses. This is an opportunity to set a vision, get creative, my vote would be to expand uses with outer limit of site designated and center of site maybe mixed use. With tax revenues, can work on a community center. Issues surrounding revenue generating.

Ms. Tammy Sam- Thanks public for participating in each meeting. I agree, I don't want to restrict uses, but desire to expand uses. I don't see Saturn Park as one zone. North of Saturn Avenue, keep the same and add townhomes, and parcels south of Saturn Avenue, designated for mixed use, creative space, and arts district. Kids should be in their own classes. Dual immersion students suffer. County and State discussion about housing, population crisis, trying to house them, adaptive reuse is an option. Homelessness, mental health, and drug rehabilitation is a critical issue. I do not appreciate false news, lies and half-truths.

Ms. Victoria Chen Stapleton – Thanks neighbors for coming out. I look to the future and look at other parts of the city. Can not leave the site empty. Once something is built, you will love it and thank council. I pass site every day.

Vice Chair Vinh Ngo- Thanks the public for coming out to the meetings and voicing opinions and concerns. Our suggestion to council and council will decide. You have to figure out what is happening in Saturn Park. It is empty, a ghost town. How much longer does it have to remain in this

state. I remember when the place was full, of businesses, now buildings are 40 and 50 years old, and obsolete. The interest of the city, the interest of the 12 to 15 owners, the interest to serve the city, a vibrant place. Something that works for everyone. Parcels are owned by different people. We know we need a vision for the city going forward. Keep businesses, keep occupancy up. High vacancy is no life. Mixed use commercial, improvements, set up the city for the next generation. Think about what the site can do for the neighborhood. Standing still is not an option for me. I'm looking at what is better for the future than what is there today.

Ms. Maychelle Yee - For clarity, issue is not if we want a data center, or housing, what I'm explaining is it is not the city council, five people, to decide. It is the voter's decision to decide.

Chair Thomas Wong - The fearmongering is not acceptable; we are re-zoning the whole city. We are discussing this site because of extra sensitivity, and it is a huge opportunity to re-imagine what can go into this part of the city. This is a community outreach process. I do not understand where this accusation is coming from. We are being honest and transparent in this process. For those against residential, there are State laws allowing owners to build housing to address the need. There is already a height limit, and we are not discussing this. I have heard from the community about looking at other uses, and what that might look like in a specific plan. On a personal note, I spent 10 years supporting housing development in the city through specific projects, for young families, for the next generation.

Mr. Paul Lee- I reiterate, sales tax revenues from tenant businesses, such as hotel tax, and raise revenue through property taxes.

SPARC MOTION

After discussion and testimony from SPARC members, the Chair asked the committee if a member wished to entertain a motion. Committee member Paul Lee made a motion to:

"Recommend that the Monterey Park City Council expand land uses for the Saturn Park area with consideration for areas and parcels above and west of Saturn Street versus the south of Saturn Street without eliminating any existing permitted land uses"

The motion passed, with one member against.

A substitute motion by member Maychelle Yee, to allow the voters to decide on a change to the General Plan, was presented but did not get any support from the other members.

PUBLIC COMMENT

After the Motion/Recommendation, the SPARC opened the floor to hear additional public comments. The following comments were provided:

1 - If back to the voters, under the General Plan, how is the implementation plan table amended. Amending zoning, have to refer to the General Plan, the bible. What about the voters. If Sacramento takes away, then let us know. Speaking about businesses, voters said no to a Casino. How can the General Plan be bypassed. There are speaking voices, what about Downtown, something is needed there. Let the community know. How can you bypass. If you can explain, I think it would put people at ease.

2 - Lets say nothing happens, what if State comes in an buys land and puts up a homeless shelter. Imagine those buildings for a homeless shelter. Like hotels being used as homeless housing. It is within the realm of possibilities.

3 – I reiterate the importance of going through the legal process. There are residents voicing concerns. Open space is great but must follow legal process. The process to revitalize Atlantic Square, for example.

4 – I express concern about the notification to the community. I have been able to rearrange my schedule but others can not. This is happening fast. I'm still here at 8pm. I would appreciate one more month. I have been trying to get parents involved. Give us more information and more time.

5 - Since 1978. I'm a local business owner. Please consider the elders. Please consider the public pool and the park. What do you have for the kids. Find us some resources.

6 - Talk about vacancy rate. The 1980 Saturn Avenue site, the application fell out because of the moratorium. This is not helping the vacancy rate.

The Chair's concluding remarks clarified that talking about a project is not the same as reviewing a real project. He thanked those attending.

The meeting was adjourned.

Exhibit No. 4

PowerPoint Presentations

Thursday, July 29, 2024

Monday, August 12, 2024

Monday, August 19, 2024

Thursday, August 29, 2024

City of Monterey Park

McCaslin Business Park
(Saturn Park)

SATURN PARK ADVISORY REVIEW COMMITTEE (SPARC)

MEETING #1

JULY 29, 2024
6:00PM

PURPOSE

THE CITY OF MONTEREY PARK IS CONSIDERING ALLOWING A WIDER RANGE OF LAND USES WITHIN THE SATURN PARK OFFICE COMPLEX LOCATED AT THE SOUTHERN EDGE OF THE CITY.

IN APRIL 2024, THE PLANNING COMMISSION HELD TWO MEETINGS RECOGNIZING SOME OF THE CHALLENGES OF THE SITE AND RE-IMAGINING A NEW MIX OF LAND USES.

BEFORE EMBARKING ON A SPECIFIC PLANNING PROCESS FOR THE SITE, THE CITY COUNCIL WOULD LIKE TO HEAR FROM ALL STAKEHOLDERS WITH VARIOUS INTERESTS IN THE SITE AND THE NEIGHBORHOOD.

THE INTENTION IS TO BRING A MORE DISTINCT IDENTITY TO SATURN PARK THAT BEST SERVES THE CITY.

SATURN PARK

ROLE OF THE ADVISORY REVIEW COMMITTEE

RECOGNIZING THAT THE SITE IS EXPERIENCING HIGH VACANCIES AND UNDERUTILIZATION, ON MAY 22, 2024, THE CITY COUNCIL ESTABLISHED A COMMITTEE TO FURTHER EXAMINE WHAT TYPE OF MIX WOULD BE OPTIMAL GIVEN PUBLIC FEEDBACK.

THE SATURN PARK ADVISORY REVIEW COMMITTEE, OR **SPARC**, WAS FORMED WITH THE MAYOR AND MAYOR PRO-TEM AS THE CHAIR AND VICE CHAIR, THEN EXPANDED TO INCLUDE REPRESENTATIVES OF VARIOUS STAKEHOLDERS.

SPARC MEMBERSHIP

Council Members	Members
Thomas Wong – Chairperson Vinh Ngo – Vice- Chairperson	Philip Chang Johnny Kwok Paul Lee Joe Leyva Tammy Sam Victoria Chen Stapleton Maychelle Yee

NEXT STEPS

TONIGHT IS THE FIRST OF FOUR WORKSHOPS INTENDED TO UNDERSTAND THE CHALLENGES OF THE SITE AND RE-IMAGINE A FUTURE TAKING INTO CONSIDERATION THE GENERAL PLAN, MARKET CONDITIONS, AND HOW TO BEST INTEGRATE THE SITE WITHIN THE NEIGHBORHOOD AND SERVE THE CITY OF MONTEREY PARK.

MEETING NO. 1 – INTRODUCTIONS, BACKGROUND, SOLICIT INPUT

MEETING NO. 2 & 3 – WORKING GROUPS TO DEVELOP SPECIFIC APPROACHES TO PLANNING TOPICS

MEETING NO. 4 – DEVELOP RECOMMENDATIONS FOR THE FULL CITY COUNCIL BASED ON WORKSHOP FEEDBACK

SEPTEMBER 2024:

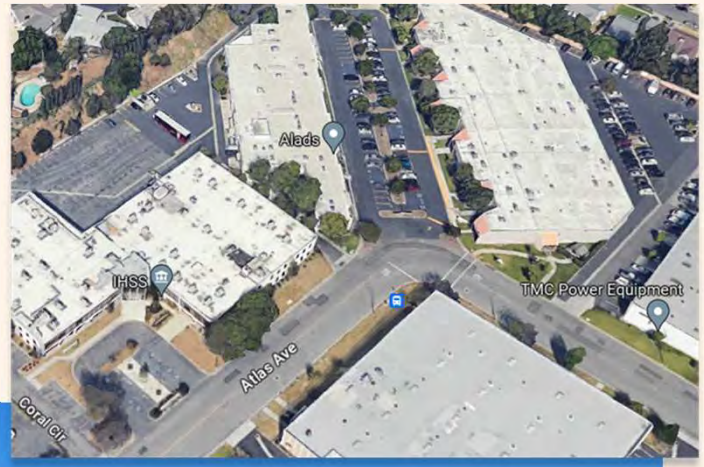
CITY COUNCIL PROVIDES DIRECTION ON HOW TO PROCEED WITH THE SATURN PARK PLANNING PROCESS

SATURN PARK HISTORY

1937-1995: Owned by Lowry B. McCaslin. Formerly a quarry for mining decomposed granite

1947-1954: Adjacent residential neighborhoods developed

1970: McCaslin built industrial park



LAND USE BACKGROUND

1996-1997: City adopted moratorium on use and storage of hazardous materials

1998: Measure D – approved by voters – added Office Professional Zone

2020: **Measure JJ** – approved by voters – adopted the GPLUE

- This measure supersedes anything that occurred before

GENERAL PLAN DESIGNATION AND ZONING

McCaslin Business Park (Saturn Park)

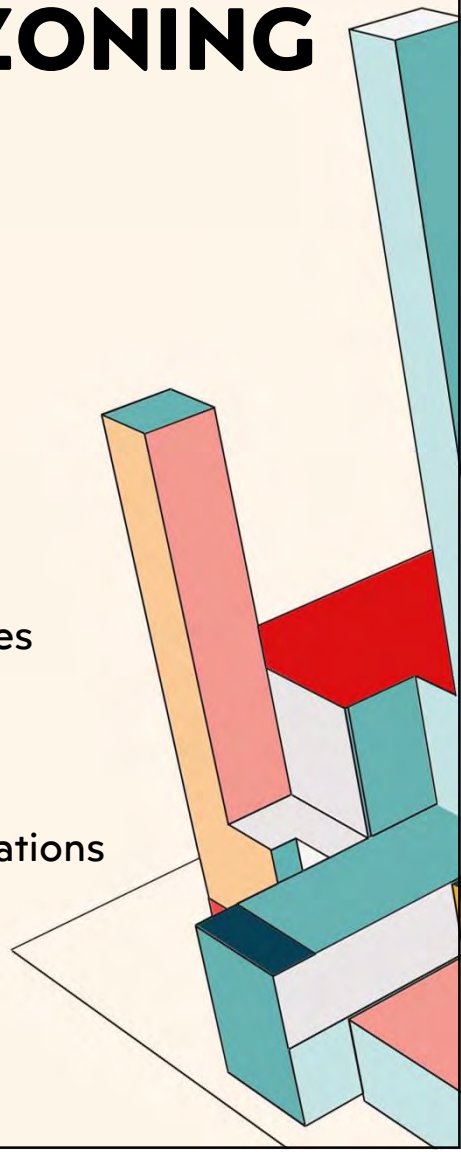
General Plan Designation
Innovation / Technology

Zoning
Office Professional (O-P)

Primary Uses:
Research and development
Light manufacturing
Service commercial
Professional offices
Entertainment
Breweries/ wineries/distilleries

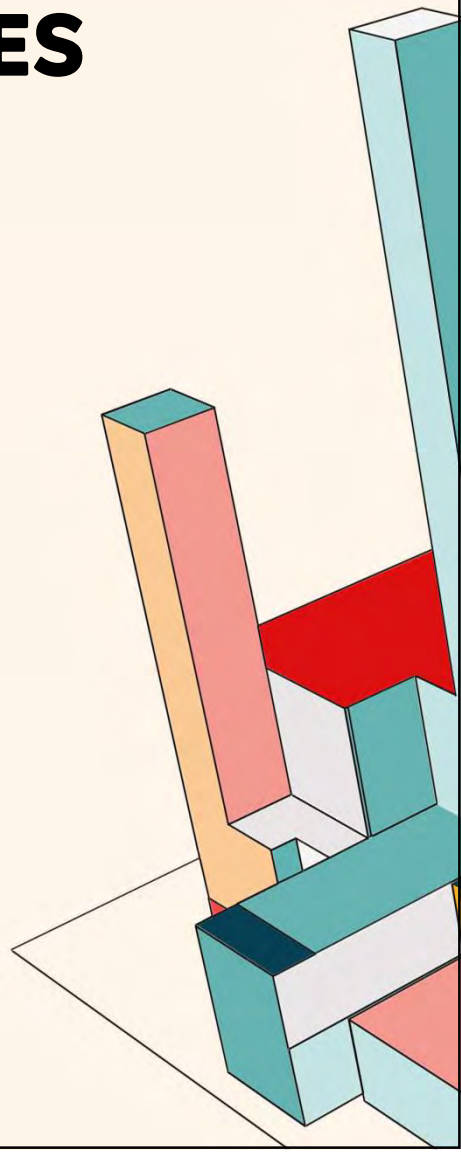
Other Permitted Uses:
Trade and technical schools
Public utilities
Similar uses per zoning regulations

Prohibited Uses:
Warehousing
Freight terminals
Vehicle storage
Heavy manufacturing



GENERAL PLAN GOALS AND POLICIES

- **GOAL 1** - Commercial districts that allow a variety of retail, service, and entertainment uses and that ***accommodate flexibility over time***.
  - **Policy 1.1** - Flexibility. Ensure zoning regulations provide flexibility regarding allowed uses.



MORATORIUM

June 18, 2024 - The City Council adopted Urgency Ordinance 2245 instituting a Moratorium prohibiting permits for land use entitlements with Saturn Park.

July 17, 2024 – City Council adopted an Ordinance to extend the Moratorium an additional 3 months and additional adjustments were made to the language of the Moratorium.

This Moratorium will allow time for SPARC to evaluate expanded uses at Saturn Park while implementing the goals and policies of the General Plan.

LAND USE CHALLENGES

- Outdated industrial/office park model
- High vacancy rates and underutilized lots
- Unimproved older buildings
- Lack of pedestrian accessibility
- Lackluster streetscape
- Lack of land use diversity
- Inconsistent design theme
- Over abundance of parking lots
- Lack of consistent signage
- Lack of connections within surrounding uses

A re-envisioning of Saturn Park can address the challenges and become a destination and provide a sense of place.

WE WANT TO HEAR FROM YOU

What are your thoughts?

Should we break out of the office mentality?

What is your vision?

Is it time to make changes?

What is the highest and best use of the area?

Allow for more expansion of uses and flexibility?

FOLLOW-UP MEETINGS

Monday, August 12 – 6:00 - 7:30pm

Monday, August 19 - 6:30 - 8pm

Thursday, August 29 – 6:00 - 7:30pm

Monterey Park Service Clubhouse
440 South Mc Pherrin Avenue
Monterey Park, CA 91754

THANK YOU

You may also provide additional comments by email to:

slopez@willdan.com

City of Monterey Park

McCaslin Business Park
(Saturn Park)

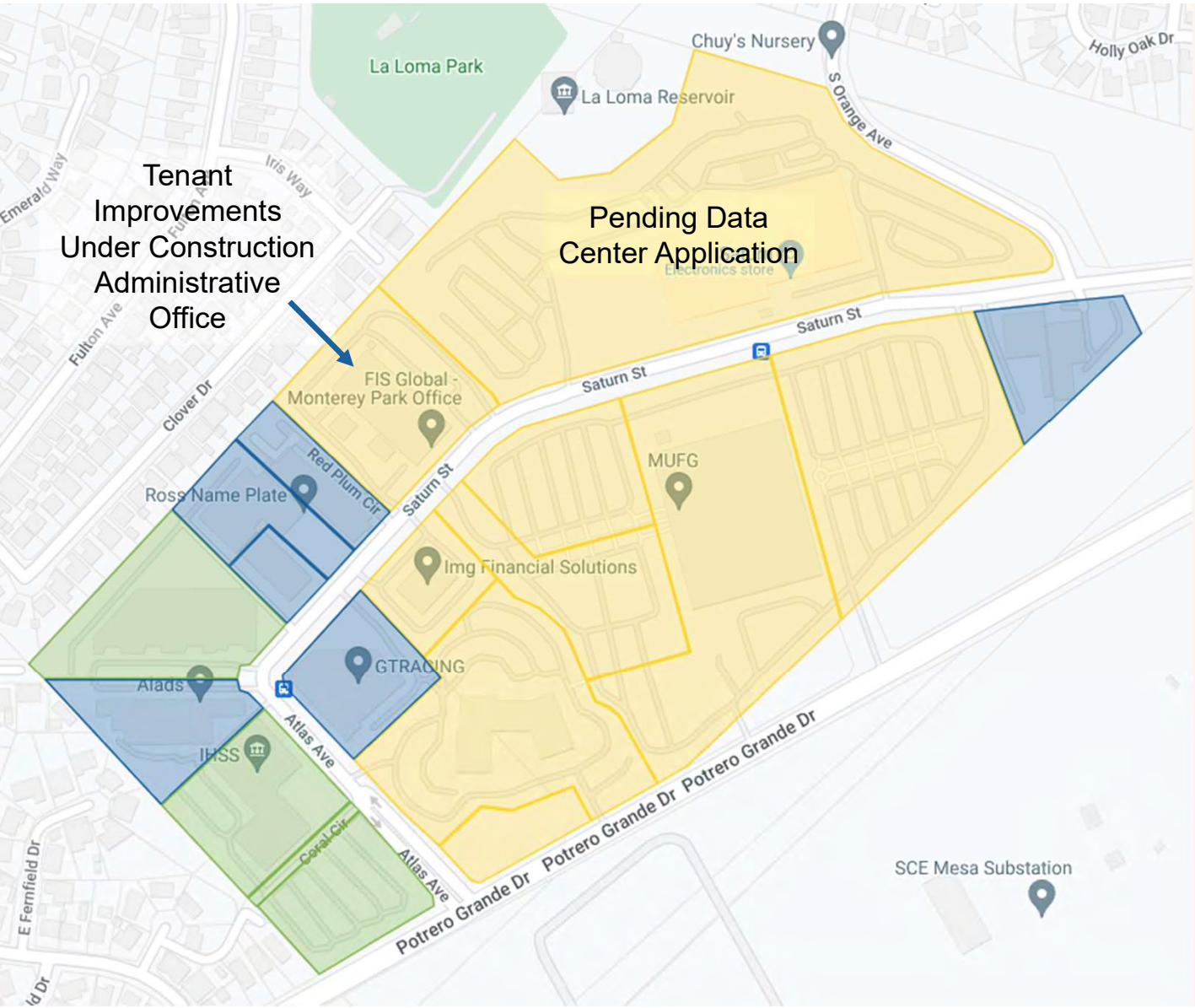
SATURN PARK ADVISORY REVIEW COMMITTEE (SPARC)

MEETING #2

AUGUST 12, 2024
6:00PM

SATURN PARK ADVISORY REVIEW COMMITTEE (SPARC)

THE SATURN PARK ADVISORY REVIEW COMMITTEE, OR **SPARC**, WAS FORMED WITH THE MAYOR AND MAYOR PRO-TEM AS THE CHAIR AND VICE CHAIR AND INCLUDES REPRESENTATIVES OF VARIOUS STAKEHOLDERS.



SATURN PARK DATA:

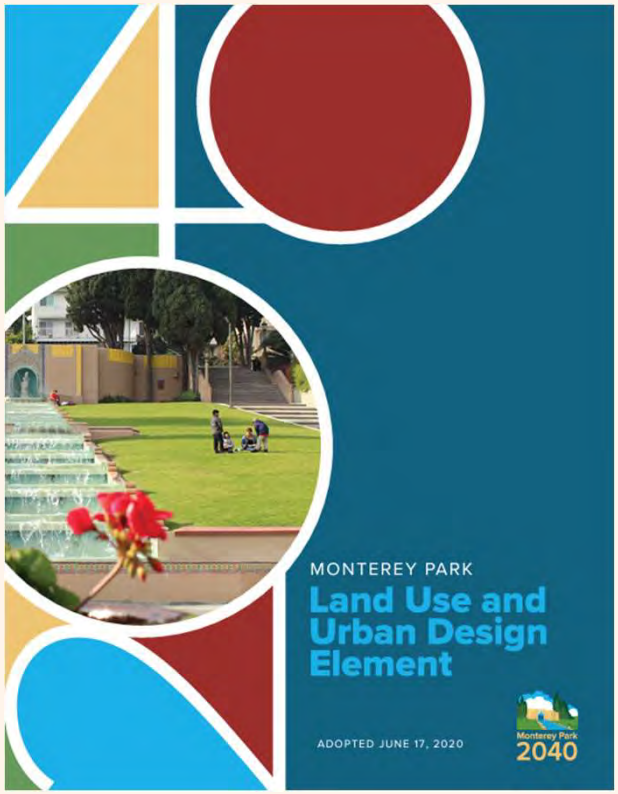
- Total Land Area: 64.6 acres
- Total Building Area: 2,164,909 SF
- Total Unoccupied Building Area: 1,708,101 SF
- # of Lots: 19
- # of Property Owners: 12
- # of (E) Parking Spaces: ~3,450

Unoccupied Buildings 82%

LEGEND:

- Occupied
- Partially Occupied
- Unoccupied

GENERAL PLAN LAND USE ELEMENT



Voter Approved Measure JJ – November 3, 2020

Land Use Designation:
Innovation / Technology

Regulating Plan:
- Floor Area Ratio: 0.60
- Max Height: 40 FT

Primary Uses:
Research and development
Light manufacturing
Service commercial
Professional offices
Entertainment
Breweries/ wineries/distilleries

Other Permitted Uses:
Trade and technical schools
Public utilities
Similar uses per zoning regulations

Prohibited Uses:
Warehousing
Freight terminals
Vehicle storage
Heavy manufacturing

THE CITY'S ROLE IN DEVELOPMENT

- THE SPARC COMMITTEE IS INTENDED TO LEAD A PROACTIVE PROCESS TO DISCUSS LAND USE DUE TO HIGH VACANCY IN THE AREA

  THE CITY DOES NOT BUILD BUSINESSES OR HOUSING, BUT ESTABLISHES ZONING THAT ALLOWS FOR CERTAIN TYPES OF USES

  THE CITY DOES NOT OWN ANY OF THE LAND IN SATURN PARK

  THE CITY DOES NOT INTEND TO BUY OR ACQUIRE SATURN PARK

NO PLANS OR DEVELOPMENT PROPOSALS HAVE BEEN PRESENTED TO THE CITY

THE CITY HAS RECEIVED ONE APPLICATION TO REDEVELOP THE PROPERTY AT 1977 SATURN INTO A DATA CENTER. THAT APPLICATION IS IN REVIEW.

THE CITY HAS RECEIVED INQUIRIES FROM INTERESTED PARTIES ABOUT POSSIBLE FUTURE USES, BUT NOTHING HAS BEEN PRESENTED TO THE CITY FORMALLY.

COMMUNITY INPUT FROM MEETING NO. 1 ON JULY 29, 2024

COMMENTS IN FAVOR OF ALLOWING MORE USES, AS WELL AS COMMENTS IN FAVOR OF KEEPING THE CURRENT PERMITTED USES IN PLACE WITHOUT CHANGES WERE RECEIVED.

THE FOLLOWING WERE SOME POTENTIAL FUTURES USES MENTIONED:

- PEDESTRIAN FRIENDLY DEVELOPMENT
- MIXED USE
- ARTS DISTRICT
- RETAIL
- GROCERY STORES
- PUBLIC AMENITIES (SENIOR CENTER, DOG PARK)
- RESIDENTIAL/HOUSING
- OPEN SPACE/GATHERING AREAS
- ENTERTAINMENT

NEXT STEPS

TONIGHT IS THE SECOND OF FOUR WORKSHOPS INTENDED TO UNDERSTAND THE CHALLENGES OF THE SITE AND RE-IMAGINE A FUTURE TAKING INTO CONSIDERATION THE GENERAL PLAN, MARKET CONDITIONS, AND HOW TO BEST INTEGRATE THE SITE WITHIN THE NEIGHBORHOOD AND SERVE THE CITY OF MONTEREY PARK.

MEETING NO. 1 – INTRODUCTIONS, BACKGROUND, SOLICIT INPUT

MEETINGS NO. 2 & 3 – WORKING GROUPS TO FURTHER EXPLORE POSSIBLE FUTURE USES

MEETING NO. 4 – SPARC CONSIDERS POTENTIAL RECOMMENDATIONS TO THE FULL CITY COUNCIL. THOSE RECOMMENDATIONS WOULD BE CONSIDERED DURING A PUBLIC CITY COUNCIL MEETING.

TONIGHT'S WORKING GROUP EXERCISE:

* JOIN ONE OF THE ROUND TABLES

* AN ASSIGNED FACILITATOR WILL LEAD THE GROUP DISCUSSION

* REVIEW THE COMMENTS RECEIVED FROM MEETING NO. 1

* SELECT WHAT USE CATEGORY IT BELONGS IN:
    1. INNOVATION/TECHNOLOGY (CURRENT ZONING)
    2. RESIDENTIAL/HOUSING
    3. RETAIL/COMMERCIAL
    4. PUBLIC USES (PARKS/OPEN SPACE, GOVERNMENT/EDUCATION)

* INDICATE WHAT THE STRENGTHS, WEAKNESSES, OPPORTUNTIES, AND/OR CONTRAINTS ARE IF THE SATURN SITE WERE DEVELOPED WITH THAT FUTURE USE

PARTICIPATION GUIDELINES

* THE FACILITATOR WILL ASSIST WITH LEADING THE DISCUSSION
* PROVIDE A RESPECTFUL AND SUPPORTIVE ATMOSPHERE
* ALLOW EVERYONE TO PARTICIPATE AND SHARE THEIR THOUGHTS
* STRIVE TO UNDERSTAND YOUR TABLEMATES' COMMENTS
* STAY ON TOPIC SO THAT EVERYONE HAS TIME TO SHARE
* KEEP COMMENTS BRIEF AND CONCISE, GIVEN TIME CONSTRAINTS

FOLLOW-UP MEETINGS

Monday, August 19 - 6:30 - 8pm

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THANK YOU

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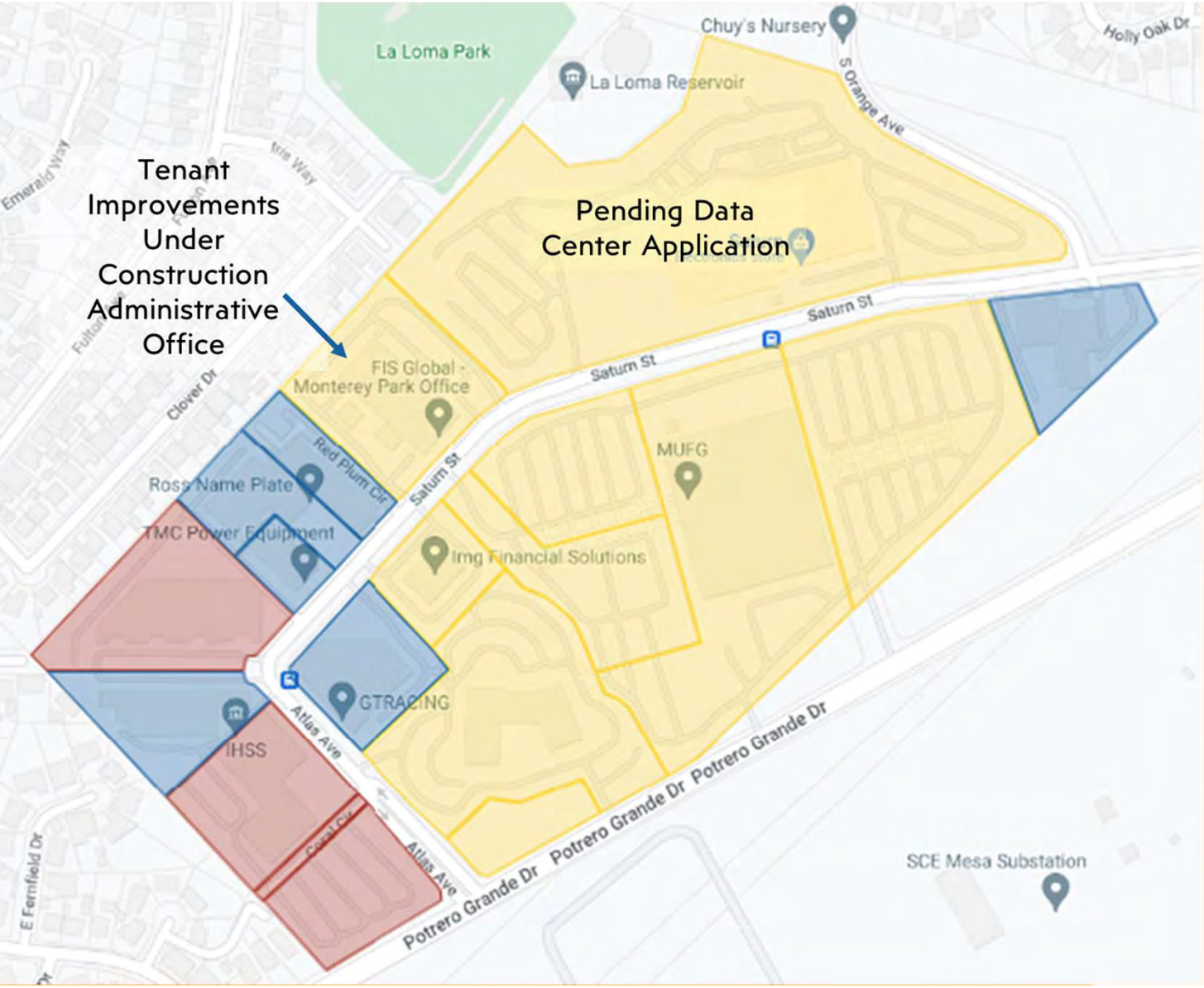
City of Monterey Park

McCaslin Business Park
(Saturn Park)

SATURN PARK ADVISORY REVIEW COMMITTEE (SPARC)

MEETING #3

AUGUST 19, 2024
6:30PM



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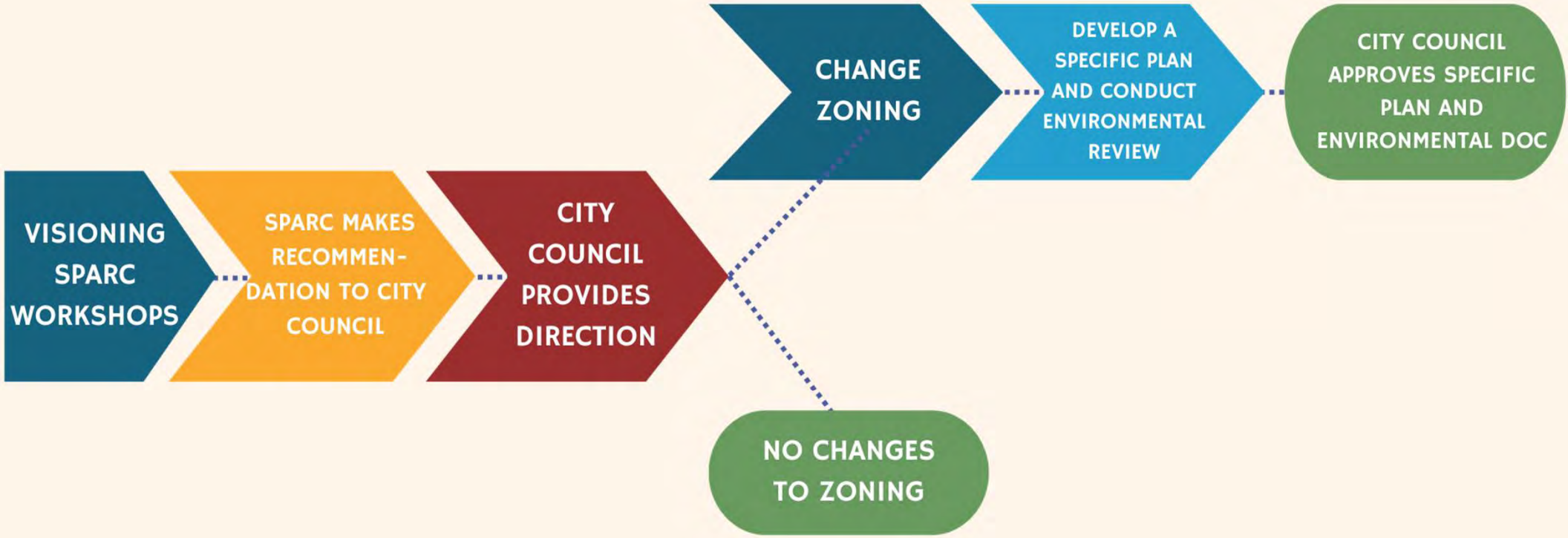
Unoccupied Buildings 82%

LEGEND:

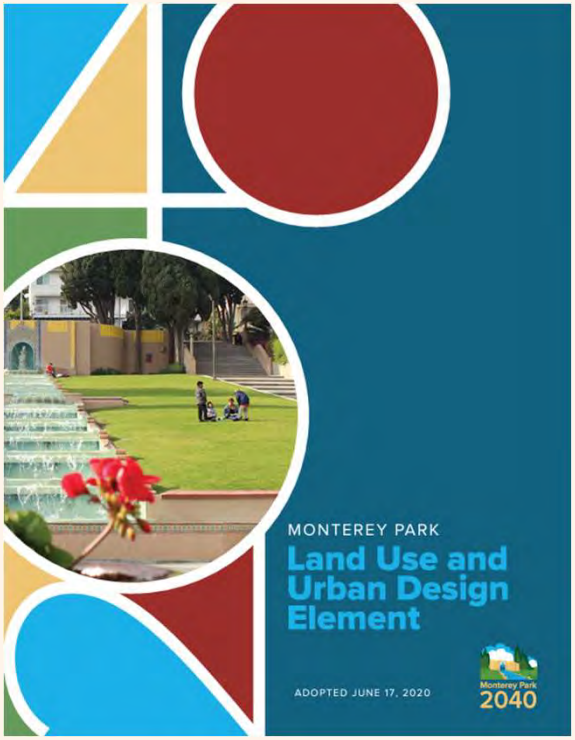
- Occupied
- Partially Occupied
- Unoccupied

SPARC VISIONING PROCESS



DEVELOPMENT REVIEW PROCESS

GENERAL PLAN LAND USE ELEMENT



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Heavy manufacturing

COMMUNITY INPUT FROM MEETING NO. 1

COMMENTS WERE RECEIVED IN FAVOR OF ALLOWING MORE USES, AS WELL AS COMMENTS IN FAVOR OF KEEPING THE CURRENT PERMITTED USES IN PLACE WITHOUT CHANGES.

THE FOLLOWING WERE SOME POTENTIAL FUTURES USES MENTIONED:

- PEDESTRIAN FRIENDLY DEVELOPMENT
- MIXED USE
- ARTS DISTRICT
- RETAIL
- GROCERY STORES
- PUBLIC AMENITIES (SENIOR CENTER, DOG PARK)
- RESIDENTIAL/HOUSING
- OPEN SPACE/GATHERING AREAS
- ENTERTAINMENT

COMMUNITY INPUT FROM MEETING NO. 2

GROUP DISCUSSIONS HELPED TO DEFINE FUTURE POTENTIAL USES IN MORE DETAIL. USES DISCUSSED INCLUDE:

- INNOVATION/TECHNOLOGY
- HOUSING/RESIDENTIAL
- COMMERCIAL
- PUBLIC

THE FOLLOWING GENERAL THEMES EMERGED:

- CONCERN OVER POSSIBLE FUTURE COMMERCIAL (RETAIL) VACANCIES
- KEEP SITE AS IS (CURRENT ZONING)
- RESIDENTIAL DENSITY
- MIXED USE DEVELOPMENT
- HAVE NEW DEVELOPMENT INTEGRATE WITH SURROUNDINGS (BUFFERS, LOCATION, OPEN SPACE, ETC.)
- GENERAL SUPPORT FOR PARK AND RECREATIONAL USES
- GENERAL SUPPORT FOR **NEIGHBORHOOD SERVING** COMMERCIAL

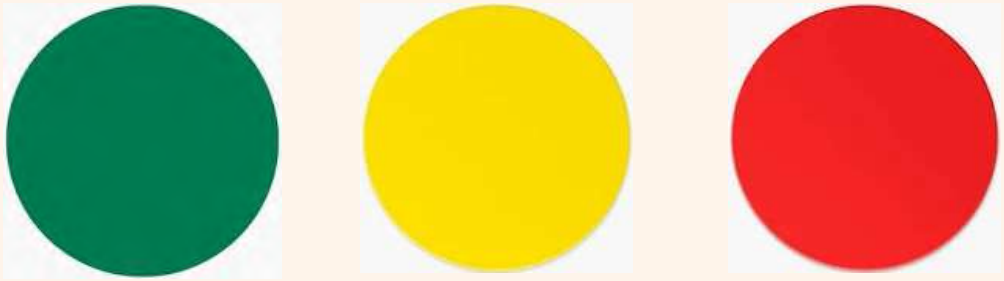
TONIGHT'S PARTICIPATION EXERCISE:

INDEPENDENT ACTIVITY

VISUAL EXAMPLES OF IDEAS AND THEMES FROM LAST TWO WORKSHOPS

EXPLANATION OF EACH TYPE OF LAND USE

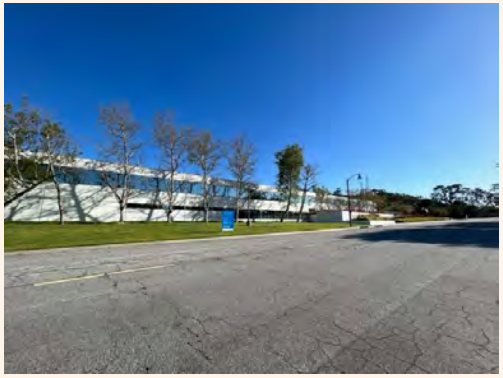
RANKING OF USES



INNOVATION TECHNOLOGY

Primary Uses that are allowable today:

- Research and development
- Light manufacturing
- Service commercial
- Professional offices/Office space
- Entertainment
- Breweries/ wineries/distilleries
- Trade and technical schools
- Public utilities



RESIDENTIAL/HOUSING

❖ Low Density - Single-Family Residential

Traditional Lot Sizes
Small Lot Subdivisions

❖ Medium Density - Multi-Family Residential

Urban Townhomes
Duplex/Triplex

❖ Multi-Family Residential – High Density

Apartments
Condominiums

LOW DENSITY RESIDENTIAL

Traditional Lot Sizes

Small Lot Subdivision

Single-Family Dwellings

MEDIUM DENSITY RESIDENTIAL

Urban Townhomes

Duplexes

Triplexes

Multifamily Residential

HIGH DENSITY RESIDENTIAL

MIXED USE DEVELOPMENT (MIX OF COMMERCIAL & RESIDENTIAL)

NEIGHBORHOOD SERVING COMMERCIAL

Restaurants and Eateries

Coffee Shop

Neighborhood Grocery Store

Wellness/Fitness Facilities

Personal Care (nail salons, barber shops, dry cleaning, etc.)

Family oriented businesses

Small/Specialized Retail

PUBLIC / OPEN SPACE

Landscaped buffers

Senior Center

Public Parks (outdoor recreation, dog park)

Pedestrian Friendly Spaces (Walk/Bike Trails)

Passive Garden Space

Open Space for Farmers Markets/Food Trucks

EV Charging Stations

TONIGHT'S PARTICIPATION EXERCISE:

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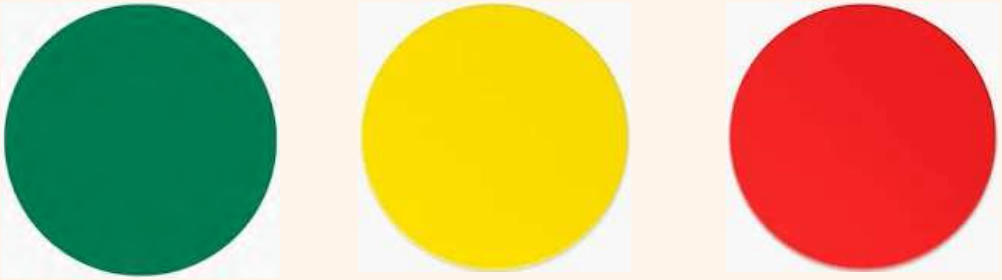
VISUAL EXAMPLES OF IDEAS AND THEMES FROM LAST TWO WORKSHOPS

EXPLANATION OF EACH TYPE OF LAND USE

RANKING OF USES



FOLLOW-UP MEETINGS

THURSDAY, AUGUST 29 – 6:00 - 7:30PM (#4)

MONTEREY PARK SERVICE CLUBHOUSE
440 SOUTH MC PHERRIN AVENUE
MONTEREY PARK, CA 91754

SEPTEMBER 2024 (TBD) - CITY COUNCIL MEETING

THANK YOU

You may also provide additional comments by email to:

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City of Monterey Park

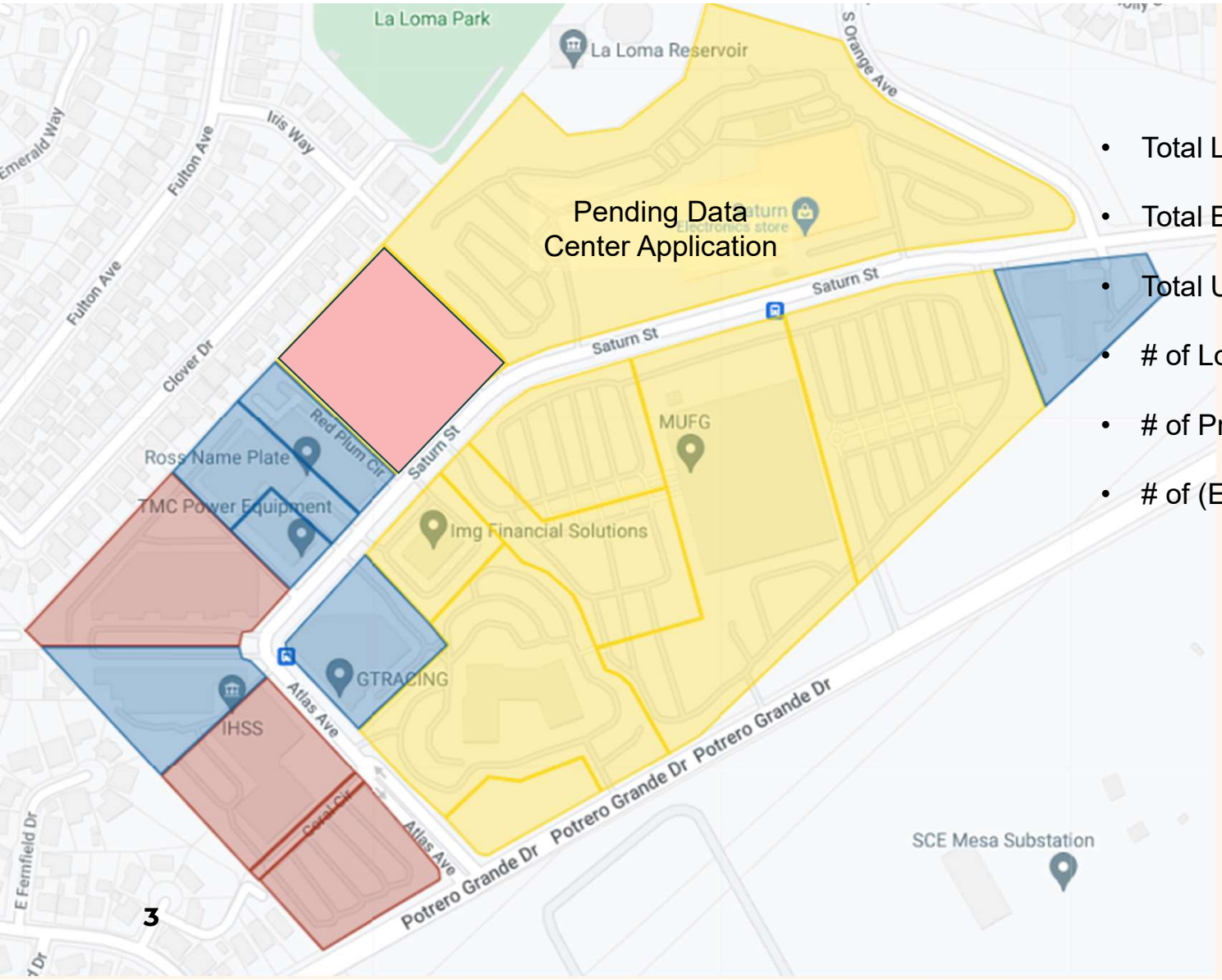
McCaslin Business Park
(Saturn Park)

SATURN PARK ADVISORY REVIEW COMMITTEE (SPARC)

MEETING #4

AUGUST 29, 2024
6:00PM

WORKSHOP SERIES



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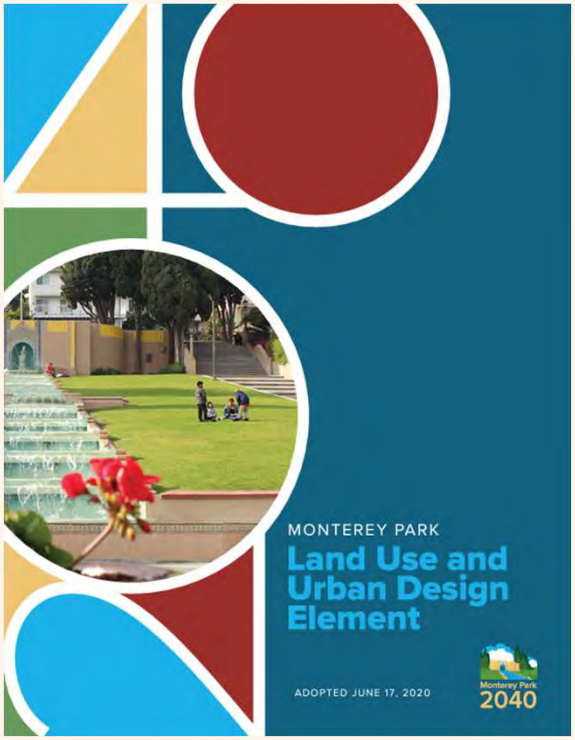
- # of Property Owners: 12
- # of (E) Parking Spaces: ~3,450

Unoccupied Building Square Footage ~ 73%

LEGEND:

- Occupied
- Partially Occupied
- Unoccupied

GENERAL PLAN LAND USE ELEMENT



Voter Approved Measure JJ – November 3, 2020

Land Use Designation:
Innovation / Technology

Regulating Plan:
- Floor Area Ratio: 0.60
- Max Height: 40 FT

Primary Uses:
Research and development
Light manufacturing
Service commercial
Professional offices
Entertainment
Breweries/wineries/distilleries

Other Permitted Uses:
Trade and technical schools
Public utilities
Similar uses per zoning regulations

Prohibited Uses:
Warehousing
Freight terminals
Vehicle storage
Heavy manufacturing

Examples of Uses allowed per Zoning Regulations:
Sales and Service Businesses
Data Processing Facility
General Research Facility
Restaurants/Cafes
Studio, art, dance, martial arts, photography

AUTHORITY OF CITY COUNCIL DELEGATED BY VOTERS APPROVING MEASURE JJ

SECTION 3: *Implementation of this Proposition.*

A. *City Council Authority*. Pursuant to Elections Code § 9217, the People authorize and direct the City Council to promptly take appropriate actions needed to implement this Proposition including, without limitation, adopting all zoning regulations needed to effectuate this Proposition by ordinance. Upon the effective date of this Proposition and notwithstanding any limitation on the City Council's authority set forth in this Proposition or the Monterey Park Municipal Code, all land use regulations adopted by the City Council that are consistent with this Proposition are retroactively ratified and validated by the People.

Ordinance 2198

COMMUNITY INPUT FROM MEETING NO. 1

COMMENTS WERE RECEIVED IN FAVOR OF ALLOWING MORE USES, AS WELL AS COMMENTS IN FAVOR OF KEEPING THE CURRENT PERMITTED USES IN PLACE WITHOUT CHANGES.

THE FOLLOWING WERE SOME POTENTIAL FUTURES USES MENTIONED:

- PEDESTRIAN FRIENDLY DEVELOPMENT
- MIXED USE
- ARTS DISTRICT
- RETAIL
- GROCERY STORES
- PUBLIC AMENITIES (SENIOR CENTER, DOG PARK)
- RESIDENTIAL/HOUSING
- OPEN SPACE/GATHERING AREAS
- ENTERTAINMENT

COMMUNITY INPUT FROM MEETING NO. 2

GROUP DISCUSSIONS HELPED TO DEFINE FUTURE POTENTIAL USES IN MORE DETAIL. USES DISCUSSED INCLUDE:

- INNOVATION/TECHNOLOGY
- HOUSING/RESIDENTIAL
- COMMERCIAL
- PUBLIC

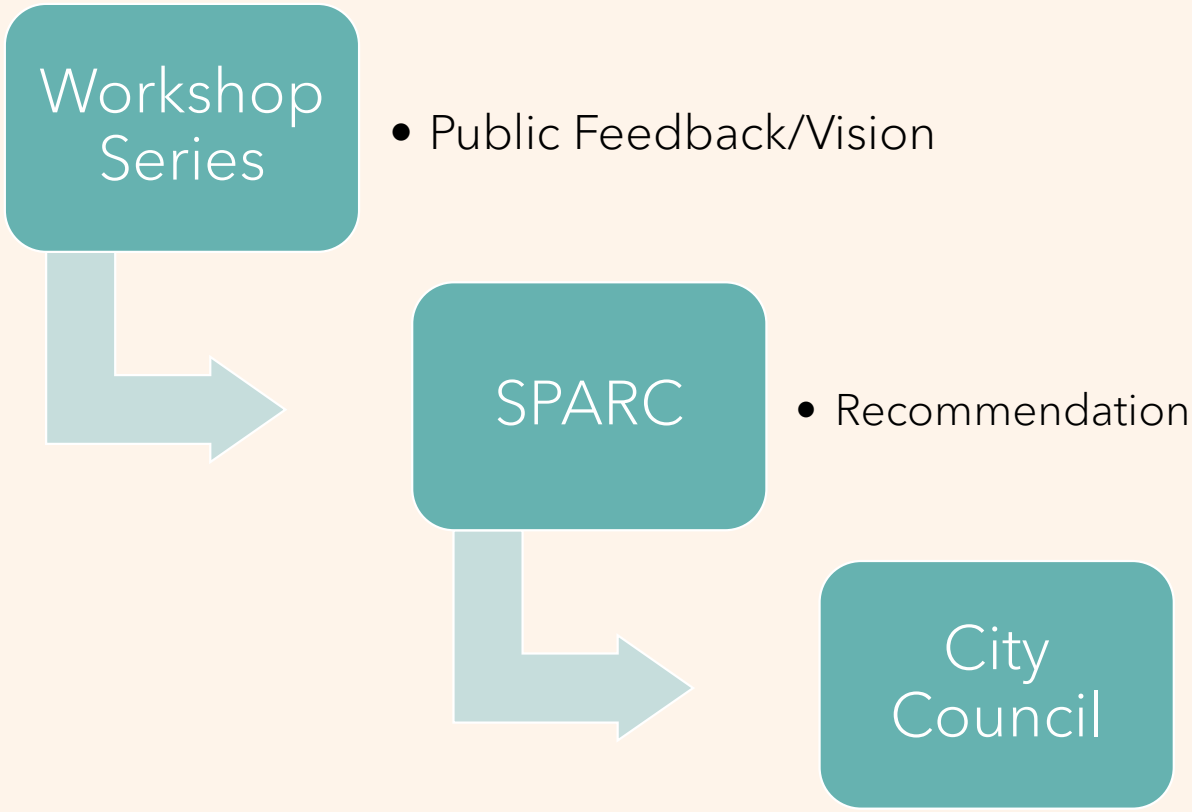
THE FOLLOWING GENERAL THEMES EMERGED:

- CONCERN OVER POSSIBLE FUTURE COMMERCIAL (RETAIL) VACANCIES
- KEEP SITE AS IS (CURRENT ZONING)
- RESIDENTIAL DENSITY
- MIXED USE DEVELOPMENT
- HAVE NEW DEVELOPMENT INTEGRATE WITH SURROUNDINGS (BUFFERS, LOCATION, OPEN SPACE, ETC.)
- GENERAL SUPPORT FOR PARK AND RECREATIONAL USES
- GENERAL SUPPORT FOR **NEIGHBORHOOD SERVING COMMERCIAL**

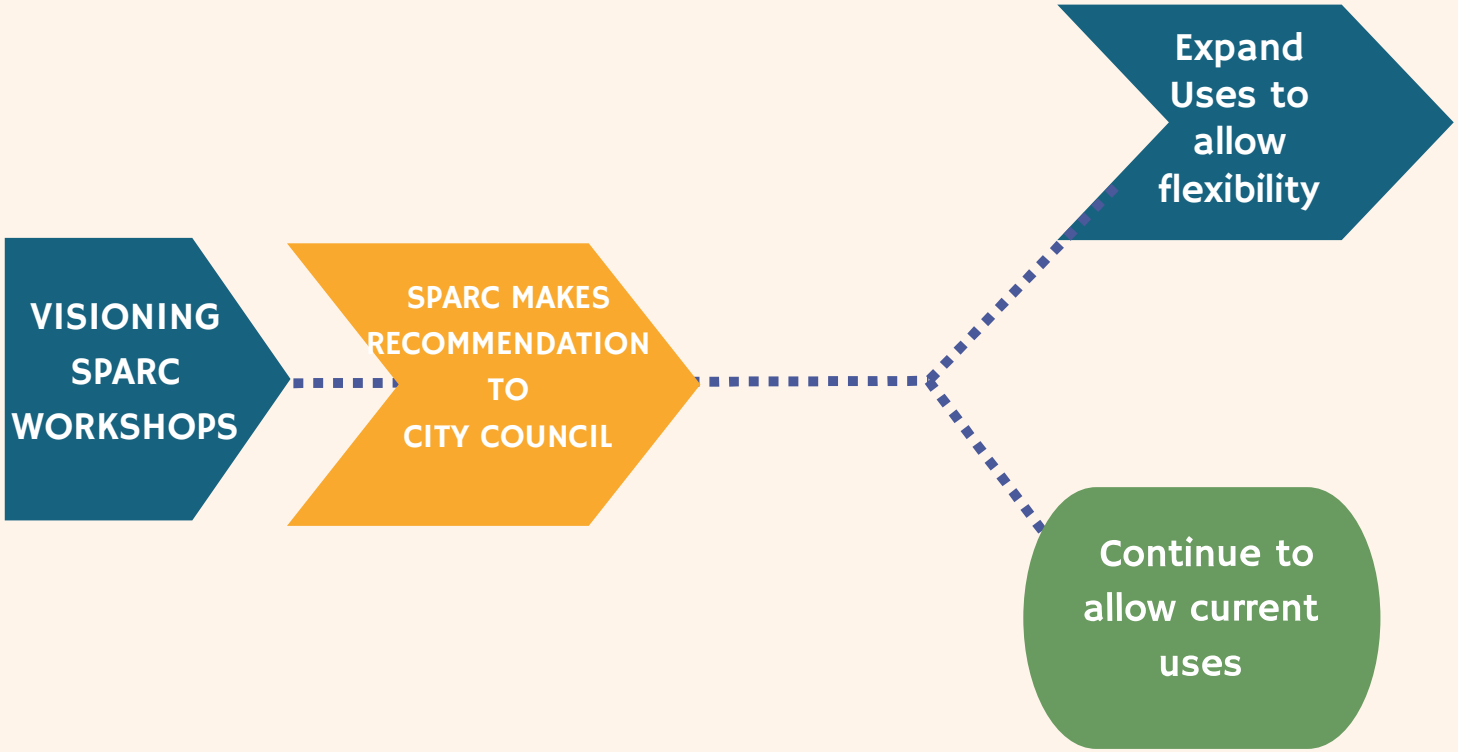
WORKSHOP NO. 3 RANKING EXERCISE

USE CATEGORY	Green	Yellow	Red
Innovation/Technology	19 (47.5%)	11 (27.5%)	10 (25.0%)
Low Density Residential	12 (31.6%)	6 (15.8%)	20 (52.6%)
Medium Density Residential	12 (31.6%)	4 (10.5%)	22 (57.9%)
High Density Residential	10 (25.6%)	4 (10.3%)	25 (64.1%)
Mixed-Use	15 (38.4%)	9 (23.1%)	15 (38.5%)
Neighborhood Serving Commercial	14 (35.9%)	11 (28.2%)	14 (35.9%)
Public/Open Space	11 (28.2%)	2 (05.1%)	26 (66.7%)

TONIGHT'S SPARC RECOMMENDATION



SPARC PROCESS & RECOMMENDATION



THANK YOU

Exhibit No. 5

Sign-In Sheets

Thursday, July 29, 2024

Monday, August 12, 2024

Monday, August 19, 2024

Thursday, August 29, 2024

SATURN PARK ADVISORY REVIEW COMMITTEE (SPARC)
WORKSHOP #1
~~AUGUST 29, 2024~~ JULY 29, 2024

NAME	ADDRESS	EMAIL	PHONE NUMBER
Victoria Stapleton			
Charles Stapleton			
Siu Fong			
Yang C. Lin			
BRYAN MARSH			
Henry Lo			
Joe Leyva			
Vincent Tsang			
Dean Kamenar			
Trey Fortuna			
Sean Fortunato			
JOHNNY KWOK			
Eric Roybal			
Lucia Roybal			

SATURN PARK ADVISORY REVIEW COMMITTEE (SPARC)
WORKSHOP #1
~~AUGUST 29, 2024~~ JULY 29, 2024

NAME	ADDRESS	EMAIL	PHONE NUMBER
TAMMY SPSM	[redacted]		
Philip Chang			
Tania			
Cindy Yee			
Andy Cook			
Tilda Dowell			
Terry Dowell			
Dave Jones			

SATURN PARK ADVISORY REVIEW COMMITTEE (SPARC)
WORKSHOP #1
~~AUGUST 29, 2024~~ JULY 29, 2024

NAME	ADDRESS	EMAIL	PHONE NUMBER
Oliver Wang	[redacted]		
Mayotalo Tee			
Scott Rynders			
D. Simone			
London Trejo			
Blake Britton			

SATURN PARK ADVISORY REVIEW COMMITTEE (SPARC)
WORKSHOP #2
AUGUST 12, 2024

NAME	ADDRESS	EMAIL	PHONE NUMBER
Yang C. Lin			
Victoria Stapleton			
Charles Stapleton			
Joe & Leyva			
John + Lina Ro			
[illegible]			
Marianne Yee			
Dean Kanemitsu			
Lori Shibuyama			
Sarni C.			
Philip Chung			
Cindy Yee			
Denise Maeda			
Lou Kapbell			

SATURN PARK ADVISORY REVIEW COMMITTEE (SPARC)
WORKSHOP #2
AUGUST 12, 2024

NAME	ADDRESS	EMAIL	PHONE NUMBER
CHEUK WENG (TOMMY), KWOK			
VINCENT TSANG	3		
SCOTT RYNDERS	23		
Aram Basmajian			
Kevin Lo	19		
TAMMY SAM			
Sarah Boyd	20		
Sebastian Cortés			
Elizabeth Yang	64		
Sam Zhao			
LINNEA GONG	6		
SAM CHEUNG	18		
Ling Zhang	92		

SATURN PARK ADVISORY REVIEW COMMITTEE (SPARC)
WORKSHOP #2
AUGUST 12, 2024

NAME	ADDRESS	EMAIL	PHONE NUMBER
Eric Royal	[redacted]		
Andrew E			
Jackie Mtz			
Sharon Inouye Sugita			
Olivia Way			
Dave Sones			
Joe Buenka			
Travis Kaya			
Andy Yam			
Joseph Delgadillo			

SATURN PARK ADVISORY REVIEW COMMITTEE (SPARC)
WORKSHOP #3
AUGUST 19, 2024

NAME	ADDRESS	EMAIL	PHONE NUMBER
Phil Chang			
Sharon Sugita			
Sal Melendez			
Damian Jaa			
Margaret Yee			
Ling Zhang			
Wendy Tong			
Scott Rynders			
Eric Raybal			
Lucia Raybal			
Vincent Vong			
TAMMY SAM			
Cindy Yee			
Jason Ngo			

SATURN PARK ADVISORY REVIEW COMMITTEE (SPARC)
WORKSHOP #3
AUGUST 19, 2024

NAME	ADDRESS	EMAIL	PHONE NUMBER
Joe A Leyva			
Victoria Stapleton			
Buck Stapleton			
BRYAN MARSH			
Johnny Kwok			
Jackie Htz			
Rolando Chavez			
Raul Reyes			
Dean Kawanita			
Douglove			
Vaint Ley			
Zach Bergman			
AARON WONG			
Kyle Law			

Page 2 of 3

SATURN PARK ADVISORY REVIEW COMMITTEE (SPARC)
WORKSHOP #3
AUGUST 19, 2024

NAME	ADDRESS	EMAIL	PHONE NUMBER
James Wong	[redacted]		
Yang C. Lin			
Albert Sheild			
Christine Wong			
Stacy Villalobos			
Sebastian Cortes			
Dawn Rock			

Page 383

SATURN PARK ADVISORY REVIEW COMMITTEE (SPARC)
WORKSHOP #4
AUGUST 29, 2024

NAME	ADDRESS	EMAIL	PHONE NUMBER
Wilson Y.	[redacted]		
Tomas Wong			
Johnny Kwok			
Sau Mui			
Dean Kamenitz			
Ling Zhang			
Eric Roybal			
Lucia Roybal			
LING HUANG			
Melinda Walker			
Quang Nguyen			
Karen			

SATURN PARK ADVISORY REVIEW COMMITTEE (SPARC)
WORKSHOP #4
AUGUST 29, 2024

NAME	ADDRESS	EMAIL	PHONE NUMBER
SEBASTIAN CORTES			
SARAH BOYD			
Wilson Yu			
LINNEA GONG			
Caleb Sawyers			
Lina Romero			
Albert Robles			
Christine Wong			
Juanita Medina			
MayMay Lee			
Yuk L. CHEUNG			
JUSTIN YEO			

SATURN PARK ADVISORY REVIEW COMMITTEE (SPARC)
WORKSHOP #4
AUGUST 29, 2024

NAME	ADDRESS	EMAIL	PHONE NUMBER
Sara Cotrano	18		
Mayor Lee			
Philip Chang	1		
Peter Chan	6		
Neal Giannini	2		
Christine Umeda	1		
Martin Heng			
Jackie Martinez			
Sharon Inouye Sugita			
Kristy Teang			
Steve Vincent			
Anthony Law			
Amy Law			

SATURN PARK ADVISORY REVIEW COMMITTEE (SPARC)
WORKSHOP #4
AUGUST 29, 2024

NAME	ADDRESS	EMAIL	PHONE NUMBER
Charles Stapleton			
Victoria Stapleton			
George Lee			
Yang Lin			
Ronnie Gloria SANDOVAL			
Joe Alaya			
Greg Moss			
Abby Lake			
TAMMY SAM			
Scott RYNDERS			
BRYAN MARSH			
Mauri Marsh			
Cindy Yee			
Victoria Chavez			

Exhibit No. 6

Outreach Flyer

English

Traditional Chinese

Spanish

Community Workshops

Saturn Park Advisory Review Committee (SPARC)

Get Involved in Shaping the Future of Saturn Park!

Join SPARC members and stakeholders to share your thoughts on development ideas for Saturn Park. Together, we'll discuss land use and zoning to help create a Specific Plan that supports a vibrant Monterey Park!

Monday, July 29.....6-7:30pm
Monday, August 12.....6-7:30pm
Monday, August 19.....6:30-8pm
Thursday, August 29.....6-7:30pm

Monterey Park
Service Club House
440 South McPherrin Avenue
Monterey Park, CA 91754

626-307-1315 planningpermitcounter@montereypark.ca.gov

社區研討會

Saturn辦公園諮詢審查委員會

(Saturn Park Advisory Review Committee, 簡稱 SPARC)

參與塑造Saturn辦公園的未來！

陪同SPARC成員和利益相關者，分享您對Saturn辦公園開發理念的想法。我們將一起討論土地使用及分區，以幫助制定“特定計劃” 城市指南(Specific Plan) 來支持一座充滿活力的蒙特利公園市！

7月29日 星期一.....6-7:30pm
8月12日 星期一.....6-7:30pm
8月19日 星期一.....6:30-8pm
8月29日 星期四.....6-7:30pm

蒙特利公園 Service Club House
440 South McPherrin Avenue
Monterey Park, CA 91754

626-307-1315 planningpermitcounter@montereypark.ca.gov

Talleres Comunitarios

Comité Asesor de Revisión de Saturn Park (SPARC)

¡Involúcrate en dar forma al futuro de Saturn Park!

Únase a los miembros de SPARC y a las partes interesadas para compartir sus pensamientos sobre las ideas de desarrollo para Saturn Park. ¡Juntos, discutiremos el uso de la tierra y la zonificación para ayudar a crear un Plan Específico que apoye un Monterey Park vibrante!

Lunes, 29 de julio..... 6-7:30pm
Lunes, 12 de agosto..... 6-7:30pm
Lunes, 19 de agosto..... 6:30-8pm
Jueves, 29 de agosto..... 6-7:30pm

Monterey Park
Service Club House
440 South McPherrin Avenue
Monterey Park, CA 91754

626-307-1315 planningpermitcounter@montereypark.ca.gov

WILLDAN

13191 Crossroads Parkway North, Suite 405
Industry, CA 91746-3443
562.908.6200 | 800.499.4484 | Fax: 562.695.2120

www.willdan.com

ATTACHMENT 2

SPARC Meeting Minutes, dated August 29, 2024

MINUTES
SATURN PARK ADVISORY REVIEW COMMITTEE (SPARC)
REGULAR MEETING
AUGUST 29, 2024

REGULAR SPARC MEETING
Monterey Park City Service Club House
440 South McPherrin Avenue
Monterey Park, CA 91754

THURSDAY
August 29, 2024
6:00 PM

The Saturn Park Advisory Review Committee (SPARC) held a Regular Meeting in the Monterey Park City Service Club House, located at 440 South McPherrin Avenue in the City of Monterey Park, Thursday, August 29, 2024, at 6:00pm.

CALL TO ORDER:
Chairperson Wong called the meeting to order at 6:06 p.m.

FLAG SALUTE: Member Johnny Kwok lead the flag salute.

ROLL CALL:
Chairperson Wong called the roll:

Members Present: Vice Chairperson Vinh Ngo, Member Philip Chang, Member Johnny Kwok, Member Paul Lee, Member Joe Leyva, Member Tammy Sam, Member Victoria Chen Stapleton, Member Maychelle Yee

Members Absent: None.

ALSO PRESENT: City Manager Inez Alvarez, Assistant City Manager Diana Garcia, Director of Public Works Shawn Igoe, Director of Community Development Jessica Serrano, Director of Finance Martha Garcia, City Librarian Kristin Olivarez, Police Captain Bill Cuevas, Detective Guotao Zeng, Planning Manager Beth Chow, Office Assistant II Megan Cheung

City Consultants from Willdan Engineering: Salvador Lopez and Juliet Arroyo

[1.] CONSENT CALENDAR

1-A. MINUTES

Action Taken: The SPARC approved and adopted the meeting minutes for the regular meetings of August 12, 2024 and August 19, 2024.

Motion: Moved by Vice Chairperson Ngo and seconded by Member Joe

Leyva, a motion was carried by the following vote:

Ayes: Committee Members: Wong, Ngo, Chang, Kwok, Lee, Leyva, Sam, Chen Stapleton
Noes: Committee Members: None
Absent: Committee Members: None
Abstain: Committee Member: Yee

[2.] NEW BUSINESS

2-A. WORKSHOP #4 TO GATHER COMMUNITY INPUT REGARDING LAND USE REGULATIONS AND POTENTIAL FUTURE USES AT SATURN PARK. THE WORKSHOP WILL BE MODERATED BY REPRESENTATIVES FROM WILLDAN ENGINEERING AND SPARC WILL DELIBERATE AND VOTE ON RECOMMENDATIONS FOR THE CITY COUNCIL.

The meeting started with public input from attendees. Each speaker was given a maximum of three minutes to address their comments.

Comments received from the public included:

- Concern that there was inconsistency between voting results and Measure JJ;
- Support for recreation areas such as sports facilities, stadiums, indoor playgrounds, wellness center and active adult community;
- Suggestion for participants to think “long-term” into the future and consider how the changes can benefit current children and incoming families;
- Question as to why the formation of SPARC committee did not require voting by residents;
- Need for City’s own school district, rather than the whole City splitting into four school districts;
- Need for affordable housing and mixed-uses to attract younger families to improve Hillcrest’s declining enrollment;
- Concerns that not enough outreach efforts were made in the vicinity;
- Concerns on potential traffic problems and pedestrian safety;
- Support to maintain current uses in the neighborhood including allowing data centers; and
- Support for a walkable neighborhood with parks that feel safe.

Consultant Salvador Lopez made a presentation about Saturn Park including: an overview of the SPARC outreach process and recommendation, background information about the general plan land use regulations and allowed uses per zoning regulations, information about Measure JJ, and summary of community input from previous meetings. During the presentation, Director Serrano provided Saturn Park data and addressed concerns

expressed by community members.

Following the presentation, discussion and comments were made by SPARC members, including:

- Support for expanded uses to help generate revenue for the City;
- Need for more Saturn Park property owners to come together for further discussion;
- Concerns about the voter approved initiatives;
- Support to keep existing allowed uses which allow data centers;
- Clarification that the committee's recommendation is to expand uses, not reduce uses;
- Need to consider long-term vision for the City;
- Support to apply different land uses to north and south of the area;
- Opposition to vacancies in the area; and
- Support for more housing opportunities.

After the discussion, SPARC members proceeded to develop and vote on a recommendation to the City Council.

Action Taken: Recommend that the Monterey Park City Council expand land uses for the Saturn Park area with consideration for areas and parcels above and west of Saturn Avenue versus the south of Saturn Avenue without eliminating any existing permitted land uses.

Motion: Moved by Member Lee and seconded by Member Leyva, the motion was carried by the following vote:

Ayes: Committee Members: Wong, Ngo, Chang, Kwok, Lee, Leyva, Sam, Chen Stapleton
Noes: Committee Members: Yee
Absent: Committee Members: None
Abstain: Committee Member: None

A substitute motion was presented by Committee Member Yee to allow voters to decide, but did not get any support from other members.

Additional comments received from the public included:

- Perception that the City and committee are not following legal processes and suggestion that the SPARCS's recommendation require citywide voter approvals;
- Concerns that more time and community involvement are needed before any additional action is taken; and
- Support on lifting moratorium to allow more interested businesses to

occupy vacant buildings.

Written comments submitted between August 26, 2024 – September 5, 2024 (see Attachments 1-17):

- Email supporting continuing to allow data centers: 1
- Emails supporting no changes to existing zoning: 5
- Emails supporting expanded uses: 11

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 8:08 p.m.

J. Serrano

Jessica Serrano
Director of Community Development

ATTACHMENT 1
Email Eric Roybal,
dated August 26, 2024

From: Eric Roybal
To: CMO; Wong, Thomas; planningpermitcounter
Subject: ATTN: SPARC - Vote NO
Date: Monday, August 26, 2024 4:07:05 PM

[EXTERNAL EMAIL]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

To Whom It May Concern: It is illegal for the City of Monterey Park to overturn the voter-approved General Plan. The City of Monterey Park must abide by the election results and uphold the General Plan as approved by the voters. Our voices matter. No changes or deviations from the existing voter-approved General Plan uses should be permitted. No one is above the law. The Monterey Park City Council must, also, follow the law and adhere to the legal process of updating the General Plan and related code requirements through review and approval by the voters as required.

ATTACHMENT 2
Email from Mary Lei,
dated August 27, 2024

From: Mary Lei
To: CMO; Wong, Thomas; planningpermitcounter
Subject: ATTN: SPARC - Vote NO
Date: Tuesday, August 27, 2024 1:16:00 AM
Attachments: planningpermitcounter@montereypark.ca.gov

[EXTERNAL EMAIL]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

To Whom It May Concern:

It is illegal for the City of Monterey Park to overturn the voter-approved General Plan. The City of Monterey Park must abide by the election results and uphold the General Plan as approved by the voters. Our voices matter. No changes or deviations from the existing voter-approved General Plan uses should be permitted. No one is above the law. The Monterey Park City Council must, also, follow the law and adhere to the legal process of updating the General Plan and related code requirements through review and approval by the voters as required.

I would strongly disapprove the City to abuse zoning rules and regulations to create multihousehold neighborhoods where single residential units are present and destroy the peace of our neigborhood. Overbuilding our city is destroys the peace and tranquility we long time residents enjoy and the reason why we settle here.

Mary Lei

resident since 1971

ATTACHMENT 3

Email and Letter from Lucia and Eric Roybal, dated August 27, 2024

From:	Lucia Corona
To:	Wong, Thomas; Ngo, Vinh T.; Yiu, Yvonne; Lo, Henry; Sanchez, Jose; MPClerk; CMO; planningpermitcounter
Cc:	Eric Roybal
Subject:	Opposition to Rezoning Saturn Park
Date:	Tuesday, August 27, 2024 9:50:40 PM
Attachments:	A close-up of a document Description automatically generated.png cidclip_image002.png PastedGraphic-3.tiff SaturnPark_Council-2.docx

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[EXTERNAL EMAIL]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear City of Monterey Park Council Members,

We are writing to express our concerns regarding the recent workshops, the summary presented, and the composition of the committee involved in the rezoning discussions for Saturn Park. As highlighted in our previous correspondence, the information disseminated during these sessions appears ambiguous and misleading. It is troubling that members of city council and the committee, who have a vested interest in advancing a specific agenda, were permitted to participate in these workshops. This inclusion not only skews public opinion but also directs the narrative towards a predetermined outcome.

To illustrate, the total land use area under discussion encompasses 64.59 acres, comprising 19 parcels, however only 8 of these parcels are genuinely vacant. Furthermore, if the data center (which is effectively approved) is excluded, the number of truly vacant parcels is reduced to 7, totaling 27.72 acres.

Additionally, the workshop summary fails to accurately address the access routes to the proposed area. While it is correct that the site is directly accessible via Potrero Grande, Atlas Avenue, and Saturn Street, the assertion that there are "a series of three driveways from Potrero Grande" providing direct access to the entire site is misleading. These driveways primarily serve the businesses located on the southern side of the site and offer only limited access to the rest of the area through parking lots. Moreover, Potrero Grande becomes a one-way street traveling west, just 700 feet from Atlas Avenue, significantly limiting access to the site from the east. Any alternative access routes would exacerbate the congestion on already overburdened neighborhood streets.

We also seek clarity on the data supporting the claims presented to the public. Has the city monitored the decline in occupancy at Saturn Park? Can the city provide studies or evidence demonstrating how the post-pandemic office market has evolved, particularly with the shift towards remote and hybrid work models as it pertains to Saturn Park? Is there evidence that supports the city's claim that changes have undoubtedly reduced the demand for office space and contributed to increased vacancy rates within Saturn Park?

The stated objective of the workshop is to "reimagine" Saturn Park, currently characterized by a lack of land use diversity, high vacancy rates, and underutilization. However, it appears that the city itself is contributing to the high vacancy rates by rejecting applications from prospective developers whose proposals do not align with the city's preferences.

City council intends to alter previously approved land uses based on a biased workshop, and disregards years of taxpayer-funded research that clearly indicate the city has sufficient space to accommodate the Regional Housing Needs Assessment (RHNA) under the current land use designations. The proposed changes to the Saturn Park Specific Plan and the corresponding zoning alterations seem to be driven by the interests of the city council rather than the needs and desires of the community. (Figure below, Housing Element 2023)

It is imperative to note that it is illegal for the City of Monterey Park to overturn the voter-approved General Plan. The city must adhere to the election results and maintain the General Plan as approved by the voters. The voices of the community must be respected, and no changes or deviations from the existing voter-approved General Plan should be permitted.

We urge the Monterey Park City Council to comply with the law and follow the proper legal

procedures for updating the General Plan and related code requirements. Any proposed changes must be subject to review and approval by the voters, as required by law.

I also wish to request the workshops be recorded and made available to the public.

Thank you for your attention to this critical matter.

Sincerely,

Lucia and Eric Roybal
Monterey Park Residents

Please see attached document

August 27, 2024

To: City of Monterey Park Council Members
320 Newmark Ave.
Monterey Park, CA 91754

From: Lucia and Eric Roybal
2020 Clover Dr.
Monterey Park, CA 91755

Re: Opposition to Rezoning Saturn Park

Dear City of Monterey Park Council Members,

We are writing to express our concerns regarding the recent workshops, the summary presented, and the composition of the committee involved in the rezoning discussions for Saturn Park. As highlighted in our previous correspondence, the information disseminated during these sessions appears ambiguous and misleading. It is troubling that members of city council and the committee, who have a vested interest in advancing a specific agenda, were permitted to participate in these workshops. This inclusion not only skews public opinion but also directs the narrative towards a predetermined outcome.

To illustrate, the total land use area under discussion encompasses 64.59 acres, comprising 19 parcels, however only 8 of these parcels are genuinely vacant. Furthermore, if the data center (which is effectively approved) is excluded, the number of truly vacant parcels is reduced to 7, totaling 27.72 acres.

TOTAL PARCELS	ACRES	VACANT PARCELS	ACRES	VACANT PARCELS NOT INCLUDING DATA CENTER		VACANT PARCELS NOT INCLUDING DATA CENTER OR (TENANT IMPROVEMENT)	
5265025040	2.05						
5265025041	0.24						
5265025042	2.48						
5265025043	2.04						
5265025044	3.44						
5265025045	0.62						
5265025046	1.52						
5265025047	1.19						
5265025048 (Tenant improvemenmt)	3.5	5265025048 (Tenant improvemenmt)	3.5	5265025048 (Tenant improvemenmt)	3.5		
5265025052	2.08						
5265025056	1	5265025056	1	5265025056	1	5265025056	1
5265025058	5.55	5265025058	5.55	5265025058	5.55	5265025058	5.55
5265026054 (data center)	15.83	5265026054 (data center)	15.83				
5265026055	1.38	5265026055	1.38	5265026055	1.38	5265026055	1.38
5265026058	2.64	5265026058	2.64	5265026058	2.64	5265026058	2.64
5265026059	2.89	5265026059	2.89	5265026059	2.89	5265026059	2.89
5265026060	7.97	5265026060	7.97	5265026060	7.97	5265026060	7.97
5265026061	6.29	5265026061	6.29	5265026061	6.29	5265026061	6.29
5265026064	1.88						
TOTAL	64.59		47.05		31.22		27.72

Additionally, the workshop summary fails to accurately address the access routes to the proposed area. While it is correct that the site is directly accessible via Potrero Grande, Atlas Avenue, and Saturn Street, the assertion that there are "a series of three driveways from

Potrero Grande" providing direct access to the entire site is misleading. These driveways primarily serve the businesses located on the southern side of the site and offer only limited access to the rest of the area through parking lots. Moreover, Potrero Grande becomes a one-way street traveling west, just 700 feet from Atlas Avenue, significantly limiting access to the site from the east. Any alternative access routes would exacerbate the congestion on already overburdened neighborhood streets.

We also seek clarity on the data supporting the claims presented to the public. Has the city monitored the decline in occupancy at Saturn Park? Can the city provide studies or evidence demonstrating how the post-pandemic office market has evolved, particularly with the shift towards remote and hybrid work models as it pertains to Saturn Park? Is there evidence that supports the city's claim that changes have undoubtedly reduced the demand for office space and contributed to increased vacancy rates within Saturn Park?

The stated objective of the workshop is to "reimagine" Saturn Park, currently characterized by a lack of land use diversity, high vacancy rates, and underutilization. However, it appears that the city itself is contributing to the high vacancy rates by rejecting applications from prospective developers whose proposals do not align with the city's preferences.

City council intends to alter previously approved land uses based on a biased workshop, and disregards years of taxpayer-funded research that clearly indicate the city has sufficient space to accommodate the Regional Housing Needs Assessment (RHNA) under the current land use designations. The proposed changes to the Saturn Park Specific Plan and the corresponding zoning alterations seem to be driven by the interests of the city council rather than the needs and desires of the community. (Figure below, Housing Element 2023)

The City was allocated a Regional Housing Needs Assessment (RHNA) of 5,257 units for the 2021-2029 Housing Element planning period. The sites inventory capacity analysis found that existing land use designations can accommodate the RHNA on vacant and underutilized land (see Chapter 4 Housing Resources for more information). There are adequate underutilized sites available to accommodate RHNA without requiring changes to the land use designations or zoning; however, an increase in density in the R-3 zone is necessary to accommodate lower income units and ensure

It is imperative to note that it is illegal for the City of Monterey Park to overturn the voter-approved General Plan. The city must adhere to the election results and maintain the General Plan as approved by the voters. The voices of the community must be respected, and no changes or deviations from the existing voter-approved General Plan should be permitted.

We urge the Monterey Park City Council to comply with the law and follow the proper legal procedures for updating the General Plan and related code requirements. Any proposed changes must be subject to review and approval by the voters, as required by law.

I also wish to request the workshops be recorded and made available to the public.

Thank you for your attention to this critical matter.

Sincerely,

Lucia and Eric Roybal
Monterey Park Residents

ATTACHMENT 4
Email from Cindy Yee,
dated August 27, 2024

From: Garcia, Diana
To: Alvarez, Inez; Juliet Arroyo; Serrano, Jessica; slopez@willdan.com
Subject: Fwd: LEAVE THE GENERAL PLAN AS IS
Date: Thursday, August 29, 2024 1:43:42 PM

Get Outlook for iOS

From: Cindy <pipsqkcyee@hotmail.com>
Sent: Thursday, August 29, 2024 1:34:31 PM
To: twong@montereypark.ca.gov <twong@montereypark.ca.gov>; vngo@montereypark.ca.gov <vngo@montereypark.ca.gov>; hlo@montereypark.ca.gov <hlo@montereypark.ca.gov>; josanchez@montereypark.ca.gov <josanchez@montereypark.ca.gov>; yyiu@montereypark.ca.gov <yyiu@montereypark.ca.gov>; cmo@montereypark.ca.gov <cmo@montereypark.ca.gov>; jtorres@montereypark.ca.gov <jtorres@montereypark.ca.gov>
Subject: LEAVE THE GENERAL PLAN AS IS

[EXTERNAL EMAIL]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Attention City Council Members, City Manager, and Development Dept,

The vote of the voters has spoken and MUST be followed by our city laws. Until you can improve the lives of Monterey Park residents within our boundaries, you should not break the law by simply overturning the zoning codes in Saturn Park. You have a viable candidate that will lead to other businesses wanting to do business in that area. The worst thing this area possesses for any home building is the enormous transmission lines strung across Potrero Grande and over into the SCE power plant.

Our city's infrastructure, with the empty storefronts and empty lots at two major intersections, is not just unsightly, it's a blight that does not appeal to visitors, let alone us residents. It's an embarrassment!

We don't have our own school district for those who don't know or care. One member of your committee mentioned that only three students are enrolled at Hillcrest. That's totally wrong. I don't know about Bella Vista, but you should give them a call. There are four kindergarten classrooms at Brightwood and Highlands because school districts like Alhambra, Garvey, Montebello, and LA (Robert Hill Lane) are using our children as pawns on a chessboard for one thing --- the almighty dollar known as ADA money (average daily attendance). You even have a member on your committee who is part of Mann's Realty, which is a definite conflict of interest!

The people's vote has spoken, and your job is to work towards building a brighter future for Monterey Park or revamping your community and development departments. Could you allow the

data center to move into Saturn Park because the correct zoning can entice future businesses?

Yours truly,

Cindy Yee
50 year resident

ATTACHMENT 5
Email from Cathy Ta,
dated August 29, 2024

From: Wong, Thomas
To: Cathy Ta
Cc: Serrano, Jessica; Alvarez, Inez; slopez@willdan.com
Subject: Re: Saturn Park - Email in Support of Redevelopment for Aug. 29 Meeting
Date: Thursday, August 29, 2024 1:04:50 PM

Thank you for your email, we will include in the record.

Sent from my iPhone

> On Aug 29, 2024, at 10:48 AM, Cathy Ta <ct.cathyta@gmail.com> wrote:
>
> [EXTERNAL EMAIL]
>
> CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.
>
> Hello, Jessica,
>
> Below please find my email to the City Council in support of the redevelopment of the Saturn business park area of Monterey Park, particularly for tonight's final meeting on the project.
>
> Please let me know if you have any questions or need anything else.
>
> Best,
> Cathy Ta
>
> ********** Dear City Council,
>
> I am writing to support proposals to reimagine and redevelop the Saturn business park area of Monterey Park, which I understand, is suffering from a high level of (commercial) vacancy.
>
> Monterey Park is my hometown. Having grown up here, I feel a measure of pride when the city is recognized for its good schools, wonderful location, local economy and family-friendly neighborhoods. When my husband and I were in the process of deciding where to settle down and raise our kids, Monterey Park won out due to these positive attributes, but also primarily because it is a place my parents still call home, as do my grandma - who is still alive, my brother and his family, and my extended relatives. The opportunity to raise our kids around

multi-generational relatives is bar none.

Yet, this opportunity to live near family is not available to everyone due to sky-rocket housing prices and record-low housing inventories throughout the state and the nation, Monterey Park being no exception. As a community, we need to recognize that the housing situation will only get worse, unless deliberate policies are enacted to solve the situation.

But, this is not just an economic issue. It is also a family issue and an intergenerational issue. Without practical solutions to pave the way for much needed inventory, the problem will continue into the future where our children will find themselves facing the financial predicament of being unable to afford housing within their means, much less climb onto the homeownership ladder, unless they are in the very top 1% of the income bracket. Even then, it is uncertain that they would be successful in securing a home close to family or other relatives without financial help and luck.

Monterey Park - a city of diversity with a reputation for being forward-thinking and resourceful against many odds over the years - has never been a type of place to deliberately narrow economic choices and family prospects for its own community. Instead, it needs to recommit to broadening opportunities, particularly by increasing housing supply.

The short-term and mid-term economic benefits of revitalizing the Saturn area to create more housing - whether as a mixed use project or other housing-related project - are plentiful, so I will not outline them here. What I will emphasize instead is that it is also - 100% - an intergenerational and family issue, if we are still in the business of giving opportunities for families to live and be close to one another and otherwise maintain family ties - benefits in themselves that are numerous across the board.

Overall, we need more housing-related projects, not less, as what is certain is that our Southern California housing market - and Monterey Park's - will continue to be in high demand into the future.

Sincerely,
Cathy Ta

ATTACHMENT 6
Email from Connie Cheung,
dated August 29, 2024

From: Wong, Thomas
To: Connie Cheung
Cc: Serrano, Jessica; Alvarez, Inez; slopez@willdan.com
Subject: Re: Saturn Park - Email in Support of Redevelopment for Aug. 29 Meeting
Date: Thursday, August 29, 2024 1:03:57 PM

Thank you for your email, we will include in the record.

Sent from my iPhone

> On Aug 29, 2024, at 11:24 AM, Connie Cheung <cheungc22@gmail.com> wrote:
>
> [EXTERNAL EMAIL]
>
> CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.
>
> Dear City Council,
>
> I am writing to support proposals to reimagine and redevelop the Saturn business park area of Monterey Park, which I understand, is suffering from a high level of (commercial) vacancy.
>
> Monterey Park is my hometown. Having grown up here, I feel a measure of pride when the city is recognized for its good schools, wonderful location, local economy and family-friendly neighborhoods - reasons why I choose to live here still.
>
> To keep our city going strong into the future, we should create better use of the Saturn business area through a mixed-used project or other housing-related development. We are in a housing crisis throughout the nation and state, so as a community, we need to recognize that Monterey Park is no exception. The housing situation will only get worse, unless deliberate policies are enacted to solve the situation.
>
> The short-term and mid-term economic benefits of revitalizing the Saturn area to create more housing - whether as a mixed-use project or other housing-related project - are plentiful. The worst case scenario would be to leave the area as is and to deteriorate over time.
>
> Overall, we need more housing-related projects, not less, as what is certain is that our Southern California housing market - and Monterey Park's - will continue to be in high demand into the future.
>
> Sincerely,
> Connie Cheung

ATTACHMENT 7
Email from Tina Ly,
dated August 29, 2024

From: Wong, Thomas
To: Tina Ly
Cc: Serrano, Jessica; slopez@willdan.com; Alvarez, Inez
Subject: Re: Saturn Park - Support of Redevelopment for Aug. 29 Meeting
Date: Thursday, August 29, 2024 1:02:28 PM

Thank you for your email, we will include in the record.

Sent from my iPhone

> On Aug 29, 2024, at 12:49 PM, Tina Ly <ly.tina@gmail.com> wrote:
>
> [EXTERNAL EMAIL]
>
> CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.
>
> Dear City Council,
>
> We are writing to support proposals to reimagine and redevelop the Saturn business park area of Monterey Park, which I understand is suffering from a high level of commercial vacancy.
>
> Monterey Park, as well as much of the country, needs more housing and more affordable housing. While the development on South Alhambra Avenue is poorly designed as it disregards its impact on an already congested street, the Saturn business park area would be much more appropriate for a large development.
>
> As residents of Monterey Park since 1986, we want the city to continue to attract families looking for a beautiful, diverse, interesting, and welcoming community such as ours. Redeveloping Saturn business park to provide more mixed use and housing would be a step in that direction.
>
> Kind regards,
> Tina Ly
> Khiem Ly
> Thong Ly
> 318 S Alhambra Ave Monterey Park CA

ATTACHMENT 8
Email from Alan Beadle,
dated August 29, 2024

From: Wong, Thomas
To: Alan Beadle
Cc: Serrano, Jessica; slopez@willdan.com; Alvarez, Inez
Subject: Re: Saturn Park - Email in Support of Redevelopment for Aug. 29 Meeting
Date: Thursday, August 29, 2024 1:02:08 PM

Thank you for your email, we will include in the record.

Sent from my iPhone

> On Aug 29, 2024, at 12:44 PM, Alan Beadle <beadle.a@gmail.com> wrote:
>
> [EXTERNAL EMAIL]
>
> CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.
>
> Hi Jessica,
>
> I would like to share the below email to the City Council in support of the redevelopment of the Saturn business park area of Monterey Park, for consideration at tonight's final meeting on the project.
>
> Let me know if you would like to talk further or have any questions.
>
> Thanks,
>
> Alan
>
> ****
>
> Dear City Council,
>
> I would like to share my support for proposals to reimagine and redevelop the Saturn business park area of Monterey Park, which I understand is suffering from high levels of vacancy.
>
> My family and I have lived in Monterey Park for over 14 years and I am proud to call the city home. When my wife and I were in the process of deciding where to settle down and raise our kids, we chose Monterey Park not just for its positive attributes, such as its great schools, location, local economy and family-friendly

neighborhoods, but also primarily because it is a place where my wife's parents, grandma, brother and his family, and extended relatives live. Being able to raise our kids around multi-generational relatives has been incredibly important and impactful for us.

Unfortunately, I realize that the opportunity to live near family is not available to everyone due to sky-high housing prices and low housing inventories throughout California and the nation as a whole. Monterey Park is no exception to these problems and as a community we need to recognize that the housing situation will only get worse, unless deliberate steps are taken.

This is not just an economic issue. It is also a family and intergenerational issue. Without practical solutions to create much needed housing inventory, the problem will grow to a point where our children will be unable to afford housing within their means, much less get onto the homeownership ladder, unless they are in the very top 1% of the income bracket. Even then, it is unclear if they would be successful in finding a home close to family or other relatives without additional financial support and luck.

Monterey Park is a diverse city known for being forward-thinking and resourceful against many challenges over the years. It has never been the type of place to deliberately narrow economic choices and family prospects for its own community. At this moment, the city needs to recommit to broadening opportunities, particularly by increasing housing supply.

There are many short-term and mid-term economic benefits to revitalizing the Saturn area to create more housing (either as a mixed use project or some other housing-related project). What I would like to add to this conversation is a consideration of the intergenerational and family issues. Creating opportunities for families to live and be close to one another and otherwise maintain family ties bring numerous benefits not just to those families, but our community as a whole.

The demand for housing in Southern California, and Monterey Park specifically, is going to remain high. We need more housing-related projects, not less, to meet this need.

Yours,

Alan Beadle

ATTACHMENT 9
Email from Jan Nishia,
dated August 29, 2024

From: Garcia, Diana
To: Alvarez, Inez; Serrano, Jessica; slopez@willdan.com; Juliet Arroyo; Wong, Thomas
Subject: Fwd: SPARC - Vote NO
Date: Thursday, August 29, 2024 9:00:17 AM

Good morning -

Forwarding an email received this morning.

Diana G.

Get Outlook for iOS

From: Jan Nishida <nishida3@juno.com>
Sent: Thursday, August 29, 2024 8:51:42 AM
To: cmo@montereypark.ca.gov <cmo@montereypark.ca.gov>
Subject: SPARC - Vote NO

[EXTERNAL EMAIL]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Subject Line: ATTN: SPARC - Vote NO

To Whom It May Concern:

It is illegal for the City of Monterey Park to overturn the voter-approved General Plan. The City must abide by the election results and uphold the General Plan approved by the voters. No changes or deviations from the existing voter-approved General Plan should be permitted.

The Monterey Park City Council must also follow the law and adhere to the legal process of updating the General Plan and related code requirements through review and approval by the voters as required.

Your Concerned Monterey Park Neighbor

ATTACHMENT 10

Email and Letter from James Pugh,
recieved August 29, 2024

From: MPClerk
To: Serrano, Jessica
Cc: Garcia, Diana
Subject: FW: Saturn Park Advisory Review Committee - Data Center Letter
Date: Thursday, August 29, 2024 11:44:02 AM
Attachments: SPARC Recommendation - Data Center in Saturn Park.pdf
image001.png
image003.png

Good Morning,

Please see attached written communication for the SPARC meeting.

Thank you,

HELENA CHO, CMC • **ASSISTANT DEPUTY CITY CLERK**
Monterey Park City Clerk's Office
Office (626) 307-1362

From: James Pugh <JPugh@sheppardmullin.com>
Sent: Thursday, August 29, 2024 9:46 AM
To: MPClerk <MPClerk@MontereyPark.ca.gov>
Cc: Bryan Marsh <bmarsh@stratcap.com>; Chris Flynn <cflynn@stratcap.com>; Scott Rynders <scott@rynderscorp.com>; Berger, Karl H. <KBerger@bwslaw.com>
Subject: Saturn Park Advisory Review Committee - Data Center Letter

[EXTERNAL EMAIL]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning City Clerk,

Please provide the SPARC with the attached letter before the public meeting today. And kindly add it to the record of proceedings for SPARC.

Thank you,

James E. Pugh | Partner
+1 213-617-4284 | direct
+1 949-877-4891 | mobile
JPugh@sheppardmullin.com | Bio

SheppardMullin
333 South Hope Street, 43rd Floor
Los Angeles, CA 90071-1422
+1 213-620-1780 | main

Attention: This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

SheppardMullin

Sheppard, Mullin, Richter & Hampton LLP
333 South Hope Street, 43rd Floor
Los Angeles, California 90071-1422
213.620.1780 main
213.620.1398 fax
www.sheppardmullin.com

213.617.4284 direct
jpugh@sheppardmullin.com

File Number: 89AF-371175

August 28, 2024

VIA E-MAIL

Saturn Park Advisory Review Committee
City of Monterey Park
320 W. Newmark Avenue
Monterey Park, CA 91754
Email: c/o City Clerk,
MPClerk@montereypark.ca.gov

Re: Data Center Zoning in Saturn Park

Dear Saturn Park Advisory Review Committee,

We represent SDCF Monterey Park, LLC ("Applicant") regarding its data center project ("Project") located at 1977 Saturn Street ("Site") in the City of Monterey Park ("City"). This letter memorializes the Applicant's position that data centers are appropriate and permitted land uses in Saturn Park per existing land use and zoning regulations. Likewise, as discussed below, data centers should remain permitted uses in Saturn Park even if the City decides to update the zoning, or create a specific plan, for the area. That conclusion is consistent with our legal analysis and is consistent with community sentiment expressed during the Saturn Park Advisory Review Committee ("SPARC") workshops. Therefore, when SPARC makes its formal recommendation to the City Council, we request that SPARC recommend that data centers remain expressly permitted uses in Saturn Park.

The Applicant participated in every SPARC workshop. We have also reviewed the Community Visioning Workshop Series Outreach Report prepared by Willdan ("Outreach Report") in August 2024. One thing is abundantly clear – there is solid support for uses allowed by the existing Innovation/Technology land use designation. In fact, as you know, the community and SPARC participants ranked the Innovation/Technology category as the most desirable land use by a large margin. And, as we have pointed out in our previous letters to the City, data center uses are consistent with the Innovation/Technology policies in the City's land use element. Thus, we believe the SPARC process has solidified the position that any future zoning for Saturn Park must include data centers as expressly permitted uses. To do otherwise would ignore community input and undermine the existing land use element.

In addition, we understand that at SPARC's fourth (and final) meeting it intends to vote on how to proceed with planning for Saturn Park. The Applicant's position on future planning for Saturn Park is as follows. First, the City could simply retain the existing voter-enacted zoning, which permits data centers, and appears acceptable to the community based on the SPARC exercise. Second, portions of Saturn Park are ideally situated to accommodate data centers proximate to the existing Mesa Southern California Edison ("SCE") substation. Accordingly, if the

City modifies the zoning in Saturn Park, then the properties located at 1977 Saturn Street and 1980 Saturn Street should be zoned to expressly permit data centers. The Applicant provided SPARC with overlay zones that could implement that type of zoning. Third, in no scenario should the City implement zoning, through a specific plan or any other means, that prohibits data centers or overly burdens the administrative process for such uses. We believe this is particularly important because: (a) the general plan supports new technology uses in Saturn Park like data centers; (b) the community confirmed its support for Innovation/Technology land uses; and (c) the City has an immediate data-center-redevelopment opportunity that would provide community benefits, new jobs, and substantial tax revenue. Hence, rezoning Saturn Park in a manner that prohibits or dissuades data centers would be counterproductive to smart planning and public policy.

In closing, with thank SPARC and the City for the opportunity to participate in the visioning process for Saturn Park. Please include our requests herein in the SPARC recommendation to City Council.

Sincerely,

James E. Pugh
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

cc:
mpclerk@montereypark.ca.gov
kberger@bwslaw.com
Bryan Marsh, StratCap
Chris Flynn, StratCap
Scott Rynders, The Rynders Corporation

SMRH:4863-5531-6190.1

ATTACHMENT 11
Email from Karen Ta,
dated August 29, 2024

From: Alvarez, Inez
To: Serrano, Jessica
Cc: Salvador Lopez; Garcia, Diana
Subject: FW: Saturn Park - Email in Support of Redevelopment for Aug. 29 Meeting
Date: Thursday, August 29, 2024 4:30:19 PM

From: Wong, Thomas <twong@MontereyPark.ca.gov>
Sent: Thursday, August 29, 2024 3:00 PM
To: Karen Ta <karenta93@gmail.com>
Cc: jserrano@montereypark.ca; slopez@willdan.com; Alvarez, Inez <ialvarez@MontereyPark.ca.gov>
Subject: Re: Saturn Park - Email in Support of Redevelopment for Aug. 29 Meeting

Thank you for sending this email, it will be noted in the record.

Sent from my iPhone

> On Aug 29, 2024, at 2:58 PM, Karen Ta <karenta93@gmail.com> wrote:
>
> [EXTERNAL EMAIL]
>
> CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.
>
> Dear City Council,
>
> I am writing to support proposals to reimagine and redevelop the Saturn business park area of Monterey Park, which I understand, is suffering from a high level of (commercial) vacancy.
>
> Monterey Park is my hometown. Having grown up here, I feel a measure of pride when the city is recognized for its good schools, wonderful location, local economy and family-friendly neighborhoods - reasons why I choose to live here still.
>
> To keep our city going strong into the future, we should create better use of the Saturn business area through a mixed-used project or other housing-related development. We are in a housing crisis throughout the nation and state, so as a community, we need to recognize that Monterey Park is no exception. The

housing situation will only get worse, unless deliberate policies are enacted to solve the situation.

The short-term and mid-term economic benefits of revitalizing the Saturn area to create more housing - whether as a mixed-use project or other housing-related project - are plentiful. The worst case scenario would be to leave the area as is and to deteriorate over time.

Overall, we need more housing-related projects, not less, as what is certain is that our Southern California housing market - and Monterey Park's - will continue to be in high demand into the future.

Best,

Karen Ta
pronouns: she/they

ATTACHMENT 12
Email from Eok Ngo,
dated August 29, 2024

From: Eok Ngo
To: Serrano, Jessica; Wong, Thomas
Subject: Saturn Park - Email in Support of Redevelopment for Aug. 29 Meeting
Date: Thursday, August 29, 2024 4:57:38 PM

[EXTERNAL EMAIL]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear City Council,

I am writing to support proposals to reimagine and redevelop the Saturn business park area of Monterey Park, which I understand, is suffering from a high level of (commercial) vacancy.

Monterey Park is my hometown. Having grown up here, I feel a measure of pride when the city is recognized for its good schools, wonderful location, local economy and family-friendly neighborhoods - reasons why I visit frequently and continue to patronize its establishments.

To keep the city going strong into the future, we should create better use of the Saturn business area through a mixed-used project or other housing-related development. We are in a housing crisis throughout the nation and state, so as a community, we need to recognize that Monterey Park is no exception. The housing situation will only get worse, unless deliberate policies are enacted to solve the situation.

The short-term and mid-term economic benefits of revitalizing the Saturn area to create more housing - whether as a mixed-use project or other housing-related project - are plentiful. The worst case scenario would be to leave the area as is and to deteriorate over time.

Overall, we need more housing-related projects, not less, as what is certain is that our Southern California housing market - and Monterey Park's - will continue to be in high demand into the future.

Sincerely,
Eok Ngo

ATTACHMENT 13
Email from William Tran,
dated August 29, 2024

From: William Tran
To: Serrano, Jessica
Cc: Wong, Thomas
Subject: Saturn Development support letter
Date: Thursday, August 29, 2024 5:07:38 PM

[EXTERNAL EMAIL]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear City Council,

I am writing to support proposals to redevelop and re-imagine the Saturn business park area of Monterey Park, which I understand is suffering from a high level of commercial vacancy.

Monterey Park is my hometown. Having grown up here, I feel pride when the city is recognized for its good schools, wonderful location, local economy and family-friendly neighborhoods - reasons why I choose to still live here as an adult.

To keep our city going strong into the future, we should create better use of the Saturn business area through a mixed-used project or other housing-related development. We are in a housing crisis throughout the nation and state, so as a community, we need to recognize that Monterey Park is no exception. The housing situation will only get worse, unless deliberate policies are enacted to solve the situation.

The short-term and mid-term economic benefits of revitalizing the Saturn area to create more housing - whether as a mixed-use project or other housing-related project - are plentiful. The worst case scenario would be to leave the area as is and to deteriorate over time.

Overall, we need more housing-related projects, not less, as what is certain is that our Southern California housing market - and Monterey Park's - will continue to be in high demand into the future.

Sincerely,
William Tran

ATTACHMENT 14
Email from Sylvia Chang,
dated August 29, 2024

From: Sylvia Chang
To: Serrano, Jessica
Cc: Wong, Thomas
Subject: Saturn Park - Email in Support of Redevelopment for August 29th Meeting
Date: Thursday, August 29, 2024 5:20:52 PM

[EXTERNAL EMAIL]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Council Members,

I'm writing to support the proposal to redevelop the Saturn business park area in Monterey Park, which has been struggling with high vacancy rates.

I made a conscious choice to move back to Monterey Park to grow my family. I'm proud of its great schools, location, culture, and family-friendly neighborhoods.

To keep our city thriving, we should make better use of the Saturn business area with a mixed-use or housing-related project. We're facing a housing crisis nationwide and here in California, and Monterey Park is no exception. The situation will only worsen without intentional policies.

Revitalizing the Saturn area to create more housing would bring both short-term and long-term economic benefits. Its location is ideal as its situated between residential and commercial (Costco area). **The worst thing we could do is leave it as it is and let it deteriorate.**

We need more housing options, not less. The demand for housing in Southern California, including Monterey Park, isn't going away anytime soon.

Sincerely,

Sylvia Chang/ Monterey Park Resident
sylvia.chang@gmail.com

ATTACHMENT 15
Email from Bryan Mercke,
dated August 29, 2024

From: Ngo, Vinh T.
To: Bryan Mercke
Cc: Wong, Thomas; Serrano, Jessica; MPClerk; Salvador Lopez; Alvarez, Inez
Subject: Re: SPARC Community Input
Date: Thursday, August 29, 2024 11:48:13 PM

Thanks for the note Bryan. I have cc MPK Clerk's office, the City Manager, the Director of Community Development and Sal with Wildan Consulting who is leading the SPARC discussion.

Vinh
Sent from my iPhone

> On Aug 29, 2024, at 11:40 PM, Bryan Mercke <bmercke@gmail.com> wrote:
>
> [EXTERNAL EMAIL]
>
> CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.
>
> Hello Council Members Wong and Ngo,
>
> My name is Bryan Mercke, I am an attorney that lives and works in Monterey Park. I live very close to the Saturn Park area.
>
> I was unable to attend the community workshops, but I hope the city is still soliciting input and will consider my opinion.
>
> I reviewed the materials presented on the website, including the Supplemental Outreach Report.
>
> The area, as it is now, is a dead zone. It is an ugly, underutilized space, and people speed up and down the street because there is little there. Please do now allow this current state of land usage to continue. Continuing to zone the area in its current way or zoning for "information/technology" will only permit this vacuum in our neighborhood to continue.
>
> The city has an obligation to meet state mandated housing requirements, as all cities do in our state. My brief review of the housing plan leads me to believe the city will fail to meet these housing obligations, and could be subject to a "builder's remedy." If people are upset about housing in this area of the city with giant, empty, concrete cubes, they will be livid when the power to approve or deny projects is stripped away from the city on certain projects if the "builder's remedy" is implemented.

Please consider a mixed use development in the Saturn Park area. If possible, I hope the city could also implement a park/green space in that area as well. There is enough space for both mixed use residential and a green space, and these two land uses compliment each other well. If a family is going to play in the park, they are more likely to stay for lunch when it is right next door, and residents/customers of the mixed use area would be more likely to utilize green space when the sun is shining and a bit of shade becomes irresistible. The area is ripe for mixed use development because of the Costco and shopping center nearby to address grocery shopping needs.

Mixed use would also serve the nearby residents and encourage foot traffic. I personally would love to be able to walk my dogs to a nearby green space from my front door, and buy a bagel and a cup of coffee. Currently, I do not enjoy walking my dogs down that stretch of Potrero Grande in front of Saturn Park because it is eerie, a dead zone, with cars speeding past. Commercial establishments are more likely to want to rent in a mixed use building with a pool of customers living right next door. I hope the city would consider generous height and density permitted to attract reputable developers, but I would be happy should mixed use be approved in any form.

I hope the Council and yourself will consider my comments when deciding the future of Saturn Park.

Best Regards,
Bryan Mercke

ATTACHMENT 16

Email and Letter from Charles Buck Stapleton, dated August 30, 2024

From: MPClerk
To: Serrano, Jessica; Chow, Beth
Subject: FW: Comments for SPARC Committee
Date: Tuesday, September 3, 2024 7:57:44 AM
Attachments: Letter to SPARC.pdf
image001.png
image003.png

Good Morning,

See below and attached comment for SPARC.

Thanks,

HELENA CHO, CMC • **ASSISTANT DEPUTY CITY CLERK**
Monterey Park City Clerk's Office
Office (626) 307-1362

From: Charles "Buck" Stapleton <buckstapleton@gmail.com>
Sent: Friday, August 30, 2024 3:52 PM
To: MPClerk <MPClerk@MontereyPark.ca.gov>
Cc: Wong, Thomas <twong@MontereyPark.ca.gov>; Ngo, Vinh T. <vngo@MontereyPark.ca.gov>; Alvarez, Inez <ialvarez@MontereyPark.ca.gov>; slopez@willdan.com
Subject: Comments for SPARC Committee

[EXTERNAL EMAIL]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Thank you for the opportunity to attend the meetings. Attached you will find a letter addressed to the Committee.

Unfortunately there was such a loud outburst by a few members of a special interest group that I preferred to write a letter rather than listen to their "outcries" and "oh no" so typical of a bad behavior of a few people that prevent free speech.

Cordially,

Charles "Buck" Stapleton

Charles "Buck" Stapleton
948 Village Drive
Monterey Park, CA 91755
e-mail: buckstapleton@gmail.com

August 30, 2024

SATURN PARK ADVISORY REVIEW COMMITTEE (SPARC)
City of Monterey Park

To Whom it May Concern:

I am writing to you not only as a resident of Monterey Park where I drive past Saturn Park daily to and from work, but as a college professor and author of a best-selling textbook, *California Real Estate Principles*, now in its 12th edition, also I'm writing as a member of the Village Drive/Plateau Neighborhood Watch. Five of us attended the August 29 meeting.

My concern is to offer my comments in a letter so as to avoid encountering a negative blast from those attending who have a special interest in keeping the 60+ acres area in its present vacant condition. We should not take a narrow approach but look at what is the highest and best use for the City of Monterey Park. **The current zone of Office Professional should be amended to include residential and mixed use.**

We would support lifting the moratorium so the Data Center project can continue to move forward. We would suggest, however, we believe there is a demand from all sectors of the City of Monterey Park for sensible growth and development in considering a zoning classification for residential and perhaps mixed use.

It is our understanding the vacancy rate for this area started before Covid and since 2020 has risen to 70% plus. We were disappointed that only two owners came to the meetings. Those owners are losing money as the vacancy rate continues to grow while they continue to maintain the property:

- The 1977 Saturn property designated for existing permitted use as a Data Center could adjust neighboring space to allow for residential use. This could act as a buffer for the residential neighbors.

- 1980 and 2100 Saturn should be rezoned to allow for residential and mixed use.

Allowing vacant property to go undeveloped can pose several risks, impacting both the local neighbors as well as the broader Monterey Park community as it is now doing.

1. Economic Opportunity Cost. The Saturn Park area represents a missed opportunity for economic growth. The area could potentially be used for housing, public amenities included when developers plan projects, and an opportunity for controlled mixed use.

2. Urban Decay and Blight. This area, 70% vacant with wide open spaces in an urban area can attract illegal dumping, vandalism, criminal activities including areas for drug use, leading to a decline in neighborhood safety. While some of the neighbors opposing development say they walk the area, I have never seen one person doing so as I leave for work at 7:30 am and return around 8: pm.

3. Environmental Concerns. While this vast area, 60+ acres obviously vacant, while maintained at the present time, may be neglected at some point. Unmanaged land can contribute to soil erosion and uncontrolled vegetation growth.

4. Social Impacts. Large vacant areas often contribute to a sense of neglect within the community. Monterey Park already suffers from visible vacant areas in the business district. This can lead to disinvestment in the area and drive investors to Alhambra, Arcadia, and other nearby areas that present a better picture than an investment in Monterey Park if Saturn Park is left in its current Office Professional zone.

5. Regional Housing Needs. Since 1969 California has required local governments to plan for adequate housing. The Regional Housing Needs Assessment for Monterey Park has provided a mandate to add adequate housing or face a fine.

Thank you for the opportunity to participate in the series of meetings. We are pleased to see the proactive urban planning process exhibited by the Saturn Park Advisory Review Committee and engaging with members of the community.

"The current zone of Office Professional should be amended to include residential and mixed use."

Cordially,

CHARLES STAPLETON

cc:
Thomas Wong
Ving Ngo
Inez Alverez

ATTACHMENT 17
Email from Jeffrey Su,
dated September 5, 2024

From: Wong, Thomas
To: Jeffery Su
Cc: Serrano, Jessica; slopez@willdan.com
Subject: Re: In Support of Saturn Park Redevelopment
Date: Thursday, September 5, 2024 5:54:48 PM

Thanks Jeff, we will include this in the record.

Sent from my iPhone

> On Sep 5, 2024, at 5:21 PM, Jeffery Su <JefferySu@aol.com> wrote:
>
> [EXTERNAL EMAIL]
>
> CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.
>
> Dear City Council:
>
> I am writing in support of the redevelopment of the Saturn business park area of Monterey Park which is currently vacant for the most part. As a longtime resident of Monterey Park, I believe it is imperative that we create an environment that welcomes quality development and preserves family-friendly neighborhoods. This is why I support a mixed-use project for the Saturn business area. As you know, this is a prime location just off the freeway and close to major food and retail outlets. This would also be a very attractive location for housing which we all know is in short supply
>
> Using a fresh approach to redeveloping this area can only enhance the city of Monterey Park while enhancing the quality of life for Monterey Park residents.
>
> Sincerely,
>
> JefferySu
> 716 Cereza Drive, Monterey Park
> (323) 283-7364

ATTACHMENT 18

Email response by Inez Alvarez, dated September 9, 2024

From:	Alvarez, Inez
To:	Yee, Maychelle
Subject:	SPARC Meeting Inquiry - Measure JJ
Date:	Monday, September 9, 2024 4:24:00 PM
Attachments:	06-18-2024 Agenda Item No. 5A - Urgency Ordinance Implementing Interim Development for Saturn Park.pdf 05-22-2024 Agenda Item No. 3C - Saturn Park Advisory Review Committee SPARC.pdf image002.png M. Yee Text Message 9.9.24.pdf

Hi Maychelle,

Thank you for your text, which I have attached for reference. I am replying by email, so that I can also forward you previous staff reports related to the matter.

As explained in writing to the City Council, the Planning Commission, and the SPARC – Measure JJ is the Land Use Element to the General Plan. Measure JJ provides the overall land use designation for Saturn Park. It does not establish zoning regulations.

To answer your question, no, this provision does not authorize the City Council to amend Measure JJ. No such authorization exists, i.e., voter delegation of authority to the City Council to amend Measure JJ.

As shown in the presentation at the SPARC meeting, Section 3(A) of Measure JJ specifically delegates authority to the City Council to adopt zoning regulations that are consistent with Measure JJ. This was also discussed in the staff reports for the May 22, 2024 and June 18, 2024 City Council meetings which I've attached for your convenience and reference. It is also explained in the ordinance establishing a moratorium on development in the Saturn Park area. I have highlighted the relevant language – hope this helps.

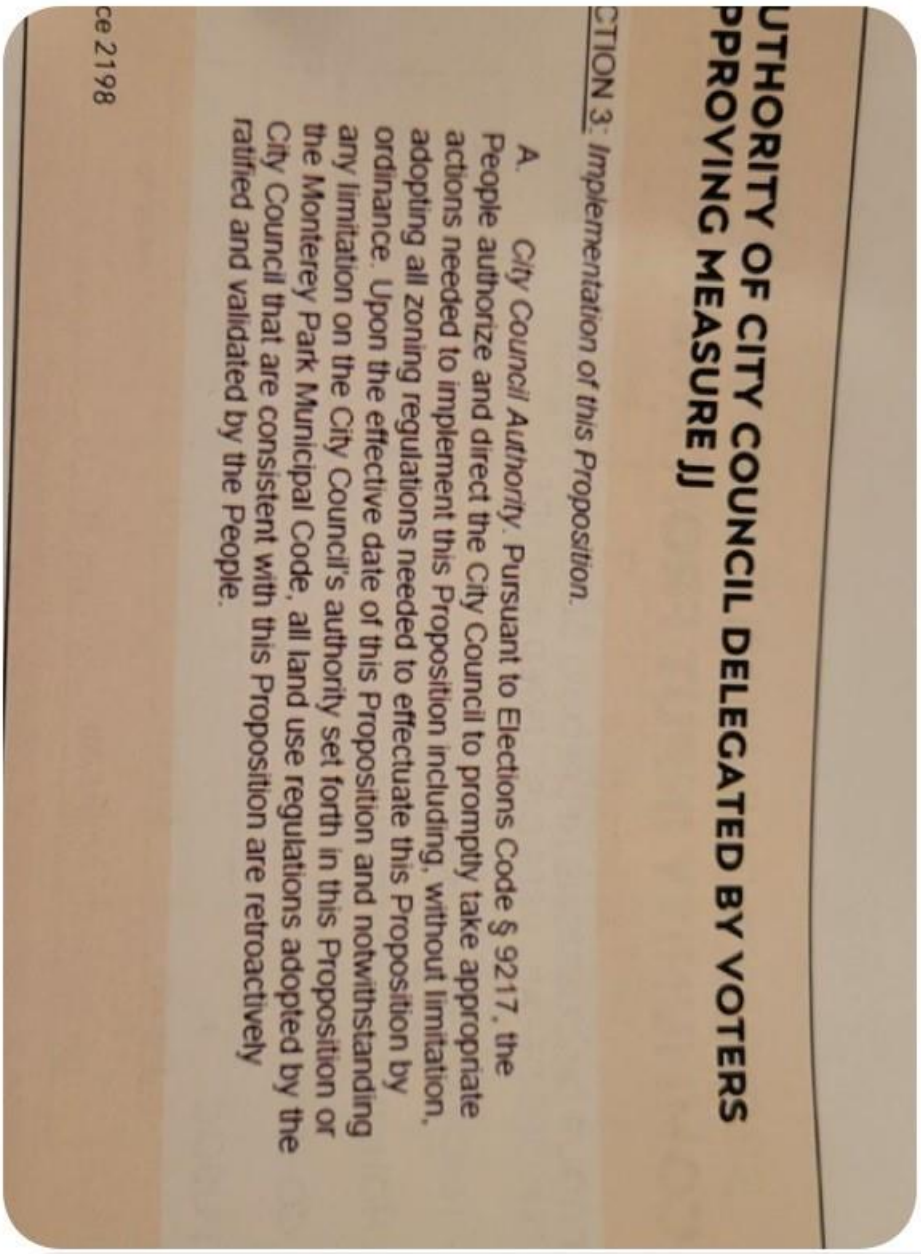
There has been no discussion regarding amending Measure JJ. The only discussion has been how to implement Measure JJ via zoning regulations.

Thank you,

INEZ ALVAREZ • **CITY MANAGER**
320 W. NEWMARK AVE. MONTEREY PARK, CA 91754
Office (626) 307-1497
Email • ialvarez@montereypark.ca.gov

This message is a public record and may be disclosed under the Public Records Act or other applicable law.

Today 9:40 AM



UTHORITY OF CITY COUNCIL DELEGATED BY VOTERS
PPROVING MEASURE JJ

CTION 3: *Implementation of this Proposition.*

A. *City Council Authority.* Pursuant to Elections Code § 9217, the People authorize and direct the City Council to promptly take appropriate actions needed to implement this Proposition including, without limitation, adopting all zoning regulations needed to effectuate this Proposition by ordinance. Upon the effective date of this Proposition and notwithstanding any limitation on the City Council's authority set forth in this Proposition or the Monterey Park Municipal Code, all land use regulations adopted by the City Council that are consistent with this Proposition are retroactively ratified and validated by the People.

ce 2198

Is this the paragraph that you were saying allows the Council to ammend Measure JJ to include expanded uses without approval by the voters?

City Council Staff Report

DATE: May 22, 2024

AGENDA ITEM NO: Consent Calendar - 3C

TO: The Honorable Mayor and City Council

FROM: Diana Garcia, Assistant City Manager

SUBJECT: Establishing the Saturn Park Advisory Review Committee ("SPARC")

RECOMMENDATION:

It is recommended that the City Council consider:

1. Establishing the Saturn Park Advisory Review Committee ("SPARC") initially comprised of Mayor Thomas Wong, Mayor pro tem Vinh Ngo, and Assistant City Manager Diana Garcia; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

On April 9, 2024, the Planning Commission considered future land uses at McCaslin Business Park as contemplated by the Land Use Element ("LUE") to the General Plan (approved by voters in 2020). A copy of the April 9th staff report is attached for reference.

During a subsequent Planning Commission meeting on April 15, 2024, Planning Commissioners expressed support for various land uses within the McCaslin Business Park to implement the vision expressed in the LUE. Based upon those discussions, it seems prudent for the City to solicit public input to adopt new land use regulations for what the LUE identifies as "Saturn Park." The LUE was guided by a citizen's oversight committee identified as the "General Plan Advisory Committee"; it is recommended that the City Council create the "Saturn Park Advisory Review Committee" or "SPARC" as described below.

BACKGROUND:

The general background for the future of Saturn Park is contemplated in the April 9th Planning Commission staff report. The recommendation is for the SPARC to be initially comprised of the Mayor, the Mayor pro tem (Saturn Park is located in District 5), and the Assistant City Manager. The Mayor and the Mayor pro tem would each appoint two persons from the community to the SPARC so that a total of seven members would serve on the SPARC. The SPARC would be subject to the Brown Act.

The SPARC is intended to oversee a series of meetings that would engage residents, the business community, and other stakeholders in drafting a Saturn Park Specific Plan ("SPSP") for consideration by the City Council. The SPSP would help implement the LUE by:

- Facilitating the coordination and planning of development within Saturn Park.
- Attracting investment and business to enhance Saturn Park's economic vitality.
- Improve Saturn Park's function and appearance
- Most of all, improving the quality of life for residents, business owners, employees, and visitors through neighborhood enhancements and improvements to public spaces.

To accomplish these objectives, the SPARC would provide ongoing and effective input to the City's Project Team (City staff and consultants) and elected officials. SPARC members would:

- Provide ongoing input that reflects a member's community knowledge, including reviewing and commenting on major work elements and products.
- Help the Project Team gain a broader understanding of public and interest group perspectives.
- Provide suggestions regarding public engagement efforts.
- Act as public engagement ambassadors by inviting/encouraging neighbors, friends, business colleagues, to participate in public engagement activities such as festival booths, workshops, etc.

Decision making within the SPARC would be a process that seeks to achieve mutual agreement. "Mutual agreement" does not necessarily mean that all members of the SPARC are equally enthusiastic about the decision or recommendation. It does mean that everyone in the committee is willing to "live with" the agreement even though some individuals might prefer an alternative solution.

The City already engaged a consultant to assist with developing the SPSP; the Community Development Director would serve as the SPARC liaison and secretary.

FISCAL IMPACT:
There is no immediate fiscal impact associated with the establishment of the SPARC.

Respectfully submitted by:

Diana Garcia
Assistant City Manager

Approved by:

Inez Alvarez
City Manager

Reviewed by:

Karl H. Berger
City Attorney

ATTACHMENT:

1. Staff Report and Attachments from April 9, 2024 Planning Commission Meeting

ATTACHMENT 1
Staff Report and Attachments from April 9, 2024 Planning Commission Meeting

Planning Commission Staff Report

DATE: April 9, 2024

AGENDA ITEM NO: 5-A

TO: The Planning Commission

FROM: Jessica Serrano, Director of Community Development

SUBJECT: **RECEIVE AND FILE** - Discussion of Land Use Regulations and future uses at McCaslin Business Park

RECOMMENDATION:

It is recommended that the Planning Commission consider:

(1) Receiving and filing this staff report as background information; and
(2) Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

This staff report provides the historical context regarding land use considerations in McCaslin Business Park to be used in discussing future uses of the area.

BACKGROUND:

McCaslin Business Park is named after Lowry B. McCaslin (a former All-American [1929] who played for USC) who owned the area between 1937 and his death in 1995. It was originally a quarry for mining decomposed granite. Mr. McCaslin eventually developed the sand and gravel pit into a 73-acre business and industrial park. Residential neighborhoods adjacent to the Business Park were developed during the years 1947 to 1954.

In 1956, the Monterey Park City Council adopted an ordinance that effectively zoned the gravel operations out of business after persons in the residential neighborhoods complained of noise and dust. Mr. McCaslin succeeded in invalidating these restrictions as unconstitutional (*McCaslin v. City of Monterey Park* (1958) 163 Cal.App.2d 399). He began building the industrial park in 1970.

In 1996, the City Council adopted a moratorium on the use and storage of certain hazardous materials within the Business Park. This was in response to Alpha Photonics, Inc.'s proposal to include crystal growing operations as part of their electronics component manufacturing business. The moratorium indicated that:

> "an application for a project at 2019 Saturn Street, Monterey Park, located in the McCaslin Industrial Park. The initial building permit application and plans did not disclose the use or storage of hazardous materials on site. The City subsequently became informed that the proposed use will handle and store certain quantities of hazardous materials. The use and storage of hazardous materials can pose a danger to the City and the City began investigating the

> regulation of the use and storage of these materials. Because of their potential danger, current law provides extensive State and County regulations for the handling and storage of hazardous materials."

The moratorium was extended throughout 1997 until the City Council placed a proposition onto the 1998 ballot (on December 17, 1997) that was later identified as "Measure D." Measure D was approved by voters on April 14, 1998 (Ordinance No. 1933, Attachment 1). Measure D added the "Office Professional" or "O-P" zone to the Monterey Park Municipal Code ("MPMC") as Chapter 21.14.

Most recently, the Measure D regulations were publicly discussed in 2018. At that time, the City discovered that the voter approved regulations in MPMC Chapter 21.14 were improperly changed by Ordinance No. 2097 that was adopted in 2013. This apparently occurred based upon a 2009 internal memorandum from the (then) Community Development Director to the (then) City Manager that asserted the City Council could make changes to MPMC Chapter 21.14 based upon its own authority. Measure D, however, did not delegate authority to the City Council to make any changes to MPMC Chapter 21.14.

The voter approved zoning restrictions in the Business Park are challenging to businesses wishing to locate to that area (see Attachment 2, e.g., letter from 2019 regarding 1977 Saturn). Currently, approximately 75% of the available building space is vacant.

Measure JJ was adopted by voters in 2020 (Ordinance No. 2198). Section 3(A) of Measure JJ provides that the City Council may "implement [Measure JJ] including, without limitation, adopting all zoning regulations needed to effectuate [Measure JJ] by ordinance." Measure JJ designates McCaslin Business Park as "Innovation/Technology" (Land Use Element – Figure LU-3: Land Use Policy Map, Attachment 3). Uses for this designation include research and development; light manufacturing; service commercial; professional offices; entertainment; and breweries/ wineries/distilleries; trade and technical schools; public utilities, and similar uses "per zoning regulations." Prohibited uses are warehousing, freight terminals, vehicle storage, and heavy manufacturing.

Respectfully submitted by:

Jessica Serrano
Director of Community Development

Reviewed by:

Justin A. Tamayo
Deputy City Attorney

ATTACHMENTS:

1. Ordinance No. 1933 – Measure D
2. August 14, 2019 Letter - 1977 Saturn
3. Land Use Element - Figure LU-3: Land Use Policy Map

ATTACHMENT 1
Ordinance No. 1933 – Measure D

ORDINANCE NO. 1933

AN ORDINANCE OF THE PEOPLE OF THE CITY OF MONTEREY PARK, CALIFORNIA, ADDING CHAPTER 21.14, ENTITLED OFFICE PROFESSIONAL, TO THE MONTEREY PARK MUNICIPAL CODE, MODIFYING SECTION 21.70.030 OF THE MONTEREY PARK MUNICIPAL CODE BY ADDING CERTAIN CONDITIONALLY PERMITTED USES IN THE OFFICE PROFESSIONAL ZONE, APPROVING A GENERAL PLAN AMENDMENT AND APPROVING A ZONE CHANGE FOR THE AREA COMMONLY KNOWN AS MCCASLIN BUSINESS PARK FROM MANUFACTURING (M) TO OFFICE PROFESSIONAL (O-P)

THE PEOPLE OF THE CITY OF MONTEREY PARK, CALIFORNIA, DO HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The People find and determine that a Zone Change pursuant to Title 21 of the Monterey Park Municipal Code (MPMC), to change the zoning designation from M (Manufacturing) to O-P (Office Professional), and to establish appropriate development regulations for the O-P zone are in the public interest and consistent with the General Plan.

SECTION 2. The People hereby amend the Monterey Park Municipal Code (MPMC) to establish an O-P (Office Professional) Zone, by adding Chapter 21.14 thereto to read as follows:

Chapter 21.14

O-P --- Office Professional Zone

Sections:

21.14.010 Purpose
21.14.020 Permitted uses
21.14.030 Prohibited uses
21.14.040 Principal uses
21.14.050 Conditional uses
21.14.060 Standards of development generally
21.14.070 Lots
21.14.080 Yards
21.14.090 Building height
21.14.100 Floor area ratio (FAR)
21.14.110 Off-street Parking

21.14.120 Required walls
21.14.130 Trash facilities
21.14.140 Buffering and maintenance of landscaping and easements
21.14.150 Compressors, air-conditioning units or similar mechanical equipment
21.14.160 Lighting
21.14.170 Exceptions
21.14.180 Site development plan approval
21.14.190 Limitations on permitted uses

21.14.010 Purpose. In order to provide for the development of integrated professional, office and limited retail areas that exhibit a diversity of business activity from both revenue and service quality standpoints, and which are compatible and responsive to abutting land uses, including residential developments, the following regulations shall be applicable to all properties classified in the O-P zone.

21.14.020 Permitted uses. No person shall use, nor shall any property owner permit the use of any lot classified in any O-P zone for any use, other than the following as set out in Section 21.14.040 and 21.14.050.

21.14.030 Prohibited uses. All uses not permitted in this chapter shall be prohibited.

21.14.040 Principal uses. The principal uses shall be permitted as follows:

Administrative and professional offices;
Beauty salon or barber shop;
Bookstore;
Cellular phone, telephone and pager store
Coffee shop;
Computer store, sales and service;
Confectionary shop;
Data processing facility;
Delicatessen;
Employment agency;
Financial institutions' corporate offices, no retail banking;
General research facility, not involving testing, manufacturing, fabrication or processing or sale of products, nor the use of a hazardous material that has a degree of hazard rating in health, flammability or reactivity of Class 4 as ranked by U.F.C. Standard 79-3 or succeeding standard;
Gift shop;
Ice cream parlor;
Import and export offices;
Investment service offices, stock brokers;
Jewelry store, sales and service;
Legal offices;

Mail box and service store;
Medical equipment and supplies, sales and service;
Notary public;
Photocopying and blueprinting;
Public utility customer service office
Real estate offices and title companies;
Restaurant, tearoom and cafe;
Service businesses;
Stationery;
Studio, art, dance, martial arts, photography;
Tax consulting;
Tobacco store;
Travel agency;
Video sales and rentals;

21.14.050 Conditional uses. Conditional uses shall be uses specifically enumerated in Section 21.70.030.

21.14.060 Standards of development generally. All premises in the O-P zone shall comply with the following standards of development as set out in Sections 21.14.070 through 21.14.190.

21.14.070 Lots. (a) Lot area. The minimum lot area of each lot shall be five thousand square feet.

(b) Lot width. The minimum width of each lot shall be fifty feet.

(c) Lot depth. The minimum depth of each lot shall be one hundred feet.

21.14.080 Yards. The following minimum yards shall be required on all lots:

(a) Front yard. No minimum front yard is required.

(b) Side and rear yards. Every lot shall have and maintain minimum side and rear yards as follows:

(1) When the side yard is adjacent to a street, the yard shall be at least fifteen feet in depth.

(2) When adjacent to a R-zone, the yard shall be no less than fifty feet, plus five feet in depth for each story above one story of building or each ten-foot increment above fifteen feet in height of building on the O-P zoned lot. Where there is an opening, including but not limited to windows, pedestrian doors and roll-up doors, in any building on the O-P zone facing a yard adjacent to a R-zone, the yard shall be no less than one hundred feet from any opening to the R zoned lot. The yard may be used for parking, excepting a minimum fifteen foot wide area abutting the R-zone which shall be landscaped and maintained in such a condition so as not to violate Section 9.54.010. The required landscaping shall also conform to the standards set forth in Section 21.14.140. When the O-P zoned lot is separated from a R-zone by an alley, a rear yard setback of forty feet shall be provided, as measured from the centerline of the alley. A minimum three-foot wide landscaped planter shall be installed and maintained along the alley, excepting at any vehicular access driveway.

(3) When adjacent to a commercially-zoned or M zoned lot, no yard is required.

21.14.090 Building height. No building or structure in excess of forty feet or three stories shall be located on any lot. Buildings or structures exceeding the height limits may be permitted upon approval of a conditional use permit.

21.14.100 Floor area ratio (FAR). The floor area ratio shall not exceed 0.5 when the lot is less than ten thousand square feet in area. When the lot is between ten thousand and twenty thousand square feet in area, the floor area ratio shall not exceed 0.65. When the lot is more than twenty thousand square feet in area, the floor area ratio shall not exceed 0.8. The floor area ratio may be increased to a maximum of 1.0 for all lots, upon approval of a conditional use permit.

21.14.110 Off-street parking and loading. Each O-P zoned lot shall have and maintain off-street parking and loading facilities as required by Chapter 21.40.

21.14.120 Required walls. Except as otherwise provided in Chapter 21.48, the following standards shall apply: (a) Where any part of the front yard or street side yard of a O-P zoned lot is used for parking or loading, a masonry wall compatible in color with the commercial building and/or sight-obscuring hedge a minimum of three feet in height shall be erected and maintained within a landscaped area a minimum of three feet in width adjacent to the sidewalk at the front or side yard property line as required by Section 21.40.180.

(b) When any O-P zoned lot has a common side or rear lot line with any R-zoned property, a six-foot solid decorative masonry or concrete block wall compatible in color with the commercial building shall be constructed and maintained along all such common side or rear lot lines. Where an easement exists, abutting the common property line, the said decorative wall may be constructed along the boundary of the easement on the commercial lot. A minimum three-foot wide landscaped planter with automatic irrigation system shall be placed adjacent to the wall, planted with trees, shrubs, ground cover and vines. Where a parking lot on the O-P zoned lot abuts a R-zoned lot, the additional parking lot landscaping requirements of Section 21.40.180 shall apply.

21.14.130 Trash facilities. Each O-P zoned lot shall be provided with facilities for the storage and collection of trash as follows:

(a) Any outdoor trash facility shall be enclosed by a minimum five-foot high solid masonry, brick or concrete wall except for the access way which shall be enclosed with solid decorative gates of the same height.

(b) Location and size shall be subject to approval by the planner. When any O-P zoned lot has a common property line with a R-zoned lot, no trash facility shall be located within the required building setback.

(c) Open vehicular and pedestrian access to and from such trash facility shall be provided. No parking spaces shall block such access to the trash facility.

(d) Trash facilities shall be maintained in a closed manner at all times to prohibit visibility from public rights-of-way or adjacent property.

Notwithstanding any other provision of this title, all existing uses, buildings and structures in the O-P zone which do not conform to this Section shall provide a fully enclosed trash facility within six months of the effective date of this ordinance unless providing such trash facility will eliminate any existing required off-street parking spaces.

21.14.140 Buffering and maintenance of landscaping and easements. For O-P zoned lots with side or rear yards that are adjacent to an R zoned lot, the following buffering provisions shall be provided and maintained:

(a) Landscaping, irrigation and maintenance plans shall be required and the plans shall be subject to approval of the design review board under the provisions of Chapter 21.72. The plans shall incorporate, but not be limited to, fifteen-gallon minimum trees at time of planting, interspersed shrubs, ground cover, raised earthen berms and automatic sprinkler systems. The City may require the maintenance plan to include a bonafide service agreement with a City licensed landscaping service business. Maintaining an active service agreement on file with the Community Development Department shall be the responsibility of the owner of the subject property or by his authorized agent.

(b) All landscaped areas and easements shall be maintained in good condition, weed and disease free, and in compliance with Chapter 9.54.

Notwithstanding any other provision of this title, all O-P zoned lots that abut a R zone and do not have landscaping, irrigation and maintenance plans that have been approved by the design review board pursuant to requirements of Chapter 21.72 shall submit a landscaping, irrigation and maintenance plan for design review board approval within six months of the effective date of this ordinance.

21.14.150 Compressors, air-conditioning units or similar mechanical equipment. Each O-P zoned lot which has compressors, air-conditioning units or similar mechanical equipment, located on the roof and outside of the exterior walls of any building or structure, shall comply with the following:

(a) All such equipment shall be installed with permanent sound proofing measures, including but not limited to, enclosures, parapet and sound attenuating walls and screens. All such equipment shall comply with noise standards set forth in Chapter 9.53. The location, type and scope of soundproofing measures for such equipment shall be subject to the approval of the Community Development Department.

(b) All such equipment shall be maintained in a clean and proper condition to prevent collection of litter and filth, emissions of dust or fumes, vibration or electrical disturbances.

21.14.160 Lighting. All outdoor lighting shall be located and shielded so as to prevent the direct spillage of light or glare onto adjacent lots and streets.

21.14.170 Exceptions. Except as otherwise provided in this section, any use, building or structure which is in existence or for which a permit has been issued, as of the effective date hereof, and which conformed to all zoning regulations of the city then in effect at such time, shall not be rendered nonconforming within the meaning of Chapter 21.68, solely by reason of the application of the development standards as set forth in this chapter; provided that any such existing use, building or structure shall comply with the provisions hereof upon a change in use, or upon use, building or structure expansion or reconstruction, in whole or in part.

21.14.180 Site development plan approval. Prior to the issuance of a building permit or business license for any use, building or structure to be located on any lot, as to which the provisions of this chapter apply, the provisions of Chapter 21.72, with regard to site development plans shall be complied with.

21.14.190 Limitations on permitted uses. Every use permitted in the O-P zone shall comply with the following:

(a) All uses shall be conducted totally within a completely enclosed building, except for those uses which are customarily conducted in the open, as determined pursuant to Section 21.06.060 or Section 21.74.030. Those uses conducted in the open shall be no closer than one hundred feet to any R zoned lot, except for parking.

(b) No outdoor storage shall be allowed unless the same is enclosed by a view-obscuring fence or wall, provided that no stored material is visible above the fence or wall, that the fence or wall is approved by the Department of Community Development, and that such storage shall be limited to the accessory storage of items sold or utilized in the conduct of a permitted use on the premises. Where the O-P zoned lot is adjacent to a R zoned lot, no outdoor storage shall be permitted within one hundred feet of a R zoned lot.

(c) No loading and unloading shall be permitted in any required side or rear yard.

(d) Where the O-P zoned lot is adjacent to a R zoned lot, no deliveries of goods and commodities nor loading or unloading shall be conducted during the hours from 10:00 p.m. to 7:00 a.m.

(e) There shall be no overnight parking of vehicles, except those vehicles used in conjunction with a permitted use.

(f) Driveways may not exceed thirty feet in width or sixty percent of the lot frontage.

(g) No use shall be permitted which produces or causes or emits any dust, gas, smoke, glare, noise, fumes, odors, electromagnetic emanations or vibrations which are or may be detrimental to the health, safety, welfare and peace of the city and its residents and businesses.

(h) No use shall be permitted which uses or stores a hazardous material that has a degree of hazard rating in health, flammability or reactivity of Class 4 as ranked by U. F. C. Standard 79-3 or succeeding standard. A business materials usage and operations form shall be filed with the Community Development Department prior to the approval of a certificate of occupancy. Notwithstanding any other provision of this title, all O-P zoned businesses that do not have a business materials usage and operations form on file shall submit a form within six months of the effective date of this ordinance.

(I) No person shall, at any location within the O-P zone, create nor allow the creation of noise which causes the noise level to exceed the applicable noise standards set forth in Chapter 9.53. Where the O-P zoned lot is adjacent to a R zoned lot, the noise level at the property line of the R zoned lot shall not exceed the allowable noise level for residential properties.

SECTION 3. The People hereby amend Section 21.70.030 of the Monterey Park Municipal Code (MPMC) by adding the following conditionally permitted uses:

Use	Zone in which allowed subject to Conditional Use Permit
Auditorium, not within 300 feet of a R-zone	O-P
Buildings exceeding height limit	O-P
Business college (office or medical, dental).	O-P
Child care center, not within 300 feet of a R-zone	O-P
Commercial office or service units which are shared by more than one independently owned business enterprise	O-P
Commercial developments of five or more units or with an area of more than one acre, and within 300 feet of a R-zone	O-P
Financial institution (retail banking)	O-P
Floor area ratio not to exceed 1.0	O-P
Government or public facility, except those owned or operated by the City of Monterey Park	O-P
Gymnasium, reducing salon and health center	O-P
Hotel	O-P
Lot size over an acre	O-P
Places of entertainment, except as otherwise provided in this title . .	O-P

SECTION 4. The People APPROVE General Plan Amendment to change the land use designation in the Land Use Element from Industrial to Commercial for the area set forth in the attached map incorporated herein by this reference, based on the following findings:

1. The proposed General Plan Amendment will protect the health, safety and general welfare of the community as the amendment provides for a land use more compatible with surrounding single family residential development.

2. The proposed General Plan Amendment reflects the conditions of the community and are in keeping with the character of the area. The proposed land use designation of commercial is more compatible than the existing manufacturing designation with the surrounding single family residential areas.

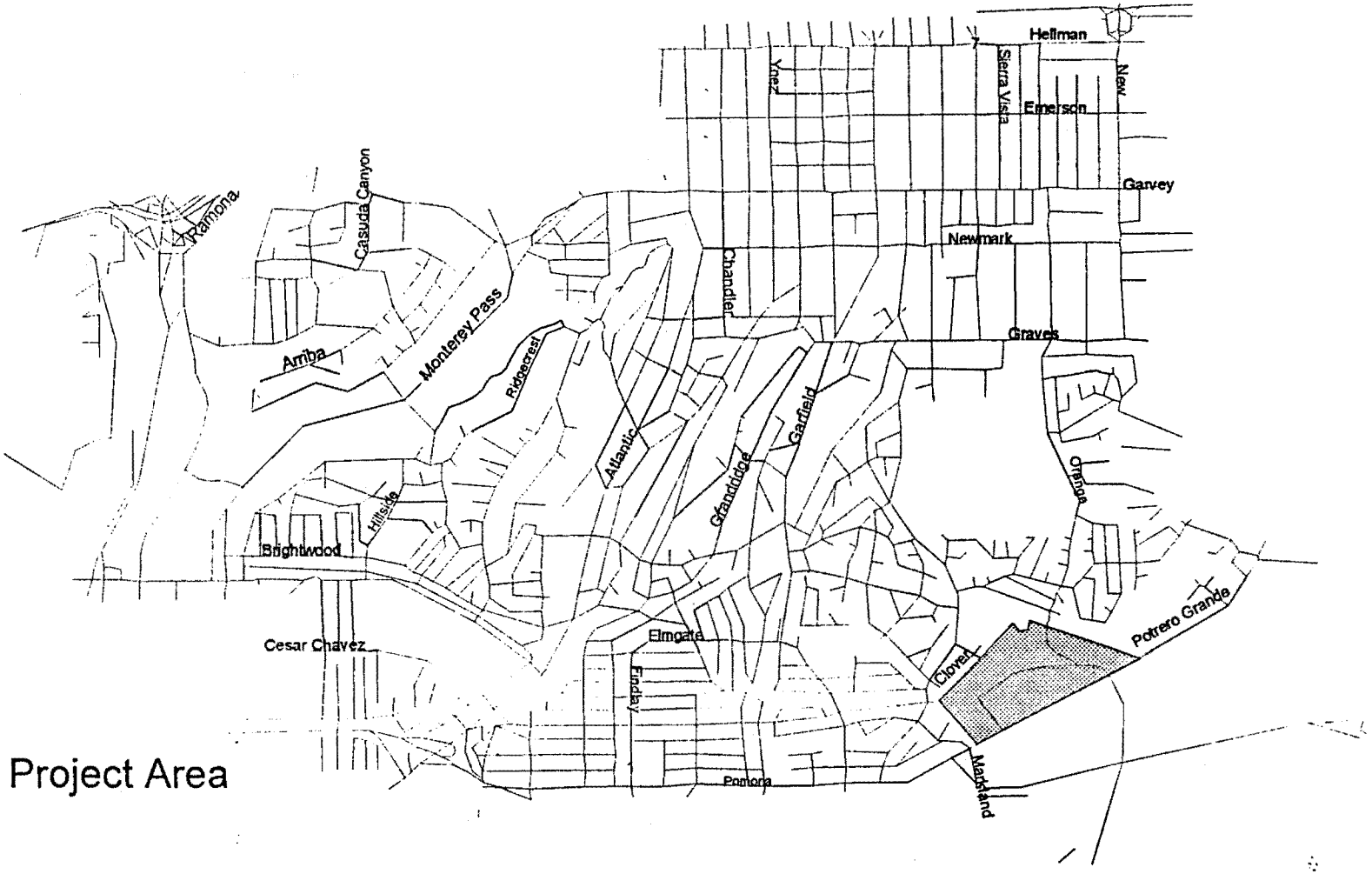
SECTION 5. The People **APPROVE** the Zone Change to change the land use classification from M to O-P for the area set forth in the attached map incorporated herein by this reference.

(1997\OP-.ORD)

REV: 12/30/97
11.45 A.M.

APPROVED AND ADOPTED AT THE APRIL 14, 1998,
SPECIAL MUNICIPAL ELECTION IN THE CITY OF MONTEREY PARK

MCCASLIN BUSINESS PARK GENERAL PLAN AMENDMENT AND ZONE CHANGE



Project Area

ATTACHMENT 2
August 14, 2019 Letter - 1977 Saturn

CITY OF MONTEREY PARK
320 West Newmark Avenue • Monterey Park • California 91754-2896
www.montereypark.ca.gov

City Council
Peter Chan
Mitchell Ing
Stephen Lam
Hans Liang
Teresa Real Sebastian

City Clerk
Vincent D. Chang

City Treasurer
Joseph Leon

August 14, 2019

Lindsay M. Tabaian
Allen Matkins Leck Gamble Mallory & Natsis LLP
865 South Figueroa Street, Suite 2800
Los Angeles, CA 90017-2543
ltabaian@allenmatkins.com

Re: Letter dated June 25, 2019

Dear Ms. Tabaian:

Thank you for your letter dated June 25, 2019 (the "Letter"). As you know, the Letter contains an analysis regarding the potential zoning regulations affecting real property at 1977 Saturn Street within the City of Monterey Park (the "Property"). Further, the Letter requests that the City respond to that analysis so that your client, Apprentice & Journeymen Training Trust Fund ("A&J"), can determine whether to file a development application.

The City Planner is authorized to make interpretations regarding zoning regulations set forth in the Monterey Park Municipal Code ("MPMC").[1] Accordingly, this response to the Letter (the "Response") provides a general interpretation of the MPMC and how it affects the project proposed in the Letter. Nothing in this Response, however, constitutes an approval of a project or a prediction about whether the City would approve any application – whether filed by A&J or another person – affecting the Property. The Planning Commission and City Council are the only decision-making bodies that are legally authorized to make discretionary decisions. Accordingly, nothing in this Response should be relied upon in any transaction or by any person. This Response does not extend to, and may not be used, quoted, referred to, or relied upon by any person, firm, corporation or entity.

- *Only Measure D regulates the Property*

At the outset, please note that the Letter's analysis incorrectly relies upon certain provisions of the MPMC that were codified as a result of the City Council's adoption of Ordinance No. 2097 in 2013. On August 8, 2019 the City Attorney's office provided you with a copy of a staff report dated May

[1] MPMC § 21.02.090.

31, 2018, portions of which are relevant to these parts of the Letter. Specifically, that staff report states this (emphasis is added):

> "Measure D … was approved by voters in 1998. Measure D adopted Ordinance No. 1933 which added Chapter 21.14 to the … MPMC … and established regulations for the "Office Professional" or "O-P" zone. **Measure D does not delegate authority to the City Council to make any changes to MPMC Chapter 21.14**."
>
> "In 2013, the City Council adopted Ordinance No. 2097. That Ordinance made substantial revisions to the MPMC's land use regulations including renumbering and substantially revising MPMC Chapter 21.14 (as added by Measure D). **In accordance with the well established "equal dignities" rule generally applicable to legislation, however, MPMC Chapter 21.14 cannot be amended, repealed or suspended by an action of the City Council; it can only be changed by a voter approved ballot measure. [The City Attorney's] office has not identified a voter approved ballot measure after 1998 that amended MPMC Chapter 21.14.**"

The Letter (on p.2) purports to quote from Measure O (approved by voters in 2001) to support an assertion that voters delegated authority to the City Council to approve amendments to Measure D upon its own authority, i.e., without further need of voter approval. The quoted language, however, is from the City Attorney's Impartial Analysis for Measure O; it is not part of Measure O and does not constitute the voter's delegation of authority. Consequently, the Letter's reliance upon the current MPMC as to its regulation of the O-P zone is misplaced. The only relevant zoning regulations governing the Property are those set forth in Measure D. Accordingly, this Response only reviews the Letter's analysis as it relates to Measure D.

➢ *The Project set forth in the Letter*

The Letter describes a proposed project (the "Project") for the Property using the following Project Components ("PC"):

PC 1. This would be a "vocational college for the Southern California Pipe Trades." The Project would "include i) a school building with several types of training areas (classrooms, hands-on training areas, shops, an auditorium, meeting rooms); ii) administrative offices for various unions, agencies and personnel (housed within the same building); and iii) a large outdoor yard for additional training activities and some storage."

PC 2. The "large outdoor yard for additional training activities" would include "a rigging structure, areas for crane operation/site work, welding stations, sheds and an area for large pipe storage."

PC 3. The Project also proposes to include "several materials that are "hazardous" (per the Fire Code). They will be stored and utilized safely in accordance with all City and Fire Code regulations, and appropriate permits will be obtained from the Fire Department. **Two of these materials-propane and acetylene are "Class 4" substances as referenced in Measure D**."[2]

[2] Emphasis added.

➢ *MPMC and Measure D Regulations*

As noted above, the land uses authorized for the Property are governed by Measure D only. The codified version of the MPMC may only be used to the extent it does not supplant voter's intent as expressed in Measure D. With these principles in mind, the following sections of the MPMC and Measure D are relevant to consideration of the Project[3]:

> MPMC § 21.02.090: "The City Planner has the authority to interpret the use provisions applicable to each zone district identified in this title. In the event that a specific use or type of use is not listed, the City Planner has the authority to determine which listed use is most similar to the proposed use and thereby determine whether the use is permitted, permitted subject to conditional use permit review and approval, permitted as a temporary use, or prohibited. In determining "similarity," the City Planner must make all of the following findings:
>
> (1) The proposed use must meet the intent of, and be consistent with the goals, objectives and policies of the general plan;
>
> (2) The proposed use must meet the stated purpose and general intent of the district in which the use is proposed to be located;
>
> (3) The proposed use cannot adversely impact the public health, safety and general welfare of the City's residents; and
>
> (4) The proposed use must share characteristics common with, and not be of greater intensity, density or generate more environmental impact, than those uses listed in the permitted uses section."
>
> Measure D[4] § 21.14.020: "Permitted uses. No person shall use, nor shall any property owner permit the use of any lot classified in any O-P zone for any use, **other than the following as set out in Section 21.14.040 and 21.14.050**."
>
> § 21.14.030: "Prohibited uses. **All uses not permitted in this chapter shall be prohibited**."
>
> § 21.14.040: "Principal uses. The principal uses shall be permitted as follows … **[a]dministrative and professional offices**…."
>
> § 21.14.050: "**Conditional uses**. Conditional uses shall be uses specifically enumerated in **Section 21.70.030**."
>
> § 21.14.190: "Limitations on permitted uses. Every use permitted in the O-P zone shall comply with the following … All uses shall be conducted totally within a completely enclosed building, **except for those uses which are customarily**

[3] Text may be emphasized for discussion.
[4] References to sections other than those cited to the "MPMC" are to those set forth in Measure D.

conducted in the open, as determined pursuant to Section 21.06.060[5] or Section 21.74.030.[6] Those uses conducted in the open shall be no closer than one hundred feet to any R zoned lot, except for parking.... **No use shall be permitted which uses or stores a hazardous material that has a degree of hazard rating in health, flammability or reactivity of Class 4 as ranked by U. F.C. Standard 79-3 or succeeding standard**. A business materials usage and operations form shall be filed with the Community Development Department prior to the approval of a certificate of occupancy."

§ 21.70.030: "The People amend Section 21.70.030 ... by adding the following **conditionally permitted uses ... [a]uditorium, not within 300 feet of a R-zone ... [b]usiness college (office or medical, dental)**...."

➢ *Project Overview*

Applying the above regulations to the PCs shows the following:

PC 1: It does not appear that the overall Project could be approved as part of a conditional use permit ("CUP") application pursuant to § 21.70.030. While an "auditorium" use is specifically listed as a conditional use, the type of "business college" is restricted to "office or medical, dental." The Project is a vocational college that does not fit into the category of "business college."[7] For reasons explained more fully below (for PC 3), the City declines to utilize a different interpretation since doing so would be contrary to voter direction.

PC 2: The proposed outdoor activities are not those that would be "customarily conducted in the open" were the Project a "business college." Since, as noted in PC 1, the Project is not a "office or medical, dental" type of business college, the proposed vocational activities, e.g., welding, are not associated with the type of "office professional" use required for the O-P zone.

PC 3: Per the Letter, the Project proposes to store and use hazardous materials that are specifically identified in Measure D. Such use would directly violate § 21.14.190 and the voter's intent in enacting that section. The legislative history preceding Measure D's approval demonstrates that the City Council and voters specifically intended to prohibit the storage and use of hazardous materials on the Property and to discontinue the previously allowed manufacturing uses. On December 11, 1996, the City Council adopted Urgency Ordinance No. 1917 which prohibited the storage and use of hazardous materials at the Property. The City Council directed that this moratorium be extended on January 15, 1997; it subsequently adopted Urgency Ordinance No. 1920 on February 5, 1997 to extend the moratorium. The prohibitions contained in Ordinance Nos. 1917 and 1920 were thereafter incorporated into Measure D at § 21.14.190(h).

---

[5] This section is for "[c]larification of ambiguity" in the 1998 MPMC.
[6] This section was recodified to MPMC § 21.02.090, authorizing interpretations of the MPMC.
[7] If the Project is proposed only for professional offices, such would be allowed as a matter of right per § 21.14.040.

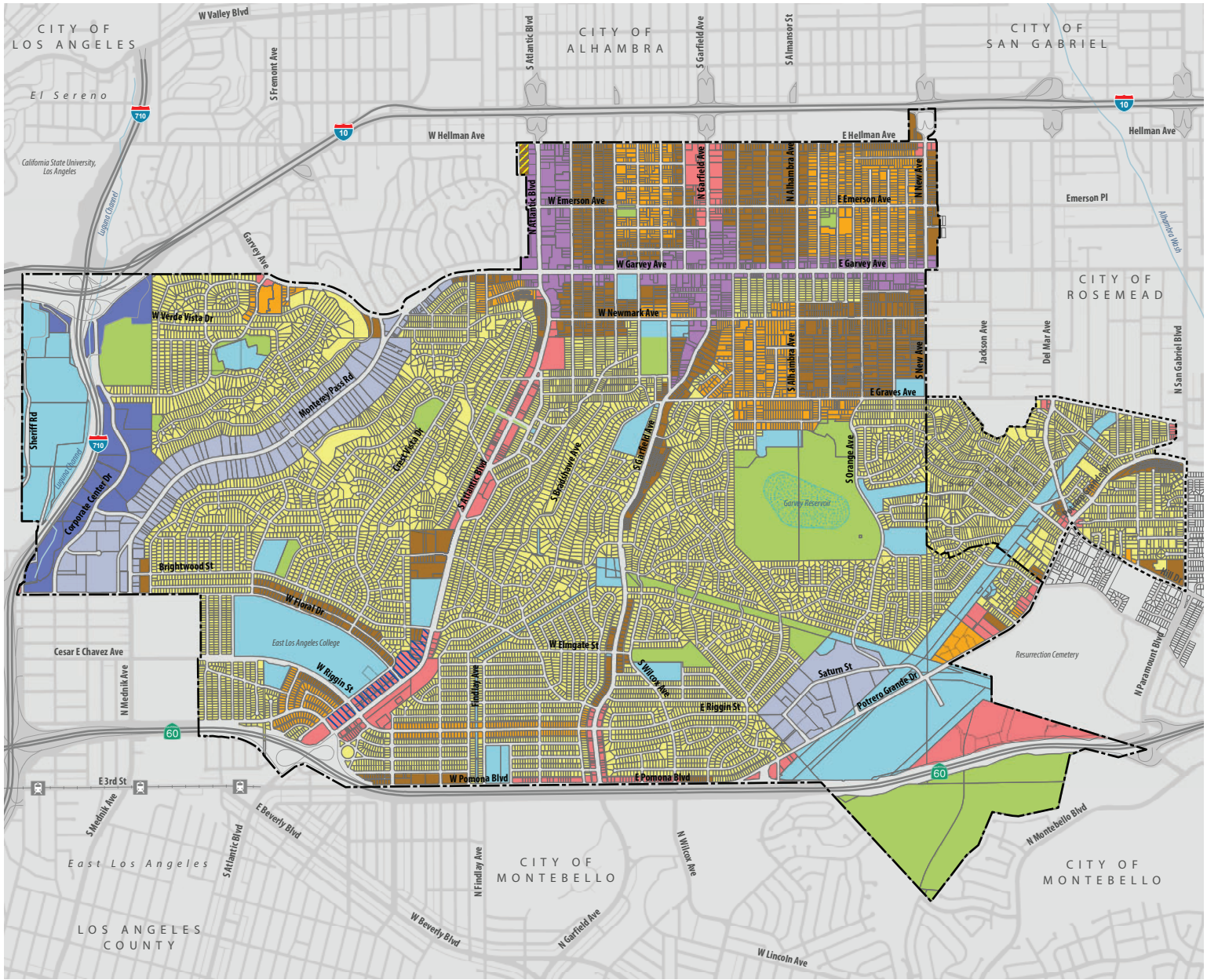
In sum, the Project is not a "business college" as defined by Measure D; the proposed outdoor activities are not those "customarily adopted in the open" for a business college; and storing/using the types of hazardous materials in the Letter would violate Measure D.

Please let us know if you have any questions.

Sincerely,

Mark A. McAvoy, PE
Director of Public Works / City Engineer / City Planner

ATTACHMENT 3
Land Use Element -
Figure LU-3: Land Use Policy Map



Monterey Park 2040

FIGURE LU-3:

LAND USE POLICY MAP

Land Use Designations

- Low Density Residential
- Medium Density Residential
- High Density Residential
- Commercial
- Mixed Use
- Corporate Center
- Innovation/Technology
- Public Facilities
- Open Space
- Housing Overlay I
- Housing Overlay II

Base Map Features

- Monterey Park Boundary
- Sphere of Influence Boundary
- Metro Gold Line and Stations
- Watercourses and Channels
- Garvey Reservoir

Note: Also see Regulating Plan

October 2019

Sources: City of Monterey Park and MIG, 2019.

MIG

0 ¼ ½ 1 Mile

City Council Staff Report

DATE: June 18, 2024

AGENDA ITEM NO: New Business - 5A

TO: The Honorable Mayor and City Council

FROM: Diana Garcia, Assistant City Manager
Jessica Serrano, Community Development Director

SUBJECT: Consideration and possible action to adopt an urgency ordinance implementing interim development regulations for Saturn Park upon a four-fifths vote

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting an Urgency Ordinance upon 4/5 vote pursuant to Government Code § 65858 establishing a moratorium on new development within Saturn Park for 45 days; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

On June 5, 2024, the City Council directed that the City Manager and City Attorney prepare a draft moratorium governing Saturn Park for consideration on the June 18th meeting agenda. If adopted, the draft urgency ordinance would prohibit new permits being issued for development within Saturn Park for at least 45 days. This would allow the SPARC to receive public input regarding recommended land uses as part of the drafting of a Saturn Park Specific Plan ("SPSP") implementing the 2020 Land Use Element adopted by voters via Measure JJ. The moratorium may be extended up to a total of two years.

CEQA REVIEW:

Adopting the Urgency Ordinance is exempt from further environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq*., "CEQA") and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq*.) because it establishes rules and procedures for operation of existing facilities; minor temporary use of land; minor alterations in land use; new construction of small structures; and minor structures accessory to existing commercial facilities. The Urgency Ordinance, therefore, is categorically exempt from further CEQA review under CEQA Guidelines §§ 15301; 15303, 15304(e); 15305; and 15311. Further, the adoption of the Urgency Ordinance is also exempt from review under CEQA pursuant to CEQA Guidelines § 15061(b)(3) because the Ordinance is for general policies and procedure-making. This Ordinance does not authorize any new development entitlements, but simply establishes

policies and procedures for allowing the previously approved project to be constructed. Any proposed project that will utilize the changes set forth in this Ordinance will be subject to CEQA review as part of the entitlement review of the project. The Ordinance will not adversely impact the environment and is therefore exempt from the provisions of CEQA.

BACKGROUND:

The City Council asked that this matter be placed on the agenda for consideration pending the SPARC's efforts to solicit public input for drafting the SPSP. It is anticipated that the SPARC will wrap up its efforts in August or September 2024. Consequently, should the City Council adopt this urgency ordinance, it may need to consider extending a moratorium following a noticed public hearing before August 2, 2024.

As noted in the draft urgency ordinance, a review of existing zoning for Saturn Park shows that it is inconsistent with Measure JJ that voters approved in 2020. Measure JJ adopted the Land Use Element to the Monterey Park General Plan (the "2020 LUE").

The 2020 LUE designates land uses in Saturn Park as "Innovation/Technology." A description of those land uses are included as an exhibit to this staff report. Measure JJ specifically authorizes the City Council to adopt zoning regulations needed to implement this land use designation.

One of the complementary land uses contemplated by the Planning Commission and the City Council for Saturn Park is a residential component. It is anticipated that the SPARC will consider the feasibility of this land use as it considers public input regarding the SPSP. Residential use is desirable as it would help facilitate the City's adherence to its Certified Housing Element; reflects the California Legislature's ongoing efforts to increase housing opportunities; and implements the overall goal of the 2020 LUE as to providing flexible zoning to improve the City's livability.

The need for a moratorium is underscored by interest from private property owners within Saturn Park who already filed applications with the City seeking approvals via Chapter 21.14 of the Monterey Park Municipal Code ("MPMC"). This Chapter was added by voters in 1998 but is now inconsistent with the Monterey Park General Plan, i.e., the 2020 LUE. For land use regulations to be legal, California law (Government Code § 65860) requires that there be consistency between the General Plan and the City's zoning. Voter enacted regulations cannot overcome this requirement.[1]

Adopting a moratorium will provide the SPARC an opportunity to give the City Council an informed recommendation regarding the SPSP. If adopted by a 4/5 vote of the City Council, the urgency ordinance would impose a temporary moratorium on issuing permits for land use entitlements within Saturn Park. The temporary moratorium would expire on August 2, 2024 unless extended before that time.

[1] *See, e.g.*, *Lesher Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 531.

FISCAL IMPACT:
There are no identifiable fiscal impacts with adopting the draft urgency ordinance.

Respectfully submitted by:

Diana Garcia,
Assistant City Manager

Jessica Serrano,
Community Development Director

Approved by:

Inez Alvarez
City Manager

Reviewed by:

Karl H. Berger
City Attorney

Attachment(s)
1. Draft Urgency Ordinance
2. 2020 LUE – Innovation/Technology Land Use

ATTACHMENT 1
Draft Urgency Ordinance

ORDINANCE NO. _____

AN INTERIM ORDINANCE PROHIBITING PERMITS FOR LAND USE ENTITLEMENTS WITHIN THE MCCASLIN BUSINESS PARK TO CONSIDER ADOPTING A SATURN PARK SPECIFIC PLAN IN ACCORDANCE WITH THE LAND USE ELEMENT OF THE GENERAL PLAN

The City Council for the City of Monterey Park does ordain as follows:

SECTION 1: This Ordinance is adopted pursuant to Government Code §§ 36937, 65858, and other applicable laws.

SECTION 2: *Findings.* The City Council finds, determines and declares as follows:

A. The City may adopt and enforce all laws and regulations not in conflict with the general laws and the City holds all rights and powers established by California law.

B. On June 17, 2020, the City Council approved the Land Use Element to the Monterey Park General Plan (the "2020 LUE"). Thereafter, the 2020 LUE was placed onto the November 3, 2020 ballot as Measure JJ. Following voter approval on November 3, 2020, the 2020 LUE (via Ordinance No. 2198) became effective on December 2, 2020.

C. Section 3(A) of Ordinance No. 2198 authorizes the City Council to implement the 2020 LUE by, among other things, adopting zoning regulations. Section 4 of Ordinance No. 2198 provides that Measure JJ must be interpreted to be consistent with all applicable law; Section 6 of Ordinance No. 2198 provides that Measure JJ must be broadly construed to achieve the voter's intent in approving Measure JJ.

D. Monterey Park Municipal Code ("MPMC") Chapter 21.14 was added by Measure D on April 14, 1998 (via Ordinance No. 1933). Measure D provided zoning regulations for the area identified as McCaslin Business Park.

E. The Land Use Policy Map (Figure LU-3 to the 2020 LUE) renamed this area as "Saturn Park" with a designated land use of "Innovation/Technology." Goal 25 of the 2020 LUE directs the City Council to revitalize Saturn Park as a destination business park for high-quality service industry, research and development, and

emerging industry jobs. This directive is further refined via Policy Nos. 25.1 to 25.3.

F. The 2020 LUE also provides that the City Council should ensure flexible zoning regulations; support local businesses; maintain a proactive economic development program; and invest in commercial corridors (Policy Nos. 1.1 to 1.4).

G. The City's Housing Element reflects the City's desire to encourage construction of housing that is attainable for households of all income levels. Among other things, the City Council determined that the City should take proactive actions to increase the availability of dwelling units on underutilized properties (*see*, *e.g.*, Section 5(C) of Resolution No. 2022-R90, adopted November 16, 2022).

H. It is anticipated that the Saturn Park Advisory Review Committee ("SPARC") will consider incorporating a residential component into the SPSP to help enhance the Innovation/Technology land use designation by the 2020 LUE. Among other things, this would:

1. Allow employees to live near their workplace, reducing vehicle trips.

2. Allow companies to offer subsidized housing as an employee benefit and amenity to attract talent.

3. Facilitate a live-work-play environment where residential, office, and recreational spaces coexist.

4. Foster closer social connections and a sense of community among employees who can interact more freely outside of work.

5. Align with the post-pandemic shift towards more flexible and hybrid workplace models.

I. Such efforts are reflected in "real world" developments such as the West Edge in Los Angeles (https://westedgela.com).

J. Additionally, the California Legislature is seeking various methods for promoting housing such as AB 1532 (Haney, 2023) which, were it approved, would allow office conversion projects by right within all zones. While this "Office to Housing Conversion Act" failed to advance within the Legislature, it represents the latest legislative path taken by the Legislature to encourage more housing within

local jurisdictions.

K. A review of the 2020 LUE, the Certified Housing Element (March 30, 2023), and MPMC Chapter 21.14 shows that the existing zoning regulations are inconsistent with the voters' vision for Saturn Park; the zoning regulations must be reconciled with the most recent voter directives in Measure JJ, the California Legislature's directives (as reflected in the City's Certified Housing Element), and California law.

L. In April 2024, the Planning Commission considered conceptual renderings and land uses for Saturn Park during two meetings. Thereafter, on May 22, 2024, the City Council created the SPARC to receive and implement community input for drafting a Saturn Park Specific Plan ("SPSP").

M. On May 23, 2024, representatives from 1980 Saturn met with the Mayor, City Manager, City Attorney, Assistant City Manager, and Community Development Director to plan for a data center at that location – which is a permissible use pursuant to MPMC Chapter 21.14 but inconsistent with the 2020 LUE land use designation for Saturn Park. Additionally, on January 11, 2024, the City's Community Development Department received applications for a conditional use permit and design review for a data center proposed at 1977 Saturn Street.

N. As set forth in the City Council staff report dated June 5, 2024, it is anticipated that the SPARC would conclude its meetings in August or September of 2024 and provide the City Council with its recommendations regarding the SPSP at that time. The SPSP would implement the 2020 LUE as to Goal 25 and the Innovation/Technology land use designation.

O. Without the enactment of this Ordinance, the voter's vision for revitalizing Saturn Park via Measure JJ and the 2020 LUE would be thwarted: pending applications for land uses currently allowed by MPMC Chapter 21.14, if approved, would lock in certain types of land uses for the foreseeable future.

P. The City Council determines that the MPMC requires updating to protect the public against health, safety, and welfare dangers caused by multiple applicants relying upon outdated land use regulations. The City needs additional time to prepare, evaluate and adopt reasonable regulations to implement the voter's direction in Measure JJ and to ensure such regulations are applied in a nondiscriminatory manner.

Q. To prevent frustration of these studies and the implementation of new regulations, the public interest, health, safety, and welfare require enactment of this Ordinance. The absence of this Ordinance would impair the orderly and effective implementation of contemplated MPMC amendments, and any further authorization of these uses within the City during the period of the moratorium may conflict with or frustrate the contemplated updates and revisions of the MPMC.

R. Based on the foregoing, the City finds that that this Ordinance is necessary in order to protect the City from the potential effects and impacts of outdated land uses and the accompanying impacts from traffic and commerce on City streets, impacts on parking availability in the business areas of the City, the aesthetic impacts to the City, and other similar or related effects on property values and the quality of life in the City's neighborhoods.

S. The City Council further finds that this moratorium is a matter of local and City-wide importance and is not directed towards any business that currently seeks to utilize MPMC Chapter 21.14.

T. The City Council finds that this Ordinance is authorized by the City's police powers. The City Council further finds that the length of the moratorium imposed by this Ordinance will not in any way deprive any person of rights granted by state or federal laws, because the moratorium is short in duration and essential to protect the public health, safety and welfare.

SECTION 3: *Environmental Assessment.* Adoption of this Ordinance is exempt from further environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq*., "CEQA") and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq*.) because it establishes rules and procedures for operation of existing facilities; minor temporary use of land; minor alterations in land use; new construction of small structures; and minor structures accessory to existing commercial facilities. This Ordinance, therefore, is categorically exempt from further CEQA review under CEQA Guidelines §§ 15301; 15303, 15304(e); 15305; and 15311. Further, the adoption of this Ordinance is also exempt from review under CEQA pursuant to CEQA Guidelines § 15061(b)(3) because the Ordinance is for general policies and procedure-making. This Ordinance does not authorize any new development entitlements, but simply establishes policies and procedures for allowing the previously approved project to be constructed. Any proposed project that will utilize the changes set forth in this Ordinance will be subject to CEQA review as part of the entitlement review of the project. The Ordinance will not adversely impact the environment and is therefore exempt from the provisions of CEQA.

SECTION 4: *Interim regulations.* The following provisions are adopted as interim requirements for issuing permits pursuant to the MPMC for land uses within Saturn Park, and any construction or operation in the City in conflict with these provisions is expressly prohibited:

A. Restricted Activities. For a period of 45 days after adoption of this Ordinance, the City will not issue a permit or land use entitlement to any person for constructing, placing, or operating within the McCaslin Business Park, i.e., Saturn Park utilizing MPMC Chapter 21.14. The City Manager, or designee, must review any application for a permit or land use entitlement to determine compliance with the provisions of this Ordinance. City employees, and City boards and commissions, are directed to refrain from accepting, processing, or approving any application for any land use entitlement, including, without limitation, use permits, variances, building permits, licenses and certificates of occupancy, necessary for constructing, placing, or operating within the Saturn Park area, and to refrain from processing and issuing approvals for any land use entitlement for any pending applications already received. These restrictions do not apply to construction projects with active building permits and any emergency repairs or replacement of an element of a building, structure, utility system, or equipment that is essential to protect the public health, safety and welfare. These prohibitions will remain effective for 45 days following adoption of this Ordinance.

SECTION 5: *Construction*. This Ordinance must be broadly construed to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 6: *Enforceability*. Repeal of any provision of the MPMC does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 7: *Validity of Previous Code Sections*. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the MPMC or other city ordinance by this Ordinance will be rendered void and cause such previous MPMC provision or other the city ordinance to remain in full force and effect for all purposes.

SECTION 8: *Severability*. If any part of this Ordinance or its application is

deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 9: *Publication.* The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 10: *Report*. Pursuant to Government Code § 65858, the City Manager, or designee, must prepare a report for City Council consideration describing the measures taken to address the conditions which led to adoption of this Ordinance. This report must be provided to the City Council so that it may be considered and issued not later than 10 days before this Ordinance expires.

SECTION 11: *Effective Date.* This Ordinance will become effective immediately upon adoption pursuant to Government Code §§ 36937 and 65858 for the immediate preservation of the public peace, health, safety, and welfare. Pursuant to those statutes this Ordinance is adopted by a four-fifths vote.

SECTION 12: *Expiration Date*. After adoption, this Ordinance will be repealed by operation of law on August 2, 2024, unless a subsequent ordinance is adopted by the City Council that extends this date.

PASSED AND ADOPTED this ____ day of _____, 2024.

_____
Thomas Wong, Mayor

ATTEST:

_____
Maychelle Yee, City Clerk

APPROVED AS TO FORM:

_____
Karl H. Berger, City Attorney

ATTACHMENT 2
2020 LUE – Innovation/Technology Land Use

INNOVATION/ TECHNOLOGY USES

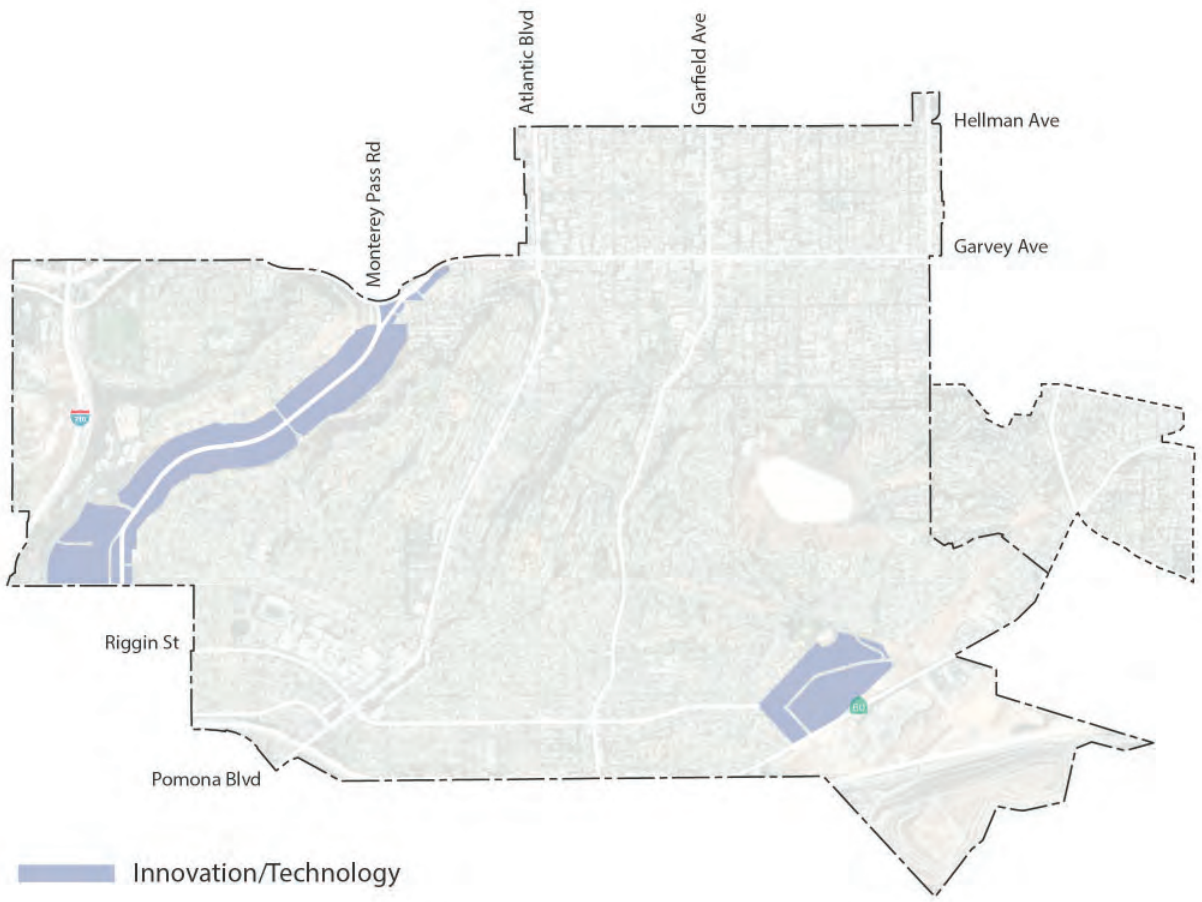
INTENSITIES

MONTEREY PASS
FAR: 0.65
HEIGHT (FT.): 35

SATURN PARK
FAR: 0.60
HEIGHT (FT.): 40

CORPORATE PLACE
FAR: 1.00
HEIGHT (FT.): 50

A list of all land use designated **DENSITIES & INTENSITIES** is provided in Table LU-1.



Technology will continue to evolve rapidly, changing how people work and do business. The City aims to accommodate and encourage new businesses that promote innovation and advances in technology, creating places for high-skilled and knowledge workers. The Monterey Pass Road corridor and Saturn Park district (on Saturn Street) provide prime properties, easy access to arterial roadways and freeways, and locations near housing perfect for new, clean technology, and creative industries.

The Monterey Pass Road corridor and Saturn Park district historically have been areas where a range of industrial businesses—including intensive manufacturing operations—have thrived. However, in Saturn Park, uses transitioned in the latter 1990s to lighter industrial and office enterprises in response to public concerns about the proximity of heavy industrial uses to residential neighborhoods. Along Monterey Pass Road, warehousing, trucking, and auto repair uses increased because of the distance from neighborhoods and relatively easy freeway access. While these uses have provided service-oriented jobs, the City is interested in attracting industries that offer higher-paying jobs and attract people of diverse interests, incomes, and talents who wish to both live and work in Monterey Park.

Properties along Monterey Pass Road and south of Davidson Drive between Monterey Pass Road and Corporate Center Drive have interesting and unique industrial buildings that can be retrofitted for creative office, research and development, and even commercial space such as breweries. The City's goal is to phase out trucking-intensive uses in favor of more environmentally sensitive businesses. Also, the City aims to improve the physical appearance of the corridor with increased landscaping, improved signage, identity lighting, and other public realm interventions. Finally, to provide for better interaction among land uses along the corridor, the City will provide better accommodations for pedestrians and cyclists and control cut-through traffic, as described in the Mobility Element.

Saturn Park will continue to function as a business park, focused on office-type and research and development uses, with supportive commercial businesses. Private reinvestment in properties will be encouraged through higher development intensity allowances. In turn, the City will require greater attention to landscaping, creative site design, and building quality.

GOAL 25 Saturn Park as a destination business park for high-quality service industry, research and development, and emerging industry jobs

Policy 25.1 **Zoning.** Ensure that zoning regulations applicable to Saturn Park permit the range of uses necessary to achieve land use goals, including prohibition on uses involving the storage and use of hazardous materials having a Class 4 ranking (UFC Standard 79-3 or succeeding ranking). Prohibit uses that conflict with the goals.

Policy 25.2 **Market.** Market the Saturn Park district as a premier location in the San Gabriel Valley for emerging technology businesses.

Policy 25.3 **Identity.** Create a distinct physical identity for the Saturn Park district.

ATTACHMENT 3
Ordinance No. 2198, Enactment of LUE

ORDINANCE NO. 2198

REVISED MONTEREY PARK 2040 LAND USE ELEMENT PROPOSITION (MEASURE JJ ADOPTED NOVEMBER 3, 2020).

The People of the City of Monterey Park do ordain as follows:

SECTION 1: *Title*. This proposition is entitled the "Revised Monterey Park 2040 Land Use Element Proposition."

SECTION 2: *Adoption of Land Use Element of the General Plan*. The Land Use Element of the Monterey Park General Plan approved by the City Council on June 17, 2020 (the "2020 LUE") is adopted by this reference as if fully set forth. Because the 2020 LUE is voluminous (more than 100 pages), the full text of the measure may be accessed on the City's website at the following web site address: www.montereypark.ca.gov/MPKLUE/Nov2020.

SECTION 3: *Implementation of this Proposition.*

A. *City Council Authority*. Pursuant to Elections Code § 9217, the People authorize and direct the City Council to promptly take appropriate actions needed to implement this Proposition including, without limitation, adopting all zoning regulations needed to effectuate this Proposition by ordinance. Upon the effective date of this Proposition and notwithstanding any limitation on the City Council's authority set forth in this Proposition or the Monterey Park Municipal Code, all land use regulations adopted by the City Council that are consistent with this Proposition are retroactively ratified and validated by the People.

B. *Reconciliation with Competing Proposition.* In the event another ballot measure (a "Competing Proposition") appears on the same ballot as this Proposition that seeks to adopt, impose, or amend any limitations or restrictions, or other regulations or requirements, including, without limitation, those with respect to the actions authorized by this Proposition, that differ in any respect to or supplement, those contained in this Proposition, the People declare their intention that, if both the Competing Proposition and this Proposition receive a majority of votes cast, the Competing Proposition and this Proposition be fully adopted except to the extent that specific provisions contained in each measure are deemed to be in direct conflict with each other on a "provision by provision" basis pursuant to *Yoshisato v. Superior Court* (1992) 2 Cal. 4th 978. With respect to any such directly conflicting provisions, the specific provisions of the Proposition receiving the greater number of votes will prevail.

SECTION 4: *Interpretation*. This Proposition must be interpreted to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this Proposition is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Proposition. The People declare that this Proposition, and each section, sub-section, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, part, or portion is found to be invalid. If any provision of this Proposition is held invalid as applied to any person or circumstance, such invalidity does not affect any application of this Proposition that can be given effect without the invalid application.

SECTION 5: *Repeal and Supersession*. The People adopt this Proposition with the specific intent of superseding any contrary regulation, including those previously adopted by the People, or administrative policy and procedure. Consequently, all regulations that conflict with this Proposition are repealed or modified to reconcile them with this Proposition.

SECTION 6: *Construction*. This Proposition must be broadly construed to achieve the purposes stated in this Proposition. It is the People's intent that the provisions of this Proposition be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Proposition.

SECTION 7: *Enforceability*. Repeal of any provision of the previous LUE, MPMC, or other ordinance implemented by this Proposition does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Proposition's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Proposition.

SECTION 8: *Validity of Previous Code Sections*. If this entire Proposition or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the 2020 LUE, MPMC, or other ordinance implemented by this Proposition will be rendered void and cause such previous LUE, MPMC provision, or other the ordinance to remain in full force and effect for all purposes.

SECTION 9: *Severability*. If any portion of this Proposition is held by a court of competent jurisdiction to be invalid, the remainder of the Proposition and the application of such provision to other persons or circumstances will not be affected thereby. We the People indicate our strong desire that: (i) the City Council use its best efforts to sustain and reenact that portion, and (ii) the City Council implement this Proposition by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Proposition, and then

adopting or reenacting such portion as necessary or desirable to allow its implementation.

SECTION 10: *Effective Date*. This Proposition will be submitted to a general election on November 3, 2020 for voter approval. If a majority of voters favor of this Proposition, it will become valid and binding 10 days after the date that the City Council certifies the election results in accordance with Elections Code § 9217. The Mayor will sign this Proposition and the City Clerk will attest and certify to the passage and adoption of this Proposition.

EXECUTED this 2nd day of December, 2020.

Yvonne Yiu, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:

Karl H. Berger, City Attorney

Electronic Signatures. This Ordinance may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

ATTACHMENT 4

City Council Staff Report, dated June 17, 2020

City Council Staff Report

DATE: June 17, 2020

AGENDA ITEM NO: **Public Hearing**
Agenda Item 4-A

TO: Honorable Mayor and Members of the City Council

FROM: Mark A. McAvoy, Director of Public Works/City Engineer/City Planner

SUBJECT: Public Hearing to consider draft Land Use Element (LUE) of the General Plan.

RECOMMENDATION:

It is recommended that the City Council consider:

(1) Opening the public hearing;
(2) Receiving documentary and testimonial evidence;
(3) Closing the public hearing;
(4) Adopting a Resolution amending the Land Use Element;
(5) Directing the City Attorney, or designee, to prepare appropriate documents to place a proposition on the ballot for the November 2020 election seeking voter ratification of the City Council's actions; and
(6) Taking such additional, related, action that may be desirable.

SUMMARY:

On June 3, 2020, the draft Land Use Element ("LUE") from the October 28, 2019 meeting was presented to the City Council for review. Along with the draft LUE, the June 3rd staff report summarized the events and reasons that caused the draft LUE to be brought back to the City Council for consideration. The June 3rd staff report also provided a list of the items discussed by the City Council between the October 28, 2019 and December 5, 2019 meetings. Those items were incorporated for voter consideration as Measure II in the March 2020 elections. However, Measure II was not adopted by the voters.

The attached draft LUE does not include the changes requested by the City Council between October 28, 2019 and December 5, 2019, such as the Housing Overlay to Corporate Center.

On June 3rd, the City Council asked for additional discussion on two items: (1) the height limitations for the Market Place; and (2) distance requirements regarding emergency shelters (aka homeless shelters).

Regarding the former, draft Figure LUE-4 (attached) could be added to the draft LUE to show a height allowance of 80 feet on buildings within the Market Place. This was something that the previous City Council considered and added to the LUE on December 5, 2019. It was also part of Measure II.

As to emergency shelters, it is recommended that the City Council consider simply adding a policy to the LUE which is substantially worded like this:

> "It is the City's objective to ensure that those who are in need can access emergency shelters within the City of Monterey Park that are developed in accordance with applicable law and in a manner that protects public health and safety including, without limitation, sensitive receptors such as K-12 schools."

If approved by the City Council, it would be added to the LUE as Policy 6.5. The reason for this recommendation is: (A) California law requires the Housing Element, not the LUE, to address emergency shelters. The City Council has not yet considered the Housing Element; it is scheduled to be considered on or about 2021. Considering the placement of emergency shelters now, rather than as part of the Housing Element, could create conflict between these two elements in the General Plan; and (B) because the LUE, not the Housing Element, requires voter approval, it seems best (considering the defeat of Measure II) to only use the LUE that was vetted by the GPAC, Planning Commission and City Council in the Fall of 2019. Making potentially controversial changes to that version of the LUE (based upon the March 2020 election experience) could create another opportunity for voters to reject a ballot measure in November 2020. A voter approved LUE is crucial to the City's efforts to implement its Business Recovery Program and help restart the local economy.

To avoid any potential complications, the City Council should consider the question of placing emergency shelters after an assessment of available locations for emergency shelters in relationship to their proximity to schools and residences. At that point, the City Council could make necessary amendments to the Monterey Park Municipal Code to implement the Housing Code with reference to the LUE's objectives.

At this time, staff is seeking further direction on the draft LUE and whether to place it on the November 2020 ballot for voter consideration. All ballot propositions should be placed onto the ballot by the end of July 2020.

CEQA (California Environmental Quality Act):

On December 5, 2019, the City Council certified the Final Focused Environmental Impact Report and adopted Mitigation Measures, Findings of Facts and Statement of Overriding Consideration for the Land Use Element. Since no substantive changes have been made to the Land Use Element since December 5, 2019 no additional CEQA analysis or recirculation is required for the attached draft Land Use Element. An environmental review statement that the Certified Environmental Impact Report's project description includes the Planning Commission recommended document is attached.

ALTERNATIVE CONSIDERATIONS:

None.

FISCAL IMPACT:

No foreseeable costs associated with this staff report.

Respectfully Submitted by:

Mark A. McAvoy
Director of Public Works/City Engineer/City Planner

Prepared By:

Samantha Tewasart
Senior Planner

Ron Bow
City Manager

Reviewed by:

Karl H. Berger
Assistant City Attorney

Attachments:

Attachment 1: Draft Resolution
Attachment 2: Draft Monterey Park General Plan Land Use Element (from October 28, 2019, plus two items added by the City Council)
Attachment 3: Environmental Review Statement
Attachment 4: City Council Staff Report dated October 28, 2019
Attachment 5: City Council Staff Report dated November 20, 2019
Attachment 6: City Council Staff Report dated December 5, 2019
Attachment 7: City Council Staff Report dated June 3, 2020

ATTACHMENT 1
Draft Resolution

RESOLUTION NO.

A RESOLUTION AMENDING THE PREVIOUSLY ADOPTED MONTEREY PARK LAND USE ELEMENT TO THE GENERAL PLAN SUBJECT TO VOTER RATIFICATION.

The City Council of the City of Monterey Park does resolve as follows:

SECTION 1. The City Council finds and declares that:

A. Government Code §§ 65300-65302 require the City to adopt and maintain a General Plan that contains certain elements, describes its long-term goals, and develops policies and programs to achieve those goals. By statute, a General Plan is required to be updated "periodically";

B. On December 5, 2019, the City Council adopted a new LUE which was subsequently placed on the ballot for voter consideration as Measure II;

C. On March 3, 2020, a General Municipal Election was held; Measure II was not approved by voters;

D. The City is currently proposing an amendment to the LUE (the "Project") adopted by the City Council on December 5, 2019. The Project is the LUE reviewed by the City Council on October 28, 2019 and does not include changes requested by the City Council between October 28, 2019 and December 9, 2019;

E. The Project is consistent with the September 24, 2019 Planning Commission adopted Resolution No. 15-19 recommending that the City Council approve the proposed project;

F. The City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the "CEQA Guidelines");

G. Notice of Public Hearing before the City Council were duly given and published in the time, form and manner as required by law; and

H. On June 17, 2020 the City Council held a public hearing regarding the Project. This Resolution, and its findings, is adopted based upon the evidence set forth in the entire record including, without limitation, documentary and testimonial evidence; the staff report; and such additional information set forth in the entire administrative record that is too voluminous to reference, but is on file with the City Clerk's office.

SECTION 2. *Factual Findings and Conclusions.* The City Council finds that the following facts exist and makes the following conclusions:

A. In 2018 the City Council directed staff to begin comprehensive updates to the Monterey Park General Plan; the first element to be considered is the Land Use Element (LUE).

B. The City proactively engaged the public regarding the focused update to the General Plan including: (1) creating the General Plan Advisory Committee (GPAC); (2) conducting stakeholder interviews; (3) creating a public website for the Project; (4) circulating a community survey; (5) polling participants of the Cherry Blossom Festival regarding land use alternatives; (6) hosting a public meeting to present the General Plan's technical findings; and (7) holding an environmental scoping meeting.

C. On September 24, 2019, the Planning Commission adopted Resolution No. 15-19 which recommended that the City Council adopt a new LUE.

D. On October 28, 2019, the City Council considered the LUE recommended by the Planning Commission. Thereafter, the City Council made changes that were incorporated into the LUE adopted by the City Council on December 5, 2019. That LUE required ratification by the voters in the City of Monterey Park.

E. Between October 28, 2019 and December 5, 2019, the City Council conducted a public hearing to consider changes to the LUE proposed by the GPAC and Planning Commission.

F. The LUE attached as Exhibit "A," and incorporated by reference, is the LUE recommended by the Planning Commission with any, minor, changes made by the City Council on June 17, 2020 ("2020 LUE"). The 2020 LUE contains a thorough and adequate treatment of land use, economic, environmental and development issues within the realm of the planning period.

D. The 2020 LUE is internally consistent and would not be a detriment to the public interest, health, safety, convenience, and welfare of the City.

E. The 2020 LUE encourages appropriate land uses, preservation of neighborhood character and natural resources, infill of vacant land area, new multi-family residential development, provision of urban services and utilities, pedestrian facilities and enhancement of the property tax base.

SECTION 3. *Environmental Assessment.* The City Council makes the following environmental findings:

A. On December 5, 2019, the City Council certified the Final Focused Environmental Impact Report and adopted Mitigation Measures, Findings of Facts and Statement of Overriding Consideration for the LUE. Since no substantive changes have been made to the Land Use Element since December 5, 2019, no additional CEQA analysis or recirculation is required for the 2020 LUE. An environmental review statement that the Certified Environmental Impact

Report's project description includes the Planning Commission recommended document was prepared.

SECTION 4. *Actions.* The City Council adopts the 2020 LUE, subject to voter ratification on November 3, 2020.

SECTION 5. *Reliance on the Record.* Each and all of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 6. *Limitations.* The City Council's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the City Council's lack of knowledge of future events. In all instances, best efforts were made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 7. *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 8. If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining previsions or applications and, to this end, the provisions of this Resolutions are severable.

SECTION 9. The City Clerk is directed to mail a copy of this Resolution to any person requesting a copy.

SECTION 10. This Resolution becomes effective immediately upon adoption.

PASSED, APPROVED, AND ADOPTED this June 17, 2020.

_____
Hans Liang, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:

Karl H. Berger, Assistant City Attorney

ATTACHMENT 2

Draft Monterey Park General Plan Land Use Element (from October 28, 2019)

MONTEREY PARK

Land Use and Urban Design Element

Monterey Park 2040

OCTOBER 28, 2019

WELCOME
DOWNTOWN

MONTEREY PARK

Land Use and Urban Design Element

City of Monterey Park
320 West Newmark Ave.
Monterey Park, CA 91754

www.montereypark.ca.gov

Revised for City Council Hearing
October 28, 2019

acknowledgements

The City would like to thank everyone involved including those who served in an official capacity as acknowledged below.

CITY COUNCIL

Mayor
Peter Chan

Mayor Pro Tem
Hans Liang

Council Member
Mitchell Ing, M.B.A.

Council Member
Teresa Real Sebastian, J.D.

Council Member
Stephen Lam

PLANNING COMMISSION

Theresa Garcia Amador

Ricky Choi

Eric Brossy de Dios

Delario Robinson

GENERAL PLAN ADVISORY COMMITTEE

Nancy Acuri
Walter Beaumont
Jack Chiang
Rodrigo Garcia
Michael Hamner
Paul Isozaki
Danny Johnson
Dave Jones
Yukio Kawaratani
Lincoln Lee
Bob Machuca
Joe Reichenberger
Michael Schlegel
Thomas Wong
Yvonne Yiu
Chet Yoshizaki

CITY STAFF

Ron Bow
City Manager

Mark Hensley
City Attorney

Karl Berger
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Samantha Tewasart
Senior Planner

Tom Welch
Economic Development Project Manager

Mark McAvoy
Public Works Director/City Engineer

Frank Lopez
Assistant City Engineer

Inez Alvarez
Recreation and Community Services Director

CONSULTANTS

MIG

KOA
Transportation

The Natelson Dale Group, Inc.
Economics

01 **Introduction**

02 **Context**
a. Regional
b. Planning Area

03 **Monterey Park 2040**
a. Challenges
b. Big Ideas Moving Forward

04 **Understanding Land Use Terms**

05 **Land Use Plan**
a. Land Use Policy Map
b. Land Use Designations
c. Regulating Plan
d. Implications of Land Use Policy
e. Land Use Plan Buildout

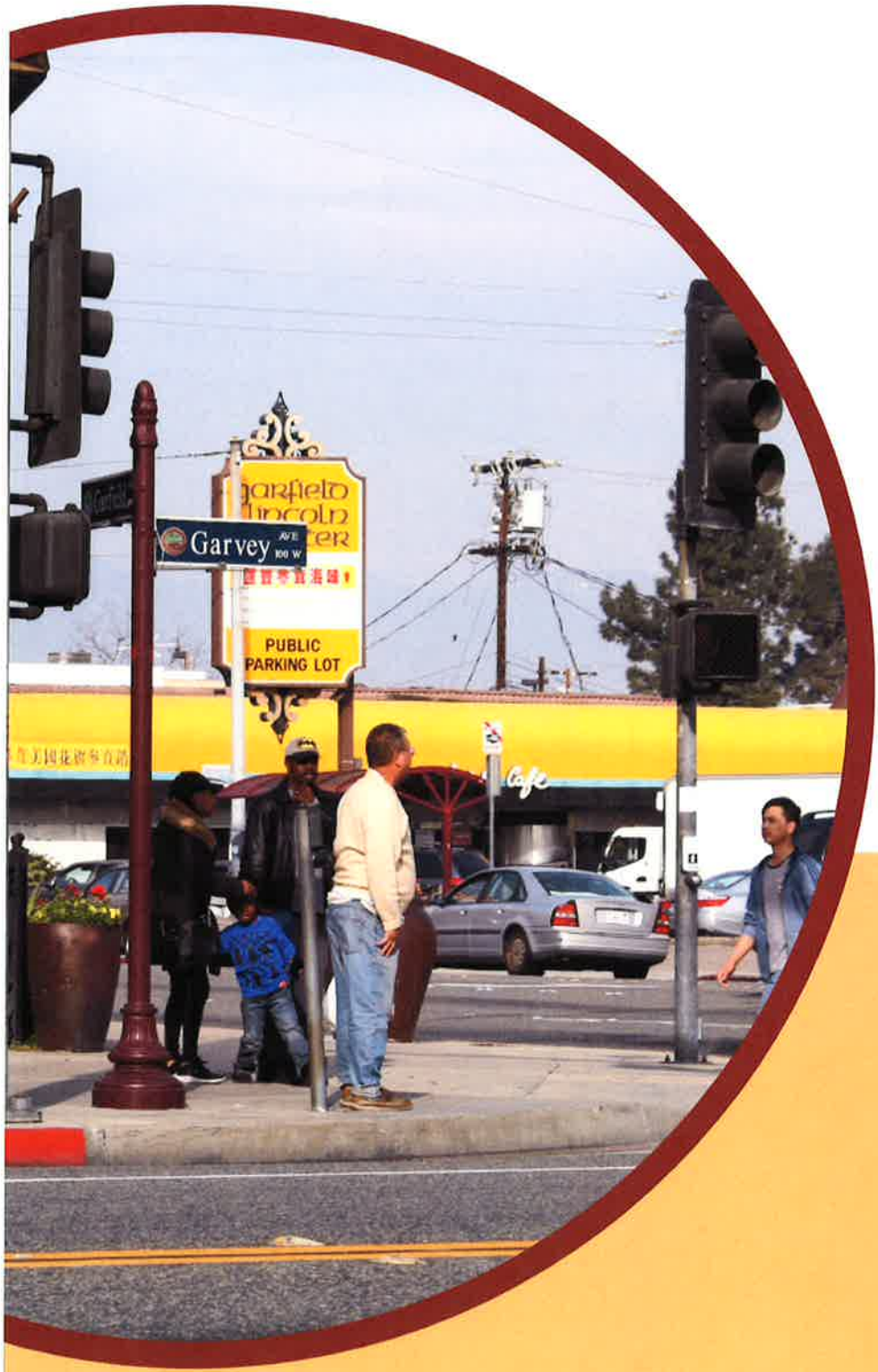
06 **Goals and Policies**
a. Citywide
b. Residential
c. Commercial
d. Mixed Use
e. Innovation/Technology
f. Corporate Center
g. Public Facilities
h. Open Space

Implementation Plan

"My Monterey Park will continue to grow in its vibrancy and diversity. I see Monterey Park as a model for neighboring cities and as an introduction to the San Gabriel Valley for our Los Angeles friends to the west. "

- Monterey Park resident

INTRODUCTION



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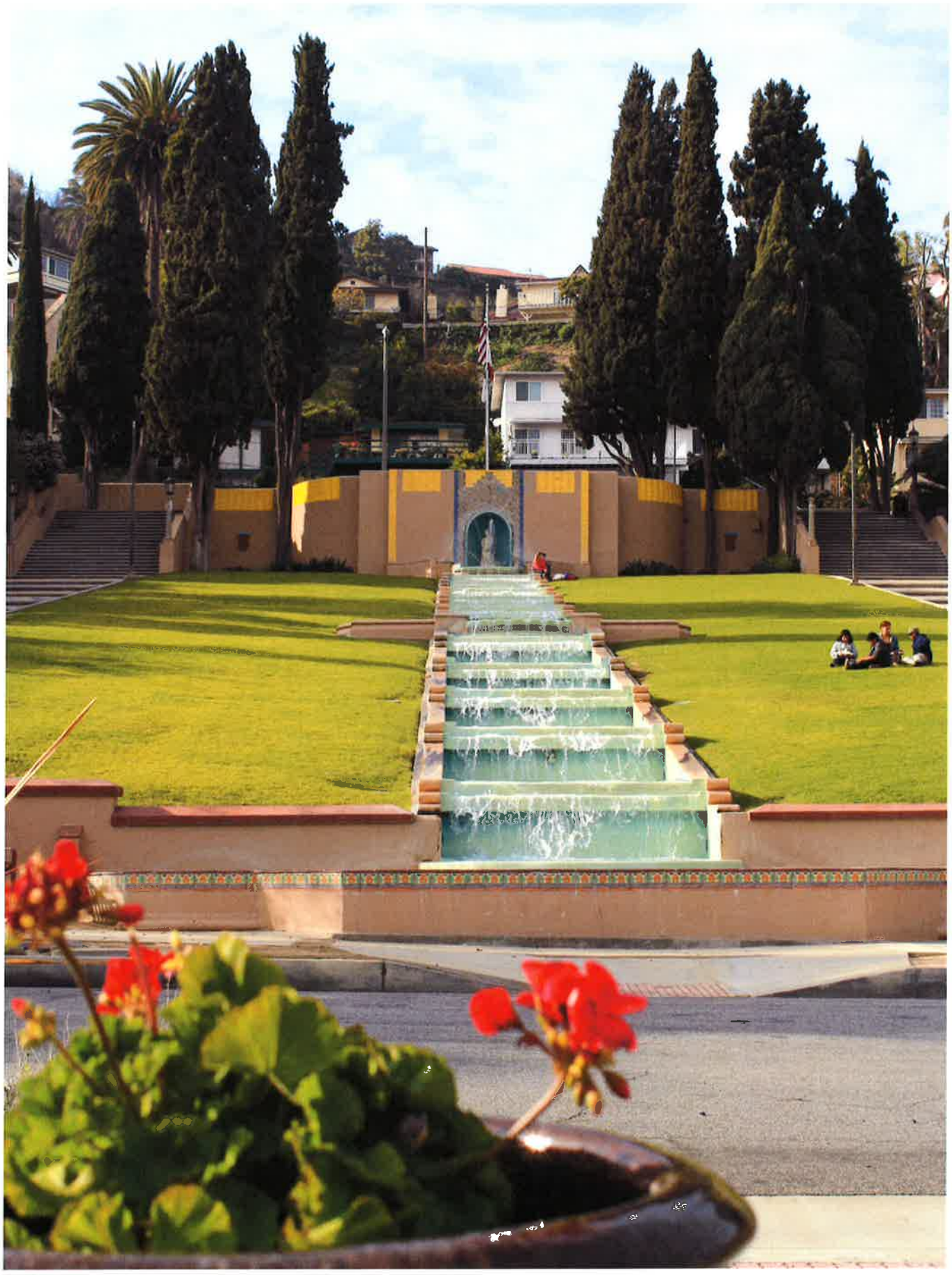


01

INTRODUCTION

The types and physical distribution of land uses in Monterey Park—the residential neighborhoods, business district, parks, and community gathering places—affect the quality of life and local experiences for residents, people who work here, and visitors. By carefully crafting the interrelationship of uses and the urban form, we can create distinct places that encourage interaction, promote community pride, and support successful enterprises critical to economic development.

This Land Use and Urban Design Element sets forth a resident-inspired vision to guide growth and development through the year 2040 by designating the future use and reuse of land within the City of Monterey Park and adjacent lands within the City's designated sphere of influence, the unincorporated community of South San Gabriel. This element establishes long-range goals for the physical development of the community, both in terms of land use type and intensity, as well as urban character and form. The element also provides the framework for all other General Plan elements, since the way land is used in Monterey Park affects:

- The design of the circulation system (Mobility Element);
- How the City pursues new business activity (Economic Development Element);
- Where new housing development occurs (Housing Element);
- How the City provides urban services to residents and businesses (Safety and Community Services Element);
- How open space and similar resources are allocated for many purposes: parks, environmental resource protection, and passive recreation, among others (Resources Element);
- The ability of the City to achieve its sustainability, resiliency, and healthy community goals (Sustainable Community and Healthy Community Elements).

Foremost, this element supports the community's desire to protect those features of Monterey Park that distinguish the city: its diverse residential neighborhoods, the cherished parks, and business districts that attract people from throughout the region and beyond to unique restaurants and shops. At the same time, the goals and policies look toward the need to ensure the City's long-term fiscal health, accommodate housing demands for all household income levels, and respond to the rapidly evolving ways in which people shop and spend leisure time.

California planning law requires that the Land Use Element designate "the proposed general distribution and general location and extent of the uses of the land" for a variety of purposes [Government Code Section 65302(a)]. Through maps and text, this element defines the distribution and intensity of development of residential neighborhoods, commercial and employment districts, mixed-use environments, parks and other open spaces, and governmental and institutional uses of property in Monterey Park. In particular, the Land Use Policy Map and Regulating Plan present graphical representations of land use policy.

"In looking to the future, Monterey Park will have more mixed-use development, improved alternative transportation options, and varied entertainment amenities. This city will become a major jobs center."

- Monterey Park resident

CONTEXT

2

02

CONTEXT

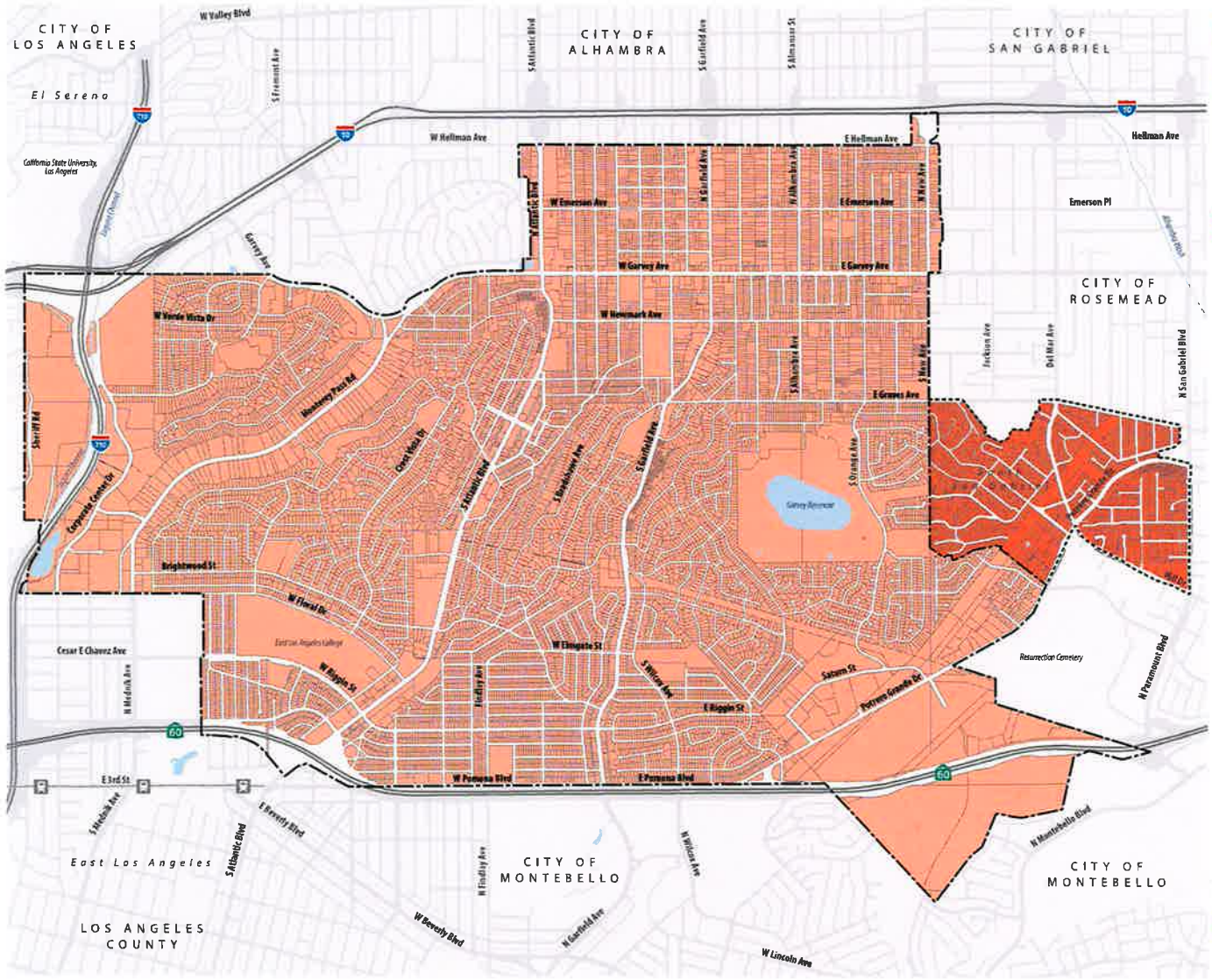
REGIONAL

Monterey Park lies seven miles east of downtown Los Angeles, at the western edge of the San Gabriel Valley. Several freeways connect the City to downtown and destinations throughout Los Angeles County and beyond: the Pomona Freeway (SR-60) on the south, the San Bernardino Freeway (I-10) to the north, and the Long Beach Freeway (I-710) to the west. Regional arterial roads traversing the City include Garvey Avenue, Atlantic Boulevard, and Garfield Avenue. And for people who opt to use transit to get around, the Metro light rail system and bus lines serve Monterey Park directly, as does the Montebello bus lines.

The hilly terrain that distinguishes Monterey Park from its neighboring cities creates distinct neighborhoods and districts, including neighborhoods offering panoramic views of downtown and the San Gabriel Valley. These neighborhoods—and Monterey Park as a whole—are largely built out, with development opportunities limited to a few scattered vacant parcels and the redevelopment of aging or underperforming properties. To encourage new housing, new businesses, and reinvestment, Monterey Park has increased allowable development intensities in its commercial districts and embraced mixed-use developments. This traditionally suburban community offer districts of urban-scale living and commerce amid the beloved neighborhoods of single-family homes. The region has transformed but continues to support diverse lifestyle choices for all.

THE PLANNING AREA

The City of Monterey Park encompasses approximately eight square miles (3,980 acres), and the sphere of influence area covers 289 acres. California law defines a sphere of influence as the probable physical boundary and service area of a local agency, as determined by the Local Agency Formation Commission (LAFCO) (Gov't. Code §56076). Together, these are the 4,270-acre Planning Area; see Figure LU-1 (Planning Area). While the City has no formal authority within the sphere of influence, it is empowered by the State to consider and proactively plan for areas that bear relation to the City's future.


CITY OF LOS ANGELES
CITY OF ALHAMBRA
CITY OF SAN GABRIEL
CITY OF ROSEMEAD
CITY OF MONTEBELLO
CITY OF MONTEBELLO
East Los Angeles
LOS ANGELES COUNTY
El Sereno
California State University, Los Angeles
W Valley Blvd
W Hellman Ave
E Hellman Ave
Hellman Ave
W Emerson Ave
E Emerson Ave
Emerson Pl
W Garvey Ave
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W Newmark Ave
E Graves Ave
W Verde Vista Dr
Monterey Pass Rd
Crest Vista Dr
Brightwood St
W Floral Dr
Cesar E Chavez Ave
W Elmgate St
W Riggin St
E Riggin St
Sacra St
Potrero Grande Dr
Resurrection Cemetery
W Paramount Blvd
W Pomona Blvd
E Pomona Blvd
E 3rd St
E Beverly Blvd
W Beverly Blvd
W Lincoln Ave
W Montebello Blvd
N San Gabriel Blvd
Del Mar Ave
Jackson Ave
S Atlantic Blvd
S Garfield Ave
S Fremont Ave
S Almansor St
N Hudson Ave
N Medoria Ave
N Findley Ave
N Wilcox Ave
N Garfield Ave
S Orange Ave
S Wilcox Ave
S Rosemead Blvd
Garvey Reservoir
Monterey Park
2040
FIGURE LU-1:
PLANNING AREA
Planning Area
City of Monterey Park (Incorporated)
Sphere of Influence (Unincorporated)
Base Map Features
Monterey Park Boundary
Sphere of Influence Boundary
Metro Gold Line and Stations
Water Courses
Waterbodies
October 2019
Sources: Los Angeles County Assessor, 2019.
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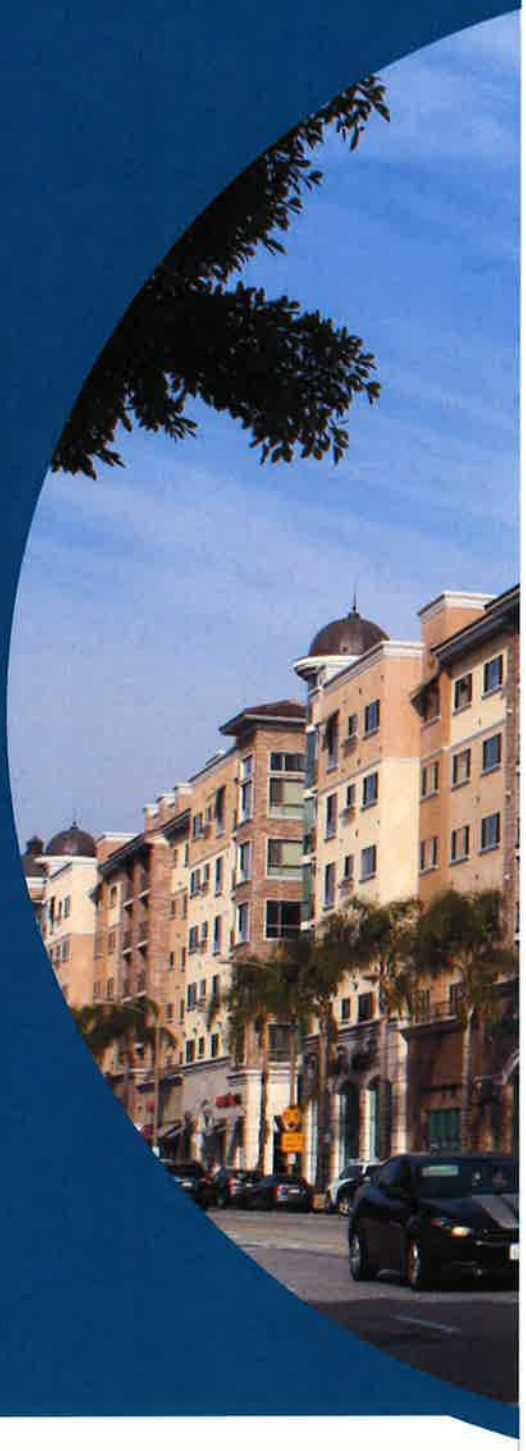
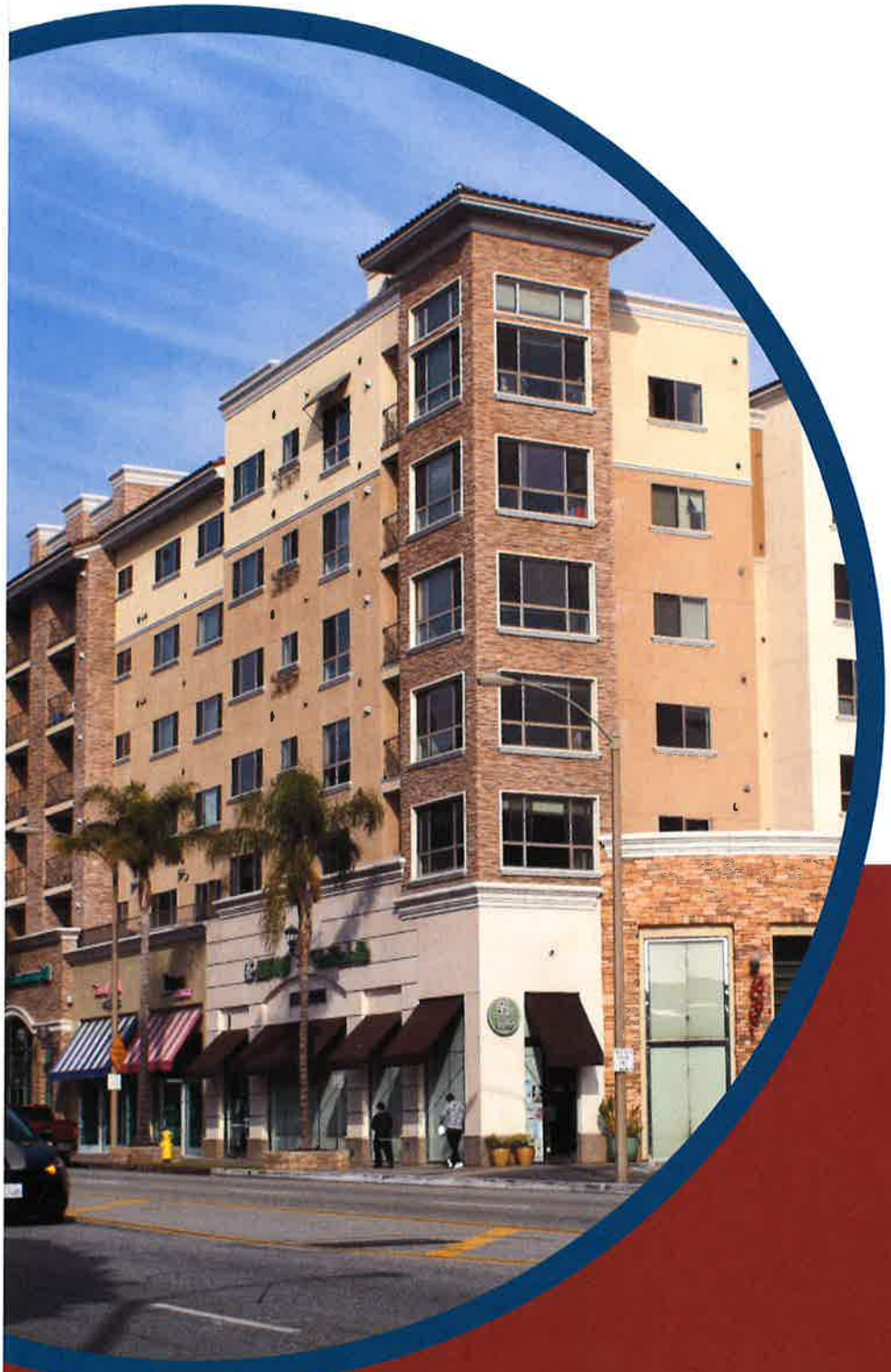
"My favorite place in Monterey Park?
My neighborhood.
My neighbors."
- Monterey Park resident





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03

MONTEREY PARK 2040

CHALLENGES

Through a comprehensive public engagement process, community members identified challenges.

Built Out and Inadequate Lots. Monterey Park has limited vacant land available for new development. Narrow and shallow lots and multiple property ownership along commercial corridors (i.e., Garvey Avenue and of Atlantic Boulevard) create hurdles for larger, cohesive development projects.

Unimproved Older Buildings. Older buildings with tired facades and outdated systems (plumbing, ventilation) are common along the commercial corridors. Many buildings have not been improved for quite some time and, therefore, do not encourage the highest and best use tenants. As the buildings age, the properties will continue to attract marginal tenants, resulting in reduced sales tax revenue.

Lackluster Streetscape. Streetscapes lack character and placemaking elements that create a sense of place and identity. Wayfinding signage is limited; gateways are poorly defined or absent. The paucity of street trees along some corridors creates a less desirable walking experience.

Lack of Commercial Diversity. Monterey Park is a regional draw for authentic Asian food: however, restaurant diversity is lacking. As a result, residents seek restaurant alternatives elsewhere. Similarly, Monterey Park lacks general merchandise retail. Many residents leave Monterey Park to do basic shopping, thus increasing vehicles miles traveled and reducing sales tax revenue to fund community services and facilities.

Inadequate Parking. Some neighborhoods and commercial districts do not have enough off-street parking, which creates crowded street conditions. Commercial parking may spill over into surrounding neighborhoods. Parking inavailability can lead to increased congestion and vehicle exhaust as drivers circle local streets seeking available parking.

Cost and Shortage of Housing Options. The high cost of housing—and lack of land to build new housing—concerns many residents, particularly because their adult children cannot afford to purchase a home in the community. New and different housing types aimed at younger adults and families are desired.

Design Preference Toward Vehicles. Driving is the preferred transportation option. The large single-family neighborhoods, hillsides, and lack of street grid in some areas create an environment that makes walking difficult.

BIG IDEAS MOVING FORWARD

The Land Use and Urban Design Element proposes a number of big ideas for land use change over time that reflect community goals, address land use challenges, and move the City toward achieving its full potential.

Strategic Development Opportunity. Allow for increased development opportunities along corridors and districts, where access to freeways and arterial roadways optimize economic development potential.

Attract Quality Employment Opportunities. Pursue technology, professional, managerial, and tourism industries that can translate to higher-quality employment opportunities.

Protect Low-Density Residential Neighborhoods. Create buffers between established low-density residential neighborhoods adjacent to higher-intensity development. Identify transition areas where potentially higher building heights will directly abut low-density residential neighborhoods. In the transition areas, integrate design approaches that step down building heights toward the homes, increase building setbacks, and incorporate landscaped buffers to address potential privacy, shade and shadow, noise, and

Pedestrian-Friendly Environments and Outdoor Spaces. Improve streetscape and building frontages—and specifically building store-front transparency—to create vibrant places for the pedestrian experience. Create unique urban public spaces that allow people to socially connect and gather in outdoors spaces. Outdoor dining spaces, comfortable outdoor "living rooms," flexible courtyards and plazas, and innovative of use of streets and sidewalks create exciting and unique destinations.

Environmentally Friendly Design. Promote sustainable building and site design approaches that minimize resource consumption and protect the environment. Approaches include using green building strategies, creating pedestrian-friendly environments to reduce vehicles trips, and integrating renewable energy approaches to minimize greenhouse gases and to sustain limited resources over the long term.

Build on Tourism and Hospitality. Maximize hospitality uses—such as restaurants and hotels—in key areas of the city. Encourage restaurant and ancillary commercial uses along Corporate Drive to complement long-established professional office uses.

Flexible Zoning Options. Emphasize adjusting implementation tools to ensure that flexible zoning options allow for greater development opportunities for developing places that allow mixed-use development, housing, and emerging business types.

"My favorite places in Monterey Park are all the mom-and-pop eateries. Whether it's going to my trusty usual places or trying new restaurants, our community of small businesses and our food scene make Monterey Park special. We stand out from other nearby cities because of this sort of small-town charm."

- Monterey Park resident

UNDERSTANDING LAND USE TERMS

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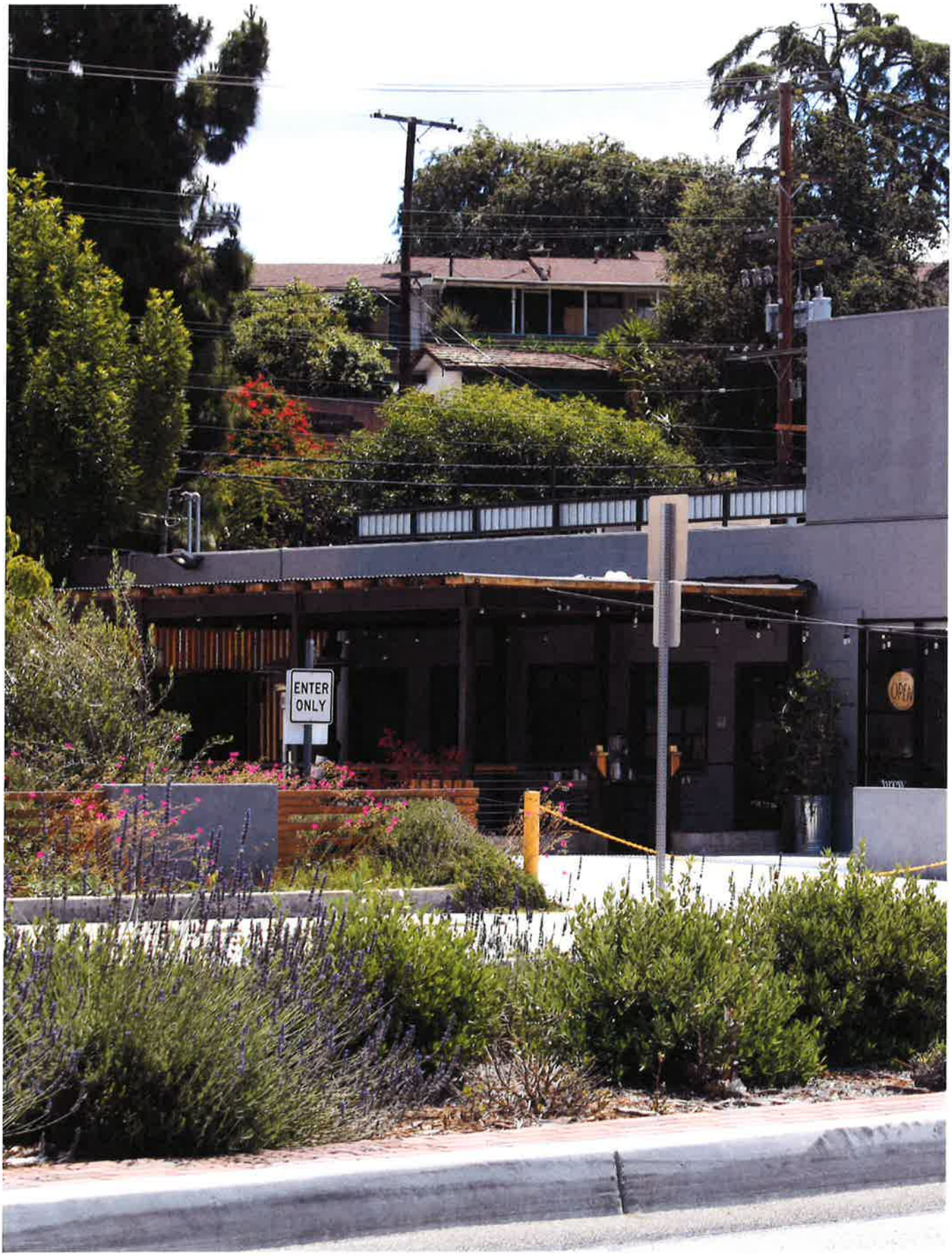
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UNDERSTANDING LAND USE TERMS

The following terminology is used to describe planning strategies and design features applicable to public spaces and private development.

FLOOR AREA RATIO (FAR)

Floor Area Ratio (FAR) is a ratio of the gross floor area permitted on a site divided by the total net area of the site. Intensity is measured in FAR and typically describes nonresidential uses.

DWELLING UNITS PER ACRE (DU/AC)

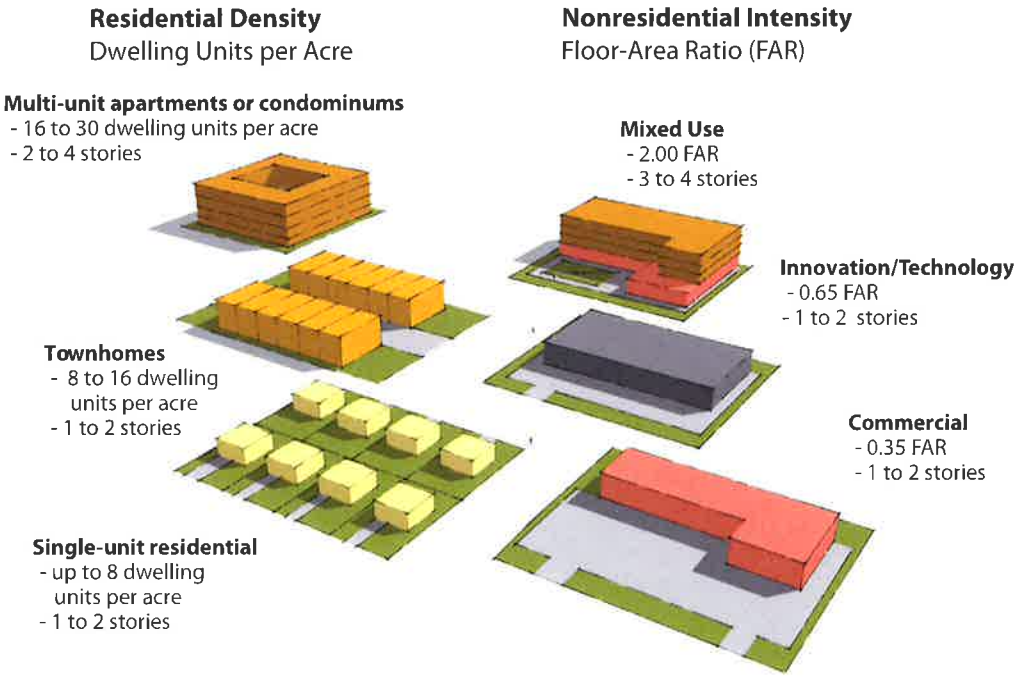
Dwelling units per acre (du/ac) refers to the maximum number of dwelling units allowed per acre of developable land. Density is measured in du/ac and only applies to residential uses.

DENSITY AND INTENSITY

Density and intensity are quantitative measures used to describe the degree to which land can be used and developed, see Figure LU-2 (Density and Intensity).

FIGURE LU-2

DENSITY AND INTENSITY



HEIGHT

The maximum allowable height (measured in feet) of a building.

This element establishes maximum building heights rather than maximum number of stories. Using building heights provides design flexibility — particularly for a building's architectural detail — while maintaining consistent urban form. For example, a mixed-use building with a maximum FAR of 1.5 and maximum height of 50 feet might be built as either a three- or four-story building, depending upon how the architect designs each story. A building's massing, placement, and orientation dictate its relationship to a street to a greater extent than the number of building stories.

PUBLIC REALM

The public realm comprises the streets, squares, parks, green spaces, and other outdoor places which are available, without charge, for everyone to use.

URBAN FORM

Urban form refers to the configuration of a place's physical components (buildings and structures, street and infrastructure patterns and networks).

URBAN DESIGN

Urban design focuses on spatial relations within the public realm and how the built environment affects social interaction and communication. This includes site design (block size, building placement, massing, and orientation), street design (sidewalk widths, building frontages, and pedestrian amenities such as benches, street trees, and lighting), and building design (architectural character).

DEVELOPMENT POTENTIAL

Development potential is influenced by factors such as parcel size, building-to-land value ratio, environmental constraints, land use, and how extensive a property is developed.

GOALS AND POLICIES

Consistent with the overall City vision, this Element's goals and policies aim to preserve long-established residential neighborhoods and community assets. Either applied citywide or to a specific land use designation or focus area, the goals and policies integrate land use with urban design strategies to achieve consistent and predictable development patterns, high-quality design, and long-term viable growth.

- **A GOAL** sets general direction or vision. It is an ideal future end related to the public health, safety, and general welfare of people living in, working in, and visiting Monterey Park. A goal is a general expression of community values and may, therefore, be abstract in nature. Thus, a goal is generally not quantifiable or time dependent.
- **A POLICY** is a specific statement that guides decision-making and is carried out by implementation measures. A policy indicates the City's commitment to a course of action. A policy is based on and helps implement the goals and the larger vision.

LAND USE DESIGNATION

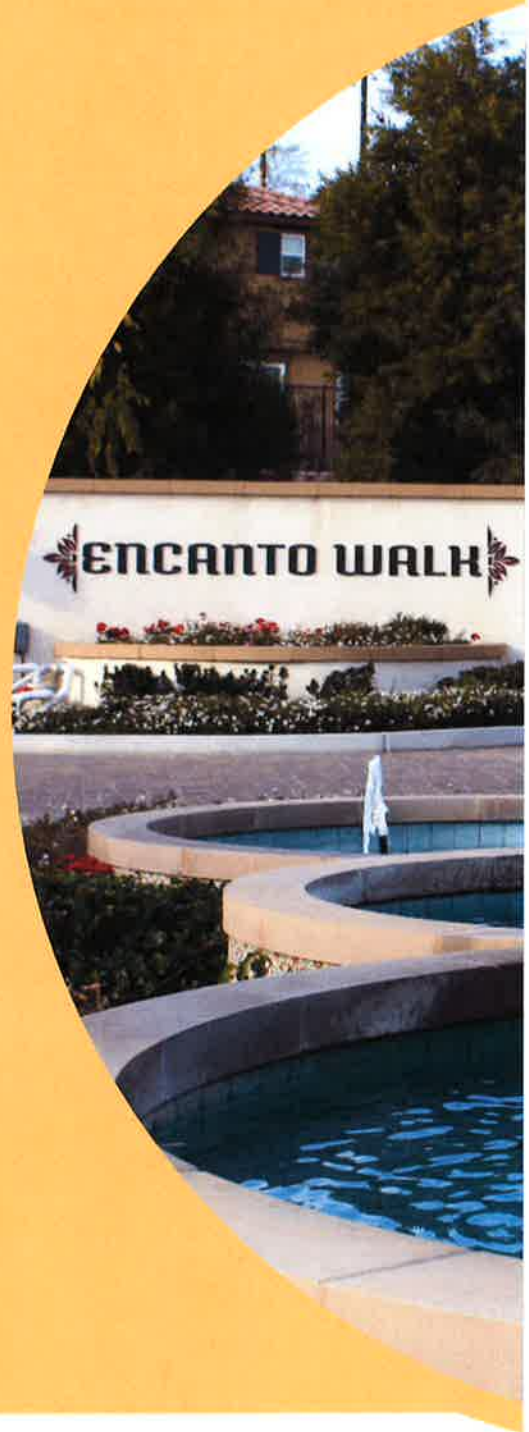
A land use designation describes the type of activity allowed to occur on a parcel of land, which in turn dictates how a parcel and/or building will be occupied.

FOCUS AREA(S)

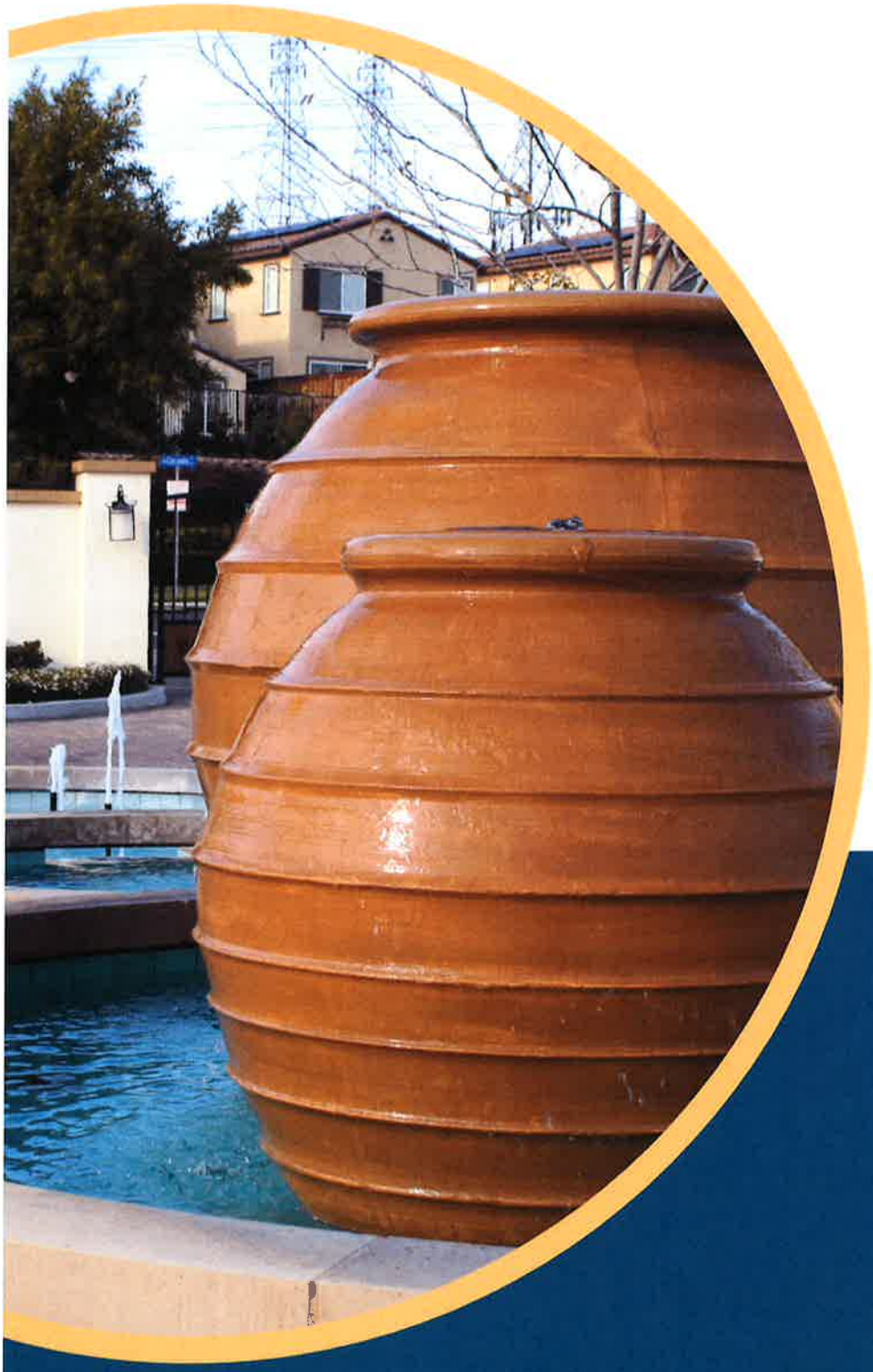
Monterey Park's land use patterns are well established. Residential neighborhoods are the predominant land use, with single-family homes representing approximately three-quarters of the residences. Given the overarching goal of preserving the integrity of these neighborhoods, this element identifies Focus Areas in which development activity will occur to create new business opportunities and provide housing in mixed-use projects and districts.

"My vision for Monterey Park? A family-oriented community with great schools, parks, multi-cultural activities, shops, and restaurants."

- Monterey Park resident



LAND USE PLAN



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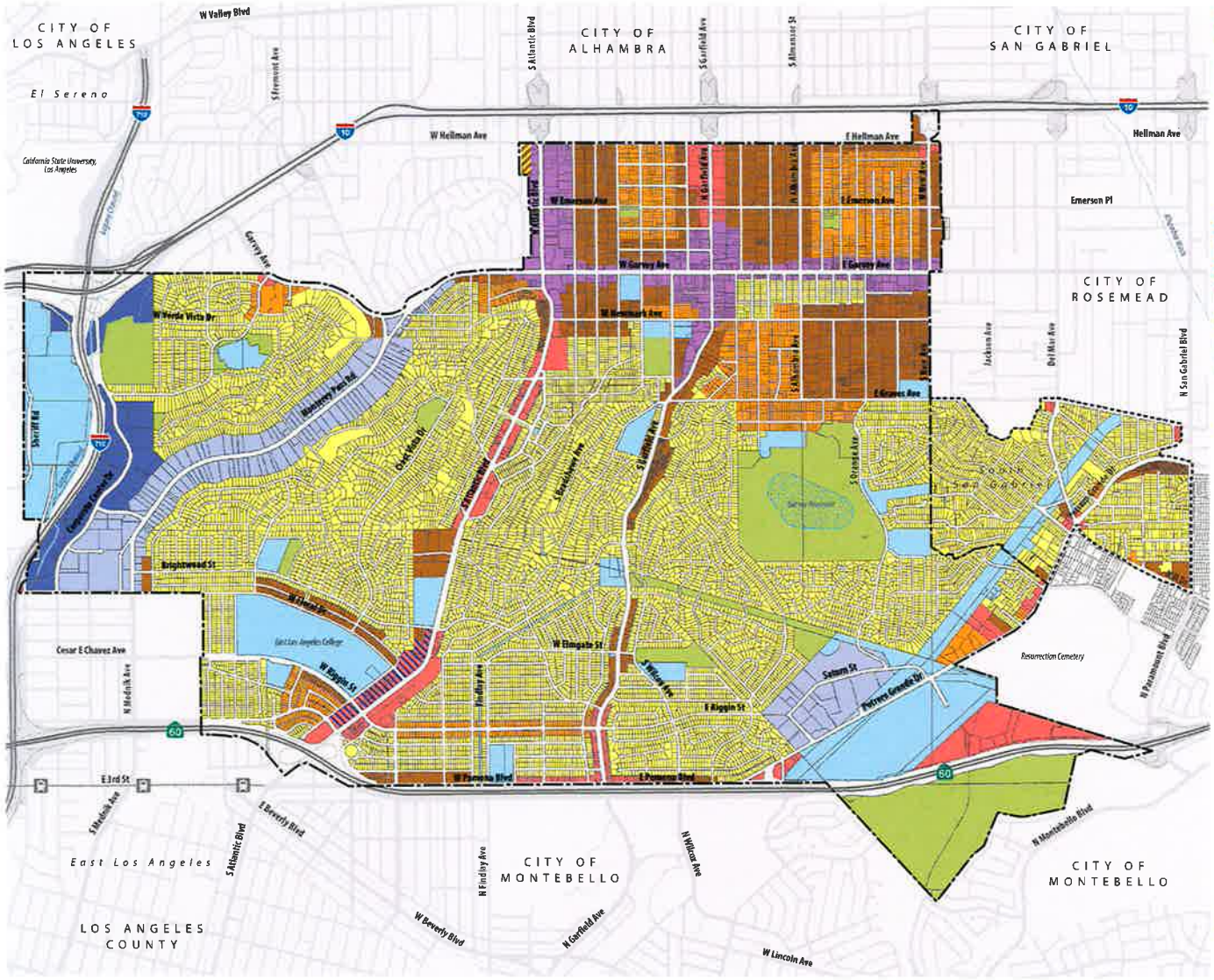
05

LAND USE PLAN

To achieve the desired balance of uses, thus achieving community goals regarding housing, economic development, parks, and education, the City will make land use decisions in conformance with the Land Use Policy Map and the associated Regulating Plan. The Land Use Policy Map (Figure LU-3) locates land use designations throughout the Planning Area. The map's land use designation categories, their primary uses, and development intensities/densities are shown on Table LU-1 (Land Use Designations). Focus Area's densities/ intensities and maximum heights are shown in the Regulating Plan (Figure LU-4).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CITY OF SAN GABRIEL
CITY OF ROSEMEAD
CITY OF MONTEBELLO
CITY OF MONTEBELLO
East Los Angeles
LOS ANGELES COUNTY
W Valley Blvd
W Hellman Ave
E Hellman Ave
Hellman Ave
Emerson Pl
W Garvey Ave
E Garvey Ave
Garvey Ave
W Graves Ave
E Graves Ave
Monterey Pass Rd
Brightwood St
Cesar E Chavez Ave
W Riggin St
E Riggin St
W Pomona Blvd
E Pomona Blvd
E 3rd St
E Beverly Blvd
W Beverly Blvd
W Lincoln Ave
Saturn St
Potrero Grande Dr
Resurrection Cemetery
N Montebello Blvd
N San Gabriel Blvd
S Atlantic Blvd
S Garfield Ave
S Almansor St
N Garfield Ave
N Wilcox Ave
N Findley Ave
N Medrick Ave
S Medrick Ave
S Vincent Ave
N Vincent Ave
S Atlantic Blvd
Monterey Park
2040
FIGURE LU-3:
LAND USE POLICY MAP
Land Use Designations
Low Density Residential
Medium Density Residential
High Density Residential
Commercial
Mixed Use
Corporate Center
Innovation/Technology
Public Facilities
Open Space
Housing Overlay I
Housing Overlay II
Base Map Features
Monterey Park Boundary
Sphere of Influence Boundary
Metro Gold Line and Stations
Watercourses and Channels
Garvey Reservoir
Note: Also see Regulating Plan
October 2019
Sources: City of Monterey Park and MIG, 2019.
MIG

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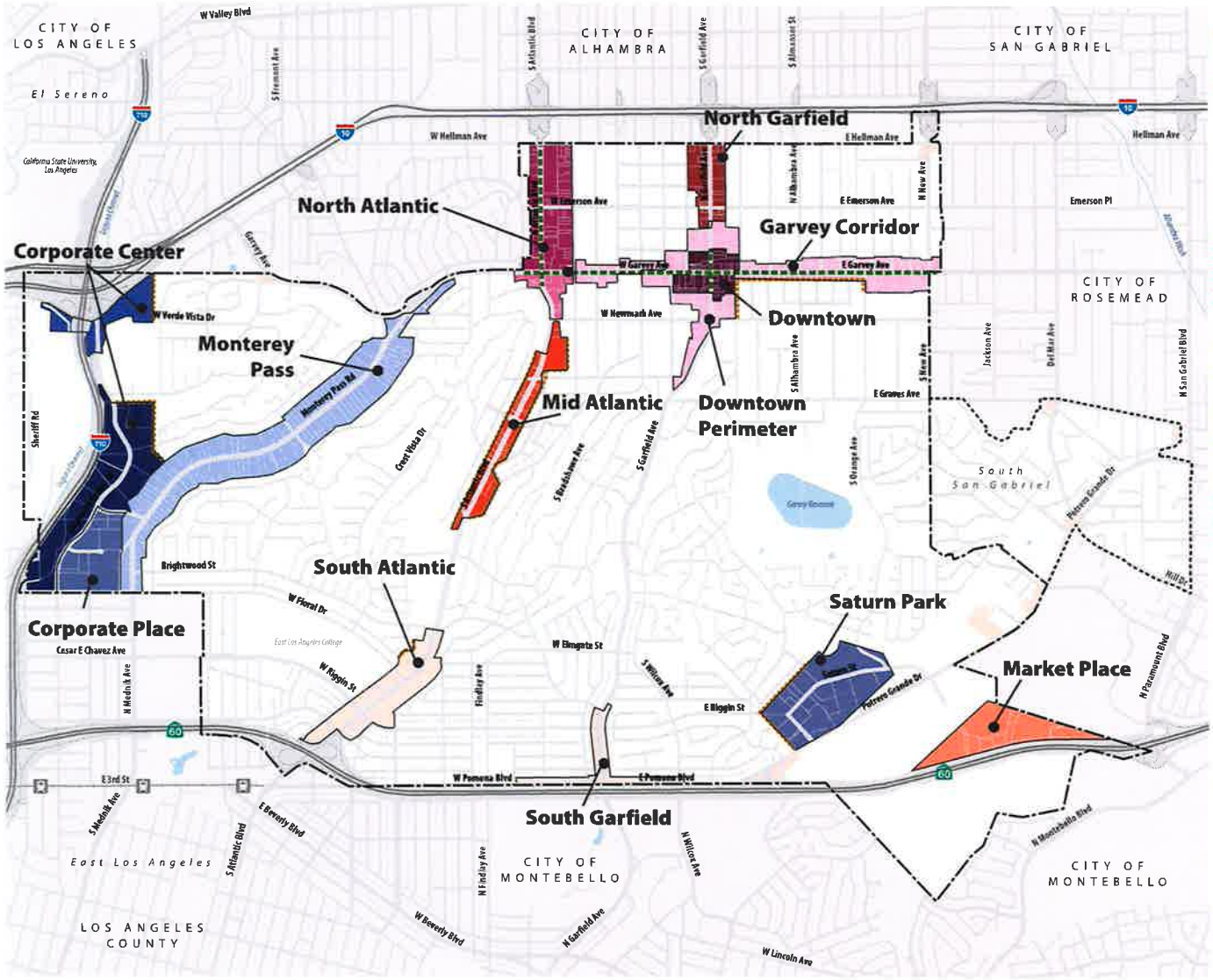
TABLE LU-1: LAND USE DESIGNATIONS

LAND USE		DEVELOPMENT LIMITS
Residential Designations and Uses		**Density Range**
Low Density	**Primary Use:** One residential unit per lot, with private open space **Other Permitted Uses:** Schools, public assembly uses, public utilities, home occupations, and similar uses per zoning regulations	0-8.0 units/acre Approximate population density = 25 persons/acre
Medium Density	**Primary Uses:** Attached or detached residential units, with private and common open space **Other Permitted Uses:** Schools, public assembly uses, public utilities, community care facilities, home occupations, and similar uses per zoning regulations	8.1-16.0 units/acre Approximate population density = 61 persons/acre
High Density	**Primary Uses:** Attached or detached residential units, with private and common open space **Other Permitted Uses:** Schools, public assembly uses, public utilities, community care facilities, home occupations, and similar uses per zoning regulations	16.1-30.0 units/acre Approximate population density = 184 persons/acre

Commercial and Business Designations and Uses		Intensity/Heights
Commercial	**Primary Uses:** Broad range of retail and service commercial uses, hospitality, entertainment, medical, and professional offices **Other Permitted Uses:** Schools, public assembly uses, public utilities, community care facilities, and similar uses per zoning regulations	As indicated on Figure LU-4 (Regulating Plan)
Corporate Center	**Primary Uses:** Professional offices, hospitality, entertainment, and medical **Support Uses:** Retail and service commercial uses **Other Permitted Uses:** Schools, public assembly uses, public utilities, community care facilities, and similar uses per zoning regulations	As indicated on Figure LU-4 (Regulating Plan)
Innovation/ Technology	**Primary Uses:** Research and development, light manufacturing, service commercial, professional offices, entertainment, and breweries/ wineries/distilleries **Other Permitted Uses:** Trade and technical schools, public utilities, and similar uses per zoning regulations **Prohibited Uses:** Warehousing, freight terminals, vehicle storage, and heavy manufacturing	As indicated on Figure LU-4 (Regulating Plan)

Mixed Use Designation and Uses		Density/Intensity/Heights
Mixed Use	**Primary Uses:** Broad range of retail and service commercial uses, hospitality, entertainment, medical, professional offices, and residential uses Residential permitted as stand-alone use, except where ground-floor commercial uses are required as indicated on Figure LU-4 (Regulating Plan) **Other Permitted Uses:** Schools, public assembly uses, public utilities, community care facilities, and similar uses per zoning regulations	As indicated on Figure LU-4 (Regulating Plan) No density maximum to provide flexibility in unit types and sizes.

Public Facilities and Open Space Designations and Uses		Intensity/Heights
Public Facilities	**Primary Uses:** Public buildings, childcare centers for City-supported programs, community gardens, public utility facilities, utility easements, reservoirs and wells, public schools, and similar uses of a public-serving nature **Other Permitted Uses:** Within utility easements, private nurseries and open space uses per zoning regulations	0.75 FAR maximum Maximum building height as specified in zoning regulations
Open Space	**Primary Uses:** Parks and City-owned recreational facilities, community gardens, golf courses, and resource conservation areas **Other Permitted Uses:** Public utility facilities and historic landfills	0.35 FAR maximum Maximum building height as specified in zoning regulations
Overlay Designation and Uses		**Density/Height**
Housing Overlay	**Permitted Uses:** In addition to uses permitted in the underlying land use designation, attached residential uses	As indicated on Figure LU-3 (Land Use Policy Map)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El Sereno
CITY OF ALHAMBRA
CITY OF SAN GABRIEL
CITY OF ROSEMEAD
CITY OF MONTEBELLO
CITY OF MONTEBELLO
LOS ANGELES COUNTY
East Los Angeles
South San Gabriel
California State University, Los Angeles
W Valley Blvd
W Hellman Ave
E Hellman Ave
Hellman Ave
E Emerson Ave
Emerson Pl
W Garvey Ave
E Garvey Ave
W Newmark Ave
E Graves Ave
W Verde Vista Dr
Brightwood St
W Floral Dr
East Los Angeles College
W Riggin St
E Riggin St
W Elmgrove St
E 3rd St
W Pomona Blvd
E Pomona Blvd
E Beverly Blvd
W Beverly Blvd
W Lincoln Ave
Monterey Pass Rd
Crest Vista Dr
Sheriff Rd
Jackson Ave
Del Mar Ave
N San Gabriel Blvd
Pomona Fwy
Pomona Fwy
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REPETTO ROADRU

BARNES PARK
CITY OF MONTEREY PARK

IMPLICATIONS OF LAND USE POLICY

As properties within the focus areas change over time from one use to another, land uses and intensities will gradually shift to align with the intent of this Land Use and Community Design Element. If Monterey Park is developed in accordance with the Land Use and Urban Design Element and at the intensities and densities permitted, then the Planning Area is anticipated to have 26,298 dwelling units, 15.5 million square feet of nonresidential use, and 80,581 residents as shown in Table LU-2 (Land Use Plan Buildout).

(Please note other assumptions were made on the expected intensities of development to calculate the total number of dwelling units, population, non-residential building square feet, and employment.)

TABLE LU-2: LAND USE PLAN BUILDOUT

Type		Monterey Park		Sphere of Influence		Planning Area	
		Baseline (2019)	Proposed (2040)	Baseline (2019)	Proposed (2040)	Baseline (2019)	Proposed (2040)
Dwelling Units	Single-Unit	12,219	12,039	1,269	1,429	13,488	13,468
	Multi-Unit	8,746	12,582	248	248	8,994	12,830
	Total	20,965	24,621	1,517	1,677	22,482	26,298
Population		64,240	75,442	4,648	5,139	68,888	80,581
Non-residential Building Square Feet.[1]		14,179,900	15,426,450	37,950	68,100	14,217,860	15,494,550
Employees		31,532	34,206	58	113	31,590	34,320
Lodging Rooms		727	1,334	-	-	727	1,334
Students		43,234	48,211	-	-	43,234	48,211

Note: 1) Non-residential building: commercial, office, medical and hospital, and industrial buildings.

Source: City of Monterey Park and Land Use and Community Design Element update GIS data, California Department of Finance, and Southern California Association of Governments, 2018 and 2019.

"Monterey Park is and will continue to be a city rich with cultural heritage, sustainable infrastructure, and parks that provide places for people to enjoy the outdoors and participate in community life at farmers' markets, at free concerts, and along biking and walking trails."

- Monterey Park resident

GOALS AND POLICIES

6

85°C
85°C Bakery

06

GOALS AND POLICIES

CITYWIDE GOALS AND POLICIES

GOAL 1 Commercial districts that allow a variety of retail, service, and entertainment uses and that accommodate flexibility over time

Policy 1.1 **Flexibility.** Ensure zoning regulations provide flexibility regarding allowed uses.

Policy 1.2 **Local Businesses.** Advocate for and support local businesses and small business owners.

Policy 1.3 **Economic Development.** Maintain a proactive economic development program that promotes the benefits of Monterey Park for both local businesses and national and international companies.

Policy 1.4 **Commercial Corridors.** Invest in commercial corridors by establishing a continuity of streetscapes that define the public realm, are scaled to the pedestrian experience, and reflect the City's cultural identity through public art, architectural character, and materials.

GOAL 2 Dynamic mix of businesses, uses, and employment that sustain a strong local economy and contributes to a fiscally sustainable tax base

Policy 2.1 **Flexibility.** Provide flexible and clear development standards to allow commercial, professional, industrial, institutional, and hospitality businesses and uses to expand and thrive economically.

Policy 2.2 **Business Growth.** Facilitate the growth of a diverse business sector resilient to change over time and compatible with a broad range of skills and workers.

Policy 2.3 **Innovation.** Create a culture of innovation and growth, encouraging emerging businesses to attract high-quality jobs.

GOAL 3 Distinctive, complete residential neighborhoods that enhance the quality of life and promote a healthy community

Policy 3.1 **Quality Neighborhoods.** Maintain the quality and character of residential neighborhoods.

Policy 3.2 **Diversified Housing.** Diversify housing options with the goal of establishing new opportunities for persons of varied incomes, ages, lifestyles, interests, and family needs – providing for aging in place and multi-generational cohabitation.

Policy 3.3 **Established Housing.** Maintain and enhance the established housing stock.

Policy 3.4 **Strategic Housing Opportunities.** Strategically facilitate multi-unit housing opportunities in proximity to transit facilities, mixed-use areas, and employment and education centers.

Policy 3.5 **Improvement Prioritization.** Prioritize siting new public facilities and public spaces using creative use of land and streets, and facilitate new infrastructure improvements within a disadvantaged neighborhood.

Policy 3.6 **Public Space.** Create an interconnected system of inviting, safe, and accessible public spaces that serve residents and visitors.

Policy 3.7 **Safe and Sanitary.** Pursue code enforcement efforts that simultaneously work to enhance the visual quality of residential neighborhoods and to ensure safe, decent, and sanitary housing for all residents.

Policy 3.8 **Physical Activity.** Provide access to recreational facilities, including parks, trails, greenways, open spaces, and community centers that allow opportunities for physical activities for all ages and abilities.

GOAL 4 A built environment that is resilient and promotes health and wellness

Policy 4.1 **Climate Change.** Adapt to and mitigate the effects of climate change.

Policy 4.2 **Sustainable Practices.** Balance development with the preservation of environmental assets and the natural beauty of the area through sustainable practices in site planning, landscaping, construction, maintenance, and operations.

Policy 4.3 **Environmental Burden.** Prevent and reduce disproportionate environmental burdens and compounding health risks affecting low-income and minority populations.

Policy 4.4 **Freeway Buffer Greening.** Integrate greening buffers and maximize tree canopies within neighborhoods directly adjacent to SR-60 freeway to help improve air quality.

Policy 4.5 **New Development.** Ensure new development is planned in areas that can sustain it long term – considering air quality, health indicators of residents, infrastructure networks and services, and socio-economic factors.

Policy 4.6 **Active Transportation.** Prioritize and integrate active transportation strategies into the built environment that increase walking, bicycling, and transit modes of travel, with a focus on improving first and last mile connectivity.

GOAL 5 A community that is equitable and inclusive

Policy 5.1 **Equitable Access.** Expand equitable access to community resources that improve quality of life. Community resources include cultural and natural amenities, health care services, education, commercial services, parks and recreation, and healthy foods.

Policy 5.2 **Services and Amenities.** Facilitate safe, convenient, and affordable access to basic services and community-based amenities.

Policy 5.3 **Community Involvement.** Engage residents, property owners, business owners, and organizations in the advanced and current planning processes.

Policy 5.4 **Translation.** Ensure residents are engaged in languages that allow for their participation in community events and community engagement activities.

RESIDENTIAL

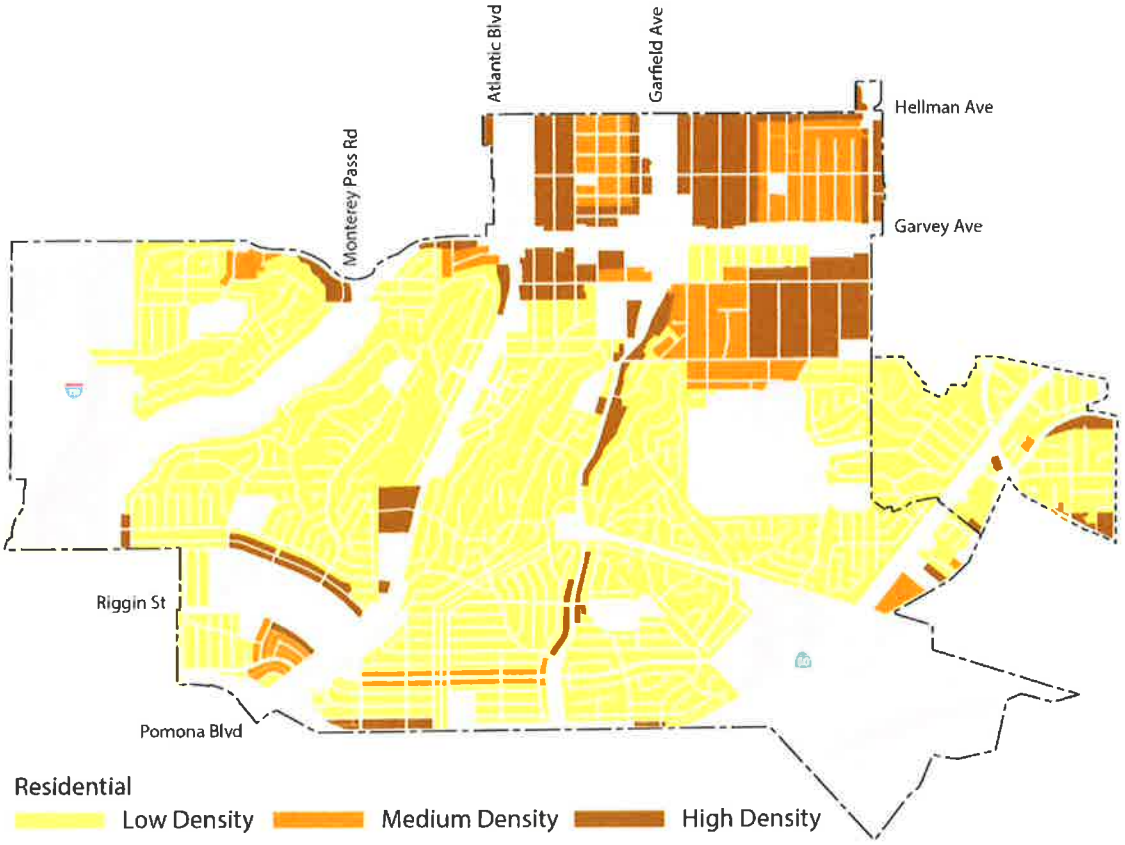
DENSITIES

LOW DENSITY
DU/AC: 0.0-8.0

MEDIUM DENSITY
DU/AC: 8.1-16.0

HIGH DENSITY
DU/AC: 16.1-30.0

A list of all land use designated **DENSITIES & INTENSITIES** is provided in Table LU-1.



The three residential land use categories reflect long-established development patterns and densities in Monterey Park. Monterey Park residents treasure their neighborhoods. During the public engagement process that produced this element, residents repeatedly expressed the importance of preserving and improving neighborhood character. To a large extent, this sentiment means maintaining long-established densities and scale of development in the neighborhoods and accommodating new housing largely in mixed-use districts. Thus, the goals and policies are focused on maintaining the qualities that define Monterey Park's many neighborhoods.

Many single-family homes in the City were constructed in the 1950s and 1960s. Maintenance levels vary from block to block. A key goal will be to encourage renovation and maintenance that improve neighborhoods house by house.

In the Medium-Density and High-Density neighborhoods, housing types may consist of rowhouses, townhouses, stacked flats, and similar housing types, with the scale of development guided by the maximum permitted density and development standards set forth by the zoning regulations. Where new development is proposed, the City looks for design features that create quality living environments for residents: well-located and functional open spaces, common areas that encourage interactions among residents, parking facilities that are easily accessible and attractively designed, good pedestrian access and circulation, and use of building materials that weather well.

GOAL 6 Accommodating all household sizes and income levels with a variety of housing types

Policy 6.1 **Standards.** Maintain zoning standards for Low Density neighborhoods to allow only detached single-unit homes.

Policy 6.2 **First-Time Homeowners.** Encourage the construction of housing that can accommodate the needs of younger people and families seeking to buy their first home.

Policy 6.3 **Accessory Dwelling Units.** Adopt accessory dwelling unit regulations and policies that can accommodate evolving housing needs and preferences.

Policy 6.4 **Affordable Housing Units.** Support policies that facilitate and incentivize the development of affordable housing units, such as inclusionary housing requirements and development bonus programs.

GOAL 7 Enhanced neighborhood character

Policy 7.1 **Complete Neighborhoods.** Ensure neighborhoods are "complete" neighborhoods by integrating schools, childcare centers, community centers, infrastructure, green spaces and parks, and other public amenities into each neighborhood.

Policy 7.2 **Identity.** Foster a sense of community and facilitate engagement by encouraging residents to take pride in their neighborhoods and form neighborhood groups that address issues affecting the area where they live.

Policy 7.3 **Protection.** Protect neighborhoods from the encroachment of incompatible activities or land uses that may have a negative impact on the residential living environment.

Policy 7.4 **Sensitive Design.** Require that new additions, renovations, and infill development be sensitive to neighborhood context and building form and scale (for example, upper stories, detached garages, setbacks, enhanced front entrances).

Policy 7.5 **Transition.** Require high-density or mixed-use developments to transition sensitively to adjacent lower-density residential uses.

Policy 7.6 **Home Occupations.** Encourage home occupations that have minimal traffic, parking, or other impacts to neighbors and neighboring uses.

Policy 7.7 **Compatibility.** Strengthen neighborhood identity with new development that is architecturally compatible with surrounding structures.

Policy 7.8 **Safety.** Address safety concerns associated with people living in illegal garage conversions or unpermitted accessory units.

GOAL 8 High-quality residential design

Policy 8.1 **Streetscapes.** Provide and maintain high-quality public streetscapes in all neighborhoods.

Policy 8.2 **Street Relationship.** Encourage new development to create direct a clear visual relationship between residences and public streets, while minimizing driveways, parking areas, and garage doors in front yard spaces.

Policy 8.3 **Street Frontage.** Encourage building forms that create coherent and consistent street frontages on blocks that emphasize the visibility of entrance doors, porches, stoops, and/or entrance patios.

Policy 8.4 **Site Frontages.** Require building and site frontages that define public streets with high-quality architecture and landscape design, including small-scale architectural elements and plane changes.

Policy 8.5 **New Development.** Require new development to provide engaging, well-landscaped outdoor spaces that invite and support outdoor activities.

Policy 8.6 **Parking.** Minimize the street presence and visibility of parking facilities from public streets and neighboring properties.

GOAL 9 Increase in homeownership

Policy 9.1 **Homeownership.** Create homeownership opportunities by encouraging development of smaller scale, for-sale residential units such as condominiums, townhomes, and duplexes.

Policy 9.2 **Cooperative Homeownership.** Explore opportunities for cooperative homeownership programs such as a condominium conversion program that transfers ownership from apartment complex owners to the renters of that apartment complex.

COMMERCIAL

DENSITIES & INTENSITIES

GENERAL COMMERCIAL
FAR: 0.65
HEIGHT: 35 FEET

MARKET
FAR: 0.65
HEIGHT: 50 FEET

SOUTH ATLANTIC*
FAR: 0.65
HEIGHT: 35 FEET

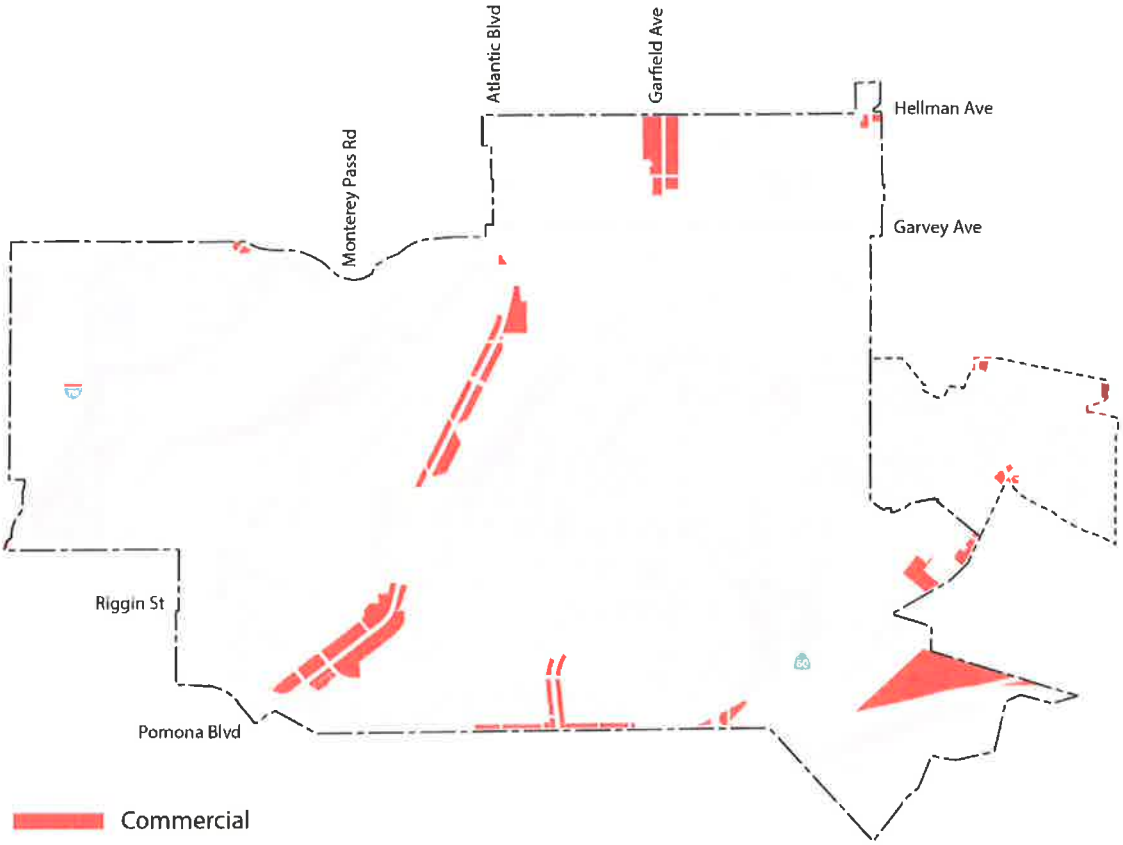
SOUTH GARFIELD
FAR: 0.65
HEIGHT: 35 FEET

MID ATLANTIC
FAR: 1.50
HEIGHT: 50 FEET

NORTH GARFIELD
FAR: 1.50
HEIGHT: 60 FEET

*Housing Overlay Applies. See Figure LU-3

A list of all land use designated **DENSITIES & INTENSITIES** is provided in Table LU-1.



Commercial districts are located primarily along the City's major thoroughfares: Atlantic Boulevard, South Garvey Avenue, and Garfield Avenue. With the opening of the Market Place regional center along SR-60 in 2017, new large-format retail stores and national restaurants added variety to the commercial mix.

A healthy, balanced mix of home-grown businesses and national chains provides variety for shopping, dining, socializing, accessing services—like getting a haircut or visiting an architect's office—and entertainment. This diversity also creates more assurance of economic stability for Monterey Park as the economy ebbs and flows. Also, by establishing flexible areas for small and large businesses alike, the City is better prepared for continually evolving changes in how people buy goods and receive services. The land use plan allows for varied development intensities, as shown on Figure LU-4 (Regulating Plan).

Branding each of the commercial districts with signage and unique streetscapes will help market businesses both locally and to visitors, including—importantly—foreign visitors.

ALL COMMERCIAL USES/AREAS

GOAL 10 Commercial districts that allow a variety of retail, service, and entertainment uses and that accommodate flexibility over time

Policy 10.1 **Flexibility.** Ensure zoning regulations provide flexibility regarding allowed uses.

Policy 10.2 **Local Businesses.** Advocate for and support local businesses and small business owners.

Policy 10.3 **Economic Development.** Maintain a proactive economic development program that promotes the benefits of Monterey Park for both local businesses and national and international companies.

Policy 10.4 **Commercial Corridors.** Invest in commercial corridors by establishing a continuity of streetscapes that define the public realm, are scaled to the pedestrian experience, and reflect the City's cultural identity through public art, architectural character, and materials.

ALL COMMERCIAL USES/AREAS

GOAL 11 Transition and compatibility of new commercial development with and to adjacent residential districts

Policy 11.1 **Privacy.** Ensure new commercial developments address privacy issues relative to any abutting residential neighborhoods.

GOAL 12 High design quality in all new commercial developments and rehabilitation projects

Policy 12.1 **Compatibility.** Require new, infill, and rehabilitation projects in commercial districts be compatible with existing contexts in terms of site design, scale, building design, materials, and architectural approaches.

Policy 12.2 **Comprehensive Design.** Provide for comprehensive design review of new commercial development.

Policy 12.3 **Undergrounding of Utilities.** Strive to place utilities underground in conjunction with new development projects and/or as comprehensive undergrounding programs within commercial districts.

GOAL 13 Identifiable, unique commercial districts

Policy 13.1 **Streetscape.** Establish well-defined streetscape treatments for each commercial district.

Policy 13.2 **Wayfinding.** Use a comprehensive, city-wide wayfinding program to identify Monterey Park's commercial areas.

ABBOT KINNEY

BURGERS FROZEN CUSTARD

FOCUS AREA: MARKET PLACE

GOAL 14 The Market Place as a regional destination for diverse shopping, dining, and entertainment experiences

Policy 14.1 **Flexibility.** Ensure that zoning regulations applicable to the Market Place properties provide focus for the uses the City looks to attract while providing flexibility to accommodate emerging new uses and markets over time.

Policy 14.2 **Traffic.** Work with property owners and property managers to address and manage traffic associated with the Market Place so that visitors avoid traveling through adjacent residential neighborhoods.

Policy 14.3 **High Design Quality.** Insist upon high design quality and landscape treatments upon establishment and over time.

Policy 14.4 **Transit Access.** Advocate for alignment of the Gold Line east extension that places a station adjacent to the Market Place.

FOCUS AREA: SOUTH ATLANTIC

GOAL 15 A commercial district that meets local commercial needs, caters to students and employees at East Los Angeles College, and takes advantage of proximity to the Gold Line Atlantic Station

Policy 15.1 **Commercial.** Allow for commercials uses focused on daily shopping and service needs while continuing to accommodate long-established regional-serving uses, such as automobile dealerships, at appropriate locations.

Policy 15.2 **Pedestrian Movement.** Require that new development and rehabilitation of existing centers and buildings accommodate safe pedestrian movement from sidewalks and within internal parking lots.

Policy 15.3 **Streetscape Improvements.** Use urban design and streetscape improvement strategies to create an identifiable and pleasant travel path for pedestrians from Atlantic Station to the South Atlantic commercial district.

Policy 15.4 **Landscaping.** Ensure new development incorporates and maintains attractive on-site landscaping.

GOAL 16 Limited new and unique housing as part of mixed-use developments

Policy 16.1 **Housing Overlay.** Allow housing as part of mixed-used development projects along the west side of Atlantic Boulevard as designated by the Housing Overlay on Figure LU-3 (Land Use Policy Map). Housing may be incorporated into projects as either stand-alone buildings (not fronting on Atlantic Boulevard) or as second story and above over commercial uses.

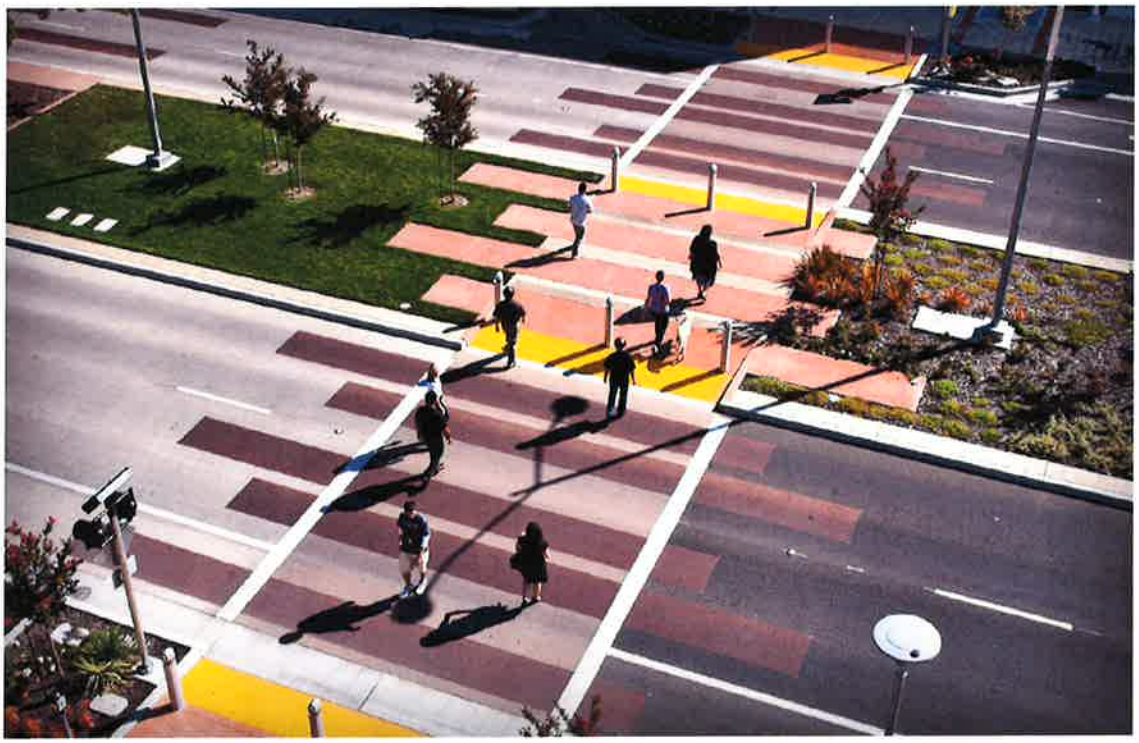
FOCUS AREA: SOUTH GARFIELD

GOAL 17 An attractive, village-like neighborhood commercial district with lower-intensity retail, office, and service-oriented businesses that cater to surrounding residential neighborhoods and Gold Line transit users

Policy 17.1 **South Garfield Village.** Regulate land uses and development and guide public realm enhancements in accordance with the South Garfield Village Specific Plan.

Policy 17.2 **Accommodate Pedestrians.** Pursue roadway, sidewalk, crosswalk, and traffic control improvements that well accommodate pedestrian traffic in the district.

Policy 17.3 **Incentives.** Provide incentives for local businesses to establish and thrive in the district.



FOCUS AREA: MID ATLANTIC

GOAL 18 A commercial corridor for businesses of all types, with public realm improvements that work to reduce vehicle speeds to enhance the visibility of and access to businesses along Mid Atlantic

Policy 18.1 **Zoning.** Ensure zoning regulations accommodate office, service-oriented, retail, dining, and medical-related uses.

Policy 18.2 **Mix of Uses.** Encourage a mix of uses that have operating hours that extend past 5:00 in the evening.

Policy 18.3 **Land Assembly.** Use land assembly strategies and incentives to promote compatible infill development.

Policy 18.4 **Streetscape.** Enrich the streetscape with themed lighting, benches, and trees. Consider using excess street width and adjacent public right-of-way to create parklets, greenspace, and places for public art.

Policy 18.5 **Mobility.** Improve pedestrian and vehicular mobility and safety with urban design interventions such as additional mid-block crossings, designated pedestrian walkways through surface parking lots, and shortened street crossings.

Policy 18.6 **Design Inspirations.** Draw from the Cascades fountain, historical structures and historical influences, and landscaping within the public realm as inspirations for public space design treatments, site design and architecture, and landscaping. Use these inspirations to create a cohesive public realm plan for Mid Atlantic.

Policy 18.7 **Land Use Transitions.** Remain sensitive to the adjacency of low-scale residential neighborhoods by providing appropriate transitions such as parking lots and landscaped areas as buffers and step-down building approaches.

FOCUS AREA: NORTH GARFIELD

GOAL 19 A district centered on intensive medical and office uses, with lower-scale buildings housing varied commercial uses

Policy 19.1 **Healthcare Facilities.** Encourage the concentration of established and proposed healthcare facilities and their related uses.

MIXED USE

DENSITIES* & INTENSITIES

GARVEY CORRIDOR
FAR: 1.50
HEIGHT: 50 FEET

DOWNTOWN PERIMETER
FAR: 1.50
HEIGHT: 50 FEET

NORTH ATLANTIC
FAR: 2.00
HEIGHT: 75 FEET

DOWNTOWN
FAR: 2.50
HEIGHT: 75 FEET

*No density maximum to provide flexibility in unit types and sizes.

A list of all land use designated **DENSITIES & INTENSITIES** is provided in Table LU-1.

Mixed-use development is characterized by pedestrian-friendly environments that integrate residential, commercial, cultural, and institutional uses. Mixed-use development works to create vibrant, compact, walkable environments, with shorter pedestrian connections between living, working, learning, and recreational destinations. In Monterey Park, the Mixed Use designation allows a combination of compatible retail, entertainment, office, residential, hotel, civic, cultural, and recreation uses that establish authentic physical environments. Mixed-use developments will incorporate social gathering places for the community and foster economic vitality. This variety of uses creates spaces for people to live, work, play, learn, and shop without getting into their cars to get from place to place.

ALL MIXED USES/AREAS

GOAL 20 Dynamic pedestrian-oriented mixed-use districts that provide vibrant uses, spaces, buildings, and experiences

Policy 20.1 **Diversified Uses.** Attract diversified uses, including urban housing options, a mix of cultural and entertainment uses, a variety of businesses and restaurants, and places for people to connect.

Policy 20.2 **Pedestrian Activity and Experiences.** Create pedestrian-friendly activity and experiences by requiring active uses on the ground floor, with storefronts providing ample window space along street frontages.

Policy 20.3 **Attractive Streetscape.** Create attractive streetscape environments by using thematic design that integrates landscaping, street furniture, outdoor dining, lighting, wayfinding signage, public art, and other amenities and improvements.

Policy 20.4 **Mixed-Use Compatibility.** Promote design solutions and construction techniques to ensure that new development is compatible with established uses, taking into account noise and other pre-existing conditions.

ALL MIXED USES/AREAS

Policy 20.5 **Transition.** Transition mixed-use areas that border low-density residential neighborhoods to minimize visual and shade impacts by stepping down building heights, creating landscape buffers, and creating larger setbacks.

Policy 20.6 **Parking.** Develop parking management strategies for mixed-use corridors that include shared parking lots and structures and park-once-and-walk districts to provide adequate and convenient parking for customers and employees.

Policy 20.7 **Enhanced Character.** Incentivize property owners to renovate and improve tired and outdated buildings along mixed-use corridors to improve their aesthetic appearance, create readily identifiable places, utilize cohesive architectural design, and enhance the streetscape character.

Policy 20.8 **Meeting the City and Community Needs.** Encourage a diverse mix of uses that are innovative, competitive, entrepreneurial, local, and sustainable, thereby promoting economic development, increasing City revenues, expanding job growth, increasing property values, and meeting residents' and visitors' desires and needs.

Policy 20.9 **Housing.** Accommodate a variety of housing options, including medium- and high-density apartments and condominiums, live/work units, and mixed-use buildings with a residential component.

Policy 20.10 **Undergrounding of Utilities.** Strive to place utilities underground in conjunction with new development projects and/or as comprehensive undergrounding programs within mixed-use districts.

FOCUS AREA: DOWNTOWN

Downtown is the urban core of Monterey Park, located at the intersection of Garvey and Garfield Avenues. Downtown's urban form is compact in character, with more intense infill development and pedestrian connections to the Civic Center and Barnes Park, the Garvey Avenue corridor, and medical uses along Garfield Avenue.

GOAL 21 A vibrant urban core that accommodates high-quality residential, entertainment, commercial, hospitality, civic, and public spaces

Policy 21.1 **Community Focal Point.** Establish Downtown as the anchor for local businesses, public amenities, and public space experiences.

Policy 21.2 **Destination.** Create a destination that includes uses and spaces for public gathering areas, community events, and local activities.

Policy 21.3 **Pedestrian Connections.** Create pedestrian connections from Downtown to the Civic Center, Garvey Corridor, and Garfield Avenue medical uses using urban design and landscaping approaches.

Policy 21.4 **Identity.** Strengthen the identify and character of Downtown through design, landscaping, public art, branding, and signage using consistent themes.

Policy 21.5 **Wayfinding.** Establish a wayfinding program to assist in identifying location of Barnes Park, Monterey Park Bruggemeyer Library, the Garfield Medical Center, and other surrounding landmarks and uses.

THE MAYFAIR

FOCUS AREA: NORTH ATLANTIC

Located at the northern boundary of the City along Atlantic Boulevard, the North Atlantic mixed-use district serves a gateway that combines hospitality, retail and commercial services, culture and arts, entertainment, and residential uses. Development along this corridor is urban and compact and, while Atlantic Boulevard is a heavily traveled vehicular corridor, encourages people to walk and frequent businesses and uses on both sides of the corridor.

GOAL 22 A vibrant, urban gateway that integrates commercial, hospitality, entertainment, and residential uses

Policy 22.1 **Gateway Identity and Urban Design.** Establish a focal northern gateway into Monterey Park that welcomes visitors and identifies the district as a key destination. Incorporate gateway signage, wayfinding, and landscaping to create a sense of arrival. Extend similar treatments within the district to identify the district visually.

Policy 22.2 **Tourism and Entertainment.** Expand upon mixed-use activities that support tourism and complement economic success, vibrancy, and livability, with a special focus on hospitality, cultural events and institutions, retail, public spaces, and arts and entertainment.

Policy 22.3 **Encourage Activity.** Encourage the development of uses that are active in the evenings and on weekends, such as restaurants, commercial services, retail stores, and performance spaces.

Policy 22.4 **Active Streetfront.** Require new development fronting Atlantic Boulevard to be clearly oriented toward the street, with buildings near the front lot line and parking either underground or to the rear of a lot.

Policy 22.5 **Design Approaches.** Require design approaches that provide for façade articulation vertically and horizontally, transition appropriately to abutting lower-scale residential uses in residential zones, incorporate pedestrian-oriented design on the ground floor (such as ample windows and inviting entrances), make use of plazas, and incorporate interesting roof forms.

FOCUS AREA: DOWNTOWN PERIMETER

The Downtown Perimeter encompasses properties around the urban core, extending to the Civic Center and Barnes Park and north and south along Garfield Avenue. The goal is to extend the mixed-use character of the Downtown core but at lower development intensities and to allow stand-alone residential uses.

GOAL 23 A Downtown core-adjacent district of high-quality residential, commercial, civic, and public spaces

Policy 23.1 **Integration of Civic Center with Mixed-Use District.** Allow for a mix of compatible residential and commercial uses that connect the Civic Center to the Downtown Core.

Policy 23.2 **Transitions.** Ensure development within the Downtown Perimeter transitions in scale to the adjacent low-density residential neighborhoods.

BLENZ COFFEE

CONVERSE

FOCUS AREA: GARVEY CORRIDOR

The Garvey Corridor, stretching from Atlantic Boulevard to New Avenue, is a lower-intensity mixed-use corridor that emphasizes commercial businesses on the ground floor, integration of residential and/or office uses on the upper floors, and restaurants, retail services, and convenience goods for residents and visitors. New development is encouraged to provide opportunities for people to live and work in the same building. Many of the single-story buildings will transition to multi-story buildings, with interfaces to adjacent low-density residential neighborhoods respected by increased building setbacks and rear building forms that step down toward the neighborhoods. Incentives and procedural enticements are provided to encourage consolidating smaller lots to allow for complete developments.

To address parking needs at a district level, the City envisions construction of one or more public parking garages at central locations, thus allowing visitors to park once to patronize numerous businesses (and to have employees park, thus freeing up spaces adjacent to business for less mobile visitors).

GOAL 24 A modest-intensity, pedestrian-friendly, mixed-use corridor that provides active street frontage with a mix of retail, commercial services, restaurants, and residential uses

Policy 24.1 **Active Street Front.** Encourage pedestrian activity along Garfield Avenue by requiring active street frontage commercial uses, buildings, and entrances oriented to the street and sidewalks, outdoor dining, and transparent building frontages.

Policy 24.2 **Balance.** Encourage pedestrian-oriented specialty retail shops offering quality goods, a diverse range of restaurants, and service businesses. Attract a balance of locally owned businesses and franchise or corporate enterprises.

Policy 24.3 **Incentives for Lot Consolidation.** Develop financial and procedural incentives for property owners to consolidate smaller lots for larger development projects.

Policy 24.4 **Building Façade Renovations.** Encourage the renovation and updating of older building façades.

Policy 24.5 **Parking.** Promote a variety of parking opportunities that take advantage of alleyways

and parking structures that promote park-once-and-walk strategies.

Policy 24.6 **Transition.** Maintain established alleyways and use landscaped buffers, building step-downs, and setbacks to transition mixed-use buildings to adjoining low-density residential neighborhoods.

Policy 24.7 **Parklets.** Considering using side streets that intersect Garvey Avenue for adding parklets to expand outdoor dining options and add public gathering and urban green spaces.

INNOVATION/ TECHNOLOGY USES

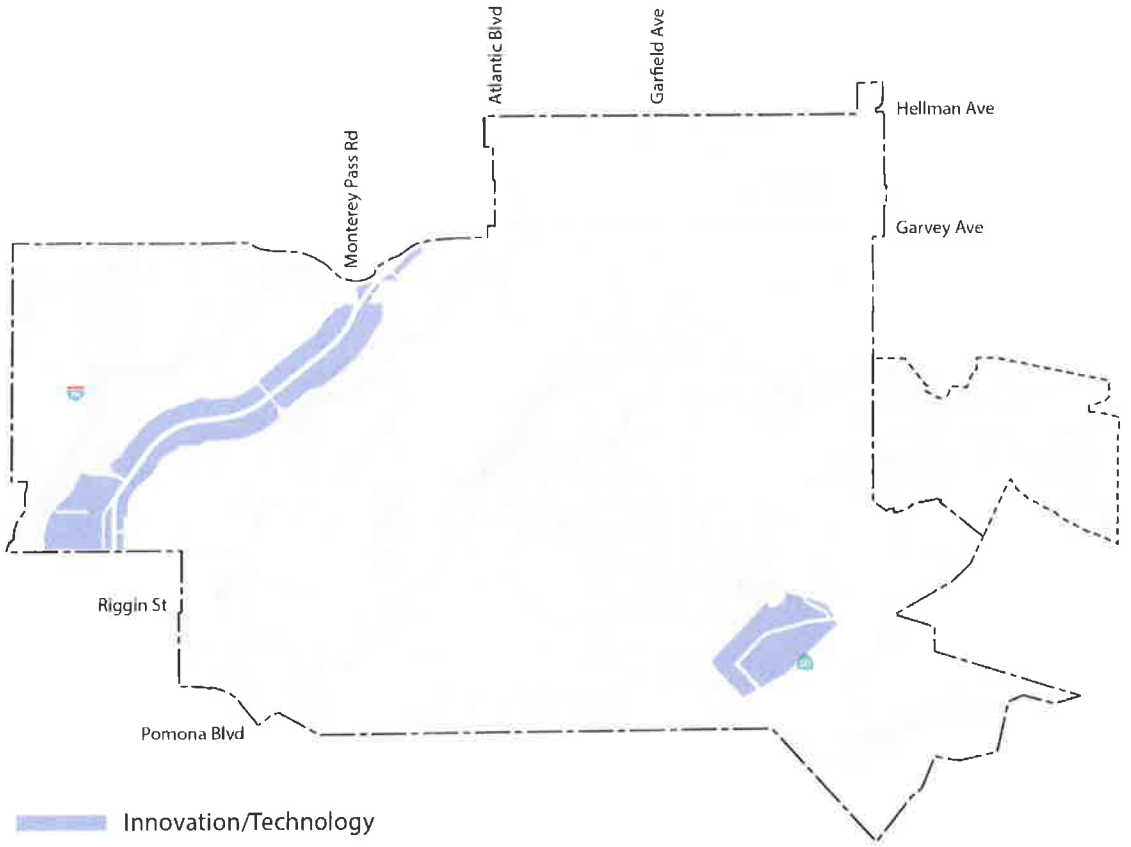
INTENSITIES

MONTEREY PASS
FAR: 0.65
HEIGHT (FT): 35

SATURN PARK
FAR: 1.00
HEIGHT (FT): 50

CORPORATE PLACE
FAR: 1.00
HEIGHT (FT): 50

A list of all land use designated **DENSITIES & INTENSITIES** is provided in Table LU-1.



Technology will continue to evolve rapidly, changing how people work and do business. The City aims to accommodate and encourage new businesses that promote innovation and advances in technology, creating places for high-skilled and knowledge workers. The Monterey Pass Road corridor and Saturn Park district (on Saturn Street) provide prime properties, easy access to arterial roadways and freeways, and locations near housing perfect for new, clean technology, and creative industries.

The Monterey Pass Road corridor and Saturn Park district historically have been areas where a range of industrial businesses—including intensive manufacturing operations—have thrived. However, in Saturn Park, uses transitioned in the latter 1990s to lighter industrial and office enterprises in response to public concerns about the proximity of heavy industrial uses to residential neighborhoods. Along Monterey Pass Road, warehousing, trucking, and auto repair uses increased because of the distance from neighborhoods and relatively easy freeway access. While these uses have provided service-oriented jobs, the City is interested in attracting industries that offer higher-paying jobs and attract people of diverse interests, incomes, and talents who wish to both live and work in Monterey Park.

Properties along Monterey Pass Road and south of Davidson Drive between Monterey Pass Road and Corporate Center Drive have interesting and unique industrial buildings that can be retrofitted for creative office, research and development, and even commercial space such as breweries. The City's goal is to phase out trucking-intensive uses in favor of more environmentally sensitive businesses. Also, the City aims to improve the physical appearance of the corridor with increased landscaping, improved signage, identity lighting, and other public realm interventions. Finally, to provide for better interaction among land uses along the corridor, the City will provide better accommodations for pedestrians and cyclists and limit cut-through traffic, as described in the Mobility Element.

Saturn Park will continue to function as a business park, focused on office-type and research and development uses, with supportive commercial businesses. Private reinvestment in properties will be encouraged through higher development intensity allowances. In turn, the City will require greater attention to landscaping, creative site design, and building quality.

GOAL 25 Monterey Pass Road as a prime location for new technology-oriented, creative industry, and emerging trends businesses

Policy 25.1 **Zoning.** Ensure that zoning regulations applicable to the Monterey Pass Road corridor permit the range of uses necessary to achieve land use goals. Prohibit uses that conflict with those goals, including prohibition of warehousing and trucking-related uses.

Policy 25.2 **Amortization.** Consider limited use of amortization provisions in the zoning ordinance to eliminate businesses incompatible with long-term land use objectives for the Monterey Pass Road corridor.

Policy 25.3 **Identity.** Create a distinct physical identity for the Monterey Pass Road Innovation/ Technology district.

Policy 25.4 **Market.** Market the premier location of the Monterey Pass Road Innovation/Technology district relative to its proximity to California State University Los Angeles and East Los Angeles College for incubator businesses and public/private partnerships and investments.

GOAL 26 Saturn Park as a destination business park for high-quality service industry, research and development, and emerging industry jobs

Policy 26.1 **Zoning.** Ensure that zoning regulations applicable to Saturn Park permit the range of uses necessary to achieve land use goals. Prohibit uses that conflict with the goals.

Policy 26.2 **Market.** Market the Saturn Park district as a premier location in the San Gabriel Valley for emerging technology businesses.

Policy 26.3 **Identity.** Create a distinct physical identity for the Saturn Park district.

CORPORATE CENTER USES

INTENSITIES

CORPORATE CENTER N
FAR: 2.00
HEIGHT (FT): 60

CORPORATE CENTER S
FAR: 4.00
HEIGHT (FT): 125

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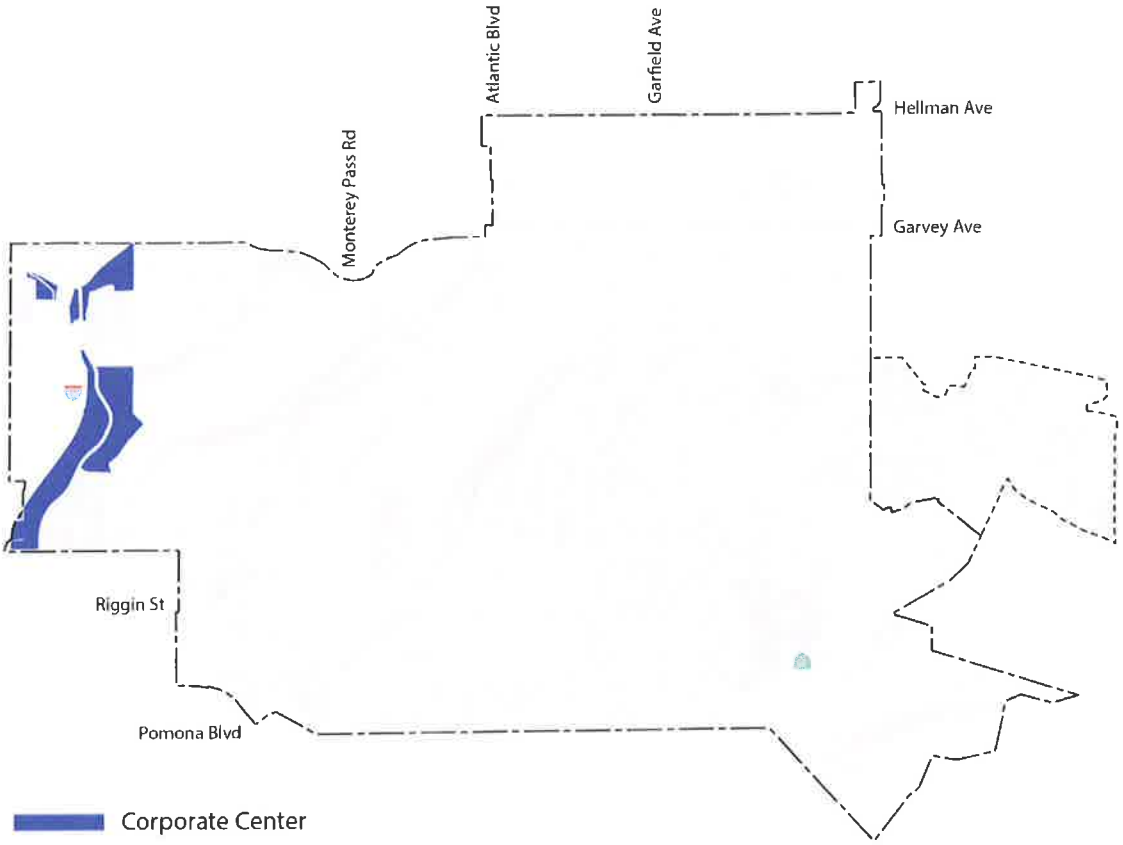


Corporate Center Drive winds along the west side of Monterey Park, parallel to I-710 and up a steep south-to-north grade that terminates at Ramona Boulevard, adjacent to the City-owned Monterey Park Golf Club. The hilly terrain provides tremendous views to the west. City land-use policy has long recognized that topography in this area and its relative separation from the rest of Monterey Park provide opportunity to allow more intense, high-rise development approaches. Also, City-owned properties adjacent to the golf course offer sites for hospitality businesses that can take advantage of views and proximity to I-710 and I-10. With downtown Los Angeles a short drive west along I-10 and California State University Los Angeles just across the freeway, the Corporate Center Drive district is well located to offer a market for corporate office, hotel, and support uses.

This district is divided into two subdistricts to reflect location-appropriate FAR and building height limits. The district will continue to provide places for higher intensity office uses, as well as hotels, conference facilities, and ancillary restaurant and retail businesses. Building intensities will be allowed consistent with Figure LU-4 (Regulating Plan).

Regarding the golf course-adjacent properties, the City's aim is to maximize revenue-generating businesses that attract tourist and business visitor dollars.

New investment consisting of taller buildings may incorporate multi-story parking structures. Design standards will require design approaches that well integrate parking facilities into overall site design and architectural treatments. Ample landscaping will be required. Where multi-story structures abut residentially zoned properties, project design will make use of increased setbacks and building tiering and stepbacks to

ALL CORPORATE CENTER USES

GOAL 27 Corporate Center corridor as a premier regional location for high-rise office, hospitality, and complementary uses

Policy 27.1 **Zoning.** Ensure that zoning regulations applicable to Corporate Center properties permit the range of uses necessary to achieve land use goals. Prohibit uses that conflict with those goals.

Policy 27.2 **Market.** Market the premier location of the Corporate Center district relative to its proximity to downtown Los Angeles, California State University Los Angeles, and East Los Angeles College for corporate headquarters, research and development facilities, hotels, conference facilities, and related uses.

Policy 27.3 **Maximize Use of City Properties.** Actively seek users for City-owned properties adjacent to the Monterey Park Golf Club that maximize use of the properties and generate reliable revenue streams.

24 FITNESS
BANK OF NEVADA

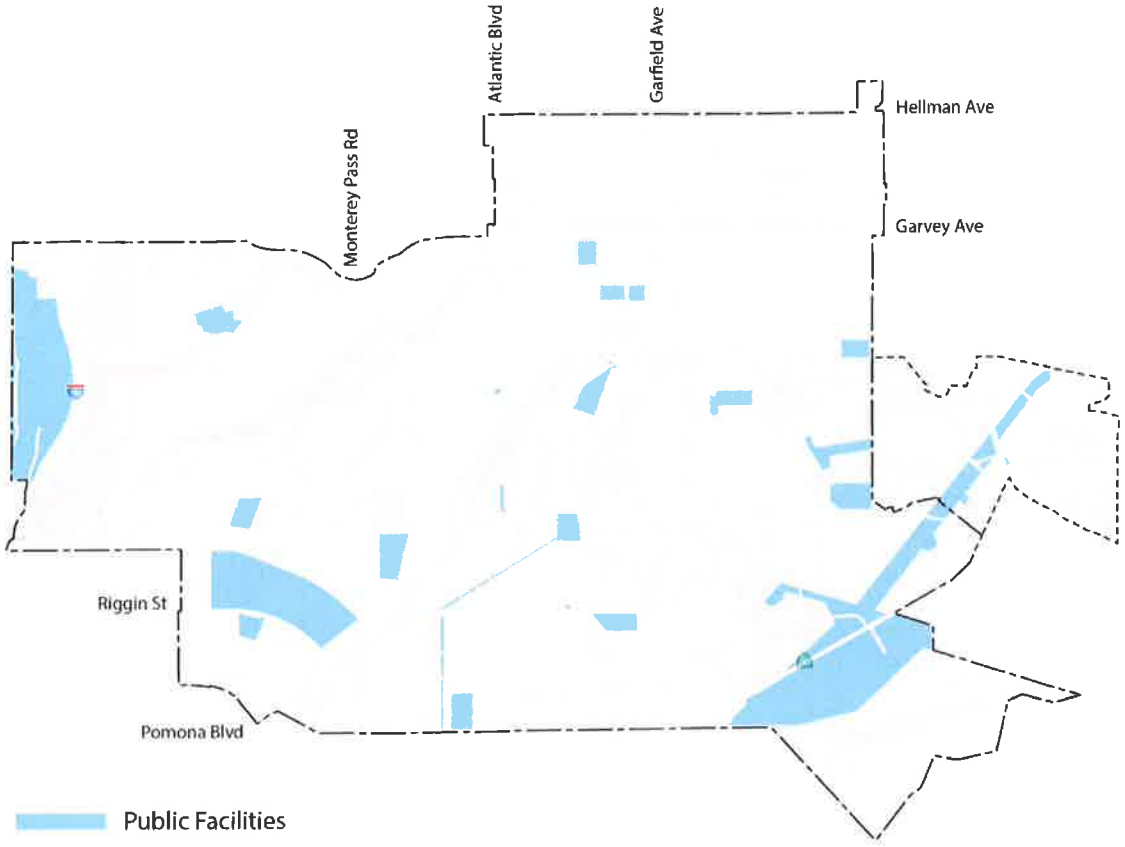
LOEWS

PUBLIC FACILITIES

INTENSITIES

All Public Facilities
FAR: 0.75
HEIGHT (FT): Per Zoning

A list of all land use designated **DENSITIES & INTENSITIES** is provided in Table LU-1.



The Public Facilities designation encompasses government, civic, cultural, public school, and infrastructure uses that support community needs. Monterey Park has well-used community facilities and a library that provide important places for gathering and education. Programs at these facilities contribute significantly to community life; residents have expressed the importance of upgrading these facilities in response to heavy use.

Regarding public schools, four distinct school districts serve City students, which is unusual, as well as a bit chaotic and confusing for residents. Often home values can be affected by the school district's quality, which in turn affects neighborhood quality. While the land use plan recognizes the location of established schools, it does not and cannot address the influences of school district boundaries. However, the City is supportive of efforts to consolidate districts or redraw district boundaries.

GOAL 28 State-of-the-art community facilities that support established programs, accommodate future needs, and are accessible to all community members

Policy 28.1 **Functional and Flexible.** Maintain multi-functional, flexible, and complementary space at Monterey Park's community buildings and spaces.

Policy 28.2 **Maximize Use.** Maximize public facility use by sharing with nonprofit organizations, school districts, and community organizations.

Policy 28.3 **New Facilities.** Locate new community facilities in neighborhoods and centers where they will serve populations of the greatest needs. Look for opportunities to create joint-use community space at facilities owned by private organizations such as faith-based groups, service groups, and hospitals.

Policy 28.4 **Library.** Maintain a state-of-the art library collection in an attractive and inviting facility capable of accommodating users of all ages and abilities.

GOAL 29 Utility infrastructure that minimize adverse visual impacts

Policy 29.1 **New Facilities.** Locate and design new capital-intensive potable water storage and distribution facilities, particularly storage tanks, in a manner that minimizes visual, cost, and environmental impacts on the surrounding areas.

Policy 29.2 **Reduce Visual Impact.** Reduce visual impact of aboveground and overhead utilities, including electric lines, by working with local providers to maximize opportunities to place utilities underground.

Policy 29.3 **Utilities Placement.** Continue to require the placement of utilities underground within new development.

Policy 29.4 **Undergrounding.** Strengthen requirements for underground utilities in older sections of the City as part of private redevelopment projects to improve the aesthetic quality of streets and neighborhoods.

Policy 29.5 **Alternative Energy.** Accommodate alternative energy infrastructure as new technology evolves.

OPEN SPACE

INTENSITIES

All Open Space
FAR: 0.35
HEIGHT (FT): Per Zoning

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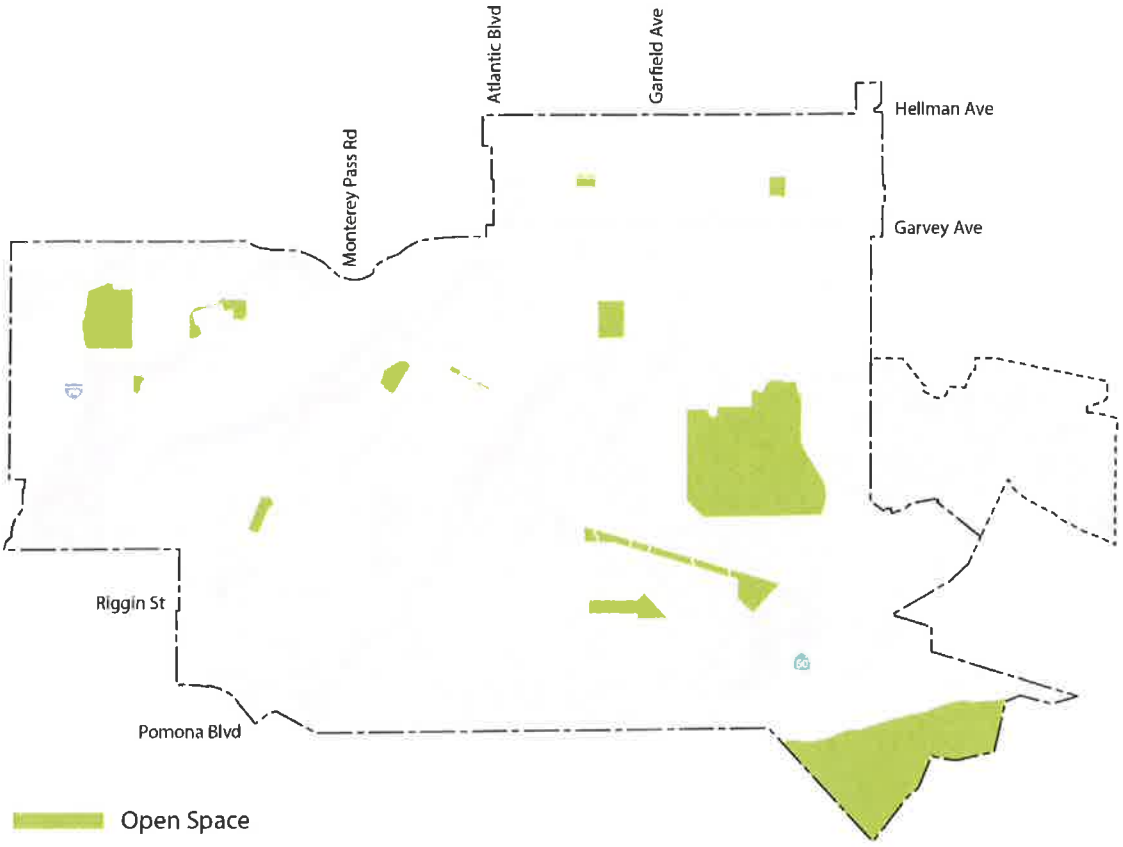


Natural open spaces and urban recreation areas contribute to a healthy and environmentally sustainable community. While Monterey Park has well-used parks, establishing new green space will be difficult given the community's built-out character. The General Plan features traditional concepts for open space, as well as innovative open space such as parklets, public right-of way conversions, and urban recreation/plazas/facilities.

Other open spaces include a former landfill and the Monterey Park Golf Club. While the portion of the former landfill north of SR-60 has been remediated and developed as the Market Place commercial center, the 145-acre portion south of SR-60 remains a Superfund site (as designated by the U.S. Environmental Protection Agency) and is thus unavailable for development or even passive open space use due to extensive contamination. The Monterey Park Golf Club, a City-owned nine-hole facility, is available for general public use.

Given the very limited opportunities to create new open space, focused creative solutions to meet demands of new residents include:

- Creating mini green spaces in conjunction with roadway enhancements
- Creating urban recreation spaces through public plazas and linear greenways
- Supporting urban agriculture and community gardens

GOAL 30 Unique new open spaces to complement the City's established and well-used park and trails systems

Policy 30.1 **Trails System.** Create and maintain a system of trails, sidewalks, linear parks, and other connections that provide residents of all abilities with opportunities to exercise, enjoy nature, and access recreation facilities within a five-minute walk from home. Activate and encourage discovery along urban trails.

Policy 30.2 **Green Space.** Consider the development of new park land or green space through the repurposing of excess street right-of-way.

Policy 30.3 **Gardens.** Pursue the use of Edison Trails Park for community gardens and urban agriculture.

Policy 30.4 **Public Spaces.** Develop guidelines for commercial and mixed-use development projects to incorporate accessible plazas, paseos, and other public spaces into project design.

Policy 30.5 **Community Gathering Spaces.** Design, construct, and program community gathering spaces, plazas, and an outdoor stage/amphitheater in the Downtown Core, Garvey Corridor, North Atlantic, and South Atlantic focus areas.

Policy 30.6 **Parkland.** Require parkland dedications and/or provision of usable onsite public space for significant development projects involving new residential construction.

Policy 30.7 **Surplus Land.** Consider the acquisition of surplus land owned by public agencies for future open space.

Policy 30.8 **Urban Agriculture.** Create urban agriculture areas to encourage property owners of vacant parcels to convert them into community gardens through the incentives made available through the Urban Agriculture Incentive Zones Act (Sections 51040-51042 of Chapter 6.3 of the California Government Code).

Policy 30.9 **Recreational Space.** Enhance street corridors, parkways, and public property between buildings to serve as green space and functional recreation space (e.g., community gardens, parklets, play spaces, public seating).

GOAL 31 Public places evolve to meet the needs of changing demographics and public interests

Policy 31.1 **Flexible Design.** Incorporate flexible design characteristics into the renovation of existing and development of new parks and community facilities.

Policy 31.2 **Environmental Responsibility.** Continue to build, renovate, and maintain parks and community facilities in a manner that is environmentally responsible.

STUDENT GARDEN
SL PROJECT
VACANT LOTS
SECTORS
HOW MANY VACANT LOTS DO YOU SEE PER DAY/HR/MIN.?
WHO OWNS THESE VACANT LOTS?
SHAPE

"Now and in the future, our city will offer a comfortable and modern environment with plenty of job opportunities."

- Monterey Park resident

IMPLEMENTATION PLAN

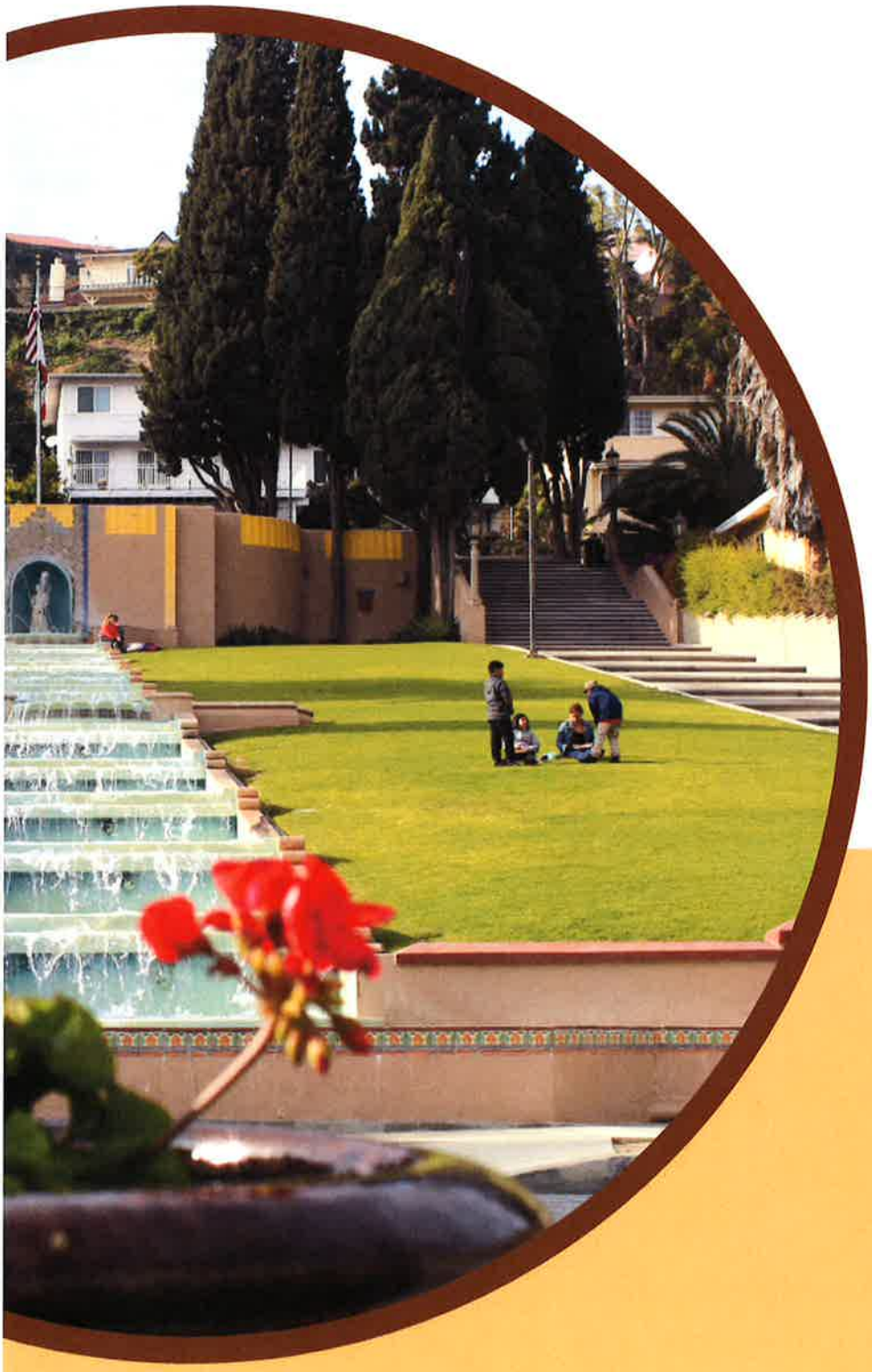


TABLE LU-2 IMPLEMENTATION PLAN TABLE

Procedures, Permits, Agreements, and Ordinances

PROGRAM 1: AMEND ZONING REGULATIONS

Program Description

Amend the zoning regulations and zoning map to reflect General Plan land use policy and design standards. In particular:

- Require active storefronts in Mixed Use designated areas
- Provide flexibility to accommodate emerging new uses, markets, and business practices over time
- Implement development incentives geared toward land assembly
- Accommodate transit-oriented districts and uses around future (planned and proposed) Gold Line stations
- Match development standards, including maximum densities, intensities, FAR, du/ac, building heights, to General Plan land use designation standards
- Include standards that address building massing and front façade transparency
- Create standards for transition areas to ensure new development is compatible with established uses
- Allow housing as part of mixed-use development projects along the west side of Atlantic Boulevard
- Ensure compliance with California law as to affordable housing, density bonuses and inclusionary housing requirements
- Allow for urban agriculture, community gardens, and gathering spaces

Related Land Use & Urban Design Element Policies

1.1, 1.2, 1.5, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, 3.4, 3.7, 6.1, 6.2, 6.4, 7.1, 7.3, 7.4, 7.5, 7.6, 7.7, 9.1, 9.2, 10.1, 10.2, 11.1, 12.1, 14.1, 14.4, 15.1, 16.1, 17.3, 18.1, 18.2, 18.3, 18.7, 19.1, 20.1, 20.4, 20.5, 20.8, 20.9, 22.5, 24.6, 25.1, 26.1, 27.1

Time Frame

After LUE approval

Responsibility

Planning, Community and Economic Development

Funding Source(s)

General Fund

PROGRAM 2: ACCESSORY DWELLING UNIT (ADU) LAW COMPLIANCE

Program Description	Update accessory unit requirements and regulations to comply with current California law.
Related Land Use & Urban Design Element Policies	6.3, 7.8
Time Frame	Short Term
Responsibility	Planning, Building and Safety, Code Enforcement
Funding Source(s)	General Fund

PROGRAM 3: DEVELOPMENT STANDARDS AND GUIDELINES

Program Description	Create and codify development standards and guidelines to direct site and building design in accordance with the Land Use and Urban Design Element. Standards and guidelines should address: • Private and public realm standards requirements that reflect a distinctive community character • Pedestrian circulation and safety • Parking • Building materials, massing and orientation • Architectural character, drawing design inspiration from historical influences (i.e. Cascades fountain) • Landscaping and public art • Pedestrian amenities (e.g., benches, trash receptacles, street trees, and lighting)
Related Land Use & Urban Design Element Policies	1.3, 1.4, 1.6, 8.2, 8.3, 8.4, 8.5, 8.6, 10.4, 13.1, 14.3, 15.3, 15.4, 17.2, 18.4
Time Frame	Short Term and Ongoing
Responsibility	Planning
Funding Source(s)	General Fund

PROGRAM 4: AMORTIZATION

Program Description	Conduct an investigation of uses throughout nonresidential designated areas to determine which are inconsistent with the policy direction outlined in sections 2.7 through 2.14 of the Land Use and Urban Design Element. Establish a program for the gradual relocation, or elimination, of specific nonconforming uses.
Related Land Use & Urban Design Element Policies	25.2
Time Frame	Intermediate Term
Responsibility	Planning
Funding Source(s)	General Fund

PROGRAM 5: DEVELOPMENT APPLICATION PROCESS AND DESIGN REVIEW

Program Description	Examine the current plan review, permitting, and design review processes to ensure: • Comprehensive review of all new commercial and industrial developmet • Dependable, transparent, and on schedule processing of all applications
Related Land Use & Urban Design Element Policies	12.2
Time Frame	Short Term and Ongoing
Responsibility	Planning
Funding Source(s)	General Fund, Application Fees

PROGRAM 6: PLAN CONSISTENCY

Program Description	• Repeal the North Atlantic, Mid Atlantic, and Garvey-Garfield specific plans and replace them with zone districts. As needed, develop streetscape plans for these areas. • Review the Pedestrian Linkages Plan and update as necessary to implement land use and urban design policies.
Related Land Use & Urban Design Element Policies	17.1, 21.3
Time Frame	Short Term
Responsibility	Community and Economic Development
Funding Source(s)	General Fund

Plans and Studies

PROGRAM 7: STREETSCAPE PLAN

Program Description

Create and implement a citywide streetscape plan that:

- Enhances streetscapes with aesthetic treatments that also contribute to the comfort and safety of pedestrians
- Creates well-defined, recognizable districts and neighborhoods
- Provides consistent design themes
- Requires integrated street and pedestrian amenities such as landscaping, street furniture, outdoor dining, lighting, wayfinding signage, public art
- Uses the public realm to connect places and districts citywide
- Includes durable pedestrian and bicycle facilities including trails, sidewalks, bike lanes, and linear parks
- Incorporates design strategies that encourage flexibility and a range of uses and users
- Provides residents and visitors with functional and flexible spaces at and around the City's public community buildings and facilities

Related Land Use & Urban Design Element Policies

1.3, 1.4, 1.6, 20.2, 20.3, 22.4, 24.1, 25.3, 26.3, 28.1, 30.1, 30.9, 31.1

Time Frame

Intermediate to Long Term

Responsibility

Planning, Engineering, Public Works

Funding Source(s)

CIP Funds, Grants

PROGRAM 8: ECONOMIC DEVELOPMENT PLAN

Program Description	As part of the City's ongoing economic development efforts: • Seek well-known, economically proven hospitality users for City-owned properties within the Corporate Center district • Consider land acquisition as a way to create larger, marketable properties • Promote and market the City's assets and opportunities • Ensure access between residential and non-residential uses, services, and public facilities
Related Land Use & Urban Design Element Policies	5.1, 5.2, 10.3, 25.4, 26.2, 27.2, 27.3, 30.7, 30.8, 30.5
Time Frame	Ongoing
Responsibility	Planning, Community and Economic Development, City Council
Funding Source(s)	General Fund, BID Funds, Grants

PROGRAM 9: GATEWAY AND WAYFINDING PLAN

Program Description

Develop a citywide gateway and wayfinding plan to:

- Help identify major activity areas, landmarks, key businesses, and community facilities
- Create a sense of arrival
- Foster a sense of community and identity
- Welcome visitors and increase tourism revenue

Related Land Use & Urban Design Element Policies

13.2, 20.3, 21.4, 21.5, 22.1

Time Frame

Intermediate Term

Responsibility

City Manager, Public Works, Community and Economic Development

Funding Source(s)

General Fund, Grants

PROGRAM 10: PARKING MANAGEMENT PLAN

Program Description

Develop a parking management plan to address:

- Traffic flow
- Parking lot circulation (including landscaping and pedestrian passageways)
- Vehicular and pedestrian circulation and safety
- New development requirements (including parking needs along Garvey Avenue)

Related Land Use & Urban Design Element Policies

14.2, 15.2, 20.6, 24.5

Time Frame

Short Term

Responsibility

Public Works

Funding Source(s)

General Fund

PROGRAM 11: CLIMATE CHANGE ACTION PLAN

Program Description	Develop a Climate Change Action Plan to address: • Sustainable development best practices and new development requirements • Reducing environmental burdens, particularly in identified disadvantaged communities • Mitigating urban heat island effect and increased tree canopy coverage • Approaches to decrease vehicle miles traveled and increase active transportation (walking, bicycling)
Related Land Use & Urban Design Element Policies	4.1, 4.2, 4.3, 4.4, 4.5, 4.6
Time Frame	Intermediate Term
Responsibility	Planning
Funding Source(s)	General Fund, Grants

Physical Improvements

PROGRAM 12: EXPAND RECREATIONAL AND OPEN SPACES

Program Description	Encourage active living, physical activity, health, and wellness by creating and maintaining a green network that provides ready access to parks, open space, trails, gardens, plazas, and public spaces.
Related Land Use & Urban Design Element Policies	3.6, 3.8, 28.1, 28.2, 30.1, 30.2, 30.3, 30.4, 30.5, 30.6, 30.7, 31.1, 31.2
Time Frame	Ongoing
Responsibility	Planning, Recreation and Community Services
Funding Source(s)	General Fund, Grants

PROGRAM 13: COMMERCIAL FAÇADE IMPROVEMENT PROGRAM

Program Description	Identify financial incentives that will encourage property and business owners to improve the exterior appearance of their buildings and storefronts.
Related Land Use & Urban Design Element Policies	20.7, 24.4
Time Frame	Intermediate Term and Ongoing
Responsibility	Community and Economic Development
Funding Source(s)	General Fund, Grants, BID Fees, Loans

PROGRAM 14: PARKLET PROGRAM

Program Description	Develop a parklet program that identifies potential locations and the permitting process to allow businesses, property owners, and other groups to install parklets in public rights-of-way.
Related Land Use & Urban Design Element Policies	22.4, 24.1, 24.7
Time Frame	Short Term and Ongoing
Responsibility	Planning, Public Works
Funding Source(s)	General Fund

PROGRAM 15: BUSINESS IMPROVEMENT DISTRICT (BID)

Program Description	Continue to consult with the Business Improvement District to: • Promote event programming • Prioritize and fund public and capital improvement projects
Related Land Use & Urban Design Element Policies	20.4, 20.7, 21.1, 21.2, 21.4, 21.5, 22.2, 22.3, 22.4, 24.1, 24.4, 24.7
Time Frame	Ongoing
Responsibility	Community and Economic Development
Funding Source(s)	General Fund, BID Fees

PROGRAM 16: SERVICE PROVIDER COORDINATION

Program Description	Consult and coordinate with local service providers (such as Southern California Edison, AT&T, etc.) to: • Underground overhead utility lines concurrent with new development • Maximize use of existing public facilities and utilities • Strategically locate new public facilities and utilities to minimize cost, and mitigate visual and environmental impacts • Incentivize alternative energy infrastructure, technology, and use
Related Land Use & Urban Design Element Policies	12.3, 20.4, 29.1, 29.2, 29.3, 29.4, 29.5
Time Frame	Ongoing
Responsibility	Public Works
Funding Source(s)	General Fund, Grants, Development Agreements

Special Programs and Projects

PROGRAM 17: LOT CONSOLIDATION PROGRAM

Program Description	Develop a lot consolidation program that identifies regulatory and financial incentives to encourage lot consolidation to achieve the scale and quality of development envisioned in the Land Use and Urban Design Element.
Related Land Use & Urban Design Element Policies	24.3
Time Frame	Short Term
Responsibility	Community and Economic Development
Funding Source(s)	General Fund

PROGRAM 18: COMPLETE STREETS AND NEIGHBORHOODS

Program Description	Develop and implement a Complete Streets and Neighborhoods program that: • Accommodates all modes of travel (e.g. walking, bicycling, scooting, driving) • Integrates schools, childcare and community centers, green spaces and parks, and public amenities Consult with developers and project applicants to require publicly accessible urban public spaces—such as plazas, courtyards, parklets, mini-parks, and similar public spaces—to be integrated into mixed-use projects.
Related Land Use & Urban Design Element Policies	7.1, 18.5, 21.1, 21.2, 22.2, 22.3
Time Frame	Intermediate Term and Ongoing
Responsibility	Planning, Engineering, Recreation and Community Services, Community and Economic Development
Funding Source(s)	General Fund, Grants, Development Agreements

Education and Outreach

PROGRAM 19: ONGOING COMMUNITY EDUCATION AND ENGAGEMENT

Program Description	Encourage diverse participation in local planning and decision-making processes by: • Targeting outreach events to accommodate populations that are typically underserved and/or underrepresented • Publishing outreach and meeting materials in English, Spanish, and other languages, as appropriate • Engaging the public early and often throughout planning and design processes
Related Land Use & Urban Design Element Policies	5.3, 5.4, 7.2
Time Frame	Ongoing
Responsibility	City Manager, Planning
Funding Source(s)	General Fund, Grants

PROGRAM 20: EDUCATIONAL BROCHURE OR MANUAL

Program Description	Develop a graphic brochure or manual that includes illustrations and images to identify zoning standards and design approaches that effectively transition the massing and scale of taller buildings adjacent to existing Low Density residential.
Related Land Use & Urban Design Element Policies	20.5, 22.5, 23.2, 24.6
Time Frame	Short Term
Responsibility	Community and Economic Development
Funding Source(s)	General Fund

Monterey Park
2040

320 West Newmark Ave.
Monterey Park, CA 91754
montereypark2040.org

ATTACHMENT 3
Environmental Review Statement

MIG

memo pasadena

to **Samantha Tewasart, Senior Planner**
City of Monterey Park

from **Laura Stetson and Lisa Brownfield**

re **August 2019 Final EIR for the focused General Plan Update**

date **June 8, 2020**

The City Council will hold a hearing on June 17, 2020 to consider adoption of the General Plan updated Land Use Element (LUE). The LUE version that the Council will consider is originally dated September 28, 2019. The September 28, 2019 version incorporates the revisions that the Planning Commission recommended be made to the June 2019 public review draft LUE (the subject of Commission hearings). You have asked MIG to confirm that the Final Environmental Impact Report (FEIR) dated August 2019 addresses the September 28, 2019 draft LUE.

The FEIR examined the impacts associated with the adoption and long-term implementation of the land use plan and policies set forth in the June 2019 public review draft LUE. The Planning Commission recommended two revisions to the June 2019 draft LUE, both per City staff request: 1) changing the allowed height within the Market Place planning area from 35 feet to 50 feet and 2) changing the land use designation at 1688 W. Garvey Avenue from Medium Density Residential to Low Density Residential. As part of its action, the Commission also provided staff the authority to correct typographical errors and adjust pagination in the LUE. These revisions are reflected in the September 28, 2019 draft LUE. The City Council, at its June 3, 2020 meeting, suggested the Market Place planning area height be 80 feet.

The Market Place revisions cited above do not change the allowed development build-out within the Market Place planning area; the maximum floor-area ratio (FAR), not building height, controls build-out. FAR was used in the FEIR to estimate build-out and associated impacts. Thus, the FEIR addresses the revision.

The second revision cited above reduces the maximum allowable density on the 1688 W. Garvey Avenue property and thus reduces residential build-out below the level analyzed in the FEIR. The FEIR addresses the revision.

Fixing the typographical errors and adjusting the pagination to make the LUE easier to read do not result in any substantive changes that affect the FEIR analysis.

In summary, the August 2019 FEIR addresses the conditions and build-out assumptions in the September 28, 2019 draft LUE.

ATTACHMENT 4

City Council Staff Report dated October 28, 2019

City Council Staff Report

DATE: October 28, 2019

AGENDA ITEM NO: Public Hearing
Agenda Item 4-A

TO: Honorable Mayor and Members of the City Council

FROM: Mark A. McAvoy, Director of Public Works/City Engineer/City Planner

SUBJECT: A Public Hearing to consider the draft Land Use Element of the General Plan, Focused Environmental Impact Report, and Findings of Fact and Statement of Overriding Considerations.

RECOMMENDATION:

It is recommended that the City Council consider:

(1) Opening the public hearing;
(2) Receiving documentary and testimonial evidence;
(3) Closing the public hearing;
(4) Adopting a Resolution adopting the Land Use Element (subject to voter approval); and certifying the Final Focused Environmental Impact and adopting Mitigation Measures, Findings of Facts and Statement of Overriding Considerations for the Land Use Element;
(5) Directing the City Manager, or designee, to prepare appropriate documents to place a proposition on the ballot for the previously called March 3, 2020 election seeking voter ratification of the City Council's actions; and
(6) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act)

The City prepared a draft environmental impact report ("DEIR") pursuant to CEQA Guidelines § 15080. No initial study was conducted nor were any of the CEQA Appendix G checklist topical areas eliminated from consideration of impacts. Consequently, all 20 of these topical areas were analyzed in the DEIR before determining that any impact was insignificant or less than significant. As may be seen, the DEIR identifies several significant and unavoidable impacts.

CEQA permits agencies to certify a final EIR ("FEIR") that discloses significant and unavoidable impacts if it can determine that the benefits of the proposed project outweigh the significant impacts. Significant and unavoidable impacts anticipated as a result of implementation of this Project include air quality, greenhouse gas emissions, noise, and transportation and traffic. While mitigation has been recommended to reduce these impacts, they remain significant and unavoidable for several reasons. Implementation of certain traffic and transportation improvements are outside the City's jurisdiction and the City cannot compel another agency to implement these improvements. The benefits of the proposed Project that should be weighed against

these significant and unavoidable impacts include, without limitation, economic growth and development; promotion of sustainable development; increased employment opportunities for highly skilled workers; reduction in per capita vehicle miles traveled; and the provision of housing. Accordingly, the recommendation is that the City Council adopt a Statement of Overriding Considerations in order to adopt the draft Land Use Element ("LUE").

EXECUTIVE SUMMARY:

In 2018, the City Council commenced the process for updating the Monterey Park General Plan. The first element identified by the City Council for consideration was the Land Use Element ("LUE").

On September 24, 2019, the Planning Commission reviewed the proposed draft LUE, Focused Environmental Impact Report, and Findings of Fact and Statement of Overriding Considerations (the "Project"). After considering the Project, the Commission adopted a resolution recommending that the City Council approve the draft documents. The Planning Commission staff report dated September 24, 2019, and the minutes from the September 24, 2019 Planning Commission meeting are attached for reference.

TYPE OF ACTION (LEGISLATIVE)

The recommended action includes a proposed change to the Monterey Park General Plan. In considering such actions, the City Council acts in its discretionary legislative capacity (formulating rules that apply to all future cases). For the LUE, the City Council must find that it complies with California's General Plan regulations including Government Code § 65358(a), namely that the LUE is in the public interest. Additionally, the action of placing the LUE onto the ballot for voter consideration is a legislative act under Elections Code § 9222.

These findings are included with the draft Resolution; the facts upon which these findings rely are also included with the draft documents.

The City Council may approve, modify or disapprove the Project as recommended by the Planning Commission. However, any substantial modifications proposed by the Council, which were not previously considered by the Planning Commission during its hearing(s), must first be referred back to the Planning Commission (Government Code § 65356).

Certification of the FEIR is also considered a quasi-legislative act because the City Council would need to adopt a statement of overriding considerations. This type of statement is interpreted to focus "on the larger, more general reasons for approving the project, such as the need to create new jobs, provide housing, generate taxes, and the like." Accordingly, the dominant concern of the action is broad and public.

BACKGROUND

In 2018, the City Council began the process for updating the Monterey Park General Plan, which was last updated in 2001. To facilitate this process, the City Council directed that the LUE be updated first. While these updates were initially planned to be completed for the November 2019 election, the cost of placing a proposition on a ballot for that election was prohibitive. Accordingly, the schedule for the LUE consideration was adjusted for the previously called March 3, 2020 election.

Between February and May of 2019, the City participated in various engagement efforts related to amending the LUE including, the formation of the General Plan Advisory Committee, a City Council initiated workshop, seven events for public attendance, a dedicated webpage on the City's website and circulation of a public survey. Following these efforts, an update was provided to the City Council on September 4, 2019. Overall, the City Council did not express concerns about the public outreach process and did not provide further direction.

On September 24, 2019, the Planning Commission considered both the DEIR and the LUE. A complete overview of the information provided to the Planning Commission – including a more in-depth explanation of proposed changes to the LUE – is included as attachments to this staff report.

Following the public hearing, the Planning Commission made the following changes to the draft LUE:

- Designated the parcel located at 1688 West Garvey Avenue from "High Density Residential" to "Low Density Residential;"[1]
- Revised the language under the heading Program 11: Climate Change Action Plan Time Frame (on page 99 of the Land Use Element Action Plan) to read "Short and Intermediate."

ALTERNATIVE COMMISSION CONSIDERATIONS:

While separate from the Planning Commission's consideration of the LUE, the Planning Commission also requested that the following items be brought to the attention of the City Council:

- Further analyze whether the proposed zone change for Atlantic Square (from "Commercial" to "Mixed-Use") in the draft LUE would allow for a housing overlay zone;[2]

[1] From a topographical standpoint, as well as the underlying geologic issues and the proposed geotechnical solutions for development, this parcel is not a good candidate for high density residential. Specifically, development will be constrained due to the steep slopes on the property and the required corrective action to cure historic geotechnical failures on the property – which is anticipated to involve the use of tiebacks. Accordingly, the property should be designated as Low Density Residential and the LUE should be amended to reflect that change in designation.

- An ordinance to formally recognize and designate the Cascades Waterfall, El Encanto, the observatory, and Historical Museum as historical landmarks in the City; and

- Adding policies to vigorously encourage and promote higher quality property maintenance standards

FISCAL IMPACT:

The City Council has authorized $749,607 for this Project.

Respectfully Submitted by:

Mark A. McAvoy
Director of Public Works/City Engineer/City Planner

Ron Bow
City Manager

Prepared By:

Samantha Tewasart
Senior Planner

Karl H. Berger
Assistant City Attorney

Attachments:

Attachment 1: Draft Resolution
Attachment 2: Finding of Facts and Statement of Overriding Considerations
Attachment 3: Draft Monterey Park General Plan Land Use Element and Focused Environmental Impact Report
Attachment 4: Letters from TRC Retail to City regarding General Plan Update – (dated September 24, 2019 and October 24, 2019)
Attachment 5: Planning Commission Staff Report dated September 24, 2019
Attachment 6: Planning Commission Minutes dated September 24, 2019

ATTACHMENT 5

City Council Staff Report dated November 20, 2019

City Council Staff Report

DATE: November 20, 2019

AGENDA ITEM NO: **Old Business**
Agenda Item 2-A

TO: Honorable Mayor and Members of the City Council

FROM: Mark A. McAvoy, Director of Public Works/City Engineer/City Planner

SUBJECT: Consideration of a draft Land Use Element (LUE) of the General Plan, Final Environmental Impact Report, and Findings of Fact and Statement of Overriding Considerations.

RECOMMENDATION:

It is recommended that the City Council consider:

(1) Adopting a Resolution adopting the Land Use Element (subject to voter approval); certifying the Final Environmental Impact Report; and adopting Mitigation Measures, Findings of Facts and Statement of Overriding Considerations for the Land Use Element; and
(2) Taking such additional, related, action that may be desirable.

SUMMARY

On October 28, 2019, the City Council considered both the Draft Environmental Impact Report and the LUE. The staff report from that meeting is attached for reference. Following the public hearing, the City Council made the following changes to the draft LUE:

- Reduced the Housing Overlay to the portions of South Atlantic Boulevard, between Avenida Cesar Chavez and Brightwood Street (Figure LUE-3);
- Added a new Housing Overlay to portions of Corporate Center Drive (100 du/ac, 125 feet) (Figure LUE-3 and Table LUE-1); and
- Increased the Market Place height allowance to 80 feet (Figure LUE-4).

These changes were incorporated into the draft LUE for review and consideration. However, with regard to the new Corporate Center Drive Housing Overlay, the record is unclear as to the proposed limits of the Overlay zone in relation to Corporate Center Drive, *e.g.*, whether the Overlay zone will be limited to the east side of Corporate Center Drive, or whether it will include both the east and west sides of Corporate Center Drive. Consequently, staff prepared two maps – Land Use Policy Map 1 (which limits the Overlay zone to the east side of Corporate Center Drive) and Land Use Policy Map 2 (which includes both the east and west sides of Corporate Center Drive into the

proposed Overlay zone) – and requests further clarification from Council as to which map accurately depicts Council's direction.

Respectfully Submitted by:

Mark A. McAvoy
Director of Public Works/City Engineer/City Planner

Ron Bow
City Manager

Prepared By:

Samantha Tewasart
Senior Planner

Karl H. Berger
Assistant City Attorney

Attachments:

Attachment 1: Draft Resolution
Attachment 2: Findings of Fact and Statement of Overriding Considerations
Attachment 3: Draft Monterey Park General Plan Land Use Element and Focused Environmental Impact Report
Attachment 4: City Council Staff Report dated October 28, 2019
Attachment 5: Land Use Policy Map 1 and Land Use Policy Map 2

ATTACHMENT 6

City Council Staff Report dated December 5, 2019

City Council Staff Report

DATE: December 5, 2019

AGENDA ITEM NO: Public Hearing
Agenda Item 2-A

TO: Honorable Mayor and Members of the City Council

FROM: Mark A. McAvoy, Director of Public Works/City Engineer/City Planner

SUBJECT: Consideration of a draft Land Use Element (LUE) of the General Plan, Final Environmental Impact Report, Findings of Fact, and Statement of Overriding Considerations.

RECOMMENDATION:

It is recommended that the City Council consider:

(1) Opening a public hearing and taking testimonial and documentary evidence;
(2) After the public hearing and considering the evidence submitted during the public hearing, adopt a Resolution adopting the Land Use Element (subject to voter approval); certifying the Final Environmental Impact Report; and adopting Mitigation Measures, Findings of Facts and Statement of Overriding Considerations for the Land Use Element; and
(3) Taking such additional, related, action that may be desirable.

SUMMARY

On October 28, 2019 and November 20, 2019, the City Council considered both the Draft Environmental Impact Report and the LUE. The staff reports from both meetings are attached for reference. At the November 20, 2019 public hearing, the City Council confirmed the following changes to the draft LUE:

- Reduced the Housing Overlay to the portions of South Atlantic Boulevard, between Avenida Cesar Chavez and Brightwood Street (Figure LUE-3);
- Added a new Housing Overlay to Corporate Center South (90 du/ac, 125 feet) (Figure LUE-3 and Table LUE-1);
- Increased the Market Place height allowance to 80 feet (Figure LUE-4);
- Reduced the floor area ratio (FAR) to 60 percent and height to 40 feet in the Saturn Park area – consistent with 2001 LUE (Figure LUE-4) and revised Policy 25.1 to address hazardous materials; and
- Clarified Policy 20.1 regarding the Downtown area (page 64) and Innovation Technology Uses Focus Area description (page 73) regarding cut-through traffic.

At the November 20th meeting, the City Council considered the draft 6th Cycle Regional Housing Needs Assessment (RHNA) housing numbers allocated to the City by the Southern California Association of Governments (SCAG) Regional Council-approved draft RHNA Allocation Methodology. Based upon that discussion, the City Council directed staff to research adding a Housing Overlay to the Sybil Brand area west of the 710 Interstate Freeway designated as Public Facility and to the Garvey Reservoir property designated as Open Space. According to SCAG, the City was allocated a draft number of 5,221 housing units for the planning period of 2021 to 2019.

After the meeting, staff and the City's consultant (MIG) analyzed the number of housing units that could potentially result from adding a Housing Overlay to the Corporate Center, Sybil Brand, and Garvey Reservoir areas. An Options Matrix table was prepared to summarize the three scenarios, including Option 1: Proposed Land Use Plan plus Housing Overlay I on both sides of Corporate Center Drive, Option 2: Adding Housing Overlay II to Sybil Brand site plus adjacent vacant parcel, and Option 3: Adding Housing II to Garvey Reservoir site.

The Matrix table shows net capacity relative to existing conditions. Option 1 could potentially yield 1,400 units at 90 units per acre resulting in a cumulative net new unit count of 5,236 units. Option 2 could potentially yield 1,410 at 60 units per acre resulting in a cumulative net new unit count of 6,646 units. Option three could potentially yield 3,870 units at 30 units per acre resulting in a cumulative net new unit count of 10,516.

As shown on the Options Matrix table, Option 1 is analyzed in the DEIR; Options 2 and 3 are not.

Three maps have been prepared for the City Council's consideration, including Land Use Policy Map Option 1 (which shows the Overlay zone added to the Corporate Center Drive area), Land Use Policy Map 2, (which shows the Overlay zone added to the Corporate Center Drive and the Sybil Brand areas), and Land Use Policy Map 3 (which shows the Overlay zone added to the Corporate Center Drive, Sybil Brand, and Garvey Reservoir areas).

CEQA (California Environmental Quality Act):

As shown on the Matrix table, Option 1 was analyzed in the General Plan DEIR; Options 2 and 3 are not analyzed. For Option 1, the DEIR assumes 9,971 net new trips. If instead of offices, residential units are built, then approximately 1,400 residential units could be built without requiring additional CEQA analysis. For Option 2, the DEIR assumes no new trips because no changes were proposed to the Sybil Brand area as part of the circulated DEIR. Option 2 would add approximately 10,321 new trips and, accordingly, would require additional CEQA analysis and – likely – recirculation of the DEIR. For Option 3, the DEIR assumed no new trips because no changes were proposed to Garvey Reservoir as part of the circulated DEIR. Option 3 would add approximately 28,328 new trips and certainly require additional CEQA analysis and recirculation of the DEIR.

Respectfully Submitted by:

Mark A. McAvoy
Director of Public Works/City Engineer/City Planner

Ron Bow
City Manager

Prepared By:

Samantha Tewasart
Senior Planner

Karl H. Berger
Assistant City Attorney

Attachments:

Attachment 1: Draft Resolution
Attachment 2: Findings of Fact and Statement of Overriding Considerations
Attachment 3: Draft Monterey Park General Plan Land Use Element and Focused Environmental Impact Report
Attachment 4: City Council Staff Report dated October 28, 2019
Attachment 5: City Council Staff Report dated November 20, 2019
Attachment 6: Options Matrix Table
Attachment 7: Proposed LUE Plan Options 1, 2, and 3

ATTACHMENT 7

City Council Staff Report dated June 3, 2020

City Council Staff Report

DATE: June 3, 2020

AGENDA ITEM NO: **New Business**
Agenda Item 5-C

TO: Honorable Mayor and Members of the City Council

FROM: Mark A. McAvoy, Director of Public Works/City Engineer/City Planner

SUBJECT: Draft Land Use Element (LUE) of the General Plan.

RECOMMENDATION:

It is recommended that the City Council consider:

(1) Receiving and filing this report; and
(2) Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The City Council adopted a new land use element ("LUE") on December 5, 2019. That LUE was placed on the March 2020 ballot as Measure II for voter approval. Measure II, however, was not adopted by voters and, accordingly, did not become effective.

It is recommended that the City Council consider amending the LUE and placing that version of the LUE on the November 2020 ballot for voter consideration. As explained more fully below, the recommended LUE would reflect the original version that was recommended by the Planning Commission and first considered by the City Council on October 28, 2019. It would not include provisions added by the City Council between October and December 2019 that included various housing overlays to the LUE in reaction to new California law taking effect in January 2020.

Staff reports from the City Council meetings of October 28, 2019; November 20, 2019; and December 5, 2019 are attached (without exhibits) for a comprehensive review of the City's drafting and ultimate adoption of the LUE. Since Measure II was not approved by the voters, however, the City Council should consider amending the LUE as described below. A public hearing to consider such an amendment is noticed for June 17, 2020.

BACKGROUND:

As described in the various staff reports, the City undertook approximately a year long process to develop the LUE for voter consideration. Among other things, the LUE was developed with the advice and supervision of the General Plan Advisory Committee ("GPAC") before it was presented to the Planning Commission or City Council. The version of the LUE recommended by the GPAC and Planning Commission was presented to the City Council at its October 28, 2019 meeting.

After deliberation, the City Council chose to alter the LUE as follows:

- Reduced the Housing Overlay to the portions of South Atlantic Boulevard, between Avenida Cesar Chavez and Brightwood Street (Figure LUE-3);
- Added a new Housing Overlay to Corporate Center South (90 du/ac, 125 feet) (Figure LUE-3 and Table LUE-1);
- Increased the Market Place height allowance to 80 feet (Figure LUE-4);
- Proposed Land Use Plan plus Housing Overlay I on both sides of Corporate Center Drive and Land Use Policy Map Option 1 (which shows the Overlay zone added to the Corporate Center Drive area);
- Reduced the floor area ratio (FAR) to 60 percent and height to 40 feet in the Saturn Park area – consistent with 2001 LUE (Figure LUE-4) and modified Policy 25.1 to address hazardous materials; and
- Clarified Policy 20.1 regarding the Downtown area (page 64) and Innovation Technology Uses Focus Area description (page 73) regarding cut-through traffic.

Those changes to the LUE were approved via Resolution No. 12124 on December 5, 2019. The City Council then placed the LUE on the March 2020 ballot for voter consideration.

Between December 2019 and February 2020, the City conducted a series of informational meetings regarding the March 2020 ballot propositions. As to Measure II, the common item of concern expressed by the public was the housing overlay over the Corporate Center area. Based upon those comments, and the subsequent voter rejection of Measure II, it seems appropriate for the City Council to reconsider its December 2019 actions and revert back to the October 28th version of the LUE.

Included with this Agenda item is the LUE as originally recommended by the GPAC and Planning Commission. This version of the LUE should be considered by the City Council during the public hearing scheduled for June 17, 2020. At that time, the City Council should give direction regarding whether to amend the LUE (as adopted by the City Council on December 5, 2019) and place it on the November 2020 ballot for voter consideration. All ballot propositions should be placed onto the ballot by the end of July 2020 (the statutory deadline is August 7, 2020).

ALTERNATIVE CONSIDERATIONS:

None.

FISCAL IMPACT:

No foreseeable costs associated with this staff report.

Respectfully Submitted by:

Mark A. McAvoy
Director of Public Works/City Engineer/City Planner

Prepared By:

Samantha Tewasart
Senior Planner

Reviewed by:

Karl H. Berger
Assistant City Attorney

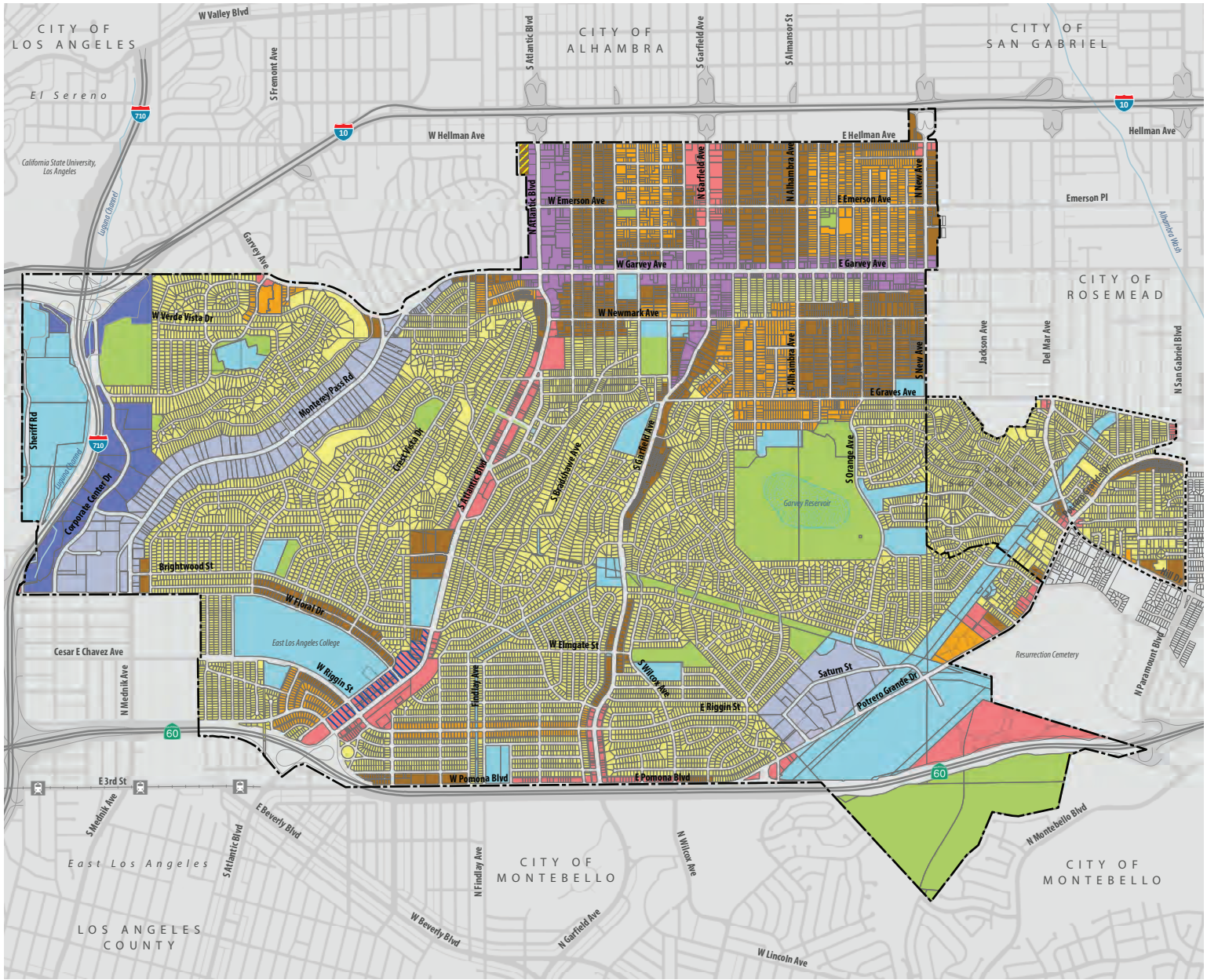
Ron Bow
City Manager

Attachments:

Attachment 1: Draft Monterey Park General Plan Land Use Element (from October 28, 2019)
Attachment 2: City Council Staff Report dated October 28, 2019
Attachment 3: City Council Staff Report dated November 20, 2019
Attachment 4: City Council Staff Report dated December 5, 2019

ATTACHMENT 5

LUE – Figure LU-3: Land Use Policy Map



Monterey Park 2040

FIGURE LU-3:

LAND USE POLICY MAP

Land Use Designations

- Low Density Residential
- Medium Density Residential
- High Density Residential
- Commercial
- Mixed Use
- Corporate Center
- Innovation/Technology
- Public Facilities
- Open Space
- Housing Overlay I
- Housing Overlay II

Base Map Features

- Monterey Park Boundary
- Sphere of influence Boundary
- Metro Gold Line and Stations
- Watercourses and Channels
- Garvey Reservoir

Note: Also see Regulating Plan

October 2019

Sources: City of Monterey Park and MIG, 2019.

MIG

0 ¼ ½ 1 Mile

City Council Staff Report

DATE: October 2, 2024
AGENDA ITEM NO: Consent Calendar - 3A

TO: The Honorable Mayor and City Council
FROM: Maychelle Yee, City Clerk
SUBJECT: Minutes

RECOMMENDATION:

It is recommended that the City Council consider:

1. Approving the minutes from the special meeting of May 22, 2024; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

None.

BACKGROUND:

None.

FISCAL IMPACT:

None.

Respectfully submitted,

Maychelle Yee
City Clerk

Prepared by:

Helena Cho
Assistant Deputy City Clerk

Approved By:

Inez Alvarez
City Manager

ATTACHMENT(S):

1. Draft Minutes

ATTACHMENT 1
Draft Minutes

MINUTES
MONTEREY PARK CITY COUNCIL
FINANCING AUTHORITY (MPFA)
HOUSING AUTHORITY (MPHA)
GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)
SUCCESSOR AGENCY (SA)
SPECIAL MEETING
MAY 22, 2024

The City Council, the Financing Authority (MPFA), the Housing Authority (MPHA), the Geologic Hazard Abatement District (GHAD), and the Successor Agency (SA) of the City of Monterey Park held a Special Meeting of the Council in the Council Chamber, located at 320 West Newmark Avenue in the City of Monterey Park, Wednesday, May 22, 2024, at 5:30 p.m.

CALL TO ORDER:
Mayor Wong called the meeting to order at 5:33 p.m.

FLAG SALUTE:
Mayor Wong led the flag salute.

ROLL CALL:
City Clerk Maychelle Yee called the roll:

Council Members Present:	Henry Lo, Vinh Ngo, Jose Sanchez, Thomas Wong, Yvonne Yiu
Council Members Absent:	None

ALSO PRESENT: City Treasurer Amy Lee, City Manager Inez Alvarez, City Attorney Karl Berger, Assistant City Manager Diana Garcia, City Librarian Kristin Olivarez, Director of Public Works Shawn Igoe, Director of Recreation and Community Services Robert Aguirre, Director of Finance Martha Garcia, Community Development Director Jessica Serrano, Director of Human Resources and Risk Management Christine Tomikawa, Police Chief Scott Wiese, Interim Fire Chief Chris Thompson, Finance Manager Laura Borjon, Planning Manager Beth Chow, Recreation Manager Christina Alatorre, Senior Librarian Leonie Jordan, Senior Librarian Lauren Fraizer, Senior Librarian Cathleen Bowley, Principal Management Analyst (City Manager's Office) Andrew Lee, Principal Management Analyst (Police) Angela Loera, Principal Management Analyst (Fire) Rebecca Bojorquez, Public Works Manager Chris Reyes, Human Resources Risk Management Manager Julie DeZiel, IT Manager Stanley Ardon, City Consultant Ziad Mazboudi, Deputy City Clerk Cindy Trang

VIRTUALLY PRESENT: None.

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS: None.

PUBLIC COMMUNICATIONS: None.

STAFF COMMUNICATIONS

- Public Works: Director of Public Works Igoe announced the celebration of Public Works Week and invited the community to Public Works Open House at the City Yard on May 23, 2024.

- Recreation & Community Services: Director of Recreation and Community Services Aguirre provided a recap on the opening of the Highlands Playground and the Playdays event and invited the community to the Memorial Day Commemoration on May 27 and the 4th Annual Pride Parade & Festival on June 1, 2024.

1. PRESENTATION – None.

2. OLD BUSINESS – None.

3. CONSENT CALENDAR ITEMS NOS. 3A-3F

All items under the Consent Calendar are considered by the City Council to be routine and will be enacted by one motion. Specific items may be removed from the Consent Calendar at the request of any member of the City Council for separate consideration.

Action Taken: The City Council approved and adopted Agenda Item Nos. 3A – 3F on Consent Calendar, excluding Item No. 3C which was pulled for discussion, separate motion, reading resolutions and ordinances by the title only and waiving further reading thereof.

Motion: Moved by Council Member Sanchez and seconded by Council Member Lo, motion carried by the following vote:

Ayes:	Council Members:	Sanchez, Lo, Yiu, Ngo, Wong
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

3-A. MONTHLY INVESTMENT REPORT – APRIL 2024

As of April 30, 2024, invested funds for the City of Monterey Park total $73,297,314.95.

Action Taken: The City Council received and filed the monthly investment report, on Consent Calendar.

3-B. CONSIDERATION OF A RESOLUTION TO ADOPT GUIDELINES FOR BATCH BROADBAND PERMIT PROCESSING OF WIRELESS TELE-COMMUNICATIONS FACILITIES

Government Code § 65964.3 requires cities to use "batch broadband permit processing" when they: (1) receive two or more broadband permit applications for "substantially similar broadband project sites;" (2) applications are submitted at the same time; and (3) by the same applicant.

Government Code § 65964.3 defines "substantially similar broadband project sites" as "broadband project sites that are nearly identical in terms of equipment and general design, but not location." It does not, however, define what the phrase "nearly identical in terms of equipment and general design, but not location" means.

The proposed Resolution would, if adopted, establish guidelines defining what the phrase "nearly identical in terms of equipment and general design, but not location" means.

CEQA (California Environmental Quality Act):
The proposed Resolution is exempt from additional environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq*., "CEQA") and CEQA regulations (14 California Code of Regulations ("CCR") §§ 15000, *et seq*.) because it establishes guidelines for batch broadband permit processing of wireless telecommunications facilities, which does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this Resolution does not constitute a "project" that requires environmental review (*see* specifically 14 CCR § 15378(b)(4-5)).

Action Taken: The City Council adopted Resolution No. 2024-R34 establishing guidelines for the batch broadband permit processing of wireless telecommunications facilities, on Consent Calendar.

Resolution No. 2024-R34
A RESOLUTION ADOPTING REGULATIONS FOR BATCH BROADBAND PERMIT PROCESSING OF WIRELESS TELECOMMUNICATIONS FACILITIES

3-C. ESTABLISHING THE SATURN PARK ADVISORY REVIEW COMMITTEE ("SPARC")

On April 9, 2024, the Planning Commission considered future land uses at McCaslin Business Park as contemplated by the Land Use Element ("LUE") to the General Plan (approved by voters in 2020). A copy of the April 9th staff report is attached for reference to this staff report.

During a subsequent Planning Commission meeting on April 15, 2024, Planning Commissioners expressed support for various land uses within the McCaslin Business Park to implement the vision expressed in the LUE. Based upon those discussions, it seems prudent for the City to solicit public input to adopt new land use regulations for what the LUE identifies as “Saturn Park.” The LUE was guided by a citizen’s oversight committee identified as the “General Plan Advisory Committee”; it is recommended that the City Council create the “Saturn Park Advisory Review Committee” or “SPARC” as described below.

Public Speaker:

- Maychelle Yee, resident, expressed her concerns regarding the development of the proposed area and suggested amending the recommendation to allow the community to appoint 3 members and asked for consideration to appoint her as one of the community members.

Action Taken: The City Council established the Saturn Park Advisory Review Committee (“SPARC”) initially comprised of Mayor Thomas Wong, Mayor Pro Tem Vinh Ngo, and Assistant City Manager Diana Garcia, as amended to allow the initial committee to determine the numbers of appointments of community members.

Motion: Moved by Council Member Lo and seconded by Council Member Sanchez, motion carried by the following vote:

Ayes:	Council Members:	Sanchez, Lo, Yiu, Ngo, Wong
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

3-D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, CALIFORNIA, DECLARING MAY 18, 2024, AS NATIONAL ASIAN AMERICAN AND PACIFIC ISLANDER DAY AGAINST BULLYING AND HATE (REQUESTED BY MAYOR WONG)

Action Taken: The City Council adopted Resolution No. 2024-R35 declaring May 18, 2024, as National Asian American and Pacific Islander Day Against Bullying and Hate, on Consent Calendar.

Resolution No. 2024-R35
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, CALIFORNIA, DECLARING MAY 18, 2024, AS NATIONAL ASIAN AMERICAN AND PACIFIC ISLANDER DAY AGAINST BULLYING AND HATE

3-E. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK RECOGNIZING THE MONTH OF JUNE 2024 AS LGBTQ+ PRIDE MONTH (REQUESTED BY COUNCIL MEMBER LO)

Action Taken: The City Council adopted Resolution No. 2024-R36 recognizing the month of June 2024 as LGBTQ+ pride month, on Consent Calendar.

Resolution No. 2024-R36
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK RECOGNIZING THE MONTH OF JUNE 2024 AS LGBTQ+ PRIDE MONTH

3-F. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, CALIFORNIA, DECLARING AND RECOGNIZING THE MONTH OF MAY 2024 AS MISSING AND MURDERED INDIGENOUS PEOPLE AWARENESS MONTH (REQUESTED BY COUNCIL MEMBER LO)

Action Taken: The City Council adopted Resolution No. 2024-R37 declaring and recognizing the month of May 2024 as Missing and Murdered Indigenous People Awareness Month, on Consent Calendar.

Resolution No. 2024-R37
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, CALIFORNIA, DECLARING AND RECOGNIZING THE MONTH OF MAY 2024 AS MISSING AND MURDERED INDIGENOUS PEOPLE AWARENESS MONTH

4. PUBLIC HEARING – None.

5. NEW BUSINESS

5-A. DISCUSSION AND DIRECTION REGARDING RETAIL THEFT LEGISLATION

The California Legislature recently introduced several measures intended to strengthen public safety, protect shoppers and businesses, and improve quality of life throughout the state by addressing the increase in retail theft. The League of California Cities recently requested that member cities consider supporting these measures. Council may direct staff to draft a letter of support for some or all of the measures listed in the staff report.

Action Taken: The City Council ensued in discussion on multiple bills pending in the California Legislature that would address retail theft and directed staff to draft a letter regarding criminal justice reform concerning the needs of the community and business members.

Motion: Moved by Mayor Pro Tem Ngo and seconded by Council Member Sanchez, motion carried by the following vote:

Ayes:	Council Members:	Sanchez, Lo, Yiu, Ngo, Wong
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

5-B. FISCAL YEAR 2024-2025 BUDGET

Consideration and possible action regarding the Fiscal Year 2024-2025 Budget. Staff will present a brief overview of policy issues, financial prospect and economic development, challenges/solutions, goals and strategies associated with the budget including, without limitation, the following matters.

- City 2024-2025 spending plan overview;
- Proposed staffing changes to reflect efficient core staffing mix;
- Proposed capital improvement projects;
- Goals and Objectives presented by all departments.

Council may raise other development, policy, capital project and potential budget adjustment items for consideration as part of the Budget.

Public Speaker:

- Maychelle Yee, resident, requested an update on the expenses and reimbursements for the Goodview project.

Discussion: Finance Director Garcia announced that the initial preliminary budget document was missing pages D3-D6 from the City Council Department. Finance Director Garcia and Finance Manager Borjon presented a PowerPoint presentation on the city's preliminary budget.

Action Taken: The City Council ensued in a discussion regarding the proposed budget and received and filed the Preliminary Budget documentation for Fiscal Year 2024-2025.

6. CITY COMMUNICATIONS (CITY COUNCIL)

7. FUTURE AGENDA ITEMS

8. CLOSED SESSION (IF REQUIRED; CITY ATTORNEY TO ANNOUNCE)

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 10:08 p.m. in memory of a resident, actor, and comedian Rudy Moreno.

_____
Maychelle Yee
City Clerk

City Council Staff Report

DATE: October 2, 2024

AGENDA ITEM NO: Consent Calendar - 3B

TO: The Honorable Mayor and City Council

FROM: Diana Garcia, Assistant City Manager

SUBJECT: Adoption of Citywide Mission, Vision and Values Statements

RECOMMENDATION:

It is recommended that the City Council consider:

1. Officially adopting the Monterey Park Team Charter, containing the citywide Mission, Vision and Values Statements; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

In an effort to foster a refreshed and unified organizational culture and align all departments, City of Monterey Park staff have collaboratively developed citywide Mission, Vision, and Values (MVV) statements. These statements were crafted through a comprehensive process that included a survey of all staff members; a half-day workshop on July 31, 2024, involving 49 staff members across all levels and departments; and additional work by staff teams to craft values statements. The finalized MVV statements aim to guide the city's decision-making and daily operations, reinforcing a cohesive approach to public service.

BACKGROUND:

In January 2024, the City Council held its annual strategic planning to discuss important issues facing the community and set goals for the next 12 months. One of the objectives that emerged during this meeting was to, "Craft Mission, Vision, and Values Statements," under the broader goal of enhancing public communication and civic engagement.

The City's leadership initiated a Mission, Vision, and Values (MVV) development process to create a clear organizational compass that aligns with Monterey Park's strategic priorities. The process involved several key steps:

Survey of All City Staff

In preparation for the MVV workshop, City leadership conducted a survey to gather input from all City employees (Attachment 1). A total of 108 team members responded, providing their insights on the values, goals, and direction of the organization. The survey also measured employee satisfaction. This feedback, which was provided in a report back to staff and City Council, formed the foundation for the workshop discussions.

Staff Workshop
On July 31, 2024, 49 staff members representing every department and level of the organization gathered at the Barnes Park Service Club House for an interactive workshop. The focus was on developing the Vision, Mission, and Values that would guide the City moving forward. The workshop, facilitated by an external consultant, Marie Knight, encouraged open dialogue on the organization, staff roles, and how team members should collectively "show up" each day to support each other and the community.

Key questions addressed during the workshop included:

- What is our vision for the City's future?
- How do we lead collaboratively?
- What core values will shape our decision-making and service to the community?

Tiger Teams
Following the workshop, two "Tiger Teams" (one composed of staff members and the other composed of members of the City's executive team) worked to further refine the Values Actions and establish the "Hard Nos" – behaviors that do not align with the City's core values. This ensured that the MVV statements would be actionable and reflective of the team's consensus.

Next Steps
Upon adoption, the MVV statements will be integrated into various City materials and communications, including:

- Updates to the City's letterhead and agenda templates
- Employee recruitment materials, such as job announcements and flyers
- Inclusion on City business cards
- Display on the City's website and other public-facing platforms
- Regular reinforcement through employee onboarding, staff meetings and performance discussions

2024-25 STRATEGIC PLAN GOAL:
Adopting these statements is a key step in implementing the City's 2024-2025 Strategic Plan objective to "Craft Mission, Vision, and Values Statements," under the broader goal of enhancing public communication and civic engagement.

Respectfully submitted by:

Diana Garcia
Assistant City Manager

Approved by:

Inez Alvarez
City Manager

Reviewed by:

Karl H. Berger
City Attorney

ATTACHMENTS:

1. Results of Citywide Mission, Vision and Values Survey
2. Monterey Park Team Charter

ATTACHMENT 1
Results of Citywide Mission, Vision and Values Survey

July
21
2024

City of Monterey Park

All Team Survey Results

On July 31, 2024, members representing all departments and levels of the organization will gather to create an important compass for the organization. The group will be creating Vision, Mission, and Value statements that will guide decision making and the work of the team in the future.

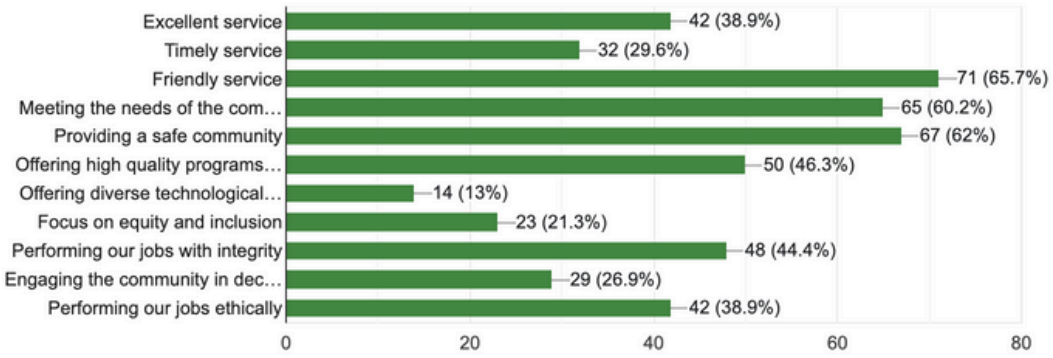
As it is not possible to bring all of your team members together in one room at the same time to do this, City Leadership desired to gather input and feedback from all employees in advance of the retreat so that the decisions made that day will represent a consensus of the thoughts and desires of everyone. All members of the team were encouraged to complete a survey providing their input on various topics.

Surveys were completed by 108 team members and their responses are summarized below.

Knight LEADERSHIP SOLUTIONS

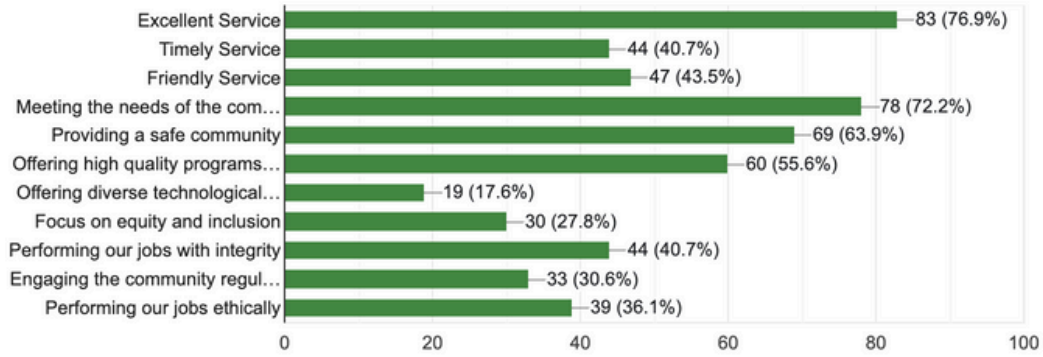
(1) As an organization, when it comes to the service we provide, what do you believe we are known for in the community? (Not what you think we provide, rather, if we asked the community - what do you think THEY would say we provide?) Check all that apply

108 responses



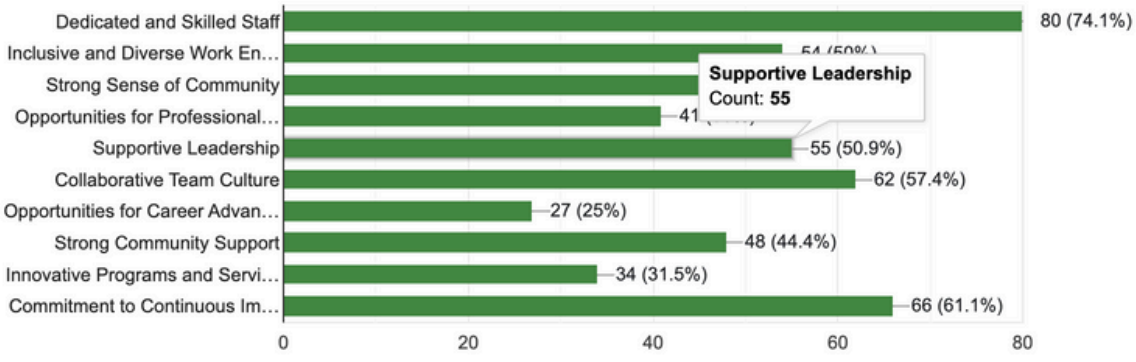
(2) As an organization, when it comes to the service we provide, what do you believe we SHOULD strive to be known for in the community? Check your top 5

108 responses



(3) What are the greatest assets of your department and the City? Choose all that apply

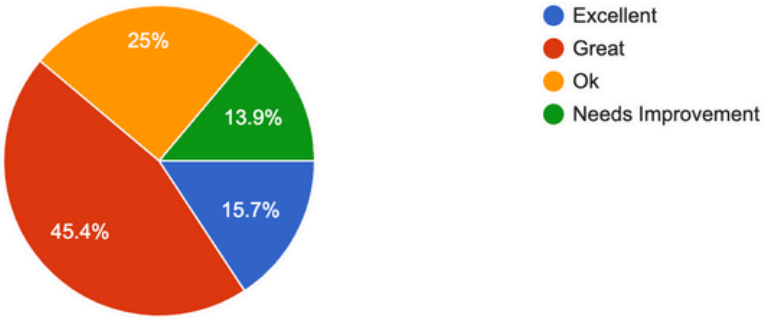
108 responses



(4) As an employee, please provide your thoughts on the areas below

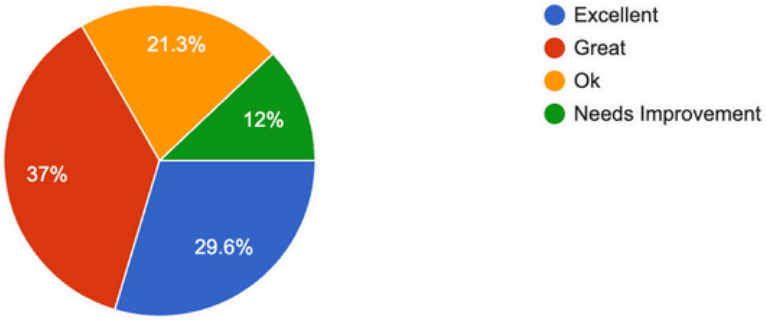
First, what do you think of the overall work culture of the organization?

108 responses



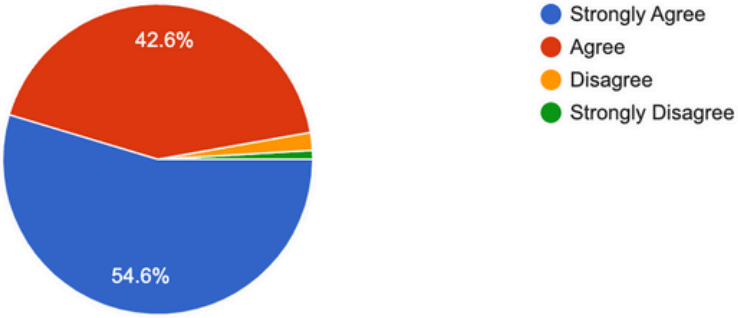
(5) The overall work culture of my department

108 responses



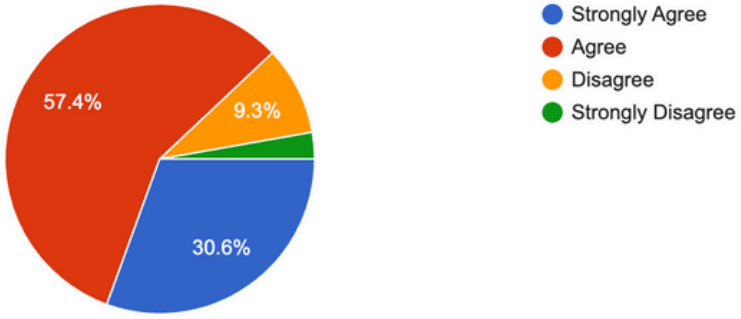
(6) I enjoy the work I am doing

108 responses



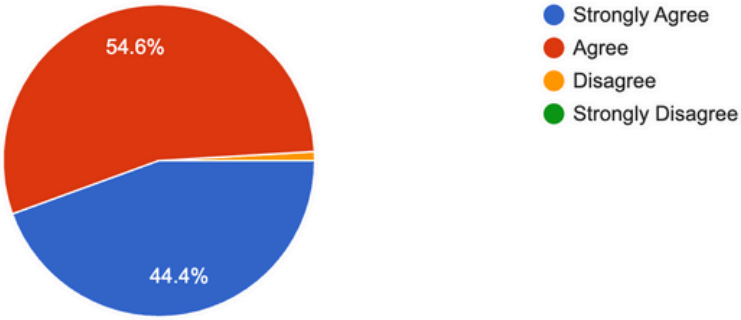
(7) I feel valued for the work I am doing

108 responses



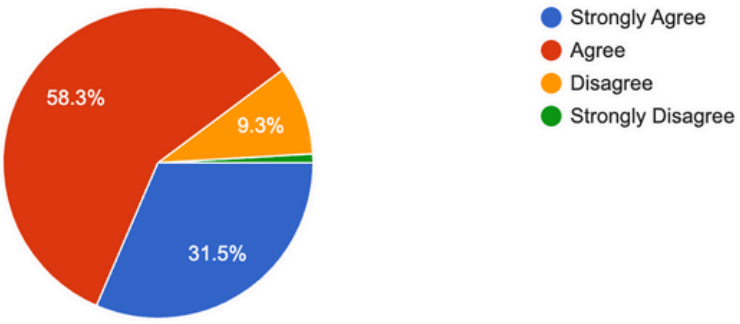
(8) I feel that I am making a positive impact in the community with the work I am doing

108 responses



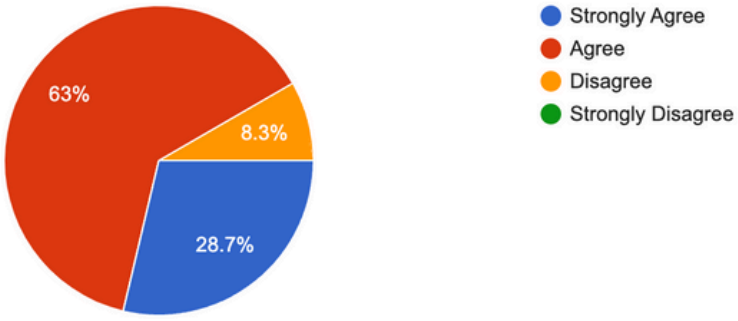
(9) I feel listened to and heard when I have ideas

108 responses



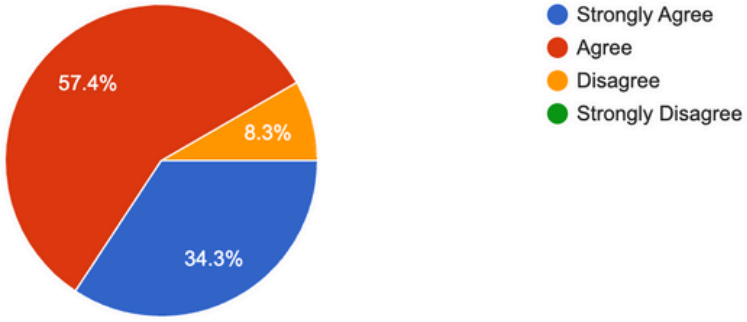
(10) I feel listened to and heard when I have concerns

108 responses



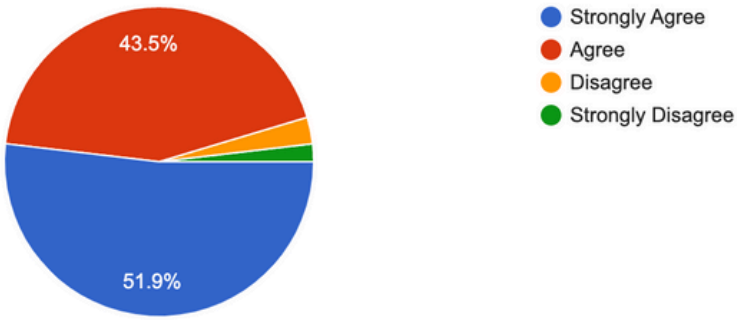
(11) I feel there are opportunities to learn and grow

108 responses



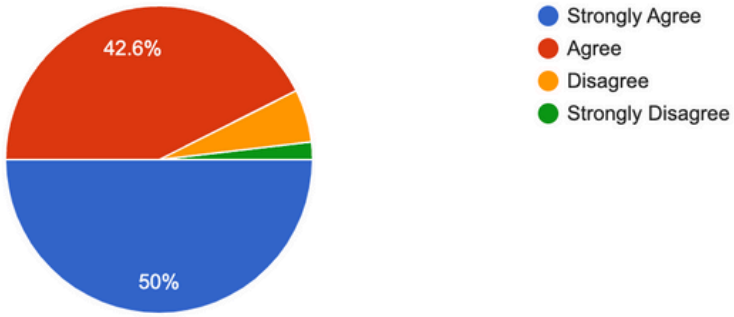
(12) I have positive working relationships with the people in my department

108 responses



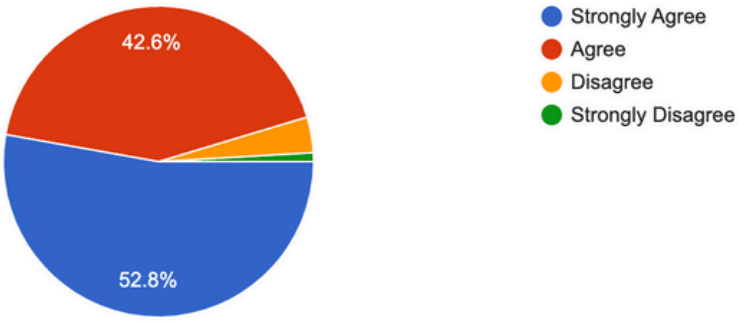
(13) I am comfortable with the level of communication from my supervisor

108 responses



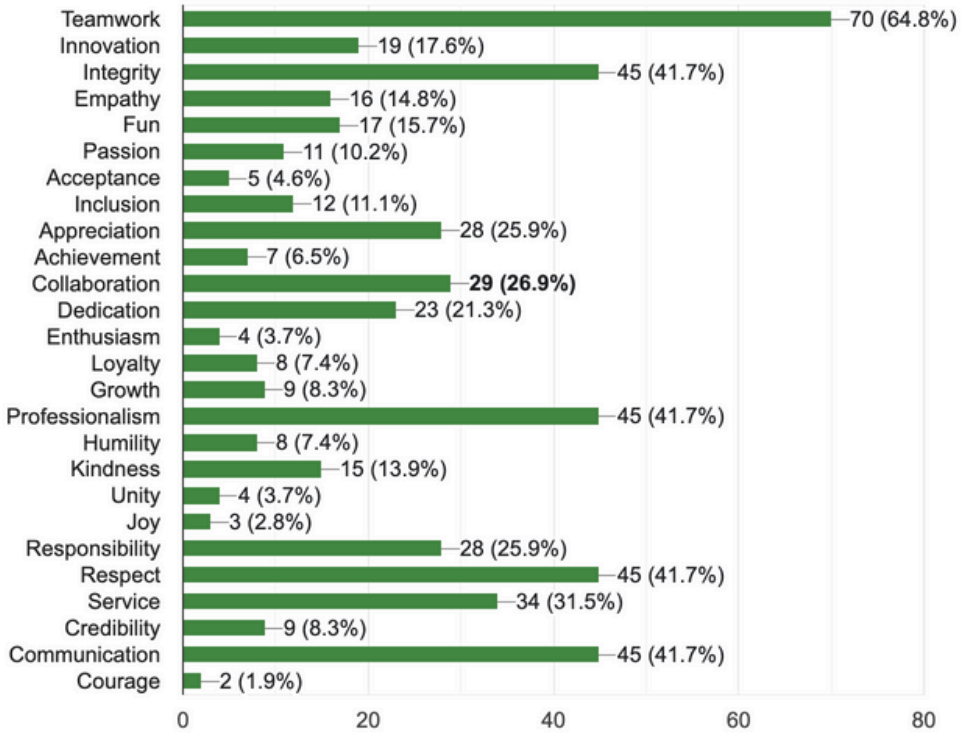
(14) I understand the role my job has in the City's processes and the expectations for the work I perform.

108 responses



(15) As you think about how you and your co-workers go about your daily work, and the principals and values that should drive your actions and behaviors, of the list below, **choose the top five** that you feel should be the core values of the organization.

108 responses



Contact

Knight Leadership Solutions
2439 E. Quincy Ave.
Orange, CA 92967
714-920-6717

knightleadershipsolutions.com
marie@knightleadershipsolutions.com

ATTACHMENT 2
Monterey Park Team Charter

2024

CITY OF
MONTEREY PARK
CALIFORNIA

All Team Charter

**** This is your Team Charter ****
your non-negotiable guide to achieving the organization's vision, mission, and values

Facilitated by

Knight LEADERSHIP SOLUTIONS

The Team Charter is a...

Roadmap For Success

Use The Charter to outline your...

Why?

Your mission
and your purpose

What?

Values, expectations, and performance conduct that will help you achieve your mission

Compass For Decision Making

Use The Charter to make decisions, such as...

Who to bring on to your team

How to expand & enhance services

How to help a department navigate a difficult situation

How to strategically help the organization succeed

... and so many more!

Organization's Vision Statement

The City of Monterey Park is an unparalleled team of thriving, innovative, and inclusive leaders.

Organization's Mission Statement

The mission of the City of Monterey Park is to provide excellent service, foster growth and opportunity, and create a joyous and collaborative environment.

Organization's Values

Communication
Teamwork
Respect
Integrity
Professionalism

Team Values

We value Communication and agree to:

- Share ideas and information in order to foster connectedness and empower others.
- Strive for clarity and accuracy in our written and verbal communications and be available to answer questions when needed.
- Speak up, speak with truth and have the tough conversations.

We value Teamwork and agree to:

- Be respectful of all ideas and supportive of all efforts.
- Collaborate with patience and understanding.
- Hold each other accountable in achieving community goals.

We value Respect and agree to:

- Be courteous, compassionate and kind to everyone, putting ourselves in their shoes.
- Listen to all people with respect and openness, making every effort to fully understand what is being said before responding.

We value Integrity and agree to:

- Always do the right thing, even when no-one is watching, by being honest, ethical and fair in all our actions.
- Own our mistakes and successes, correcting errors transparently and committing to learning from them.
- Be true to ourselves and others, ensuring that our actions align with our word and values.

We value Profesionalism and agree to:

- Represent our city positively by holding ourselves to the highest standards, maintaining composure and showing up with intention.
- Lead by example, following through on commitments, remaining dependable and pushing our limits to deliver excellent customer service.

Hard No's

Unnacceptable actions and behaviors defined

Actions and Behaviors	Defined & How They Show Up
1. Lack of Accountability or "Passing the Buck"	*Failing to take responsibility for one's actions or decisions.* **How it shows up:** • Avoiding ownership of tasks or errors. • Deflecting blame onto others. • Not following through on commitments or responsibilities. • Blaming external factors for failures or shortcomings. • Offering excuses instead of solutions. • Avoiding decision-making by delegating to others without support.
2. Dishonesty or Lack of Integrity	*Lack of truthfulness or accountability in communication and actions.* **How it shows up:** • Providing misleading or false information. • Concealing mistakes. • Failing to uphold the truth in dealings with others.
3. Gossip	*Spreading rumors or engaging in harmful conversations about others.* **How it shows up:** • Discussing colleagues' personal or professional matters without their consent. • Contributing to a culture of mistrust or division. • Undermining team cohesion through idle talk.

Hard No's continued

Actions and Behaviors	Defined & How They Show Up
4. Negativity or Closed-Mindedness	*Consistently exhibiting a pessimistic or defeatist attitude and unwillingness to consider new ideas or perspectives.* **How it shows up:** • Discouraging new ideas or initiatives. • Rejecting suggestions without consideration. • Sticking rigidly to old ways of thinking or working. • Focusing on problems without proposing solutions. • Approaching tasks with minimal effort or interest. • Showing indifference towards team goals or achievements.
5. Lack of Self-Awareness	*Lack of awareness of one's behavior, impact, or areas for improvement.* **How it shows up:** • Ignoring feedback or constructive criticism. • Failing to recognize one's role in conflicts or issues. • Overestimating abilities without seeking growth or development. • Refusing to collaborate or share credit. • Acting in a self-centered manner that undermines team efforts.

Hard No's continued

Actions and Behaviors	Defined & How They Show Up
6. Tardiness and Procrastination	*Consistently being late to work, meetings, or deadlines. Delaying tasks or decisions unnecessarily.* **How it shows up:** • Putting off important tasks until the last minute. • Causing delays in project progress or team efficiency. • Arriving late to work or meetings regularly. • Missing deadlines or delaying team projects. • Showing a lack of respect for others' time.
7. Silos or "Not my job"	*Working in isolation or failing to collaborate across departments. Refusal to take on tasks or responsibilities outside of one's specific role.* **How it shows up:** • Declining to help with team efforts that fall outside of one's job description. • Failing to show initiative in solving problems or addressing needs. • Withholding information or resources from other teams. • Prioritizing departmental goals over organizational success. • Creating barriers to communication and cooperation.

Next Steps...

01 **Create** a Roll-out plan that includes communicating the Team Charter to the City Council, employees, and community.

02 **Identify** the ways you'll use the Charter, such as: in your recruitment process, job coaching conversations, employee review process, etc.

03 **Use** your Vision, Mission, and Values as the framework for decisions, actions, behaviors, and opportunities for innovation and efficiencies.

Don't Forget!

When you know your WHY your WHAT becomes more effective and impactful

We thank you for engaging us to facilitate your path forward to continued success.

Contact

Knight Leadership Solutions
2439 E. Quincy Ave.
Orange, CA 92967
714-920-6717

knightleadershipsolutions.com
marie@knightleadershipsolutions.com

City Council Staff Report

DATE: October 2, 2024

AGENDA ITEM NO: Consent Calendar - 3C

TO:	The Honorable Mayor and City Council
FROM:	Martha Garcia, Director of Finance
SUBJECT:	Professional Services Amendment for Information Technology (IT) Services

RECOMMENDATION:

It is recommended that the City Council consider:

1. Authorizing the City Manager to execute a retroactive first amendment from July 1, 2024 to February 29, 2028, to the Knight Communications Agreement No. 2346-AA, in a form approved by the City Attorney. This first amendment will add IT services to the City's Police Department in the amount of $763,877, for a total not to exceed $3,248,551 for the term of the Agreement.
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

On December 21, 2022, City Council authorized the City Manager to enter into a 5-year professional services agreement from March 23, 2023 to February 29, 2028 in an amount not to exceed $2,484,674 with Knight Communications. At the time, IT support for the City's Police Department was being provided by a City employee and was not included as part of the agreement.

It is recommended that Council authorize the City Manager to execute a first amendment to the Knight Communications Agreement No. 2346-AA to add IT support for the City's Police Department which will be retroactively applied to have started July 1, 2024, for an amount of $763,877. This amounts to a total not to exceed amount of $3,248,551 for the term of the Agreement.

BACKGROUND:

City published a Request for Proposal in September 2022. Knight Communications was one of three proposals submitted to the City. On December 21, 2022, City Council authorized the City Manager to enter into a 5-year professional services agreement from March 23, 2023 to February 29, 2028 in an amount not to exceed $2,484,674 with Knight Communications. This contract does not include IT services for the Police Department.

IT services play a crucial role by offering specialized technical expertise to assist the City in several key areas. These services encompass the creation, efficient management, and optimization of information systems, as well as facilitating seamless access to critical

business processes. Previously, IT services for the City's Police Department were provided by a City employee. However, that employee has separated from the City.

Recognizing the critical need, staff asked Knight Communications to provide month-to-month IT services for the Police Department while working on an amendment to the agreement.

Knight Communications has provided IT support to various government entities for over 35 years. Their expertise encompasses all aspects of information technology relevant to local governments and their team ensures service delivery across multiple City departments, including the Police Department.

The City requests that the Council authorize a first amendment to the Knight Communications Agreement No. 2346-AA to add IT services for the City's Police Department retroactive to July 1, 2024, for an amount of $763,877 for a total not to exceed $3,248,551 for the term of the Agreement.

FISCAL IMPACT:
The cost for the proposed amendment is $763,877 for the term of the Agreement. Costs for FY 2024-25 are $200,000 and will be paid with salary savings. Remaining costs will be budgeted as part of the annual budget process.

Respectfully submitted by:

Martha Garcia
Director of Finance

Prepared by:

Stanley Ardon
Information Technology Manager

Approved as to form: Karl H. Berger, City Attorney

Approved by:

Inez Alvarez
City Manager

Reviewed by:

Solange Fortenbach
Deputy City Attorney

City Council Staff Report

DATE: October 2, 2024
AGENDA ITEM NO: Consent Calendar - 3D

TO: The Honorable Mayor and City Council

FROM: Jessica Serrano, Director of Community Development

SUBJECT: Waive further reading and adopt Ordinance for Development Agreement (DA-23-03) a Development Agreement by and between the City of Monterey Park and the Commons of MPK, LLC, for the development of a 64-unit condominium project on real property located at 338-410 S. Alhambra Avenue (Assessor's Parcel Numbers 5259-004-036, 5259-004-037, and 5259-004-038).

RECOMMENDATION:

It is recommended that the City Council consider:

1. Waiving the second reading and adopting the proposed ordinance; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The Ordinance was introduced and received first reading at the September 18, 2024 City Council meeting. The original staff report (from September 18, 2024) is attached for reference. Second reading and adoption of these Ordinances is recommended. If adopted, the ordinance will take effect in 30 days.

Respectfully submitted by:

Jessica Serrano
Director of Community Development

Prepared by:

Beth Chow, AICP
Planning Manager

Approved by:

Inez Alvarez
City Manager

Karl H. Berger
City Attorney

ATTACHMENTS:

1. Ordinance - Development Agreement (DA-23-03)
2. City Council Staff Report, dated September 18, 2204 (without attachments)

ATTACHMENT 1
Ordinance - Development Agreement (DA-23-03)

ORDINANCE NO.

AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT (DA-23-03) BY AND BETWEEN THE CITY OF MONTEREY PARK AND THE COMMONS OF MPK, LLC, FOR THE DEVELOPMENT OF 64-UNIT CONDOMINIUM PROJECT ON REAL PROPERTY LOCATED AT 338-410 S. ALHAMBRA AVENUE (ASSESSOR'S PARCEL NUMBERS 5259-004-036, 5259-004-037, AND 5259-004-038)

The City Council of the City of Monterey Park does ordain as follows:

SECTION 1: The City Council finds and declares that:

A. The Commons of MPK, LLC ("Developer") submitted development applications including TM-23-05, DRB-23-105, and DA-23-03 to develop a 64-unit condominium development to enter into a development agreement with the City of Monterey Park (the "Development Agreement"), which is attached to this Ordinance as Exhibit "A," and incorporate by reference.

B. The Development Agreement allows the Developer to construct a 64-unit condominium project that includes seven affordable units within the development of 3-story townhomes, and 57 condominium units in a 3-story building with subterranean level of parking (the "Project") at the real property located at 338-410 Alhambra Avenue (the "Project Site").

C. The City Planner reviewed the project pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq*., "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq*., the "CEQA Guidelines"). CEQA and the CEQA Guidelines are collectively referred to as "CEQA Regulations."

D. On June 18, 2024, at its special meeting, the City Council opened and closed the public hearing, and remanded the Project to the Planning Commission for further study.

E. On August 27, 2024, the Planning Commission conducted a duly noticed public hearing to assess the proposed development in TM-23-05, DRB-23-105, and DA-23-03, considered all oral and written evidence, and adopted Resolution 06-24 recommending that the City Council adopt this Ordinance.

F. The City completed its review and scheduled a public hearing regarding the proposed Project, before the City Council on September 18, 2024. Notice of the public hearing on the proposed Project was duly given as required by law;

G. This Ordinance and its findings are made based upon the evidence presented to the City Council at its June 18, 2024, Special Meeting, the

Planning Commission at its August 27, 2024 regular meeting, and the City Council at its September 18, 2024, meeting, including, without limitation, the staff report submitted by the City Planner.

SECTION 2: *Factual Findings and Conclusions.* The City Council finds as follows:

A. On June 17, 2020, the City Council approved the Land Use and Urban Design Element to the Monterey Park General Plan (the "2020 LUE"). Thereafter, the 2020 LUE was placed onto the November 3, 2020 ballot as Measure JJ. Following voter approval on November 3, 2020, the 2020 LUE (via Ordinance No. 2198) became effective on December 2, 2020.

B. The City amended and adopted the 2021-2029 Housing Element on November 11, 2022, which was subsequently certified by the California Department of Housing and Community Development on March 30, 2023.

C. The Developer has legal and equitable interest in the Property.

D. On July 5, 2023, the Applicant filed development agreement, and tentative map applications for the Project. The Project was deemed complete on June 14, 2024;

E. The City prepared an initial study ("IS"), mitigated negative declaration ("MND"), and notice of intent to adopt Which the City considered concurrently with this Ordinance.

F. For the reasons set forth below and in the Development, Agreement attached as Exhibit "A" and incorporated by reference, the City Council finds that the City would glean public benefits from the Project.

G. It is in the public interest to approve the Project.

SECTION 3: *Project Findings*. Pursuant to Government Code §§ 65867.5, 65915, the City Council finds as follows :

A. For the reasons set forth in the MND, and City Council Resolution No. 2024-R78 which are incorporated by reference into these findings, the Development Agreement is consistent with the Monterey Park General Plan. The Development Agreement furthers the goals of the General Plan and is in the interest of the general community welfare in that the Development Agreement will, among other things, facilitate the development of the Project Site which is currently underutilized, and consistent with the General Plan policies, including, without limitation:

1. Policy 6.4 – to support policies that facilitate and incentivize development of affordable housing units, such as development bonus programs;

2. Policy 8.5 – to require new development to provide engaging, well-landscaped outdoor spaces that invite and support outdoor activities;

3. Policy 8.6 – to minimize the street presence and visibility of parking facilities from public streets and neighboring properties; and

4. Policy 9.1 – to create homeownership opportunities by encouraging development of smaller scale, for-sale units such as condominiums, townhomes, and duplexes.

B. The Project is not located within a specific plan or planned development area, and therefore must be consistent with the requirements found within the underlying High-Residential Density (R-3) zone.

1. As proposed, with the use of Density Bonus regulations, incentives, and concessions the Project satisfies all development standards of the R-3 zone.

C. The Project is necessary for the orderly development of the surrounding area. As proposed, the location and characteristics of the residential project are consistent and compatible with the surrounding residential uses that also include other multi-family residential developments.

D. The Development Agreement includes a subdivision that complies with the provisions of Government Code § 66473.7, and MPMC § 20.04.

E. The Density Bonus is consistent with California law and MPMC Chapter 21.18, in which the City offers incentives for developers to build affordable units. Density Bonuses allow for greater density than permitted in the underlying zone, as well as, concessions or incentives, which vary from the requirements of the MPMC in order to achieve the affordable units, which will allow for the proposed site development of a multi-family affordable housing development consisting of 64 units on a 1.73 acre site, where the allowable density is increased from 51.9 units (30 units/acre) to 64 units (37.5 units/acre).

1. The incentives requested as part of the density bonus are consistent with MPMC § 21.18.050 to: 1) allow an increase building height by 1 story, resulting in an additional 6’ in height; 2) allowing a decrease in the rear yard setback by 20%; and 3) allowing open space to be reduced by 20%.

2. Seven units of housing will be created for the very low-income category of affordability.

3. The Density Bonus will help achieve General Plan 2020 LUE policies stated in Subsection A of this Section.

4. The proposed development, containing market-rate and affordable residential units, will help meet the City's Regional Housing Needs Assessment ("RHNA") allocation of 5,267 residential units for the 8-year planning period between 2021-29.

5. The Density Bonus Agreement will help achieve General Plan goals as set forth Housing Element in providing housing that meets the needs of all economic segments of the community and implements the General Plan policies, including, without limitation:

    a. Policy 4.1 – to encourage the use of density bonuses and provide other regulatory concessions to facilitate affordable housing; and

    b. Policy 4.2 – to support favorable home purchasing options for lower-and moderate-income households

F. The Density Bonus Agreement is in the public interest and reflects the current and contemplated land uses of the R3 zone, as well as consistency between the General Plan Land Use Map and Zoning Map.

G. The Development Agreement provides certainty in the planning and construction as well as orderly development, while providing assurance to the Applicant that it may construct the Project.

SECTION 4: *Environmental Review.* The City reviewed the environmental impacts of the proposed Ordinance pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, et seq. "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et seq., the "CEQA Guidelines"). The City Council finds as follows:

A. An Initial Study ("IS") was prepared for the Project in accordance with CEQA Guidelines § 15063 which showed that, if mitigated, the Project would not cause any significant environmental impacts.

B. The IS and a mitigated negative declaration ("MND") analyzing the environmental impacts of the proposed development were prepared, circulated, and made available for public review between Thursday, May 23, 2024, and Tuesday, June 12, 2024.

C. Based on the findings of the IS, and with proposed mitigation measures for air quality, biological resources, cultural resources, paleontological resources, and noise, the proposed development would not result in significant environmental impacts.

D. The IS and MND are considered concurrently with this Ordinance under City Council Resolution No. 2024-R78, which is incorporated by reference into these findings.

SECTION 5: *Notice of Determination*. The City Planner, or designee, is directed to file a Notice of Determination in accordance with CEQA §§ 21152, 21167(f); CEQA Guidelines § 15094, and any other applicable law.

SECTION 6: *General Plan and Zoning.* The Project conforms to the Monterey Park General Plan, as set forth in Section 3. In addition, the Project conforms to the MPMC in that the zoning classification for the Project Site is R3 which allows for multifamily development.

SECTION 7: *Public Benefits*. The Development Agreement provides for public benefits including, without limitation:

A. Development of affordable units for the very low-income affordability category;

B. Providing homeownership opportunities to qualified very low-income households, including a local preference for City residents to own or occupy the affordable units;

C. Providing for the stimulation of the local economy through programs contained within the Development Agreement, without limitation:

1. Local Hire Program to hire workers or companies that have offices within the City;

2. Buy local program for materials and supplies for the construction of the project; and

3. Local resident preference for the eventual rental or sales of affordable units

D. Provide for additional opportunities to create sustainable development by including additional electrical vehicle charging infrastructure above what is required in the California Building Standards Code.

SECTION 8: *Incorporation of Development Agreement; Changes; Execution.* In accordance with Government Code §§ 65864, et seq., this Ordinance approves the Development Agreement in substantially the form attached as Exhibit “A”, and incorporated by reference.

A. The Development Agreement may be changed before execution as authorized by the City Council during the public hearings for the Project.

B. The Development Agreement may be changed before execution for minor clarifications and technical, clerical, corrections as approved by the City Attorney including, without limitation, completion of references, status of planning approvals, and completion and conformity of all exhibits to the Development Agreement.

C. The City Council authorizes the City Manager to execute the Development Agreement on the City's behalf in a form approved by the City Attorney. The City Manager, or designee is authorized to execute amendments or operating memoranda as permitted by the Agreement, in a form approved by the City Attorney.

SECTION 9: *Construction*. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council' s intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilities the purposes set forth in this Ordinance.

SECTION 10: *Reliance On Record*. Each and every one of the findings and determination in this Ordinance are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 11: *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 12: *Enforceability.* This Ordinance does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date.

SECTION 13: *Limitations.* The City Council's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the City Council's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the city's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 14: *Severability*. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the

provisions of this Ordinance are severable.

SECTION 15: *Electronic Signatures*. This Ordinance may be executed with electronic signatures in accordance with Government Code § 16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 16: *Publications*. The City Clerk is directed to certify the passage and adoption of this Ordinance; make a note of the passage and adoption in the records of this meeting; and within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or po posted in accordance with California law.

SECTION 17: *Recordation*. The City Clerk, or designee, is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within 15 days after the passage and adoption of this Ordinance, and cause it to be published or posted in accordance with California law.

SECTION 18: *Effective Date*. This Ordinance will become effective 30 days after second reading and adoption.

ORDINANCE NO. ___ HAD ITS FIRST READING ON SEPTEMBER 18, 2024, ITS SECOND READING ON OCTOBER 2, 2024, AND WAS DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MONTEREY PARK AT ITS REGULAR MEETING OF OCTOBER 2, 2024.

PASSED AND ADOPTED this 2nd day of October 2024.

_____
Thomas Wong, Mayor

ATTEST:

_____
Maychelle Yee, City Clerk

APPROVED AS TO FORM:
KARL H. BERGER, CITY ATTORNEY

By:_____
Justin A. Tamayo, Deputy City Attorney

Exhibit A: Development Agreement 23-03

RECORDING REQUESTED BY:
CITY OF MONTEREY PARK

AND WHEN RECORDED MAIL TO:

CITY CLERK
CITY OF MONTEREY PARK

SPACE ABOVE THIS LINE FOR RECORDERS USE

DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF MONTEREY PARK AND THE COMMONS OF MPK, LLC RELATIVE THE DEVELOPMENT KNOWN AS THE COMMONS OF MPK, LLC

This Development Agreement (the "Agreement") is made this ___ day of _____, 2024, by and between the CITY OF MONTEREY PARK, a general law city and municipal corporation (the "City") and The Commons of MPK, LLC, a California limited liability company (Entity no. 201510510030) ("Developer"). City and Developer may be collectively referred to as the "Parties" and each may be referred to as a "Party." The Parties agrees as follows:

1. RECITALS. The Parties enter into this Agreement with reference to the following:

A. Government Code § 65864, *et seq*. and Monterey Park Municipal Code ("MPMC") Chapter 21.110 (collectively, the "DA Regulations") authorize City to enter into development agreements with persons having legal or equitable interests in real property for the development of such real property.

B. Developer owns approximately 1.73 acres of real property located in City's jurisdiction which is legally described in attached Exhibit "A," and is incorporated by reference (the "Property").

C. Developer filed the following applications with City (the "Project Applications"):

i. Tentative Map (TM) 23-05;
ii. Density Bonus request; and
iii. Development Agreement (DA)-23-03, an application for approval of this Agreement.

D. This Agreement assists with land use planning certainty and provides for the orderly development of the Project in a manner consistent with Applicable Law including, without limitation, the MPMC and the General Plan.

E. Developer intends to develop the Property as a residential community consisting of

64 units condominium (the "Project").

F. The City's General Plan, as amended, (the "General Plan") designates the area in which the Property is located as R-3 zone. The General Plan provides for the Property to be developed for a maximum of 30 unit per acre.

G. Developer seeks to develop the Property in accordance with the land use policies and goals set forth in the City's General Plan and with the terms and conditions of this Development Agreement ("Agreement").

H. All actions taken by City were undertaken in accordance with Applicable Law including the California Environmental Quality Act (Public Resources Code §§ 21000, *et. seq*.) ("CEQA"), and all of the other requirements of notice, public hearings, findings, votes and other procedural matters.

I. On June 18, 2024, the City Council held a special city council meeting where it opened and closed the public hearing, and remanded the Project to the Planning Commission for further study.

J. On September 18, 2024, the City Council held a public meeting and took the following actions after making appropriate findings:

i. Adopted Resolution No. 2024-R78 approving a tentative map, design review, and adopting the Mitigated Negative Declaration for the Project;

ii. Introduced and waived first reading of Ordinance No. ____, approving the Development Agreement. Second reading and adoption occurred on October 2, 2024. That Ordinance becomes effective 30 days afterward.

2. DEFINITIONS. Unless the contrary is stated or clearly appears from the context, or is defined elsewhere within this Agreement, the following definitions govern the construction of the words and phrases used in this Agreement. Words and phrases not defined by this Agreement have the meanings stated in the MPMC and any successor statutes or regulations.

"Anniversary Date" means that date each yearly anniversary of the Effective Date.

"Applicable Law" means all federal, state and local law including, without limitation, the MPMC, uncodified ordinances, resolutions adopted by the City Council and all other regulations affecting the Property in effect on the Effective Date.

"CEQA" means the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq*.) and the CEQA Guidelines (California Code of Regulations, title 14, §§ 15000, *et seq*.), as amended.

"Conditions of Approval" means those conditions of approval imposed by City.

"Development Impact Fees" or "DIF" means all City-adopted fees and monetary exactions that are designed to pay for new or expanded public facilities needed to serve, or to mitigate the adverse effects of, a given development project and that are imposed by City as a condition of approval of discretionary or ministerial permits for, or in connection with the implementation of, that development project. The term "Development Impact Fees" does not include processing fees and charges as described in this Agreement. The term "Development Impact Fees" also does not include requirements that development be served by a public utility even if that public utility imposes a capital improvement fee or similar charge as a condition of providing service. The estimated DIFs to be paid for the Project are as set forth on attached Exhibit "B," which is incorporated by reference.

"Director" means the City Manager, or designee. This Agreement anticipates that the Director will ordinarily be City's Community Development Director.

"Discretionary Action(s)" or "Discretionary Approval(s)" means a City action requiring the exercise of judgment, deliberation or discretion on the part of City, including any board, agency, commission or department and any officer or employee thereof, in the process of approving or disapproving a particular activity, as distinguished from an activity which merely requires City, including any board, commission or department or any officer or employee thereof, to determine whether there has been compliance with Applicable Law.

"Effective Date" means, except as provided below, the date this Agreement which is the same as when the Enacting Ordinance (hereafter defined") becomes effective. Execution of this Agreement by the parties does not bind the Project or the Developer to actually use or develop the Project pursuant to the terms of this Agreement until the Effective Date. Notwithstanding the foregoing, the indemnity obligations of Developer take effect as of the date this Agreement is executed.

"Enacting Ordinance" means Ordinance No. _____, adopted by the City Council on October 2, 2024, approving this Agreement.

"Exactions" means all exactions, in-lieu fees or payments, dedications or reservation requirements, obligations for on-site or off-site improvements, construction requirements for public improvements, facilities, or services called for in connection with the development of or construction on the Property, whether such requirements constitute subdivision improvements, mitigation measures in connection with environmental review of any project, or impositions made under any applicable ordinance or in order to make a project approval consistent with the anticipated land use policies of the General Plan.

"General Plan" means the Monterey Park General Plan as of the Effective Date except that the Housing Element to the General Plan may become effective after the Effective Date, and is incorporated into the "General Plan" for purposes of this

Agreement upon its certification by the California Department of Housing and Community Development in accordance with Applicable Law.

"Minor Change" means changes, modifications or adjustments which are consistent with the overall intent of this Agreement and which do not materially alter the overall nature, scope, or design of the Project.

"Mortgage" means any mortgage, deed of trust, encumbrance, sale leaseback or other security interest encumbering all or any portion of the Property, given by Developer for the purpose of securing funds to be used for financing the acquisition of the Property or any portion thereof, the construction of improvements thereon and/or any other expenditures reasonably necessary and appropriate to develop and/or operate the Project.

"Mortgagee" means the holder of the beneficial interest under any Mortgage.

"Parking Areas" means the areas dedicated for parking, as set forth in the Applicable Law and Conditions of Approval.

"Permitted Uses" means those uses that are specifically permitted by Applicable Law.

"Processing Fees" means all processing fees and charges required by the City that are applied uniformly to all construction or development related activity including, without limitation, fees for land use applications; building permit applications; building permits; grading permits; shoring and excavation permits; hauling permits; encroachment permits; demolition permits; subdivision or parcel maps; lot line adjustments; street vacations; inspections; certificates of occupancy and plan check. Processing Fees do not mean or include DIFs.

"Project Buildings" means all the buildings permitted under the Applicable Law and this Agreement.

"Project Facilities and Infrastructure" means public and semi-public facilities and infrastructure (including associated grading, engineering, design, construction, and supervision) only to the extent such facilities and infrastructure serve the Project.

"Uniform Codes" means those Uniform Codes adopted by reference in the MPMC in accordance with Government Code §§ 50022.2, *et seq*. as required by applicable law including, without limitation, Health and Safety Code § 18944.5 and Title 24 of the California Code of Regulations. The Uniform Codes govern building and construction standards including, without limitation, the building, plumbing, electrical, mechanical, grading, sign, and fire standards.

"Zoning Regulations" means the zoning regulations in the MPMC that are part of the Applicable Law.

3. GENERAL ACKNOWLEDGMENTS. The Parties acknowledge that: (a) City entered into this Agreement pursuant to Applicable Law and City's police powers under the California Constitution to, in part, address the need for public facilities and infrastructure in connection with the Project and other property in the area; and (b) nothing in this Agreement may be construed to limit or restrict the exercise by City of its police powers including, without limitation, those of eminent domain.

4. APPLICABILITY OF THIS AGREEMENT. This Agreement does not: (a) grant density or intensity exceeding that otherwise established by Applicable Law; (b) eliminate future City approvals relating to the Project if applications seeking such approvals are initiated and submitted by the Developer after the Effective Date; (c) guarantee that Developer will receive any profits from the Project; (d) prohibit the Project's participation in any benefit assessment district that is generally applicable to the surrounding properties; or (e) amend the General Plan. This Agreement has a fixed term. Furthermore, City may apply any law in effect at the time of Developer's future application for Project approvals.

5. INTEREST OF DEVELOPER. Developer represents to City that, as of the Effective Date, Developer has a legal or equitable interest in the Property subject only to encumbrances, easements, covenants, conditions, restrictions, and other matters of record.

6. DEVELOPMENT OF THE PROJECT. The Parties agree that:

A. General Development. Any development of the Project on the Property must be conducted in accordance with the terms and conditions of this Agreement.

B. Permitted Uses. The permitted uses of the Project, the density and intensity of use, the maximum height and size of proposed buildings, provisions for reservation or dedication of land for public purposes and location of public improvements, and other terms and conditions of development applicable to the Project must be those set forth in Applicable Law including, without limitation, Conditions of Approval, and this Agreement.

C. Public Benefits. As part of this plan, the Developer is required to implement the following public benefit initiatives:

Affordable Housing Initiative: The Developer will include a total of seven units within the Property designated as very low-income. These units must be dispersed throughout the Property.

Local Hiring Program. Developer agrees to prepare and implement a local hiring program to encourage and promote the employment of qualified residents of the City of Monterey Park in its development of the Project (the "Local Hiring Program"). Developer agrees that the Local Hiring Program will be prepared within 90 days of the Effective Date and will include a mix of the following measures, and such other measures as Developer from time to time deems

appropriate: (i) public circulation within the City of employment opportunities; (ii) job fairs targeting City residents, (iii) mandatory inclusion on all Project bidding lists of any qualified City contractors or subcontractors that have registered with Developer, and (iv) compliance with Developer's corporate bidding policies. Every 6 months following the Effective Date until the completion of construction, Developer must submit to the City Manager, or designee, a written report documenting Developer's implementation of the Local Hiring Program, which report must describe in reasonable detail Developer's efforts during the relevant reporting period to hire qualified City residents pursuant to the Local Hiring Program.

Local Purchasing Prioritization. Developer will prioritize purchasing supplies, materials, and equipment for the construction of the Project from local vendors who are cost-competitive (within 5 percent) with non-local vendors and who currently have a business within the City and the point of sale, for the business's sales tax reporting purposes occurs within the City limits. Developer will keep accurate log(s) of all local purchase supplies, materials, and equipment and promptly furnish such logs to the City upon request.

Existing Tenants and Local Resident Priority Preference. To the extent permitted by the law, Developer will give priority in the following manner for the leasing or ownership of the Project's affordable units, 1) income qualified, existing tenants of the Property and 2) current residents of the City. Existing tenants are defined as those persons that either possess an active lease agreement, or currently reside at the Property. "Current residents" means persons having primary residency in Monterey Park, which can be further determined by the Developer by home visits and requests for written verification from landlords. Developer will maintain a list of Applicants who have filed a complete application with the Developer to rent or purchase an affordable unit in the Project and who have incomes which would qualify them as an eligible tenant or buyer. Should multiple tenants be equally eligible and qualified to rent or own a unit, Developer on best efforts will rent or sell such units on a first-come, first-serve basis.

Electric Vehicle Charging. In addition to meeting the requirements of the California building standards codes, as adopted by the MPMC, Developer will provide an additional 10% electric vehicle ("EV") charging stations, and 35% of the total number of parking spaces will be equipped with Low Power Level 2 EV Ready.

D. Future Approvals. City agrees that land uses set forth in the Conditions of Approval are approved or will be approved pursuant to the terms of this Agreement and Applicable Law, provided that Developer satisfactorily complies with all preliminary procedures, actions, payments and criteria applicable as of the Effective Date and generally required of developers by City for processing applications for land developments at such time. City agrees to grant and implement the necessary land use, zoning, site plan or subdivision approvals and to grant other approvals and permits, including ministerial approvals, that will accomplish or

facilitate development of the Project for the uses and to the density or intensity of development described and shown in the Conditions of Approval, and/or this Agreement pursuant to Applicable Law. Any future development of the Property not contemplated by this Agreement requires all discretionary approvals required by the Applicable Law (collectively, the "Future Conditions of Approval").

E. Homeowners Association. Pursuant to City Council Resolution No. 12199:

1) To ensure all common areas (e.g., driveway, hardscape, landscape) are properly maintained, a Homeowners' Association (HOA) and Covenants, Conditions and Restrictions (CC&R's) are required for the proposed Project. The Developer must hire a management company for the HOA. During sales of the units, the sales managers must sit on the HOA board. The Developer's representatives can remove themselves from the HOA board only when 1) a new HOA board is selected from the new home owners; 2) the new home owners are trained on how to run the HOA; and 3) the units are fully occupied. The documents related to the HOA and CC&R's must be reviewed and approved by the City Attorney before the City approves a final map. In addition, the Developer must pay for all attorneys' fees associated with the review of the documents.

2) The final approved floor plan for the residential units must be incorporated into CC&R's.

3) The Homeowners Association must maintain a current and active business license with the City for the life of the project. Association dues may not be collected unless the Association has a current and active business license with the City.

4) Draft covenants, conditions and restrictions ("CC&Rs"), in a form approved by the City Attorney, must obtain approval from the City Planner, or designee, and include the following clauses:

a) *Payment of Municipal Charges*. The amount of the assessments levied by the Association must include sums sufficient to cover the cost of all municipal charges imposed against the Property including, without limitation, sums sufficient to ensure the payment of invoices from the City of Monterey Park ("City") for water, wastewater, and solid waste charges. In addition, the Association and the Owners, and the management agent, if any, must continuously guarantee payment to the City of all such municipal charges.

b) *Access and Entry*. The Association and each Owner covenants, in favor of the City, to provide access and entry to all common areas of the Property, and all buildings, structures and units situated thereon, to any authorized Fire Inspector, Building Official and any

other official charged with carrying out the laws of the City, the State of California, or the United States of America.

c) *Signs*. Except as otherwise allowed by applicable law, the Association and each Owner covenant, in favor of the City, that no sign of any kind of advertising any service, business or other commercial project or venture can be displayed on the Property.

d) *Parking*.

i. The Association and each Owner covenants, in favor of the City, that all automobiles used by an Owner or an Owner's invitees must be identified to a representative of the Association and subject to tow if parked in an area not designated for parking automobiles or in a guest parking space.

ii. All driveways and garages must be maintained in a neat and orderly condition and garage doors must be maintained in closed condition except as necessary to permit ingress and egress of authorized vehicles or to clean or work in the garage. The garages are to be used for the parking of standard authorized vehicles and may not be converted to living quarters or workshops or used for the storage of boats, trailers, campers or recreation vehicles in a way which will preclude the parking of the Owner's or occupant's authorized vehicles within the garage.

iii. Designated guest parking areas within the Common Areas are to remain open for use by guests only and are not to be used by Owners or other residents, either permanently or temporarily, for the parking of their authorized vehicles or the storage of boats, trailers or similar items of personal property, unless expressly authorized by the Association.

iv. No motor vehicle can be constructed, reconstructed or repaired within the Property and no dilapidated or inoperable vehicle, including vehicles without wheel(s) or an engine, can be stored on the Property; provided, however, that the provisions of this Section does not apply to emergency vehicle repairs.

v. Campers, boats, trailers, motorcycles, commercial vehicles and trucks in excess of three-quarter tons cannot be parked within the Property, other than within enclosed garages except for periods not to exceed two hours for the purpose of loading and unloading.

vi. Personal property other than authorized vehicles cannot be stored in garages if such storage will necessitate or result in the parking of vehicles on streets within or adjacent to the Property. Parking by commercial vehicles for the purpose of making deliveries or service calls must be permitted in accordance with the Association Rules.

vii. Each Owner must maintain their garage or parking spaces in a manner which ensures that it is capable of accommodating not less than the number of vehicles the space was designed to contain.

e) *Graffiti*. The Association and each Owner covenants and agrees to maintain, or to cause to be maintained, all buildings and structures within the Property free of graffiti. In an event that the Association or an Owner fails to remove or to cause the removal of any graffiti within 24 hours of its receipt of written notice from the City requesting such removal, the City has the right and authority to enter upon the Property and remove or mask said graffiti. Any and all costs incurred by the City in connection with the removal or masking of such graffiti must be reimbursed to the City by the Association and/or the Owner, if any, of affected building or structure.

f) *Maintenance of Property*. The maintenance of all common wastewater and storm drainage facilities, and all landscaping, irrigation systems, slopes, drainage facilities and retaining walls, if any, located within the Common Area are Association's responsibility, and the maintenance of all irrigation systems, slopes, drainage, facilities and retaining walls, if any, situated within an Exclusive Use Common Area are the responsibility of the Association in the event the applicable Owner fails to provide such maintenance.

g) *Filing of Information.*

i. Filing (Unincorporated Associations Only). The Association must cause the names and addresses of the officers and members of the Association to be filed annually with the City Clerk of the City of Monterey Park during the month of July.

ii. Filing (Incorporated Associations Only). The Association must cause the names and address of the officers and members of the Board of Directors of the Association to be filed annually with the City Clerk of the City of Monterey Park during the month of July.

h) *Amendment of CC&Rs*. Notwithstanding any other provision of this Declaration the contrary, the statements and covenants set forth herein in favor of the City of Monterey Park cannot be modified and rescinded without the prior written consent of the City of Monterey Park.

i) *Third-Party Beneficiary; Enforcement Rights*. City Enforcement of Declaration. Notwithstanding any other provision of this Declaration to the contrary, the city of Monterey Park has the power and the right, but not the obligation, to enforce any or all provisions of this Declaration as a third party beneficiary to the extent this Declaration contains provisions implementing the Monterey Park Municipal Code ("MPMC") or any condition of approval adopted by City Council resolution or ordinance. Failure by the City to enforce any restriction, covenant, condition, limitation or reservation imposed by the provisions of this Declaration does not constitute a waiver of the City's right to do so. The Association agrees to pay all costs associated with such enforcement including, without limitation, reasonable attorney's fees. The City may exercise its rights of enforcement without regard to any alternative dispute resolution provision in the CC&Rs or any other restriction on enforcement otherwise applicable to owners, tenants, other residents, or the Association including, without limitation, provisions with regard to notice.

F. Applicable Law. Subject to the limitations set forth in this Agreement, Developer may develop the Property in accordance with, and to the extent of, the Conditions of Approval and this Agreement. City may impose reasonable conditions in connection with any subsequent discretionary permit actions, but such conditions and actions must not prevent development of the Project as contemplated by this Agreement, or place burdensome or restrictive measures on Developer in connection with the development of the Project.

G. Amendment to Applicable Law. In the event the MPMC is amended by City in a manner which provides more favorable site development standards than those in effect as of the Effective Date, Developer may notify City in writing of its desire to be subject to the new standards for the remaining term of this Agreement. If City agrees, by resolution of the City Council or by the Director's approval, such new standards will become applicable to the Property.

H. Exception for Uniform Codes. Notwithstanding any part of this Agreement to the contrary, the Project is subject to the City's enforcement of the "uniform codes" regulating building or construction standards which will apply to the Project at the time the City issues building permits.

I. Approval of Subsequent Tentative and Final Maps. Although the Applicable Law determines the standards for granting or withholding approval of tentative, vesting

tentative and final maps and tentative, vesting tentative and final parcel maps, the procedures for processing approval of all such maps must be governed by regulations as may then be applicable.

J. Changes in State and Federal Rules and Regulations. Nothing in this Agreement precludes the application to the Project of changes in Applicable Law, the terms of which are specifically mandated and required by changes in state or federal laws or regulations as provided in Government Code § 65869.5. If City or Developer believes that such a change or addition required by California or federal law or regulation exists, then that Party must provide the other with a copy of such California or federal law or regulation and a statement of the nature of its conflict with the provisions of the Applicable Law and/or of this Agreement.

K. Permitted Fees and Exactions. Except as otherwise provided in this Agreement, and specifically excluding fees set by entities not controlled by City that are collected by City (e.g., schools fees), City may only charge and impose those Development Impact Fees and Exactions including, without limitation, dedications and any other fee or tax (including excise, construction or any other tax) relating to development or the privilege of developing, which are in effect on a Citywide basis as of the Effective Date. This Agreement will not be construed to limit the authority of City to charge processing fees for land use approvals, building permits or other similar permits or entitlements which are in force and effect on a Citywide basis at the time application is made for such permits or entitlements and which are designed to reimburse City's expenses attributable to such application. Developer takes notice pursuant to Government Code § 66020(d) that City is imposing exactions upon the Project in accordance with the Mitigation Fee Act (Government Code § 66000, *et seq.*). Developer is informed that it may protest exactions in accordance with Government Code § 66020.

L. Term of Map(s) and Other Conditions of Approval. Pursuant to Government Code §§ 66452.6(a) and 65863.9, the term of any subdivision or parcel map that has been or may in the future be processed on all or any portion of the Property and the term of each of the Conditions of Approval will be extended for a period of time through the scheduled termination date of this Agreement.

M. Interpretation. Except for such changes as may in the future be mutually agreed upon between City and Developer or as otherwise provided in this Agreement, Developer intends to develop the Project in accordance with Applicable Law, the Conditions of Approval, and the terms and conditions of this Agreement. In the event of any conflict between the provisions in this Agreement, and Applicable Law, such conflict will be resolved in the following order of priority: (i) first, the Applicable Law; and (ii) this Agreement.

7. OPERATING MEMORANDA.

A. The Parties acknowledge that the provisions of the Agreement require a close

degree of cooperation and that new information and future events may demonstrate that changes are appropriate with respect to the details of performance of the Parties under this Agreement. The Parties desire, therefore, to retain a certain degree of flexibility with respect to the details of performance for those items covered in general terms under this Agreement. If and when, from time to time, the Parties find that refinements or adjustments are desirable, such refinements or adjustments will be accomplished through operating memoranda or implementation agreements approved by the Parties which, after execution, will be attached to this Agreement as addenda and become a part hereof.

B. Execution of Memoranda. Operating memoranda or implementation agreements may be executed on behalf of City by the City Manager and the City Attorney. In the event a particular subject requires notice or hearing, such notice or hearing will be appropriately given. Any modification to the terms of performance under this Agreement, other than a Minor Change, will be processed as an amendment of this Agreement in accordance with this Agreement and must be approved by the City Council

8. DEVELOPER'S RIGHTS. Developer has and is vested with the right, during the term of this Agreement, including any extensions, to develop the Project as set forth in this Agreement.

9. MATERIAL PROJECT MODIFICATIONS. Developer may apply to City for permits, variances, or other approvals to develop portions of the Project in a manner which may be materially inconsistent with this Agreement. In such event, such portions of the Project may be reviewed and approved pursuant to the rules, regulations, and procedures of City in effect at the time Developer makes application to City for such development, and to the extent any such application is inconsistent with this Agreement, such application must include an application to amend this Agreement.

10. NON-APPLICATION OF CHANGES IN APPLICABLE LAW. City's subsequent adoption of any applicable general or specific plan, zoning, subdivision, or building regulation after the Effective Date of this Agreement, or any change in, or addition to, the Applicable Law (other than changes in Processing Fees as provided in this Agreement) including, without limitation, any changes in the General Plan or zoning regulations (including any regulation relating to the timing, sequencing, or phasing of the Project or construction of all or any part of the Project), adopted after the Effective Date of this Agreement including, without limitation, any such change by means of ordinance, initiative, resolution, motion, policy, order or moratorium, initiated or instituted for any reason whatsoever and adopted by any board, agency, commission or department of City, or by the electorate, as the case may be, which would, absent this Agreement, otherwise be applicable to the Project and which would conflict in any way with or be more restrictive than the Applicable Law or Developer's entitlements under this Agreement, may not be applied to the Project during the term of this Agreement unless such changes constitute a change in Uniform Codes.

11. DISCRETIONARY APPROVALS. City will not require Developer to obtain any approvals or permits for the development of the Project in accordance with this Agreement other than those permits or approvals that are required by Applicable Law. However, any subsequent Discretionary

Approval initiated by Developer that is not permitted by Applicable Law are subject to all applicable law then in effect. Approval of any off-site signs, digital signs, or signs otherwise not permitted pursuant to the MPMC and Applicable Law is not authorized by this Agreement and is not considered (for purposes of this Agreement) part of the Project.

12. TIMING OF DEVELOPMENT. To the maximum extent permitted by law, it is the Parties' express intention that the Project will not be subject to any subsequently enacted initiative or ordinances adopted in response to an initiative which in conflict with Conditions of Approval and/or this Agreement including, without limitation, any subsequently enacted initiative or ordinance adopted regarding consistency with the Project and/or Conditions of Approval with the General Plan. Without limiting the foregoing, it is the further intention of the parties that development of the Property be exempt from any subsequently enacted initiative or ordinances adopted in response to an initiative or City Council action that limits the number of building permits which may be issued in any year or otherwise seeks to limit the Developer's development plan. Because the California Supreme Court held in *Pardee Construction Co. v. City of Camarillo* (1984) 37 Cal.3d 465, that the failure of the parties therein to provide for the timing of development resulted in a later-adopted initiative restricting the timing of development to prevail over the parties' agreement, it is the parties' intent to cure that deficiency by acknowledging and providing that, subject to any infrastructure phasing requirements that may be required by the Conditions of Approval, Developer may (without obligation) develop the Property in such order and at such rate and at such times as Developer deems appropriate within the exercise of its subjective business judgment. Notwithstanding this total exemption of the Property from local ordinances regulating the number of building permits which may be issued per year, if there is a judicial determination as a result of proceedings instituted by anyone not a party to this Agreement that the Property is subject to a subsequently adopted ordinance or initiative regulating the number of building permits which may be issued, then Developer will be entitled to construct the amount of square feet of Project Buildings specified in the Conditions of Approval. As a material part of this Agreement, City agrees that it will not (except as otherwise specifically authorized herein) determine, or seek to have a judicial determination made, that the Property is subject to any subsequently enacted ordinance or initiative regulating the number of building permits which may be issued in any year. This commitment is necessary and in the best interests of the parties in order to provide the open space, parks, public facilities infrastructure necessary to meet the requirements of the Conditions of Approval, if any, and the needs of City.

13. PERMITTED USES. Permitted uses of the Property, the density and intensity of such uses, the maximum heights and sizes of the Project Buildings and improvements to be constructed on the Property, and the reservation and dedication of land for public purposes, if any, required in connection with the development of the Property are as set forth in and consistent with the and this Agreement does not authorize construction of any building or improvement exceeding the maximum density or building heights set forth in or otherwise required by Applicable Law, as it may be lawfully amended by Developer from time to time.

14. COVENANTS RUNNING WITH THE LAND. As of the Effective Date for any portion of the Property and continuing for the Term provided in this Agreement, the terms and provisions of this Agreement are enforceable by the Parties as equitable servitudes affecting such portion of the Property, constituting covenants running with such portion pursuant to California law including,

without limitation, Civil Code § 1468. Each covenant herein to act or refrain from acting is for the benefit of or a burden upon such portion of the Property, run with such portion, and be binding upon Developer and the successors and assigns of Developer during their respective ownerships of such portion of the Property.

15. 2013 AGREEMENT. Upon full execution of this Agreement by the Parties, the 2013 Agreement is superseded in its entirety and is of no further force or effect.

16. OBLIGATIONS OF CITY. In consideration of Developer entering into this Agreement, City agrees to the following with respect to the development of the Property:

A. Processing. City recognizes that expeditious processing of ministerial permits and approvals and discretionary actions, if any, and any other approvals or actions required for the Project can be helpful to the Project. In recognition of this value, City agrees to reasonably cooperate with Developer to establish time frames for processing and reviewing such ministerial permits and approvals and discretionary actions and to comply with any timeframes established in the Conditions of Approval. Upon satisfactory completion by Developer of all required preliminary actions and payments of appropriate processing fees, if any, City must promptly commence and diligently proceed to complete all required steps necessary for the implementation of this Agreement and the development by Developer of the Property in accordance with the other Conditions of Approval including, without limitation, the following:

i. the holding of all required public hearings; and

ii. the processing and approval of all ministerial approvals and related matters as necessary for the completion of the development of the Project. In this regard, Developer will, in a timely manner, provide City with all documents, applications, plans and other information necessary for City to carry out its obligations hereunder as required by the Applicable Law and must cause Developer's planners, engineers and all other consultants to submit in a timely manner all required materials and documents therefore as required by the Applicable Law.

iii. Standard of Review. The rules, regulations and policies that apply to any ministerial approvals which must be secured before the construction of any portion of the Project must be the Applicable Law. Any ministerial approval, including without limitation a building permit, must be approved by City within a reasonable period of time after application is made therefor.

iv. Contract Services. If requested by Developer, at Developer's expense, City must obtain outside contractual services as necessary to ensure prompt processing of all Conditions of Approval.

17. REIMBURSEMENT FOR CITY'S EFFORTS ON BEHALF OF DEVELOPER. To the extent that City, on behalf of (and requested by) Developer, attempts to enter into binding agreements with other entities in order to assure the availability of certain permits and approvals or services necessary for development of the Project as described in this Agreement, Developer must reimburse City for all costs and expenses incurred in connection with seeking and entering into any such agreement. Any fees, assessments or other amounts payable by City pursuant to any such agreement described herein must be borne by Developer, except where Developer has notified City in writing, before City entering into such agreement, that it does not desire for City to process an application from any third-party entity.

18. OTHER GOVERNMENTAL PERMITS. City agrees to cooperate with Developer in Developer's endeavors to obtain permits and approvals as may be required from other governmental or quasi-governmental agencies having jurisdiction over the Property or portions thereof (such as, for example, without limitation, public utilities or utility districts and agencies having jurisdiction over transportation facilities and air quality issues), so long as the cooperation by City will not require City to incur any cost, liability or expense without adequate indemnity against or right of reimbursement therefor from Developer.

19. SIGN APPROVAL. Developer acknowledges that off-site signs and digital signs are currently prohibited in City and that any amendment to the MPMC prohibiting such signs must be submitted for voter approval. If Developer requests an amendment to the MPMC and the City Council, in its sole and absolute discretion, elects to submit any such measure to City's electorate which would have the effect of permitting off-site and/or digital signs in City, Developer agrees to pay for any and all City fees and costs related to the potential preparation and election costs related to the ballot measure. In addition, Developer must defend and indemnify City against any legal challenge related to or arising from the proposed ballot measure.

20. TERM OF AGREEMENT. This Agreement is binding upon the Effective Date and, except as otherwise provided, remains in effect for a period of five years commencing from the issuance of the first Certificate of Occupancy for the Property unless terminated earlier by its terms or extended under this Section 20 (the "**Term**"). Pursuant to MPMC § 21.44.020(E), and except otherwise provided, this Agreement will automatically renew twice for an additional two-year Term, not to exceed a total Term of nine years. That automatic renewal will occur on the anniversary of the Effective Date unless either Party opts, in writing, not to renew the Agreement not less than 90 days before that renewal date. Nothing in this Section prevents Developer from applying to extend the Term for an period of time by providing a written extension notice to City within thirty days of the end of the Term, provided that there is no uncured default of any of Developer's material obligations under this Agreement at the time. Expiration or termination of this Agreement does not invalidate any prior permits or approvals on the Property issued by City before such expiration or termination, nor does such expiration affect any right City may have by reason of Developer's covenants to dedicate land or provide public improvements in conjunction with any portion of the Property which is under construction at such time.

21. PUBLIC BENEFITS. The Parties acknowledge and agree that Developer's agreement to perform and abide by the covenants and obligations of Developer set forth herein is material consideration for City's agreement to perform and abide by the covenants and obligations of City

set forth herein, including without limitation the following specific public benefits for this Agreement:

22. MITIGATION MEASURES. Developer must comply with the Mitigation Measure and Reporting Plan ("MMRP") adopted via Resolution No. 2024-R78 on September 18, 2024 is incorporated by reference into this Agreement as if fully set forth. Failure to comply with the MMRP constitutes a material breach of this Agreement.

23. GREEN CONSTRUCTION. Developer agrees to analyze the feasibility of incorporating green construction practices, materials and features that are environmentally sustainable into new Project Buildings.

24. NEXUS/REASONABLE RELATIONSHIP CHALLENGES. Developer consents to and waives any rights it may have now or in the future to challenge the legal validity of, the conditions, requirements, policies or programs required by the Applicable Law or this Agreement including, without limitation, any claim that they constitute an abuse of the police power, violate substantive due process, deny equal protection of the laws, effect a taking of property without payment of just compensation, or impose an unlawful tax. Developer expressly waives all rights under Section 1542 of the California Civil Code which provides as follows:

> *GENERAL RELEASE – CLAIMS EXTINGUISHED: A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release and that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.*

25. OTHER GOVERNMENTAL PERMITS. Developer must apply in a timely manner for such other permits and approvals from other governmental or quasi-governmental agencies having jurisdiction over the Property as may be required for the development of, or provision of services to, the Project.

26. CONSTRUCTION AND FUNDING OF PROJECT FACILITIES AND INFRASTRUCTURE. Developer must construct or fund the construction of any Project Facilities and Infrastructure at the time such Project Facilities and Infrastructure are needed to satisfy the requirements of Applicable Law. Except as otherwise provided, Developer has no responsibility for the operation, maintenance, repair or replacement of Project Facilities and Infrastructure.

27. IMPROVEMENT SECURITY. To the extent any Project Facilities and Infrastructure are not financed by a State agency and are being constructed following approval of the relevant final subdivision map, Developer must provide appropriate improvement security pursuant to Government Code §§ 66499, *et seq*. Any such improvement security must be released in the manner provided by Government Code § 66499.7. City agrees to use reasonable efforts to ensure the partial release of any improvement security provided by Developer upon the partial performance of the secured act or City's good faith acceptance of the secured Project Facilities and Infrastructure as completion of such improvements progresses.

28. DEDICATIONS. To the extent that rights-of-way or other interests in real property owned by Developer within the Property are needed for the construction, operation or maintenance of Project Facilities and Infrastructure, Developer must dedicate such right-of-way or other interest in real property to City (or other appropriate entity) at the time such land is actually needed for Project Facilities and Infrastructure. Any public improvements constructed by Developer and dedicated to City, and any right-of-way or other real property dedicated to City, will be dedicated free and clear of any liens unacceptable to the City. City must consider accepting each offer of dedication of the Project Facilities and Infrastructure required by this Agreement or Applicable Law within 60 days of such offer by Developer, provided that the applicable improvements are completed consistent with the Applicable Law. All other Developer offers of dedication required by this Agreement or the Project Approvals must be accepted by the City within a reasonable time, provided that the applicable improvements are completed consistent with Applicable Law.

29. REVIEW OF COMPLIANCE. City will conduct a review of this Agreement as set forth in the following subsections.

A. Annual Review. City must review the extent of good faith compliance by Developer with the terms of this Agreement at least once every 12-month period from the Effective Date of this Agreement.

B. Procedure. Such annual review must be conducted in accordance with the MPMC.

C. Notice. City must notify Developer in writing of the date of review at least 30 days prior thereto.

D. Good-faith Compliance. During each annual review, Developer is required to demonstrate good faith compliance with the material terms of this Agreement. Developer agrees to furnish reasonable evidence of good faith compliance as City, in the exercise of its reasonable discretion, may require. If requested by Developer, City agrees to provide to Developer, a certificate that Developer, or a duly authorized assignee, transferee or successor in interest, is in compliance with the terms of this Agreement, provided Developer reimburses City for all reasonable and direct costs and fees incurred by City with respect thereto.

E. Production of Documents and Other Evidence. Developer agrees to furnish such reasonable evidence and adequate documentation of good faith compliance as City, in the exercise of its reasonable discretion, may require.

F. Cost of Annual Review. The actual and reasonable costs incurred by City in connection with the annual review must be borne by Developer.

G. Failure to Conduct Annual Review. City's failure to perform an annual review does not constitute a Developer default.

H. Special Reviews. In addition, the City Council may order a special periodic review of Developer's compliance with this Agreement at any time. The cost of such

special reviews will be borne by City, unless such special review demonstrates that Developer is not acting in good faith compliance with the material provisions of this Agreement. In such cases, Developer must reimburse City for all actual and reasonable costs, direct and indirect, incurred in conjunction with the special review.

I. Procedure for Review. The Director will conduct the review contemplated by this Section to ascertain whether Developer has reasonably complied in good faith with the material terms and conditions of this Agreement during the period for which the review is conducted. The Director will give Developer notice that any such review has been commenced, and give Developer at least 20 days after Developer's receipt of such notice to provide the Director such information as Developer deems relevant to such review. In addition, upon the written request of the Director, Developer must furnish such documents or other information as reasonably requested by the Director.

J. Finding of Compliance. If, following such a review, the Director finds good faith compliance by Developer with the material terms and conditions of this Agreement, the Director will issue to Developer an executed certificate of compliance, certifying Developer's good faith compliance with the terms and conditions of this Agreement through the period of such review.

K. Finding of Non-Compliance. If, following such a review, the Director finds that Developer has not complied in good faith with the material terms and conditions of the Agreement, the Director will provide notice to Developer detailing such non-compliance. Upon receipt of such notice, Developer (or a Mortgagee, if any, as provided in Section 30.B) may commence to cure the stated non-compliance in accordance with the terms of this Agreement. If Developer (or a Mortgagee, if any) fails to cure the non-compliance pursuant to the terms of this Agreement, the Director must notify the City Council that the Agreement be terminated. Developer (or a Mortgagee, if any) may dispute any such claim of non-compliance or failure to cure at a public hearing before such termination.

L. Effect on Default Procedures. Nothing in this Section may be interpreted to prevent City from providing Developer (and any Mortgagee that has requested such notice pursuant to Section 30.B) with a notice of default hereunder at any time, including any time other than during a periodic review under this Section, or from terminating this Agreement pursuant to the provisions of this Agreement.

30. MORTGAGES.

A. Mortgagee Protection. No breach of this Agreement will defeat, render invalid, diminish or impair the lien of any Mortgage and any acquisition or acceptance of title or any right or interest in or with respect to the Property or any portion thereof pursuant to a Mortgage, foreclosure, trustee's sale, deed in lieu of foreclosure or otherwise is subject to all of the terms and conditions contained in this Agreement

and entitled to all of its benefits. City may not unreasonably withhold its consent to any such requested interpretation or modification provided such interpretation or modification is consistent with the intent and purposes of this Agreement and does not, in City's sole determination, diminish City's benefits in this Agreement or the security for those benefits.

B. Notice of Default to Mortgagee: Right of Mortgagee to Cure. If City receives notice from a Mortgagee requesting a copy of any notice of default given hereunder and specifying the address for service thereof, and the Mortgagee has recorded a copy of such request in the official records of Los Angeles County in the manner required under Civil Code § 2924b with respect to Requests for Notices of Default, then City must deliver to such Mortgagee, concurrently with service thereon to the applicable Party, any notice given to the applicable Party with respect to any claim by such Party that it has not complied in good faith with the material terms of this Agreement or has committed an event of default. Each Mortgagee has the right (but not the obligation) for a period of 90 days after the receipt of such notice from such Party to cure or remedy, or to commence to cure or remedy, the claimed default or act of noncompliance set forth in such Party's notice. If the default is of a nature which can only be remedied or cured by such Mortgagee upon obtaining possession, such Mortgagee may (but is not obligated to) seek to obtain possession with diligence and continuity through foreclosure, a receiver or otherwise, and may (but is not obligated to) thereafter remedy or cure the default or noncompliance within 30 days after obtaining possession. If any such default or noncompliance cannot, with diligence, be remedied or cured within such 30-day period, then such Mortgagee may have such additional time as may be reasonably necessary to remedy or cure such default or noncompliance if such Mortgagee commences cure during such 30 day period, and thereafter diligently pursues and completes such cure.

C. Liability for Past Defaults and Obligations. Subject to the foregoing, any Mortgagee, including the successful bidder at a foreclosure sale, who comes into possession of the Project or the Property or any part thereof pursuant to foreclosure, eviction or otherwise, will take such property subject to the terms of this Agreement and in no event will any such property be released from any obligations associated with its use and development under the provisions of this Agreement. Nothing prevents City from exercising any remedy it may have for a default under this Agreement.

D. Bankruptcy. Notwithstanding the foregoing provisions of this Section 9, if any Mortgagee is prohibited from commencing or prosecuting foreclosure, or other appropriate proceedings in the nature thereof, by any injunction issued by any court or by reason of any action by any court having jurisdiction of any bankruptcy or insolvency proceeding involving Developer, the times specified in Section 30.B for commencing or prosecuting foreclosure or other proceedings will be extended for the period of the prohibition.

31. DEFAULT AND REMEDIES.

A. Notice and Cure. In the event of failure by any Party substantially to perform any material terms, covenant or condition of this Agreement, which is required on its part to be performed, the non-defaulting Party has those rights and remedies provided in this Agreement, provided that such non-defaulting Party has first sent a notice of default, identifying with specificity the nature of the alleged default.

B. Time to Cure. In the case of a monetary default by Developer, Developer must promptly commence to cure the identified default and must complete the cure of such default within 20 business days after receipt by Developer of the notice of default. In the case of a non-monetary default by either Party, the alleged defaulting Party must promptly commence to cure the identified default and complete the cure within 60 days after receipt of the notice of default. The 60-day cure period for a non-monetary default will be extended as is reasonably necessary to remedy such default, provided that the alleged defaulting Party commences such cure promptly after receiving the notice of default and continuously and diligently pursues such remedy at all times until such default is cured.

32. REMEDIES FOR MONETARY DEFAULT. In the event of default by Developer in the performance of any of its monetary obligations under this Agreement which remains uncured 20 business days after receipt by Developer of a notice of default from City and after expiration of Mortgagee's cure period (if a Mortgagee of Developer has delivered a Request for Notice to City), City has available any right or remedy provided in this Agreement, at law or in equity. All of said remedies are cumulative and not exclusive of one another, and the exercise of any one or more of said remedies does not constitute a waiver or election in respect to any other available remedy.

33. REMEDIES FOR NON-MONETARY DEFAULT. In the event of non-monetary default by either Party hereunder which remains uncured (i) after expiration of all applicable notice, cure periods and other conditions contained in Section 31.B above , and (ii) in the case of a default by Developer, in addition to the foregoing and after the expiration of Mortgagee's cure period (if a Mortgagee of Developer has delivered a Request for Notice to the City), the non-defaulting Party has available any right or remedy provided in this Agreement, or provided at law or in equity, except as prohibited by this Agreement. All of said remedies are cumulative and not exclusive of one another, and the exercise of any one or more of said remedies does not constitute a waiver or election in respect to any other available remedy.

A. City and Developer acknowledge that monetary damages and remedies at law generally are inadequate and that specific performance, including injunctive relief is an appropriate remedy for the enforcement of this Agreement. Therefore, the remedy of specific performance, including injunctive relief, is available to both City and Developer under this Agreement in the event of a non-monetary Default.

B. City does not have the right to sue for monetary damages as a result of a non-monetary default under this Agreement. Developer does not have the right to sue for monetary damages for any default under this Agreement.

34. TERMINATION OF AGREEMENT BY CITY. If City (a) finds and determines, on the basis of substantial evidence, that Developer has not been in good faith compliance with the material terms and conditions of this Agreement, or City finds and determines that there has been a default by Developer of its obligations under this Agreement; and (b) City provided notice and Developer (or a Mortgagee, if applicable) has not cured such default within the applicable cure period, City may commence proceedings to terminate this Agreement. The procedures for termination of this Agreement by City are as follows:

A. City must provide notice to Developer (and to any Mortgagee of Developer which has delivered a Request for Notice to City) of its intention to terminate this Agreement. The notice must contain the time and place of a public hearing to be held by the City Council on the determination of City to proceed with termination or modification of this Agreement. The public hearing may not be held earlier than: (i) 31 days after delivery of the notice to Developer, or (ii) if a Mortgagee has delivered a Request for Notice, the day following the expiration of the Mortgagee's cure period.

B. If, following the conclusion of the public hearing, the City Council: (i) determines that Developer is in default of its obligations under this Agreement beyond the applicable rights, remedies and cure periods set forth in this Agreement or has not been in good faith compliance with this Agreement, as applicable, beyond the applicable rights, remedies and cure periods set forth therein; and (ii) further determines that Developer (or the Mortgagee, if applicable) has not cured the acts or omissions that constitute the basis of the determination under subsection (i) or, if those acts or omissions could not be reasonably remedied before the public hearing, that Developer (or the Mortgagee) has not in good faith commenced to cure or correct such acts or omissions before the public hearing or is not diligently and continuously proceeding therewith to completion, the City Council may terminate this Agreement.

35. TERMINATION OF AGREEMENT BY DEVELOPER. In the event that (i) City breaches this Agreement and has not cured such default within the applicable cure period, or (ii) as otherwise permitted under this Agreement, Developer may terminate this Agreement by providing notice to City. Termination is effective upon City's receipt of Developer's notice.

36. REQUIRED ACTIONS OF PARTIES; FURTHER ASSURANCES. City and Developer must execute all such instruments and documents and take in good faith all actions necessary or convenient to consummate the actions herein contemplated.

37. ASSIGNMENT. Developer may transfer or assign its rights under this Agreement in whole or in part to any person acquiring all or any portion of the Property and provide notice of such assignment to City. The terms, covenants, and conditions of this Agreement are binding upon any transferee whether or not such an assignment and assumption agreement is signed by the assignee upon acquiring the Property. Express assumption of Developer's obligations under this Agreement by any such transferee or assignee releases Developer from the obligations so assigned, and City

will look solely to the transferee or assignee for performance of the assigned obligations under this Agreement.

38. NEGATION OF AGENCY. Each Party is an independent contracting entity with respect to the terms, covenants and conditions contained in this Agreement. No partnership, joint venture or other association of any kind is formed by this Agreement. The only relationship between City and Developer is that of a government entity regulating the development of private property by the owner of such property.

39. CONSIDERATION. City and Developer acknowledge and agree that there is good, sufficient and valuable consideration flowing to City and to Developer pursuant to this Agreement and more particularly set forth in the Recitals of this Agreement. The Parties further acknowledge and agree that the exchanged consideration hereunder is fair, just, and reasonable.

40. RECORDATION. As provided in Government Code § 65868.5, the City Clerk must record a copy of this Agreement with the Registrar-Recorder of the County of Los Angeles within 10 days following execution by both Parties. Developer must reimburse City for all costs of such recording, if any.

41. NOTICES.All notices under this Agreement must be in writing and are effective when personally delivered or upon receipt after deposit in the United States mail as registered or certified mail, postage prepaid, return receipt requested, to the following representatives of the Parties at the addresses indicated below or to such other addresses as one Party may provide to the other from time to time:

If to the City:	With a copy to:
City of Monterey Park 320 West Newmark Avenue Monterey Park, CA 91754 Attention: City Manager	Burke, Williams & Sorensen, LLP 444 South Flower Street, Suite 2400 Los Angeles, CA 90071-2953 Attention: Karl H. Berger, Esq.
If to Developer:	With a copy to:
The Commons of MPK LLC 812 S Atlantic Blvd Suite A, Monterey Park, CA 91754 Attn: Alex Lai	JMBM 1900 Avenue of the Stars, 7th Floor Los Angeles, CA 90067 Attn: Daniel Freedman

42. AMENDMENT OR CANCELLATION.

A. Amendment by Mutual Consent. This Agreement may be amended from time to time by mutual written consent of the original parties or their successors in interest, with City's actual and reasonable costs payable by amendment applicants, in accordance with the provisions of Government Code §§ 65867 and 65868 and provided that: (i) any amendment to this Agreement which does not relate to the term, permitted uses, density or intensity of use, height or size of buildings, provisions for reservation and dedication of land, conditions, terms, restrictions and requirements relating to subsequent discretionary actions, monetary contributions by Developer or any conditions or covenants relating to the use of the Property, does not require notice or public hearing before the parties may execute an amendment hereto; and (ii) any other amendment of this Agreement will follow the MPMC.

B. Amendment Exemptions. It is contemplated by City and Developer that Developer may, from time to time, seek amendments to one or more of the Conditions of Approval and Future Conditions of Approval. Any such amendments are contemplated by City and Developer as being within the scope of this Agreement as long as they are consistent with the Applicable Law and will, upon approval by City, continue to constitute the Conditions of Approval as referenced herein. The parties agree that any such amendments do not constitute an amendment to this Agreement nor require an amendment to this Agreement.

C. Amendment of Development Permits. Upon the written request of Developer, any Development Approval, including the Vesting Map may from time to time be amended or modified in the manner set forth in this Agreement, the Applicable Law and applicable State laws.

43. WAIVER. No waiver of any provision of this Agreement is effective unless in writing and signed by a duly authorized representative of the Party against whom enforcement of a waiver is sought and referring expressly to this Section. No waiver of any right or remedy in respect of any occurrence or event is deemed a waiver of any right or remedy in respect of any other occurrence of event.

44. SUCCESSOR AND ASSIGNS. The provisions of this Agreement are binding upon and inure to the benefit of the Parties, and any subsequent owners of all or any portion of the Property and their respective successors and assigns. Any successors in interest to City are subject to the provisions set forth in Government Code §§ 65865.4 and 65868.5.

45. INTERPRETATION AND GOVERNING STATE LAW. This Agreement and any dispute arising hereunder are governed and interpreted in accordance with the laws of the State of California. This Agreement must be construed as a whole according to its fair language and common meaning to achieve the objective and purposes of the Parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting party may not be employed in interpreting this Agreement, both Parties having been represented by counsel in the negotiation and preparation hereof. All legal actions brought to enforce the terms of this

Agreement must be brought and heard in the Superior Court of the State of California, County of Los Angeles.

46. CONSTRUCTIVE NOTICE AND ACCEPTANCE. Every person who, now or hereafter, owns or acquires any right, title or interest in or to any portion of the Property is conclusively deemed to have consented and agreed to every provision contained herein, whether or not any reference to this Agreement is contained in the instrument by which such person acquired an interest in the Property.

47. NO THIRD PARTY BENEFICIARIES. This Agreement is made and entered into for the sole protection and benefit of the Parties and their mortgagee(s), successors and assigns. No other person or entity has any right of action based upon any provision of this Agreement.

48. COUNTERPARTS. This Agreement may be executed in two or more identical counterparts, each of which is deemed to be an original and each of which is deemed to be one and the same instrument when each Party signs each such counterpart.

49. INCORPORATION OF ATTACHMENTS. All recitals and attachments to this Agreement, including all Exhibits referenced herein, and all subparts thereto, are incorporated by this reference.

50. DETERMINATIONS. Whenever in this Agreement the consent or approval of any Party to this Agreement is required, such consent or approval may not be unreasonably withheld, conditioned, or delayed. In addition, unless a contrary standard or right is set forth herein, whenever any Party is granted a right to take action, exercise discretion, or make an allocation, judgment or other determination, each Party must act reasonably, in good faith and in accordance with the requirements of this Agreement.

51. HOLD HARMLESS AGREEMENT.

A. Developer hereby agrees to, and must defend, save and hold City and its elected and appointed boards, commissions, officers, agents, and employees harmless from, any and all claims, costs and liability for any damages, personal injury or death, which may arise, directly or indirectly, from Developer's or Developer's contractors', subcontractors', agents or employees' operations under this Agreement, whether such negligent operations be by Developer or by any of Developer's contractors, subcontractors, agents or employees. The foregoing hold harmless provision does not apply to any claims, costs or liability arising from the negligence or willful misconduct of City or City's contractors, subcontractors, agents or employees.

B. Developer agrees to indemnify and hold City harmless from and against any claim, action, damages, costs (including, without limitation, reasonable attorney's fees), injuries, or liability, arising from City's approval of the Project, this Agreement, and all procedures with approving this Agreement (collectively, "Project Approvals"). Should City be named in any suit, or should any claim be brought

against it by suit or otherwise, whether the same be groundless or not, arising out of the Project Approvals, Developer agrees to defend City (at City's request and with counsel satisfactory to City) and will indemnify City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this Section "City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees. This defense and indemnification obligation specifically excludes any claims arising from City's negligence or willful actions or omissions and any claims arising from the sole negligence or willful actions or omissions of the Oil Site Custodial Trust ("Trust") related to existing and ongoing environmental remediation of the Property or actions taken in furtherance of the Trust's duty to maintain and keep safe the Property before the time that Developer took possession or control of all or a portion of the Property.

C. This indemnification, hold harmless and defense requirement survives termination of this Agreement.

D. Absent a court order, the filing of any lawsuit(s) by a third party (not a Party to this Agreement) after the Effective Date against City and/or Developer relating to this Agreement or to other development issues affecting the Project does not delay or stop City's processing or issuing any permit or authorization necessary for development of the Project, unless City in good faith determines that such delay is legally required or could potentially subject the City to monetary damages.

52. ESTOPPEL CERTIFICATE. Either Party may, at any time, and from time to time, (but not more frequently than two times in any calendar year) deliver notice to the other Party requesting such party to certify in writing that, to the knowledge of the certifying Party, (i) this Agreement is in full force and effect and a binding obligation of the Parties, (ii) this Agreement has not been amended or modified either orally or in writing, or if so amended, identifying the amendments, and (iii) the requesting Party is not in default in the performance of its obligations under this Agreement, or if in default, to describe therein the nature and amount of any such defaults. A Party receiving a request hereunder must execute and return such certificate or give a written detailed response explaining why it will not do so within 30 days following the receipt thereof. Each Party acknowledges that such a certificate may be relied upon by third parties acting in good faith. A certificate provided by City establishing the status of this Agreement with respect to the Property will be in recordable form and may be recorded with respect to the affected parcels at the expense of the recording Party. Failure to deliver such a certificate or a written denial within the time specified above constitutes a rebuttable presumption against the Party failing to provide the certificate that this Agreement is in full force and effect, without modification, except as may be represented by the requesting Party; and that there are no uncured defaults in the performance of the requesting Party except as may be so represented. All costs incurred in providing the notice(s) anticipated by this Section 52 including reasonable attorney's fees are borne by the requesting Party.

53. AUTHORIZED DELAYS. Performance by any Party of its obligations hereunder is excused during any period of Excusable Delay, as hereinafter defined, provided that the Party claiming the delay gives notice of the delay to the other Parties within 30 days after the commencement of same

has been ascertained. For purposes hereof, "**Excusable Delay**" means delay that directly affects, and is beyond the reasonable control of, the Party claiming the delay including, without limitation: (a) pandemic, (b) civil commotion or act(s) of terrorism; (c) riot; (d) strike, picketing or other labor dispute; (e) shortage of materials or supplies; (f) damage to work in progress by reason of fire, flood, earthquake or other casualty; (g) failure, delay or inability of City to provide adequate levels of public services, facilities or infrastructure to the Property including, by way of example only, the lack of water to serve any portion of the Property due to drought; (h) delay caused by governmental entities; or (i) litigation brought by a third party attacking the validity of this Agreement, Applicable Law, or any other action necessary for development of the Project. Except for an Excusable Delay under clause (i) above, the payment of fees or monies by Developer under this Agreement is not excused or delayed during any period of Excusable Delay. The condition of the world, country, state or local economy does not constitute an Excusable Delay.

54. [Reserved]

55. ENFORCEABILITY OF AGREEMENT. City and Developer agree that unless this Agreement is amended or terminated pursuant to the provisions of this Agreement and the Applicable Law, this Agreement is enforceable by any Party hereto notwithstanding any change hereafter in any Applicable Law adopted by City which change, alter or amend the Applicable Law governing the development of the Property as of the Effective Date, as provided by Government Code §§ 65866 and 65867.5, unless City determines that the failure to apply such change would place the residents of City in a condition dangerous to their health or safety, or both. This Agreement does not prevent City from denying or conditionally approving any subsequent development project application by a third party not a successor-in-interest hereto on the basis of such existing or new rules, regulations and policies.

56. SINGULAR AND PLURAL; GENDER. Except where the context requires otherwise, the singular of any word includes the plural and vice versa, and pronouns inferring the masculine gender includes the feminine gender and vice versa.

57. ENFORCEMENT OF COVENANTS. All of the provisions of this Agreement are enforceable as equitable servitudes and constitute covenants running with the land pursuant to applicable law, including without limitation, Civil Code §1468.

58. ADMINISTRATION OF AGREEMENT. Any decision by City concerning the interpretation and administration of this Agreement and development of the Property in accordance herewith may be appealed by Developer to the City Council in accordance with the MPMC. Developer may not seek judicial review of any administrative decision without first having exhausted its remedies pursuant to this Section.

59. SEVERABILITY. If any article, section, subsection, term or provision of this Agreement, or the application thereof to any party or circumstance, to any extent, is invalid or unenforceable, the remainder of the article, section, subsection, term or provision of this Agreement, or the application of the same to parties or circumstances other than those to which it is held invalid or unenforceable, will not be affected thereby, and each remaining article, section, subsection, term or provision of this Agreement is valid and enforceable to the fullest extent permitted by law.

60. ENTIRE AGREEMENT. This Agreement supersedes any prior understanding or written or oral agreements between the Parties hereto respecting the within subject matter and contains the entire understanding between the Parties with respect thereto.

61. ELECTRONIC SIGNATURES. This Agreement may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

62. AUTHORIZATION. Each person executing this Agreement represents and warrants that he or she is authorized and has the legal capacity to execute and deliver this Agreement on behalf of the Party for which execution has been made.

63. RESERVATION OF RIGHTS. Nothing contained in this Agreement limits, waives, or conflicts with Developer's rights and remedies provided by applicable State housing and development laws, including but not limited to the Permit Streamlining Act, Subdivision Map Act, Housing Crisis Act, and the Housing Accountability Act (collectively, "State Housing Laws"). Developer voluntarily, knowingly, and intelligently consents to this Agreement under protest.

CITY

CITY OF MONTEREY PARK,
A municipal corporation

Inez Alvarez, City Manager

Dated:

ATTEST:

Maychelle Yee, City Clerk

APPROVED AS TO FORM:

Karl H. Berger, City Attorney

DEVELOPER

THE COMMONS OF MPK, LLC
a California limited liability company

By:_____

Title:
_____

Dated:

APPROVED AS TO FORM:

By:
_____

<Developer Legal Counsel>

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY

(Per Title Report)

Real property in the City of Monterey Park, County of Los Angeles, State of California, described as follows:

Parcel 1:

Lot 8 in Block “O” Tract No. 786, in the City of Monterey Park, County of Los Angeles, State of California, as per Map recorded in Book 16 Pages 58 and 59 of Maps, in the Office of the County Recorder of said County.

Parcel 2:

The South 63.5 feet of Lot 7 Block “O” of Tract 786 in the City of Monterey Park, County of Los Angeles, State of California, as per Map recorded in Book 16, Pages 58 and 59 of Maps in the Office of the County Recorder of said County.

Parcel 3:

The North half of Lot 9, in Block “O”, of Tract 786, in the City of Monterey Park, County of Los Angeles, State of California, as per Map recorded in Book 16, Pages 58 and 59 of Maps, in the Office of the County Recorder of said County

APNs: 5259-004-037, 5259-004-036, 5259-004-038

ATTACHMENT 2

City Council Staff Report, dated September 18, 2024 (without attachments)

City Council Staff Report

DATE: September 18, 2024

AGENDA ITEM NO: Public Hearing - 4A

TO: The Honorable Mayor and City Council

FROM: Jessica Serrano, Director of Community Development

SUBJECT: A public hearing to consider approval of the construction and subdivision of air rights for a 64-unit condominium development ("Project") on the real property located at 338 – 410 South Alhambra Avenue, also identified by Assessor's Parcel Numbers 5259-004-036, 5259-004-037, and 5259-004-038.

RECOMMENDATION:
It is recommended that the City Council consider:

1. Opening the public hearing and taking testimonial and documentary evidence;
2. Receiving documentary and testimonial evidence;
3. Closing the public hearing;
4. After considering the evidence received during the public hearing for the construction and subdivision of air rights for a 64-unit condominium development: (1) adopting a resolution to adopt a Mitigated Negative Declaration ("MND") (State Clearing House Number 2024051026) and approving Tentative Map No. 84188 ("TM-23-05"), Design Review ("DRB-23-105"); and (2) introducing and waiving the first reading of an ordinance approving Development Agreement ("DA-23-03") ; and
5. Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):
The City reviewed the environmental impacts of the Project pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, et seq. "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et seq., the "CEQA Guidelines"). An initial study was prepared in accordance with the CEQA Guidelines § 15063 ("IS") which shows that, if mitigated, the Project would not cause any significant environmental impacts. Accordingly, pursuant to CEQA § 21091, the City prepared a Mitigated Negative Declaration ("MND") of environmental impacts for the Project. Based on the IS findings, and with proposed mitigation measures for air quality, biological resources, cultural resources, geology and soils, and noise, the Project would not result in significant environmental impacts.

The IS, MND and a notice of intent to adopt the MND was prepared, circulated, and made available for public review between Thursday, May 23, 2024, and Wednesday, June 12,

2024. During this period, the City received 32 comments in support of the project and 35 comments protesting the project. While many of the comments received did not include CEQA related issues, those that did were evaluated and incorporated into the MND as appropriate. Accordingly, no further environmental review is required.

BOARD/COMMISSION REVIEW:
On August 27, 2024 the Planning Commission reviewed the project and adopted a resolution recommending the City Council approve TM-23-05, DRB-23-105, and DA-23-03 for the construction and subdivision of air rights for a 64-unit condominium development and its MND (collectively the "Project"). It was further recommended that a condition be added to minimize effects to traffic, noise and air quality during construction of the Project. The Commission approved by a 4-0 vote, with 1 member abstaining.

EXECUTIVE SUMMARY:
The proposed project is a 64-unit mixed-market rate and affordable housing development on the real property located at 338 – 410 South Alhambra Avenue (the "Property") and includes the construction of seven townhomes at the front of the Property and a rear building containing 57 stacked condominium units. By developing seven units affordable to very-low income households, the Project is able to utilize State density bonus law, including incentives, to increase the number of units that can be built which contributes towards the City's Regional Housing Needs Assessment ("RHNA").

TYPE OF ACTION (LEGISLATIVE; QUASI-JUDICIAL; OR ADVISORY):
Legislative: The recommended action includes an Ordinance associated with DA-23-03. In considering such actions, the City Council acts in its discretionary legislative capacity. Pursuant to Government Code § 65867.5, to approve the development agreement, the City Council must find that the:

- Provisions of the agreement are consistent with the general plan and any applicable specific plan; and

- Agreement provides that any tentative map prepared for the subdivision will comply with Government Code § 66473.7.

Quasi-judicial: The recommended action includes the adoption of a resolution approving a TM-23-05and DRB-23-105, and MND. In considering such actions, the City Council acts in a quasi-judicial role. When doing so, the City Council acts like a court; it applies facts gathered during a public hearing to existing law. Just like a court, the City Council can only consider facts that are relevant to the case. A party appearing before the legislative body is entitled to:

- Notice of the proposed action;

- Reasons for the action;

- A copy of the evidence on which the action is based; and

- The right to respond before a reasonably impartial, non-involved reviewer.

The City Council must base its decision upon substantial evidence within the record. “Substantial evidence” generally means enough relevant information and reasonable inferences from information gathered during a public hearing that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts does not constitute substantial evidence. Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. If the City Council asks irrelevant questions and bases its decision-making on such questions, a court may overturn the City Council’s decision and potentially hold the City liable for violating the applicant’s constitutionally protected due process rights.

Pursuant to Monterey Park Municipal Code “(MPMC”) section 21.04.070, to approve the TM-23-05the City Council must find that the project is:

- Consistent with the Monterey Park General Plan;
- Consistent with any applicable specific plan or planned development;
- Consistent with the provisions of the MPMC;
- In the interest of public health and safety; and
- A necessary prerequisite to the order development of the surrounding area.

Pursuant to MPMC section 21.36.060, to approve the DRB-23-105the City Council must find that the project:

- Is compatible and in keeping with the character of the neighborhood and not detrimental to the general welfare of the neighborhood in which they are located;
- Reflects the values of the community; enhance the surrounding environment; and harmonize with its surroundings; and
- Provides a visually pleasing setting for structures on the site through landscaping.

Pursuant to CEQA Guidelines § 15074, to approve the MND, the City Council must find:

- On the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis.

Pursuant to Government Code § 65915, to approve the density bonus, the City Council must find that the:

- The site will include 15% or more units restricted to very-low income households.

These findings are included in the attached Resolution (Attachment 1) and Ordinance (Attachment 2); the facts upon which these findings rely on are also included within the body of documents. The facts to make such findings are based upon substantial evidence gathered during all the public hearings, including, without limitation, the special City Council meeting on July 18, 2024, regular Planning Commission meeting on August 27, 2024, and regulate City Council meeting on September 18, 2024.

BACKGROUND:
The Applicant is requesting approval of TM-23-05, DRB-23-105 and DA-23-03 for the subdivision of air rights to construct a 64-unit mixed market and affordable housing condominium development at 338-410 South Alhambra Avenue. The Property is zoned R-3 (High-Density Residential) and has a General Plan designation is High Density Residential. An in-depth analysis is set forth in the Planning Commission staff report dated August 27, 2024 (Attachment 4), a brief summary of the Project is provided below.

Site Plan
The Project is designed with two housing project types that total 64 multi-family residential dwelling units: (1) seven townhomes fronting onto Alhambra Avenue and (2) 57 stacked condos in the building behind the townhomes. Parking for the townhomes are attached two-car garages, while a 83-space subterranean parking garage serves the condo units. The Project will be accessed by two driveways, at the north and south end of the Property see Figure 1).

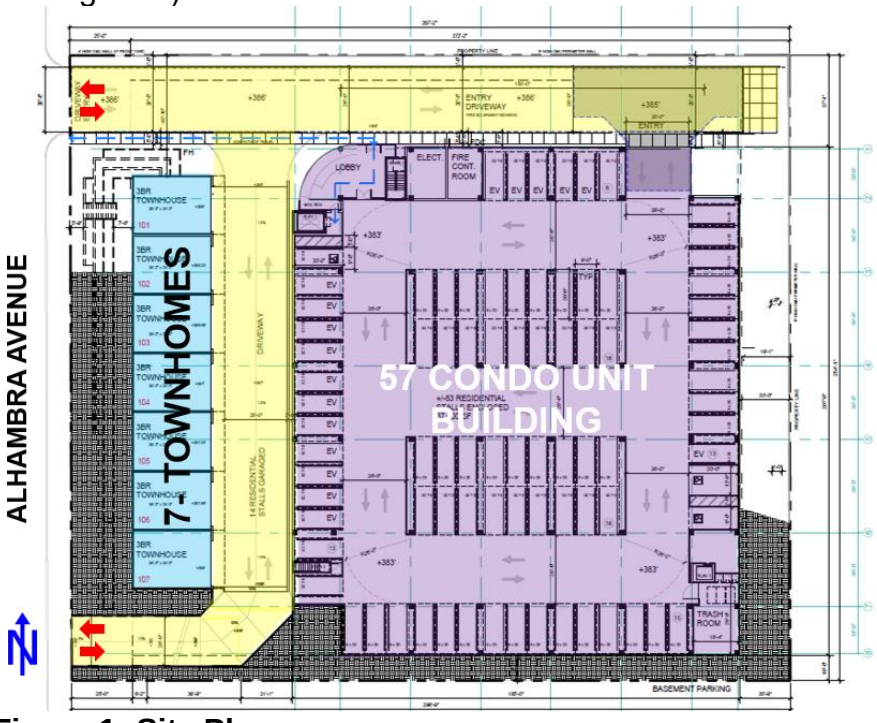


Figure 1: Site Plan

Floor Plans

All living areas for both the townhome units and the condo units will be above the parking areas. Townhome units have three bedrooms, 2.5 bathrooms, and feature private open space on balconies. The balance of the condo units are contained in a single building, with units developed around a centralized courtyard area that serves as common open space. Other common open space areas include community rooms, a business center, a roof trellis, and a gym.

Below is a summary of the unit types, and square footages:

Type	# of Bedrooms	Size	# of Units
Townhomes	three-bedroom	2,070 square feet	7
Attached Condos	one bedroom	645 square feet	15
Attached Condos	two-bedroom	1,000 square feet	33
Attached Condos	three-bedroom	1,300 square feet	9
		Total	**64**

Architectural Design

The architectural design of the Project includes a contemporary style of architecture, combining clean lines, simple building forms such as a flat roof with a parapet, a mix of wall finishes including stucco, concrete, wood siding, and windows with dark trims. Recessed balconies and front entries are located along the Alhambra Avenue elevation, and the use of large windows help break up the massing and scale of the Project. The mix of textures contribute to the overall clean and uncluttered appearance (see Figure 2).

Figure 2: West Elevation (facing Alhambra Avenue)

Density Bonus

A Density Bonus is proposed as part of this Project and is a mechanism established by California law that allows developers to obtain concessions and/or waive local development requirements in exchange for building affordable housing.

The High-Density Residential land use designation of the General Plan allows 30 units per acre. The Property is approximately 1.73 acres; accordingly, 51.9 units are permitted by the General Plan at 30 dwelling units per acre, before considering Density Bonus law. The proposed 64-unit housing development with a density of 37.5 units per acre is less

than the maximum as allowed under Density Bonus law which is 77 units at 45 units per acre.

Since the Project designates 15% of the units as restricted to very-low incomes households, the City is mandated by California law to grant a minimum of three incentives that allow the Applicant to avoid certain development standards that it retains discretion to choose. As part of the density bonus, the applicant has requested that incentives be provided to the following areas, consistent with the MPMC §21.18.050:

- Height – additional story or 6' above 30' maximum (i.e. 1 story/36');
- Open Space – reduction 15% of total requirement; and
- Rear setback – reduction of 20% (i.e. 5').

As proposed, the Project meets development standards found in the MPMC and requirements found in City and State Density Bonus law.

Tentative Map ("TM")
The Property is comprised of three lots totaling 75,386 square feet (1.73 acres). The Applicant proposes to reconfigure the three lots into one lot and simultaneously subdivide the Property for air rights for each dwelling unit. The subdivision allows separate ownership of each dwelling unit (persons own the air space of a particular dwelling, while all the condominium owners mutually own and are responsible for all maintenance of the buildings and the common areas).

The proposed TM is consistent, in terms of density and use, with the MPMC and General Plan designations. The Public Works Department, Fire Department and other agencies reviewed the TM and plans, and proposed conditions of approval.

Development Agreement
The Project satisfies all requirements for approval, including General Plan consistency, of its development agreement. MPMC § 21.44.020(B) requires a development agreement, in a form approved by the City Attorney, for all residential developments with 10 or more dwelling units. The Applicant is proposing public benefits which include:

- Creation of affordable housing units in the very low-income category,
- Local hire preference,
- Buy local preference,
- Local resident preference for the eventual rental or sales of affordable units, and
- Enhanced electric vehicle charging capabilities at the site.

The Development Agreement also includes additional stipulations, which will limit impacts, and implement the goals, policies, and objectives of the General Plan.

PLANNING COMMISSION PUBLIC HEARING

During the Planning Commission public hearing on August 27, 2024, members of the public made comments in support and opposition of the project. Those in opposition expressed concerns related to the following:

- Scale (height) of the Project;
- Density (overall number of units) in the Project;
- Increase traffic and safety issues;
- Lack of on-site parking; and
- Increase of on-street parking demand.

Those expressing support for the project cited the following reasons:

- Increase of homeownership opportunities;
- Increase of affordable housing stock; and
- Well-designed nature of the project.

There also appeared to be a misunderstanding from public comments, where individuals referenced the project as being developed to house the homeless. The Chair provided clarification that the Project is intended for homeownership, with a component allowing for households that are within the very-low income category, the opportunity to purchase units.

The chart below provides summary of comments, either written or verbal received before and during the Planning Commission meeting. Note that some written comments that were received included oral comments during the Planning Commission meeting.

Public Comment	**Support Comments**	**Opposition Comments**	**Neutral Comments**
CEQA Notice (May 23, 2024 - June 12, 2024)	31	35	3
Planning Commission Notice (August 1, 2024-August 27, 2024)	16	7	0
Planning Commission Meeting August 27, 2024	2*	16**	0

*Two speakers on behalf of 6 people.
** Including 2 speakers with comments about homeless housing.

While the issues were raised by the public about scale, density, on-site parking, and increase of on-street parking demand, they are functions of what is allowable based on the City and State's Density Bonus regulations. As indicated above, the overall density of the Project is lower than the maximum density which can be permitted under the density bonus request. Further, the height of the Project is an incentive that is allowed under the City's local ordinance.

Parking requirements that apply to this Project are limited by California law. As proposed, the parking for the Project exceeds the minimum amount of required parking. The increase of parking demand for on-street parking is a possibility, however during the focused traffic study for the Project, it was concluded that Alhambra Avenue and the surrounding streets have the ability to absorb all such overflow.

Comments made by the Commission included the following:

- Questions related to traffic;
- Appreciation for the careful design of the Project to offer transition of buildings and their scale
- Concerns related to regional access to transportation in proximity to proposed project;
- IS/MND comments to further analyze the following:
  - Residential displacement;
  - Total grading export amount;
  - Short term construction impacts such as traffic, noise and air quality from construction vehicles and equipment; and
  - Desire to link the Mitigation Monitoring Reporting Program to Conditions of Approval and the Development Agreement.

The questions about traffic were both addressed by engineers from both the Applicant and the City on the measures in place to ensure traffic safety. Pertaining to the IS/MND, the Applicant's CEQA consultant indicated that analysis provided within the IS/MND and their technical appendices discussed residential displacement and impacts during construction. Total export during grading would be addressed when City reviews and approves grading plans. Additionally, the Mitigation Monitoring program includes measures to address air quality impacts related to construction activities.

The Planning Commission carefully listened to and considered the public comments as well as their own comments, but also acknowledged that as proposed the Project meets development standards as found in the MPMC and adheres to State laws regarding affordable housing, which limit the City's ability to reject such projects.

Moreover, the Commission determined that the Project is appropriate for the Property based on its size and scale, in relation to the surrounding residential land uses. The design of the Project aims to soften its appearance on the street (west) elevation, with the townhomes reducing the scale of the development as it transitions from the townhomes to the condominium building at the rear.

The Planning Commission found that the Project met the requirements of applicable laws and adopted Resolution No. 06-24 recommending City Council approval of the Project, with an added condition to help minimize effects of traffic, noise and air quality during construction of the Project.

A recommended condition of approval has been added to read as follows:

The Permittee must submit a construction traffic and management plan for review and approval by the City Engineer before construction. Such plan must include, without limitation, truck hauling routes, traffic control plans, temporary traffic controls, hours of operation, dust mitigation and a notification plan to the area residents with a minimum four-week advanced notice of such activities.

2024-25 STRATEGIC PLAN GOAL:
The Project meets the 2024-25 Strategic Plan Goal to "Strengthen our local economy and enhance housing opportunities" by achieving the goals and programs set forth in the HE related to supporting policies that facilitate and incentivize development of affordable housing units and creating homeownership opportunities.

LEGAL NOTIFICATION:
The legal notice of this hearing was posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center and published in Monterey Park Press on September 5, 2024, with affidavits of posting on file. The legal notice of this hearing was mailed to 195 property owners within a 300 feet radius of the property. Additionally, 11 interested parties were also emailed the public notice.

FISCAL IMPACT:
There may be an increase to property tax base, sales tax revenue and business license tax revenue. Calculations of the exact amount would be speculative.

Respectfully submitted by:

Jessica Serrano, Director of
Community Development

Respectfully prepared by:

Beth Chow, AICP
Planning Manager

Approved by:

Inez Alvarez
City Manager

Reviewed by:

Justin A. Tamayo
Deputy City Attorney

ATTACHMENTS:
1. Resolution, including Conditions of Approval and Initial Study/Mitigated Negative Declaration
2. Ordinance

3. Architectural Plans and Tentative Map No. 81441 (TM-23-05)
4. Comparison Table of MPMC Development Standards and Proposed Project
5. Planning Commission Agenda Report dated August 27, 2024 (excluding all attachments)
6. Planning Commission Resolution dated August 27, 2024 (excluding Attachment A (Ordinance) and Attachment B (City Council Resolution))

City Council Staff Report

DATE: October 2, 2024
AGENDA ITEM NO: Consent Calendar - 3E

TO: The Honorable Mayor and City Council
FROM: Chris Thompson, Fire Chief
SUBJECT: Code Enforcement Officer Appreciation Week Resolution

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting a Resolution declaring the week of October 6 – October 12, 2024, as Code Enforcement Officer Appreciation Week in Monterey Park; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The Monterey Park Division of Code Enforcement is celebrating the week of October 6 through October 12, 2024, as Code Enforcement Officer Appreciation Week. This week, sponsored by the California Association of Code Enforcement Officer (CACEO), honors, and recognizes the Code Enforcement profession as an integral part of local government, celebrated throughout the State. The proposed resolution honors Code Enforcement Officer Appreciation Week for providing support to the Council, departmental staff, other agencies, and residents of Monterey Park.

BACKGROUND:

The California State Legislature passed the Assembly Concurrent Resolution (ACR) No. 283 and filed with the Secretary of State on September 7, 2018, adding the measure that annually designates the second week of October as Code Enforcement Officer Appreciation Week. Monterey Park Code Enforcement Officers have challenging and rewarding roles. Officers work with the local community every day to help improve the quality of life and welfare for Monterey Park residents. This is accomplished through the education and enforcement of local, state, and federal laws involving public safety, health, building, zoning, housing, and the environment.

Respectfully submitted by:

Chris Thompson
Fire Chief

Prepared by:

Reymundo Lozano
Senior Code Enforcement Officer

Approved by:

Inez Alvarez
City Manager

ATTACHMENT(S):

1. Resolution

ATTACHMENT 1
Resolution

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK DECLARING OCTOBER 6 THROUGH OCTOBER 12, 2024, AS "CODE ENFORCEMENT OFFICER APPRECIATION WEEK"

BE IT RESOLVED by the Council of the City of Monterey Park as follows:

SECTION 1: The City Council finds as follows:

A. The Monterey Park Division of Code Enforcement is celebrating the week of October 6 through October 12, 2024, as Code Enforcement Officer Appreciation Week. This week, sponsored by the California Association of Code Enforcement Officer (CACEO), honors, and recognizes the Code Enforcement profession as an integral part of local government, celebrated throughout the State.

B. The California State Legislature passed the Assembly Concurrent Resolution (ACR) No. 283 and filed with the Secretary of State on September 7, 2018, adding the measure that annually designates the second week of October as Code Enforcement Officer Appreciation week.

C. Code Enforcement Officers provide for the safety, health, and welfare of citizens in communities throughout the State of California through the enforcement of local, state, and federal laws and ordinances dealing with various issues of building, zoning, housing, animal control, environmental, health, and life safety.

D. Code Enforcement Officers are dedicated, highly qualified and trained professionals who share the goals of preventing neighborhood deterioration, enhancing communities and ensuring safety.

E. Code Enforcement Officers often have a highly visible role in the communities they serve and regularly interact with the public and a variety of local officials.

F. The City of Monterey Park recognizes and celebrates the hard work of these dedicated professionals and declare that October 6 through October 12, 2024, as Code Enforcement Officer Appreciation Week in Monterey Park, honoring and recognizing the essential role Code Enforcement Officers play in local government.

SECTION 2: *Electronic Signatures*. This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 3: *Recordation*. The Mayor, or presiding officer, is authorized to sign this Resolution signifying its adoption by the City Council of the City of Monterey Park and the City Clerk, or her duly appointed deputy, may attest thereto.

SECTION 4: *Effective Date.* This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this 2nd day of October, 2024.

_____
Thomas Wong, Mayor

Attest:

_____
Maychelle Yee, City Clerk

State of California)
County of Los Angeles) §.
City of Monterey Park)

I, Maychelle Yee, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Resolution No. was duly and regularly adopted by the City Council of the City of Monterey Park at a regular meeting held on the 2nd day of October, 2024, by the following vote:

Ayes:	Council Members:
Noes:	Council Members:
Absent:	Council Members:
Abstain:	Council Members:

Dated this 2nd day of October, 2024.

Maychelle Yee, City Clerk
Monterey Park, California

City Council Staff Report

DATE: October 2, 2024

AGENDA ITEM NO: Consent Calendar - 3F

TO: The Honorable Mayor and City Council

FROM: Scott Wiese, Chief of Police

SUBJECT: Office of Traffic Safety ("OTS") Pedestrian and Bicycle Safety Program Grant Funding for Fiscal Year 2024/2025

RECOMMENDATION:

It is recommended that the City Council consider:

1. Accepting grant funds and authorize the City Manager, or designee, to execute an agreement, in a form approved by the City Attorney, with the Office of Traffic Safety (OTS) in the amount of $25,555 for the Pedestrian and Bicycle Safety Program.
2. Adopting a Resolution authorizing the City Manager, or designee, to receive and appropriate grant funds in fiscal year 2024-25, and execute an agreement, in a form approved by the City Attorney, with the OTS in the amount of $25,555 for the Pedestrian and Bicycle Safety Program; and
3. Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The City of Monterey Park Police Department was notified of an approval of $25,555 from the Office of Traffic Safety (OTS) for the Pedestrian and Bicycle Safety Program for Fiscal Year 2024/2025. The police department will utilize the grant funding to continue its education of the community on pedestrian and bicycle safety to reduce injury and fatal traffic collisions.

BACKGROUND:

The Office of Traffic Safety distributes federal funding apportioned to California under the National Highway Traffic Safety Administration (NHTSA). The California Office of Traffic Safety's mission is to effectively and efficiently administer traffic safety grant funds to reduce traffic deaths, injuries, and economic losses. Grants are used to mitigate traffic safety deficiencies, expand ongoing activity, or develop innovative programs.

In 2023, the City of Monterey Park experienced a total of 514 traffic collisions and three fatalities. The Pedestrian and Bicycle Safety Program supports the Monterey Park Police Department's efforts to educate the community on pedestrian traffic safety, bicycle safety, and traffic laws.

The Monterey Park Police Department's Pedestrian and Bicycle Safety Program grant total approved allocation is $25,555.

FISCAL IMPACT:

Staff requests approval for the Finance Director to appropriate $25,555 in grant funding for the Fiscal Year 24-25 budget. There is no fiscal impact on the general fund.

Respectfully submitted by:

Scott Wiese
Chief of Police

Prepared by:

Jay J. Silverman
Police Sergeant

Reviewed by:

Martha Garcia
Finance Director

Reviewed by:

Justin A. Tamayo
Deputy City Attorney

Approved by:

Inez Alvarez
City Manager

ATTACHMENTS:

1. Tentative Approval Letter for OTS Pedestrian and Bicycle Safety Program Funding
2. Resolution

ATTACHMENT 1
Conditional Approval Letter for Pedestrian & Bike Safety Funding

ATTACHMENT 1

Silverman, Jay

From: OTS Email <contact@ots.ca.gov>
Sent: Monday, July 8, 2024 10:15 AM
To: Silverman, Jay; Yung, Peter
Subject: OTS Tentatively Approved Your Application 25-005338

[EXTERNAL EMAIL]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Congratulations! Through a competitive process, the Office of Traffic Safety (OTS) has tentatively approved your application 25-005338 in the amount of $25,555 with the proposal titled "Pedestrian and Bicycle Safety Program." This tentative award is contingent on approval from the National Highway Traffic Safety Administration. Please do not publicly announce this tentative award until the grant agreement is fully negotiated and signed by the OTS.

Your OTS Coordinator will contact you to discuss your proposal and explain the grant development process. It is our goal to have grants start the first of October. Costs incurred and accrued prior to the grant start date are not reimbursable. Please notify your coordinator if approval from a City Council or the Board of Supervisors is required. You should begin that process now to avoid a delay in executing your grant.

Thank you for prioritizing traffic safety so that everyone traveling on California roadways can go safely.

Again, congratulations on the success of your application.

Sincerely,
Barbara L. Rooney
Director

ATTACHMENT 2
Resolution

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO RECEIVE AND APPROPRIATE GRANT FUNDS FOR THE PEDESTRIAN AND BICYCLE SAFETY PROGRAM

BE IT RESOLVED by the Council of the City of Monterey Park as follows:

SECTION 1: The City Council finds as follows:

A. The City applied for the California Office of Traffic Safety ("OTS") Pedestrian and Bicycle Safety Program Grant.

B. The Monterey Park Police Department will utilize the grant funding to continue its education of the community on pedestrian and bicycle safety to reduce injury and fatal traffic collisions.

C. The City will receive $25,555.00 from OTS for the STEP Grant.

SECTION 2: *Action*. The City Council authorizes the City Manager, or designee, to:

A. receive grant funds from OTS for the STEP Grant to be used to reduce and mitigate the impacts of impaired driving.

B. execute any required documents and agreements to receive the grant for purposes identified herein. The City's Fiscal Year 2024-25 Budget is amended to the extent needed to accept and allocate the grant funds identified in this Resolution.

SECTION 3: *Construction*. This Resolution must be broadly construed in order to achieve the purposes stated in this Resolution. It is the City Council' s intent that the provisions of this Resolution be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Resolution.

SECTION 4: *Severability*. If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provision or application and, to this end, the provisions of this Resolution are severable.

SECTION 5: *Electronic Signatures*. This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 6: *Recordation*. The Mayor, or presiding officer, is authorized to sign this Resolution signifying its adoption by the City Council of the City of Monterey Park and the City Clerk, or her duly appointed deputy, may attest thereto.

SECTION 7: *Effective Date.* This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

SECTION 8: *Recordation*. The Mayor, or presiding officer, is authorized to sign this Resolution signifying its adoption by the City Council of the City of Monterey Park and the City Clerk, or her duly appointed deputy, may attest thereto.

SECTION 9: *Effective Date.* This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

SECTION 10: The City Clerk is directed to mail a copy of this Resolution to any other person requesting a copy.

PASSED AND ADOPTED this ___ day of _____, 2024.

_____
Thomas Wong, Mayor

Attest:

_____
Maychelle Yee, City Clerk

Approved as to Form:
Karl H. Berger, City Attorney

By:_____
Justin A. Tamayo, Deputy City Attorney

City Council Staff Report

DATE: October 2, 2024

AGENDA ITEM NO: Consent Calendar - 3G

TO: The Honorable Mayor and City Council

FROM: Scott Wiese, Chief of Police

SUBJECT: Office of Traffic Safety Selective (OTS) Traffic Enforcement Program (STEP) Grant Funding for Fiscal Year 2024/2025

RECOMMENDATION:

It is recommended that the City Council consider:

1. Accepting grant funds and authorize the City Manager, or designee, to execute an agreement, in a form approved by the City Attorney, with the Office of Traffic Safety (OTS) in the amount of $190,000 for the Selective Traffic Enforcement Program (STEP);
2. Adopting a Resolution authorizing the City Manager, or designee, to receive and appropriate grant funds in fiscal year 2024-25, and execute an agreement, in a form approved by the City Attorney, with the OTS in the amount of $190,000 for the STEP; and
3. Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The City of Monterey Park Police Department was notified of an award of $190,000 from the Office of Traffic Safety ("OTS") for the Selective Traffic Enforcement Program ("STEP") for Fiscal Year 2024/2025. The police department will utilize the grant funding to continue its education and enforcement of traffic related laws to reduce injury and fatal traffic collisions.

BACKGROUND:

The Office of Traffic Safety distributes federal funding apportioned to California under the National Highway Traffic Safety Administration ("NHTSA"). The California Office of Traffic Safety's mission is to effectively and efficiently administer traffic safety grant funds to reduce traffic deaths, injuries, and economic losses. Grants are used to mitigate traffic safety deficiencies, expand ongoing activity, or develop innovative programs.

In 2023, the City of Monterey Park experienced a total of 514 traffic collisions and three fatalities. The STEP grant supports the Police Department's efforts to reduce DUI related traffic collisions and enhances enforcement efforts that concentrate on factors

contributing to traffic collisions, such as: alcohol, speed, red light violations and unsafe turning movements.

The Monterey Park Police Department's STEP grant total conditional grant allocation is $190,000.

FISCAL IMPACT:

Staff requests approval for the Finance Director to appropriate $190,000 in grant funding for the Fiscal Year 24-25 budget. There is no fiscal impact on the general fund.

Respectfully submitted by:

Scott Wiese
Chief of Police

Prepared by:

Jay J. Silverman
Police Sergeant

Reviewed by:

Martha Garcia
Finance Director

Reviewed by:

Justin A. Tamayo
Deputy City Attorney

Approved by:

Inez Alvarez
City Manager

ATTACHMENTS:

1. Tentative Approval Letter for OTS Selective Traffic Enforcement Program Funding.
2. Resolution

ATTACHMENT 1
Conditional Approval Letter for CTFGP Funding

Silverman, Jay

From: OTS Email <contact@ots.ca.gov>
Sent: Monday, July 8, 2024 10:15 AM
To: Silverman, Jay; Yung, Peter
Subject: OTS Tentatively Approved Your Application 25-005457

[EXTERNAL EMAIL]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Congratulations! Through a competitive process, the Office of Traffic Safety (OTS) has tentatively approved your application 25-005457 in the amount of $190,000 with the proposal titled "Selective Traffic Enforcement Program (STEP)." This tentative award is contingent on approval from the National Highway Traffic Safety Administration. Please do not publicly announce this tentative award until the grant agreement is fully negotiated and signed by the OTS.

Your OTS Coordinator will contact you to discuss your proposal and explain the grant development process. It is our goal to have grants start the first of October. Costs incurred and accrued prior to the grant start date are not reimbursable. Please notify your coordinator if approval from a City Council or the Board of Supervisors is required. You should begin that process now to avoid a delay in executing your grant.

Thank you for prioritizing traffic safety so that everyone traveling on California roadways can go safely.

Again, congratulations on the success of your application.

Sincerely,
Barbara L. Rooney
Director

ATTACHMENT 2
Resolution

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO RECEIVE AND APPROPRIATE GRANT FUNDS FOR THE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM

BE IT RESOLVED by the Council of the City of Monterey Park as follows:

SECTION 1: The City Council finds as follows:

A. The City applied for the California Office of Traffic Safety ("OTS") Selective Traffic Enforcement Program ("STEP") Grant.

B. The Monterey Park Police Department will utilize the grant funding to continue its education and enforcement of traffic-related laws to reduce injury and fatal traffic collisions.

C. The City will receive $190,000 from OTS for the STEP Grant.

SECTION 2: *Action*. The City Council authorizes the City Manager, or designee, to:

A. receive grant funds from OTS for the STEP Grant to be used to reduce and mitigate the impacts of impaired driving.

B. execute any required documents and agreements to receive the grant for purposes identified herein. The City's Fiscal Year 2024-25 Budget is amended to the extent needed to accept and allocate the grant funds identified in this Resolution

SECTION 3: *Construction*. This Resolution must be broadly construed in order to achieve the purposes stated in this Resolution. It is the City Council' s intent that the provisions of this Resolution be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Resolution.

SECTION 4: *Severability*. If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provision or application and, to this end, the provisions of this Resolution are severable.

SECTION 5: *Electronic Signatures*. This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 6: *Recordation*. The Mayor, or presiding officer, is authorized to sign this Resolution signifying its adoption by the City Council of the City of Monterey Park and the City Clerk, or her duly appointed deputy, may attest thereto.

SECTION 7: *Effective Date.* This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

SECTION 8: *Recordation*. The Mayor, or presiding officer, is authorized to sign this Resolution signifying its adoption by the City Council of the City of Monterey Park and the City Clerk, or her duly appointed deputy, may attest thereto.

SECTION 9: *Effective Date.* This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

SECTION 10: The City Clerk is directed to mail a copy of this Resolution to any other person requesting a copy.

PASSED AND ADOPTED this ___ day of _____, 2024.

_____
Thomas Wong, Mayor

Attest:

_____
Maychelle Yee, City Clerk

Approved as to Form:
Karl H. Berger, City Attorney

By:_____
Justin A. Tamayo, Deputy City Attorney

City Council Staff Report

DATE: October 2, 2024

AGENDA ITEM NO: Consent Calendar - 3H

TO: The Honorable Mayor and City Council

FROM: Robert Aguirre, Director of Recreation & Community Services

SUBJECT: Receive and File Staff Report Summarizing the Status of Sister Cities Commission Ad-Hoc Committee

RECOMMENDATION:

It is recommended that the City Council consider:

1. Receiving and filing the staff report summarizing the status of the Sister Cities Commission Ad-Hoc Committee; and
2. Taking such additional, related action that may be desirable.

EXECUTIVE SUMMARY:

On January 17, 2024, City staff requested direction from City Council regarding the Sister Cities Commission due to concerns with the structure and limitations on oversights on the Commission. Subsequently, the City Council suspended operations of the Sister Cities Commission and formed an ad-hoc committee to meet with the five individual Sister City Associations with representatives on the Sister City Commission.

Since the formation of the ad-hoc committee in January 2024, the committee has met on three separate occasions: February 13, May 14, and July 30. During the first two committee meetings the Sister City Associations decided to independently pursue establishing separate non-profit 501(c)3 organization status for their respective Sister City Associations. During the July 30 meeting of the ad-hoc committee, the Sister City Associations from China and Korea shared that they were each continuing to work toward establishing their own independent 501(c)3 organizations but were having difficulty recruiting a sufficient amount of membership.

A fourth meeting was scheduled for September 24, 2024. On September 23, the Quanzhou, China Sister City Association notified City staff that they would not be attending the meeting and were suspending all operations until an undetermined date. On the morning of September 24, the representative from New Taipei City, Taiwan emailed staff to share that they would not be attending the meeting and asked to be removed from future communication. No representatives from Morelia, Mexico or Yeongdeungpo-Gu, Korea attended the meeting.

The only Sister City Association with Active 501(c)3 status is Nachikatsurra, Japan.

BACKGROUND:
Founded in 1956 by President Eisenhower, Sister Cities International is a non-profit organization that unites cities worldwide through cultural programs, business opportunities, and educational exchanges. Monterey Park currently associates itself with five Sister Cities:

- Quanzhou, China, Sister City Association
- Nachikatsurra, Japan, Sister City Association
- New Taipei City (formerly Yung-Ho) Taiwan, Sister City Association
- Morelia, Mexico, Sister City Association
- Yeongdeungpo-Gu, Seoul, South Korea Sister City Association

These associations are independent organizations. In the past, these associations have planned and implemented student exchange programs and fundraising events. The stated mission of the Sister Cities Commission includes fostering friendship, goodwill and communication among the Sister Cities; participating in the exchange of cultures through events; participating in City of Monterey Park cultural events and programs; and serving as cultural ambassadors to sister city visitors.

The Sister Cities Commission was comprised of three members from each Sister Cities Associations, one of which is the Association President. This Commission operated differently than the City's other Commissions, with a set of by-laws developed specifically for this Commission. In 2013, the City Council exempted the Commission from the regulations generally governing the City's boards and commissions in Monterey Park Municipal Code Chapter 2.82.

The Commission members were not appointed by City Councilmembers and the Commission is not subject to MPMC Chapter 2.82, making oversight of the Commission by the City Council challenging.

Since 2021, the City Commission has met five times out of the fifteen scheduled meetings due to lack of quorum. A quorum for the Sister Cities Commission is defined as one member from three of the five cities and at least seven members total. The Sister Cities Commission has not been involved with any City events or programs for several years.

FISCAL IMPACT:
No fiscal impact.

Respectfully submitted by:

Robert Aguirre
Director of Recreation &
Community Services

Approved by:

Inez Alvarez
City Manager

Reviewed by:

Karl H. Berger
City Attorney

City Council Staff Report

DATE: October 2, 2024
AGENDA ITEM NO: Consent Calendar - 3I

TO: The Honorable Mayor and City Council

FROM: Shawn Igoe, Director of Public Works

SUBJECT: Monterey Pass Road Overlay – Award of Public Works Contract to Hardy & Harper, Inc.

RECOMMENDATION:

It is recommended that the City Council consider:

1. Authorizing the City Manager to execute a public works contract, in a form approved by the City Attorney, with Hardy & Harper, Inc. in the contract amount of $1,133,912 for the Monterey Pass Road Overlay Project;
2. Appropriating an additional $150,000 from Fund 241 Prop C Funds, and an additional $100,000 from Fund 100 General Funds to the FY2024-25 budget;
3. Authorizing the Director of Public Works to approve change orders not to exceed $113,392 over the total contract amount; and
4. Taking such additional, related action that may be desirable.

CEQA (California Environmental Quality Act):

The City reviewed the environmental impacts of the proposed Ordinance pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, et seq. "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et seq., the "CEQA Guidelines"). CEQA Guideline § 15301(c) (Existing Facilities) exempts the operation, repair, maintenance, alteration of existing public or private structures which involve negligible or no expansion of existing or former use. The proposed work will occur entirely within an existing structure. Accordingly, no further environmental review is required.

EXECUTIVE SUMMARY

Capital Improvement Project ("CIP") No. 96046 –Monterey Pass Road Overlay Project includes the application of Asphalt Rubber Hot Mix and AC Overlay along Monterey Pass Road from Vagabond Road to Floral Drive. Pursuant to Resolution No. 2024-R48, the Public Works Director solicited bids for the Monterey Pass Road Overlay (Specification No. 2023-004).

The public bid opening for the Monterey Pass Road Overlay project was held on September 5, 2024. Five bids were received: Hardy & Harper, All American Asphalt, Onyx Paving, Excel Paving, and Sully-Miller. As required by HUD for the use of Federal Transportation Improvement Program (FTIP) funds, staff held a pre-bid meeting that was attended by 6 potential bidders including Hardy & Harper, Inc. It is recommended that City Council authorize the City Manager to execute a Public Works contract with Hardy &

Harper, Inc., the lowest responsible bidder, for the Monterey Pass Road Overlay in the amount of $1,133,912, plus a contingency amount not to exceed $113,392.

BACKGROUND

On August 17, 2022, City Council adopted Resolution No. 2022-R69 authorizing the City Manager to take necessary measures for emergency repair of a water main line on Monterey Pass Road, CIP No. 99025. The project is now complete and road improvements are required for Monterey Pass Road between Vagabond Road and Floral Drive. The required paving was delayed as staff applied for funding from Caltrans and approval was received in May 2024.

The proposed work includes the application of Asphalt Rubber Hot Mix and AC Overlay along Monterey Pass Road from Vagabond Road to Floral Drive. The existing condition of the road has deteriorated rapidly and local repairs are no longer a viable option. The proposed project will improve the existing condition of the road which will also include repainting all striping along Monterey Pass Road to improve visibility.

Staff advertised the project for bids on June 5, 2024, with a bid opening on July 10th, 2024. A recommendation to reject all bids was presented to the City Council on August 5th, 2024 due to the lack of responsible bidders.

Staff re-advertised the projects on August 8, 2024, and a mandatory pre-bid meeting was held on August 22, 2024. Bid was opened on September 5, 2024, and includes the following bid:

RANK	BIDDER	BASE BID AMOUNT
1	Hardy & Harper	$ 1,133,912
2	All American Asphalt	$ 1,147,258
3	Onyx Paving	$ 1,211,925
4	Excel Paving	$ 1,233,745
5	Sully-Miller	$ 1,245,502

The bid submitted by Hardy & Harper, Inc. is the lowest responsive bid from a responsible bidder. Hardy & Harper Inc. contractor's license was verified with the California State Contractor’s License Board to be current, active and in good standing. Registration with the California Department of Industrial Relations (DIR) was verified. Staff also checked the contractor’s references and received positive feedback.

It is recommended that the City Council awards the project to Hardy & Harper, Inc. for a total of $1,133,912.

FISCAL IMPACT

The proposed project is budgeted in the 2024-2025 fiscal year Capital Improvement Program under CIP 96046 funded by the Federal Transportation Improvement Program (FTIP). An additional appropriation of $100,000 from General Funds and $150,000 from Prop C to the FY2024-25 budget is requested for this project. Use of General Funds helps the City meet its maintenance of effort requirements for street improvements. The total estimated costs for the project is $1,314,000 as shown in the table below.

CIP 96046 – Monterey Pass Road Overlay	
Street Improvements (Hardy & Harper, Inc.)	$1,133,912
Contingency (not to exceed)	$120,088
Construction management/Construction Inspection	$30,000
Labor compliance	$10,000
Geotechnical Services	$20,000
Total Estimated Project Cost	$1,314,000

Respectfully submitted and prepared by:

Shawn Igoe
Director of Public Works

Reviewed by:

Martha Garcia
Director of Finance

Approved by:

Inez Alvarez
City Manager

Approved as to form: Karl H. Berger, City Attorney
Reviewed by: Solange Fortenbach

Solange Fortenbach
Deputy City Attorney

ATTACHMENTS

1. Hardy & Harper, Inc. Proposal – Monterey Pass Road Overlay
2. August 5, 2024 staff report

ATTACHMENT 1

Hardy & Harper, Inc. Proposal
Monterey Pass Road Overlay

CITY OF MONTEREY PARK

BIDDING DOCUMENTS
For

2022-23 Monterey Pass Road Overlay

Specification No. 2023-004

MANDATORY PRE-BID MEETING ON AUGUST 22ND AT 10:00 A.M.

Bid Due Date:

10:00 AM
September 05, 2024

Submit bids to:
Quest Construction Data Network (QuestCDN)
www.questcdn.com

SECTION C. BIDDERS PROPOSAL
(Entire section C shall be submitted with the bid)

BIDDER'S NAME: Hardy & Harper, Inc.

In accordance with the City's Notice Inviting Sealed Bids, the undersigned BIDDER, hereby proposes to furnish all materials, equipment, tools, labor, and incidentals required for the above stated project as set forth in the Plans, Specifications, and contract documents therefore, and to perform all work in the manner and time prescribed therein.

BIDDER declares that this proposal is based upon careful examination of the work site, Plans, Specifications, Instructions to Bidders, and all other contract documents. If this proposal is accepted for award, BIDDER understands that failure to enter into a contract in the manner and time prescribed will result in forfeiture to the City of Monterey Park of the guarantee accompanying this proposal.

BIDDER understands that a bid is required for the entire work. The contract will be awarded on the prices shown on the bid schedule. It is agreed that the unit and/or lump sum prices bid include all appurtenant expenses, taxes, royalties and fees. In the case of discrepancies in the amounts of bid, unit prices shall govern over extended amount, and words shall govern over figures.

If awarded the Contract, the undersigned further agrees that in the event of the BIDDER'S default in executing the required contract and filing the necessary bonds and insurance certificates within ten working days after the date of the City's notice of award of contract to the BIDDER, the proceeds of the guarantee accompanying this bid shall become the property of the City and this bid and the acceptance hereof may, at the City's option, be considered null and void.

BID SCHEDULE

To the Monterey Park's City Council, herein called the "Council".

Pursuant to and in compliance with your Notice Inviting Bids and the other documents relating thereto, the undersigned bidder, having familiarized himself with the work, and with the terms of the contract, the local conditions affecting the performance of the contract, and the cost of the work at the place where the work is done, and with the drawings and specifications and other contract documents, hereby proposes and agrees to perform, within the time stipulated, the contract, including all of its component parts, and everything required to be performed, and to provide and furnish any and all of the labor, materials, tools, expendable equipment, and all applicable taxes, utility and transportation services necessary to perform the contract and complete in a workmanlike manner, all in strict conformity with the Contract Documents on file at the office of the City Clerk of said City, per the following bid schedule:

BID SCHEDULE For 2022-23 Monterey Pass Road Overlay, Specification No. 2023-004					
No.	Bid Item Description	Quantity	Unit	Unit Bid	Total Bid
1	Cold Mill Existing Asphalt Pavement, 1.5" deep as shown on Appendix 4. Location Index, Detail A. Work locations are shown on Appendix 4. Location Index, Project Group Method A.	384,846	SF	$ 0.34	$ 130,847.64
2	Furnish and install 1.5" thick (ARHM) asphalt rubberized hot mix complete and in place.	3,563	TON	$ 146.00	$ 520,198.00
3	Furnish and install 1.5" thick asphalt concrete AC Type B level Course including tapering from 0" at gutter edge to 1.5" at 5' from gutter edge as shown on Appendix 4. Location Index, Detail A.	3,309	TON	$ 129.00	$ 426,861.00
4	Construct PCC sidewalk, 4" thick per SPPWC Std. Plan No. 112-2	52	SF	$ 136.00	$ 7,072.00
5	Remove existing curb and gutter and replace with SPPWC Standard A2-8 PCC Curb and Gutter complete and in place.	32	LF	$ 388.00	$ 12,416.00
6	Install KEEP CLEAR Pavement Marking per Caltrans Standard Plan No. A24D.	2	EA	$ 350.00	$ 700.00
7	Install STOP ON RED Pavement Marking per Caltrans Standard Plan No. A24D.	2	EA	$ 395.00	$ 790.00
8	Install Stop Pavement Marking per Caltrans Standard A.24D.	2	EA	$ 250.00	$ 500.00
9	Install Limit Line/Stop Bar per Caltrans Standard Plan A24E.	3	EA	$ 175.00	$ 525.00
10	Install Double Yellow No Passing Zone per Caltrans Standard Plan A20A Detail 22 including Type D RPMs.	1,715	LF	$ 1.40	$ 2,401.00
11	Install Double Yellow No Passing Zone per Caltrans Standard Plan A20A Detail 16.	7,440	LF	$ 0.60	$ 4,464.00

BID SCHEDULE For 2022-23 Monterey Pass Road Overlay, Specification No. 2023-004					
No.	Bid Item Description	Quantity	Unit	Unit Bid	Total Bid
12	Install White Center Line/Skip Line per Caltrans Standard. A20A Detail 2.	9,379	LF	$ 0.30	$ 2,813.70
13	Install Channelizing Line per Caltrans Standard Plan A20D Detail 38A.	1,462	LF	$ 1.10	$ 1,608.20
14	Install Thermoplastic High Visibility Yellow/White Ladder Crosswalk per Caltrans Standard Plan A24F.	7	EA	$ 1,500.00	$ 10,500.00
15	Install Type II(L) and Type II(R) Arrow Pavement Marking per SPPWC STD PLAN 171-0	8	EA	$ 250.00	$ 2,000.00
16	Install Type IV(L) and Type IV(R) Arrow Pavement Marking per SSPWC STD PLAN 176-0	3	EA	$ 125.00	$ 375.00
17	Furnish and install Traffic Loop Detection, complete and in place	24	EA	$ 410.00	$ 9,840.00
				BASE BID SCHEDULE	$ 1,133,911.54
TOTAL BASE BID AMOUNT IN NUMBERS					$ 1,133,911.54
TOTAL BASE BID AMOUNT IN WORDS: ONE MILLION, ONE HUNDRED THIRTY-THREE THOUSAND, NINE HUNDRED ELEVEN DOLLARS AND FIFTY-FOUR CENTS.					

<table>
<tr><td colspan="2">The award of Contract shall be based on the TOTAL BASE BID AMOUNT.</td></tr>
<tr><td colspan="2">In the case of discrepancies in the amount of bid, unit prices shall govern over extended amounts, and words shall govern over figures.</td></tr>
<tr><td rowspan="5">Full compensation for the items listed to the right as Items A, B, C, D and E are considered as inclusive in each Bid Item listed above in the Bid Schedule as applicable, and no additional and/or separate compensation will be allowed.</td><td>A. Mobilization / Demobilization</td></tr>
<tr><td>B. Traffic Control</td></tr>
<tr><td>C. NPDES, WWECP, and Best Management Practices (BMPs), Public Convenience and Safety</td></tr>
<tr><td>D. Construction Staking by Land Surveyor</td></tr>
<tr><td>E. Clearing and Grubbing</td></tr>
<tr><td colspan="2">The bid prices shall include any and all costs, including labor, materials, appurtenant expenses, taxes, royalties and any and all other incidental costs to complete the project, in compliance with the Bid and Contract Documents and all applicable codes and standards.</td></tr>
<tr><td colspan="2">The City reserves the right to add, delete, increase or decrease the amount of any quantity shown and to delete any item from the contract and pay the contractor at the bid unit prices so long as the total amount of change does not exceed 25% (plus or minus) of the total bid amount for the entire project. If the change exceeds 25%, a change order may be negotiated to adjust unit bid prices.</td></tr>
<tr><td colspan="2">All other work items not specifically listed in the bid schedule, but necessary to complete the work per bid and contract documents and all applicable codes and standards are assumed to be included in the bid prices.</td></tr>
<tr><td colspan="2">A bid is required for the entire work, that the quantities set forth in the Bid Schedule are to calculate total bid amount, and that final compensation under the contract will be based upon the actual quantities of work satisfactorily completed.</td></tr>
</table>

DESIGNATION OF SUBCONTRACTORS

BIDDER proposes to subcontract certain portions of the work which are in excess of one-half of one percent of the bid and to procure materials and equipment from suppliers and vendors as follows:

Subcontractor Information	Work to be Performed	Dollar Amount
Name: SYNERGY TRAFFIC CONTROL Address: GARDENA, CA Tel: (310) 513-6209	TRAFFIC CONTROL	$31,000
Name: PCI Address: AZUSA, CA Tel: (562) 218-0504	STRIPING	$27,500
Name: CASE LAND SURVEYING Address: ORANGE, CA Tel: (714) 628-8948	SURVEY	$15,000
Name: SMITHSON ELECTRIC Address: ORANGE, CA Tel: (714) 997-9556	LOOPS	$10,000
Name: Address: Tel:		$_____
Name: Address: Tel:		$_____
Name: Address: Tel:		$_____
Total Subcontract Amount (shall not exceed 49% of Total Bid Amount)		$83,500

REFERENCES

References shall be for projects constructed by the bidding company; references for other projects performed by principals or other individuals of the bidding company may not be included. References shall be either minimum from 3 Public Agencies; or minimum from 2 Public Agencies plus 2 Private Entities for which BIDDER has performed similar work within the past three years.

Reference 1		
Agency Name City of Manhattan Beach	Project Name and Brief Description Cycle 2 Street Resurfacing Project	
Contact Name and Title Gilbert Ramos, Project Engineer		
Tel: 310-802-5353 E-mail:gramos@manhattanbeach.gov	Contract Value: $3,110,000	Year Completed: 2023

Reference 2		
Agency Name City of Fullerton	Project Name and Brief Description Residential Street Rehabilitation FY 2022-23	
Contact Name and Title Rafael Chavez, Project Engineer		
Tel: 714-932-7506 E-mail: rafael.chavez@cityoffullerton.com	Contract Value: $1,204,780	Year Completed: 2023

Reference 3		
Agency Name City of Downey	Project Name and Brief Description Residential Street Pavement Rehabilitation Project, Area 1	
Contact Name and Title Desi Gutierrez, City Engineer		
Tel: 562-904-7110 E-mail:dgutierr@downeyca.org	Contract Value: $2,875,000	Year Completed: 2022

Reference 4		
Agency Name City of Anaheim	Project Name and Brief Description Residential Street Improvement Project, Lotus & Torry	
Contact Name and Title Lorenzo Rea, Project Engineer		
Tel: 714-765-6793 E-mail: lrea@anaheim.net	Contract Value: $5,806,000	Year Completed: 2022

SITE INSPECTION

The Bidder declares that he/she has carefully read and examined the plans, specifications, bid documents, and he/she has made a personal examination of the site (indicate name of the person, representing the bidder, who inspected the site and date below) and that he/she understands the exact scope of the Project without question.

Name of Person who inspected the site: Mike Amundson

Date of Inspection: September 3, 2024

ADDENDA ACKNOWLEDGMENT

The Bidder acknowledges receipt of the following Addenda and has included their provisions in this Proposal:

Addendum No. 1 Dated 8.13.2024

Addendum No. 2 Dated 8.15.2024

Addendum No. 3 Dated 8.29.2024

Addendum No. _____ Dated _____

Addendum No. _____ Dated _____

Addendum No. _____ Dated _____

EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE

BIDDER certifies that all previous contracts or subcontracts, all reports which may have been due under the requirements of any Agency, Site, or Federal equal employment opportunity orders have been satisfactorily filed, and that no such reports are currently outstanding.

AFFIRMATIVE ACTION CERTIFICATION

BIDDER certifies that affirmative action has been taken to seek out and consider minority business enterprises for those portions of work to be subcontracted, and that such affirmative actions have been fully documented, that said documentation is open to inspection, and that said affirmative action will remain in effect for the life of any contract awarded hereunder. Furthermore, BIDDER certifies that affirmative action will be taken to meet all equal employment opportunity requirements of the contract documents.

INSURANCE REQUIREMENTS

To be awarded this contract, the successful bidder shall procure and maintain the following types of insurance with coverage limits complying, at a minimum, with the limits set forth below:

Type of Insurance	Limits
Commercial general liability:	$2,000,000
Business automobile liability	$1,000,000
Workers compensation	Statutory requirement.

Commercial general liability insurance shall meet or exceed the requirements of ISO-CGL Form No. CG 00 01 11 85 or 88. The amount of insurance set forth above shall be a combined single limit per occurrence for bodily injury, personal injury, and property damage for the policy coverage. Liability policies shall be endorsed to name the City, its officials, and employees as "additional insureds" under said insurance coverage and to state that such insurance will be deemed "primary" such that any other insurance that may be carried by the City will be excess thereto. Such endorsement shall be reflected on ISO Form No. CG 20 10 11 85 or 88, or equivalent. Such insurance shall be on an "occurrence," not a "claims made," basis and will not be cancelable or subject to reduction except upon thirty (30) days prior written notice to the City.

Automobile coverage shall be written on ISO Business Auto Coverage Form CA 00 01 06 92, including symbol 1 (Any Auto).

The Contractor shall furnish to the City duly authenticated Certificates of Insurance evidencing maintenance of the insurance required under this Agreement, endorsements as required herein, and such other evidence of insurance or copies of policies as may be reasonably required by the City from time to time. Insurance shall be placed with admitted insurers with a current A.M. Best Company Rating equivalent to at least a Rating of "A:VII." Certificate(s) shall reflect that the insurer will provide thirty (30) day notice of any cancellation of coverage. The Contractor shall require its insurer to modify such certificates to delete any exculpatory wording stating that failure of the insurer to mail written notice of cancellation imposes no obligation, and to delete the word "endeavor" with regard to any notice provisions.

By signing this form, the bidder certifies that it has read, understands, and will comply with these insurance requirements if it is selected as the City's Contractor. Failure to provide this insurance will render the bidder's proposal "nonresponsive."

Bidder's Name: Hardy & Harper, Inc.
Authorized Signature:
Name and Title: Michael Amundson, Vice President
Date: August 27, 2024

PUBLIC CONTRACT CODE SECTION 7106

Noncollusion Declaration by Bidder

The undersigned declares:

I am the Vice President of Hardy & Harper, Inc., the party making the foregoing bid.

The bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The bid is genuine and not collusive or sham. The bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid. The bidder has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or to refrain from bidding. The bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder. All statements contained in the bid are true. The bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, to effectuate a collusive or sham bid, and has not paid, and will not pay, any person or entity for such purpose.

Any person executing this declaration on behalf of a bidder that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the bidder.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Bidder's Name: Hardy & Harper, Inc.

Authorized Signature: _____

Name and Title: Michael Amundson, Vice President

Date: August 27, 2024

PUBLIC CONTRACT CODE SECTION 10162

In conformance with the above Public Contract Code Section, the bidder hereby declares under penalty of perjury under the laws of the State of California that the bidder any officer of such bidder, or any employee of such bidder who has a proprietary interest in such bidder

has never been X **has been** ___ (**indicate YES or NO** after applicable answer)

disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of law or a safety regulation, and if so to explain the circumstances.

If the answer is **has been** YES explain the circumstances below:

N/A

Bidder's Name: Hardy & Harper, Inc.

Authorized Signature:

Name and Title: Michael Amundson, Vice President

Date: August 27, 2024

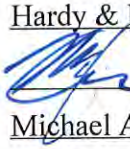
PUBLIC CONTRACT CODE SECTION 10232

In conformance with above Public Contract Code Section, the bidder hereby declares under penalty of perjury under the laws of the State of California that no more than one final, unappealable finding of contempt of court by a federal court

has not been X **has been** ____ (**indicate YES or NO** after applicable answer)

issued against the bidder within the immediately preceding two-year period because of the contractor's failure to comply with an order of a federal court which orders the contractor to comply with an order of the National Labor Relations Board. For purposes of this section, a finding of contempt does not include any finding which has been vacated, dismissed, or otherwise removed by the court because the contractor has complied with the order which was the basis for the finding.

Bidder's Name: Hardy & Harper, Inc.

Authorized Signature: 

Name and Title: Michael Amundson, Vice President

Date: August 27, 2024

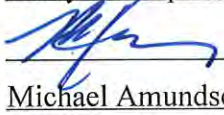
PUBLIC CONTRACT CODE SECTION 10285.1

In conformance with above Public Contract Code Section, the bidder hereby declares under penalty of perjury under the laws of the State of California that the bidder or any partner, member, officer, director, responsible managing officer, or responsible managing employee thereof

has never been X **has been** ___ (**indicate YES or NO** after applicable answer)

convicted within the preceding three years by a court of competent jurisdiction of any charge of fraud, bribery, collusion, conspiracy, or any other act in violation of any state or federal antitrust law in connection with the bidding upon, award of, or performance of, any public works contract, as defined in Public Contract Code Section 1101, with any public entity, as defined in Public Contract Code Section 1100, including, for the purposes of this article, the Regents of the University of California or the Trustees of the California State University.

Bidder's Name: Hardy & Harper, Inc.

Authorized Signature: 

Name and Title: Michael Amundson, Vice President

Date: August 27, 2024

BIDDER INFORMATION

Bidder's Name: Hardy & Harper, Inc.

Address: 32 Rancho Circle, Lake Forest, CA 92630

Form of Legal Entity: Corporation

If a Corporation, State of Incorporation: California

State Contractor's Class and License No.: 215952 A, C-8 & C12

Contact Person Information:

Name: Morgan Churnock Title: Bid Coordinator / Contract Administrator

E-mail: mchurnock@hardyandharper.com Tel: 714-444-1851

The following are the names, titles, addresses, and phone numbers of all individuals, firm members, partners, joint venturers, and/or corporate officers having a principal interest in this proposal:

Dan T. Maas - President - 32 Rancho Circle, Lake Forest, CA - (714) 444-1851

Michael Amundson - Vice President - 32 Rancho Circle, Lake Forest, CA - (714) 444-1851

Kristen Paulino - Corporate Secretary - 32 Rancho Circle, Lake Forest, CA - (714) 444-1851

The date(s) of any voluntary or involuntary bankruptcy judgements against any principal having an interest in this proposal are as follows:

N/A

All current and prior DBA'S, alias, and/or fictitious business names for any principal having an interest in this proposal are as follows:

N/A

Previous contract performance history:

Was any contract terminated previously: No

If the answer to the above is "yes", provide the following information:

Contract/project name and number: N/A

Date of termination: N/A

Reason for termination: N/A

Owner's name: N/A

Owner contact person and tel. no.: N/A

IN WITNESS WHEREOF, BIDDER executes and submits this proposal with the names, titles, hands, and seals of all aforementioned principals this 27th day of August, 2024.

BIDDER Hardy & Harper, Inc.

Michael Amundson, Vice President

Subscribed and sworn to this _____ day of _____, 20__.

NOTARY PUBLIC Please see attached Jurat.

CALIFORNIA JURAT WITH AFFIANT STATEMENT **GOVERNMENT CODE § 8202**

☒ See Attached Document (Notary to cross out lines 1–6 below)
☐ See Statement Below (Lines 1–6 to be completed only by document signer[s], *not* Notary)

×
×
×
×
×
×

Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Orange

Subscribed and sworn to (or affirmed) before me on this 28 day of August, 20 24,
Date *Month* *Year*
by
(1) Michael Amundson
(and (2) _____),
Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

MORGAN E. CHURNOCK
Notary Public - California
Orange County
Commission # 2377551
My Comm. Expires Oct 5, 2025

Signature _____
Signature of Notary Public

Seal
Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

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PROPOSAL GUARANTEE

BID BOND

Bond No.: CSBA-28205

KNOW ALL MEN BY THESE PRESENTS that Hardy & Harper, Inc., as BIDDER, AND Fidelity and Deposit Company of Maryland, as SURETY, are held and firmly bound unto the City of Monterey Park, in the penal sum of Ten Percent of the Amount Bid ($ 10%)dollars, lawful money of the United States, which is 10 percent of the total amount bid by BIDDER to the City of Monterey Park for the **2022-23 MONTEREY PASS ROAD OVERLAY SPECIFICATION NO. 2023-004** ("Public Project"), for the payment of which sum, BIDDER and SURETY agree to be bound, jointly and severally, firm by these presents.

THE CONDITIONS OF THIS OBLIGATION ARE SUCH that, whereas BIDDER is about to submit a bid to the City of Monterey Park for the above stated project, if said bid is rejected, or if said bid is accepted and a contract is awarded and entered into by BIDDER in the manner and time specified, then this obligation shall be null and void, otherwise it shall remain in full force and effect in favor of the City of Monterey Park.

IN WITNESS WHEREOF the parties hereto have set their names, titles, hands, and seals this 27th day of August, 2024.

SIGNED AND SEALED this 27th day of August, 2024.

Hardy & Harper, Inc.	Fidelity and Deposit Company of Maryland
Michael Amundson, Vice President	Dwight Reilly, Attorney-in-Fact
PRINCIPAL	SURETY

PRINCIPAL's MAILING ADDRESS:	**SURETY's MAILING ADDRESS:**
Hardy & Harper, Inc.	Fidelity and Deposit Company of Maryland
32 Rancho Circle	777 South Figueroa Street, Suite 3900
Lake Forest, CA 92630	Los Angeles, CA 90017

NOTE: All signatures shall be acknowledged by a notary public.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT **CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Orange)

On August 28, 2024 before me, Morgan E. Churnock, Notary Public,
Date *Here Insert Name and Title of the Officer*

personally appeared Michael Amundson
Name(s) of Signer(s)

,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

MORGAN E. CHURNOCK
Notary Public - California
Orange County
Commission # 2377551
My Comm. Expires Oct 5, 2025

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Signature of Notary Public

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☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
Signer Is Representing: _____
Hardy & Harper, Inc.

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☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
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ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Orange)

On 08/27/2024 before me, Melissa Ann Vaccaro, Notary Public
(insert name and title of the officer)

personally appeared Dwight Reilly,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

MELISSA ANN VACCARO
COMM. #2401942
Notary Public-California
ORANGE COUNTY
My Comm. Expires May 12, 2026

Signature _____ (Seal)
Melissa Ann Vaccaro

ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Illinois, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Illinois (herein collectively called the "Companies"), by Robert D. Murray, Vice President, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint Daniel HUCKABAY, Frank MORONES, Dwight REILLY, Arturo AYALA, Shaunna ROZELLE OSTROM, Benjamin WOLFE, Chelsea LIBERATORE, Ben STONG, Michael D. STONG, R. NAPPI, Adrian LANGRELL of Orange, California, its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings,** and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said **ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND**, this 7th day of September, A.D. 2023.

ATTEST:
ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

By: Robert D. Murray
Vice President

By: Dawn E. Brown
Secretary

State of Maryland
County of Baltimore

On this 7th day of September, A.D. 2023, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **Robert D. Murray, Vice President and Dawn E. Brown, Secretary** of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, deposeth and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.

Genevieve M. Maison

GENEVIEVE M. MAISON
NOTARY PUBLIC
BALTIMORE COUNTY, MD
My Commission Expires JANUARY 27, 2025

Authenticity of this bond can be confirmed at bondvalidator.zurichna.com or 410-559-8790

PROPOSAL GUARANTEE

CERTIFIED CHECK or CASHIER'S CHECK

As an Alternative to Bid Bond, Bidder can provide Certified Check or Cashier's Check as follows

Accompanying this proposal is a certified check or a cashier's check payable to the order of the City of Monterey Park, in the amount of N/A ($ N/A) dollars, lawful money of the United States, which is 10 percent of the total amount bid by BIDDER to the City of Monterey Park for the **2022-23 MONTEREY PASS ROAD OVERLAY SPECIFICATION NO. 2023-004** ("Public Project").

The proceeds of the same shall become the property of said City if, in case this proposal shall be accepted by said City through the City Council, the undersigned shall fail to execute a contract, with and furnish the insurance and bonds required by the City of Monterey Park within the specified time; otherwise, the same is to be returned to the undersigned as set forth in the Instructions to Bidders.

Bidder's Name: N/A

Authorized Signature: N/A

Name and Title: N/A

Date: N/A

--END OF SECTION--

FEDERAL CONTRACT PROVISIONS

FOLLOWING FEDERAL CONTRACT PROVISIONS/DOCUMENTS SHALL BE COMPLETED AND SUBMITTED AS PART OF THE BID

(THE BIDDER'S EXECUTION ON THE SIGNATURE PORTION OF THIS PROPOSAL SHALL ALSO CONSTITUTE AN ENDORSEMENT AND EXECUTION OF THOSE CERTIFICATIONS WHICH ARE A PART OF THIS PROPOSAL)

1. Required Federal-Aid Contract Language (Exhibit 12 G)
2. Construction Contract DBE Commitment (Exhibit 15 G)
3. DBE Information – Good Faith Effort (Exhibit 15 H)
4. Bidder's List of Subcontractors (DBE and Non-DBE) (Exhibit 12 B)

EXHIBIT 12-G: REQUIRED FEDERAL-AID CONTRACT LANGUAGE
(For Local Assistance Construction Projects)

The following language must be incorporated into all Local Assistance Federal-aid construction contracts. The following language, with minor edits, was taken from the Code of Federal Regulations.

MAINTAIN RECORDS AND SUBMIT REPORTS DOCUMENTING YOUR PERFORMANCE UNDER THIS SECTION

1. DISADVANTAGED BUSINESS ENTERPRISES (DBE) 2
   A. Nondiscrimination Statement 3
   B. Contract Assurance 3
   C. Prompt Progress Payment 3
   D. Prompt Payment of Withheld Funds to Subcontractors 3
   E. Termination and Replacement of DBE Subcontractors 4
   F. Commitment and Utilization 6
   G. Running Tally of Attainments 7
   H. Commercially Useful Function 7
   I. Use of Joint Checks 8
2. BID OPENING 9
3. BID RIGGING 9
4. CONTRACT AWARD 9
5. CONTRACTOR LICENSE 9
6. CHANGED CONDITIONS 9
   A. Differing Site Conditions 9
   B. Suspensions of Work Ordered by the Engineer 9
   C. Significant Changes in the Character of Work 10
7. BEGINNING OF WORK, TIME OF COMPLETION AND LIQUIDATED DAMAGES 10
8. BUY AMERICA 10
9. QUALITY ASSURANCE 11
10. PROMPT PAYMENT 12
11. FORM FHWA-1273 REQUIRED CONTRACT PROVISIONS FEDERAL-AID CONTRACTS 12
12. FEMALE AND MINORITY GOALS 12
13. TITLE VI ASSURANCES 14
14. FEDERAL TRAINEE PROGRAM 19
15. PROHIBITION OF CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE EQUIPMENT AND SERVICES 20

1. DISADVANTAGED BUSINESS ENTERPRISES (DBE)

The contractor, subrecipient or subcontractor shall take necessary and reasonable steps to ensure that DBEs have opportunity to participate in the contract (49 CFR 26). To ensure equal participation of DBEs provided in 49 CFR 26.5, the Agency shows a contract goal for DBEs. The prime contractor shall make work available to DBEs and select work parts consistent with available DBE subcontractors and suppliers.

The prime contractor shall meet the DBE goal shown elsewhere in these special provisions or demonstrate that they made adequate Good Faith Efforts (GFE) to meet this goal. An adequate GFE means that the bidder must show that it took all necessary and reasonable steps to achieve a DBE goal that, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to meet the DBE goal.

If the DBE goal is not met, the contractor needs to complete and submit the DBE GFE documentation as described in Local Assistance Procedures Manual (LAPM) Chapter 9, Section 9.8 within 5 (five) days of bid opening.

It is the prime contractor's responsibility to verify that the DBE firm is certified as a DBE on the date of bid opening by using the California Unified Certification Program (CUCP) database and possesses the most specific available North American Industry Classification System (NAICS) codes and Work Code applicable to the type of work the firm will perform on the contract. Additionally, the prime contractor is responsible to document this verification by printing out the CUCP data for each DBE firm. A list of DBEs certified by the CUCP can be found at: https://dot.ca.gov/programs/civil-rights/dbe-search.

DBE participation will only count toward the California Department of Transportation's federally mandated statewide overall DBE goal if the DBE performs a commercially useful function under 49 CFR 26.55.

Credit for materials or supplies the prime contractor purchases from DBEs counts towards the goal in the following manner:

- 100 percent counts if the materials or supplies are obtained from a DBE manufacturer.
- 60 percent counts if the materials or supplies are obtained from a DBE regular dealer.
- Only fees, commissions, and charges for assistance in the procurement and delivery of materials or supplies count if obtained from a DBE that is neither a manufacturer nor regular dealer. 49 CFR 26.55 defines "manufacturer" and "regular dealer."

The prime contractor receives credit towards the goal if they employ a DBE trucking company that performs a commercially useful function as defined in 49 CFR 26.55(d) as follows:

- The DBE must be responsible for the management and supervision of the entire trucking operation for which it is responsible on a particular contract, and there cannot be a contrived arrangement for the purpose of meeting DBE goals.
- The DBE must itself own and operate at least one fully licensed, insured, and operational truck used on the contract.
- The DBE receives credit for the total value of the transportation services it provides on the Contract using trucks it owns, insures, and operates using drivers it employs.
- The DBE may lease trucks from another DBE firm, including an owner-operator who is certified as a DBE. The DBE who leases trucks from another DBE receives credit for the total value of the transportation services the lessee DBE provides on the Contract.
- The DBE may also lease trucks from a non-DBE firm, including from an owner-operator. The DBE that leases trucks equipped with drivers from a non-DBE is entitled to credit for the total value of transportation services provided by non-DBE leased trucks equipped with drivers not to exceed the value of transportation services on the contract provided by DBE-owned trucks or leased trucks with DBE employee drivers. Additional participation by non-DBE owned trucks equipped with drivers receives credit only for the fee or commission it receives as a result of the lease arrangement.
- The DBE may lease trucks without drivers from a non-DBE truck leasing company. If the DBE leases trucks from a non-DBE truck leasing company and uses its own employees as drivers, it is entitled to credit for the total value of these hauling services.

- A lease must indicate that the DBE has exclusive use of and control over the truck. This does not preclude the leased truck from working for others during the term of the lease with the consent of the DBE, so long as the lease gives the DBE absolute priority for use of the leased truck. Leased trucks must display the name and identification number of the DBE.

A. Nondiscrimination Statement

The contractor, subrecipient or subcontractor will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR 26 on the basis of race, color, sex, or national origin. In administering the Local Agency components of the DBE Program Plan, the contractor, subrecipient or subcontractor will not, directly, or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE Program Plan with respect to individuals of a particular race, color, sex, or national origin.

B. Contract Assurance

Under 49 CFR 26.13(b): The contractor, subrecipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR 26 in the award and administration of federal-aid contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:

(1) Withholding monthly progress payments;

(2) Assessing sanctions;

(3) Liquidated damages; and/or

(4) Disqualifying the contractor from future bidding as non-responsible.

C. Prompt Progress Payment

In accordance with California Business and Professions Code section 7108.5, the prime contractor or subcontractor shall pay to any subcontractor, not later than seven days after receipt of each progress payment, unless otherwise agreed to in writing, the respective amounts allowed the contractor on account of the work performed by the subcontractors, to the extent of each subcontractor's interest therein. In the event that there is a good faith dispute over all or any portion of the amount due on a progress payment from the prime contractor or subcontractor to a subcontractor, the prime contractor or subcontractor may withhold no more than 150 percent of the disputed amount. Any violation of this requirement shall constitute a cause for disciplinary action and shall subject the licensee to a penalty, payable to the subcontractor, of 2 percent of the amount due per month for every month that payment is not made.

In any action for the collection of funds wrongfully withheld, the prevailing party shall be entitled to his or her attorney's fees and costs. The sanctions authorized under this requirement shall be separate from, and in addition to, all other remedies, either civil, administrative, or criminal. This clause applies to both DBE and non-DBE subcontractors.

D. Prompt Payment of Withheld Funds to Subcontractors

The Agency may hold retainage from the prime contractor and shall make prompt and regular incremental acceptances of portions, as determined by the Agency, of the contract work, and pay retainage to the prime contractor based on these acceptances. The Agency shall designate one of the methods below in the contract to ensure prompt and full payment of any retainage kept by the prime contractor or subcontractor to a subcontractor. The Agency shall include either Method 1, Method 2, or Method 3 below and delete the other two.

Method 1: No retainage will be held by the Agency from progress payments due to the prime contractor. Prime contractors and subcontractors are prohibited from holding retainage from subcontractors. Any delay or postponement of payment may take place only for good cause and with the Agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code and Section 10262 of the California Public Contract Code. This requirement shall not be construed to limit or impair any contractual, administrative or judicial remedies, otherwise available to the

contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

Method 2: No retainage will be held by the Agency from progress payments due to the prime contractor. Any retainage kept by the prime contractor or by a subcontractor must be paid in full to the earning subcontractor within seven (7) days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment may take place only for good cause and with the Agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and remedies specified in Section 7108.5 of the California Business and Professions Code and Section 10262 of the California Public Contract Code. This requirement shall not be construed to limit or impair any contractual, administrative or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

Method 3: The Agency shall hold retainage from the prime contractor and shall make prompt and regular incremental acceptances of portions, as determined by the Agency of the contract work and pay retainage to the prime contractor based on these acceptances. The prime contractor or subcontractor shall return all monies withheld in retention from all subcontractors within seven (7) days after receiving payment for work satisfactorily completed and accepted including incremental acceptances of portions of the contract work by the Agency. Any delay or postponement of payment may take place only for good cause and with the Agency's prior written approval. Any violation of these provisions shall subject the violating prime contractor or subcontractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code and Section 10262 of the California Public Contract Code. This requirement shall not be construed to limit or impair any contractual, administrative or judicial remedies otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor; deficient subcontractor performance and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

Any violation of these provisions of Prompt Progress Payment and Prompt Payment of Withheld Funds to Subcontractors shall subject the violating prime contractor or subcontractor to the penalties, sanctions and other remedies specified therein. These requirements shall not be construed to limit or impair any contractual, administrative, or judicial remedies otherwise available to the prime contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the prime contractor, deficient subcontract performance, or noncompliance by a subcontractor.

E. Termination and Replacement of DBE Subcontractors

The prime contractor shall utilize the specific DBEs listed to perform the work and supply the materials for which each is listed unless the contractor obtains the Agency's written consent. The prime contractor shall not terminate or replace a listed DBE for convenience and perform the work with their own forces or obtain materials from other sources without prior written authorization from the Agency. Unless the Agency's prior written consent is provided, the contractor shall not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE on the Exhibit 15-G Construction Contract DBE Commitment form, included in the Bid.

Termination of DBE Subcontractors

After a contract with a specified DBE goal has been executed, termination of a DBE may be allowed for the following, but not limited to, justifiable reasons with prior written authorization from the Agency:

1. Listed DBE fails or refuses to execute a written contract based on plans and specifications for the project.
2. The Local Agency stipulated that a bond is a condition of executing the subcontract and the listed DBE fails to meet the Local Agency's bond requirements.
3. Work requires a contractor's license and listed DBE does not have a valid license under Contractors License Law, or is not properly registered with the California Department of Industrial Relations as a public works contractor.
4. Listed DBE fails or refuses to perform the work or furnish the listed materials (failing or refusing to

perform is not an allowable reason to remove a DBE if the failure or refusal is a result of bad faith or discrimination).

5. Listed DBE's work is unsatisfactory and not in compliance with the contract.
6. Listed DBE is ineligible to work on the project because of suspension or debarment.
7. Listed DBE becomes bankrupt or insolvent or exhibits credit unworthiness.
8. Listed DBE voluntarily withdraws with written notice from the Contract
9. Listed DBE is ineligible to receive credit for the type of work required.
10. Listed DBE owner dies or becomes disabled resulting in the inability to perform the work on the Contract.
11. The Agency determines other documented good cause.

To terminate a DBE or to terminate a portion of a DBE's work, the contractor must use the following procedures:

1. Send a written notice to the DBE of Contractor's intent to use other forces or material sources and include one or more justifiable reasons listed above. Simultaneously send a copy of this written notice to the Agency. The written notice to the DBE must request they provide any response within five (5) business days to both the Contractor and the Agency by either acknowledging their agreement or documenting their reasoning as to why the use of other forces or sources of materials should not occur.
2. If the DBE does not respond within 5 business days, Contractor may move forward with the request as if the DBE had agreed to Contractor's written notice.
3. Submit Contractor's DBE termination request by written letter to the Agency and include:
    - One or more above listed justifiable reasons along with supporting documentation.
    - Contractor's written notice to the DBE regarding the request, including proof of transmission and tracking documentation of Contractor's written notice
    - The DBE's response to Contractor's written notice, if received. If a written response was not provided, provide a statement to that effect.

The Agency shall respond in writing to Contractor's DBE termination request within 5 business days.

Replacement of DBE Subcontractors

After receiving the Agency's written authorization of DBE termination request, the Contractor must obtain the Agency's written agreement for DBE replacement. The Contractor must find or demonstrate GFEs to find qualified DBE replacement firms to perform the work to the extent needed to meet the DBE commitment.

The following procedures shall be followed to request authorization to replace a DBE firm:

1. Submit a request to replace a DBE with other forces or material sources in writing to the Agency which must include:
    a. Description of remaining uncommitted work items made available for replacement DBE solicitation and participation.
    b. The proposed DBE replacement firm's business information, the work they have agreed to perform, and the following:
        - Quote for bid item work and description of work to be performed
        - Proposed subcontract agreement and written confirmation of agreement to perform on the Contract
        - Revised Subcontracting Request form
        - Revised Exhibit 15-G: Construction Contract DBE Commitment
2. If Contractor has not identified a DBE replacement firm, submit documentation of the Contractor's GFEs

to use DBE replacement firms within 7 days of Agency's authorization to terminate the DBE. The Contractor may request the Agency's approval to extend this submittal period to a total of 14 days. Submit documentation of actions taken to find a DBE replacement firm, such as:

- Search results of certified DBEs available to perform the original DBE work identified and/or other work the Contractor had intended to self-perform, to the extent needed to meet the DBE commitment
- Solicitations of DBEs for performance of work identified
- Correspondence with interested DBEs that may have included contract details and requirements
- Negotiation efforts with DBEs that reflect why an agreement was not reached
- If a DBE's quote was rejected, provide Contractor's reasoning for the rejection, such as why the DBE was unqualified for the work, or why the price quote was unreasonable or excessive
- Copies of each DBE's and non-DBE's price quotes for work identified, as the Agency may contact the firms to verify solicitation efforts and determine if the DBE quotes are substantially higher
- Additional documentation that supports the GFE

The Agency shall respond in writing to the Contractor's DBE replacement request within five (5) business days. The Contractor must submit a revised Subcontracting Request form if the replacement plan is authorized by the Agency.

F. Commitment and Utilization

The Agency's DBE program must include a monitoring and enforcement mechanism to ensure that DBE commitments reconcile to DBE utilization.

The bidder shall complete and sign Exhibit 15-G: Construction Contract DBE Commitment included in the contract documents regardless of whether DBE participation is reported. The bidder shall provide written confirmation from each DBE that the DBE is participating in the Contract. LAPM Exhibit 9-I: DBE Confirmation or equivalent form and DBE's quote must be submitted. The written confirmation must be submitted no later than 4pm on the 5th day after bid opening. If a DBE is participating as a joint venture partner, the bidder shall submit a copy of the joint venture agreement.

If the DBE Commitment form, Exhibit 15-G, is not submitted with the bid, it must be completed and submitted by all bidders to the Agency within five (5) days of bid opening. If the bidder does not submit the DBE Commitment form within the specified time, the Agency will find the bidder's bid nonresponsive.

The prime contractor shall use each DBE subcontractor as listed on Exhibit 15-G: Construction Contract DBE Commitment unless they receive written authorization for a termination or replacement from the Agency.

The Agency shall request the prime contractor to:

1. Notify the Resident Engineer or Inspector of any changes to its anticipated DBE participation
2. Provide this notification before starting the affected work
3. Maintain records including:
   - Name and business address of each 1st-tier subcontractor
   - Name and business address of each DBE subcontractor, DBE vendor, and DBE trucking company, regardless of tier
   - Date of payment and total amount paid to each DBE (see Exhibit 9-F: Monthly Disadvantaged Business Enterprise Payment)

If the prime contractor is a DBE contractor, they shall include the date of work performed by their own forces and the corresponding value of the work.

Before the 15th of each month, the prime contractor shall submit a Monthly DBE Trucking Verification (LAPM Exhibit 16-Z1) form.

If a DBE is decertified before completing its work, the DBE must notify the prime contractor in writing of the decertification date. If a business becomes a certified DBE before completing its work, the business must notify the prime contractor in writing of the certification date. The prime contractor shall submit the notifications. Upon work completion, the prime contractor shall complete a Disadvantaged Business Enterprises (DBE) Certification Status Change, Exhibit 17-O, form and submit the form within 30 days of contract acceptance.

Upon work completion, the prime contractor shall complete Exhibit 17-F: Final Report – Utilization of Disadvantaged Business Enterprises (DBE), First-Tier Subcontractors and submit it within 90 days of contract acceptance. The Agency will withhold $10,000 until the form is submitted. The Agency releases the withhold upon submission of the completed form.

G. Running Tally of Attainments

For projects awarded on or after March 1, 2020, but before September 1, 2023:

After submitting an invoice for reimbursement that includes a payment to a DBE, but no later than the 10th of the following month, the prime contractor/consultant must complete and email the Exhibit 9-F: Disadvantaged Business Enterprise Running Tally of Payments to business.support.unit@dot.ca.gov with a copy to local administering agencies.

For projects that are awarded on or after September 1, 2023:

Exhibit 9-F is no longer required. Instead, by the 15th of the month following the month of any payment(s), the prime contractor must now submit Exhibit 9-P to the Local Agency administering the contract. If the Contractor does not make any payments to subcontractors, supplier(s) and/or manufacturers they must report "no payments were made to subs this month" and write this visibly and legibly on Exhibit 9-P.

H. Commercially Useful Function

DBEs must perform a commercially useful function (CUF) under 49 CFR 26.55 when performing work or supplying materials listed on the DBE Commitment form. The DBE value of work will only count toward the DBE commitment if the DBE performs a CUF. A DBE performs a CUF when it is responsible for execution of the work on the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. If a DBE does not perform or exercise responsibility for at least 30% of the total cost of its contract with its own work force, or the DBE subcontracts a greater portion of the work of a contract than would be expected on the basis of normal industry practice for the type of work involved, it will be presumed that the DBE is not performing a CUF. Additionally, the DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material and installing (where applicable), and paying for the material itself.

The Contractor must perform CUF evaluation for each DBE company working on a federal-aid contract, with or without a DBE goal. Perform a CUF evaluation at the beginning of the DBE's work, and continue to monitor the performance of CUF for the duration of the project.

The Contractor must provide written notification to the AGENCY at least 15 days in advance of each DBE's initial performance of work or supplying materials for the Contract. The notification must include the DBE's name, work the DBE will perform on the contract, and the location, date, and time of where their work will take place.

Within 10 (ten) days of a DBE initially performing work or supplying materials on the contract, the Contractor shall submit to the LPA the initial evaluation and validation of DBE performance of a CUF using the LAPM 9-J: Disadvantaged Business Enterprise Commercially Useful Function Evaluation. Include the following information with the submittal:

- Subcontract agreement with the DBE
- Purchase orders
- Bills of lading
- Invoices
- Proof of payment

The Contractor must monitor all DBE's performance of CUF by conducting quarterly evaluations and validations throughout their duration of work on the contract using the LAPM 9-J: DBE Commercially Useful Function Evaluation. The Contractor must submit to the AGENCY these quarterly evaluations and validations by the 5th of the month for the previous three (3) months of work.

The Contractor must notify the AGENCY immediately if the Contractor believes the DBE may not be performing a CUF.

The AGENCY will verify DBEs performance of CUF by reviewing the initial and quarterly submissions of LAPM 9-J: DBE Commercially Useful Function Evaluation, submitted supporting information, field observations, and through any additional AGENCY evaluations. The AGENCY must evaluate DBEs and their CUF performance throughout the duration of a Contract. The AGENCY will provide written notice to Contractor and DBE at least two (2) business days prior to any evaluation. The Contractor and DBE must participate in the evaluation. Upon completing the evaluation, the AGENCY must share the evaluation results with the Contractor and DBE. An evaluation could include items that must be remedied upon receipt. If the AGENCY determines the DBE is not performing a CUF the Contractor must suspend performance of the noncompliant work.

The Contractor and DBEs must submit any additional CUF related records and documents within five (5) business days of AGENCY's request such as:

- Proof of ownership or lease and rental agreements for equipment
- Tax records
- Employee rosters
- Certified payroll records
- Inventory rosters

Failure to submit required DBE Commercially Useful Function Evaluation forms or requested records and documents can result in withholding of payment for the value of work completed by the DBE.

If the Contractor and/or the AGENCY determine that a listed DBE is not performing a CUF in performance of their DBE committed work, immediately suspend performance of the noncompliant portion of the work. The AGENCY may deny payment for the noncompliant portion of the work. The AGENCY will ask the Contractor to submit a corrective action plan (CAP) to the AGENCY within five (5) days of the noncompliant CUF determination. The CAP must identify how the Contractor will correct the noncompliance findings for the remaining portion of the DBE's work. The AGENCY has five (5) days to review the CAP in conjunction with the prime contractor's review. The Contractor must implement the CAP within five (5) days of the AGENCY's approval. The AGENCY will then authorize the prior noncompliant portion of work for the DBE's committed work.

If corrective actions cannot be accomplished to ensure the DBE performs a CUF on the Contract, then the Contractor may have good cause to request termination of the DBE.

I. Use of Joint Checks

A joint check may be used between the Contractor or lower-tier subcontractor and a DBE subcontractor purchasing materials from a material supplier if the contractor obtains prior approval from the LPA for the proposed use of joint check upon submittal of the LAPM 9-K: DLA Disadvantaged Business Enterprises (DBE) Joint Check Agreement Request form.

To use a joint check, the following conditions must be met:

- All parties, including the Contractor, must agree to the use of a joint check
- Entity issuing the joint check acts solely to guarantee payment
- DBE must release the check to the material supplier
- LPA must authorize the request before implementation
- Any party to the agreement must provide requested documentation within 10 days of the LPA's request for the documentation
- Agreement to use a joint check must be short-term, not to exceed 1 year, allowing sufficient time needed to establish or increase a credit line with the material supplier

A request for a joint check agreement may be initiated by any party. If a joint check is used, the DBE remains responsible for all elements of 49 CFR 26.55(c)(1).

Failure to comply with the above requirements disqualifies DBE participation and results in no credit and no payment to the Contractor for DBE participation.

A joint check may not be used between the Contractor or subcontractor and a DBE regular dealer, bulk material supplier, manufacturer, wholesaler, broker, trucker, packager, manufacturer's representative, or other persons who arrange or expedite transactions.

2. BID OPENING
The Agency publicly opens and reads bids at the time and place shown on the Notice to Contractors.

3. BID RIGGING
The U.S. Department of Transportation (DOT) provides a toll-free hotline to report bid rigging activities. Use the hotline to report bid rigging, bidder collusion, and other fraudulent activities. The hotline number is (800) 424-9071. The service is available 24 hours 7 days a week and is confidential and anonymous. The hotline is part of the DOT's effort to identify and investigate highway construction contract fraud and abuse and is operated under the direction of the DOT Inspector General.

4. CONTRACT AWARD
If the Agency awards the contract, the award is made to the lowest responsible and responsive bidder.

5. CONTRACTOR LICENSE
The Contractor must be properly licensed as a contractor from contract award through Contract acceptance (23 CFR 635.110).

6. CHANGED CONDITIONS

A. Differing Site Conditions

1. During the progress of the work, if subsurface or latent physical conditions are encountered at the site differing materially from those indicated in the contract or if unknown physical conditions of an unusual nature, differing materially from those ordinarily encountered and generally recognized as inherent in the work provided for in the contract, are encountered at the site, the party discovering such conditions shall promptly notify the other party in writing of the specific differing conditions before the site is disturbed and before the affected work is performed.
2. Upon written notification, the engineer will investigate the conditions, and if it is determined that the conditions materially differ and cause an increase or decrease in the cost or time required for the performance of any work under the contract, an adjustment, excluding anticipated profits, will be made and the contract modified in writing accordingly. The engineer will notify the contractor of the determination whether or not an adjustment of the contract is warranted.
3. No contract adjustment which results in a benefit to the contractor will be allowed unless the contractor has provided the required written notice.
4. No contract adjustment will be allowed under this clause for any effects caused on unchanged work. [*This provision may be omitted by the Local Agency, at their option.*]

B. Suspensions of Work Ordered by the Engineer

1. If the performance of all or any portion of the work is suspended or delayed by the engineer in writing for an unreasonable period of time (not originally anticipated, customary, or inherent to the construction industry) and the contractor believes that additional compensation and/or contract time is due as a result of such suspension or delay, the contractor shall submit to the engineer in writing a request for adjustment within 7 calendar days of receipt of the notice to resume work. The request shall set forth the reasons and support for such adjustment.
2. Upon receipt, the engineer will evaluate the contractor's request. If the engineer agrees that the cost and/or time required for the performance of the contract has increased as a result of such suspension and the suspension was caused by conditions beyond the control of and not the fault of the contractor, its suppliers, or subcontractors at any approved tier, and not caused by weather, the engineer will make an adjustment (excluding profit) and modify the contract in writing accordingly. The contractor will be notified of the engineer's determination whether or not an adjustment of the contract is warranted.

3. No contract adjustment will be allowed unless the contractor has submitted the request for adjustment within the time prescribed.
4. No contract adjustment will be allowed under this clause to the extent that performance would have been suspended or delayed by any other cause, or for which an adjustment is provided or excluded under any other term or condition of this contract.

C. Significant Changes in the Character of Work

1. The engineer reserves the right to make, in writing, at any time during the work, such changes in quantities and such alterations in the work as are necessary to satisfactorily complete the project. Such changes in quantities and alterations shall not invalidate the contract nor release the surety, and the contractor agrees to perform the work as altered.
2. If the alterations or changes in quantities significantly change the character of the work under the contract, whether such alterations or changes are in themselves significant changes to the character of the work or by affecting other work cause such other work to become significantly different in character, an adjustment, excluding anticipated profit, will be made to the contract. The basis for the adjustment shall be agreed upon prior to the performance of the work. If a basis cannot be agreed upon, then an adjustment will be made either for or against the contractor in such amount as the engineer may determine to be fair and equitable.
3. If the alterations or changes in quantities do not significantly change the character of the work to be performed under the contract, the altered work will be paid for as provided elsewhere in the contract.
4. The term "significant change" shall be construed to apply only to the following circumstances:
   - When the character of the work as altered differs materially in kind or nature from that involved or included in the original proposed construction; or
   - When a major item of work, as defined elsewhere in the contract, is increased in excess of 125 percent or decreased below 75 percent of the original contract quantity. Any allowance for an increase in quantity shall apply only to that portion in excess of 125 percent of original contract item quantity, or in case of a decrease below 75 percent, to the actual amount of work performed.

7. BEGINNING OF WORK, TIME OF COMPLETION AND LIQUIDATED DAMAGES

The Contractor shall begin work within 15 calendar days after the issuance of the Notice to Proceed.

This work shall be diligently prosecuted to completion before the expiration of_____WORKING DAYS beginning on the fifteenth calendar day after the date shown on the Notice to Proceed.

The Contractor shall pay to the City/County_____the sum of $_____per day, for each and every calendar days' delay in finishing the work in excess of the number of working days prescribed above.

8. BUY AMERICA

Buy America Requirements apply to steel and iron, manufactured products, and construction materials permanently incorporated into the project.

Steel and Iron Materials

All steel and iron materials must be melted and manufactured in the United States except:

1. Foreign pig iron and processed, pelletized, and reduced iron ore may be used in the domestic production of the steel and iron materials [60 Fed Reg 15478 (03/24/1995)];
2. If the total combined cost of the materials produced outside the United States does not exceed the greater of 0.1 percent of the total contract amount or $2,500, materials produced outside the United States may be used if authorized.

Furnish steel and iron materials to be incorporated into the work with certificates of compliance and certified mill test reports. Mill test reports must indicate where the steel and iron were melted and manufactured. All melting and manufacturing processes for these materials, including an application of a coating, must occur in the United States. Coating includes all processes that protect or enhance the value of the material to which the coating is applied.

Manufactured Products

Iron and steel used in precast concrete manufactured products must meet the requirements of the above section (Steel and Iron Materials) regardless of the amount used. Iron and steel used in other manufactured products must meet the requirements of the above section (Steel and Iron Materials) if the weight of steel and iron components constitute 90 percent or more of the total weight of the manufactured product.

Construction Materials

Buy America requirements apply to the following construction materials that are or consist primarily of:

1. Non-ferrous metals
2. Plastic and polymer-based products such as:
   2.1 Polyvinylchloride
   2.2 Composite Building Materials
3. Glass
4. Fiber optic cable (including drop cable)
5. Optical fiber
6. Lumber
7. Engineered wood
8. Drywall

All manufacturing processes for these materials as defined in 2 CFR 184.6 must occur in the United States.

Where one or more of these construction materials have been combined by a manufacturer with other materials through a manufacturing process, Buy America requirements do not apply unless otherwise specified.

Furnish construction materials to be incorporated into the work with certificates of compliance with each project delivery. Manufacturer's certificate of compliance must identify where the construction material was manufactured and attest specifically to Buy America compliance.

All manufacturing processes for these materials must occur in the United States.

Buy America requirements do not apply to the following:

1. Tools and construction equipment used in performing the work
2. Temporary work that is not incorporated into the finished project

Waivers

If Buy America waivers are granted, use the following language to include in the contract:

The following steel and iron products, manufactured products, or construction materials have received an approved Buy America waiver for this contract, and therefore, are not subject to Buy America requirements:

1. _____
2. _____

9. QUALITY ASSURANCE

The Local Agency uses a Quality Assurance Program (QAP) to ensure a material is produced to comply with the Contract. The Local Agency may examine the records and reports of tests the prime contractor performs if they are available at the job site. Schedule work to allow time for QAP.

10. PROMPT PAYMENT

A. FROM THE AGENCY TO THE CONTRACTORS

The Local Agency shall make all project progress payment within 30 days after receipt of an undisputed and properly submitted payment request from the Contractor on a construction contract. If the Local Agency fails to pay promptly, the Local Agency shall pay interest to the Contractor, which accrues at the rate of 10 percent per annum on the principal amount of a money judgment remaining unsatisfied and pro-rated as necessary. Upon receipt of the payment request, the Local Agency shall act in accordance with both of the following:

1. The Local Agency shall review each payment request as soon as feasible after receipt to verify it is a proper payment request.
2. The Local Agency must return any payment request deemed improper by the Local Agency to the Contractor as soon as feasible, but not later than seven (7) days, after receipt. A request returned pursuant to this paragraph shall include documentation setting forth in writing the reasons why it is an improper payment request.

B. SUBMITTAL OF EXHIBIT 9-P

For projects awarded on or after September 1, 2023:

The Contractor must submit Exhibit 9-P to the Local Agency administering the contract by the 15th of the month following the month of any payment(s). If the Contractor does not make any payments to subcontractors, supplier(s) and/or manufacturers they must report "no payments were made to subs this month" and write this visibly and legibly on Exhibit 9-P.

The Local Agency must verify all Exhibit 9-P information, monitor compliance with prompt payment requirements for DBE and non-DBE firms, and address any shortfall to the DBE commitment and prompt payment issues until the end of the project. The Local Agency must email a copy of Exhibit 9-P to DBE.Forms@dot.ca.gov before the end of the month after receiving the Exhibit 9-P from the Contractor.

11. FORM FHWA-1273 REQUIRED CONTRACT PROVISIONS FEDERAL-AID CONTRACTS

[Form FHWA-1273 must be physically inserted into the contract without modification, excluding ATTACHMENT A - EMPLOYMENT AND MATERIALS PREFERENCE FOR APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM OR APPALACHIAN LOCAL ACCESS ROAD CONTRACTS.]

[The current version of Form FHWA-1273 is accessible at FHWA's website: https://www.fhwa.dot.gov/programadmin/contracts/1273/1273.pdf]

12. FEMALE AND MINORITY GOALS

To comply with Section II, "Nondiscrimination," of "Required Contract Provisions Federal-Aid Construction Contracts," the following are for female and minority utilization goals for Federal-aid construction contracts and subcontracts that exceed $10,000:

The nationwide goal for female utilization is 6.9 percent.

The goals for minority utilization (45 Fed Reg 65984 (10/3/1980)) are as follows:

MINORITY UTILIZATION GOALS

	Economic Area	Goal (Percent)
174	Redding CA: Non-SMSA (Standard Metropolitan Statistical Area) Counties: CA Lassen; CA Modoc; CA Plumas; CA Shasta; CA Siskiyou; CA Tehama	6.8
175	Eureka, CA Non-SMSA Counties: CA Del Norte; CA Humboldt; CA Trinity	6.6
176	San Francisco-Oakland-San Jose, CA: SMSA Counties: 7120 Salinas-Seaside-Monterey, CA CA Monterey 7360 San Francisco-Oakland CA Alameda; CA Contra Costa; CA Marin; CA San Francisco; CA San Mateo 7400 San Jose, CA CA Santa Clara, CA 7485 Santa Cruz, CA CA Santa Cruz 7500 Santa Rosa CA Sonoma 8720 Vallejo-Fairfield-Napa, CA CA Napa; CA Solano Non-SMSA Counties: CA Lake; CA Mendocino; CA San Benito	28.9 25.6 19.6 14.9 9.1 17.1 23.2
177	Sacramento, CA: SMSA Counties: 6920 Sacramento, CA CA Placer; CA Sacramento; CA Yolo Non-SMSA Counties CA Butte; CA Colusa; CA El Dorado; CA Glenn; CA Nevada; CA Sierra; CA Sutter; CA Yuba	16.1 14.3
178	Stockton-Modesto, CA: SMSA Counties: 5170 Modesto, CA CA Stanislaus 8120 Stockton, CA CA San Joaquin Non-SMSA Counties CA Alpine; CA Amador; CA Calaveras; CA Mariposa; CA Merced; CA Tuolumne	12.3 24.3 19.8
179	Fresno-Bakersfield, CA SMSA Counties: 0680 Bakersfield, CA CA Kern 2840 Fresno, CA CA Fresno Non-SMSA Counties: CA Kings; CA Madera; CA Tulare	19.1 26.1 23.6

180	Los Angeles, CA: SMSA Counties: 0360 Anaheim-Santa Ana-Garden Grove, CA CA Orange 4480 Los Angeles-Long Beach, CA CA Los Angeles 6000 Oxnard-Simi Valley-Ventura, CA CA Ventura 6780 Riverside-San Bernardino-Ontario, CA CA Riverside; CA San Bernardino 7480 Santa Barbara-Santa Maria-Lompoc, CA CA Santa Barbara Non-SMSA Counties CA Inyo; CA Mono; CA San Luis Obispo	11.9 28.3 21.5 19.0 19.7 24.6
181	San Diego, CA: SMSA Counties 7320 San Diego, CA CA San Diego Non-SMSA Counties CA Imperial	16.9 18.2

For the last full week of July during which work is performed under the contract, the prime contractor and each non material-supplier subcontractor with a subcontract of $10,000 or more must complete Form FHWA PR-1391 (Appendix C to 23 CFR 230). Submit the forms by August 15.

13. TITLE VI ASSURANCES

[The U.S. Department of Transportation Order No.1050.2A requires all federal-aid Department of Transportation contracts between an agency and a contractor to contain Appendix A and E.
Note: Appendix B only requires inclusion if the contract impacts deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein. Appendices C and D only require inclusion if the contract impacts deeds, licenses, leases, permits, or similar instruments entered into by the recipient.]

APPENDIX A

During the performance of this Agreement, the contractor, for itself, its assignees and successors in interest (hereinafter collectively referred to as CONTRACTOR) agrees as follows:

a. Compliance with Regulations: CONTRACTOR shall comply with the regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the REGULATIONS), which are herein incorporated by reference and made a part of this agreement.

b. Nondiscrimination: CONTRACTOR, with regard to the work performed by it during the AGREEMENT, shall not discriminate on the grounds of race, color, sex, national origin, religion, age, or disability in the selection and retention of sub-applicants, including procurements of materials and leases of equipment. CONTRACTOR shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the agreement covers a program set forth in Appendix B of the Regulations.

c. Solicitations for Sub-agreements, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by CONTRACTOR for work to be performed under a Sub- agreement, including procurements of materials or leases of equipment, each potential sub-applicant or supplier shall be notified by CONTRACTOR of the CONTRACTOR'S obligations under this Agreement and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

d. Information and Reports: CONTRACTOR shall provide all information and reports required by the

Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the recipient or FHWA to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of CONTRACTOR is in the exclusive possession of another who fails or refuses to furnish this information, CONTRACTOR shall so certify to the recipient or FHWA as appropriate, and shall set forth what efforts CONTRACTOR has made to obtain the information.

e. Sanctions for Noncompliance: In the event of CONTRACTOR's noncompliance with the nondiscrimination provisions of this agreement, the recipient shall impose such agreement sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
   i. withholding of payments to CONTRACTOR under the Agreement within a reasonable period of time, not to exceed 90 days; and/or
   ii. cancellation, termination or suspension of the Agreement, in whole or in part.

f. Incorporation of Provisions: CONTRACTOR shall include the provisions of paragraphs (1) through (6) in every sub-agreement, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

CONTRACTOR shall take such action with respect to any sub-agreement or procurement as the recipient or FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance, provided, however, that, in the event CONTRACTOR becomes involved in, or is threatened with, litigation with a sub-applicant or supplier as a result of such direction, CONTRACTOR may request the recipient enter into such litigation to protect the interests of the State, and, in addition, CONTRACTOR may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the recipient will accept title to the lands and maintain the project constructed thereon in accordance with Title 23 U.S.C., the regulations for the administration of the preceding statute, and the policies and procedures prescribed by the FHWA of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the recipient all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the recipient and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the recipient, its successors and assigns. The recipient, in consideration of the conveyance of said lands and interest in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the recipient will use the lands and interests in lands and interest in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title

VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said lands, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the recipient pursuant to the provisions of Assurance 7(a):

A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:

1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, the recipient will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*

C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the recipient will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the recipient and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the recipient pursuant to the provisions of Assurance 7(b):

A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest ,and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishings of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits or, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

B. With respect to (licenses, leases, permits, etc.) in the event of breach of any of the above of the above Non-discrimination covenants, the recipient will have the right to terminate the (license, permits, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*

C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, the recipient will there upon revert to and vest in and become the absolute property of the recipient and its assigns.

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities, including, but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), prohibits discrimination on the basis of sex;
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 U.S.C. § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such

programs or activities are Federally funded or not);

- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination of the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

Federal Trainee Program Special Provisions
(to be used when applicable)

14. FEDERAL TRAINEE PROGRAM

For the Federal training program, the number of trainees or apprentices is____.

This section applies if a number of trainees or apprentices is shown on the Notice of Bidders.

As part of the prime contractor's equal opportunity affirmative action program, provide on-the-job training to develop full journeymen in the types of trades or job classifications involved.

The prime contractor has primary responsibility for meeting this training requirement.

If the prime contractor subcontracts a contract part, they shall determine how many trainees or apprentices are to be trained by the subcontractor. Include these training requirements in each subcontract.

Where feasible, 25 percent of apprentices or trainees in each occupation must be in their 1st year of apprenticeship or training.

Distribute the number of apprentices or trainees among the work classifications on the basis of the prime contractor's needs and the availability of journeymen in the various classifications within a reasonable recruitment area.

Before starting work, the prime contractor shall submit to the City/County of_____ :

1. Number of apprentices or trainees to be trained for each classification
2. Training program to be used
3. Training starting date for each classification

The prime contractor shall obtain the City/County of _____approval for this submitted information before the prime contractor starts work. The City/County of_____credits the prime contractor for each apprentice or trainee the prime contractor employs on the job who is currently enrolled or becomes enrolled in an approved program.

The primary objective of this section is to train and upgrade minorities and women toward journeyman status. The prime contractor shall make every effort to enroll minority and women apprentices or trainees, such as conducting systematic and direct recruitment through public and private sources likely to yield minority and women apprentices or trainees, to the extent they are available within a reasonable recruitment area and show that they have made the efforts. In making these efforts, the prime contractor shall not discriminate against any applicant for training.

The prime contractor shall not employ as an apprentice or trainee an employee:

1. In any classification in which the employee has successfully completed a training course leading to journeyman status or in which the employee has been employed as a journeyman
2. Who is not registered in a program approved by the US Department of Labor, Bureau of Apprenticeship and Training

The prime contractor shall ask the employee if the employee has successfully completed a training course leading to journeyman status or has been employed as a journeyman. The prime contractor's records must show the employee's answers to the questions.

In the training program, the prime contractor shall establish the minimum length and training type for each classification. The City/County of _____ and FHWA approves a program if one of the following is met:

1. It is calculated to:
   - Meet the equal employment opportunity responsibilities
   - Qualify the average apprentice or trainee for journeyman status in the classification involved by the end of the training period
2. It is registered with the U.S. Department of Labor, Bureau of Apprenticeship and Training, and it is administered in a way consistent with the equal employment responsibilities of Federal-aid highway construction contracts

The prime contractor shall obtain the State's approval for their training program before they start work involving the classification covered by the program.

The prime contractor shall provide training in the construction crafts, not in clerk-typist or secretarial-type positions. Training is allowed in lower-level management positions such as office engineers, estimators, and timekeepers if the training is oriented toward construction applications. Training is allowed in the laborer classification if significant and meaningful training is provided and approved by the division office. Off-site training is allowed if the training is an integral part of an approved training program and does not make up a significant part of the overall training.

The City/County of_____reimburses the prime contractor 80 cents per hour of training given an employee on this contract under an approved training program:

1. For on-site training
2. For off-site training if the apprentice or trainee is currently employed on a Federal-aid project and prime contractor does at least one of the following:
   a. Contribute to the cost of the training
   b. Provide the instruction to the apprentice or trainee
   c. Pay the apprentice's or trainee's wages during the off-site training period
3. If the prime contractor complies with this section.

Each apprentice or trainee must:

1. Begin training on the project as soon as feasible after the start of work involving the apprentice's or trainee's skill
2. Remain on the project as long as training opportunities exist in the apprentice's or trainee's work classification or until the apprentice or trainee has completed the training program

Furnish the apprentice or trainee a:

1. Copy of the training plan approved by the U.S, Department of Labor or a training plan for trainees approved by both Caltrans and FHWA
2. Certification showing the type and length of training satisfactorily completed

Maintain records and submit reports documenting contractor's performance under this section.

15. PROHIBITION OF CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE EQUIPMENT AND SERVICES

In response to significant national security concerns, the agency shall check the prohibited vendor list before making any telecommunications and video surveillance purchase because recipients and subrecipients of federal funds are prohibited from obligating or expending loan or grant funds to:

- Procure or obtain;
- Extend or renew a contract to procure or obtain; or
- Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system.

The prohibited vendors (and their subsidiaries or affiliates) are:

- Huawei Technologies Company;
- ZTE Corporation;
- Hytera Communications Corporation;
- Hangzhou Hikvision Digital Technology Company;
- Dahua Technology Company; and
- Subsidiaries or affiliates of the above-mentioned companies.

In implementing the prohibition, the agency administering loan, grant, or subsidy programs shall prioritize available funding and technical support to assist affected businesses, institutions and organizations as is reasonably necessary for those affected entities to transition from covered communications equipment and services, to procure replacement equipment and services, and to ensure that communications service to users and customers is sustained.

The contractors should furnish telecommunications and video surveillance equipment with a certificate of compliance. The certificate must state telecommunications and video surveillance equipment was not procured or obtained from manufacturers identified in the above list.

EQUAL EMPLOYMENT OPPORTUNITY CERTIFICATION

The bidder Hardy & Harper, Inc., proposed subcontractor _____, hereby certifies that he has X , has not ____, participated in a previous contract or subcontract subject to the equal opportunity clauses, as required by Executive Orders 10925, 11114, or 11246, and that, where required, he has filed with the Joint Reporting Committee, the Director of the Office of Federal Contract Compliance, a Federal Government contracting or administering agency, or the former President's Committee on Equal Employment Opportunity, all reports due under the applicable filling requirements.

Note: The above certification is required by the Equal Employment Opportunity Regulations of the Secretary of Labor (41 CFR 60-1.7(b) (1)), and must be submitted by bidders and proposed subcontractors only in connection with contracts and subcontracts which are subject to the equal opportunity clause. Contracts and subcontracts which are exempt from the equal opportunity clause are set forth in 41 CFR 60-1.5. (Generally only contracts or subcontracts of $10,000 or under are exempt.)

Currently, Standard Form 100 (EEO-1) is the only report required by the Executive Orders or their implementing regulations.

Proposed prime contractors and subcontractors who have participated in a previous contract or subcontract subject to the Executive Orders and have not filed the required reports should note that 41 CFR 60-1.7(b) (1) prevents the award of contracts and subcontracts unless such contractor submits a report covering the delinquent period or such other period specified by the Federal Highway Administration or by the Director, Office of Federal Contract Compliance, U.S. Department of Labor.

DEBARMENT AND SUSPENSION CERTIFICATION

TITLE 49, CODE OF FEDERAL REGULATIONS, PART 29

The bidder, under penalty of perjury, certifies that, except as noted below, he/she or any other person associated therewith in the capacity of owner, partner, director, officer, manager:

- is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any Federal agency;
- has not been suspended, debarred, voluntarily excluded or determined ineligible by any Federal agency within the past 3 years;
- does not have a proposed debarment pending; and
- has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past 3 years.

If there are any exceptions to this certification, insert the exceptions in the following space.

Exceptions will not necessarily result in denial of award, but will be considered in determining bidder responsibility. For any exception noted above, indicate below to whom it applies, initiating agency, and dates of action.

Notes: Providing false information may result in criminal prosecution or administrative sanctions.
The above certification is part of the Proposal. Signing this Proposal on the signature portion thereof shall also constitute signature of this Certification.

NONLOBBYING CERTIFICATION FOR FEDERAL-AID CONTRACTS

The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

(l) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in conformance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

The prospective participant also agrees by submitting his or her bid or proposal that he or she shall require that the language of this certification be included in all lower tier subcontracts, which exceed $100,000 and that all such subrecipients shall certify and disclose accordingly.

EXHIBIT 10-Q DISCLOSURE OF LOBBYING ACTIVITIES

COMPLETE THIS FORM TO DISCLOSE LOBBYING ACTIVITIES PURSUANT TO 31 U.S.C. 1352

1. Type of Federal Action:

☐ a. contract
b. grant
c. cooperative agreement
d. loan
e. loan guarantee
f. loan insurance

2. Status of Federal Action:

☐ a. bid/offer/application
b. initial award
c. post-award

3. Report Type:

☐ a. initial
b. material change

For Material Change Only:
year_____ quarter_____
date of last report _____

4. Name and Address of Reporting Entity

☐ Prime ☐ Subawardee
Tier _____ , if known

Congressional District, if known

5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:

Congressional District, if known

6. Federal Department/Agency:

7. Federal Program Name/Description:

CFDA Number, if applicable _____

8. Federal Action Number, if known:

9. Award Amount, if known:

10. a. Name and Address of Lobby Entity
(If individual, last name, first name, MI)

11. Individuals Performing Services (including address if different from No. 10a)
(last name, first name, MI)

(attach Continuation Sheet(s) if necessary)

12. Amount of Payment (check all that apply)

$_____ ☐ actual ☐ planned

13. Form of Payment (check all that apply):

☐ a. cash
☐ b. in-kind; specify: nature_____
Value _____

14. Type of Payment (check all that apply)

☐ a. retainer
☐ b. one-time fee
☐ c. commission
☐ d. contingent fee
☐ e deferred
☐ f. other, specify_____

15. Brief Description of Services Performed or to be performed and Date(s) of Service, including officer(s), employee(s), or member(s) contacted, for Payment Indicated in Item 11:

(attach Continuation Sheet(s) if necessary)

16. Continuation Sheet(s) attached: **Yes** ☐ **No** ☐

17. Information requested through this form is authorized by Title 31 U.S.C. Section 1352. This disclosure of lobbying reliance was placed by the tier above when his transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to Congress semiannually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature: _____

Print Name: Michael Amundson

Title: Vice President

Telephone No.: 714-444-1851 Date: 8/27/2024

Authorized for Local Reproduction

Standard Form - LLL

Federal Use Only:

Standard Form LLL Rev. 04-28-06 **Distribution:** Orig- Local Agency Project Files

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of covered Federal action or a material change to previous filing pursuant to title 31 U.S.C. section 1352. The filing of a form is required for such payment or agreement to make payment to lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress an officer or employee of Congress or an employee of a Member of Congress in connection with a covered Federal action. Attach a continuation sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence, the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last, previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District if known. Check the appropriate classification of the reporting entity that designates if it is or expects to be a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the first tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in Item 4 checks "Subawardee" then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organization level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identification in item 1 (e.g., Request for Proposal (RFP) number, Invitation for Bid (IFB) number, grant announcement number, the contract grant. or loan award number, the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitments for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influenced the covered Federal action.
    (b) Enter the full names of the individual(s) performing services and include full address if different from 10 (a). Enter Last Name, First Name and Middle Initial (Ml).
11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
12. Check the appropriate box. Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
13. Check the appropriate box. Check all boxes that apply. If other, specify nature.
14. Provide a specific and detailed description of the services that the lobbyist has performed or will be expected to perform and the date(s) of any services rendered. Include all preparatory and related activity not just time spent in actual contact with Federal officials. Identify the Federal officer(s) or employee(s) contacted or the officer(s) employee(s) or Member(s) of Congress that were contacted.
15. Check whether or not a continuation sheet(s) is attached.
16. The certifying official shall sign and date the form, print his/her name title and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.

SF-LLL-Instructions Rev. 06-04-90«ENDIF»

FRF-5

1. DISADVANTAGED BUSINESS ENTERPRISES (DBE)

The contractor, subrecipient or subcontractor shall take necessary and reasonable steps to ensure that DBEs have opportunity to participate in the contract (49 CFR 26). To ensure equal participation of DBEs provided in 49 CFR 26.5, the Agency shows a contract goal for DBEs. The prime contractor shall make work available to DBEs and select work parts consistent with available DBE subcontractors and suppliers.

The prime contractor shall meet the DBE goal shown elsewhere in these special provisions or demonstrate that they made adequate good faith efforts to meet this goal.

It is the prime contractor's responsibility to verify that the DBE firm is certified as DBE at date of bid opening and document the record by printing out the California Unified Certification Program (CUCP) data for each DBE firm. A list of DBEs certified by the CUCP can be found at https://dot.ca.gov/programs/civil-rights/dbe-search .

All DBE participation will count toward the California Department of Transportation's federally mandated statewide overall DBE goal.

Credit for materials or supplies the prime contractor purchases from DBEs counts towards the goal in the following manner:

- 100 percent counts if the materials or supplies are obtained from a DBE manufacturer.
- 60 percent counts if the materials or supplies are obtained from a DBE regular dealer.
- Only fees, commissions, and charges for assistance in the procurement and delivery of materials or supplies count if obtained from a DBE that is neither a manufacturer nor regular dealer. 49 CFR 26.55 defines "manufacturer" and "regular dealer."

The prime contractor receives credit towards the goal if they employ a DBE trucking company that performs a commercially useful function as defined in 49 CFR 26.55(d)(1) as follows:

- The DBE must be responsible for the management and supervision of the entire trucking operation for which it is responsible on a particular contract, and there cannot be a contrived arrangement for the purpose of meeting DBE goals.
- The DBE must itself own and operate at least one fully licensed, insured, and operational truck used on the contract.
- The DBE receives credit for the total value of the transportation services it provides on the Contract using trucks it owns, insures, and operates using drivers it employs.
- The DBE may lease trucks from another DBE firm, including an owner-operator who is certified as a DBE. The DBE who leases trucks from another DBE receives credit for the total value of the transportation services the lessee DBE provides on the Contract.
- The DBE may lease trucks without drivers from a non-DBE truck leasing company. If the DBE leases trucks from a non-DBE truck leasing company and uses its own employees as drivers, it is entitled to credit for the total value of these hauling services.
- A lease must indicate that the DBE has exclusive use of and control over the truck. This does not preclude the leased truck from working for others during the term of the lease with the consent of the DBE, so long as the lease gives the DBE absolute priority for use of the leased truck. Leased trucks must display the name and identification number of the DBE.

1. DBE Commitment Submittal

Submit the Exhibit 15-G *Construction Contract DBE Commitment*, included in the Bid book. If the form is not submitted with the bid, remove the form from the Bid book before submitting your bid.

If the DBE Commitment form is not submitted with the bid, all bidders must complete and submit Exhibit 15-G to the Agency. The DBE Commitment form must be received by the Agency within five (5) days of bid opening.

Submit written confirmation from each DBE stating that it is participating in the contract. Include confirmation with the DBE Commitment form. A copy of a DBE's quote will serve as written confirmation that the DBE is participating in the contract.

If you do not submit the DBE Commitment form within the specified time, the Agency will find your bid nonresponsive.

a. **Good Faith Efforts Submittal**

Exhibit 15-H: Proposer/Contractor Good Faith Efforts is due to the local agency within five (5) days of bid opening. Days means calendar days. In computing any period of time described in this part, the day from which the period begins to run is not counted, and when the last day of the period is a Saturday, Sunday, or federal holiday, the period extends to the next day that is not a Saturday, Sunday, or federal holiday. Similarly, in circumstances where the recipient's offices are closed for all or part of the last day, the period extends to the next on which the agency is open. Only good faith efforts directed towards obtaining participation and meeting or exceeding the DBE contract goal will be considered.

Submittal of good faith efforts documentation within the specified time protects your eligibility for award of the contract in the event the Agency finds that the DBE goal has not been met.

Good faith efforts documentation must include the following information and supporting documents, as necessary:

1. Items of work you have made available to DBE firms. Identify those items of work you might otherwise perform with your own forces and those items that have been broken down into economically feasible units to facilitate DBE participation. For each item listed, show the dollar value and percentage of the total contract. It is your responsibility to demonstrate that sufficient work to meet the goal was made available to DBE firms.
2. Names of certified DBEs and dates on which they were solicited to bid on the project. Include the items of work offered. Describe the methods used for following up initial solicitations to determine with certainty if the DBEs were interested, and the dates of the follow-up. Attach supporting documents such as copies of letters, memos, facsimiles sent, telephone logs, telephone billing statements, and other evidence of solicitation. You are reminded to solicit certified DBEs through all reasonable and available means and provide sufficient time to allow DBEs to respond.
3. Name of selected firm and its status as a DBE for each item of work made available. Include name, address, and telephone number of each DBE that provided a quote and their price quote. If the firm selected for the item is not a DBE, provide the reasons for the selection.
4. Name and date of each publication in which you requested DBE participation for the project. Attach copies of the published advertisements.
5. Names of agencies and dates on which they were contacted to provide assistance in contacting, recruiting, and using DBE firms. If the agencies were contacted in writing, provide copies of supporting documents.
6. List of efforts made to provide interested DBEs with adequate information about the plans, specifications, and requirements of the contract to assist them in responding to a solicitation. If you have provided information, identify the name of the DBE assisted, the nature of the information provided, and date of contact. Provide copies of supporting documents, as appropriate.
7. List of efforts made to assist interested DBEs in obtaining bonding, lines of credit, insurance, necessary equipment, supplies, and materials, excluding supplies and equipment that the DBE subcontractor purchases or leases from the prime contractor or its affiliate. If such assistance is provided by you, identify the name of the DBE assisted, nature of the assistance offered, and date assistance was provided. Provide copies of supporting documents, as appropriate.
8. Any additional data to support demonstration of good faith efforts.

The Agency may consider DBE commitments from other bidders when determining whether the low bidder made good faith efforts to meet or exceed the DBE goal.

c. Exhibit 15-G - Construction Contract DBE Commitment

Complete and sign Exhibit 15-G *Construction Contract DBE Commitment* included in the contract documents regardless of whether DBE participation is reported. Provide written confirmation from each DBE that the DBE is participating in the Contract. A copy of a DBE's quote serves as written confirmation. If a DBE is participating as a joint venture partner, please submit a copy of the joint venture agreement.

d. Subcontractor and Disadvantaged Business Enterprise Records

Use each DBE subcontractor as listed on Exhibit 12-B *Bidder's List of Subcontractors (DBE and Non-DBE),* and Exhibit 15-G *Construction Contract DBE Commitment* form unless you receive authorization for a substitution.

The Agency requests the Contractor to:

1. Notify the Resident Engineer or Inspector of any changes to its anticipated DBE participation
2. Provide this notification before starting the affected work
3. Maintain records including:
   - Name and business address of each 1st-tier subcontractor
   - Name and business address of each DBE subcontractor, DBE vendor, and DBE trucking company, regardless of tier
   - Date of payment and total amount paid to each business (see Exhibit 9-F: Monthly Disadvantaged Business Enterprise Payment)

If you are a DBE contractor, include the date of work performed by your own forces and the corresponding value of the work.

Before the 15th of each month, submit a Monthly DBE Trucking Verification form.

If a DBE is decertified before completing its work, the DBE must notify you in writing of the decertification date. If a business becomes a certified DBE before completing its work, the business must notify you in writing of the certification date. Submit the notifications. On work completion, complete a Disadvantaged Business Enterprises (DBE) Certification Status Change, Exhibit 17-O, form. Submit the form within 30 days of contract acceptance.

Upon work completion, complete Exhibit 17-F *Final Report – Utilization of Disadvantaged Business Enterprises (DBE), First-Tier Subcontractors*. Submit it within 90 days of contract acceptance. The Agency will withhold $10,000 until the form is submitted. The Agency releases the withhold upon submission of the completed form.

e. Performance of Disadvantaged Business Enterprises

DBEs must perform work or supply materials as listed in the Exhibit 15-G *Construction Contract DBE Commitment* form, included in the Bid.

Do not terminate or substitute a listed DBE for convenience and perform the work with your own forces or obtain materials from other sources without authorization from the Agency.

The Agency authorizes a request to use other forces or sources of materials if the bidder shows any of the following justifications:

1. Listed DBE fails or refuses to execute a written contract based on plans and specifications for the project.
2. You stipulated that a bond is a condition of executing the subcontract and the listed DBE fails to meet your bond requirements.
3. Work requires a contractor's license and listed DBE does not have a valid license under Contractors License Law.

4. Listed DBE fails or refuses to perform the work or furnish the listed materials.
5. Listed DBE's work is unsatisfactory and not in compliance with the contract.
6. Listed DBE is ineligible to work on the project because of suspension or debarment.
7. Listed DBE becomes bankrupt or insolvent.
8. Listed DBE voluntarily withdraws with written notice from the Contract
9. Listed DBE is ineligible to receive credit for the type of work required.
10. Listed DBE owner dies or becomes disabled resulting in the inability to perform the work on the Contract.
11. Agency determines other documented good cause.

Notify the original DBE of your intent to use other forces or material sources and provide the reasons. Provide the DBE with 5 days to respond to your notice and advise you and the Agency of the reasons why the use of other forces or sources of materials should not occur. Your request to use other forces or material sources must include:

1. One or more of the reasons listed in the preceding paragraph.
2. Notices from you to the DBE regarding the request.
3. Notices from the DBEs to you regarding the request.

If a listed DBE is terminated or substituted, you must make good faith efforts to find another DBE to substitute for the original DBE. The substitute DBE must perform at least the same amount of work as the original DBE under the contract to the extent needed to meet or exceed the DBE goal.

The contractor or consultant shall utilize the specific DBEs listed to perform the work and supply the materials for which each is listed unless the contractor or subconsultant obtains the agency's written consent. Unless the agency's consent is provided, the contractor shall not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE on the Exhibit 15-G: Construction Contract DBE Commitment.

BUY AMERICA REQUIREMENTS
49 U.S.C. 5323(j)
49 CFR Part 661

Applicability to Contracts

The Buy America requirements apply to the following types of contracts: Construction Contracts and Acquisition of Goods or Rolling Stock (valued at more than $100,000).

Flow Down

The Buy America requirements flow down from Federally funded recipients and subrecipients to first tier contractors, who are responsible for ensuring that lower tier contractors and subcontractors are in compliance. The $100,000 threshold applies only to the grantee contract, subcontracts under that amount are subject to Buy America.

MandatoryClause/Language

The Buy America regulation, at 49 CFR 661.13, requires notification of the Buy America requirements in FHWA-funded contracts, but does not specify the language to be used. The following language has been developed by FHWA.

Buy America - The Contractor agrees to comply with 49 U.S.C. 5323(j) and 49 C.F.R. Part 661, which provide that Federal funds may not be obligated unless steel, iron, and manufactured products used in FHWA-funded projects are produced in the United States, unless a waiver has been granted by FHWA or the product is subject to a general waiver. General waivers are listed in 49 C.F.R. 661.7, and include final assembly in the United States for 15 passenger vans and 15 passenger wagons produced by Chrysler Corporation, and microcomputer equipment and software. Separate requirements for rolling stock are set out at 49 U.S.C. 5323(j)(2)(C) and 49 C.F.R. 661.11. Rolling stock must be assembled in the United States and have a 60 percent domestic content.

A bidder or offeror must submit to the FHWA recipient the appropriate Buy America certification (below) with all bids or offers on FHWA-funded contracts, except those subject to a general waiver. Bids or offers that are not accompanied by a completed Buy America certification must be rejected as nonresponsive. This requirement does not apply to lower tier subcontractors.

Certification requirement for procurement of steel, **iron, or manufactured products.**
Certificate of Compliance with 49 U.S.C. 5323(j)(1)

BUY AMERICA REQUIREMENTS
49 U.S.C. 5323(j)
49 CFR Part 661

Certification of Bidder or Offeror

The bidder or offeror hereby certifies that it will meet the requirements of 49 U.S.C. 5323(j)(1) and the applicable regulations in 49 C.F.R. Part 661.5.

Date August 27, 2024

Signature

Company Name Hardy & Harper, Inc.

Title Michael Amundson, Vice President

Certificate of Non-Compliance with 49 U.S.C. 5323(j)(1)

The bidder or offeror hereby certifies that it cannot comply with the requirements of 49 U.S.C. 5323(j)(1) and 49 C.F.R. 661.5, but it may qualify for an exception pursuant to 49 U.S.C. 5323(j)(2)(A), 5323(j)(2)(B), or 5323(j)(2)(D), and 49 C.F.R. 661.7.

Date N/A

Signature N/A

Company Name N/A

Title N/A

Certificationrequirementfor procurementof bridge materialsand associated parts.

Certificate of Compliance with49 U.S.C. 5323(j)(2)(C).

The bidder or offeror hereby certifies that it will comply with the requirements of 49 U.S.C. 5323(j)(2)(C) and the regulations at 49 C.F.R. Part 661.11.

Date August 27, 2024

Signature

Company Name Hardy & Harper, Inc.

Title Michael Amundson, Vice President

Certificate of Non-Compliance with 49 U.S.C. 5323(j)(2)(C)

The bidder or offeror hereby certifies that it cannot comply with the requirements of 49 U.S.C. 5323(j)(2)(C) and 49 C.F.R. 661.11, but may qualify for an exception pursuant to 49 U.S.C. 5323(j)(2)(A), 5323(j)(2)(B), or 5323(j)(2)(D), and 49 CFR 661.7.

Date N/A

Signature N/A

CompanyName N/A

Title N/A

Exhibit 15-G: Construction Contract DBE Commitment

1. Local Agency: City of Monterey Park 2. Contract DBE Goal: 10%
3. Project Description: 2022-23 Monterey Pass Road Overlay
4. Project Location: Monterey Park, CA
5. Bidder's Name: Hardy & Harper, Inc. 6. Prime Certified DBE: ☐ 7. Bid Amount: $1,133,911.54
8. Total Dollar Amount for **ALL** Subcontractors: $83,500.00 9. Total Number of **ALL** Subcontractors: 4

10. Bid Item Number	11. Description of Work, Service, or Materials Supplied	12. NAICS or Work Category Codes	13. DBE Certification Number	14. DBE Contact Information (Must be certified on the date bids are opened)	15. DBE Dollar Amount
VARIOUS ITEMS	TRAFFIC CONTROL	238990, 561990	37718	SYNERGY TRAFFIC CONTROL	$31,000
	PURCHASE & HAUL OIL BINDER	424720, 484110	38327	LMS TRANSPORT	$84,000

Local Agency to Complete this Section upon Execution of Award	
22. Local Agency Contract Number:	
23. Federal-Aid Project Number:	
24. Bid Opening Date:	
25. Contract Award Date:	
26. Award Amount:	

16. TOTAL CLAIMED DBE PARTICIPATION $115,000 / 10.14 %

Local Agency certifies that all DBE certifications are valid and information on this form is complete and accurate.

IMPORTANT: Identify all DBE firms being claimed for credit, regardless of tier. Names of the First Tier DBE Subcontractors and their respective item(s) of work listed above must be consistent, where applicable with the names and items of the work in the "Subcontractor List" submitted with your bid. Written confirmation of each listed DBE is required.

27. Local Agency Representative's Signature 28. Date
29. Local Agency Representative's Name 30. Phone
31. Local Agency Representative's Title

17. Preparer's Signature 18. Date: 9/5/2024
19. Preparer's Name: Michael Amundson 20. Phone: 714-444-1851
21. Preparer's Title: Vice President

DISTRIBUTION: 1. Original – Local Agency
2. Copy – Caltrans District Local Assistance Engineer (DLAE). Failure to submit to DLAE within 30 days of contract execution may result in de-obligation of federal funds on contract.
3. Include additional copy with award package.

Certified Profile

CLOSE WINDOW

Print

Business & Contact Information

BUSINESS NAME	**Synergy Traffic Control, Inc.,** DBA **(formerly E-Nor Traffic Control)**
OWNER	**Mr. Kenneth Jones**
ADDRESS	**17311 S. Main St** **Gardena, CA 90248** [map]
PHONE	**310-513-6209**
FAX	**310-513-6299**
EMAIL	**telisha@synergytrafficcontrol.com**
WEBSITE	**http://www.synergytrafficcontrol.com**
ETHNICITY	**Black American**
GENDER	**Male**
COUNTY	**Los Angeles (CA)**

Certification Information

CERTIFYING AGENCY	**Los Angeles County Metropolitan Transportation Authority**
CERTIFICATION TYPE	**DBE - Disadvantaged Business Enterprise**
CERTIFIED BUSINESS DESCRIPTION	**Traffic Control Services; Sales and Rental of Traffic Control Devices; Auto CADD drafting for traffic control plans.**

Commodity Codes

Code	Description
NAICS 238990	All Other Specialty Trade Contractors
NAICS 423990	Other Miscellaneous Durable Goods Merchant Wholesalers
NAICS 561990	All Other Support Services

Additional Information

WORK DISTRICTS/REGIONS	**All work districts/regions**
CUCP PUBLIC DIRECTORY CERTIFICATION NUMBER	**37718**

This profile was generated on 9/5/2024

Certified Profile

CLOSE WINDOW

Print

Business & Contact Information

BUSINESS NAME	**AFS INVESTMENTS, LLC,** DBA **LMS Transport**
OWNER	**Ms. Ashley Canton**
ADDRESS	**8865 White Oak Ave** **Rancho Cucamonga, CA 92316** [map]
PHONE	**909-973-4533**
FAX	**951-685-1862**
EMAIL	**orders@lms-transport.com**
WEBSITE	**http://www.lms-transport.com**
ETHNICITY	**Caucasian**
GENDER	**Female**
COUNTY	**Riverside (CA)**

Certification Information

CERTIFYING AGENCY	**California Department of Transportation**
CERTIFICATION TYPE	**DBE - Disadvantaged Business Enterprise**
CERTIFIED BUSINESS DESCRIPTION	**PETROLEUM, OIL, LUBRICANTS SUPPLIER (BULK ITEM); Super 10 dump truck; FLAT BED TRUCKING; TRUCK RENTAL; TRUCKER; HEAVY EQUIPMENT RENTAL; PETROLEUM & PETROLEUM PRODUCTS; Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals); General freight trucking, local; Specialized Freight (except Used Goods) Trucking, Local; Port and Harbor Operations; General warehousing and storage**

Commodity Codes

Code	Description
CA WCC C0624	PETROLEUM, OIL, LUBRICANTS SUPPLIER (BULK ITEM)
CA WCC C9604	Super 10 dump truck
CA WCC C9605	FLAT BED TRUCKING
CA WCC C9670	TRUCK RENTAL
CA WCC C9774	TRUCKER
CA WCC C9908	HEAVY EQUIPMENT RENTAL
CA WCC F5170	PETROLEUM & PETROLEUM PRODUCTS
NAICS 424720	Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals)
NAICS 484110	General freight trucking, local
NAICS 484220	Specialized Freight (except Used Goods) Trucking, Local
NAICS 488310	Port and Harbor Operations
NAICS 493110	General warehousing and storage

Additional Information

WORK DISTRICTS/REGIONS	**All work districts/regions**
CUCP PUBLIC DIRECTORY CERTIFICATION NUMBER	**38327**

This profile was generated on 9/5/2024

EXHIBIT 15-H: PROPOSER/CONTRACTOR GOOD FAITH EFFORTS

Cost Proposal Due Date September 5, 2024 PE/CE

Federal-aid Project No(s). _____ Bid Opening Date September 5, 2024 CON

The City of Monterey Park established a Disadvantaged Business Enterprise (DBE) goal of 10% for this contract. The information provided herein shows the required good faith efforts to meet or exceed the DBE contract goal.

Proposers or bidders submit the following information to document their good faith efforts within five (5) calendar days from cost proposal due date or bid opening. Proposers and bidders are recommended to submit the following information even if the Exhibit 10-O1: Consultant Proposal DBE Commitments or Exhibit 15-G: Construction Contract DBE Commitment indicate that the proposer or bidder has met the DBE goal. This form protects the proposer's or bidder's eligibility for award of the contract if the administering agency determines that the bidder failed to meet the goal for various reasons, e.g., a DBE firm was not certified at bid opening, or the bidder made a mathematical error.

The following items are listed in the Section entitled "Submission of DBE Commitment" of the Special Provisions, **please attach additional sheets as needed**:

A. The names and dates of each publication in which a request for DBE participation for this project was placed by the bidder (please attach copies of advertisements or proofs of publication):

Publications	Dates of Advertisement
Please see attached Ad Proofs	
Focus Journal	8/27/2024 - 9/5/2024
Trade Journal	8/27/2024 - 9/5/2024
LinkedIn	8/27/2024 - 9/5/2024

B. The names and dates of written notices sent to certified DBEs soliciting bids for this project and the dates and methods used for following up initial solicitations to determine with certainty whether the DBEs were interested (please attach copies of solicitations, telephone records, fax confirmations, etc.):

Names of DBEs Solicited	Date of Initial Solicitation	Follow Up Methods and Dates
Please see attached Solicitation Log		
California Professional Engineering	8/27/2024	Phone Call - 9/5/2024
Cat Tracking, Inc.	8/27/2024	Phone Call - 9/5/2024
EZ Line Striping	8/27/2024	Phone Call - 9/5/2024
Global Road Sealing	8/27/2024	Phone Call - 9/5/2024
High-Light Electric	8/27/2024	Phone Call - 9/5/2024
Tesoro Contractors	8/27/2024	Phone Call - 9/5/2024
Traffic Loops Crackfilling	8/27/2024	Phone Call - 9/5/2024

C. The items of work made available to DBE firms including those unbundled contract work items into economically feasible units to facilitate DBE participation. It is the bidder's responsibility to demonstrate that sufficient work to facilitate DBE participation in order to meet or exceed the DBE contract goal.

Items of Work	Proposer or Bidder Normally Performs Item (Y/N)	Breakdown of Items	Amount ($)	Percentage Of Contract
Traffic Control	Y	Various Items	$31,000	2.7%
Striping	N	Various Items	$27,500	2.4%
Survey	N	Various Items	$15,000	1.3%
Loops	N	Item 17	$10,000	0.9%

D. The names, addresses and phone numbers of rejected DBE firms, the reasons for the bidder's rejection of the DBEs, the firms selected for that work (please attach copies of quotes from the firms involved), and the price difference for each DBE if the selected firm is not a DBE:

Names, addresses and phone numbers of rejected DBEs and the reasons for the bidder's rejection of the DBEs:

Los Angeles Signal Construction, Inc.
155 N. Eucla Ave, San Dimas, CA 91773
(909) 599-2201
Price was too high

Names, addresses and phone numbers of firms selected for the work above:

Smithson Electric, Inc.
1938 E. Katella Ave, Orange, CA 92867
(714) 997-9556

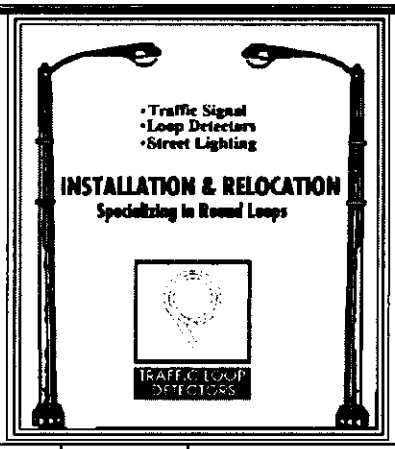
E. Efforts (e.g. in advertisements and solicitations) made to assist interested DBEs in obtaining information related to the plans, specifications and requirements for the work which was provided to DBEs:

Ads were placed in the Trade Journal, Focus Journal, and on LinkedIn.
Interested DBE firms were notified that the Plans and Specs were available by emailing us to request an electronic copy.
The name and contact information for the estimator bidding the project was made available to all DBE firms.

LOS ANGELES SIGNAL CONSTRUCTION, INC.

QUOTE AGREEMENT

155 N. Eucla Ave., San Dimas, CA 91773
Phone: (909) 599-2201 Fax: (909) 599-2722
License #: 858974 C-10, Exp. 05/31/25...Federal I.D # 42-1657517, DIR #1000005664
MTA Certification-MBE, DBE, SBE. Metro File # 4838 Exp. 03/15/25
IBEW LOCAL 11 & ILUNA LABOR LOCAL 300 SIGNATORY



Date: 09/05/24
To: PROSPECTIVE BIDDER
Attention: PROJECT ESTIMATOR
From: CHRIS MORALES
Regarding: **MONTEREY PARK CA**
2022-23 MONTEREY PASS ROAD OVERLAY

BID DATE: September 5, 2023
TIME: 10:00AM

*******PRICE GOOD FOR 30 DAYS******

LINE	DESCRIPTION	QTY	UNITS	UNIT PRICE	AMOUNT
17	FURNISH AND INSTALL TRAFFIC LOOP DETECTION, COMPLETE AND IN PLACE	24	EA	$ 968.00	$ 23,232.00
				Total	$ 23,232.00

In Order To Proceed, A Signed Approval Is Required:

Approval Signature: _____ **Date:** _____

Print Name: _____

EXCLUSIONS & CONDITIONS # 1-28

1. All Permits, Bonds, Testing, Inspection, High Voltage OH Lines, Utility Fees/Costs, High Voltage OH Protection, Surveying, and Staking are **EXCLUDED.**
2. We Reserve the Right to Review Your Contract for Mutual Acceptance.
3. All Signing including Regulatory Signs, Striping, K-Rail Installation is **EXCLUDED.**
4. Insurance Over $1 Million Limit, Professional, Hazardous, Pollution, Professional, and Umbrella/Excess liability coverages are **EXCLUDED.** (Note: Quotes May be Providedif Needed).
5. Waiver Of Subrogation For Workers Compensation Insurance **EXCLUDED.** (Note: Quote May be Provided if Needed).
6. Traffic Control per W.A.T.C.H. manual standards only. Traffic Control implementation per engineered traffic control plans is **EXCLUDED.**
7. Engineered Traffic Control Plans are **EXCLUDED.**
8. T&M Work to be Performed and Charged Portal-to-Portal with Markups as per the Standard Specifications of Public Works Construction (Material 15%, Equipment 15%, Labor 20%, Subs 10%) 4-Hour Minimum Labor Charge is Required for Each Worker
9. Maintenance of Temporary Electrical Systems (Traffic Signals & Street Lighting) and that of any relocated lighting, signals, & equipment is **EXCLUDED.**
10. All 3rd Party Inspection Services (if required) is **EXCLUDED.**
11. As-Built Drawings Provided as PDF (only).
12. Standby Time if Required to be Charged as T&M.
13. Contractor to Prepare All Work Areas for LASCI Scope of Work as Contracted. LASCI will Not be Called Upon Until Work Areas are Ready to Ensure Continued Work. Mobilization will be charged for Labor & Equipment if Work Area is Not Ready Upon Arrival. Blockouts of LA Signal work areas to be performed by others or by LA Signal on T&M.
14. Exploratory Work, Job Walks, & Site Meetings That Do Not Pertain to the Contracted Scope will be Charged as Extra Work T&M.
15. LASCI is not responsible for vandalization or theft.
16. Temporary Poles, Equipment, & Wiring are **EXCLUDED.**
17. Temporary Traffic Signal & Street Lighting Systems are per Plan Drawings Provided at Bid Time.
18. LASCI is Not Liable for Material Delays Caused by the Manufacturer or Material Cost Increases Issued by the Manufacturer.
19. Purchase of Long Lead Items is Subject to Baseline Schedule.
20. All Weekend and Night work is **EXCLUDED** (unless specified otherwise)
21. Payment Required within NET 10 Days for Jobs Under $25,000 and NET 30 otherwise.
22. Material On-Hand will be Subject to Billing Once Received for Payment to be Issued to Suppliers.
23. Decorative/Custom-Made Materials are Subject to Longer Lead Times and Approval Procedures.
24. Underground utility locating, pot holing & restoration for utilities not shown on bid plan specified in our quote is **EXCLUDED.**
25. Utility (Conflicting and Non-Conflicting) Relocations are **EXCLUDED.**
26. Special Requirements for Apprenticeship Labor is **EXLUDED.**
27. Labor Hours for Mandatory Safety Training and Orientations is **EXCLUDED** and will be subject to be charged as T&M.
28. All Work Must Be Scheduled 10 Business Days in Advance.
Please Call LA Signal Superintendent **Rocky Morales (626) 806-8995** for Schedule Inquiries.

"THANK YOU FOR CALLING LOS ANGELES SIGNAL CONSTRUCTION, INC."

[redacted]

ADDRESS
HARDY & HARPER INC.
32 Rancho Circle
Lake Forest, CA 92630

SHIP TO
FY 2022-23 Monterey Pass Road
Overlay
City of Monterey Park
Attn: Mike

Estimate 31705

DATE 09/04/2024

ESTIMATOR
Tom (tom@smithsonelectric.com) - Ph. (714) 997-9556 x.101

DESCRIPTION	QTY	RATE	AMOUNT
Bid item # 17- 6' CIRCLE TRAFFIC LOOPS - STATE SPECS	24	400.00	9,600.00
Traffic Control is included. (Potentially saving up to $150/per loop)	1	0.00	0.00

NOTES:
• Estimate is valid for 120 days. Price is subject to change if a subcontract is not received within 150 days of bid date.

• Estimate is based on one (1) mobilization only (unless otherwise noted)

• Estimate is for DAY WORK (unless otherwise noted)

• Smithson will utilize a 3rd tier subcontractor (McGowen Water Truck and/or Sparks Water Truck) for sawcutting operations.

• Lead time for materials such as PIEZOS, PRE-FORM LOOPS and SENSOR CARDS can be as much as 12-16 weeks.

TOTAL $9,600.00

Accepted By

Accepted Date

Price EXCLUDES the following (unless otherwise noted):
Bonds, Permits, Safety Classes, Training Classes, Add'l Certifications, Drug Testing, Stub-outs, DLC, Controller Work, Hot Patch Asphalt, and Add'l Insurance Costs such as: OCIP, CCIP, UCIP, etc.

F. Efforts (e.g. in advertisements and solicitations) made to assist interested DBEs in obtaining bonding, lines of credit or insurance, necessary equipment, supplies, materials, or related assistance or services, excluding supplies and equipment the DBE subcontractor purchases or leases from the prime contractor or its affiliate:

Interested DBE firms were notified that bonds would not be required from subcontractors for this project and that Insurance would be required from all listed subcontractors.

All DBE firms were encouraged to reach out to Hardy & Harper, Inc. regarding any questions, concerns, or for any assistance they may need.

G. The names of agencies, organizations or groups contacted to provide assistance in contacting, recruiting and using DBE firms (please attach copies of requests to agencies and any responses received, i.e., lists, Internet page download, etc.):

Name of Agency/Organization	Method/Date of Contact	Results
DBEGoodFaith.com	Online - 8/27/2024	Please see attachments.

H. Any additional data to support a demonstration of good faith efforts:

Please see all attachments.

Exhibit 12-B: Bidder's List of Subcontractor (DBE and Non-DBE) - Part 1

As of March 1, 2015 Contractors (and sub-contractors) wishing to bid on public works contracts must be registered with the State Division of Industrial Relations and certified to bid on Public Works contracts. Please register at https://www.dir.ca.gov/Public-Works/Contractor-Registration.html. The local agency will verify registration of all contractors and subcontractors on public works projects at bid and thereafter annually to assure that yearly registration is maintained throughout the life of the project.

In accordance with Title 49, Section 26.11 of the Code of Federal Regulations, and Section 4104 of the Public Contract Code of the State of California, as amended, the following information is required for each sub-contractor who will perform work amounting to more than one half of one percent (0.5%) of the Total Base Bid or $10,000 (whichever is greater).

FEDERAL PROJECT NUMBER:

Photocopy this form for additional firms.

Subcontractor Name & Location	Line Item & Description	Subcontract Amount	Percentage of Bid Item Subcontracted	Contractor License Number / DIR Reg Number	DBE (Y/N)	DBE Cert Number	Annual Gross Receipts
NAME: SYNERGY TRAFFIC CONTROL City, State: GARDENA, CA	TRAFFIC CONTROL	$31,000	100%	1000007079 / 931953	Y	377718	< $1 million; < $5 million; < $10 million; < $15 million; Age of Firm in years
NAME: PCI City, State: AZUSA, CA	STRIPING	$27,500	100%	1000813536 / 415490	N	N/A	< $1 million; < $5 million; < $10 million; < $15 million; Age of Firm in years
NAME: CASE LAND SURVEYING City, State: ORANGE, CA	SURVEY	$15,000	100%	1000001533 / L5411	N	N/A	< $1 million; < $5 million; < $10 million; < $15 million; Age of Firm in years
NAME: SMITHSON ELECTRIC City, State: ORANGE, CA	LOOPS	$10,000	100%	1000001610 / 614518	N	N/A	< $1 million; < $5 million; < $10 million; < $15 million; Age of Firm in years
NAME: City, State:							< $1 million; < $5 million; < $10 million; < $15 million; Age of Firm in years
NAME: City, State:							< $1 million; < $5 million; < $10 million; < $15 million; Age of Firm in years
NAME: City, State:							< $1 million; < $5 million; < $10 million; < $15 million; Age of Firm in years
NAME: City, State:							< $1 million; < $5 million; < $10 million; < $15 million; Age of Firm in years
NAME: City, State:							< $1 million; < $5 million; < $10 million; < $15 million; Age of Firm in years

Distribution – Original: Local Agency File; Copy: DLAE w/Award Package

Exhibit 12-B: Bidder's List of Subcontractor (DBE and Non-DBE) - Part 2

In accordance with Title 49, Section 26 of the Code of Federal Regulations, the Bidder shall list all subcontractors who provided a quote or bid but **were not selected** to participate as a subcontractor on this project.

FEDERAL PROJECT NUMBER:

Photocopy this form for additional firms.

Subcontractor Name & Location	Line Item & Description	Subcontract Amount	Percentage of Bid Item Subcontracted	Contractor License Number / DIR Reg Number	DBE (Y/N)	DBE Cert Number	Annual Gross Receipts
NAME: LA SIGNAL City, State: SAN DIMAS	LOOPS	$23,232	N/A	1000005604 858974	Y	4838	< $1 million < $5 million < $10 million < $15 million Age of Firm in years
NAME: CAL STRIPE City, State: COLTON, CA	STRIPING	$40,000	N/A	1000001100 685387	N	N/A	< $1 million < $5 million < $10 million < $15 million Age of Firm in years
NAME: City, State:							< $1 million < $5 million < $10 million < $15 million Age of Firm in years
NAME: City, State:							< $1 million < $5 million < $10 million < $15 million Age of Firm in years
NAME: City, State:							< $1 million < $5 million < $10 million < $15 million Age of Firm in years
NAME: City, State:							< $1 million < $5 million < $10 million < $15 million Age of Firm in years
NAME: City, State:							< $1 million < $5 million < $10 million < $15 million Age of Firm in years
NAME: City, State:							< $1 million < $5 million < $10 million < $15 million Age of Firm in years
NAME: City, State:							< $1 million < $5 million < $10 million < $15 million Age of Firm in years
NAME: City, State:							< $1 million < $5 million < $10 million < $15 million Age of Firm in years

Distribution – Original: Local Agency File; Copy: DLAE w/Award Package

BA20241230236

STATE OF CALIFORNIA
Office of the Secretary of State
STATEMENT OF INFORMATION
CORPORATION

California Secretary of State
1500 11th Street
Sacramento, California 95814
(916) 657-5448

For Office Use Only

-FILED-

File No.: BA20241230236
Date Filed: 7/1/2024

Entity Details

Corporation Name	HARDY & HARPER, INC.
Entity No.	0443071
Formed In	CALIFORNIA

Street Address of Principal Office of Corporation

Principal Address	32 RANCHO CIRCLE LAKE FOREST, CA 92630

Mailing Address of Corporation

Mailing Address	32 RANCHO CIRCLE LAKE FOREST, CA 92630
Attention	

Street Address of California Office of Corporation

Street Address of California Office	32 RANCHO CIRCLE LAKE FOREST, CA 92630

Officers

Officer Name	Officer Address	Position(s)
Kristen S. Paulino	32 RANCHO CIRCLE Lake Forest, CA 92630	Secretary, Chief Financial Officer
DANIEL THOMAS MAAS	32 RANCHO CIRCLE LAKE FOREST, CA 92630	Chief Executive Officer

Additional Officers

Officer Name	Officer Address	Position	Stated Position
Michael A Amundson	32 RANCHO CIRCLE LAKE FOREST, CA 92630	Vice President	

Directors

Director Name	Director Address
Tessa Irene Maas	32 Rancho Circle Lake Forest, CA 92630
⊞ Daniel Thomas Maas	32 RANCHO CIRCLE LAKE FOREST, CA 92630
⊞ Kristen S Paulino	32 RANCHO CIRCLE LAKE FOREST, CA 92630

The number of vacancies on Board of Directors is: 0

Agent for Service of Process

Agent Name	KRISTEN S. PAULINO
Agent Address	32 RANCHO CIRCLE LAKE FOREST, CA 92630

Type of Business

Type of Business	ASPHALT PAVING CONTRACTOR

B2856-2381 07/01/2024 10:46 AM Received by California Secretary of State

Email Notifications

Opt-in Email Notifications — Yes, I opt-in to receive entity notifications via email.

Labor Judgment

No Officer or Director of this Corporation has an outstanding final judgment issued by the Division of Labor Standards Enforcement or a court of law, for which no appeal therefrom is pending, for the violation of any wage order or provision of the Labor Code.

Electronic Signature

☒ By signing, I affirm that the information herein is true and correct and that I am authorized by California law to sign.

Kristen S. Paulino — Signature

07/01/2024 — Date

B2856-2382 07/01/2024 10:46 AM Received by California Secretary of State

dca
DEPARTMENT OF CONSUMER AFFAIRS

CONTRACTORS
STATE LICENSE BOARD
ACTIVE LICENSE

License Number **215952** Entity CORP

Business Name HARDY & HARPER INC

Classification(s) A C-8 C12

Expiration Date 12/31/2025 www.cslb.ca.gov

Contractor Information

Legal Entity Name
HARDY & HARPER, INC.
Legal Entity Type
Corporation
Status
Active
Registration Number
1000000076
Registration effective date
07/01/24
Registration expiration date
06/30/25
Mailing Address
32 Rancho Circle Lake Forest 92630 CA United State...
Physical Address
32 Rancho Circle Lake Forest 92630 CA United State...
Email Address
cicamen@hardyandharper.com
Trade Name/DBA
License Number (s)
CSLB:215952
CSLB:215952

Registration History

Effective Date	Expiration Date
06/15/18	06/30/19
05/09/17	06/30/18
06/08/16	06/30/17
06/19/15	06/30/16
07/02/14	06/30/15
07/01/19	06/30/20
07/01/20	06/30/21
07/01/21	06/30/22
07/01/22	06/30/23
07/01/23	06/30/24
07/01/24	06/30/25

Legal Entity Information

Corporation Entity Number: C0443071
President Name: Daniel Maas
Vice President Name:
Treasurer Name:
Secretary Name:
CEO Name:

Agency for Service:
Agent of Service Name: Commercial Surety Bond Agency
Agent of Service Mailing Address: 1411 N. Batavia Street, #201 Orange 92867 CA United States of America

Worker's Compensation

Do you lease employees through Professional Employer Organization (PEO)?: No
Please provide your current worker's compensation insurance information below:

PEO Information	PEO Name	PEO Phone	PEO Email

Insured by Carrier
Policy Holder Name: Hardy & Harper, Inc.
Insurance Carrier: BITCO General Insurance Corporation
Policy Number: CAP3742814
Inception date: 04/15/24
Expiration Date: 04/15/25

California Environmental Protection Agency

Air Resources Board

January 1, 2024

CERTIFICATE OF REPORTED COMPLIANCE
OFF-ROAD DIESEL VEHICLE REGULATION

is issued to

HARDY & HARPER, INC.

This certificate indicates that the fleet listed above has reported off-road diesel vehicles to the California Air Resources Board and has certified they are in compliance with title 13 CCR, section 2449. All applicable vehicles owned by the individual, company, or agency must be reported and labeled, as specified in Section 2449, with all possible completeness, else this certificate is null and void. **Certificate expires 2/28/2025**

Jack Kitowski
Chief, Mobile Source Control Division
California Air Resources Board

Off-road Diesel Fleet Identification

4333

To verify the authenticity of this certificate, enter this number at
http://www.arb.ca.gov/doors/compliance_cert1.html

ATTACHMENT 2

August 5, 2024 staff report

City Council Staff Report

DATE: August 5, 2024

AGENDA ITEM NO: Consent Calendar - 3E

TO: The Honorable Mayor and City Council

FROM: Shawn Igoe, Director of Public Works

SUBJECT: Monterey Pass Road Overlay – Reject All Submitted Bids

RECOMMENDATION:

It is recommended that the City Council consider:

1. Rejecting all bids for Capital Improvement Project (CIP) No. 96046 – Monterey Pass Road Overlay; and
2. Taking such additional, related action that may be desirable.

EXECUTIVE SUMMARY

Per Resolution No. 2023-R52, the Public Works Director solicited bids for CIP 96046 – Monterey Pass Road Overlay project. The bid opening was held on July 10, 2024. The City received four bids from California contractors. Staff recommends rejection of all bids due to lack of responsible bidders and cost proposal exceeding the City's budget for this project.

BACKGROUND

On June 5, 2024, staff advertised the bid for CIP 96046 – Monterey Pass Overlay project. The bid opening was held on July 10, 2024, by the City Clerk's Office and Public Works staff and four bids were received from California contractors. The proposed scope of work includes the application of Asphalt Rubber Hot Mix and AC Overlay along Monterey Pass Road between Vagabond Drive and Floral Drive.

RANK	BIDDER	BASE BID AMOUNT
1	All American Asphalt	$1,174,082.17
2	Onyx Paving	$1,196,735.13
3	Hardy & Harper	$1,280,964.77
4	Toro Enterprises	$1,396,473.98

The apparent lowest bidder, All American Asphalt, submitted a bid for $1,174,082.17. All American Asphalt's proposal exceeds the City's $1,064,000 budget for this project and was missing required federal forms making them non-responsive. The second lowest bidder, Onyx Paving, was also deemed non-responsive for failure to provide active Sams.gov registration which is required to bid on any federal project. The third lowest bidder, Hardy & Harper, exceeds the project's budget by $220,000 and Toro Enterprises exceeds our budget by over $300,000. Therefore, staff recommends that

the City Council reject all bids. Staff will be re-advertising the project and contacting all contractors to make it a more competitive project. The rejection of bids will postpone project start date for approximately 2 months. This action will not impact any deadlines.

2024-25 STRATEGIC PLAN GOAL:

This project meets the City's goal to maintain, build and modernize infrastructure and facilities to support the current and future needs of our city and community as it continues the resurfacing of a major city roadway. Additionally, re-advertisement of the project supports the City's goal to maintain fiscal stability of the city's financial resources by seeking competitive bids that meet the project's budget.

FISCAL IMPACT

There is no fiscal impact associated with the rejection of all submitted bids.

Respectfully submitted by:

Shawn Igoe
Director of Public Works

Approved by:

Inez Alvarez
City Manager

Reviewed by:

Justin A. Tamayo
Deputy City Attorney

ATTACHMENT

None

City Council Staff Report

DATE: October 2, 2024

AGENDA ITEM NO: Consent Calendar - 3J

TO: The Honorable Mayor and City Council

FROM: Shawn Igoe, Director of Public Works

SUBJECT: Purchase of Bulk Chemicals for Water Division

RECOMMENDATION:

It is recommended that the City Council consider:

1. Authorizing the City Manager to execute three-year agreements, in a form approved by the City Attorney, with Pacific Star Chemical, LLC; Univar Solutions USA, LLC; and USP Technologies for the purchase and delivery of hydrogen peroxide for a combined total not to exceed $240,000 annually;
2. Authorizing the City Manager to execute a three-year agreement, in a form approved by the City Attorney, with Gallade Chemical, Inc. for the purchase and delivery of sodium chloride for an amount not to exceed $40,000 annually; and
3. Appropriating to the FY 2024-25 budget, $140,000 in water treatment funds for the purchase and delivery of hydrogen peroxide, and $15,000 in water operations funds for sodium chloride; and
4. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The Water Division requires hydrogen peroxide and sodium chloride (i.e., food grade salt) for treatment of the City's groundwater. Pursuant to Monterey Park Municipal Code Chapter 3.20, a bid for the purchase and delivery of bulk chemicals was completed on September 16, 2024. Staff requests City Council authorization for the City Manager to execute three-year agreements with Pacific Star Chemical, LLC; Univar Solutions USA, LLC; and USP Technologies for the purchase and delivery of hydrogen peroxide in a combined total not to exceed $240,000 annually. Staff also requests City Council authorization to execute a three-year agreement with Gallade Chemical, Inc. for the purchase and delivery of sodium chloride for a total not to exceed $40,000 annually.

BACKGROUND:

The Public Works Water Division requires hydrogen peroxide and sodium chloride for its water treatment operations. The City's new Centralized Groundwater Treatment System (CGTS) requires hydrogen peroxide to decompose certain constituents, and the food grade sodium chloride is used to produce chlorine onsite at the Delta Plant.

On August 29, 2024, staff released the bid for the purchase and delivery of bulk chemicals for water operations. The bid package was sent to seven companies that supply at least one of the specified chemicals. The bid was also posted on the City's website and QuestCDN, an online bidding portal. Four companies responded to the bid: Gallade Chemical, Pacific Star Chemical, Univar Solutions and US Peroxide. PENNCO, Inc. submitted a *no bid* and asked to remain on the City's vendor list for future bids. A summary of their costs is provided in the following table.

PROPOSER	CHEMICAL		Fuel Charge
	Hydrogen Peroxide (per gallon)	Sodium Chloride (per pound)	
Gallade Chemical, Inc.	No bid	$0.37	$0
Pacific Star Chemical, LLC	$4.09	No Bid	$0
Univar Solutions USA LLC	$2.18	No Bid*	$0
US Peroxide LLC	$3.11	No Bid	$225

*Univar submitted a bid for FCC but not NSF grade that was specified in bid.

The hydrogen peroxide specified in the bid is a 50 percent concentrated solution that is used in the advanced oxidation process (AOP) of the CGTS. Because the specified hydrogen peroxide is not always immediately available and can require up to 10 days lead time, staff is requesting award of contract to all three vendors in the event that one company is unable to deliver in a timely manner. The City will make an effort to make purchases that provide the best value to the City based on cost and availability. Both Pacific Star and US Peroxide are the Water Division's current suppliers for peroxide. Gallade is the current provider of sodium chloride. The City has purchased chemicals from Univar in the past but not hydrogen peroxide.

Based on the quantities of chemicals used by the Centralized Groundwater Treatment System since its start of operations in November 2024, the quantity of hydrogen peroxide and sodium chloride is higher than what was projected for the FY 2024-25 budget. For FY 2024-25, an additional $140,000 is requested for peroxide, and an additional $15,000 is requested for sodium chloride.

The award of contract to the three companies supplying peroxide would not exceed a combined total of $240,000 annually. The award of contract to Gallade for sodium chloride would not exceed $40,000 annually. The term for all four contracts is three years.

2024-25 STRATEGIC PLAN GOAL:

The award of contract to the four chemical suppliers meets the City's strategic goals by maintaining fiscal stability of our city's financial resources. Additionally, the proposed

contracts meets the City's goal to maintain, build and modernize infrastructure and facilities to support the current and future needs of our city and community.

FISCAL IMPACT:

The FY 2024-25 budget does not include sufficient funds for the purchase and delivery of chemicals for water treatment. The funding source for the purchase of sodium chloride is water operations funds: 4014222-5336. The funding source for hydrogen peroxide is water treatment funds: 4024234-5336.

An appropriation of $140,000 in water treatment funds is requested to be added to the FY2025 budget; an appropriation of $15,000 in water operation funds is requested to be added to the FY2025 budget. It should be noted that the cost for hydrogen peroxide can be reimbursed by the State Department of Toxic Substances Control (DTSC) via the Water Quality Authority (WQA).

Respectfully submitted by:

Shawn Igoe
Director of Public Works

Prepared by:

PP Amy Dao for Frank Heldman

Frank Heldman
Water Utility Manager

Reviewed by:

Martha Garcia
Director of Finance

Approved by:

Inez Alvarez
City Manager

Approved as to form: Karl H. Berger, City Attorney
Reviewed by:

Solange Fortenbach

Solange Fortenbach
Deputy City Attorney

Attachments:

1. Notice Inviting Bids for Purchase and Delivery of Bulk Chemicals
2. BID Proposals

ATTACHMENT 1

Notice Inviting Bids for Purchase and Delivery of Bulk Chemicals

CITY OF MONTEREY PARK

NOTICE INVITING BIDS FOR

PURCHASE AND DELIVERY OF BULK CHEMICALS:

HYDROGEN PEROXIDE AND SODIUM CHLORIDE

ISSUE DATE: August 29, 2024

BID DUE DATE: 5:00 P.M., Monday, September 16, 2024.

Submit sealed bids to:

City Clerk Office
City of Monterey Park
320 W. Newmark Ave.
Monterey Park, CA 91754

A. BID INSTRUCTIONS

1. Submitting Bids. Bids must include Exhibit A Cost Schedule and Exhibit B Insurance Requirements. Upon award, all submissions become a matter of public record.

2. Alternatives. The City has the option of accepting or rejecting any alternative bid.

3. Rejection. The City may reject any or all bids and waive irregularity in any bid. The City may reject the bid of any proposer who previously failed to perform properly, or complete on time, contracts of a similar nature, or to reject the bid of a proposer who is not in a position to perform such a contract satisfactorily. The City may reject the bid of any proposer who is in default of the payment of taxes, licenses or other monies due to the City of Monterey Park.

4. Default. In case of default by the vendor of any of the conditions of this bid or contract resulting from this solicitation, the vendor agrees that the City may procure the commodity/services from other sources and may deduct from the unpaid balance due the vendor or may invoice the vendor for excess costs so paid, and prices paid by the City will be considered the prevailing market price at the time such purchase is made.

5. Assignment. No assignment by the vendor of contract or any part hereof, or of funds to be received hereunder, is binding upon the City unless the City gave written consent before such assignment.

6. Sub-contractors. The Bidder must list any subcontractors that will be used and identify the work to be performed by them.

   Insurance. The City requires that insurance must be primary insurance and must name the City of Monterey Park as an additional insured. Certificates of insurance and insurance endorsements must be submitted before the contract is executed. Sample endorsement is attached. Proof of insurance in the following amounts must be provided prior to contract signing; liability in the amount of $2,000,000 *each occurrence*, automotive in the amount of $1,000,000 combined single limit per accident, and worker's compensation in accordance with California law.

   Should the GL be under $2M per occurrence, an umbrella/excess liability coverage is acceptable. However, this policy must be provided to the Risk Manager for review to confirm that it meets the GL coverage requirements.

   BIDDERS MUST SIGN AND RETURN EXHIBIT B, INSURANCE REQUIREMENTS, WITH THEIR PROPOSAL.

7. Contract Pricing. Except as otherwise noted in the Cost Schedule, price bids must remain consistent through the term of this contract.

8. Terms & Conditions. The term of this contract shall be for (3) three years, provided that the service remains satisfactory and the Contractor adheres to the conditions of the contract. At any time, however, this agreement may be terminated by either party by

giving written notice of such termination at least thirty (30) days prior to the date of termination. The standard Services Agreement is attached.

To maintain the integrity and water supply reliability to the customers of the City of Monterey Park, the City may establish multiple contracts. The City would utilize the lowest bidder unless this Contractor is not able to supply the requested chemicals in the necessary timeframe. The City would then exercise its rights to utilize the next qualified Contractor.

9. Proposal Questions. Questions should be directed to Eric Velazquez at EVelazquez@montereypark.ca.gov at (626) 280-5552.

B. BID SPECIFICATIONS

1. Scope of Work

The Contractor shall provide all necessary labor, materials, equipment and transportation for the delivery of bulk chemicals to the City of Monterey Park water division facilities listed below. All chemicals supplied must be National Science Foundation (NSF) certified. Contractor shall make regular deliveries at each facility as well as providing products *on an as needed basis*.

2. Types of Chemicals

- 50% NSF Hydrogen Peroxide
  The vendor must have the ability to maintain an adequate level of hydrogen peroxide in the City's tank and ensure that the tank has sufficient hydrogen peroxide to operate the Advanced Oxidation-Ultraviolet (AO UV) system at all time.

- Sodium Chloride VB Hi-Grade Evaporated Salt, NSF (50 lb. bag)

3. Delivery Locations & Quantities

Delta Plant – 2657 Delta Avenue, Rosemead 91770

Chemical Type	Tank Capacity	Delivery Amount	*Annual Consumption
50% NSF Hydrogen Peroxide	6,000 gallons	2,000 – 5,000 gallons	118,000 gallons
Sodium Chloride VB Hi-Grade Evaporated Salt, Food Grade (50 lb. bag)	N/A	2450-4900 Pounds (1-2 pallets/50# bags)	58,800 pounds

*Annual Consumption is an estimate only and not a guaranteed amount.

4. Product Requirements

A. The product supplied at the treatment facilities shall be as specified. Normal manufacturing procedures result in deviations by 1% to 2%. Therefore, prior to shipment the product must be tested and the certified test results forwarded to the City.

B. The product supplied must be indicated on the invoice and associated delivery slips, along with the copies of the certified test results.

C. A written delivery statement shall accompany all shipments and state the delivered weight, delivered gallons, actual specific gravity of the product being shipped, and the actual concentration percent. Payment shall be based on the actual amount of product delivered. At a minimum, the invoice shall include a description of the delivery location, the delivery date, the unit price, the weight of product delivered, the percent solution, and any other parameters used to determine the cost for the shipment.

D. The product supplied shall be of new manufacture and shall not be a reconstituted, reclaimed or spent product. Said product shall be clean and free from all particulate matter which could cause pumping failure. The City reserves the right to reject a load or cancel the contract if the stated requirements are not met.

E. The City does not guarantee any minimum or maximum usage of supplied product. The annual quantity specified in the tables is an estimate based on past and expected usage. The City reserves the right to order "short" or "split" orders. Split orders will be split between two or more locations.

5. Delivery Requirements

A. Contractor shall be required to deliver on any day of the week, on an as needed basis.

B. Scheduled deliveries will be made Monday through Friday, between 7:00 a.m. and 2:00 p.m.

C. The Contractor shall be able to provide delivery with a minimum of 48-hour verbal notice. Occasionally in an emergency, the City will request delivery with a minimum of 24-hours notice.

D. Contractor shall provide a twenty-four (24) hour telephone number where qualified personnel can be contacted in the event of an emergency. Contractor is responsible for updating any changes in contact information.

E. A written delivery statement shall accompany all shipments and state delivered weight, delivered gallons, specific gravity of the product being shipped and chemical concentration percent of the delivered solution.

F. At the time of all deliveries, Contractor shall provide all the necessary, fully trained and qualified personnel to be in continuous attendance during the transfer of chemical.

G. The City will provide one operator to act as observer during connection and disconnection. Contractor shall provide one copy of the delivery statement to City operator prior to connection.

H. Contractor shall provide all necessary safety equipment required by the hauler.

I. The Contractor driver is responsible for cleanup of spilled material. Cleanup must be conducted in conformance with EPA, regional and local regulations and ordinances, and product manufacture's recommended clean up procedures. The City only has plant water available for any cleanup. Neutralizing agents, special equipment or chemicals required for clean up must be furnished by the Contactor.

J. Contractor shall provide the City with the name of the hauling company and safety related provisions set forth between the Contractor and the hauling company.

K. Chemical deliveries will be refused for any of the following:
- Incorrect chemical
- Unsafe delivery vehicle off-loading equipment
- Chemical not in compliance with the specification
- Improper flow monitoring equipment

6. Chemical Delivery Unloading Procedures

Upon arrival at City facility:

A. The driver shall notify the Delta Plant Operator, or the Standby Operator, that he is at the City facility to deliver ordered chemicals. City operator will respond to give access to site.

B. The driver shall meet the operator at the facility entrance. Chemical shall not be off-loaded until directed to do so by the operator.

C. The City will provide one operator to act as observer during connection and disconnection. The Contractor's personnel shall provide one copy of the delivery statement to City's operator prior to connection.

D. The driver shall not over-pressurize the off-loading system, piping or appurtenances. Chemical shall not be off-loaded at a rate greater than can be off-loaded at pressures greater than 20 psi. In addition, when the driver

clears or purges the tank, hoses or piping, he will not surge the system or create hammer pressures in the system.

7. Safety Requirements

A. *Personal Protective Equipment*. The City requires, safety glasses, long pants, shirts, and enclosed-foot shoes be worn on plant premises. In addition, hard hats are required at all sites or where posted or required by regulation. Face shields and safety glasses shall also be required to be worn when working around pressurized chemical systems at connections, disconnections, adjustments and observations. The minimum personal protective equipment (PPE) to be utilized shall meet the specific chemical requirements called out by Occupational Safety and Health Act (OSHA), the Safety Data Sheets, or the manufacturer. It is the responsibility of the Contractor to ensure that delivery truck drivers and all personnel who handle chemicals are trained in these safety requirements.

B. Safety showers and eye washes are located at the chemical handling locations. Driver must review the showers and eyewash locations prior to off-loading chemicals. Contractor shall provide safety equipment. Lack of safety equipment or failure to use safety equipment will be cause for termination of the contract.

C. *Regulations.* Contractor agrees to conform to all applicable federal and state Occupational Safety and Health Act (OSHA), California Labor Code, California Hazardous Waste, South Coast Air Quality Management District (SCAQMD) and Federal Department of Transportation regulations. Incompliance may be cause for termination of the contract.

D. *SDS Sheets*. Contractor shall provide the City with Safety Data Sheets (formerly Material Safety Data Sheets) for all applicable materials before the material is brought to the site.

E. *Hazardous Material Spill Response Plan.* Contractor shall prepare and maintain an effective hazardous material spill response plan to minimize environmental impacts. Said plan must be forwarded in writing to the City's Water Utility Manager prior to bringing hazardous materials to the City's facilities.

EXHIBIT A
COST SCHEDULE
PURCHASE AND DELIVERY OF BULK CHEMICALS

Company Name
Address

Item A. Chemicals

Quantity	Item	Unit Cost	Unit Cost Total
118,000 gallons	50% NSF Hydrogen Peroxide		$ -
58,800 pounds	Sodium Chloride VB Hi-Grade Evaporated Salt, NSF (50 lb. bags)		$ -

Item B. Other Costs

Type	Cost Per Delivery
Fuel Charge	
Other Surcharge(s) - Itemize and describe below:	

The undersign agrees to the terms and conditions on all pages of this bid for the purchase and delivery of bulk chemicals. The undersigned declares that he/she proposes to deliver "Free on Board" Monterey Park and complete all labor and installation as indicated in this bid. The undersigned has carefully checked all of the COST SCHEDULE figures and understands that the City of Monterey Park, or any officer thereof, will not be responsible for any errors or omissions on the part of the undersigned in submitting this bid.

Signature	Date
Print Name	
Title	
Email Address	Phone Number

Exhibit B

INSURANCE REQUIREMENTS

[MUST BE SUBMITTED WITH PROJECT PROPOSAL]

To be awarded this contract, the successful bidder must procure and maintain the following types of insurance with coverage limits complying, at a minimum, with the limits set forth below:

Type of Insurance	Limits
Commercial general liability:	$2M per occurrence
Business automobile liability	$1M
Workers compensation	Statutory requirement.

Commercial general liability insurance must meet or exceed the requirements of the most recent ISO-CGL Form Number. The amount of insurance set forth above must be a combined single limit per occurrence for bodily injury, personal injury, and property damage for the policy coverage. Liability policies must be endorsed to name the City, its officials, and employees as "additional insureds" under said insurance coverage and to state that such insurance will be deemed "primary" such that any other insurance that may be carried by the City will be excess thereto. Such insurance must be on an "occurrence," not a "claims made," basis and will not be cancelable or subject to reduction except upon thirty (30) days prior written notice to the City.

Automobile coverage must be written on ISO Business Auto Coverage Form CA 00 01 06 92, including symbol 1 (Any Auto). Automobile policies must also be endorsed to name the City, its officials, and employees as "additional insureds."

The Contractor must furnish to the City duly authenticated Certificates of Insurance evidencing maintenance of the insurance required under this Agreement, endorsements as required herein, and such other evidence of insurance or copies of policies as may be reasonably required by the City from time to time. Insurance must be placed with admitted insurers with a current A.M. Best Company Rating equivalent to at least a Rating of "A:VII." Certificate(s) must reflect that the insurer will provide thirty (30) day notice of any cancellation of coverage. The Consultant will require its insurer to modify such certificates to delete any exculpatory wording stating that failure of the insurer to mail written notice of cancellation imposes no obligation, and to delete the word "endeavor" with regard to any notice provisions.

By signing this form, the bidder certifies that it has read, understands, and will comply with these insurance requirements if it is selected as the City's contactor. Failure to provide this form may render the bidder's proposal "nonresponsive."

_____ _____

Date Bidder

Services Agreement

CONTRACTOR: _____ DATE MAILED: _____

Below you will find a checklist relating to Insurance and other requirements that are required for doing business with the City of Monterey Park. Only those items checked-off are MANDATORY, however if your standard policies exceed the minimum requirements please include. Commercial general liability insurance must meet or exceed the requirements of ISO-CGL Form No. CG 00 01 11 85 or 88. The amount of insurance set forth below will be a combined single limit per occurrence for bodily injury, personal injury, and property damage for the policy coverage. Liability policies will be endorsed to name the City, its elected and appointed officials, employees and volunteers as "additional insureds" under said insurance coverage and to state that such insurance will be deemed "primary" such that any other insurance that may be carried by the City will be excess thereto. Such insurance must be on an "occurrence," not a "claims made," basis and will not be cancelable or subject to reduction except upon thirty (30) days prior written notice to the City.

☑ Comprehensive General Liability, including coverage for premises, products and completed operations, independent contractors, personal injury and contractual obligations with combined single limits of coverage of at least $2,000,000 up to $5,000,000+ per occurrence.

☑ $2,000,000 per occurrence or; ☐ $_____ per occurrence

☐ Auto Liability, including owned, non-owned and hired vehicles with at least $500,000 up to $1,000,000+.

☐ $500,000 per occurrence or; ☐ $1,000,000 per occurrence or; ☐ $_____ per occurrence

☑ Workers' Compensation Insurance: as required by State Statutes. (Not needed if Self-employed with no employees and CONTRACTOR signs statement to this effect.)

☑ Errors & Omissions or Malpractice or Professional Liability: depending on type of contract/service. At least $500,000 up to $2,000,000+ per occurrence.

☐ $500,000 per occurrence or; ☐ $1,000,000 per occurrence or; ☐ $_____ per occurrence

☐ Business License: The CONTRACTOR shall agree to have a current City of Monterey Park license on file at City Hall or purchase said license (at no cost to the City).

☐ Permits: Plans must be approved and permit(s) issued by the respective Department if appropriate. Building, Planning, Public Works, etc

☑ Exhibits - Scope of Work as Exhibit "A" and Budget as Exhibit "B"

See Insurance Matrix Resolution No. 11750 for applicable coverage

PLEASE NOTE: ALL APPLICABLE INFORMATION LISTED ABOVE MUST BE OBTAINED AND ON FILE, PRIOR TO THE ISSUANCE OF A CITY PURCHASE ORDER BEING SENT TO YOU (VIA FAX OR HARD COPY) BY THE RISK MANAGER/PURCHASING AGENT, THUS AUTHORIZING COMMENCEMENT OF WORK FOR THE CITY.

Submitted by (complete all blanks): COLOR COPY REQUIRED BACK TO THE CITY

Company Name:	By (Print name & title):
Company Street Address:	Vendor's Authorized Signature required:
City, State, Zip:	Date signed:
Phone:	Agreement Date & Expiration Date:
Services Rendered:	Agreement Amount

Originator/Department Contact: _____ Date initiated: _____

Department Head Review: _____ City Manager Approval :_____

City Attorney Approval: _____

1.GENERALLY. The materials, supplies, or services (collectively, "Purchase") covered by this purchase order ("order") must be furnished by Seller subject to all the terms and conditions contained in this order which Seller, in accepting this order, agrees to be bound by and comply with in all particulars. No other terms or conditions are binding upon the parties unless subsequently agreed to in writing. Written acceptance or shipment of all or any portion of the Purchase covered by this order constitutes unqualified acceptance of all terms and conditions in this order. The terms of any proposal referred to in this order are included and made a part of the order only to the extent it specified the Purchase ordered, the price, and the delivery, and then only to the extent that such terms are consistent with the terms and conditions of this order.

2.INSPECTION. The Purchase furnished must be exactly as specified in this order, free from all defects in Seller's performance, design, workmanship, and materials, and, except as otherwise provided, is subject to inspection and test by City at all times and places. If, before final acceptance, any Purchase is found to be incomplete, or not as specified, City may reject it, require Seller to correct it without charge, or require delivery of such Purchase at a reduction in price that is equitable under the circumstances. If seller is unable or refuses to correct such items within a time deemed reasonable by City, City may terminate the order in whole or in part. Seller bears all risks as to rejected Purchases and, in addition to any costs for which Seller may become liable to City under other provisions of this order, must reimburse City for all transportation costs, other related costs incurred, or payments to Seller in accordance with the terms of this order for unaccepted Purchases. Notwithstanding City's acceptance of any Purchase, Seller is liable for latent defects, fraud, or such gross mistakes as constitute fraud.

3.CHANGES. City may make changes within the general scope of this order in drawings and specifications for specially manufactured supplies, place of delivery, method of shipment or packing of the order by giving notice to Seller and subsequently confirming such changes in writing. If such changes affect the cost of or the time required for performance of this order, an equitable adjustment in the price or delivery or both must be made. No change by Seller is allowed without City's written approval. Any claim by Seller for an adjustment under this section must be made in writing within thirty (30) days from the date of receipt by Seller of notification of such change unless City waives this condition in writing. Nothing in this section excuses Seller from proceeding with performance of the order as changed.

4. TERMINATION. City may terminate this order at any time, either verbally or in writing, with or without cause. Should termination occur, City will pay Seller as full performance until such termination the unit or pro rata order price for the performed and accepted portion of the Purchase. City may provide written notice of termination for Seller's default if Seller refuses or fails to comply with this order. If Seller does not cure such failure within a reasonable time period, or fails to perform the Purchase within the time specified (or allowed by extension), Seller will be liable to City for any excess costs incurred by City.

5.TIME EXTENSION. City may extend the time for completion if, in City's sole determination, Seller was delayed because of causes beyond Seller's control and without Seller's fault or negligence. In the event delay was caused by City, Seller's sole remedy is limited to recovering money actually and necessarily expended by Seller because of the delay; there is no right to recover anticipated profit.

6.REMEDIES CUMULATIVE. City's rights and remedies under this order are not exclusive and are in addition to any rights and remedies provided by law.

7.TITLE. Title to materials and supplies purchased under this order pass directly from Seller to City upon City's written acceptance following an actual inspection and City's opportunity to reject.

8.PAYMENT. City will pay Seller after receiving acceptable invoices for materials and supplies delivered and accepted or services rendered and accepted. City will not pay cartage, shipping, packaging or boxing expenses unless specified in this order. Drafts will not be honored.

9.INDEMNIFICATION. Seller agrees to indemnify and hold City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising out of the Purchase or the order, or their performance, except for such loss or damage arising from City's sole negligence or willful misconduct. Should City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the Purchase or order, or their performance, Seller will defend City (at City's request and with counsel satisfactory to City) and indemnify City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "City" includes City's officers, elected officials, and employees. It is expressly understood and agreed that the foregoing provisions will survive termination of this order. The requirements as to the types and limits of insurance coverage to be maintained by Seller, and any approval of such insurance by City, are not intended to and will not in any manner limit or qualify the liabilities and obligations otherwise assumed by Seller pursuant to this order, including, without limitation, to the provisions concerning indemnification.

10.WARRANTY. Seller agrees that the Purchase is covered by the most favorable commercial warranties the Seller gives to any customer for the same or substantially similar supplies or services, or such other more favorable warranties as is specified in this order. Warranties will be effective notwithstanding any inspection or acceptance of the Purchase by City.

11.ASSIGNMENT. City may assign this order. Except as to any payment due under this order, Seller may not assign or subcontract the order without City's written approval. Should City give consent, it will not relieve Seller from any obligations under this order and any transferee or subcontractor will be considered Seller's agent.

12.INSURANCE. Seller must provide the insurance indicated on the face sheet of this order.

13.PERMITS. Seller must procure all necessary permits and licenses, and abide by all federal, state, and local laws, for performing this order.

14.INDEPENDENT CONTRACTOR. City and Seller agree that Seller will act as an independent contractor and will have control of all work and the manner in which is it performed. Seller will be free to contract for similar service to be performed for other employers while under contract with City. Seller is not an agent or employee of City and is not entitled to participate in any pension plan, insurance, bonus or similar benefits City provides for its employees. Any provision in this order that may appear to give City the right to direct Seller as to the details of doing the work or to exercise a measure of control over the work means that Seller will follow the direction of the City as to end results of the work only.

15.WAIVER. City's review or acceptance of, or payment for, work product prepared by Seller under this order will not be construed to operate as a waiver of any rights City may have under this Agreement or of any cause of action arising from Seller's performance. A waiver by City of any breach of any term, covenant, or condition contained in this order will not be deemed to be a waiver of any subsequent breach of the same or any other term, covenant, or condition contained in this order, whether of the same or different character.

16.INTERPRETATION. This Agreement was drafted in, and will be construed in accordance with the laws of the State of California, and exclusive venue for any action involving this agreement will be in Los Angeles County.

Reproduction of Insurance Services Office, Inc. Form

INSURER: ISO FORM CG 20 10 11 85: (MODIFIED)
POLICY NUMBER: _____ COMMERCIAL GENERAL LIABILITY
ENDORSEMENT NUMBER: EXHIBIT 1-A

THIS ENDORSEMENT CHANGES THE POLICY, PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED -- OWNERS, LESSEES OR CONTRACTORS (FORM B)

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART.

SCHEDULE

CITY OF MONTEREY PARK,
its Officers, Officials,
Employees, and Volunteers

(If no entry appears above, the information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

WHO IS AN INSURED (Section 11) is amended to include as an insured the person or organization shown in the Schedule, but only with respect to liability arising out of "your work" for that insured by or for you.

Modifications to ISO form CG 20 10 11 85:

1. The insured scheduled above includes the Insured's officers, officials, employees and volunteers.
2. This insurance shall be primary as respects the insured shown in the schedule above, or if excess shall stand in an unbroken chain of coverage excess of the Named Insured's scheduled underlying primary coverage. In either event, any other insurance maintained by the Insured scheduled above shall be in excess of this insurance and shall not be called upon to contribute with it.
3. The insurance afforded by this policy shall not be canceled except after thirty days prior written notice by certified mail return receipt requested has been given to the Entity.
4. Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subdivision (b) of section 52782 of the Civil Code.

_____
Signature-Authorized Representative

_____

_____
Address

ATTACHMENT 2
BID Proposals

EXHIBIT A
COST SCHEDULE
PURCHASE AND DELIVERY OF BULK CHEMICALS

Company Name	Gallade Chemical, Inc.
Address	1230 E. Saint Gertrude Place, Santa Ana, CA 92707

Item A. Chemicals

Quantity	Item	Unit Cost	Unit Cost Total
118,000 gallons	50% NSF Hydrogen Peroxide		$ -
58,800 pounds	Sodium Chloride VB Hi-Grade Evaporated Salt, NSF (50 lb. bags)	$0.37/LB	$ 21,756.00 -

Item B. Other Costs

Type	Cost Per Delivery
Fuel Charge	
Other Surcharge(s) - Itemize and describe below:	

The undersign agrees to the terms and conditions on all pages of this bid for the purchase and delivery of bulk chemicals. The undersigned declares that he/she proposes to deliver "Free on Board" Monterey Park and complete all labor and installation as indicated in this bid. The undersigned has carefully checked all of the COST SCHEDULE figures and understands that the City of Monterey Park, or any officer thereof, will not be responsible for any errors or omissions on the part of the undersigned in submitting this bid.

Signature	Mike Gallade	Date	9/4/24
Print Name	Mike Gallade		
Title	Manager		
Email Address	mike@galladechem.com	Phone Number	714-546-9901

EXHIBIT A
COST SCHEDULE
PURCHASE AND DELIVERY OF BULK CHEMICALS

Vendors Name: PACIFIC STAR CHEMICAL, LLC.

Item A. Chemicals

Provide cost per unit based on the following estimated annual consumption. These ***approximate quantities*** are ***not*** guaranteed amounts.

118K gallons 50% NSF Hydrogen Peroxide (Note: Bid does not include telemetry monitoring)
59K pounds Sodium Chloride VB Hi-Grade Evaporated Salt, NSF

Item	Unit Cost
50% NSF Hydrogen Peroxide	$.41 LB. ($4.09/gallon)
Sodium Chloride VB Hi-Grade Evaporated Salt, NSF (50 lb. bags)	$0.00 (no bid)

Item B. Delivery Cost

	Type	Cost Per Delivery
1	Fuel Charge	$ 0

The undersigned has carefully checked all of the above figures and understands that the City of Monterey Park, or any officer thereof, will not be responsible for any errors or omissions on the part of the undersigned in submitting this bid.

Contractor PACIFIC STAR CHEMICAL, LLC.	
Signature [signature]	Name (Print) DOMINIC PARISI
Title SENIOR ACCOUNT MANAGER	Date 9-10-24

EXHIBIT A
COST SCHEDULE
PURCHASE AND DELIVERY OF BULK CHEMICALS

Company Name Univar Solutions USA LLC.
Address Muni Team-8201 S 212th St, Kent, WA 98032 Branch-2600 S Garfield Ave, Commerce, CA 90040

Item A. Chemicals

Quantity	Item	Unit Cost	Unit Cost Total
118,000 gallons	50% NSF Hydrogen Peroxide	$2.18	$ 257,240.00 -
58,800 pounds	Sodium Chloride VB Hi-Grade Evaporated Salt, NSF (50 lb. bags)	$.39 FCC grade, not NSF	$ 22,932.00 -

Item B. Other Costs

Type	Cost Per Delivery
Fuel Charge	Included
Other Surcharge(s) - Itemize and describe below:	N/A

The undersign agrees to the terms and conditions on all pages of this bid for the purchase and delivery of bulk chemicals. The undersigned declares that he/she proposes to deliver "Free on Board" Monterey Park and complete all labor and installation as indicated in this bid. The undersigned has carefully checked all of the COST SCHEDULE figures and understands that the City of Monterey Park, or any officer thereof, will not be responsible for any errors or omissions on the part of the undersigned in submitting this bid.

Signature	Date 9/10/2024
Print Name Jennifer M. Perras	
Title Sr. Municipal Bid Specialist	
Email Address Jennifer.perras@univarsolutions.com OR muniteam-west@univarsolutions.com	Phone Number 253-872-5040
****WE ARE NOT PROVIDING TANK TELEMATRY****	

EXHIBIT A
COST SCHEDULE
PURCHASE AND DELIVERY OF BULK CHEMICALS

Company Name	US Peroxide LLC. dba USP Technologies
Address	5640 Cox Road Glen Allen, VA 23060

Item A. Chemicals

Quantity	Item	Unit Cost	Unit Cost Total
118,000 gallons	50% NSF Hydrogen Peroxide	$3.11	$ 366,980.00 -
58,800 pounds	Sodium Chloride VB Hi-Grade Evaporated Salt, NSF (50 lb. bags)	N/A	$ N/A -

Item B. Other Costs

Type	Cost Per Delivery
Fuel Charge	$225
Other Surcharge(s) - Itemize and describe below: Allowed 4% price increase for year 2 and year 3 Year 2 $3.23 per gallon ($381,140.00 per year) Year 3 $3.36 per gallon ($396,480.00 per year) Estimated 118,000 gallons per year of 50% NSF Hydrogen Peroxide	N/A

The undersign agrees to the terms and conditions on all pages of this bid for the purchase and delivery of bulk chemicals. The undersigned declares that he/she proposes to deliver "Free on Board" Monterey Park and complete all labor and installation as indicated in this bid. The undersigned has carefully checked all of the COST SCHEDULE figures and understands that the City of Monterey Park, or any officer thereof, will not be responsible for any errors or omissions on the part of the undersigned in submitting this bid.

Signature	Jordan K Butler	Date	Sept 9, 2024
Print Name	Jordan Butler		
Title	VP & GM of USP Technologies		
Email Address	jbutler@usptechnologies.com	Phone Number	970-214-5276

EXHIBIT A
COST SCHEDULE
PURCHASE AND DELIVERY OF BULK CHEMICALS

Company Name	Pencco, Inc.
Address	PO Box 600 San Felipe, Tx 77473

Item A. Chemicals

Quantity	Item	Unit Cost	Unit Cost Total
118,000 gallons	50% NSF Hydrogen Peroxide		$ NO BID -
58,800 pounds	Sodium Chloride VB Hi-Grade Evaporated Salt, NSF (50 lb. bags)		$ NO BID -

Item B. Other Costs

Type	Cost Per Delivery
Fuel Charge	
Other Surcharge(s) - Itemize and describe below:	

The undersign agrees to the terms and conditions on all pages of this bid for the purchase and delivery of bulk chemicals. The undersigned declares that he/she proposes to deliver "Free on Board" Monterey Park and complete all labor and installation as indicated in this bid. The undersigned has carefully checked all of the COST SCHEDULE figures and understands that the City of Monterey Park, or any officer thereof, will not be responsible for any errors or omissions on the part of the undersigned in submitting this bid.

Signature	Date
Print Name	
Title	
Email Address	Phone Number

City Council Staff Report

DATE: October 2, 2024

AGENDA ITEM NO: Consent Calendar - 3K

TO: The Honorable Mayor and City Council

FROM: Shawn Igoe, Director of Public Works

SUBJECT: Easement with the Los Angeles Community College District for the Construction, Operation, and Maintenance of the ELAC Northeast Drainage Area and Biofiltration Project

RECOMMENDATION:

It is recommended that the City Council consider:

1. Authorizing the City Manager to execute the grant of easement, in a form approved by the City Attorney, with the Los Angeles Community College District for a biofiltration project located in the ELAC Northeast Drainage area;
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The Los Angeles Community College District ("District") owns and operates the East Los Angeles College ("ELAC") located in the City of Monterey Park. As part of the District's sustainable stormwater program, it has proposed to construct the ELAC Northeast Drainage Area and Biofiltration Project ("Project") to improve drainage at the ELAC campus. The District is requesting the City grant an easement and access to ELAC for the construction, operation, and maintenance of the Project.

BACKGROUND:

The District's proposed stormwater project includes the construction, operation and maintenance of three biofiltration systems that will be integrated into the existing landscaped planter island in the median of the ELAC Transit Center and the landscaped planter on the south edge in the ELAC Transit Center located in City's right-of-way near the northeast part of the ELAC campus. The City has reviewed the District's proposed project and supports its construction as it will improve drainage in the City right-of-way and will promote sustainable stormwater management. Staff requests City Council approve the Grant of Easement and Access to the District for the Construction, Operation and Maintenance of the (ELAC) Northeast Drainage area and Biofiltration Project.

FISCAL IMPACT:

There is no fiscal impact to the City to grant the District an easement and access for this Project.

Respectfully submitted by:

Shawn Igoe
Department Director

Approved by:

Inez Alvarez
City Manager

Reviewed by:

Karl H. Berger
City Attorney

ATTACHMENTS:

1. Grant of Easement and Access

ATTACHMENT 1

Grant of Easement and Access

Recording requested by:
City of Monterey Park
xxx

When recorded, mail to:

City Clerk
City of Monterey Park
xxx

No fee per Government Code § 6103

Portion of Assessor's Parcel Number: _____

GRANT OF EASEMENT AND ACCESS FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF THE EAST LOS ANGELES COLLEGE NORTHEAST DRAINAGE AREA AND BIOFILTRATION PROJECT
(To the Los Angeles Community College District)

No Documentary Transfer Tax per Revenue Taxation Code § 11922

This Easement and Access ("Agreement") is made by the City of Monterey Park ("CITY"), a general law city and municipal corporation and the Los Angeles Community College District ("DISTRICT"), a California community college district. CITY and DISTRICT are sometimes collectively referred to in this Agreement as the "Parties" and individually as a "Party". The Parties agree as follows:

1. **Recitals**. The Parties enter into this Agreement with the following understandings and objectives:

A. DISTRICT is engaged in a program to develop sustainable stormwater management projects for its nine campuses, consistent with its obligations related to the passage of Bond Measure CC, as well as its anticipated designation under the Small Municipal Separate Storm Sewer System ("MS4") Permit.

B. DISTRICT owns and operates the East Los Angeles College ("ELAC"), located in CITY, and desires to work with CITY to improve drainage at ELAC by constructing, operating and maintaining the ELAC Northeast Drainage Area and Biofiltration Project ("Project").

C. The Project consists of the construction, operation and maintenance of

three biofiltration systems that will be integrated into the existing landscaped planter island in the median of the ELAC Transit Center and the landscaped planter on the south edge in the ELAC Transit Center located in CITY's right-of-way near the northeast part of the ELAC campus ("City ROW"). The City ROW is further described in Recital E. The Project includes the existing landscaped planter area along the perimeter of the Parking Structure #4 adjacent to West Floral Drive and Collegian Avenue which is in ELAC right-of-way ("ELAC ROW"). Construction of a concrete drainage swale is needed as part of the Project to direct stormwater runoff from one of the drainage areas into the biofiltration system in the median of the ELAC Transit Center, which will be partially constructed in ELAC ROW and partially constructed in the drive aisle of the ELAC Transit Center in City ROW, as further depicted on the map attached to this Agreement as Exhibit "A" and incorporated by reference.

D. CITY's supports DISTRICT's construction, operation and maintenance of the Project because it will improve drainage in the City ROW and will promote sustainable stormwater management.

E. The Parties enter into this Agreement to set forth their obligations related to the construction, operation, and maintenance of those portions of the Project located in the City ROW and to grant an easement to DISTRICT. The City ROW is situated in the City of Monterey Park, County of Los Angeles State of California, and is more particularly described in attached Exhibit "B," which is incorporated by reference.

2. **Conveyance and Purpose of Easement; Obligations.**

A. District Access; Purpose and Background. CITY grants to DISTRICT the right to access the City ROW for purposes of installing, operating, and maintaining the Project improvements as depicted in Exhibit "B." CITY also grants to DISTRICT a permanent easement described below for the improvements and for conveying drainage water to the portions of the Project located within the City ROW, as described and depicted in Exhibit "B." DISTRICT may capture and utilize water drainage for any legal purpose. The construction, operation and maintenance of the Project will be at no cost to CITY. The grant of the right of access and easement will be at no cost to DISTRICT.

B. Grant of Permanent Easement in the City ROW.
CITY grants to DISTRICT a permanent nonexclusive drainage and biofiltration facilities construction and maintenance easement, permitting DISTRICT, its officers, agents, employees, and contractors to convey drainage to, construct, and maintain the Project within the easement area described and depicted in attached Exhibit "__," which is incorporated by reference (the "Easement"). The Easement includes DISTRICT's ability to

enter upon and use real property adjoining the Easement as is reasonably necessary for ingress and egress. The Easement is nonexclusive and CITY may, but is not required to, utilize the City ROW for any purpose that does not interfere with DISTRICT's rights under this Agreement.

3. **Title.** Unless conveyed by a separate document, or abandoned, CITY owns title to the City ROW at all times during the term of this Agreement.

4. **Term**. The Permanent Easement and the covenants and obligations set forth in this Agreement related thereto continue in full force and effect until such time as the Permanent Easement is no longer used and needed to be used by DISTRICT. Subject to the foregoing, real property subject to this Agreement may each hereafter be held, transferred, sold, leased, conveyed and occupied subject to the easement, covenants and obligations set forth herein, all of which runs with the land.

5. **DISTRICT Obligations.** DISTRICT must comply with all applicable laws governing construction, operation and maintenance of the Project within the City ROW including, without limitation, the City of Monterey Park's MS4 Permit. DISTRICT is responsible for any and all routine maintenance work associated with the Project, which may consist of performing scheduled inspections and maintenance of the biofiltration systems. DISTRICT's operation and maintenance obligations does not extend to the any other parts or segments of the City ROW not addressed in this Agreement. DISTRICT will take all reasonable efforts during the construction of the improvement to minimize impacts to the ELAC Transit Center and will coordinate with CITY so that pedestrian and bus access may continue to function.

6. **CITY Obligations.** CITY will cooperate with DISTRICT during construction, operation and maintenance of the Project in the City Manager's reasonable discretion. Currently, CITY irrigates and maintains the landscaped planter island in the median of the ELAC Transit Center and the landscaped planter on the south edge in the ELAC Transit Center, and, CITY will continue to provide such irrigation at its current level of service, unless otherwise prohibited from doing so due to drought regulations.

7. **NOTICES.** All notices required or permitted under this Agreement must to be in writing and delivered personally, or sent by overnight delivery service, or registered or certified mail, postage prepaid and directed as follows:

If to DISTRICT:	Los Angeles Community College District Attn: Ms. Peggy Quijada 770 Wilshire Blvd. Los Ángeles, CA 90017 Email: Quijadpm@email.laccd.edu Phone: 213 891 2446
With a Copy to ELAC:	East Los Angeles College 1301 Avenida Cesar Chavez Monterey Park CA 91754 Attn: Jose Villarreal Email: villarj@elac.edu Phone: 323 265 8755
If to the CITY:	City of Monterey Park Attn: City Manager 320 West Newmark Ave. Monterey Park, CA 91754 Email: _____ Phone: (626) 307-1377
With a Copy to:	Burke, Williams & Sorensen, LLP Attn: Karl H. Berger, City Attorney 444 Flower Street, Suite 2400 Los Angeles, CA 90071-2953 Email: kberger@bwslaw.com Phone: (213) 236-0600

Either Party may, at any time or from time to time, designate in writing a substitute address for that above set forth, and thereafter notices are to be delivered to such substitute address for that above set forth. Notices to either Party are effective on the date of delivery, if delivered personally, on the next business day if sent by overnight courier, and three business days after depositing in the United States Postal system if sent via registered or certified mail.

8. **Hazardous Waste.**

A. The City ROW may contain certain hazardous materials (as defined below) as disclosed in environmental reports or other writings made available to DISTRICT regarding past or existing environmental conditions at or about the City ROW. CITY has not, however, nor, to CITY's knowledge, has any third party used, generated, stored, or disposed of, or permitted the use, generation, storage, or disposal of, any Hazardous Material (as defined below) on, under, or within the City ROW in violation of any law or regulation since CITY's acquisition of the City ROW.

B. DISTRICT cannot release or suffer the release of oil, petroleum products or other Hazardous Material on, in, at or from the City ROW. In addition to any other requirements in this Agreement, DISTRICT assumes all responsibility for the investigation and cleanup of any such release by DISTRICT and the restoration of the City ROW damaged by any release by DISTRICT, regardless of whether such costs or claims are caused or contributed to by the negligence or alleged sole negligence of CITY, except to the extent such costs or claims are caused by CITY's gross negligence or intentional misconduct.

C. DISTRICT must give CITY prompt notice of any release by DISTRICT, violation of law or regulation or inspection or inquiry with respect to the Easement by any governmental authorities charged with enforcing environmental laws and copies of all such notices from federal, state, and local governmental authorities regarding the same. DISTRICT must also give CITY prompt notice of all measures undertaken by or on behalf of DISTRICT to investigate, correct, remediate, respond to or otherwise cure such release or violation.

D. DISTRICT agrees to defend, indemnify and hold CITY harmless against any and all damage, damages, losses, liabilities, claims, judgments, settlements, injuries, death, costs or expenses arising from any breach of any warranty or agreement contained in this Section or elsewhere in this Agreement or otherwise arising from DISTRICT's use of the Easement (including, without limitation, any leakage or release of Hazardous Material) except to the extent caused solely by CITY's gross negligence or intentional misconduct. This indemnity will survive termination of the Easement, but the indemnity will only relate to DISTRICT for claims related to its period of occupancy of the City ROW. As used in this Agreement, "Hazardous Material" means any substance, chemical or waste that is identified or subject to regulation as hazardous, toxic or dangerous or as a pollutant or contaminant in or pursuant to any applicable federal, state or local law or regulation (including, without limitation, oil, petroleum products and asbestos). The foregoing indemnity is intended to operate as an agreement pursuant to 42 USC § 9607(e) (the Comprehensive Environmental Response, Compensation and Liability Act; "CERCLA") and Health & Safety Code § 25364 to defend, protect, hold harmless, and indemnify CITY from all forms of liability under CERCLA, or other applicable law, for any and all matters addressed in this Agreement.

9. **Possessory Interest Taxes.** DISTRICT is informed by CITY pursuant to Revenue & Taxation Code § 107.6, if and as applicable, that its property interest in the City ROW may be subject to property taxation if created and that DISTRICT may be subject to the payment of property taxes levied on its interest. CITY is not liable for such cost.

10. **Sale or Transfer by City.** Should CITY, at any time during the term of this Agreement, sell, lease, transfer, or otherwise convey all or any part of the City ROW to any transferee other than DISTRICT, then such transfer will be under and subject to this Agreement and all of DISTRICT's rights hereunder.

11. **Condemnation**. If all or part of City ROW is acquired by eminent domain or purchase in lieu thereof, DISTRICT acknowledges that it will have no claim to any compensation awarded for the taking of City ROW or any portion thereof or for loss of or damage to DISTRICT's improvements.

12. **Relocation Benefits**. DISTRICT acknowledges that it was informed that CITY is a public entity and that City ROW was previously acquired by CITY for a public purpose. DISTRICT further acknowledges that any rights acquired under this Agreement arose after the date of acquisition of City ROW and that said rights are subject to termination when City ROW is needed by CITY. DISTRICT hereby acknowledges that at the time of said termination of this Agreement by CITY, it will not be a "displaced person" entitled to any of the relocation assistance or benefits offered to displaced persons under State or Federal law.

13. Mutual Indemnification.

A. Except as otherwise provided, DISTRICT agrees to hold harmless, defend, and indemnify CITY, its officers, employees, agents, representatives, and successors-in-interest against any and all loss, damage, cost, or expenses which CITY, its officers, employees, agents, representatives, and successors-in-interest may incur or be required to pay by reason of any injury or property damage caused or incurred by DISTRICT, its employees, or agents in the performance of this Agreement. Likewise CITY agrees to hold harmless, defend, and indemnify DISTRICT, its officers, employees, agents, representatives, and successors-in-interest against any and all loss, damage, cost or expenses which DISTRICT, its officers, employees, agents, representatives, and successors-in-interest may incur or be required to pay by reason of any injury or property damage caused or incurred by CITY, its employees, subcontractors, or agents in the performance of this Agreement.

B. It is expressly understood and agreed that this Section will survive termination of this Agreement.

14. **Dispute Resolution.** Should disputes arise regarding compliance with this Agreement, the Parties will meet and confer to resolve the dispute. Such meet and confer may include mediation or voluntary arbitration. If, after completing the meet and confer process, one Party believes the other Party remains in breach of this Agreement, that Party will provide written notice to the other Party detailing the alleged breach. The Party alleged to be in breach has 90 days to cure the breach or to commence cure if the cure

cannot be completed within 90 days. After the end of the cure period, the Party alleging the breach may pursue legal remedies if that Party believes the breach remains uncured.

15. **Force Majeure**. Should performance of this Agreement be prevented due to fire, flood, explosion, war, terrorism, embargo, government action, civil or military authority, the natural elements, or other similar causes beyond the Parties' control, then it will immediately terminate without obligation of either party to the other.

16. **Compliance with Law**. DISTRICT will, at its sole cost and expense, comply with all of the requirements of all federal, state, and local authorities now in force, or which may hereafter be in force, pertaining to DISTRICT's use of City ROW and will faithfully observe all applicable laws. The judgment of any court of competent jurisdiction, or the admission of DISTRICT in any action or proceeding against DISTRICT, whether CITY be a party thereto or not, that DISTRICT has violated any such ordinance or statute in the use of City ROW will be conclusive of that fact as between CITY and DISTRICT.

17. **Waiver of Breach**. Any express or implied waiver of a breach of any term of this Agreement will not constitute a waiver of any further breach of the same or other term of this Agreement.

18. **Termination.** Upon termination of the Easement, CITY and DISTRICT execute and record a release of the Easement.

19. **Binding upon Successors**. All terms and conditions in the Easement will be binding upon the parties, their successors, and assigns. The benefits and burdens herein are intended to and will run with the land. This is the entire agreement between the parties and will not be modified except by written instrument signed by all the parties.

20. **Governing Law.** This document was drafted in and will be construed in accordance with the laws of the State of California and exclusive venue for any action involving this document will be in Los Angeles County.

21. **Counterparts.** This document may be executed in any number or counterparts, each of which will be an original, but all of which together will constitute one instrument executed on the same date.

22. **Partial Invalidity.** Should any provision of this Agreement be held by a court of competent jurisdiction to be either invalid or unenforceable, the remaining provisions of this Agreement will remain in effect, unimpaired by the holding.

23. **Entire Agreement.** This instrument and its Attachments constitute the sole agreement between CITY and DISTRICT respecting the City ROW, the use of City ROW by DISTRICT, and the specified Agreement terms, and correctly sets forth the obligations of CITY and DISTRICT. Any agreement or representations respecting the City ROW not expressly set forth in this instrument are void.

24. **Construction.** The language of each part of this Agreement will be construed simply and according to its fair meaning, and this Agreement will never be construed either for or against either party.

25. **Authority/Modification.** The Parties represent and warrant that all necessary action has been taken by the Parties to authorize the undersigned to execute this Agreement and to engage in the actions described herein. This Agreement may be modified by written agreement. CITY's city manager, or designee, may execute any such amendment on behalf of CITY.

IN WITNESS WHEREOF the parties hereto have executed this instrument the day and year below written.

CITY OF MONTEREY PARK

_____
Inez Alvarez
City Manager

Date: _____

ATTEST:

_____
Maychelle Yee
City Clerk

APPROVED AS TO FORM:

Karl H. Berger
City Attorney

By: _____

LOS ANGELES COMMUNITY COLLEGE DISTRICT

_____
Peggy Quijada
Associate Vice Chancellor
Facilities Planning and Development

Date: _____

APPROVED AS TO FORM:

Anne L. Diga
Interim General Counsel

By: _____

CALIFORNIA ALL PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }

COUNTY OF _____ }

On _____, before me, _____, Notary Public,
(here insert name and title of the officer)

personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____(Seal)

ACCEPTANCE OF EASEMENT
BY
DISTRICT

This is to certify that the interest in real property conveyed by the easement agreement dated _____ from the City of Monterey Park to the Los Angeles Community College District is accepted by the undersigned officer on behalf of the District pursuant to authority conferred by District Resolution No. XX adopted on XXX and District consents to recordation thereof by its duly authorized officer.

_____ _____
XX, Date

EXHIBIT ‘A’

EXHIBIT ‘B’

City Council Staff Report

DATE: October 2, 2024

AGENDA ITEM NO: Public Hearing - 4A

TO: The Honorable Mayor and City Council

FROM: Martha Garcia, Director of Finance

SUBJECT: Public hearing to review and approve the Fiscal Year (FY) 2023-24 Consolidated Annual Performance and Evaluation Report (CAPER) for submittal to the U.S. Department of Housing and Urban Development (HUD).

RECOMMENDATION:

It is recommended that the City Council consider:

1. Opening the public hearing to receive testimonial and documentary evidence;
2. Approving the draft FY 2023-2024 Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant ("CDBG"), and HOME Investment Partnerships ("HOME") Programs;
3. Directing staff to prepare and transmit the final documents to the U.S. Department of Housing and Urban Development ("HUD");
4. Authorizing the City Manager, or her designee, to take all actions necessary or desirable to complete and submit the CAPER; and
5. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The City of Monterey Park's Housing Division has completed its Consolidated Annual Performance Evaluation Report (CAPER) for the period July 1, 2023, through June 30, 2024. The CAPER describes the overall use of federal Community Development Block Grant (CDBG), and HOME Investment Partnerships (HOME) funds received from the US Department of Housing and Urban Development (HUD) in relationship to the needs of the community as outlined in its Fiscal Year (FY) 2023-24 Annual Action Plan. The City's overall objective in the CDBG and HOME programs is the development of viable communities by providing decent housing, a suitable living environment, and expansion of economic opportunities primarily for low-to-moderate income persons. It is recommended that the City Council conduct a public hearing to receive community feedback on the FY 2023-24 CAPER and approve its submission to the HUD.

A copy of the draft CAPER was made available for public review on September 17, 2024, through October 1, 2024. Copies of the draft 2023-24 CAPER were made available on the city's website at https://www.montereypark.ca.gov/DocumentCenter/View/16681 and at Monterey Park City Hall. All comments will be incorporated into the final CAPER.

BACKGROUND:
The City submits a CAPER to the HUD annually as one of the conditions of receiving federal funds under the CDBG and HOME programs. The CAPER outlines progress made in achieving goals established in the City's Five-Year Consolidated Plan and Annual Action Plan, including 1) funds invested in projects and activities; 2) households and persons assisted; 3) actions taken to affirmatively further fair housing; and 4) other information relevant to grant-funded projects administered by the City that affect local housing and community development needs. The CAPER is an effective tool that is designed to ensure the City stays on track with its Five-Year Consolidated Plan and the Annual Action Plan. The CAPER is also designed to provide a maximum amount of useful information to policymakers and residents. A copy of the CAPER is attached to this staff report as Attachment 1.

During FY 2023-24, the City spent $114,302.32 in CDBG funds, $367,600.01 in HOME funds, $320,130.52 in CDBG-CV funds, and $63,338.20 in HOME-ARP funds on a variety of community development projects. Table 1, below, provides a detailed summary of programmatic expenditures for FY 2023-24 by funding category.

Table 1: Summary of FY 2023-24 Program Expenditures

No.	Programs	FY 2023-2024 Funding	Carryover Funds	Expended Amount
CDBG				
1	CDBG Planning & Administration #615	$117,615	$0	$89,650.10
2	Fair Housing Program #614	$25,000	$0	$24,652.22
3	Barnes Park Restrooms #TBD	$445,461	$0	$0
Remaining funds have been reprogrammed into projects for FY 2024-25.		**$588,076**	**$0**	**$114,302.32**
HOME				
4	HOME Planning & Administration #613	$43,000	$0	$42,985.31
5	Owner-Occupied Rehabilitation Loan Program #610, 588, 591, 606.	$281,800	$933,070.50	$317,156
6	CHDO #TBD	$56,360	$0	$0
Remaining funds have been reprogrammed into projects for FY 2024-25.		**$381,160**	**$933,070.50**	**$360,141.31**
CDBG-CV				
7	Planning & Administration #592	$0	$187,151	$100,289.50
8	Homeless Services and Prevention Activities #605	$0	$220,000	$219,841.02
9	Small Business Assistance Program #600	$0	$318,286	$0

		$0	**$725,437**	**$320,130.52**
HOME-ARP				
10	Planning & Administration #611	$0	$176,255	$1,150
11	Supportive Services #612	$0	$998,784	$62,188.20
		$0	**$1,175,039**	**$63,338.20**

Table 2, below, provides a summary list of the accomplishments achieved during Program Year (PY) 2023-24. Staff will continue to monitor these programs and make adjustments or recommendations to the City Council for improvement. In addition, the level of performance will increase as staff continue exploring innovative opportunities to improve the quality of life for low- and moderate-income residents.

Table 2: Summary of FY 2023-24 Program Accomplishments

No.	Programs	Goal	Actual
CDBG			
1	CDBG Planning & Administration #615	N/A	N/A
2	Fair Housing Program #614	100 People	131 People
3	Barnes Park Restrooms #TBD	1 project	0 project
HOME			
4	HOME Planning & Administration #613	N/A	N/A
5	Owner-Occupied Rehabilitation Loan Program #610, 588, 591, 606.	3 Housing Units	4 Housing Unit
6	CHDO #TBD	1 Project	0 Projects
CDBG-CV			
7	Planning & Administration #592	N/A	N/A
8	Homeless Services and Prevention Program #605	50 people	84 people
9	Small Business Assistance Program #600	20 Businesses	48 Businesses
HOME-ARP			
10	Planning & Administration #611	N/A	N/A
11	Supportive Services #612	500 People	708 People

The public hearing is an opportunity for the City Council and Monterey Park community to review the accomplishments of the various program areas in the FY 2023-24 CAPER. Upon conclusion of the public hearing, it is recommended that the City Council approve the submission of the CAPER to the HUD to satisfy the reporting requirements for the year.

2023-2024 STRATEGIC PLAN GOAL:

The CAPER report outlines progress made in achieving the Housing Strategic Plan Goal of the development of viable communities by providing decent housing, a suitable living environment, and expansion of economic opportunities primarily for low-to-moderate income persons.

FISCAL IMPACT:

There is no fiscal impact to the General Fund for conducting a Public Hearing and submitting the CAPER to HUD.

Respectfully submitted by:

Martha Garcia
Director of Finance

Approved by:

Inez Alvarez
City Manager

Reviewed by:

Karl H. Berger
City Attorney

ATTACHMENT

A. FY 2023-2024 Consolidated Annual Performance and Evaluation Report (CAPER)

ATTACHMENT 1
FY 2023-24 Draft Consolidated Annual Performance and Evaluation Report (CAPER)

Fiscal Year 2023-2024

DRAFT

Consolidated Annual Performance and Evaluation Report

(CAPER)

City of Monterey Park
320 West Newmark Avenue
Monterey Park, CA 91754

TABLE OF CONTENTS

CR-05 - Goals and Outcomes	1
CR-10 - Racial and Ethnic Composition of Families Assisted	7
CR-15 - Resources and Investments 91.520(a)	8
CR-20 - Affordable Housing 91.520(b)	13
CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)	15
CR-30 - Public Housing 91.220(h); 91.320(j)	18
CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)	19
CR-40 - Monitoring 91.220 and 91.230	23
CR-45 - CDBG 91.520(c)	25
CR-50 - HOME 91.520(d)	26
Appendix A – Proof of Publication	28
Appendix B – Summary of Citizen Participation Comments	29
Appendix C – IDIS Reports	30

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CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)

An overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

The City of Monterey Park has prepared the FY 2023-24 Consolidated Annual Performance and Evaluation Report (CAPER) as required by the U.S. Department of Housing and Urban Development (HUD) which describes the use of federal Community Development Block Grant (CDBG) and HOME Investment Partnership funds during the fourth program year of the 2020-2024 Consolidated Plan period, covering July 1, 2023 to June 30, 2024.

The City receives CDBG and HOME funds from HUD on a formula basis each year, and in turn, implements projects and awards grants to nonprofit, for-profit or public organizations for projects in furtherance of the adopted Consolidated Plan. The CDBG program generally provides for a range of eligible activities for the benefit of low- and moderate-income Monterey Park residents.

The City's CDBG mission statement, as outlined in the Five-Year Consolidated Plan, is to enhance the quality of life for all residents by maximizing the use of available resources in order to assure the availability of safe, decent and affordable housing. The City continues to face significant problems as the number of low-income Monterey Park residents increase and the costs of providing affordable housing skyrocket. The housing stock is aging and many residents continue to pay more than 50% of their income towards housing expenses. Yet, in spite of these obstacles, the City strives to develop a viable community principally for low- and moderate-income residents by preserving and rehabilitating existing housing stock, promoting affordable housing and expanding affordable housing stock.

The CDBG and HOME Programs made significant progress in meeting the annual goals. This report will demonstrate how the City achieved its housing non-housing priorities of fair housing was met.

In evaluating the effectiveness of serving low- and moderate-income residents, the City is pleased to report that CDBG funds were expended on eligible activities benefiting low- and moderate-income residents. All HOME funding beneficiaries were persons of low and – moderate-income residents.

The City is proud of its achievements during FY 2023-24 and looks forward to serving its residents in FY 2024-25. We remain confident that we will increase our level of performance as we continue exploring innovative opportunities to improve the quality of life of our low- and

moderate- income citizens.

Under the 2020 federal stimulus plan - CARES Act, the City received $938,435 in CDBG-CV funds to be used for activities that prevent, prepare for, or respond to the impacts of COVID-19. The City Council allocated those funds to an economic development program to assist small businesses suffering from hardship due to COVID- 19; and to assist low- and moderate - income persons in preventing, preparing for, and responding to COVID- 19 throughhousing instability services, homeless services and prevention activites, and health crisis outreach.

In 2021, the American Rescue Plan Act was enacted by Congress. The American Rescue Plan (ARP) provides funds to assist individuals or households who are homeless, at risk of homelessness, and other vulnerable populations, by providing housing, rental assistance, supportive services, and non-congregate shelter, to reduce homelessness and increase housing stability across the country. These grant funds will be administered through HUD's HOME Investment Partnerships Program (HOME-ARP). Since the City of Monterey Park is an Entitlement City, the City received $1,175,039 in HOME-ARP funds. The City plans on using these funds next program year.

Table 1 provides a summary of the five-year and one-year accomplishments for the period ending June 30, 2024, arranged by each of the Strategic Plan Goals included in the 2020-2024 Strategic Plan of the Consolidated Plan.

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Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

Goal	Category	2023-2024 Amount	Indicator	Unit of Measure	5-Year Strategic Plan			2023-2024 Program Year No. 4		
					Expected	Actual	Percent Complete	Expected	Actual	Percent Complete
Housing Strategy Goal #1	Affordable Housing	HOME: $0	Tenant-based rental assistance/Rapid Rehousing	Households Assisted	18	18	100%	0	0	0%
Housing Strategy Goal #2	Affordable Housing	HOME:$281,820	Homeowner housing Rehabilitated	Household Housing Units	15	12	80%	3	4	133%
Housing Strategy Goal #3	Affordable Housing	HOME: $56,340	CHDO Other Utility Assistance Program	Households Assisted	1	0	0%	0	0	0%
Homeless Strategy	Homeless	CDBG-CV: $220,000	Overnight Shelter Homelessness Prevention	Persons Assisted	60	194	323%	30	84	280%
Special Needs Strategy	Non-Homeless Special Needs	$0	Special Needs	Persons Assisted	0	0	0%	0	0	0%
Fair Housing Strategy	Affordable Housing	CDBG:$25,000	Other	Persons	500	465	93%	100	131	131%
Community Development Strategy Goal #1	Non-Housing Community Development	$0	Public Infrastructure Activities other than Low/Moderate Income Housing Benefit	Projects	0	0	0%	0	0	0%

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Community Development Strategy Goal #2 (Barnes Park Restrooms will begin in PY23-24)	Non-Housing Community Development	CDBG: $445,461	Public Facilities Activities other than Low/Moderate Income Housing Benefit	Projects	2	0	0%	1	0	0%
Community Development Strategy Goal #3 (includes Fair Housing and Homeless numbers)	Non-Housing Community Development	CDBG-CV: $220,000 HOME-ARP: $998,784	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	1,030	1,257	122%	630	923	146%
Community Development Strategy Goal #4	Economic Development	$0	Expand the City's economic base and promote greater employment opportunities.	Repayment of Section 108 SBAP	2 65	2 39	100% 60%	0 0	0 0	100% 0%
Program Administration	Planning and Administration	CDBG: $117,615 HOME: $42,985.11 CDBG-CV: $187,151 HOME-ARP: $176,255	This program provides payment of reasonable administrative costs and carrying charges related to the planning and execution of the CDBG, HOME, CDBG-CV, and HOME-ARP programs.	Other	5	4	80%	1	1	100%

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

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Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

The following narratives report the effectiveness of the City's performance during the FY 2023-24 reporting period in achieving its five-year strategy objectives and priorities. The City will continue to address the needs of its underserved populations by promoting its housing and continuing to work with community service programs. The Priority Needs Summary Table contained in the Consolidated Plan, prioritizes activities to assist renters, homeowners and other persons with special needs who are in the very low-income to moderate-income categories.

During FY 2023-24, the City made progress toward accomplishing the goals of developing a viable community by providing affordable decent housing, a suitable living environment and expanding economic opportunity for low income persons as described in pertinent Consolidated Plan documents.

The highest priorities listed in the City's Five Year Consolidated Plan cover the following goals:

- Improve, Maintain, and Expand Affordable Housing
- Promote Equal Housing Opportunity
- Support Economic Development Opportunities
- Planning and Administration

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Summary of FY 2023-24 Program Expenditures

No.	Programs	FY 2023-2024 Funding	Carryover Funds	Expended Amount
CDBG				
1	CDBG Planning & Administration #615	$117,615	$0	$89,650.10
2	Fair Housing Program #614	$25,000	$0	$24,652.22
3	Barnes Park Restrooms #TBD	$445,461	$0	$0
The remaining funds have been reprogrammed into projects for FY 2024-25.		**$588,076**	**$0**	**$114,302.32**
HOME				
4	HOME Planning & Administration #613	$43,000	$0	$42,985.31
5	Owner-Occupied Rehabilitation Loan Program #610, 588, 591, 606.	$281,800	$933,070.50	$317,56
6	CHDO #TBD	$56,360	$0	$0
The remaining funds have been reprogrammed into projects for FY 2024-25.		**$381,160**	**$933,070.50**	**$360,141.31**
CDBG-CV				
7	Planning & Administration #592	$0	$187,151	$100,289.50
8	Homeless Services and Prevention Activities #605	$0	$220,000	$219,841.02
9	Small Business Assistance Program #600	$0	$318,286	$0
		$0	**$725,437**	**$320,130.52**
HOME-ARP				
10	Planning & Administration #611	$0	$176,255	$1,150
11	Supportive Services #612	$0	$998,784	$62,188.20
		$0	**$1,175,039**	**$63,338.20**

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CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted). 91.520(a)

	CDBG	HOME
White	72	2
American Indian/Alaskan Native	0	0
Asian	187	2
Black/African American	31	0
Multi-Racial	633	0
Asian and White	0	0
Native Hawaiian or Other Pacific Islander	0	0
Other	0	0
Total	**923**	**4**
Hispanic	530	2
Not Hispanic	393	2

Table 2 – Table of assistance to racial and ethnic populations by source of funds

Narrative

CDBG assisted 923 persons and HOME assisted 4 households during the reporting period. The chart above reflect the racial and ethnic status of families assisted.

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CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Resources Made Available	Amount Expended During Program Year
CDBG	$588,076	$114,302.32
HOME	$375,733	$367,600.01
CDBG-CV	$938,435	$320,130.52
HOME-ARP	$1,175,039	$63,338.20

Table 3 - Resources Made Available

Narrative

For FY 2023-24, the City received $588,076 in Community Development Block Grant (CDBG), and $375,733 in HOME Investment Partnership funds.

On April 2, 2020, the City received a notification of federal CARES Act funding from the U.S. Department of Housing and Urban Development (HUD). The City received $938,435 in CDBG-CV funds. These funds were submitted as amendments to the 2019-20 One-Year Annual Action Plan and approved by the City Council on May 18, 2021.

In 2021, the American Rescue Plan Act was enacted by Congress. The American Rescue Plan (ARP) provides funds to assist individuals or households who are homeless, at risk of homelessness, and other vulnerable populations, by providing housing, rental assistance, supportive services, and non-congregate shelter, to reduce homelessness and increase housing stability across the country. These grant funds will be administered through HUD's HOME Investment Partnerships Program (HOME-ARP). Since the City of Monterey Park is an Entitlement City, the City received $1,175,039 in HOME-ARP funds.

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description
Citywide	100%	100%	Citywide Area

Table 4 – Identify the geographic distribution and location of investments

Narrative

The geographic area established for all proposed activities is the incorporated limits of the City of Monterey Park. All housing rehabilitation programs are administered City-wide.

The City will not establish geographic priorities for investment for special needs populations. CDBG funded supportive services will be designed to meet the national objective of benefiting low and moderate-income persons. The following groups of persons are currently presumed by HUD to be made up principally of low and moderate-income persons: elderly persons, homeless

persons, severely disabled persons, victims of domestic violence and persons living with AIDS.

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

The City of Monterey Park and HUD share a mutual interest in leveraging HUD resources to the maximum extent possible in order to deliver high-quality affordable housing, neighborhood improvement programs, supportive services, and economic development.

Entitlement Funds - Leverage, in the context of CDBG funding, means bringing other local, state, and federal financial resources to maximize the reach and impact of the City's U.S. HUD funded programs. HUD, like many other federal agencies, encourages the recipients of federal monies to demonstrate that efforts are being made to strategically leverage additional funds in order to achieve greater results. Leverage is also a way to increase project efficiencies and benefit from economies of scale that often come with combining sources of funding for similar or expanded scopes. Funds will be leveraged if financial commitments toward the costs of a project from a source other than the originating HUD program are documented.

Other Federal Grant Programs - In addition to the entitlement dollars listed above, the federal government has several other funding programs for community development and affordable housing activities. These include: the Section 8 Housing Choice Voucher Program, Section 202, the Affordable Housing Program (AHP) through the Federal Home Loan Bank, and others.

It should be noted that in most cases the City would not be the applicant for these funding sources as many of these programs offer assistance to affordable housing developers rather than local jurisdictions.

State Housing and Community Development Sources - In California, the Department of Housing and Community Development (HCD) and the California Housing Finance Agency (CalHFA) administer a variety of statewide public affordable housing programs that offer assistance to nonprofit affordable housing developers. Examples of HCD's programs include the Multifamily Housing Program (MHP), Affordable Housing Innovation Fund (AHIF), Building Equity and Growth in Neighborhoods Program (BEGIN), and CalHome. Many HCD programs have historically been funded by one-time State bond issuances and, as such, are subject to limited availability of funding. CalHFA offers multiple mortgage loan programs, down payment assistance programs, and funding for the construction, acquisition, and rehabilitation of affordable ownership units. The State also administers the federal Low Income Housing Tax

Credit (LIHTC) program, a widely used financing source for affordable housing projects. As with the other federal and state grant programs discussed above, the City would either have to competitively apply or affordable housing developers could apply for funding through these programs for particular developments in the City.

County and Local Housing and Community Development Sources - There are a variety of countywide and local resources that support housing and community development programs. Some of these programs offer assistance to local affordable housing developers and community organizations while others provide assistance directly to individuals. The Mortgage Credit Certificates (MCC) Program provides assistance to first-time homebuyers by allowing an eligible purchaser to take 20 percent of their annual mortgage interest payment as a tax credit against federal income taxes. The County administers the MCC Program on behalf of the jurisdictions, including Monterey Park.

The City does not own land or property located within the jurisdiction that may be used to address the needs identified in the plan.

Is there a description of how HOME and ESG matching requirements were satisfied? (91.520(a))

HOME: During FY 2023-24, the City expended $367,600.01. The disbursements requiring match is $337,057.97. The City's met its match liability of $84,264.49 by using its excess match from prior Federal fiscal years.

ESG: The City does not receive any ESG funds; therefore, it has no match liability.

Do the dates the match was contributed fall within the correct Federal Fiscal Year for this reporting period (Column 2)? No dates provided?

During FY 2023, the City expended $367,600.01 in HOME funds. The disbursements requiring match is $337,057.97. The City's met its match liability of $84,264.49 by using its excess match from prior Federal fiscal years. This amount covers July 1, 2023 through June 30, 2024.

Fiscal Year Summary – HOME Match	
1. Excess match from prior Federal fiscal year	$2,442,339.29
2. Match contributed during current Federal fiscal year	$0
3. Total match available for current Federal fiscal year (Line 1 plus Line 2)	$2,442,339.29
4. Match liability for current Federal fiscal year	$84,264.49
5. Excess match carried over to next Federal fiscal year (Line 3 minus Line 4)	$2,358,074.80

Table 5 – Fiscal Year Summary - HOME Match Report

Match Contribution for the Federal Fiscal Year								
Project No. or Other ID	**Date of Contribution**	**Cash (non-Federal sources)**	**Foregone Taxes, Fees, Charges**	**Appraised Land/Real Property**	**Required Infrastructure**	**Site Preparation, Construction Materials, Donated labor**	**Bond Financing**	**Total Match**
N/A								

Table 6 – Match Contribution for the Federal Fiscal Year

HOME MBE/WBE report

Program Income – Enter the program amounts for the reporting period				
Balance on hand at beginning of reporting period $	**Amount received during reporting period $**	**Total amount expended during reporting period $**	**Amount expended for TBRA $**	**Balance on hand at end of reporting period $**
$0	$0	$ 0	$0	$0

Table 7 – Program Income

Minority Business Enterprises and Women Business Enterprises – Indicate the number and dollar value of contracts for HOME projects completed during the reporting period						
	Total	**Minority Business Enterprises**				**White Non-Hispanic**
		Alaskan Native or American Indian	**Asian or Pacific Islander**	**Black Non-Hispanic**	**Hispanic**	
Contracts						
Dollar Amount	$0	0	0	0	$0	0
Number	0	0	0	0	0	0
Sub-Contracts						
Number	0	0	0	0	0	0
Dollar Amount	0	0	0	0	0	0

	Total	**Women Business Enterprises**	**Male**
Contracts			
Dollar Amount	$0	0	$0
Number	0	0	0
Sub-Contracts			
Number	0	0	0

Dollar Amount	0	0	0

Table 8 – Minority Business and Women Business Enterprises

Minority Owners of Rental Property – Indicate the number of HOME assisted rental property owners and the total amount of HOME funds in these rental properties assisted

	Total	Minority Property Owners				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Number	0	0	0	0	0	0
Dollar Amount	0	0	0	0	0	0

Table 9 – Minority Owners of Rental Property

Relocation and Real Property Acquisition – Indicate the number of persons displaced, the cost of relocation payments, the number of parcels acquired, and the cost of acquisition

Parcels Acquired	0	0
Businesses Displaced	0	0
Nonprofit Organizations Displaced	0	0
Households Temporarily Relocated, not Displaced	0	0

Households Displaced	Total	Minority Property Enterprises				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Number	0	0	0	0	0	0
Cost	0	0	0	0	0	0

Table 10 – Relocation and Real Property Acquisition

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CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	0	0
Number of Non-Homeless households to be provided affordable housing units	0	0
Number of Special-Needs households to be provided affordable housing units	0	0
Total	**0**	**0**

Table 11 – Number of Households

	One-Year Goal	Actual
Number of households supported through Rental Assistance	0	0
Number of households supported through The Production of New Units	0	0
Number of households supported through Rehab of Existing Units	3	4
Number of households supported through Acquisition of Existing Units	0	0
Total	**3**	**4**

Table 12 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

The City assisted four homeowners during the program year. The City exceeded its goal of assisting three homeowners. The City's aggressive marketing during the fiscal year increased the number of applicants. The City will more than exceed its goal for the upcoming fiscal year.

Discuss how these outcomes will impact future annual action plans.

The City has made a concerted effort to successfully complete all of the rehabilitation loans over the five-year Consolidated Plan period. The City continues marketing of the Residential Rehabilitation program through flyers and its website. In addition to these methods, in June 2019 the City initiated the direct marketing of its Residential Rehabilitation program to all of its residents using inserts in its water bills. This method of marketing has been the most successful

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and will be continued during the next fiscal year. This program addresses the City's priority of the preservation and rehabilitation of existing housing stock.

The City continues to receive an increased number of inquiries from Monterey Park residents that are interested in this program due to its marketing efforts. Staff continues to promote the program, explain the program to residents, review and verify eligibility of applicant, and process loans.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Persons Served	CDBG Actual	HOME Actual
Extremely Low-income	898	0
Low-income	14	0
Moderate-income	11	4
Above Low-income	0	0
Total	**923**	**4**

Table 13 – Number of Persons Served

Narrative Information

Does the number of owner and renter households assisted meet the Section 215 definition of affordable housing included?

The City does periodic site inspections checking the conditions of the affordable housing projects; however, no on-site inspections were completed during this program year. Currently, the City is creating a list of all HOME projects that are still under the affordability period and are therefore required to be inspected. Once the list is created, all properties will be inspected for compliance. Thereafter, a schedule will be created to ensure the inspections are conducted according to HOME regulations.

There were no households assisted with housing that meets the Section 215 definition of affordable housing for rental and home ownership during FY 2023-24.

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CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City is located within the Los Angeles Homeless Services Authority (LAHSA) Continuum. The continuum provides oversight of federal homeless assistance dollars and collaborates with local communities to provide the best service to our residents who are homeless. The Los Angeles Continuum conducts quarterly community meetings and the public is invited. The City is using a portion of its CDBG-CV funds to assist with the needs of the homeless.

In 2024, LAHSA reported that eighty-six (86) unsheltered individuals are located in the City of Monterey Park. Fourty-seven (47) were living on the street, sixteen (16) in their cars/vans, zero (0) in RVs/Campers, and twenty-three (23) in makeshift shelters and tents. The City will continue its efforts in the prevention and reduction of homelessness by supporting the LAHSA and its outreach programs, and providing referrals to public assistance programs offered by the County. If additional CDBG funds become available the City will reconsider funding public service agencies that assist in the prevention and reduction of homelessness.

During 2023-24, the City did not directly assist any homeless persons with CDBG or HOME funds. The City is using its CDBG-CV funds to assist the homeless that have been impacted by the pandemic. The 2020 Coronavirus pandemic has caused social and economic instability in the City of Monterey Park. Due to the pandemic, homeless outreach teams have encountered an increase in homeless individuals seeking housing placement, employment, and food. The homeless clients have stated that their homeless situation is a direct result of the pandemic and the loss of employment at the various businesses in the City.

The City allocated CDBG-CV funds to the Police Department's Homeless Services and Prevention Program to assist homeless individuals impacted by COVID-19. This year, the Homeless services and Prevention Program has assisted 84 people with the following efforts: rental assistance programs, food assistance programs, street outreach to respond to increased homelessness, and mitigate encampment locations, while providing linkages to available resources.

In 2021, the American Rescue Plan Act was enacted by Congress. The American Rescue Plan (ARP) provides funds to assist individuals or households who are homeless, at risk of homelessness, and other vulnerable populations, by providing housing, rental assistance, supportive services, and non-congregate shelter, to reduce homelessness and increase housing stability across the country. These grant funds will be administered through HUD's HOME

Investment Partnerships Program (HOME-ARP). Since the City of Monterey Park is an Entitlement City, the City received $1,175,039 in HOME-ARP funds. The City plans in using these funds next program year.

The ever-worsening homeless crisis has impacted the quality of life and public health of the Monterey Park community and first responders. The City of Monterey Park and Monterey Park Police Department (MPPD) leadership are committed to combating homelessness but continue to face challenges which include lack of bed availability and resources in the San Gabriel Valley along with lack of funding allocated to address the cultural competency of the unsheltered Monterey Park population and those on the verge of becoming homeless.

The City of Monterey Park and the MPPD have a need and desire to serve the most vulnerable in our community and increase ideas, resources and programs to be a part of a solution to this end. The HOME-ARP will provide funding for homeless engagement, with the objective to reduce homelessness and increase housing stability among individuals and families who are experiencing homelessness or on the verge of experiencing homelessness through support from a homeless service system that work in collaboration with the broader Continuum of Care (CoC) system in Los Angeles County. Interim housing in a motel/hotel setting with case management and supportive activities would assist the qualifying population with appropriate services to their specific situation to find a long-term solution.

The City will continue its efforts in addressing the emergency shelter and transitional housing needs of the homeless by collaborating with agencies that provide shelter for the homeless. If additional CDBG funds become available, the City will consider funding public service agencies that assist in the emergency shelter and transitional housing needs of homeless persons.

Addressing the emergency shelter and transitional housing needs of homeless persons

The City will continue its efforts in addressing the emergency shelter and transitional housing needs of the homeless by collaborating with agencies that provide shelter for the homeless. If additional CDBG funds become available the City will consider funding public service agencies that assist in the emergency shelter and transitional housing needs of homeless persons.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

The City will continue its efforts in helping low-income individuals and families avoid becoming homeless. The City will also provide referrals to public assistance programs offered by other

agencies in the County.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The City will continue its efforts in helping homeless persons make the transition to permanent housing and independent living by collaborating with agencies that provide shelter for the homeless. The City will also provide referrals to public assistance programs offered by other agencies to aid in preventing the recently homeless from becoming homeless again.

The number of homeless persons served?

During FY 2023-24, the Homeless Services and Prevention Program assisted 84 homeless individuals impacted by COVID-19. This grant has helped us become successful through our outreach efforts with those people impacted by COVID and experiencing homelessness. We asssisted 25 people with access to shelters, interim housing, substance programs, and transition housing.

The City will continue its efforts in addressing the emergency shelter and transitional housing needs of the homeless by collaborating with agencies that provide shelter for the homeless. If additional CDBG funds become available, the City will consider funding public service agencies that assist in the emergency shelter and transitional housing needs of homeless persons.

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CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

There are no public housing units in the City of Monterey Park; therefore, this section does not apply.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

There are no public housing units in the City of Monterey Park; therefore, this section does not apply.

Actions taken to provide assistance to troubled PHAs

There is no public housing authority in the City of Monterey Park. The City relies on the the County of Los Angeles Housing Authority, to address public housing needs and OCHA is not designated as troubled.

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CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

In the Housing Element Update, the City has established barrier removal goals, policies and programs. The following goals will be implemented:

- Remove or reduce governmental constraints on affordable housing development.
- Continue efforts to streamline administrative procedures for granting approvals and permits. Review residential development standards, regulations, ordinances, review procedures and permitting fees related to the development of housing. Adjust, as appropriate, those that are determined to be a constraint to the development of housing.
- Encourage the use of density bonuses and provide other regulatory concessions to facilitate affordable housing development.
- Provide appropriate definitions and zoning designations in the Zoning Ordinance to allow and facilitate the development of housing for extremely low-income and special needs persons.
- Streamline the development process, particularly for affordable housing projects, which reduces the costs associated with holding on to land until it can be developed.

The City offers three different density bonus options to encourage the development of affordable housing, senior housing, and mixed-use projects.

As part of the Governmental Constraints analysis for the Housing Element update, revisions to the Monterey Park Zoning Ordinance were identified as appropriate to better facilitate the provision of a variety of housing types such as: emergency shelters, transitional housing, supportive housing, and single-room occupancy (SRO) units.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

Efforts to address obstacles to meeting underserved needs included:

- The City obtained data from the Housing Authority of the County of Los Angeles on the number of Section 8 households assisted by race, ethnicity, age and disability status. The City will compare who is being served to the demographics characteristics of the community. In this way, the City is able to estimate more precisely underserved populations.

- The City encouraged and supported the efforts of the Housing Authority of the County of Los Angeles to seek additional Section 8 Housing Choice Vouchers.
- The City encouraged and supported the efforts of non-profit housing development corporations to seek funding from federal, state and local sources for special needs housing.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

Lead-based paint abatement is encouraged through the use of HOME and CDBG funds. Staff has incorporated procedures in their rehabilitation program which ensure that the potential for lead-based paint hazards will be identified and addressed. Once properties have been deemed eligible for rehabilitation, staff selects a lead-based paint consultant to conduct a Lead-based Paint Evaluation Report prior to the bidding phase of the rehabilitation project. Once the Evaluation Report has been provided by the consultant, copies of the report are included in the bid package to bidding contractors. Based on the results of the tests, contractors include in their bid a work description and cost estimate for abatement either through their own company or an abatement sub-contractor. In addition, the City will continue to work with the County's Childhood Lead Poisoning Prevention Program to provide information to City residents on lead hazards, lead poisoning prevention, and lead-based paint abatement.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

While the City has no control over the majority of the factors affecting poverty, it may be able to assist those living below the poverty line. The City supports other governmental, private, and non-profit agencies involved in providing services to low- and moderate-income residents and coordinates efforts with these groups where possible to allow for more efficient delivery of services.

During the Consolidated Plan period, the City will continue to implement its strategy to help impoverished families achieve economic independence and self-sufficiency. The City's anti-poverty strategy utilizes existing County job training and social service programs to increase employment marketability, household income, and housing options. As funds become available, the City will consider allocating CDBG funds to public service agencies that offer supportive services in the fight against poverty.

Improved employment opportunities are important in reducing the number of people living in poverty. The City addresses this issue by increasing resident's employability through training, and increasing the number of higher paying local jobs. The City will coordinate with Mexican American Opportunity Foundation, Management Career Solutions, West San Gabriel WorkSource, and Asian Youth Center, and Chinatown Service Center in conjunction with the

Employment Development Department, East Los Angeles Community College, and the County of Los Angeles Community Development Commission. These agencies provide job search services such as workshops, computer classes, phones, fax, computers with internet access, job leads, newspapers, and a resource library for job seekers aged 18 and above. Similarly, employers use some of these agencies to recruit and advertise job openings as well as for job fairs, bringing together top local companies and job seekers.

During the Consolidated Plan period, the City's Finance Department will foster economic growth by encouraging economic development opportunities that result in:

1. A jobs/housing balance established through quality employment opportunities for residents;
2. An invigorated economic base through increased sales tax generation; and
3. Economic wealth by attracting external monies to the local economy.

As funding availability permits, the City will consider assistance to public agencies and nonprofit organizations providing neighborhood housing services, supportive services to the homeless, older adults with physical or mental impairment, the mentally ill, victims of domestic violence, and households with abused children, in addition to other services The City will also continue coordinating with public agencies providing job training, life skills training, lead poisoning prevention and remediation, and other community education programs.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

The City's Finance Department is the key department involved in the 5 year Consolidated Plan and Annual Action Plan process. The Finance Department is responsible for administration of the CDBG and HOME programs, including the Annual Action Plan, CAPER and program monitoring.

Additionally, the City focuses on:

- Strengthening the working relationship with the Housing Authority of the County of Los Angeles by providing input to and coordinating with that organization. Efforts to strengthen the institutional structure involves reviewing the five-year and annual plans of the Housing Authority of the County of Los Angeles, encouraging the Authority to conduct outreach to local landlords, providing information to the Authority on the location of housing suitable for disabled persons, and other similar considerations.

- Developing a working alliance with private institutions such as local lenders and associations of Realtors. Local lenders may be a source of referrals for applicants to the Residential Rehabilitation Program. Local associations of realtors may help the City to develop ways of increasing homeownership among all populations.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

The City has developed an inventory of public and private housing, health and social services agencies. The City regularly updates the inventory and maintains a point of contact for each agency. Additionally, the City obtains the agency-specific 5-Year Consolidated and 1-Year Annual Action Plans and maintains these plans in a resource binder to facilitate coordination in future program years.

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

The City completed its Analysis of Impediments in May 2020 which covers the period of 2020–2024. It is important to note that carrying out this analysis alone is not considered sufficient to constitute fair housing action in and of itself. The City works with the Housing Rights Center to address the impediments indentified in the report.

One of the most common impediments to Fair Housing choice is discrimination towards race and familial status. The HRC uses a diverse pool of skilled testers to investigate complaints. When an investigation is complete, each client is advised of the findings and available legal options. Referrals are made to the U.S. Department of Housing and Urban Development (HUD) for complaints regarding lending discrimination, to the Department of Justice (DOJ) for class action cases, to the State Department of Fair Employment and Housing (DFEH), Small Claims Court and to private attorneys for other matters as appropriate. HRC follows the desired legal path selected by the Complainant and mediates the situation if requested to do so. Legal training seminars are available to property owners as a means to educate them on Fair Housing regulations and requirements.

The City of Monterey Park's goal is to ensure that all available avenues are maximized to make sure there are fair housing opportunities for all residents within the City.

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

This part describes the City's compliance with the five monitoring requirements that are contained in 91.230. These requirements include topics such as standards and procedures and ensuring compliance with City housing codes.

1. Standards and Procedures - The City monitors each funded activity to ensure compliance with the CDBG and HOME regulations, national objectives, and subrecipient agreement. The City requires any sub-recipients to execute an agreement with specific performance measures prior to the release of funds. In addition, all records must be maintained for a five-year period. Pursuant to the CDBG contract, progress reports are required to be submitted quarterly and one annual report. Staff conducts periodic site visits to ensure program records are in order and services are being provided in compliance with the sub-recipient agreements. The City further ensures compliance with the Strategic Plan and Action Plan by placing guidelines or conditions in its contracts with consultants that ensure implementation of the annual monitoring goals. All CDBG and HOME funds are disbursed on a reimbursement basis. Invoices must be submitted for payment and must include a description of activities being reimbursed. Audit reports are further required at the close of the year.

2. Monitoring of City's Performance - The previously described Performance Measurement System will be used to monitor the City's performance in meeting its goals and objectives as set forth in the Strategic Plan and Action Plan.

3. Ensuring Compliance with Planning and Monitoring Requirements - The City makes every effort to comply with all CDBG, HOME and Consolidated Plan regulations. The Citizen Participation Plan ensures input from the community prior to action to approve or amend the Consolidated Plan or Action Plan. Housing rehabilitation, construction and professional services agreements are prepared to guarantee compliance with applicable CDBG and HOME program regulations. CDBG subrecipient agreements also contain language consistent with the program regulations. Additionally, the City continues on-site monitoring of CDBG recipients and housing units assisted by HOME funds and subject to affordability covenants.

4. Compliance with Housing Codes and On-Site Inspections - The City has established program guidelines requiring all rental units must meet the City's Housing Code, Building Code, and Zoning Code.

In order to verify compliance with property standards and the information submitted by owners on tenant's incomes, rents and other requirements during a project's period of affordability, the

DRAFT

City conducts on-site inspections of HOME properties according to the total number of units in a project as follows:

1-4 units	every 3 years
5-25 units	every 2 years
25 or more units	annually

5. Monitoring of Subrecipients - As previously described, the City requires sub-recipients to execute an agreement with specific performance measures prior to the release of funds. In addition, all records must be maintained for a five-year period. Progress reports are required to be submitted quarterly and one annual report. Staff conducts periodic site visits to ensure program records are in order and services are being provided in compliance with the sub-recipient agreements.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

The City makes every effort to comply with all CDBG, HOME and Consolidated Plan regulations. The Citizen Participation Plan ensures input from the community prior to action to approve or amend the Consolidated Plan or Action Plan.

The City has made every effort to involve the community in this and every aspect of the CDBG and HOME programs. Public Participation has been encouraged in compliance with the City of Monterey Park Citizen Participation Plan. The CAPER was available to citizens, community groups, and other interested parties for public review and comment for a period of fifteen (15) days. A copy of the notice can be found in Appendix A. No comments were received during the public review/comment period.

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CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

The City did not amend its FY 2023-24 Annual Action Plan.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?	No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

Not applicable.

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CR-50 - HOME 91.520(d)

Include the results of on-site inspections of affordable rental housing assisted under the program to determine compliance with housing codes and other applicable regulations

Please list those projects that should have been inspected on-site this program year based upon the schedule in §92.504(d). Indicate which of these were inspected and a summary of issues that were detected during the inspection. For those that were not inspected, please indicate the reason and how you will remedy the situation.

The City did not conduct the HOME on-site inspections. Currently, the City is creating a list of all HOME projects that are still under the affordability period and are therefore required to be inspected. Once the list is created, all properties will be inspected for compliance. Thereafter, a schedule will be created to ensure the inspections are conducted according to HOME regulations.

Provide an assessment of the jurisdiction's affirmative marketing actions for HOME units. 92.351(b)

The City maintains an affirmative marketing approach that consists of steps to provide information and attract eligible persons to available housing without regard to race, color, national origin, sex, religion, family status or disability. The City also uses marketing procedures that inform potential program participants about Federal fair housing laws and equal housing opportunities. Additionally, the City uses special public outreach programs that include its network of community-based organizations, real estate organizations, public service groups and employment centers to solicit applications and inform the public about eligible programs and available assistance.

For all HOME funded rental projects, the City has obtained, reviewed and approved Marketing Plans and Tenant Leases for compliance with HOME Program regulations.

Refer to IDIS reports to describe the amount and use of program income for projects, including the number of projects and owner and tenant characteristics

Please review IDIS reports regarding this information.

Describe other actions taken to foster and maintain affordable housing. 91.220(k) (STATES ONLY: Including the coordination of LIHTC with the development of affordable housing). 91.320(j)

Monterey Park's annual CDBG and HOME entitlement allocations are limited. The City's HOME rehabilitation program assist with fostering and maintaining affordable housing to low- and moderate-income individuals and families with their housing needs. Another important

element in the City's approach to decent housing is the use of Section 8 Rental Vouchers administered through the County of Los Angeles Housing Authority.

Is there a summary of the efforts to address "worst case needs", and progress in meeting the needs of persons with disabilities? Worst-case housing needs are defined as low-income renter households who pay more than half of their income for rent, live in seriously substandard housing, which includes homeless people, or have been involuntarily displaced. The needs of persons with disability do not include beds in nursing homes or other service-centered facilities.

Efforts to Address Worst Case Needs - Households with worst-case needs are defined as unassisted renters with incomes below 50 percent of the local median who pay more than half of their income for rent or live in severely substandard housing. The City did not address "worst-case housing" needs during the program year. However, the City referred people to the Los Angeles Housing Authority which provides rental assistance to lower income households in the community.

The Needs of Persons with Disabilities - During 2023-24, the City did not award CDBG funds for the needs of persons with disabilities.

A list of projects that should have been inspected on- site this program year based upon the schedule in §92.504(d)?

The City did not conduct the HOME on-site inspections. Currently, the City is creating a list of all HOME projects that are still under the affordability period and are therefore required to be inspected. Once the list is created, all properties will be inspected for compliance. Thereafter, a schedule will be created to ensure the inspections are conducted according to HOME regulations.

DRAFT

Appendix A - Proof of Public Notice

To Be Inserted In Final

DRAFT

Appendix B - Summary of Citizen Participation Comments

To Be Inserted In Final

DRAFT

Appendix C – IDIS Reports

(PR01, PR03, PR06, PR23, PR26, PR33)

To Be Inserted In Final

DRAFT

City Council Staff Report

DATE: October 2, 2024
AGENDA ITEM NO: New Business - 5A

TO: The Honorable Mayor and City Council

FROM: Jessica Serrano, Community Development Director

SUBJECT: Consideration and possible action to introduce and waive first reading of an Ordinance amending Section 105.3.2 to the Administrative Provisions of the California Building Codes governing time limitations for building permit applications.

RECOMMENDATION:

It is recommended that the City Council consider:

1. Introducing and waiving first reading for an Ordinance amending Section 105.3.2 to the Administrative Provisions of the California Building Standards Code (as codified at Monterey Park Municipal Code § 16.01.040); and

2. Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The City reviewed the environmental impacts of the proposed Ordinance pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq*. "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, *et seq*., the "CEQA Guidelines"). CEQA Guidelines §§ 15060(c)(2), 15061(b)(3), 15378, and 15308 exempt activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment, activities where there is possibility that it may have a significant effect on the environment, activities that do not constitute a "project" as defined, and actions to protect the environment, respectively. This activity is for general policies and procedure-making that applies to building applications. Any subsequent construction or development will be evaluated separately under the CEQA Guidelines. Accordingly, this Ordinance is exempt from further CEQA review.

EXECUTIVE SUMMARY:

On November 16, 2022, the City Council adopted the 2022 California Building Standards Code ("CBSC") that became effective on January 1, 2023. California law allows local governments to amend the CBSC for administrative reasons. Monterey Park Municipal Code ("MPMC") Title 16, entitled *Buildings and Construction*, includes § 16.01.040 which codifies administrative sections of the CBSC including, without limitation, Section 105.3.2 which governs the time during which building permit applications are valid.

The draft Ordinance proposes to amend these time limits. This is intended to encourage applicant responsiveness during the plan check process and ensure permits are secured within two years from the application date, including extensions.

BACKGROUND:

Every three years, the State of California adopts new uniform codes that regulate construction and apply to all jurisdictions within California. These are codified in Title 24 of the Code of California Regulations and are commonly referred to as "uniform codes" which includes the CBSC.

CBSC Section 105.3.2 is a part of MPMC § 16.01.040. It governs the time during which an application for a building permit remains valid. Section 23 of Ordinance No. 2224 (which adopted the 2022 CBSC) provides that building permit applications (including building plans) filed before January 1, 2023 would be processed under the 2019 CBSC if a building permit were obtained by April 1, 2023. This Section was intended to ensure all pending applications would either obtain a building permit issued pursuant to the 2019 CBSC or expire by April 1, 2023. When applications expired, any subsequent application would comply with the 2022 CBSC. The City's permitting software (Accela), however, was never updated to reflect this change.

Accela was originally programmed in 2013 to track permit applications and provide automated updates to applicants regarding the status of those applications. The current programming, based upon the existing language of CBSC Section 105.3.2, allows a permit application to remain valid for 180 days after each submittal by an applicant, i.e., it automatically renews the application if an applicant submits plans or other documents needed for a building permit.

Proposed Ordinance

To ensure that the intent of Ordinance No. 2224 is implemented, the draft Ordinance would amend Section 105.3.2 to make it plain that applicants seeking a building permit must secure it within a total of 24 months (an initial one-year review period with the Building Official being able to extend the validity for up to an additional 12 months for good cause) or refile an application.

To clean up the log of all pending applications, the draft Ordinance provides the following:

- For all active applications processed before January 1, 2024, applicants must obtain building permits by December 31, 2024 (this affects 36 applications). The oldest pending application was filed January 3, 2023.

- For all active applications processed on or after January 1, 2024, the 12-month time limit, with the possibility of two extensions up to 12 months would apply retroactively (this affects 181 applications).

This amendment is intended to increase applicant responsiveness during the plan check process and ensure permits are secured within a total of 24 months from the application date, including extensions. Additional changes to the City's permitting system, Accela, will ensure that this amendment is properly implemented.

2024-25 STRATEGIC PLAN GOAL:

The proposed Ordinance meets the 2024-25 Strategic Plan Goal to "Strengthen our local economy and enhance housing opportunities" by enhancing the effectiveness of the City's building application process that facilitates construction projects that positively contribute to the beautification and economic growth of the City.

FISCAL IMPACT:

There are no identifiable fiscal impacts associated with adopting the Ordinance (other than administrative costs associated with codifying the Ordinance and reprogramming Accela).

Respectfully submitted by:

Jessica Serrano
Director of Community Development

Prepared by:

Dennis Tarango
Building Official

Approved by:

Inez Alvarez
City Manager

Reviewed by:

Karl H. Berger
City Attorney

ATTACHMENTS:

1. Ordinance No. _____ amending the Monterey Park Municipal Code, Title 16 *Buildings and Construction*, § 16.01.040 *Administrative Provisions* regarding time limits that apply to applications
2. Notice of Exemption

ATTACHMENT 1

Ordinance No. _____ Amending the Monterey Park Municipal Code, Title 16 *Buildings and Construction*, § 16.01.040 *Administrative Provisions*

ORDINANCE NO. ____

AN ORDINANCE AMENDING SECTION 105.3.2 OF THE ADMINISTRATIVE PROVISIONS OF THE CALIFORNIA BUILDING CODE AS CODIFIED IN MONTEREY PARK MUNICIPAL CODE SECTION 16.01.040 GOVERNING THE TIME DURING WHICH A BUILDING PERMIT APPLICATION IS VALID.

The City Council for the City of Monterey Park does ordain as follows:

SECTION 1: Section 105.3.2 to the Administrative Provisions of the California Building Standards Code, as codified in MPMC § 16.01.040, is amended in its entirety to read as follows:

"**105.3.2 Expiration of Plan Check Applications**. Except as provided in this Section, plan check applications expire 12 calendar months after being filed. After a plan check application expires, a new application must be filed. Applications are not complete unless accompanied with full payment of fees established by city council resolution.

Upon the written request of the applicant, and upon good cause shown, the Building Official(s) may grant up to two separate extensions for a plan check application. A request for a time extension must be filed not later than 15 calendar days before the application expires and be accompanied with payment of fees established by city council resolution. For each request, the Building Official(s) may extend the expiration date for a plan check application up to 180 days. Under all circumstances a plan check application expires 24 months after being filed.

The Building Official(s) must issue a building permit within 12 calendar months after a plan check application is filed or within the extended time granted by the Building Official(s) in accordance with this Section. After 24 months, a new application for a building permit must be filed in accordance with this code."

SECTION 2: ***Retroactivity***. The City Council recognizes that California law, including, without limitation, *Melton v. City of San Pablo* (1967) 252 Cal.App.2d 794 and *In re Cindy B. v. Eugene B.* (1987) 192 Cal.App.3d 771, allows ordinances to be retroactively applied when the legislative intent for such retroactivity is clear. The City Council intends that this Ordinance retroactively apply to pending building permit applications as follows:

A. For building permit applications filed before January 1, 2024, a building permit must be obtained not later than December 31, 2024. Notwithstanding the MPMC, as it existed before or after this Ordinance, if a building permit is not obtained by December 31, 2024, the application will expire for all purposes and may not be extended. A new application must then be filed in accordance with the MPMC.

B. For building permit applications filed after January 1, 2024, Section 105.3.2 as amended by this Ordinance governs the time limitations, i.e., the initial term of 12 months will extend from the date of the application (even if it was filed before the effective date of this Ordinance) and may be extended twice.

SECTION 3: ***Construction***. This Ordinance must be broadly construed to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 4: ***Electronic Signatures.*** This Ordinance may be executed with electronic signatures in accordance with Government Code § 16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 5: ***Enforceability***. Repeal of any provision of the Monterey Park Municipal Code does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 6: ***Validity of Previous Code Sections***. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the MPMC or other city ordinance by this Ordinance will be rendered void and cause such previous MPMC provision or other the city ordinance to remain in full force and effect for all purposes.

SECTION 7: ***Environmental Assessment.*** The City Council finds that adoption of this Ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, et seq., the "State CEQA Guidelines") because it consists only of minor revisions and clarifications to an existing code of construction-related regulations and specification of procedures related thereto and will not have the effect of deleting or substantially changing any regulatory standards or findings required therefor, and therefore does not have the potential to cause significant effects on the environment. In addition, this ordinance is an action being taken for enhanced protection of the environment and is exempt from further review under CEQA Guidelines § 15308.

SECTION 8: ***Severability***. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 9: ***Publication***. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and,

within 15 days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 10: ***Effective Date***. This Ordinance will become effective 30 days after adoption.

SECTION 11: ***Filing with Building Standards Commission***. The City Clerk must file a certified copy of this Ordinance with the California Building Standards Commission.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Monterey Park, held on the ____ day of _____, 2024.

_____
Thomas Wong, Mayor

ATTEST:

_____
Maychelle Yee, City Clerk

APPROVED AS TO FORM:

_____
Karl H. Berger, City Attorney

ATTACHMENT 2
Notice of Exemption

Print Form

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk
County of: Los Angeles, County Clerk
Environmental Filings - 12400 Imperial Hwy, #1201
Norwalk, CA 90650

From: (Public Agency): City of Monterey Park
320 W. Newmark Avenue
Monterey Park, CA 91754
(Address)

Project Title: Ordinance amending Section 105.3.2 to the Administrative Provisions of the California Building Codes

Project Applicant: City of Monterey Park

Project Location - Specific:

Citywide

Project Location - City: Monterey Park Project Location - County: Los Angeles

Description of Nature, Purpose and Beneficiaries of Project:

Ordinance amending Section 105.3.2 to the Administrative Provisions of the California Building Codes governing time limitations for building permit applications.

Name of Public Agency Approving Project: City of Monterey Park

Name of Person or Agency Carrying Out Project: City of Monterey Park

Exempt Status: **(check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption. State type and section number: §§ 15060(c)(2), 15061(b)(3), 15378, 15308
- ☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

City reviewed the environmental impacts of the proposed Ordinance pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, et seq. "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et seq., the "CEQA Guidelines"). CEQA Guidelines §§ 15060(c)(2), 15061(b)(3), 15378, and 15308 exempt activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment, activities where there is possibility that it may have a significant effect on the environment, activities that do not constitute a "project" as defined, and actions to protect the environment, respectively. This activity is for general policies and procedure-making that applies to building applications. Any subsequent construction or development will be evaluated separately under the CEQA Guidelines.

Lead Agency Contact Person: Jessica Serrano Area Code/Telephone/Extension: (626) 307-1463

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: J. Serrano Date: _____ Title: Dir. of Community Development

☐ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, CALIFORNIA, SUPPORTING PROPOSITION 2: THE KINDERGARTEN THROUGH GRADE 12 SCHOOLS AND LOCAL COMMUNITY COLLEGE PUBLIC EDUCATION FACILITIES MODERNIZATION, REPAIR, AND SAFETY BOND ACT OF 2024

BE IT RESOLVED by the Council of the City of Monterey Park as follows:

SECTION 1: The City Council finds as follows:

A. The California Constitution finds public education is a State responsibility in Article IX, Section 5.

B. The State of California lacks a permanent funding stream that is dedicated to the repair and maintenance of school facilities. Because of this, many school facilities rely on one-time state and local bonds for new funds.

C. Unfortunately, California is out of school facility program funds and cannot provide the State match for almost $3.5 billion in projects that qualify for state aid.

D. The City of Monterey Park is home to the Alhambra, Garvey, Los Angeles, and Montebello school districts as well as the Los Angeles Community College District which services 11 public schools. Several million dollars have been cumulatively identified by each district for building and facility improvements which may be partially funded by State bonds.

E. According to the Public Policy Institute of California, 38% of students attended schools that did not meet minimum facility standards in the 2018-2019 academic year. About 30% of school facilities in California were also built more than 50 years ago and 10% were constructed more than 70 years ago.

F. Proposition 2, the *Kindergarten Through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024*, provides for renovation of aging schools, upgrade of existing classrooms, construction of new classrooms to accommodate growth, Career Technical Education facilities to provide job training to meet the workforce needs of California employers, testing and remediation of lead levels in water at school sites, disaster assistance, replacement of 75-year-old buildings, adding essential facilities like libraries and multipurpose rooms, mitigating the effects of higher average temperatures, and assistance for small and low-wealth school districts.

G. School districts need state financial support to implement new mandates and initiatives such as universal Transitional Kindergarten, Expanded Learning, on-site cooking and meal preparation, later secondary school start times, and solar power generation and storage.

H. Quality 21st Century school facilities designed for today's and tomorrow's students enhance academic achievement and further the State's academic goals. Research from the California Department of Education has found that students who attend school facilities in good condition have been shown to generally have higher academic achievement, increased attendance, and fewer suspensions.

I. Proposition 2, the *Kindergarten Through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024*, will not raise State taxes and may reduce the need for additional local property taxes for school facilities. In addition, Proposition 2 will enhance public accountability and transparency for the use of its proceeds.

J. The City of Monterey Park and Monterey Park City Council fosters literacy and academic achievement for all community members and strongly supports Proposition 2, the *Kindergarten Through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024*.

SECTION 2: *Electronic Signatures*. This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 3: *Recordation*. The Mayor, or presiding officer, is authorized to sign this Resolution, signifying its adoption by the City Council of the City of Monterey Park, and the City Clerk, or her duly appointed deputy, may attest thereto.

SECTION 4: *Effective Date.* This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this 2nd day of October 2024.

_____
Thomas Wong, Mayor

Attest:

_____
Maychelle Yee, City Clerk

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, CALIFORNIA, DECLARING AND RECOGNIZING OCTOBER 9, 2024, AS NATIONAL WALK & ROLL TO SCHOOL DAY

BE IT RESOLVED by the Council of the City of Monterey Park as follows:

SECTION 1: The City Council finds as follows:

A. National Walk & Roll to School Day is on October 9, 2024, and is an annual event that involves communities from across the country walking and rolling to school on the same day.

B. Celebrating its 28th year, National Walk & Roll to School Day is an impactful event that raises awareness on making walking and biking safer for children and youth and supporting Vision Zero initiatives. Vision Zero aims to eliminate traffic fatalities and severe injuries among all road users while increasing safe, healthy, and equitable mobility.

C. According to the National Highway and Traffic Safety Administration (NHTSA), 188 child pedestrians were killed in traffic crashes in 2022 and there was an estimated number of 6,946 child pedestrians injured in traffic crashes. Many of these tragedies could have been prevented by taking proactive and preventative approaches to prioritize traffic safety as a public health issue.

D. National Walk & Roll to School Day encourages more than just safety for children and youth. National Walk & Roll to School Day promotes healthier habits, active lifestyles, and a cleaner environment.

E. Active trips to school enable children to incorporate the regular physical activity they need each day while also forming healthy habits that can last a lifetime. In addition, by walking or biking to school, individuals and families can reduce the amount of air pollutants emitted by automobiles.

F. The City of Monterey Park is home to the Alhambra, Garvey, Los Angeles, and Montebello school districts. Fifteen (15) schools are within Monterey Park city limits and there are more than 8,300 students enrolled in preschool through grade 12.

G. The City of Monterey Park encourages all families, children, and youth to partake in a National Walk & Roll to School Day event by safely walking, biking, or rolling to school on October 9, 2024. Additional resources, pedestrian safety tips, and information can be found on The National Center for Safe Routes to School website at: https://www.walkbiketoschool.org/.

H. In early October. Monterey Park Police Department's Traffic Bureau will coordinate with select schools to provide a safe route to school and provide a briefing to all

the participating students, parents, and staff with the goal of establishing safe walk or bike to school practices the students and parents will use year-round.

I. The City of Monterey Park supports pedestrian safety and reminds everyone to always use sidewalks when available and watch for cars coming from side streets and driveways. The City of Monterey Park would also like to remind drivers to be fully aware of children on the streets around school arrival and dismissal times.

J. The Monterey Park City Council hereby declares and recognizes October 9, 2024, as National Walk & Roll to School Day.

SECTION 2: *Electronic Signatures*. This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 3: *Recordation*. The Mayor, or presiding officer, is authorized to sign this Resolution, signifying its adoption by the City Council of the City of Monterey Park, and the City Clerk, or her duly appointed deputy, may attest thereto.

SECTION 4: *Effective Date.* This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this 2nd day of October 2024.

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Thomas Wong, Mayor

Attest:

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Maychelle Yee, City Clerk