

**CITY COUNCIL OF MONTEREY PARK
AND THE CITY COUNCIL ACTING ON BEHALF OF THE SUCCESSOR AGENCY
OF THE FORMER REDEVELOPMENT AGENCY AND THE MONTEREY PARK FINANCING
AUTHORITY
AGENDA**

REGULAR CITY COUNCIL MEETING

**Wednesday
July 21, 2021
6:30 p.m.**

Public Hearing Item No. 4A will begin promptly at 7:00 p.m.

EXECUTIVE ORDER NO. N-29-20

These meetings will be conducted pursuant to Section 3 of Executive Order No. N-29-20 issued by Governor Newsom on March 17, 2020.

Accordingly, Councilmembers will be provided with a meeting login number and conference call number; they will not be physically present at Council Chambers.

Pursuant to the Governor's order, the public may provide public comment utilizing the methods set forth below.

Note that City Hall is currently closed to the public. You will not be admitted to City Hall.

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.

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>.

This Agenda may include items considered by the City Council acting on behalf of the Successor Agency of the former Monterey Park Redevelopment Agency which dissolved February 1, 2012. Successor Agency matters will include the notation of "SA" next to the Agenda Item Number.

PUBLIC PARTICIPATION

In accordance with Executive Order No. N-29-20 and guidance from the California Department of Public Health on gatherings, remote public participation is allowed in the following ways:

Via Email

Public comment will be accepted up to 24 hours before the meeting via email to mpclerk@montereypark.ca.gov and, when feasible, read into the record during public comment. Written communications are limited to not more than 50 words.

Via Telephone

Public comment may be submitted via telephone during the meeting, before the close of public comment, by calling **(888) 788-0099 or (877) 853-5247** and entering Zoom Meeting ID: **289 222 5995** then press pound (#). When prompted to enter participation ID number press pound (#) again. If participants would like to make a public comment they will enter **“*9”** then the Clerk’s office will be notified, and you will be in the rotation to make a public comment. Press **“*6”** to unmute yourself when called upon to speak. Participants are encouraged to join the meeting 15 minutes before the start of the meeting. You may speak up to 5 minutes on Agenda item. Speakers will not be allowed to combine time. The Mayor and City Council may change the amount of time allowed for speakers. As part of the virtual meeting protocols, anonymous persons will not be allowed to provide public comment.

Important Disclaimer

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CALL TO ORDER Mayor

FLAG SALUTE Mayor

ROLL CALL Peter Chan, Hans Liang, Henry Lo, Fred Sornoso, Yvonne Yiu

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

PUBLIC COMMUNICATIONS:

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.

[1.] PRESENTATION

1-A. PRESENTATION BY ASSESSOR PRANG FROM THE LOS ANGELES COUNTY OFFICE OF THE ASSESSOR ON OVERVIEW OF PROGRAMS, TAX SAVING MEASURES, AND PROP 19

1-B. INTRODUCTION OF DIRECTOR OF HUMAN RESOURCES AND RISK MANAGEMENT - CHRISTINE TOMIKAWA

1-C. 2021-2022 HOUSING ELEMENT UPDATE

1-D. 2021 FIREWORK ENFORCEMENT UPDATE

1-E. UPDATE ON NEW AND INNOVATIVE SHOP LOCAL APP PROGRAM

[2.] OLD BUSINESS – None.

[3.] CONSENT CALENDAR ITEMS NOS. 3A-3C

3-A. MINUTES

It is recommended that the City Council (and the City Council acting on behalf of the Successor Agency) consider:

- (1) Approving the minutes from the regular meeting of June 2, 2021 and the special meeting of May 26, 2021; and
- (2) Taking such additional, related, action that may be desirable.

3-B. MONTHLY INVESTMENT REPORT – JUNE 2021

It is recommended that the City Council consider:

- (1) Receiving and filing the monthly investment report; and
- (2) Taking such additional, related, action that may be desirable.

3-C. WAIVE FURTHER READING AND ADOPT AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE § 2.04.050 TO CHANGE THE ELECTION DATE OF GENERAL MUNICIPAL ELECTIONS AND REQUESTING CONSOLIDATION WITH LOS ANGELES COUNTY PURSUANT TO ELECTIONS CODE § 1301

It is recommended that the City Council consider:

- (1) Waiving further reading and adopt an ordinance amending Monterey Park Municipal Code § 2.04.050 to change the election date of general municipal elections and requesting consolidation with Los Angeles County pursuant to Elections Code § 1301; or
- (2) Taking such additional, related, action that may be desirable.

[4.] PUBLIC HEARING

4-A. PUBLIC HEARING TO RECEIVE INPUT REGARDING REDRAWING OF COUNCIL DISTRICT BOUNDARIES PURSUANT TO ELECTIONS CODE § 21601

It is recommended that the City Council consider:

- (1) Conducting a Public Hearing to receive testimony on redrawing of council district boundaries pursuant to Elections Code § 21601;
- (2) Providing direction to the City's demographer regarding redrawing of council district boundaries pursuant to Elections Code § 21601; and
- (3) Taking such additional, related, action that may be desirable.

4-B. RESOLUTION ADOPTING THE WHITMORE VILLAS MITIGATED NEGATIVE DECLARATION AND APPROVING TENTATIVE MAP NO. 82607 (TM-20-03)

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 Whitmore Villas Mitigated Negative Declaration and approving Tentative Map No. 82607 (TM-20-03); and
- (5) Taking such additional, related, action that may be desirable.

California Environmental Quality Act (CEQA):

Pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code §§ 21000, *et seq.*) and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*), an environmental assessment was conducted for this project. An Initial Study and a Mitigated Negative Declaration were prepared and were made available for public review from March 16, 2021 through April 14, 2021. With the implementation of certain mitigation measures, the proposed Project will not have a significant impact on the environment and therefore a Mitigated Negative Declaration (MND) with Mitigation Measures and Mitigation Monitoring and Reporting Plan (MMRP) is recommended for adoption.

[5.] NEW BUSINESS

5-A. DISSOLUTION AND CONSOLIDATION OF CERTAIN CITY COMMISSIONS; FORMATION OF TRAFFIC SAFETY COMMITTEE

It is recommended that the City Council consider:

- (1) Introducing and waiving first reading of an ordinance amending the Monterey Park Municipal Code to dissolve the personnel board and traffic commission;
- (2) Adopting a resolution consolidating the Community Participation and Environmental Commission into the Monterey Park Environmental and Community Participation Commission and authorizing the City Manager to create the Traffic Safety Committee;
- (3) If desirable, extending the terms of certain appointed officials on any remaining commissions; and
- (4) Taking such additional, related, action that may be desirable.

5-B. CONSIDERATION OF OPPOSING SENATE BILL 9 (ATKINS), INCREASED DENSITY IN SINGLE-FAMILY ZONES

It is recommended that the City Council consider:

- (1) Opposing Senate Bill 9, Increased Density in Single-Family Zones by sending a letter or adopting a Resolution; and
- (2) Taking such additional, related, action that may be desirable.

[6.] CITY COMMUNICATIONS (CITY COUNCIL)

[7.] FUTURE AGENDA ITEMS

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

ADJOURN



City Council Staff Report

DATE: July 21, 2021

AGENDA ITEM NO: Consent Calendar
Agenda Item 3A

TO: The Honorable Mayor and City Council

FROM: Vincent D. Chang, City Clerk

SUBJECT: Minutes

RECOMMENDATION:

It is recommended that the City Council (and the City Council acting on behalf of the Successor Agency) consider:

1. Approving the minutes from the regular meeting of June 2, 2021 and the special meeting of May 26, 2021; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

None.

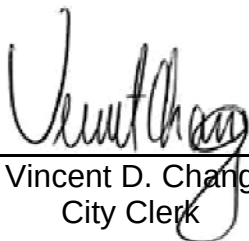
BACKGROUND:

None.

FISCAL IMPACT:

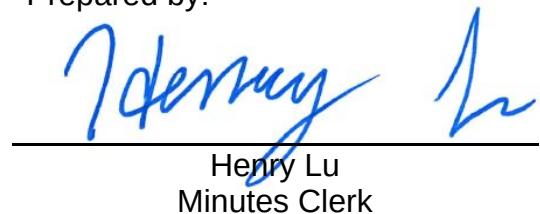
None.

Respectfully submitted,



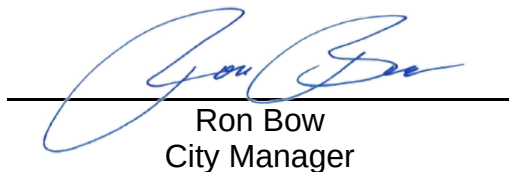
Vincent D. Chang
City Clerk

Prepared by:



Henry Lu
Minutes Clerk

Approved By:



Ron Bow
City Manager

ATTACHMENT(S):

1. Draft Minutes

ATTACHMENT 1

Draft Minutes

**MINUTES
MONTEREY PARK CITY COUNCIL
SUCCESSOR AGENCY (SA)
SPECIAL MEETING
MAY 26, 2021**

The City Council of the City of Monterey Park held a Special Teleconference Meeting via Zoom on Wednesday, May 26, 2021 at 5:00 p.m. The regular meeting was conducted pursuant to Section 3 of Executive Order No. N-29-20 issued on March 17, 2020. Accordingly, Council Members were provided a meeting login number and conference call number and were not physically present at Council Chambers.

The minutes include items considered by the City Council acting on behalf of the Successor Agency of the former Monterey Park Redevelopment Agency, which dissolved February 1, 2012. Successor Agency matters will include the notation of "SA" next to the Agenda Item Number.

PUBLIC PARTICIPATION

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MISSION STATEMENT

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CALL TO ORDER:

Mayor Yiu called the meeting to order at 5:00 p.m.

FLAG SALUTE:

Mayor Yiu led the Flag Salute.

ROLL CALL:

City Clerk Vincent Chang called the roll:

Council Members Present: Peter Chan, Hans Liang, Henry Lo, Fred Sornoso,
Yvonne Yiu

Council Members Absent: None

ALSO PRESENT: City Manager Ron Bow, City Attorney Karl Berger, City Treasurer Joseph Leon, Assistant City Manager Inez Alvarez, Fire Chief Matt Hallock, Police Chief Kelly Gordon, Director of Management Services Martha Garcia, City Librarian Diana Garcia, Director of Public Works Frank Lopez, Interim Director of Human Resources and Risk Management Danielle Tellez, Economic Development Manager Joseph Torres, Planning Manager Jason Moquin, Recreation and Community Services Manager Robert Aguirre, Water Utility Manager Richard Gonzales, Community Communications Coordinator Randy Ishino, Deputy City Clerk Cindy Trang, Assistant Deputy City Clerk Helena Cho, Minutes Clerk Henry Lu

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

None.

PUBLIC COMMUNICATIONS

None.

NEW BUSINESS

1. FISCAL YEAR 2021-2022 BUDGET

Consideration and possible action regarding the Fiscal Year 2021-2022 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 2021-2022 spending plan overview;
- Proposed staffing changes to reflect efficient core staffing mix;
- 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.

Recommendations: The City Council should consider: (1) Receiving and filing the Preliminary Budget documentation for Fiscal Year 2021-2022; and (2) Alternatively, take such additional, related, action that may be desirable.

Action Taken: The City Council engaged in a discussion of the Fiscal Year 2021-2022 Preliminary Budget. By consensus, the City Council scheduled the approval of the Preliminary Budget for Fiscal Year 2021-22 for the June 16, 2021 regular City Council meeting.

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 8:40 p.m.

Vincent D. Chang
City Clerk

**MINUTES
MONTEREY PARK CITY COUNCIL
SUCCESSOR AGENCY (SA)
JUNE 2, 2021**

The City Council of the City of Monterey Park held a Regular Teleconference Meeting via Zoom on Wednesday, June 2, 2021 at 6:30 p.m. The regular meeting was conducted pursuant to Section 3 of Executive Order No. N-29-20 issued on March 17, 2020. Accordingly, Council Members were provided a meeting login number and conference call number and were not physically present at Council Chambers.

The minutes include items considered by the City Council acting on behalf of the Successor Agency of the former Monterey Park Redevelopment Agency, which dissolved February 1, 2012. Successor Agency matters will include the notation of "SA" next to the Agenda Item Number.

PUBLIC PARTICIPATION

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MISSION STATEMENT

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CALL TO ORDER:

Mayor Yiu called the meeting to order at 6:30 p.m.

FLAG SALUTE:

Mayor Yiu led the Flag Salute.

ROLL CALL:

City Clerk Vincent Chang called the roll:

Council Members Present: Peter Chan, Hans Liang, Henry Lo, Fred Sornoso,
Yvonne Yiu

Council Members Absent: None

ALSO PRESENT: City Manager Ron Bow, City Treasurer Joseph Leon, Assistant City Attorney Mark Hensley, Assistant City Manager Inez Alvarez, Fire Chief Matt Hallock, Police Chief Kelly Gordon, Director of Management Services Martha Garcia, City Librarian Diana Garcia, Director of Public Works Frank Lopez, Interim Director of Human Resources and Risk Management Danielle Tellez, Economic Development Manager Joseph Torres, Planning Manager Jason Moquin, Community Communications Coordinator Randy Ishino, Deputy City Clerk Cindy Trang

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

None.

PUBLIC COMMUNICATIONS

Public Speaker Disclaimer: Meetings are held virtually and the information listed for the speakers may or may not reflect the correct spelling of their respective name.

- Frank Lopez, Director of Public Works, announced that the City will host a Community Cleanup, bulky item drop-off event on June 5, 2021 at Highlands Park from 8:00 a.m. – 1:00 p.m.
- Joseph Leon, City Treasurer, requested that the City Council add warrant registers back on the City Council agendas. He stated that warrants allowed residents to view certain itemization of expenditures for certain periods. He urged the City Council to prioritize his request.

1. PRESENTATION

None.

2. OLD BUSINESS

None.

3. CONSENT CALENDAR ITEMS NOS. 3A-3D

Matters listed under consent calendar are considered to be routine, ongoing business and are enacted by one motion unless specified.

Action Taken: The City Council and the City Council, acting on behalf of the Successor Agency, approved and adopted Agenda Items Nos. 3A and 3B on Consent Calendar, excluding Agenda Items Nos. 3C and 3D which were pulled for discussion and separate motion, reading resolutions and ordinances by the title only and waiving further reading thereof.

Motion: Moved by Council Member Chan and seconded by Council Member Liang motion carried by the following vote:

Ayes: Council Members: Chan, Liang, Sornoso, Lo, Yiu
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: None

3A. WAIVE FURTHER READING AND ADOPT AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE MONTEREY PARK MUNICIPAL CODE AS SPECIFIED GOVERNING COMMISSIONS, BOARDS, AND COMMITTEES

The first reading and introduction of the Ordinance took place at the May 19, 2021 City Council meeting. The May 19, 2021 staff report is attached to the staff report for reference. Second reading and adoption of this Ordinance amendment is recommended; it will take effect in 30 days.

As requested by City Council, staff prepared a few recommendations for City Council consideration regarding Commissions, Boards and Committees (collectively, Commissions).

There is concern about the ability of certain Commissions, Boards and Committees to establish a quorum and fill vacancies needed to hold regularly scheduled meetings. Although all Commissions are at or near full capacity in recent months, there is a historical challenge establishing or maintaining a quorum. While the circumstances resulting in cancellation vary (e.g., due to vacancies, lack of items for discussion and/or lack of a quorum), these cancellations nevertheless disrupt the orderly conduct of City business. Consequently, the Council may wish to review the following recommendations to address concerns regarding term limits and quorum.

CEQA (California Environmental Quality Act):

This Ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA Guidelines (14 California Code of Regulations ("CCR") §§ 15000, et seq.) because it establishes rules and procedures to clarify existing policies and practices related to government organization; 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 Ordinance

does not constitute a “project” that requires environmental review (see specifically 14 CCR § 15378(b)(4-5)).

Action Taken: The City Council waived further reading and adopted Ordinance No. 2209 amending sections of the Monterey Park Municipal Code Chapter 2.82 regulating the term of service and quorum requirements for Boards, Commissions and Committees on Consent Calendar.

Ordinance No. 2209, entitled:

AN ORDINANCE AMENDING SECTIONS OF THE MONTEREY PARK MUNICIPAL CODE CHAPTER 2.82 REGULATING THE TERM OF SERVICE AND QUORUM REQUIREMENTS FOR BOARDS, COMMISSIONS AND COMMITTEES

3B. REAPPOINTMENT OF LARRY SULLIVAN TO THE LIBRARY BOARD OF TRUSTEES FOR A SECOND TERM

The term for the Library Board of Trustees is three years with the possibility of reappointment for one additional consecutive three-year term.

Larry Sullivan's service on the Library Board of Trustees began on November 27, 2018. His first term will end June 30, 2021. If reappointed, he will serve through June 30, 2024.

Recommendation: that the City Council consider (1) Reappointing one incumbent Library Board Trustee for a second term; (2) OR directing the City Clerk to solicit applications for new candidates to be appointed to the Library Board of Trustees; and (3) Taking such additional, related, action that may be desirable.

Action Taken: The City Council reappointed one incumbent Library Board Trustee for a second term on Consent Calendar.

3C. 2018 STATE HOMELAND SECURITY GRANT PROGRAM – COST SAVINGS AWARD

The Fire Department received notification of an approved modification to the 2018 State Homeland Security Grant Program (SHSGP) providing the Fire Department an award increase of \$32,260.48. Per Monterey Park Resolution No. 11740 adopted by the Monterey Park City Council on May 6, 2015, staff is reporting this additional award and the project details.

Action Taken: The City Council received and filed the report.

Motion: Moved by Council Member Sornoso and seconded by Mayor Yiu motion carried by the following vote:

Ayes: Council Members: Chan, Liang, Sornoso, Lo, Yiu
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: None

3D. APPROVE PURCHASE OF TWO AUTOMATIC DEFIBRILLATORS AND ONE AUTO PULSE

The Fire Department provides pre-hospital advanced life support emergency response to Covid-19 and non-Covid-19 patients. More than 80% of its emergency calls are for emergency medical response. To aid in the response of cardiac arrest patients and those experiencing ventricular tachycardia (chaotic heartbeats), the Fire Department seeks authorization to purchase two X Series Advanced® Automatic External Defibrillator/monitors and one AutoPulse® from Zoll Medical Corp. funded by the CARES Act (Provider Relief Fund).

Action Taken: The City Council waived bidding requirements pursuant to Monterey Park Municipal Code §3.20.050(2) and awarded the bid to Zoll Medical Corp. Funds in the amount of \$110,278.37 are available in Account Number 3003201-5510-32001 and FY 2020-2021 Budget, Account Number 1013220-23700; and authorized the City Manager to execute an agreement in a form approved by the City Attorney.

Motion: Moved by Council Member Sornoso and seconded by Council Member Liang motion carried by the following vote:

Ayes: Council Members: Chan, Liang, Sornoso, Lo, Yiu
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: None

4. PUBLIC HEARING

4A. THE CITY IS REQUIRED TO CONDUCT A PUBLIC HEARING TO CONSIDER ASSESSMENTS FOR THE CITYWIDE MAINTENANCE DISTRICT NO. 93-1 FOR FISCAL YEAR 2021-22 PURSUANT TO STREETS AND HIGHWAYS CODE §§ 22500, ET SEQ.

In 1993 the City formed a citywide benefit assessment district to finance the operation and maintenance of public street lighting and landscaping. The district was renewed each of the past 28 years and must be renewed for 2021-22 in order for the City to continue the collection of assessments. The City started the process to renew its Citywide Maintenance District No. 93-1 for the 2021-22 fiscal year at

its April 21, 2021 meeting. At that time, the City Council approved the Engineer's Report; adopted the Resolution of Intention (Resolution No. 12235) and scheduled the required public hearing for June 2, 2021. The district renewal will follow the City Council's action at the conclusion of the June 2nd public hearing.

CEQA (California Environmental Quality Act):

The proposed action is exempt from review under the California Environmental Quality Act (Cal. Pub. Res. Code §§ 21000, *et seq.*; "CEQA") and CEQA Guidelines (Cal. Code Regs. tit. 14, §§ 15000, *et seq.*) because it establishes, modifies, structures, restructures, and approves rates and charges for meeting operating expenses; purchasing supplies, equipment, and materials; meeting financial requirements; and obtaining funds for capital projects needed to maintain service within existing service areas. The proposed action, therefore, is categorically exempt from further CEQA review under CEQA Guidelines § 15273.

Action Taken: The City Council (1) opened the public hearing at 6:54 p.m. to receive testimonial and documentary evidence; and (2) noting that there were no public speakers, closed the public hearing at 6:55 p.m. and adopted Resolution No. 12248 authorizing the Levy and Collection of Assessments for Fiscal Year 2021-22 in Citywide Maintenance District No. 93-1 pursuant to Streets and Highways Code § 22587.

Motion: Moved by Mayor Pro Tem Lo and seconded by Council Member Liang motion carried by the following vote:

Ayes: Council Members: Chan, Liang, Sornoso, Lo, Yiu
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: None

Resolution No. 12248, entitled:

A RESOLUTION AUTHORIZING THE LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2021-22 IN CITYWIDE MAINTENANCE DISTRICT NO. 93-1 PURSUANT TO STREETS AND HIGHWAYS CODE § 22587

5. NEW BUSINESS

None.

6. CITY COMMUNICATIONS (CITY COUNCIL)

6A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK RECOGNIZING THE MONTH OF JUNE AS LGBTQ PRIDE MONTH (REQUESTED BY MAYOR PRO TEM LO)

Action Taken: The City Council adopted Resolution No. 12249 recognizing the month of June as LGBTQ Pride Month.

Motion: Moved by Mayor Pro Tem Lo and seconded by Council Member Liang motion carried by the following vote:

Ayes: Council Members: Chan, Liang, Lo, Yiu
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: Sornoso

Resolution No. 12249, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK
RECOGNIZING THE MONTH OF JUNE AS LGBTQ PRIDE MONTH

COUNCIL COMMUNICATIONS

Council Member Chan appointed Ms. Sui Ying Fong to the Commission on Aging. He mentioned that he had lunch with Mr. Alberto Roman, President of East Los Angeles College (ELAC), and that he invited Mr. Roman to the City Hall to develop a closer relationship between ELAC and the City. He announced that the Barnes Park swimming pool is open to the public. He reported that he attended the San Gabriel Valley Council of Governments (SGVCOG) meeting and relayed that they discussed the reopening guidelines for the State of California.

Council Member Liang wished the City of Monterey Park a Happy 105th Birthday. He gave his condolences to the Los Angeles County Fire Department for the recent loss of their firefighter.

Council Member Sornoso wished the City of Monterey Park a Happy 105th Birthday. He gave his condolences to the Los Angeles County Fire Department regarding the recent loss of their firefighter. He invited the public to Community Clean-Up Day on June 5, 2021 at Highlands Park.

Mayor Pro Tem Lo commended the American Legion Post 397 for their Memorial Day flag retirement and flag raising ceremony. He stated that he attended the Painters and Allied Trades District Council 36 Grand Re-opening of their office located on Corporate Center Drive in Monterey Park. He announced that on Saturday, June 5, 2021, there will be a LGBTQ (Lesbian, Gay, Bisexual, Transgender, Queer) Pride March and Rally starting from Mark Keppel High School to Barnes Park. He wished the City of Monterey Park a Happy 105th Birthday and wished everyone a Happy Gay Pride month.

Mayor Yiu announced that May 29, 2021 was the 105th birthday for the City of Monterey Park. She reported that she attended the Painters and Allied Trades District Council 36 Grand Re-opening of their office located on Corporate Center Drive in Monterey Park. She requested staff to provide updates on the Shop Local App Program.

7. FUTURE AGENDA ITEMS

None.

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

None.

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 7:20 p.m.

Vincent D. Chang
City Clerk



City Council Staff Report

DATE: July 21, 2021

AGENDA ITEM NO: Consent Calendar
Agenda Item 3B

TO: The Honorable Mayor and City Council
FROM: Joseph Leon, City Treasurer
SUBJECT: Monthly Investment Report – June 2021

RECOMMENDATION:

It is recommended that the City Council consider:

1. Receiving and filing the monthly investment report; and
2. Taking such additional, related, action that may be desirable.

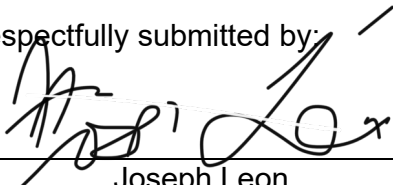
EXECUTIVE SUMMARY:

As of June 30, 2021 invested funds for the City of Monterey Park is \$102,419,847.88.

BACKGROUND:

In accordance with the City's Investment Policy, a monthly investment report is presented to the City Council showing the types of investments, dates of maturities, amounts of deposits, rates of interest, and the current market values for securities with maturity more than 12 months. The attached monthly investment report includes a summary investment report for the LA County Pooled Investment Fund, which displays the composition by type for the entire pooled investment fund.

Respectfully submitted by:



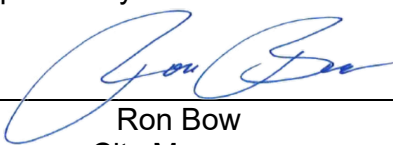
Joseph Leon
City Treasurer

Prepared by:



Martha Garcia
Director of Management Services

Approved by:



Ron Bow
City Manager

Attachment 1

Monthly Investment Report

**CITY OF MONTEREY PARK
INVESTMENT REPORT
JUNE 30, 2021**

INVESTMENTS PORTFOLIO PROFILE:

TOTAL BALANCE AT 6/30/2021 **\$ 102,419,847.88**

INVESTMENT COMPOSITION

(1) <u>LA COUNTY POOLED INVESTMENT FUND</u> <i>(See Schedule A for LA County Pool Composition)</i>	ON DEMAND	0.500%	<u>\$ 8,738,626.14</u>
(2) <u>LOCAL AGENCY INVESTMENT FUND</u>	ON DEMAND	0.300%	<u>\$ 92,696,221.74</u>

(3) <u>CERTIFICATES OF DEPOSIT</u>	<u>Purchase Date</u>	<u>Maturity Date</u>	<u>Interest Rate</u>	
1 PREFERRED BANK	09/03/20	09/03/21	0.76%	100,000
2 PREFERRED BANK	09/08/20	09/08/21	0.76%	150,000
3 MORGAN STANLEY BANK	02/27/20	02/28/22	1.70%	245,000
4 MORGAN STANLEY PRIVATE BANK	02/27/20	02/28/22	1.70%	245,000
5 AMERICAN FIRST CREDIT UNION	03/06/20	03/07/22	1.60%	245,000
<i>Total CDs (5)</i>			1.304%	<u>\$ 985,000.00</u>

OTHER INFORMATION:

BANK BALANCE: ⁽¹⁾ \$ 8,612,686.10

AVERAGE MATURITY DAYS 3

AVERAGE INTEREST RATE FOR THE MONTH 0.328%

THE CITY'S INVESTMENT HAS SUFFICIENT LIQUIDITY TO MEET THE CITY'S EXPENDITURE REQUIREMENTS FOR THE NEXT 180 DAYS. THE 180-DAY LIQUIDITY DISCLOSURE IS REQUIRED PER GOVERNMENT CODE 53646.

ESTIMATED INTEREST EARNINGS FOR 2020-2021 \$760,237

THERE HAVE BEEN NO VARIANCES TO THE INVESTMENT POLICY.

(1) Bank balance is maintained to cover outstanding warrants, payroll checks and on-going operating costs.

POOLED SURPLUS AND SPECIFIC PURPOSE INVESTMENTS
AS OF MAY 31, 2021

SCHEDULE A

<u>PORTFOLIO PROFILE</u>	<u>Pooled Surplus Investments</u>	<u>Specific Purpose Investments</u>
Inventory Balance at 05/31/21		
At Cost	\$ 39,728,446,961	\$ 116,873,506
At Market	\$ 39,428,150,604	\$ 116,239,755
Repurchase Agreements	\$ -	\$ -
Reverse Repurchase Agreements	\$ -	\$ -
Composition by Security Type:		
Certificates of Deposit	7.55%	0.00%
United States Government and Agency Obligations	63.75%	62.66%
Bankers Acceptances	0.00%	0.00%
Commercial Paper	28.45%	0.00%
Municipal Obligations	0.07%	2.74%
Corporate and Deposit Notes	0.18%	0.00%
Repurchase Agreements	0.00%	0.00%
Asset-Backed	0.00%	0.00%
Other	0.00%	34.60%
1-60 days	35.05%	0.00%
61 days-1 year	29.34%	34.60%
Over 1 year	35.61%	65.40%
Weighted Average Days to Maturity	1044	



City Council Staff Report

DATE: July 21, 2021

AGENDA ITEM NO: Consent Calendar
Agenda Item 3C

TO: The Honorable Mayor and City Council
FROM: Vincent D. Chang, City Clerk
SUBJECT: Waive further reading and adopt an ordinance amending Monterey Park Municipal Code § 2.04.050 to change the election date of general municipal elections and requesting consolidation with Los Angeles County pursuant to Elections Code § 1301

RECOMMENDATION:

It is recommended that the City Council consider:

1. Waiving further reading and adopt an ordinance amending Monterey Park Municipal Code § 2.04.050 to change the election date of general municipal elections and requesting consolidation with Los Angeles County pursuant to Elections Code § 1301; or
2. Taking such additional, related action that may be desirable.

EXECUTIVE SUMMARY:

The first reading and introduction of the Ordinance took place at the July 7, 2021 City Council meeting. The July 7, 2021 staff report is attached for reference. Second reading and adoption of this Ordinance amendment is recommended; it will become effective upon approval by the Los Angeles County Board of Supervisors pursuant to Elections Code § 1301(b)(1).

Respectfully submitted by:

A blue ink signature of Vincent D. Chang, written over a horizontal line.

Vincent D. Chang
City Clerk

Prepared by:

A blue ink signature of Cindy H. Trang, written over a horizontal line.

Cindy H. Trang
Deputy City Clerk

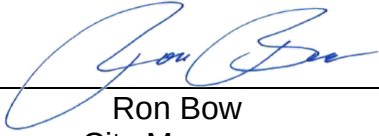
Reviewed by:

A blue ink signature of Inez Alvarez, written over a horizontal line.

Inez Alvarez

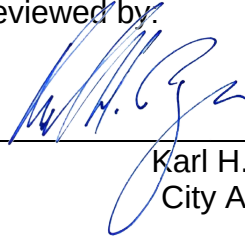
Assistant City Manager

Reviewed by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

Attachments:

1. Draft Ordinance
2. July 7, 2021 Staff Report

ATTACHMENT 1

Draft Ordinance

ORDINANCE NO.

AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE § 2.04.050 TO CHANGE THE ELECTION DATE OF GENERAL MUNICIPAL ELECTIONS AND REQUESTING CONSOLIDATION WITH LOS ANGELES COUNTY PURSUANT TO ELECTIONS CODE § 1301.

THE CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1: *Recitals*. The City Council finds as follows:

- A. Elections Code § 1301 and § 10403.5 authorize the City to reschedule its general municipal election to the day of the statewide general election.
- B. Effective January 1, 2021, SB 970 amends Elections Code § 1001 which governs the dates of statewide elections. As a result, the City is required to change its election date from March 2022 to either June or November 2022.
- C. In order to accomplish the change in election date, the term of incumbent elected officials whose terms would otherwise end in March 2022 must be lengthened from March 2022 to November 2022 when elected officials elected in November 2022 take office. Additionally, elected officials whose terms would otherwise end in March 2024 must be lengthened from March 2024 to November 2024 when elected officials elected in 2024 take office.

SECTION 2: *Change to Election Date*. In accordance with Elections Code §§ 1301 and 10403.5, Monterey Park Municipal Code ("MPMC") § 2.04.050 is amended to read as follows:

"Section 2.04.050. **Municipal Elections.**

Beginning with elections held after March 2020, the general municipal election will be held on the first Tuesday after the first Monday in November of even-numbered years. The first general municipal election after the March 2020 general municipal election will be held on the first Tuesday after the first Monday in November 2022."

SECTION 3: *Adjustment of Terms of Office*. In accordance with Elections Code §§ 1301 and 10403.5(d), due to the change of election date, the terms of office of those elected officials presently serving whose terms would previously have expired in March 2022 will instead vacate in their office upon certification of the results and administration of oaths of office after the November 2022 General Municipal Election. The terms of office of those elected officials presently serving whose terms would previously have expired in March 2024 will instead vacate in their office upon certification of the results and administration of oaths of office after the November 2024 General Municipal

Election.

SECTION 4: Consolidated Election. Pursuant to Elections Code § 1301, the City Council requests the County of Los Angeles approve consolidation of the City's 2022 City Council election with the statewide general election conducted by the County in November of each even-numbered year.

SECTION 5: Notice to Voters. Pursuant to Elections Code § 10403.5, within 30 days after this Ordinance becomes effective, the City Clerk must cause a notice to be mailed to all registered voters of the City of Monterey Park (pursuant to the last report of registration by the County Clerk to the Secretary of State) informing the voters of the change in the election date. The notice must also inform the voters that as a result in the change in election date, elected city officeholders' terms in office will be changed.

SECTION 6: Date of the First City Council Election in 2022. If this Ordinance becomes effective, the first City Council election to be held in 2022 will be November 8, 2022.

SECTION 7: Request to the County. The City Clerk is directed to forward, without delay, a certified copy of this Ordinance to the Los Angeles County Board of Supervisors and the County Election Department.

SECTION 8: Savings Clause. Repeal of any provision of the MPMC or any other regulation by 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. 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 9: 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 10: Validity of Previous Code Sections. If this the entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal of the MPMC or other regulation by this Ordinance will be rendered void and cause such MPMC provision or other regulation to remain in full force and effect for all purposes.

SECTION 11: Effective Date. This Ordinance will only become effective upon approval by the Los Angeles County Board of Supervisors pursuant to Elections Code § 1301(b)(1).

SECTION 12: 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 13: **Publication.** The City Clerk must certify as to the adoption of this ordinance and cause the summary thereof to be published within fifteen calendar (15) days of the adoption and post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code § 36993, for the City of Monterey Park.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2021.

Yvonne Yiu, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney

ATTACHMENT 2

July 7, 2021 Staff Report



City Council Staff Report

DATE: July 7, 2021

AGENDA ITEM NO: New Business
Agenda Item 5A

TO: The Honorable Mayor and City Council
FROM: Vincent D. Chang, City Clerk
SUBJECT: Senate Bill 970 – Elections Date Change

RECOMMENDATION:

It is recommended that the City Council consider:

1. Introducing and waiving first reading of an ordinance amending Monterey Park Municipal Code ("MPMC") § 2.04.050 to change the election date of general municipal elections and requesting consolidation with Los Angeles County pursuant to Elections Code § 1301;
2. Appropriating \$12,000 to account no. 1051301-5206 from the General Fund balance for satisfying the noticing requirement for changing the election date;
3. Receiving and filing the mayoral rotation schedule or provide direction to be brought back at a future council meeting for consideration; and
4. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

Senate Bill (SB) 970 changes the date of the statewide direct primary to the first Tuesday after the first Monday in June in even-numbered years in which there is no presidential primary to take effect January 1, 2021. The change will affect the terms of office for all elected officials and the City Council mayoral rotation schedule. The effect of the election date and the release of the 2020 Census data will determine the deadline for submittal of the redistrict map to the Los Angeles County.

BACKGROUND:

At the November 18, 2020, City Council meeting, staff presented a report regarding Senate Bill 970 which mandates changing the date for City's general municipal election to June or November of even years. Whether the City Council chooses June or November, the terms of all elected officials will be extended by Elections Code § 10403.5. For officials elected in 2017 (Councilmembers Hans Liang, and Peter Chan; City Clerk Vincent Chang; and City Treasurer Joseph Leon), terms would be extended either three months (to June 2022) or eight months (to November 2022). For officials elected in 2020 (Mayor Yvonne Yiu; Mayor Pro Tem Henry Lo; and Councilmember Fred Sornoso), terms

would be extended the same length of time in 2024, i.e., from either three months (June 2024) or eight months (November 2024).¹

At the April 7, 2021 City Council meeting, staff presented a report providing an overview of redistricting process for City Council districts and the 2020 Census data update. Both the November 8, 2020 and the April 7, 2021, staff reports are attached as reference.

According to the U.S. Census Bureau, the 2020 Census redistricting data will be released by September 30, 2021. The statewide database will require an additional 30 days to adjust the datasets for redistricting. In accordance with Elections Code § 21602, the boundaries of City Council districts must be adopted not later than 174 days before the City's next regular municipal election. The Los Angeles County Registrar Recorder's office's deadline for submitting a new district map is December 9, 2021 for the June 7, 2022 election, and May 12, 2022 for the November 8, 2022 election.

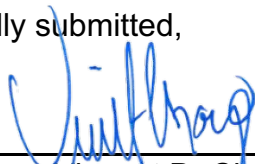
The City's voting records show that November elections typically have greater voter turnout and participation. For example, the November 3, 2020 election recorded a 74.56% voter turnout in comparison to the March 3, 2020 election, at just 36.32%. As the Elections Official, City Clerk Chang recommends that the City Council change the municipal election date from March to November of even years.

The attached mayoral schedules reflect the mayoral rotation corresponding to the June and November election dates. When the City Council chooses an election date, the schedule relative to that election date will be implemented. The City Council may choose to provide additional direction adjusting the schedule to be brought back at a future council meeting for consideration.

FISCAL IMPACT:

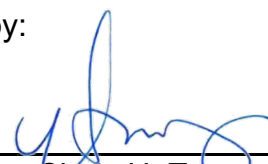
\$12,000 from the General Fund balance will be required to satisfy the noticing requirement.

Respectfully submitted,



Vincent D. Chang
City Clerk

Prepared by:



Cindy H. Trang
Deputy City Clerk

¹ The City Council could consider having different municipal election dates every two years, e.g., June or November beginning in 2022 and every four years afterward; and March in 2024 and every four years afterward. That, however, seems impractical and confusing for voters.

Reviewed By:



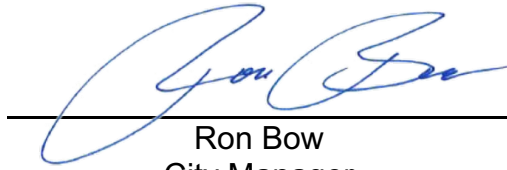
Martha Garcia
Director of Management
Services

Reviewed by:



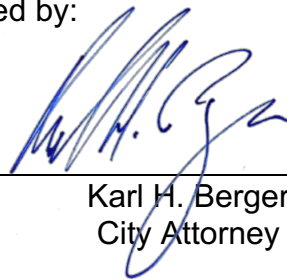
Inez Alvarez
Assistant City Manager

Approved By:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

Attachments:

1. Draft Ordinance
2. Mayoral Rotation Schedules
3. November 18, 2020, City Council Staff Report
4. April 7, 2021, City Council Staff Report

ATTACHMENT 1

Draft Ordinance

ORDINANCE NO.

AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE § 2.04.050 TO CHANGE THE ELECTION DATE OF GENERAL MUNICIPAL ELECTIONS AND REQUESTING CONSOLIDATION WITH LOS ANGELES COUNTY PURSUANT TO ELECTIONS CODE § 1301.

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SECTION 4: Consolidated Election. Pursuant to Elections Code § 1301, the City Council requests the County of Los Angeles approve consolidation of the City's 2022 City Council election with the statewide general election conducted by the County in _____ of each even-numbered year.

SECTION 5: Notice to Voters. Pursuant to Elections Code § 10403.5, within 30 days after this Ordinance becomes effective, the City Clerk must cause a notice to be mailed to all registered voters of the City of Monterey Park (pursuant to the last report of registration by the County Clerk to the Secretary of State) informing the voters of the change in the election date. The notice must also inform the voters that as a result in the change in election date, elected city officeholders' terms in office will be changed.

SECTION 6: Date of the First City Council Election in 2022. If this Ordinance becomes effective, the first City Council election to be held in 2022 will be _____.

SECTION 7: Request to the County. The City Clerk is directed to forward, without delay, a certified copy of this Ordinance to the Los Angeles County Board of Supervisors and the County Election Department.

SECTION 8: Savings Clause. Repeal of any provision of the MPMC or any other regulation by 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. 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.

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SECTION 13: Publication. The City Clerk must certify as to the adoption of this ordinance and cause the summary thereof to be published within fifteen calendar (15)

days of the adoption and post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code § 36993, for the City of Monterey Park.

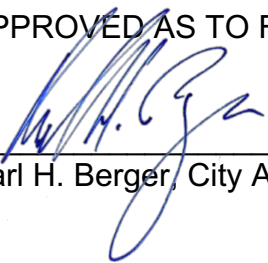
PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2021.

Yvonne Yiu, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney

ATTACHMENT 2

Mayoral Rotation Schedules

Mayoral Rotation June Elections

Previous mayor term ended 5/4/2020

Mayoral Duration	Beginning Date	Ending Date	Order Mayor	Mayor Pro Tem	Council Member	Council Member	Council Member
15.0 wks	5/5/2020	8/17/2020	Hans Liang	Peter Chan	District 3	District 4	District 2
15.0 wks	8/18/2020	11/30/2020	Peter Chan	Yvonne Yiu (D2)	Henry Lo (D4)	Fred Sornoso (D3)	Hans Liang
56.0 wks	12/1/2020	12/27/2021	Yvonne Yiu (D2)	Henry Lo (D4)	Fred Sornoso (D3)	Hans Liang	Peter Chan
Election	6/7/2022		Henry Lo (D4)	Fred Sornoso (D3)	District 1/5	District 1/5	Yvonne Yiu (D2)
56.0 wks	12/28/2021	1/23/2023	Henry Lo (D4)	Fred Sornoso (D3)	District 1/5	District 1/5	Yvonne Yiu (D2)
56.0 wks	1/24/2023	2/19/2024	Fred Sornoso (D3)	District 1/5	District 1/5	Yvonne Yiu (D2)	Henry Lo (D4)
Election	3/5/2024		District 1/5	District 1/5	District 2/3/4	District 2/3/4	District 2/3/4
41.0 wks	2/20/2024	12/2/2024	District 1/5	District 1/5	District 2/3/4	District 2/3/4	District 2/3/4
41.0 wks	12/3/2024	9/15/2025	District 1/5	District 2/3/4	District 2/3/4	District 2/3/4	District 1/5
Election	6/2/2026		District 2/3/4	District 2/3/4	District 2/3/4	District 1/5	District 1/5
41.0 wks	9/16/2025	6/29/2026	District 2/3/4	District 2/3/4	District 2/3/4	District 1/5	District 1/5
41.0 wks	6/30/2026	4/12/2027	District 2/3/4	District 2/3/4	District 1/5	District 1/5	District 2/3/4
41.0 wks	4/13/2027	1/24/2028	District 2/3/4	District 1/5	District 1/5	District 2/3/4	District 2/3/4
Election	3/7/2028		District 1/5	District 1/5	District 2/3/4	District 2/3/4	District 2/3/4
41.0 wks	1/25/2028	11/6/2028	District 1/5	District 1/5	District 2/3/4	District 2/3/4	District 2/3/4
41.0 wks	11/7/2028	8/20/2029	District 1/5	District 2/3/4	District 2/3/4	District 2/3/4	District 1/5
41.0 wks	8/21/2029	6/3/2030	District 2/3/4	District 2/3/4	District 2/3/4	District 1/5	District 1/5
Election	6/4/2030		District 2/3/4	District 2/3/4	District 1/5	District 1/5	District 2/3/4
41.0 wks	6/4/2030	3/17/2031	District 2/3/4	District 2/3/4	District 1/5	District 1/5	District 2/3/4
41.0 wks	3/18/2031	12/29/2031	District 2/3/4	District 1/5	District 1/5	District 2/3/4	District 2/3/4
Election	3/2/2032		District 1/5	District 1/5	District 2/3/4	District 2/3/4	District 2/3/4
41.0 wks	12/30/2031	10/11/2032	District 1/5	District 1/5	District 2/3/4	District 2/3/4	District 2/3/4
41.0 wks	10/12/2032	7/25/2033	District 1/5	District 2/3/4	District 2/3/4	District 2/3/4	District 1/5
41.0 wks	7/26/2033	5/8/2034	District 2/3/4	District 2/3/4	District 2/3/4	District 1/5	District 1/5
Election	6/6/2034		District 2/3/4	District 2/3/4	District 1/5	District 1/5	District 2/3/4
41.0 wks	5/9/2034	2/19/2035	District 2/3/4	District 2/3/4	District 1/5	District 1/5	District 2/3/4
41.0 wks	2/20/2035	12/3/2035	District 2/3/4	District 1/5	District 1/5	District 2/3/4	District 2/3/4
Election	3/4/2036		District 1/5	District 1/5	District 2/3/4	District 2/3/4	District 2/3/4
41.0 wks	12/4/2035	9/15/2036	District 1/5	District 1/5	District 2/3/4	District 2/3/4	District 2/3/4
41.0 wks	9/16/2036	6/29/2037	District 1/5	District 2/3/4	District 2/3/4	District 2/3/4	District 1/5
41.0 wks	6/30/2037	4/12/2038	District 2/3/4	District 2/3/4	District 2/3/4	District 1/5	District 1/5
Election	6/8/2038		District 2/3/4	District 2/3/4	District 1/5	District 1/5	District 2/3/4
41.0 wks	4/13/2038	1/24/2039	District 2/3/4	District 2/3/4	District 1/5	District 1/5	District 2/3/4
41.0 wks	1/25/2039	11/7/2039	District 2/3/4	District 1/5	District 1/5	District 2/3/4	District 2/3/4
Election	3/6/2040		District 1/5	District 1/5	District 2/3/4	District 2/3/4	District 2/3/4
41.0 wks	11/8/2039	8/20/2040	District 1/5	District 1/5	District 2/3/4	District 2/3/4	District 2/3/4
41.0 wks	8/21/2040	6/3/2041	District 1/5	District 2/3/4	District 2/3/4	District 2/3/4	District 1/5
41.0 wks	6/4/2041	3/17/2042	District 2/3/4	District 2/3/4	District 2/3/4	District 1/5	District 1/5
Election	6/3/2042		District 2/3/4	District 2/3/4	District 1/5	District 1/5	District 2/3/4
41.0 wks	3/18/2042	12/29/2042	District 2/3/4	District 2/3/4	District 1/5	District 1/5	District 2/3/4
41.0 wks	12/30/2042	10/12/2043	District 2/3/4	District 1/5	District 1/5	District 2/3/4	District 2/3/4
Election	3/8/2044		District 1/5	District 1/5	District 2/3/4	District 2/3/4	District 2/3/4
41.0 wks	10/13/2043	7/25/2044	District 1/5	District 1/5	District 2/3/4	District 2/3/4	District 2/3/4
41.0 wks	7/26/2044	5/8/2045	District 1/5	District 2/3/4	District 2/3/4	District 2/3/4	District 1/5

**Mayoral Rotation
November Elections**

Previous mayor term ended 5/4/2020

Mayoral Duration	Beginning Date	Ending Date	Order Mayor	Mayor Pro Tem	Council Member	Council Member	Council Member
15.0 wks	5/5/2020	8/17/2020	Hans Liang	Peter Chan	District 3	District 4	District 2
15.0 wks	8/18/2020	11/30/2020	Peter Chan	Yvonne Yiu (D2)	Henry Lo (D4)	Fred Sornoso (D3)	Hans Liang
56.0 wks	12/1/2020	12/27/2021	Yvonne Yiu (D2)	Henry Lo (D4)	Fred Sornoso (D3)	Hans Liang	Peter Chan
Election	11/8/2022		Henry Lo (D4)	Fred Sornoso (D3)	District 1/5	District 1/5	Yvonne Yiu (D2)
56.0 wks	12/28/2021	1/23/2023	Henry Lo (D4)	Fred Sornoso (D3)	District 1/5	District 1/5	Yvonne Yiu (D2)
56.0 wks	1/24/2023	2/19/2024	Fred Sornoso (D3)	District 1/5	District 1/5	Yvonne Yiu (D2)	Henry Lo (D4)
Election	11/5/2024		District 1/5	District 1/5	District 2/3/4	District 2/3/4	District 2/3/4
41.0 wks	2/20/2024	12/2/2024	District 1/5	District 1/5	District 2/3/4	District 2/3/4	District 2/3/4
41.0 wks	12/3/2024	9/15/2025	District 1/5	District 2/3/4	District 2/3/4	District 2/3/4	District 1/5
41.0 wks	9/16/2025	6/29/2026	District 2/3/4	District 2/3/4	District 2/3/4	District 1/5	District 1/5
Election	11/3/2026		District 2/3/4	District 2/3/4	District 1/5	District 1/5	District 2/3/4
41.0 wks	6/30/2026	4/12/2027	District 2/3/4	District 2/3/4	District 1/5	District 1/5	District 2/3/4
41.0 wks	4/13/2027	1/24/2028	District 2/3/4	District 1/5	District 1/5	District 2/3/4	District 2/3/4
41.0 wks	1/25/2028	11/6/2028	District 1/5	District 1/5	District 2/3/4	District 2/3/4	District 2/3/4
Election	11/7/2028		District 1/5	District 2/3/4	District 2/3/4	District 2/3/4	District 1/5
41.0 wks	11/7/2028	8/20/2029	District 1/5	District 2/3/4	District 2/3/4	District 2/3/4	District 1/5
41.0 wks	8/21/2029	6/3/2030	District 2/3/4	District 2/3/4	District 2/3/4	District 1/5	District 1/5
Election	11/5/2030		District 2/3/4	District 2/3/4	District 1/5	District 1/5	District 2/3/4
41.0 wks	6/4/2030	3/17/2031	District 2/3/4	District 2/3/4	District 1/5	District 1/5	District 2/3/4
41.0 wks	3/18/2031	12/29/2031	District 2/3/4	District 1/5	District 1/5	District 2/3/4	District 2/3/4
41.0 wks	12/30/2031	10/11/2032	District 1/5	District 1/5	District 2/3/4	District 2/3/4	District 2/3/4
Election	11/2/2032		District 1/5	District 2/3/4	District 2/3/4	District 2/3/4	District 1/5
41.0 wks	10/12/2032	7/25/2033	District 1/5	District 2/3/4	District 2/3/4	District 2/3/4	District 1/5
41.0 wks	7/26/2033	5/8/2034	District 2/3/4	District 2/3/4	District 2/3/4	District 1/5	District 1/5
Election	11/7/2034		District 2/3/4	District 2/3/4	District 1/5	District 1/5	District 2/3/4
41.0 wks	5/9/2034	2/19/2035	District 2/3/4	District 2/3/4	District 1/5	District 1/5	District 2/3/4
41.0 wks	2/20/2035	12/3/2035	District 2/3/4	District 1/5	District 1/5	District 2/3/4	District 2/3/4
41.0 wks	12/4/2035	9/15/2036	District 1/5	District 1/5	District 2/3/4	District 2/3/4	District 2/3/4
Election	11/4/2036		District 1/5	District 2/3/4	District 2/3/4	District 2/3/4	District 1/5
41.0 wks	9/16/2036	6/29/2037	District 1/5	District 2/3/4	District 2/3/4	District 2/3/4	District 1/5
41.0 wks	6/30/2037	4/12/2038	District 2/3/4	District 2/3/4	District 2/3/4	District 1/5	District 1/5
Election	11/2/2038		District 2/3/4	District 2/3/4	District 1/5	District 1/5	District 2/3/4
41.0 wks	4/13/2038	1/24/2039	District 2/3/4	District 2/3/4	District 1/5	District 1/5	District 2/3/4
41.0 wks	1/25/2039	11/7/2039	District 2/3/4	District 1/5	District 1/5	District 2/3/4	District 2/3/4
41.0 wks	11/8/2039	8/20/2040	District 1/5	District 1/5	District 2/3/4	District 2/3/4	District 2/3/4
Election	11/6/2040		District 1/5	District 2/3/4	District 2/3/4	District 2/3/4	District 1/5
41.0 wks	8/21/2040	6/3/2041	District 1/5	District 2/3/4	District 2/3/4	District 2/3/4	District 1/5
41.0 wks	6/4/2041	3/17/2042	District 2/3/4	District 2/3/4	District 2/3/4	District 1/5	District 1/5
Election	11/4/2042		District 2/3/4	District 2/3/4	District 1/5	District 1/5	District 2/3/4
41.0 wks	3/18/2042	12/29/2042	District 2/3/4	District 2/3/4	District 1/5	District 1/5	District 2/3/4
41.0 wks	12/30/2042	10/12/2043	District 2/3/4	District 1/5	District 1/5	District 2/3/4	District 2/3/4
41.0 wks	10/13/2043	7/25/2044	District 1/5	District 1/5	District 2/3/4	District 2/3/4	District 2/3/4
Election	11/8/2044		District 1/5	District 2/3/4	District 2/3/4	District 2/3/4	District 1/5
41.0 wks	7/26/2044	5/8/2045	District 1/5	District 2/3/4	District 2/3/4	District 2/3/4	District 1/5

ATTACHMENT 3

November 18, 2020 City Council Staff Report



City Council Staff Report

DATE: November 18, 2020

AGENDA ITEM NO: New Business
Agenda Item 5-A

TO: The Honorable Mayor and City Council
FROM: Vincent D. Chang, City Clerk
Karl H. Berger, City Attorney
SUBJECT: Senate Bill 970 – Elections Date Change

RECOMMENDATION:

It is recommended that the City Council consider:

1. Introducing and waiving first reading of an ordinance amending Monterey Park Municipal Code ("MPMC") § 2.04.050 to change the election date of general municipal elections and requesting consolidation with Los Angeles County pursuant to Elections Code § 10403;
2. Provide direction to the City Clerk regarding the mayoral rotation schedule to be brought back at a future council meeting for consideration; and
3. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

On September 18, 2020, the Governor signed Senate Bill (SB) 970 into law changing several sections of the California Elections Code effective January 1, 2021. In particular, SB 970 mandates the City Council change the date for the City's general municipal election to June or November 2022. This will affect the terms of office for all City Councilmembers, the City Clerk, and the City Treasurer. The extension of office terms will also affect the mayoral rotation schedule.

BACKGROUND:

In 2015, the California Legislature adopted the California Voter Participation Rights Act ("CVPRA"). The CVPRA was adopted to remedy declining voter turnout in municipal elections and was specifically intended to affect cities holding municipal elections in odd numbered years. Based upon certain voter turnout criteria (a more complete overview is included from the attached 2016 staff report), such cities (including Monterey Park) were required to consolidate their elections with the statewide elections in June or November

of even years. Practically, the CVRPA prohibits the City from holding a general municipal election on any date other than a statewide election date.

The CVRPA allowed cities – up until 2022 – to hold elections in odd-numbered years if they adopted a plan before January 1, 2018 to implement the CVRPA. In 2016, the City Council opted to postpone any action until sometime before the scheduled general municipal election in 2021. One of the main reasons for the City Council's decision in 2016 was that changing the City's general municipal election to November of even years would reduce the terms for certain council members by four months.

In 2017, the Legislature adopted SB 568 which became effective in 2019. SB 568 again changed the statewide election dates from June or November of even years, to *March* and November of even years.

This change allowed the City Council to change the date of the general municipal election from March of *odd* numbered years to March of *even* numbered years. Accordingly, this meant that elections originally scheduled for March 2021 would be rescheduled for March 2022. A consequence of that action (explained more below) was that the terms of councilmembers would be *extended by 12 months* pursuant to Elections Code § 10403.5(b).

Because the change in election dates would result in an extension in their terms of office, rather than a reduction as contemplated in 2016, the City Council opted to change the City's election date from March 2021 to March 2022 (see attached staff report from 2017). Based upon its actions in 2017, therefore, the City's general municipal election is scheduled for March 2022 at which time Council District Nos. 1 and 5 will be on the ballot.

Effective January 1, 2021, however, the statewide election dates become these:

- An election held in November of an even-numbered year.
- An election held in June of an even-numbered year that is not evenly divisible by four and **in March of each even-numbered year that is evenly divisible by four** (emphasis added).

As can be seen by the emphasized language, the City's March 2022 municipal election cannot be held (2022 is not evenly divisible by four). Consequently, the City Council *must* change its municipal election date from March to *either* June or November of 2022.

The City's voting records show that November elections typically have greater voter turnout and participation. As the Elections Official, City Clerk Chang recommends that the City Council change the municipal election date from March to November of even years. This change would also be more defensible under the CVRPA.

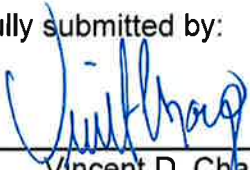
Whether the City Council chooses June or November, the terms of all elected officials will be extended by Elections Code § 10403.5. For officials elected in 2017 (Mayor Peter Chan, Councilmember Hans Liang, City Clerk Vincent Chang, and City Treasurer Joseph Leon), terms would be extended either three months (to June 2022) or eight months (to November 2022). For officials elected in 2020 (Mayor pro tem Yvonne Yiu, Councilmember Henry Lo, and Councilmember Fred Sornoso), terms would be extended the same length of time in 2024, i.e., from either three months (June 2024) or eight months (November 2024).¹

Based upon the election date selected by the City Council, the mayoral rotation approved earlier this year will require amending. Some direction from the City Council regarding how that rotation should occur would be helpful. For example, a determination whether Mayor Peter Chan and Councilmember Hans Liang should be included in the mayoral rotation (i.e., obtain additional time as mayor); if Mayor Chan's current mayoral term should be extended (i.e., beyond November 18, 2020); or if the mayor terms for Councilmembers elected in 2020 should be extended to coincide with the time extensions in 2024.

FISCAL IMPACT:

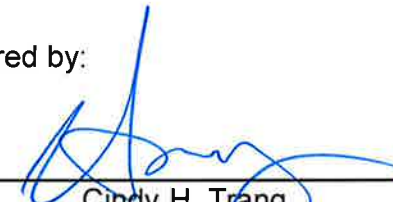
None.

Respectfully submitted by:



Vincent D. Chang
City Clerk

Prepared by:



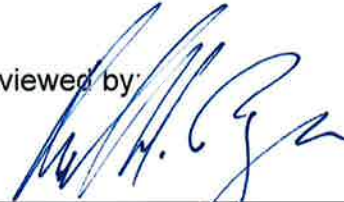
Cindy H. Trang
Deputy City Clerk

Reviewed by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

Attachments:

1. Draft Ordinance
2. October 19, 2016 and December 6, 2017 Staff Reports (without attachments)

¹ The City Council could consider having different municipal election dates every two years, e.g., June or November beginning in 2022 and every four years afterward; and March in 2024 and every four years afterward. That, however, seems impractical and confusing for voters.

Staff Report
November 18, 2020

ATTACHMENT 1
Draft Ordinance

ORDINANCE NO.

AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE § 2.04.050 TO CHANGE THE ELECTION DATE OF GENERAL MUNICIPAL ELECTIONS AND REQUESTING CONSOLIDATION WITH LOS ANGELES COUNTY PURSUANT TO ELECTIONS CODE § 10403.

THE CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1: *Recitals*. The City Council finds as follows:

- A. Elections Code § 1301 and § 10403.5 authorize the City to reschedule its general municipal election to the day of the statewide general election.
- B. Effective January 1, 2021, SB 970 amends Elections Code § 1001 which governs the dates of statewide elections. As a result, the City is required to change its election date from March 2022 to either June or November 2022.
- C. The City requests consolidation of its elections with the statewide general election conducted by the County of Los Angeles on the first Tuesday after the first Monday in March of even-numbered years.
- D. In order to accomplish the change in election date, the term of incumbent elected officials whose terms would otherwise end in March 2022 must be lengthened from March 2022 to _____ 2022 when elected officials elected in _____ 2022 take office. Additionally, elected officials whose terms would otherwise end in March 2024 must be lengthened from March 2024 to _____ 2024 when elected officials elected in 2024 take office.

SECTION 2: *Change to Election Date*. In accordance with Elections Code §§ 1301 and 10403.5, Monterey Park Municipal Code ("MPMC") § 2.04.050 is amended to read as follows:

"Section 2.04.050. *Municipal Elections*.

Beginning with elections held after March 2020, the general municipal election will be held on the first Tuesday after the first Monday in _____ of even-numbered years. The first general municipal election after the March 2020 general municipal election will be held on the first Tuesday after the first Monday in _____ 2022."

SECTION 3: *Adjustment of Terms of Office*. In accordance with Elections Code §§ 1301 and 10403.5(d), due to the change of election date, the terms of office of those elected officials presently serving whose terms would previously have expired in March 2022 will instead vacate in their office upon certification of the results and administration

of oaths of office after the ____ 2022 General Municipal Election. The terms of office of those elected officials presently serving whose terms would previously have expired in March 2024 will instead vacate in their office upon certification of the results and administration of oaths of office after the ____ 2024 General Municipal Election

SECTION 4: Consolidated Election. Pursuant to Elections Code § 1301, the City Council requests the County of Los Angeles approve consolidation of the City's 2022 City Council election with the statewide general election conducted by the County in ____ of each even-numbered year.

SECTION 5: Notice to Voters. Pursuant to Elections Code § 10403.5, within 30 days after this Ordinance becomes effective, the City Clerk must cause a notice to be mailed to all registered voters of the City of Monterey Park (pursuant to the last report of registration by the County Clerk to the Secretary of State) informing the voters of the change in the election date. The notice must also inform the voters that as a result in the change in election date, elected city officeholders' terms in office will be changed.

SECTION 6: Date of the First City Council Election in 2022. If this Ordinance becomes effective, the first City Council election to be held in 2022 will be ____.

SECTION 7: Request to the County. The City Clerk is directed to forward, without delay, a certified copy of this Ordinance to the Los Angeles County Board of Supervisors and the County Election Department.

SECTION 8: Savings Clause. Repeal of any provision of the MPMC or any other regulation by 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. 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 9: 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 10: Validity of Previous Code Sections. If this the entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal of the MPMC or other regulation by this Ordinance will be rendered void and cause such MPMC provision or other regulation to remain in full force and effect for all purposes.

SECTION 11: Effective Date. This Ordinance will only become effective upon approval by the Los Angeles County Board of Supervisors pursuant to Elections Code § 1301(b)(1).

SECTION 12: Publication. The City Clerk must certify as to the adoption of this ordinance and cause the summary thereof to be published within fifteen calendar (15) days of the adoption and post a certified copy of this ordinance, including the vote for

and against the same, in the office of the City Clerk, in accordance with Government Code § 36993, for the City of Monterey Park.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2020.

_____, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:

Karl H. Berger, City Attorney

Staff Report
November 18, 2020

ATTACHMENT 2
October 19, 2016 and December 6, 2017 Staff Reports



City Council Staff Report

DATE: October 19, 2016

AGENDA ITEM NO: New Business
Agenda Item 6-J.

TO: The Honorable Mayor and City Council
FROM: Vincent D. Chang, City Clerk
SUBJECT: CONSIDERATION OF THE CALIFORNIA VOTER PARTICIPATION RIGHTS ACT (CALIFORNIA STATE SENATE BILL 415) AND CONSOLIDATION WITH A STATEWIDE GENERAL ELECTION DATE

RECOMMENDATION:

It is recommended that the City Council consider:

1. Provide direction to staff concerning the option desired for a statewide consolidation date, Option A or B:

Option A - introduce and waive first reading of an ordinance to change the election dates to November even years beginning November 6, 2018 or November 3, 2020 and repealing Ordinance No. 1885, and schedule second reading and adoption for November 2, 2016;

OR

Option B – take action to reaffirm the election date in Ordinance No. 1885 and plan to reconsider the matter not later than 2021; and

2. Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The California Voter Participation Rights Act (SB 415) was passed on September 1, 2015. This new legislation prohibits a local government from holding an election on any date other than a statewide election date if holding the election on a date nonconcurrent with the statewide election has previously resulted in a "significant decrease in voter turnout." A "significant decrease in voter turnout" is defined as voter turnout for a regularly scheduled election that is at least twenty-five percent (25%) less than the average voter turnout within that city for the previous four (4) statewide general elections. SB 415 requires cities with insufficient voter turnout to either change their election dates to June or November of even year, or, prior to January 1, 2018, adopt a plan to consolidate future election with a statewide election not later than the November 8, 2022, statewide general election.

BACKGROUND:

SB 415 adds a new chapter to the California Elections Code (Section 14050 -14057) that attempts to remedy declining voter turnout in municipal elections. Under SB 415, general law cities must hold municipal elections on a statewide election date if holding the municipal election on a date other than the statewide election previously resulted in a voter turnout that was at least 25% less than the average voter turnout of the previous four statewide elections. Such cities are required to consolidate their elections with the statewide elections in June or November of even years.

Accordingly, to determine if Monterey Park is required to consolidate with a statewide general election date, it is necessary to review the recent election voter turnout data.

Statewide General Election Data - Monterey Park			
Election Date	Registered Voters	Ballots Cast	Voter Turnout (percentage)
Nov. 2008	25,660	18,748	73.06%
Nov. 2010	26,785	12,753	47.61%
Nov. 2012	26,796	16,865	62.94%
Nov. 2014	27,565	7,328	26.58%
State subtotal of Four Years <i>(Ballots/Registered=Voter Turnout)</i>			210.19%
State Four Year Average <i>(210.19/4)</i>			52.55%
State Four Year Average Less 25% <i>(52.55x.25=13.14-52.55=39.41)</i>			39.41%
General Municipal Election Data - Monterey Park			
March 2015	27,474	5,356	19.49%

As the above data illustrates, the voter turnout for the City's most recent municipal election was 19.49%. This is lower than the minimum threshold of 39.41%. Since the City experienced a "significant decrease in voter turnout," Monterey Park must begin conducting its general municipal elections on statewide general election dates as soon as 2018. SB 415 requires the local jurisdiction to either consolidate its election with a statewide election, or by January 1, 2018 adopt a plan to consolidate its election with the statewide election not later than the November 8, 2022 statewide general election.

In order to accommodate the statewide election dates, cities are required to increase or decrease terms of office depending on their existing election schedule. Elections Code Section 10403.5(b) limits increases or decreases to terms of office to no more than twelve months. Since the City of Monterey Park (the "City") holds its regular elections in March of odd years, any term increase to June or November of the following even year exceeds the 12 month cap established by Elections Code Section 10403.5(b).

For the City Council's consideration, following are two potential options for compliance with the provisions of SB 415:

Reducing of the upcoming Council member terms of office by 4 months (March of an odd year, to the prior November of an even year).

Option A is reflected in the draft ordinance that changes the City's general municipal election to November of even years with consolidation to begin November 6, 2018 or November 3, 2020. Consolidation for the November 2018 election will affect the terms of office that began March 2015 and 2017; consolidation for the November 2020 will affect the terms of office beginning March 2017 and 2019. Option A requires adoption of an ordinance, requesting the County Board of Supervisors for approval for future consolidation, and compliance with the noticing requirement.

Option B is simply a decision to postpone taking any immediate action. Instead, the Council would plan on reexamining the issue until not later than 2021. At that time, the City Council could consider any changes to California law (which are anticipated in the next five years) and take appropriate action (if any). Option B would simply be a minute action that can be forwarded to the County Board of Supervisors with an accompanying cover letter (which would include Ordinance No. 1885).

Another possible option to consider is increasing the terms in a two-step process by changing the election dates from March of odd years to November of odd years and again, changing the election dates from November of odd years to November of even years. This action may cause voter confusion due to the changes of election dates in such a small window of time.

Actions to change the election date require the City to adopt an ordinance changing its current election date. Elections Code Section 1301(b)(1) provides for the City Council to enact an Ordinance requiring its general municipal election to be held on the same day as the statewide general election. The ordinance would become operative upon approval by the County Board of Supervisors. Due to the constraints of the County's current voting system, if the City Council desires to consolidate early, time is of the essence in submitting a request for consolidation to the County. The County needs to perform an analysis of the City to determine if consolidation is possible prior to 2020. City staff has reached out to the County and requested for a preliminary analysis and the County had expressed support for the City to consolidate its future elections with the County general elections beginning November 2018. The final decision, however, is dependent on the approval from the Board of Supervisors. Upon approval of the Board of Supervisors, the City is required to notify all registered voters of the City regarding the change of election date and the terms it affect. An additional funding of \$12,000 per notification is required to complete this task.

Per the County Elections Division, no city, on a nonconcurrent calendar, currently meets the 25% requirement and all will be required to shift to statewide consolidation. The County of Los Angeles is set to unveil a new voting system in 2020 and has expressed concern that cities transitioning to statewide elections prior to 2020 would exceed the capacity of its current optical scan voting system. There is speculation as to whether or

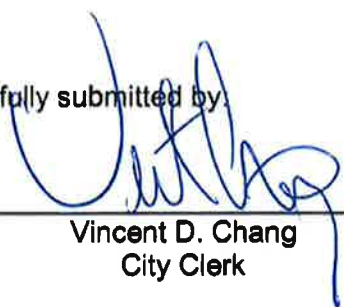
not the Los Angeles County has the capacity to handle all elections in June and November of even years by November 8, 2022. There are talks that some cities are considering circulating a petition seeking an alternate solution to increase voter participation and to allow the continuance of stand-alone elections. Some cities have already taken actions to move their election date to June or November of even years. Some cities are taking some actions by adopting a plan to consolidate future elections with the statewide elections no later than November 8, 2022. Still, some cities are deferring taking action while waiting to see if there will be a legislative solution, mindful of the January 1, 2018 deadline.

FISCAL IMPACT:

Traditionally, the City Clerk's office expends approximately \$140,000 to conduct the municipal election every other odd-numbered year in March. With the fiscal implications associated with new legislation, the cost is unknown at this time. The County of Los Angeles will bill the City for the costs associated with conducting the City's election. There are many unknown factors, such as the cost of new voting equipment, staffing, elections materials that play into the costs. City staff will utilize \$140,000 as a baseline for future election budgeting.

When the Council takes action to adopt an ordinance changing the election date, an additional \$12,000 will be required to satisfy the noticing requirement.

Respectfully submitted by:



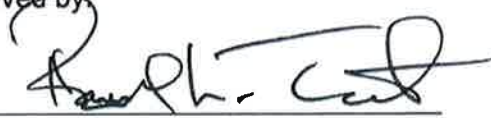
Vincent D. Chang
City Clerk

Prepared by:



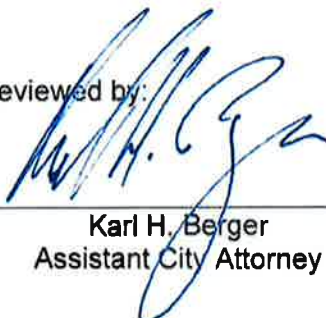
Cindy H. Trang
Deputy City Clerk

Approved by:



Paul L. Talbot
City Manager

Reviewed by:



Karl H. Berger
Assistant City Attorney



City Council Staff Report

DATE: December 6, 2017

AGENDA ITEM NO: New Business
Agenda Item 6-D.

TO: The Honorable Mayor and City Council
FROM: Vincent D. Chang, City Clerk
SUBJECT: CONSIDERATION OF WHETHER TO CONSOLIDATE GENERAL MUNICIPAL ELECTIONS WITH A STATEWIDE GENERAL ELECTIONS IN EVEN YEARS

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting a resolution ratifying its October 19, 2016 decision to postpone a decision to consolidate future elections with the statewide elections; AND
2. Introduce and waive first reading of an ordinance to change the election dates to November even years beginning March 3, 2020 or March 8, 2022 and repealing Ordinance No. 1885, and schedule second reading and adoption for December 20, 2017; OR
3. Provide other direction as to consideration of the California Voter Participation Rights Act (California State Senate bill 415) and consolidation with a statewide general election date; and
4. Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

In October 2016, the City Council opted to postpone any decision regarding consolidating the City's general municipal elections with statewide elections until sometime before 2021. This decision allowed the City to continue conducting its elections in odd-numbered years pursuant to Ordinance No. 1885 (adopted December 12, 1994). Since then, the Los Angeles County Elections Division requested that the City Council memorialize its decision in a written resolution rather than simply rely upon the minute order from that date. By adopting the resolution, the City will have more time to further discuss and decide on an action.

Separately, on September 27, 2017 the Governor signed SB 568 which becomes effective in 2019. In brief, SB 568 only changes the date of the statewide direct primary and the presidential primary.

Starting in 2019, those will both be on the first Tuesday after the first Monday in March in either an even-numbered year or a year divisible by four.

SB 568 potentially affects the City Council's decision regarding consolidating the City's general municipal election. Specifically, Monterey Park's general election is held the first Tuesday after the first Monday in March of *odd*-numbered years. Changing the election date to the first Tuesday in March of *even*-numbered years (per SB 568) may extend the term for certain city councilmembers in accordance with applicable law (as explained in 2016).

Additionally, the conventional wisdom is that SB 568's enactment – and the resulting change in election dates by many municipalities – may cause the vendor traditionally providing election services to cease operations. There simply will be insufficient business from public entities for it to continue. Should that occur, Monterey Park would likely pay significantly more for holding municipal elections in odd-numbered years.

BACKGROUND:

A copy of the staff report from October 2016 is attached for reference. It provides an overview of the California Voter Participation Rights Act (SB 415) and its effect on the City of Monterey Park. In short, SB 415 mandates that cities holding elections during odd-numbered years with historically low voter turnout to consolidate with countywide elections in even numbered years. Cities can continue – up to 2022 – to hold elections in odd-numbered years if they adopt a plan before January 1, 2018 to implement consolidation. The City Council's plan was to implement changes before 2021. A resolution confirming that decision from October 2016 is attached for City Council consideration. This resolution should be adopted regardless of whether the Council opts to introduce the draft ordinance: the Board of Supervisor meeting occurs on December 19, 2017 – a day before the second reading of the ordinance (if it were introduced).

One of the reasons for the City Council's decision in 2016 was that changing the City's general municipal election to November of even years would reduce the terms for certain councilmembers by four months. Enactment of SB 568, however, would allow the City to consolidate with statewide elections in *March* of even numbered years. This would *extend* the term of certain councilmembers by one year pursuant to Elections Code § 10403.5(b).

Moving the election date to March 2020 will increase the term of office by 12 months for terms of offices beginning March 2015 and 2017. Moving the election date to March 2022 will increase the term of office by 12 months for terms of offices beginning March 2017 and March 2019.

Since 2015, SB 415 caused many cities to consolidate with county elections. As a result, the future viability of the City's vendor for election materials and implementation may be uncertain. That vendor provides elections consultant work, and all election materials and services including the certified ballot counter.

The company recently downsized and its level of services may be inadequate in the future. Moreover, cities will also see a substantial increase in costs for the similar type of services. Should the City's vendor cease operations, it may be difficult for the City to scramble to either consolidate with the County or trying to find a substitute vendor. The County is not legally obligated to accept the City's request for consolidation and the City would then be challenged in trying to operate an election using its own resources.

As of October 2017, 52 of the 88 cities in Los Angeles County either already consolidated with statewide elections or have plans to do so.

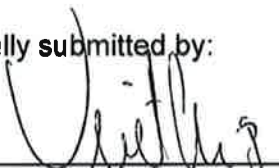
The City Council could opt to implement consolidation now. Attached is an ordinance – that is substantially the same as from October 2016 – that would implement election consolidation. A year for when this would be implemented is left blank for City Council direction.

FISCAL IMPACT:

Historically, the City Clerk's office expends approximately \$140,000 to conduct the municipal election every other odd-numbered year in March. With the fiscal implications associated with new legislation, the cost is unknown at this time. The County of Los Angeles will bill the City for the costs associated with conducting the City's election. There are many unknown factors, such as the cost of new voting equipment, staffing, elections materials that play into the costs. City staff will utilize \$140,000 as a baseline for future election budgeting.

When the Council takes action to adopt an ordinance changing the election date, an additional \$12,000 will be required to satisfy the noticing requirement.

Respectfully submitted by:



Vincent D. Chang
City Clerk

Prepared by:



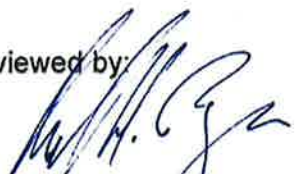
Cindy H. Trang
Deputy City Clerk

Approved by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
Assistant City Attorney

ATTACHMENT 4

April 7, 2021 City Council Staff Report



City Council Staff Report

DATE: April 7, 2021

AGENDA ITEM NO: New Business
Agenda Item 5A

TO: The Honorable Mayor and City Council
FROM: Vincent D. Chang, City Clerk
SUBJECT: City Council districting – Census data update

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:

In accordance with the Fair And Inclusive Redistricting for Municipalities And Political Subdivisions (FAIR MAPS) Act (Elections Code § 21600-21609), following each decennial federal census, the City Council must adopt a map showing the district boundaries city council offices so that the districts will be substantially equal in population. Certain requirements must be met before the City Council adopts the final district voting map. This includes holding at least four public hearings, good faith effort in engaging in community involvement, maintaining a dedicated webpage for providing redistricting information, and providing translated materials and live translation upon request.

Recent legislation changed the redistricting process. This report is intended to give the City Council an overview of the redistricting process and the timeline affecting the submittal of the new district map. The combination of the when the next regularly scheduled election date and when the City receives the census data will determine the deadline for submitting the new City Council district boundary map.

The U.S. Census Bureau announced on February 12, 2021 that the 2020 Census redistricting data will be released by September 30, 2021. The Statewide Database will require an additional 30 days to adjust the datasets for redistricts. In accordance with Elections Code § 21602, the boundaries of council districts must be adopted not later than 174 days before the City's next regular municipal election. The City Council has not yet decided whether that election will be held in June 2022 or November 2022. The Los Angeles County Registrar Recorder's office's deadline for submittal of new district map is December 9, 2021 for the June 7, 2022 election and May 12, 2022 for the November 8, 2022 election.

BACKGROUND:

In 2019, the City Council adopt a district-based voting system. The first municipal vote based upon that system occurred in March 2021. Following the federal census, districts boundaries must be reviewed and, if necessary, redrawn so that each district is substantially equal in population based upon census data. It is important in ensuring that each City Councilmember represents roughly the same number of constituents. The maps must meet certain requirements and have a less than a 10% deviation in population per district. These requirements include:

District Map Criteria

- Areas geographically contiguous (connected).
- Keeping the geographic integrity by minimizing division of community interest of social and economic interests.
- Areas easily identifiable bonded by natural and artificial barriers, streets and boundaries.
- Encourages geographical compactness where nearby areas of population are not bypassed in favor of more distant populations.
- Do not favor or discriminate against a political party.

Public Hearings

- Hold a minimum of 4 public hearings, 1 pre-draft maps hearing, 2 post-draft maps hearings, and 1 additional pre/post-draft maps hearing.
- Post-draft maps hearings must be held after 21-day (waiting period) after the release of the State-Adjusted census data.
- Hearings must start at a fixed time or after completion of previous agenda item.
- At least 1 hearing must be held after 6 p.m. or in the weekend.

Notices

- Dedicated webpage with explanation of redistricting and public comment process, calendar of hearings, notices and agendas, recordings or written summaries, draft maps considered by the City Council, and adopted map.
- Notices contain date, time and location of hearings and must be post online 5 days in advance.

Outreach

- Encourage public participation including a good faith effort to provide information to local media, provide information through “good government, civil rights, civic engagement, and community groups or organizations.”
- Interested persons sign-up.
- Post information on redistricting and comment process online including applicable non-English languages in accordance with the Secretary of State’s determination.

Translation

- Provide information on redistricting and comment process in applicable non-English languages in accordance with the Secretary of State's determination.
- Requires providing live translation if the request was made 72 hours in advance or 48 hours if the notice was posted 5 days before the hearings.

Timeline for Submittal of Adopted Map

- 174 days before the next regular election if held in June 2022.
L.A. County's deadline for submittal of final map for June 7, 2022 election is December 9, 2021.
- 205 days before the next regular election if held in November 2022.
L.A. County's deadline for submittal of final map for November 8, 2022 election is May 12, 2022.
- Based on Census release date of September 30, 2021, State release date of Adjusted data (30 days after), and a possible 21 day waiting period, the 2020 Census Data will not be available until sometime in November or possibly early December 2021.
- In cases of missed deadlines, the Council may petition the superior court for an order adopting council district boundaries within 5 days after the deadline or any resident of the City may file a petition thereafter and is entitled to recover costs. The City will bear all costs associated with the process as ordered by the court.

The City contracted with National Demographics Corporation (NDC) to assist with the redistricting process and to prepare district maps. NDC will conduct the initial analysis of whether the existing election areas (districts) remain population balanced (Still Balanced Analysis) upon receiving the 2020 Census data. Should the existing election areas remain population balanced and compliant with the FAIR MAPS law requirements, the City Council has the option to end the project thus keeping the existing election map and that concludes the redistricting process or choose to redraw the election areas if it wishes to do so.

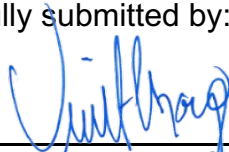
The term of office of any City Council Member who was elected and whose term of office has not expired will not be affected by any changes. At the first election following adoption of new map, a council member will be elected under the new district plan with the same district number whose incumbent's term is due to expire.

We anticipate there may be new legislation to address the concerns of redistricting and the timing of the release of the Census data. In the absence of such legislation, however, the City Council's decision regarding which municipal election date to select (June or November 2022) may be influenced by the time windows within which redistricting must occur. We want to advise the City Council and the community of the latest information regarding this process and will bring back actionable items in the near future.

FISCAL IMPACT:

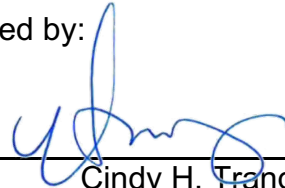
Costs for initial Still Balanced Analysis and presentation is \$5,000. Costs associated with the redistricting process is \$110,000. Funding will be requested in next FY 21/22 budget.

Respectfully submitted by:



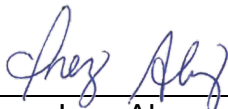
Vincent D. Chang
City Clerk

Prepared by:



Cindy H. Trang
Deputy City Clerk

Reviewed by:



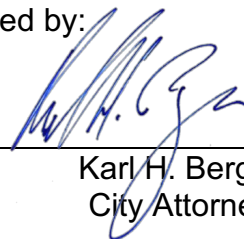
Inez Alvarez
Assistant City Manager

Reviewed by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

Attachments:

1. Assembly Bill No. 1276 (Elections Code § 21600-21609)
2. November 18, 2020 City Council Staff Report and Minutes, Item No. 5A

ATTACHMENT 1
Assembly Bill No. 1276 (Elections Code § 21600-21609)

Code: Section: [Up^](#) [Add To My Favorites](#)**ELECTIONS CODE - ELEC**

DIVISION 21. STATE AND LOCAL REAPPORTIONMENT [21000 - 23004] (*Division 21 enacted by Stats. 1994, Ch. 920, Sec. 2.*)

CHAPTER 7. City Elections [21600 - 21630] (*Chapter 7 enacted by Stats. 1994, Ch. 920, Sec. 2.*)

ARTICLE 1. General Law Cities [21600 - 21609] (*Article 1 enacted by Stats. 1994, Ch. 920, Sec. 2.*)

21600. (a) This article applies to a general law city that elects members of the city's legislative body by districts or from districts, as defined in Section 34871 of the Government Code.

(b) This article shall not be interpreted to limit the discretionary remedial authority of any federal or state court.

(*Amended by Stats. 2020, Ch. 90, Sec. 9. (AB 1276) Effective January 1, 2021.*)

21601. (a) Following a city's decision to elect its council using district-based elections, or following each federal decennial census for a city whose council is already elected using district-based elections, the council shall, by ordinance or resolution, adopt boundaries for all of the council districts of the city so that the council districts shall be substantially equal in population as required by the United States Constitution.

(1) Population equality shall be based on the total population of residents of the city as determined by the most recent federal decennial census for which the redistricting data described in Public Law 94-171 are available.

(2) Notwithstanding paragraph (1), an incarcerated person as that term is used in Section 21003, shall not be counted towards a city's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the city, if information about the last known place of residence for incarcerated persons is included in the computerized database for redistricting that is developed in accordance with subdivision (b) of Section 8253 of the Government Code, and that database is made publicly available.

(b) The council shall adopt council district boundaries that comply with the United States Constitution, the California Constitution, and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.).

(c) The council shall adopt district boundaries using the following criteria as set forth in the following order of priority:

(1) To the extent practicable, council districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous.

(2) To the extent practicable, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division. A "community of interest" is a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates.

(3) Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the city.

(4) To the extent practicable, and where it does not conflict with the preceding criteria in this subdivision, council districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.

(d) The council shall not adopt council district boundaries for the purpose of favoring or discriminating against a political party.

(*Amended by Stats. 2020, Ch. 90, Sec. 10. (AB 1276) Effective January 1, 2021.*)

21602. (a) (1) For redistricting occurring in 2031 and thereafter, the boundaries of the council districts shall be adopted by the council not later than 205 days before the city's next regular election occurring after January 1 in each year ending in the number two.

(2) For redistricting occurring before 2031 and where a city has a regular election occurring after January 1, 2022, and before July 1, 2022, the boundaries of the council districts shall be adopted by the council not later than 174 days before that election.

(3) For redistricting occurring before 2031 and where a city does not have a regular election occurring after January 1, 2022 and before July 1, 2022, the boundaries of the council districts shall be adopted by the council not later than 205 days before the city's next regular election occurring on or after July 1, 2022.

(b) This section does not apply when a city transitions from at-large to district-based elections.

(Amended by Stats. 2020, Ch. 90, Sec. 11. (AB 1276) Effective January 1, 2021.)

21603. (a) If the boundaries of a city expand by the addition of new territory, including through annexation of unincorporated territory or consolidation with another city, the council shall add that new territory to the nearest existing council district without changing the boundaries of other council district boundaries.

(b) Notwithstanding subdivision (a), the council may adopt new boundaries for each council district under the circumstances described in subdivision (a) if both of the following conditions are met:

(1) There are more than four years until the council is next required to redistrict pursuant to Section 21601.

(2) The population of the new territory being annexed or consolidated is greater than 25 percent of the city's population, as determined by the most recent federal decennial census.

(Repealed and added by Stats. 2019, Ch. 557, Sec. 19. (AB 849) Effective January 1, 2020.)

21605. (a) After redistricting or districting pursuant to Section 21601 or 21603, a council shall not adopt new council district boundaries until after the next federal decennial census, except under the following circumstances:

(1) A court orders the council to redistrict.

(2) The council is settling a legal claim that its council district boundaries violate the United States Constitution, the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.), or this article.

(3) The boundaries of the city change by the addition of territory pursuant to Section 21603 or by the subtraction of territory.

(b) This section does not prohibit a council from adopting council districts between federal decennial censuses if the council is adopting council districts for the first time, including when a city adopts council districts for the purpose of transitioning from electing its council members in at-large elections to elections by districts or from districts.

(Amended by Stats. 2020, Ch. 90, Sec. 12. (AB 1276) Effective January 1, 2021.)

21606. (a) The term of office of any council member who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which the council member was elected.

(b) At the first election for council members in each city following adoption of the boundaries of council districts, excluding a special election to fill a vacancy or a recall election, a council member shall be elected for each district under the new district plan that has the same district number as a district whose incumbent's term is due to expire. This subdivision does not apply when a city transitions from at-large to district-based elections.

(c) Except as provided in subdivision (a), a person is not eligible to hold office as a member of a city council unless that person meets the requirements of Section 201 of the Elections Code and Section 34882 of the Government Code.

(Amended by Stats. 2020, Ch. 90, Sec. 13. (AB 1276) Effective January 1, 2021.)

21607. Before adopting the boundaries of a council district pursuant to Section 21601 or 21603, or for any other reason, the council shall hold public hearings on the proposal in accordance with Section 21607.1. This section does not apply when a city transitions from at-large to district-based elections.

(Amended by Stats. 2020, Ch. 90, Sec. 14. (AB 1276) Effective January 1, 2021.)

21607.1. (a) Before adopting a final map, the council shall hold at least four public hearings at which the public is invited to provide input regarding the composition of one or more council districts.

(1) At least one public hearing shall be held before the council draws a draft map or maps of the proposed council boundaries.

(2) At least two public hearings shall be held after the council has drawn a draft map or maps of the proposed council boundaries.

(b) At least one public hearing or public workshop shall be held on a Saturday, on a Sunday, or after 6 p.m. on a weekday Monday through Friday.

(c) Public hearing buildings shall be accessible to persons with disabilities.

(d) If a public hearing is consolidated with a regular or special meeting of the council that includes other substantive agenda items, the public hearing shall begin at a fixed time regardless of its order on the agenda, except that the council may first conclude any item being discussed or acted upon, including any associated public comment, when that time occurs. The time of the public hearing shall be noticed to the public.

(e) The council may have city staff or a consultant conduct one or more public workshops in lieu of holding one of the public hearings required by paragraph (1) of subdivision (a).

(f) The council may establish an advisory redistricting commission pursuant to Section 23002 to hold the public hearings required by paragraph (1) of subdivision (a).

(Added by Stats. 2019, Ch. 557, Sec. 24. (AB 849) Effective January 1, 2020.)

21608. (a) The council shall take steps to encourage residents, including those in underrepresented communities and non-English speaking communities, to participate in the redistricting public review process. These steps shall include a good faith effort to do all of the following:

(1) Providing information to media organizations that provide city news coverage, including media organizations that serve language minority communities.

(2) Providing information through good government, civil rights, civic engagement, and community groups or organizations that are active in the city, including those active in language minority communities, and those that have requested to be notified concerning city redistricting.

(b) The council shall arrange for the live translation in an applicable language of a public hearing or workshop held pursuant to this article if a request for translation is made at least 72 hours before the hearing or workshop, unless less than five days' notice are provided for the hearing or workshop, in which case the request shall be made at least 48 hours before the hearing or workshop.

(c) Notwithstanding Section 54954.2 of the Government Code, the council shall publish the date, time, and location for any public hearing or workshop on the internet at least five days before the hearing or workshop. However, if there are fewer than 28 days until the deadline to adopt boundaries, the council may publish the agenda on the internet for at least three days before the hearing or workshop.

(d) (1) A draft map shall be published on the internet for at least seven days before being adopted as a final map by the council provided that, if there are fewer than 28 days until the deadline to adopt boundaries, the draft map may instead be published on the internet for at least three days.

(2) Each draft map prepared by a member of the council or by employees or contractors of the city shall be accompanied by information on the total population, citizen voting age population, and racial and ethnic characteristics of the citizen voting age population of each proposed council district, to the extent the city has that data.

(3) (A) The council and employees or contractors of the city shall not release draft maps of council districts earlier than three weeks after the block-level redistricting database required by subdivision (b) of Section 8253 of the Government Code is first made publicly available. This subparagraph does not prohibit the council from holding public hearings or workshops on the placement of council district boundaries before the earliest date that draft maps of council districts may be released.

(B) If the period of time between the date that the redistricting database is made publicly available and the map adoption deadline is fewer than 90 days and more than 59 days, the waiting period required by subparagraph (A) is reduced to one week. If the period of time between the date that the redistricting database is made publicly available and the map adoption deadline is fewer than 60 days, then the waiting period required by subparagraph (A) is waived.

(e) The council shall allow the public to submit testimony or draft maps in writing and electronically.

(f) The city shall either record or prepare a written summary of each public comment and council deliberation made at every public hearing or workshop held pursuant to this article. The city shall make the recording or written summary available to the public within two weeks after the public hearing or workshop.

(g) The council shall establish, and maintain for at least 10 years after the adoption of new council district boundaries, an internet web page dedicated to redistricting. The web page may be hosted on the city's existing internet website or another internet website maintained by the city. The web page shall include, or link to, all of the following information:

- (1) A general explanation of the redistricting process for the city in English and applicable languages.
- (2) The procedures for a member of the public to testify during a public hearing or to submit written testimony directly to the council in English and any applicable language.
- (3) A calendar of all public hearing and workshop dates. A calendar listing that includes the time and location of the public hearing or workshop satisfies the notice required by subdivision (c).
- (4) The notice and agenda for each public hearing and workshop.
- (5) The recording or written summary of each public hearing and workshop.
- (6) Each draft map considered by the council at a public hearing.
- (7) The adopted final map of council district boundaries.

(h) For purposes of this section, "applicable language" means any language that is spoken by a group of city residents with limited English proficiency who constitute 3 percent or more of the city's total population over four years of age for whom language can be determined. Before January 1, 2021, and before January 1 in every year ending in the number one thereafter, the Secretary of State shall post the applicable languages for each city in a conspicuous location on the Secretary of State's internet website. To determine the applicable languages for each city, in 2020 and in each year ending in the number zero thereafter, the Secretary of State, in consultation with the Statewide Database, shall request a special tabulation from the United States Bureau of the Census of the most recent data on limited English proficiency from the bureau's American Community Survey that satisfies this subdivision. If the bureau is unable to produce that data, the Secretary of State shall base the Secretary of State's determination on the table from the American Community Survey enumerating the number of residents with limited English proficiency that has the largest number of languages included, that is publicly available, and that was produced within the previous ten years.

(i) This section does not apply when a city transitions from at-large to district-based elections.

(j) Before January 1, 2021, and before January in each year ending in the number one thereafter, the Secretary of State shall publish on the internet a template explaining the city redistricting process that meets the requirements of paragraphs (1) and (2), inclusive, of subdivision (g). The Secretary of State shall publish the template in all of the languages into which ballots are required to be translated in the state pursuant to subdivision (h). The template shall be published in the same conspicuous location on the Secretary of State's internet website that is described in subdivision (h).

(Amended by Stats. 2020, Ch. 90, Sec. 15. (AB 1276) Effective January 1, 2021.)

21609. (a) If the council does not adopt council district boundaries by the deadlines set forth in Section 21602, the council shall immediately petition the superior court in the county in which the city is located for an order adopting council district boundaries. If the council does not petition the superior court within five days after the deadline, any resident of the city may file that petition and shall be entitled to recover the resident's reasonable attorney's fees and costs from the city for doing so.

(b) (1) Upon finding that a petition filed pursuant to subdivision (a) is valid, the superior court shall adopt council district boundaries in accordance with the criteria set forth in Section 21601, which shall be used in the city's next regular election. The superior court may also order the adjustment of electoral deadlines as necessary to implement the new council district boundaries in the next regular election.

(2) The superior court may appoint a special master to assist the court with adopting the council district boundaries. The city shall pay the cost for the special master and associated costs.

(3) The superior court or the special master shall hold one or more public hearings before the superior court adopts the council district boundaries.

(4) Subject to the approval of the superior court, the special master may employ redistricting experts or other consultants or counsel, independent experts in the field of redistricting and computer technology, and other necessary personnel to assist them in their work. In addition, the special master may seek the full cooperation of the city in producing and using whatever data, computer models and programs, and technical assistance that was made available to the council and city personnel who are knowledgeable in the mechanics of drafting redistricting legislation. The superior court may assist the special master in securing the necessary personnel and the physical facilities required for their work, and to prepare for the prompt submission to the city of a request for city funding for the necessary expenses of the special master and the special master's staff.

(5) The council district boundaries adopted by the superior court shall be immediately effective in the same manner as if the court's order were an enacted resolution or ordinance of the city council.

(Amended by Stats. 2020, Ch. 90, Sec. 16. (AB 1276) Effective January 1, 2021.)

ATTACHMENT 2

November 18, 2020 City Council Staff Report and Minutes, Item No. 5A



City Council Staff Report

DATE: November 18, 2020

AGENDA ITEM NO: New Business
Agenda Item 5-A

TO: The Honorable Mayor and City Council
FROM: Vincent D. Chang, City Clerk
Karl H. Berger, City Attorney
SUBJECT: Senate Bill 970 – Elections Date Change

RECOMMENDATION:

It is recommended that the City Council consider:

1. Introducing and waiving first reading of an ordinance amending Monterey Park Municipal Code ("MPMC") § 2.04.050 to change the election date of general municipal elections and requesting consolidation with Los Angeles County pursuant to Elections Code § 10403;
2. Provide direction to the City Clerk regarding the mayoral rotation schedule to be brought back at a future council meeting for consideration; and
3. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

On September 18, 2020, the Governor signed Senate Bill (SB) 970 into law changing several sections of the California Elections Code effective January 1, 2021. In particular, SB 970 mandates the City Council change the date for the City's general municipal election to June or November 2022. This will affect the terms of office for all City Councilmembers, the City Clerk, and the City Treasurer. The extension of office terms will also affect the mayoral rotation schedule.

BACKGROUND:

In 2015, the California Legislature adopted the California Voter Participation Rights Act ("CVPRA"). The CVPRA was adopted to remedy declining voter turnout in municipal elections and was specifically intended to affect cities holding municipal elections in odd numbered years. Based upon certain voter turnout criteria (a more complete overview is included from the attached 2016 staff report), such cities (including Monterey Park) were required to consolidate their elections with the statewide elections in June or November

of even years. Practically, the CVRPA prohibits the City from holding a general municipal election on any date other than a statewide election date.

The CVRPA allowed cities – up until 2022 – to hold elections in odd-numbered years if they adopted a plan before January 1, 2018 to implement the CVRPA. In 2016, the City Council opted to postpone any action until sometime before the scheduled general municipal election in 2021. One of the main reasons for the City Council's decision in 2016 was that changing the City's general municipal election to November of even years would reduce the terms for certain council members by four months.

In 2017, the Legislature adopted SB 568 which became effective in 2019. SB 568 again changed the statewide election dates from June or November of even years, to *March* and November of even years.

This change allowed the City Council to change the date of the general municipal election from March of *odd* numbered years to March of *even* numbered years. Accordingly, this meant that elections originally scheduled for March 2021 would be rescheduled for March 2022. A consequence of that action (explained more below) was that the terms of councilmembers would be *extended by 12 months* pursuant to Elections Code § 10403.5(b).

Because the change in election dates would result in an extension in their terms of office, rather than a reduction as contemplated in 2016, the City Council opted to change the City's election date from March 2021 to March 2022 (see attached staff report from 2017). Based upon its actions in 2017, therefore, the City's general municipal election is scheduled for March 2022 at which time Council District Nos. 1 and 5 will be on the ballot.

Effective January 1, 2021, however, the statewide election dates become these:

- An election held in November of an even-numbered year.
- An election held in June of an even-numbered year that is not evenly divisible by four and **in March of each even-numbered year that is evenly divisible by four** (emphasis added).

As can be seen by the emphasized language, the City's March 2022 municipal election cannot be held (2022 is not evenly divisible by four). Consequently, the City Council *must* change its municipal election date from March to *either* June or November of 2022.

The City's voting records show that November elections typically have greater voter turnout and participation. As the Elections Official, City Clerk Chang recommends that the City Council change the municipal election date from March to November of even years. This change would also be more defensible under the CVRPA.

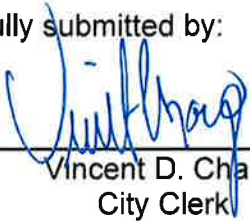
Whether the City Council chooses June or November, the terms of all elected officials will be extended by Elections Code § 10403.5. For officials elected in 2017 (Mayor Peter Chan, Councilmember Hans Liang, City Clerk Vincent Chang, and City Treasurer Joseph Leon), terms would be extended either three months (to June 2022) or eight months (to November 2022). For officials elected in 2020 (Mayor pro tem Yvonne Yiu, Councilmember Henry Lo, and Councilmember Fred Sornoso), terms would be extended the same length of time in 2024, i.e., from either three months (June 2024) or eight months (November 2024).¹

Based upon the election date selected by the City Council, the mayoral rotation approved earlier this year will require amending. Some direction from the City Council regarding how that rotation should occur would be helpful. For example, a determination whether Mayor Peter Chan and Councilmember Hans Liang should be included in the mayoral rotation (i.e., obtain additional time as mayor); if Mayor Chan's current mayoral term should be extended (i.e., beyond November 18, 2020); or if the mayor terms for Councilmembers elected in 2020 should be extended to coincide with the time extensions in 2024.

FISCAL IMPACT:

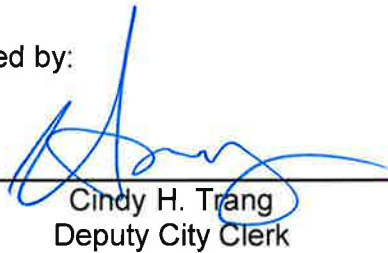
None.

Respectfully submitted by:



Vincent D. Chang
City Clerk

Prepared by:



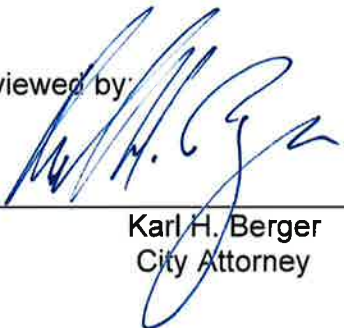
Cindy H. Trang
Deputy City Clerk

Reviewed by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

Attachments:

1. Draft Ordinance
2. October 19, 2016 and December 6, 2017 Staff Reports (without attachments)

¹ The City Council could consider having different municipal election dates every two years, e.g., June or November beginning in 2022 and every four years afterward; and March in 2024 and every four years afterward. That, however, seems impractical and confusing for voters.

Staff Report
November 18, 2020

ATTACHMENT 1
Draft Ordinance

ORDINANCE NO.

AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE § 2.04.050 TO CHANGE THE ELECTION DATE OF GENERAL MUNICIPAL ELECTIONS AND REQUESTING CONSOLIDATION WITH LOS ANGELES COUNTY PURSUANT TO ELECTIONS CODE § 10403.

THE CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1: *Recitals*. The City Council finds as follows:

- A. Elections Code § 1301 and § 10403.5 authorize the City to reschedule its general municipal election to the day of the statewide general election.
- B. Effective January 1, 2021, SB 970 amends Elections Code § 1001 which governs the dates of statewide elections. As a result, the City is required to change its election date from March 2022 to either June or November 2022.
- C. The City requests consolidation of its elections with the statewide general election conducted by the County of Los Angeles on the first Tuesday after the first Monday in March of even-numbered years.
- D. In order to accomplish the change in election date, the term of incumbent elected officials whose terms would otherwise end in March 2022 must be lengthened from March 2022 to _____ 2022 when elected officials elected in _____ 2022 take office. Additionally, elected officials whose terms would otherwise end in March 2024 must be lengthened from March 2024 to _____ 2024 when elected officials elected in 2024 take office.

SECTION 2: *Change to Election Date*. In accordance with Elections Code §§ 1301 and 10403.5, Monterey Park Municipal Code ("MPMC") § 2.04.050 is amended to read as follows:

"Section 2.04.050. **Municipal Elections.**

Beginning with elections held after March 2020, the general municipal election will be held on the first Tuesday after the first Monday in _____ of even-numbered years. The first general municipal election after the March 2020 general municipal election will be held on the first Tuesday after the first Monday in _____ 2022."

SECTION 3: *Adjustment of Terms of Office*. In accordance with Elections Code §§ 1301 and 10403.5(d), due to the change of election date, the terms of office of those elected officials presently serving whose terms would previously have expired in March 2022 will instead vacate in their office upon certification of the results and administration

of oaths of office after the ____ 2022 General Municipal Election. The terms of office of those elected officials presently serving whose terms would previously have expired in March 2024 will instead vacate in their office upon certification of the results and administration of oaths of office after the ____ 2024 General Municipal Election

SECTION 4: Consolidated Election. Pursuant to Elections Code § 1301, the City Council requests the County of Los Angeles approve consolidation of the City's 2022 City Council election with the statewide general election conducted by the County in ____ of each even-numbered year.

SECTION 5: Notice to Voters. Pursuant to Elections Code § 10403.5, within 30 days after this Ordinance becomes effective, the City Clerk must cause a notice to be mailed to all registered voters of the City of Monterey Park (pursuant to the last report of registration by the County Clerk to the Secretary of State) informing the voters of the change in the election date. The notice must also inform the voters that as a result in the change in election date, elected city officeholders' terms in office will be changed.

SECTION 6: Date of the First City Council Election in 2022. If this Ordinance becomes effective, the first City Council election to be held in 2022 will be ____.

SECTION 7: Request to the County. The City Clerk is directed to forward, without delay, a certified copy of this Ordinance to the Los Angeles County Board of Supervisors and the County Election Department.

SECTION 8: Savings Clause. Repeal of any provision of the MPMC or any other regulation by 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. 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 9: 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 10: Validity of Previous Code Sections. If this the entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal of the MPMC or other regulation by this Ordinance will be rendered void and cause such MPMC provision or other regulation to remain in full force and effect for all purposes.

SECTION 11: Effective Date. This Ordinance will only become effective upon approval by the Los Angeles County Board of Supervisors pursuant to Elections Code § 1301(b)(1).

SECTION 12: Publication. The City Clerk must certify as to the adoption of this ordinance and cause the summary thereof to be published within fifteen calendar (15) days of the adoption and post a certified copy of this ordinance, including the vote for

and against the same, in the office of the City Clerk, in accordance with Government Code § 36993, for the City of Monterey Park.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2020.

_____, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:

Karl H. Berger, City Attorney

Staff Report
November 18, 2020

ATTACHMENT 2
October 19, 2016 and December 6, 2017 Staff Reports



City Council Staff Report

DATE: October 19, 2016

AGENDA ITEM NO: New Business
Agenda Item 6-J.

TO: The Honorable Mayor and City Council
FROM: Vincent D. Chang, City Clerk
SUBJECT: CONSIDERATION OF THE CALIFORNIA VOTER PARTICIPATION RIGHTS ACT (CALIFORNIA STATE SENATE BILL 415) AND CONSOLIDATION WITH A STATEWIDE GENERAL ELECTION DATE

RECOMMENDATION:

It is recommended that the City Council consider:

1. Provide direction to staff concerning the option desired for a statewide consolidation date, Option A or B:

Option A - introduce and waive first reading of an ordinance to change the election dates to November even years beginning November 6, 2018 or November 3, 2020 and repealing Ordinance No. 1885, and schedule second reading and adoption for November 2, 2016;

OR

Option B – take action to reaffirm the election date in Ordinance No. 1885 and plan to reconsider the matter not later than 2021; and

2. Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The California Voter Participation Rights Act (SB 415) was passed on September 1, 2015. This new legislation prohibits a local government from holding an election on any date other than a statewide election date if holding the election on a date nonconcurrent with the statewide election has previously resulted in a "significant decrease in voter turnout." A "significant decrease in voter turnout" is defined as voter turnout for a regularly scheduled election that is at least twenty-five percent (25%) less than the average voter turnout within that city for the previous four (4) statewide general elections. SB 415 requires cities with insufficient voter turnout to either change their election dates to June or November of even year, or, prior to January 1, 2018, adopt a plan to consolidate future election with a statewide election not later than the November 8, 2022, statewide general election.

BACKGROUND:

SB 415 adds a new chapter to the California Elections Code (Section 14050 -14057) that attempts to remedy declining voter turnout in municipal elections. Under SB 415, general law cities must hold municipal elections on a statewide election date if holding the municipal election on a date other than the statewide election previously resulted in a voter turnout that was at least 25% less than the average voter turnout of the previous four statewide elections. Such cities are required to consolidate their elections with the statewide elections in June or November of even years.

Accordingly, to determine if Monterey Park is required to consolidate with a statewide general election date, it is necessary to review the recent election voter turnout data.

Statewide General Election Data - Monterey Park			
Election Date	Registered Voters	Ballots Cast	Voter Turnout (percentage)
Nov. 2008	25,660	18,748	73.06%
Nov. 2010	26,785	12,753	47.61%
Nov. 2012	26,796	16,865	62.94%
Nov. 2014	27,565	7,328	26.58%
State subtotal of Four Years <i>(Ballots/Registered=Voter Turnout)</i>			210.19%
State Four Year Average <i>(210.19/4)</i>			52.55%
State Four Year Average Less 25% <i>(52.55x.25=13.14-52.55=39.41)</i>			39.41%
General Municipal Election Data - Monterey Park			
March 2015	27,474	5,356	19.49%

As the above data illustrates, the voter turnout for the City's most recent municipal election was 19.49%. This is lower than the minimum threshold of 39.41%. Since the City experienced a "significant decrease in voter turnout," Monterey Park must begin conducting its general municipal elections on statewide general election dates as soon as 2018. SB 415 requires the local jurisdiction to either consolidate its election with a statewide election, or by January 1, 2018 adopt a plan to consolidate its election with the statewide election not later than the November 8, 2022 statewide general election.

In order to accommodate the statewide election dates, cities are required to increase or decrease terms of office depending on their existing election schedule. Elections Code Section 10403.5(b) limits increases or decreases to terms of office to no more than twelve months. Since the City of Monterey Park (the "City") holds its regular elections in March of odd years, any term increase to June or November of the following even year exceeds the 12 month cap established by Elections Code Section 10403.5(b).

For the City Council's consideration, following are two potential options for compliance with the provisions of SB 415:

Reducing of the upcoming Council member terms of office by 4 months (March of an odd year, to the prior November of an even year).

Option A is reflected in the draft ordinance that changes the City's general municipal election to November of even years with consolidation to begin November 6, 2018 or November 3, 2020. Consolidation for the November 2018 election will affect the terms of office that began March 2015 and 2017; consolidation for the November 2020 will affect the terms of office beginning March 2017 and 2019. Option A requires adoption of an ordinance, requesting the County Board of Supervisors for approval for future consolidation, and compliance with the noticing requirement.

Option B is simply a decision to postpone taking any immediate action. Instead, the Council would plan on reexamining the issue until not later than 2021. At that time, the City Council could consider any changes to California law (which are anticipated in the next five years) and take appropriate action (if any). Option B would simply be a minute action that can be forwarded to the County Board of Supervisors with an accompanying cover letter (which would include Ordinance No. 1885).

Another possible option to consider is increasing the terms in a two-step process by changing the election dates from March of odd years to November of odd years and again, changing the election dates from November of odd years to November of even years. This action may cause voter confusion due to the changes of election dates in such a small window of time.

Actions to change the election date require the City to adopt an ordinance changing its current election date. Elections Code Section 1301(b)(1) provides for the City Council to enact an Ordinance requiring its general municipal election to be held on the same day as the statewide general election. The ordinance would become operative upon approval by the County Board of Supervisors. Due to the constraints of the County's current voting system, if the City Council desires to consolidate early, time is of the essence in submitting a request for consolidation to the County. The County needs to perform an analysis of the City to determine if consolidation is possible prior to 2020. City staff has reached out to the County and requested for a preliminary analysis and the County had expressed support for the City to consolidate its future elections with the County general elections beginning November 2018. The final decision, however, is dependent on the approval from the Board of Supervisors. Upon approval of the Board of Supervisors, the City is required to notify all registered voters of the City regarding the change of election date and the terms it affect. An additional funding of \$12,000 per notification is required to complete this task.

Per the County Elections Division, no city, on a nonconcurrent calendar, currently meets the 25% requirement and all will be required to shift to statewide consolidation. The County of Los Angeles is set to unveil a new voting system in 2020 and has expressed concern that cities transitioning to statewide elections prior to 2020 would exceed the capacity of its current optical scan voting system. There is speculation as to whether or

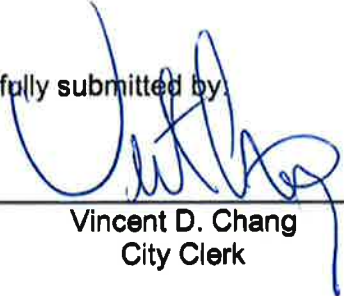
not the Los Angeles County has the capacity to handle all elections in June and November of even years by November 8, 2022. There are talks that some cities are considering circulating a petition seeking an alternate solution to increase voter participation and to allow the continuance of stand-alone elections. Some cities have already taken actions to move their election date to June or November of even years. Some cities are taking some actions by adopting a plan to consolidate future elections with the statewide elections no later than November 8, 2022. Still, some cities are deferring taking action while waiting to see if there will be a legislative solution, mindful of the January 1, 2018 deadline.

FISCAL IMPACT:

Traditionally, the City Clerk's office expends approximately \$140,000 to conduct the municipal election every other odd-numbered year in March. With the fiscal implications associated with new legislation, the cost is unknown at this time. The County of Los Angeles will bill the City for the costs associated with conducting the City's election. There are many unknown factors, such as the cost of new voting equipment, staffing, elections materials that play into the costs. City staff will utilize \$140,000 as a baseline for future election budgeting.

When the Council takes action to adopt an ordinance changing the election date, an additional \$12,000 will be required to satisfy the noticing requirement.

Respectfully submitted by:



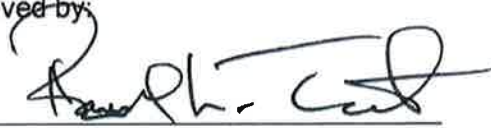
Vincent D. Chang
City Clerk

Prepared by:



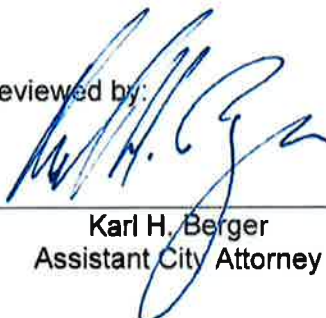
Cindy H. Trang
Deputy City Clerk

Approved by:



Paul L. Talbot
City Manager

Reviewed by:



Karl H. Berger
Assistant City Attorney



City Council Staff Report

DATE: December 6, 2017

AGENDA ITEM NO: New Business
Agenda Item 6-D.

TO: The Honorable Mayor and City Council
FROM: Vincent D. Chang, City Clerk
SUBJECT: CONSIDERATION OF WHETHER TO CONSOLIDATE GENERAL
MUNICIPAL ELECTIONS WITH A STATEWIDE GENERAL
ELECTIONS IN EVEN YEARS

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting a resolution ratifying its October 19, 2016 decision to postpone a decision to consolidate future elections with the statewide elections; AND
2. Introduce and waive first reading of an ordinance to change the election dates to November even years beginning March 3, 2020 or March 8, 2022 and repealing Ordinance No. 1885, and schedule second reading and adoption for December 20, 2017; OR
3. Provide other direction as to consideration of the California Voter Participation Rights Act (California State Senate bill 415) and consolidation with a statewide general election date; and
4. Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

In October 2016, the City Council opted to postpone any decision regarding consolidating the City's general municipal elections with statewide elections until sometime before 2021. This decision allowed the City to continue conducting its elections in odd-numbered years pursuant to Ordinance No. 1885 (adopted December 12, 1994). Since then, the Los Angeles County Elections Division requested that the City Council memorialize its decision in a written resolution rather than simply rely upon the minute order from that date. By adopting the resolution, the City will have more time to further discuss and decide on an action.

Separately, on September 27, 2017 the Governor signed SB 568 which becomes effective in 2019. In brief, SB 568 only changes the date of the statewide direct primary and the presidential primary.

Starting in 2019, those will both be on the first Tuesday after the first Monday in March in either an even-numbered year or a year divisible by four.

SB 568 potentially affects the City Council's decision regarding consolidating the City's general municipal election. Specifically, Monterey Park's general election is held the first Tuesday after the first Monday in March of *odd*-numbered years. Changing the election date to the first Tuesday in March of *even*-numbered years (per SB 568) may extend the term for certain city councilmembers in accordance with applicable law (as explained in 2016).

Additionally, the conventional wisdom is that SB 568's enactment – and the resulting change in election dates by many municipalities – may cause the vendor traditionally providing election services to cease operations. There simply will be insufficient business from public entities for it to continue. Should that occur, Monterey Park would likely pay significantly more for holding municipal elections in odd-numbered years.

BACKGROUND:

A copy of the staff report from October 2016 is attached for reference. It provides an overview of the California Voter Participation Rights Act (SB 415) and its effect on the City of Monterey Park. In short, SB 415 mandates that cities holding elections during odd-numbered years with historically low voter turnout to consolidate with countywide elections in even numbered years. Cities can continue – up to 2022 – to hold elections in odd-numbered years if they adopt a plan before January 1, 2018 to implement consolidation. The City Council's plan was to implement changes before 2021. A resolution confirming that decision from October 2016 is attached for City Council consideration. This resolution should be adopted regardless of whether the Council opts to introduce the draft ordinance: the Board of Supervisor meeting occurs on December 19, 2017 – a day before the second reading of the ordinance (if it were introduced).

One of the reasons for the City Council's decision in 2016 was that changing the City's general municipal election to November of even years would reduce the terms for certain councilmembers by four months. Enactment of SB 568, however, would allow the City to consolidate with statewide elections in *March* of even numbered years. This would *extend* the term of certain councilmembers by one year pursuant to Elections Code § 10403.5(b).

Moving the election date to March 2020 will increase the term of office by 12 months for terms of offices beginning March 2015 and 2017. Moving the election date to March 2022 will increase the term of office by 12 months for terms of offices beginning March 2017 and March 2019.

Since 2015, SB 415 caused many cities to consolidate with county elections. As a result, the future viability of the City's vendor for election materials and implementation may be uncertain. That vendor provides elections consultant work, and all election materials and services including the certified ballot counter.

The company recently downsized and its level of services may be inadequate in the future. Moreover, cities will also see a substantial increase in costs for the similar type of services. Should the City's vendor cease operations, it may be difficult for the City to scramble to either consolidate with the County or trying to find a substitute vendor. The County is not legally obligated to accept the City's request for consolidation and the City would then be challenged in trying to operate an election using its own resources.

As of October 2017, 52 of the 88 cities in Los Angeles County either already consolidated with statewide elections or have plans to do so.

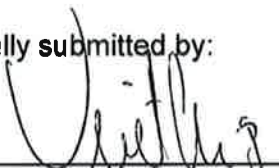
The City Council could opt to implement consolidation now. Attached is an ordinance – that is substantially the same as from October 2016 – that would implement election consolidation. A year for when this would be implemented is left blank for City Council direction.

FISCAL IMPACT:

Historically, the City Clerk's office expends approximately \$140,000 to conduct the municipal election every other odd-numbered year in March. With the fiscal implications associated with new legislation, the cost is unknown at this time. The County of Los Angeles will bill the City for the costs associated with conducting the City's election. There are many unknown factors, such as the cost of new voting equipment, staffing, elections materials that play into the costs. City staff will utilize \$140,000 as a baseline for future election budgeting.

When the Council takes action to adopt an ordinance changing the election date, an additional \$12,000 will be required to satisfy the noticing requirement.

Respectfully submitted by:



Vincent D. Chang
City Clerk

Prepared by:



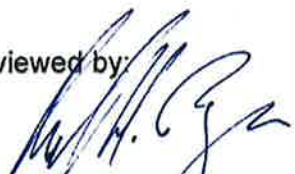
Cindy H. Trang
Deputy City Clerk

Approved by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
Assistant City Attorney

**MINUTES
MONTEREY PARK CITY COUNCIL
SUCCESSOR AGENCY (SA)
NOVEMBER 18, 2020**

The City Council of the City of Monterey Park held a Regular Teleconference Meeting via Zoom on Wednesday, November 18, 2020 at 6:30 p.m. The regular meeting was conducted pursuant to Section 3 of Executive Order No. N-29-20 issued on March 17, 2020. Accordingly, Council Members were provided a meeting login number and conference call number and were not physically present at Council Chambers.

The minutes include items considered by the City Council acting on behalf of the Successor Agency of the former Monterey Park Redevelopment Agency, which dissolved February 1, 2012. Successor Agency matters will include the notation of "SA" next to the Agenda Item Number.

PUBLIC PARTICIPATION

In accordance with Executive Order No. N-29-20 and guidance from the California Department of Public Health on gatherings, remote public participation was allowed in the following ways:

Via Email

Public comment were accepted up to 24 hours before the meeting via email to mpclerk@montereypark.ca.gov and, when feasible, read into the record during public comment. Written communications are limited to not more than 50 words.

Via Telephone

Public comment may be submitted via telephone during the meeting, before the close of public comment, by calling (888) 788-0099 or (877) 853-5247 and entering Zoom Meeting ID: 926 5445 2022 then press pound (#). When prompted to enter participation ID number press pound (#) again. If participants would like to make a public comment they will enter "*9" then the Clerk's office will be notified and you will be in the rotation to make a public comment. Participants are encouraged to join the meeting 15 minutes before the start of the meeting. You may speak up to 5 minutes on Agenda item. Speakers will not be allowed to combine time. The Mayor and City Council may change the amount of time allowed for speakers. As part of the virtual meeting protocols, anonymous persons will not be allowed to provide public comment.

Important Disclaimer – When a participant calls in to join the meeting, their name and/or phone number will be visible to all participants. Note that all public meetings will be recorded.

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

The second substantial amendment to the Fiscal Year 2019-20 One-Year Action Plan was advertised in the Monterey Progress on November 13, 2020. The draft document was made available for public review via the City's website beginning November 13, 2020 and ending November 17, 2020.¹ After City Council approval, the plan will be submitted to the U.S. Department of Housing and Urban Development.

Staff recommends approval of the second substantial amendment to program the CARES Act (CDBG-CV3) special allocation.

Action Taken: The City Council (1) opened the public hearing at 7:16 p.m. to receive testimonial and documentary evidence, noting that there are no speakers, closed the public hearing at 7:16 p.m.; (2) approved the proposed second substantial amendment to the 2019-2020 Annual Action Plan; (3) authorized the City Manager, or designee, to execute and submit the necessary documents related to the second substantial amendment to the 2019-2020 Annual Action Plan to HUD for its review and approval; and (4) authorized a budget appropriation of \$547,678 from CDBG-CV funds.

Motion: Moved by Mayor Pro Tem Yiu and seconded by Council Member Liang motion carried by the following vote:

Ayes:	Council Members:	Liang, Sornoso, Lo, Yiu, Chan
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None

5. NEW BUSINESS

5A. SENATE BILL 970 – ELECTIONS DATE CHANGE

On September 18, 2020, the Governor signed Senate Bill (SB) 970 into law changing several sections of the California Elections Code effective January 1, 2021. In particular, SB 970 mandates the City Council change the date for the City's general municipal election to June or November 2022. This will affect the terms of office for all City Councilmembers, the City Clerk, and the City Treasurer. The extension of office terms will also affect the mayoral rotation schedule.

Public Speaker:

- City Clerk Chang received, filed, and read into the record a written communication from Bill Lam. Mr. Lam who urged the City Council to set the election in June along with the Primary elections.

¹ 85 Federal Register 51457-01 (August 20, 2020).

Recommendation: That the City Council consider (1) introducing and waiving first reading of an ordinance amending Monterey Park Municipal Code (“MPMC”) § 2.04.050 to change the election date of general municipal elections and requesting consolidation with Los Angeles County pursuant to Elections Code § 10403; (2) provide direction to the City Clerk regarding the mayoral rotation schedule to be brought back at a future council meeting for consideration; and (3) taking such additional, related, action that may be desirable.

Action Taken: By consensus, the City Council received and filed the report and directed staff to bring the item back for consideration at a future City Council meeting.

5B. CONSIDERATION AND POSSIBLE ACTION TO INTRODUCE AND WAIVE FIRST READING OF AN ORDINANCE AMENDING CHAPTER 3.20 OF THE MONTEREY PARK MUNICIPAL CODE (“MPMC”) REGARDING THE REGULATION OF PURCHASES OF GOODS, SUPPLIES AND SERVICES

Chapter 3.20 of the MPMC was adopted for the purpose of authorizing city officers to procure services, supplies, and equipment and establishing the manner by which such actions may occur. On August 19, 2020, the City Council adopted an Ordinance amending Monterey Park Municipal Code § 3.90.050 regarding signature authority for the City Manager and Department Directors when executing contracts on the City’s behalf (Ordinance No. 2187). The thresholds for purchasing and bidding, however, have not been amended to align with the signature thresholds outlined in Ordinance No. 2187. The proposed amendments to Chapter 3.20 will bring the City’s procurement process in line with the updated signature authorities.

Action Taken: The City Council introduced and waived first reading of an Ordinance amending Chapter 3.20 of the Monterey Park Municipal Code (“MPMC”) regarding the regulation of purchased goods, supplies and services.

Motion: Moved by Council Member Sornoso and seconded by Council Member Lo motion carried by the following vote:

Ayes:	Council Members:	Liang, Sornoso, Lo, Yiu, Chan
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None

Ordinance, 1st Reading, entitled:

AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE CHAPTER 3.20 IN ITS ENTIRETY TO REGULATE PURCHASES OF GOODS, SUPPLIES AND SERVICES



City Council Staff Report

DATE: July 21, 2021

AGENDA ITEM NO: Public Hearing
Agenda Item 4A

TO: The Honorable Mayor and City Council
FROM: Vincent D. Chang, City Clerk
SUBJECT: Public Hearing to receive input regarding redrawing of council district boundaries pursuant to Elections Code § 21601

RECOMMENDATION:

It is recommended that the City Council consider:

1. Conducting a Public Hearing to receive testimony on redrawing of council district boundaries pursuant to Elections Code § 21601;
2. Providing direction to the City's demographer regarding redrawing of council district boundaries pursuant to Elections Code § 21601; and
3. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

On May 1, 2019, the City Council adopted Ordinance No. 2160 transitioning to district-based elections. In accordance with the Fair and Inclusive Redistricting for Municipalities and Political Subdivisions (FAIR MAPS) Act (Elections Code § 21601-21609), following the federal decennial Census every ten years, districts boundaries must be redrawn so that each district is substantially equal in population. It is important in ensuring that each City Councilmember represents about the same number of constituents. The maps must meet certain requirements and has a total deviation of less than 10% difference.

The U.S. Census Bureau announced on February 12, 2021 that the 2020 Census redistricting data will be released by September 30, 2021. However, "legacy format" data will be released no later than August 16. The Statewide Database will require an additional 30 days to adjust the datasets for redistricting, and the City can expect to receive the data in late September 2021.

Although the final 2020 Census redistricting data is not yet available, staff wants to begin the redistricting process to receive direction from the City Council and to engage community participation. The City contracted with National Demographics Corporation (NDC) to assist with the redistricting process and draw new maps, if needed.

BACKGROUND:

Following each decennial federal Census, the City Council must adopt boundaries for all council districts so that the districts will be substantially equal in population. According to the FAIR MAPS Act, districts must meet the following requirements:

District Map Criteria

- Comply with federal requirements of equal population and the Voting Rights Act
- Areas that are geographically contiguous (connected).
- Keeping the geographic integrity by minimizing division of community interest of social and economic interests.
- Areas easily identifiable bonded by natural and artificial barriers, streets, and boundaries.
- Encourages geographical compactness where nearby areas of population are not bypassed in favor of more distant populations.
- Do not favor or discriminate against a political party.

Public Hearings

- Hold a minimum of 4 public hearings, 1 pre-draft maps hearing, 2 post-draft maps hearings, and 1 additional pre/post-draft maps hearing.
- Post-draft maps hearings must be held after 21-day (waiting period) after the release of the State-Adjusted Census data.
- Hearings must start at a fixed time or after completion of previous agenda item.
- At least 1 hearing must be held after 6 p.m. or on the weekend.

Notices

- Dedicated webpage (www.MontereyPark.ca.gov/Redistricting2021) with explanation of redistricting and public comment process, calendar of hearings, notices and agendas, recordings or written summaries, draft maps considered by the City Council, and adopted map.
- Notices contain date, time and location of hearings and must be posted online 5 days in advance.
- All materials related to the redistricting must be kept online until 2031.

Outreach

- Encourage public participation including a good faith effort to provide information to local media, provide information through “good government, civil rights, civic engagement, and community groups or organizations.”
- Interested persons sign-up.
- Post information on redistricting and comment process online including applicable non-English languages in accordance with the Secretary of State’s determination of Chinese and Spanish as the required languages.

Translation

- Provide information on redistricting and comment process in applicable non-English languages in accordance with the Secretary of State's determination.
- Requires providing live translation if the request was made 72 hours in advance or 48 hours if the notice was posted 5 days before the hearings.

Timeline for Submittal of Adopted Map

- 205 days before the next regular election if held in November 2022.
L.A. County's deadline for submittal of final map for November 8, 2022, election is May 12, 2022.

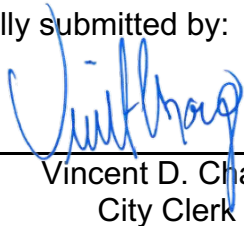
Next Steps

- Upon delivery of the 2020 Census data, NDC will conduct the initial analysis of whether the existing election areas (districts) remain population balanced (Still Balanced Analysis). The results will be presented at subsequent public hearing. Should the existing election areas remain population balanced and compliant with the FAIR MAPS law requirements, the City Council has the option to end the project thus keeping the existing election map and that concludes the redistricting process or choose to redraw the election areas if it wishes to do so. The City Council will need to establish future public hearing dates to seek public input, receive and select propose maps, and introduce an ordinance to adopt new boundaries should the redistricting process proceed.

FISCAL IMPACT:

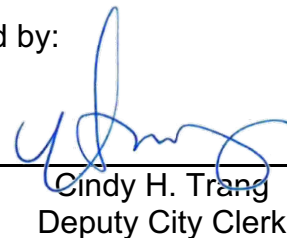
The costs of redistricting process of \$55,000 has been appropriated in the FY 21-22 budget.

Respectfully submitted by:



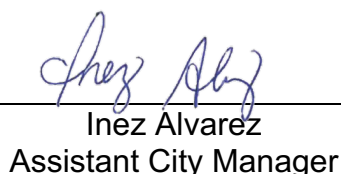
Vincent D. Chang
City Clerk

Prepared by:



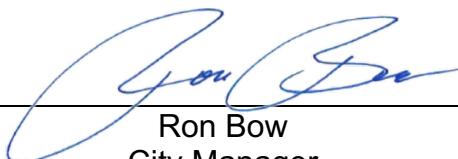
Cindy H. Trang
Deputy City Clerk

Reviewed by:



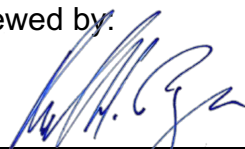
Inez Alvarez
Assistant City Manager

Reviewed by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney



City Council Staff Report

DATE: July 21, 2021

AGENDA ITEM NO: Public Hearing
Agenda Item 4B

TO: The Honorable Mayor and City Council

FROM: Frank A. Lopez, Public Works Director/City Engineer/City Planner
Jason Moquin, Planning Manager

SUBJECT: Resolution adopting the Whitmore Villas Mitigated Negative Declaration and approving Tentative Map No. 82607 (TM-20-03)

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 Whitmore Villas Mitigated Negative Declaration and approving Tentative Map No. 82607 (TM-20-03); and
5. Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

Pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code §§ 21000, *et seq.*) and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*), an environmental assessment was conducted for this project. An Initial Study and a Mitigated Negative Declaration were prepared and were made available for public review from March 16, 2021 through April 14, 2021. With the implementation of certain mitigation measures, the proposed Project will not have a significant impact on the environment and therefore a Mitigated Negative Declaration (MND) with Mitigation Measures and Mitigation Monitoring and Reporting Plan (MMRP) is recommended for adoption.

EXECUTIVE SUMMARY:

The requested tentative map (Tentative Map No. 82607) would subdivide 2.8 acres into two lots. This would allow the applicant to develop the property for condominium uses. The property affected by the proposed tentative map is the former New Avenue School site which has been vacant since 2018 when the New Avenue School and associated structures were demolished.

This subdivision would result in construction of 11 buildings consisting of a total of 63 townhomes with subterranean garages. The 63 proposed units would have an average size of approximately 1,320 square feet each, for a total livable area of approximately 82,707 square feet. The two-story units, with and without attached garages, would total 40 two-

bedroom units and 23 three-bedroom units. Between three and nine units are in each of the 11 separate buildings, which are centered around internal driveways and common areas. Private yards with low walls (± 42 inches high) would front the sidewalk on New Avenue and Whitmore Street. Units along New Avenue and Whitmore Street would have both internal and street-facing entrances; units directly abutting each other in the interior of the development would include private patios with 6-foot fences between units.

The development would also construct 166 parking spaces, including 46 enclosed garage parking spaces, 8 surface parking spaces, and 112 underground garage parking spaces. Access would be provided from New Avenue via two west-facing driveways at the center and southern edge of the project site, and from Whitmore Street via a north-facing driveway at the northeast corner of the project site. Existing driveways would be removed, and new driveways would be installed.

The only action that the City Council may consider is approving the proposed tentative map; the actual development is allowed by the MPMC as a matter of right by the R-3 zoning regulations.

TYPE OF ACTION (LEGISLATIVE; QUASI-JUDICIAL; OR ADVISORY)

Quasi-judicial: The City Council will act in a quasi-judicial role when considering this matter. When doing so, the City Council 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, noninvolved reviewer.

The City Council must base its decisions 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 Government Code § 66474, a tentative map **must be approved UNLESS** the City Council can make specific findings for denial (see *also* MPMC § 20.04.070). As set forth in the Resolution, there are no facts that would support findings for denial. Among other things, the project complies with the MPMC's zoning requirements and is consistent with the General Plan.

BACKGROUND:

An application for the proposed project was originated in April of 2016. The project site is designated High Density Residential (HDR) per the Land Use Element of the General Plan, which allows a maximum density of 30 du/ac. The site is zoned R-3 (Multi-Family Residential) under the MPMC having a maximum density of 25 du/ac. The tentative map would split the property into two lots with a maximum density of 22.5 du/ac.

Ordinarily, the Planning Commission would consider approving the tentative map in accordance with MPMC § 20.04.050. When it was filed, the project application originally proposed a specific plan be adopted to address height and setback challenges that existed before the 2040 Updated General Plan Land Use Element (“LUE”) was adopted in June 2020 (and subsequently ratified by voters in November 2020 via Measure JJ). Because specific plans are adopted by ordinance, the 2020 Monterey Park Business Recovery Plan allowed the applicant to obtain direct City Council consideration of its overall project. Additionally, the specific plan required additional environmental review.

After the November 2020 election, the newly effective LUE resolved the applicant’s previous challenges regarding setbacks and height. Consequently, only the tentative map must be approved for the project (rather than a specific plan). Since the draft MND was already substantially prepared (a tentative map is generally categorically exempt under CEQA) and the applicant already anticipated City Council consideration of the project, it was the City Planner’s recommendation to move forward with both the MND and a public hearing before the City Council to consider the tentative map. Given the scope of the proposed project, this seemed to be the most prudent action and also fulfilled the City Council’s intent in adopting the Monterey Park Business Recovery Plan: to accelerate consideration and construction of projects that are in the community’s interest.

OTHER ITEMS:

Legal Notification

The legal notice of this hearing was posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center and published in the Monterey Park Press on July 5, 2021, with affidavits of posting and publication on file.

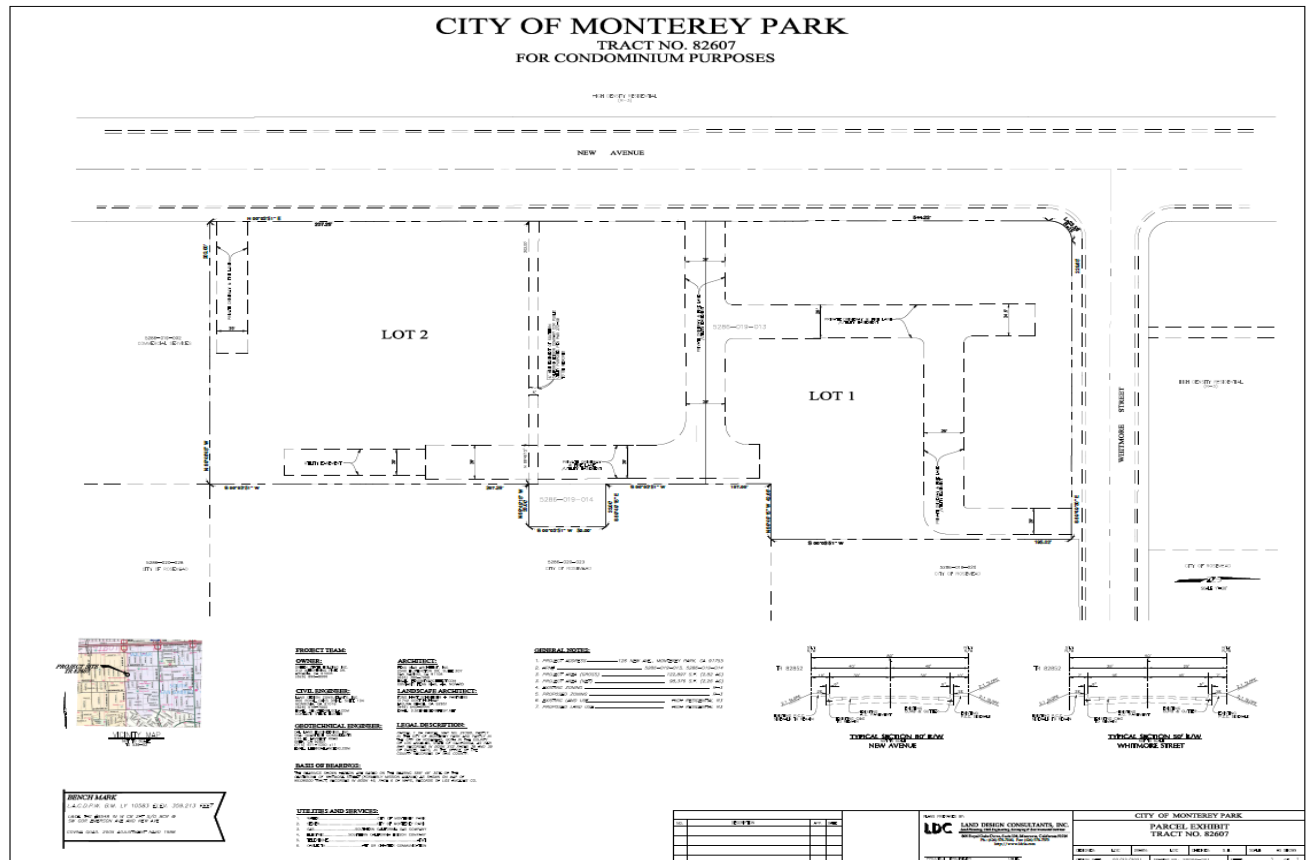
FISCAL IMPACT:

The subdivision will facilitate the development of 63 dwellings units and improvements which will result in increased property tax revenue. At this time, there is no specific estimate as to what those revenues may be.

Vicinity Map



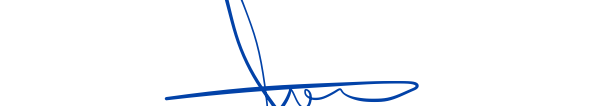
Proposed Subdivision



Respectfully submitted by:


 Frank A. Lopez,
 Public Works Director/City
 Engineer/City Planner

Prepared by:


 Jason Moquin,
 Planning Manager

Reviewed by:


 Ron Bow
 City Manager

Reviewed by:


 Karl H. Berger
 City Attorney

Attachments:

1. Resolution adopting the Whitmore Villa Residential Development Mitigated Negative Declaration and Mitigation Monitoring Reporting Plan and approving TM20-03 (TTM 82607)
2. TM20-03 (TTM 82607) Subdivision Map
3. Whitmore Villa Residential Development Mitigated Negative Declaration
4. Whitmore Villa Residential Development Mitigation Monitoring Reporting Plan
5. Whitmore Villa Residential Development Response to Comments

ATTACHMENT 1

Draft Resolution

RESOLUTION NO.

A RESOLUTION ADOPTING THE WHITMORE VILLA MITIGATED NEGATIVE DECLARATION AND APPROVING TENTATIVE MAP NO 82067 (TM-20-03), ALLOWING FOR SUBDIVISION OF 2.8 ACRES INTO TWO PARCELS TO DEVELOP 63 TWO STORY TOWNHOME UNITS AT 126 NEW AVENUE

The City Council of the City of Monterey Park does resolve as follows:

SECTION 1: The City Council finds and declares that:

- A. On July 1, 2020, Feng Xiao Architecture, Inc., on behalf of Greenstate Holding Inc., submitted an application, pursuant to Monterey Park Municipal Code (“MPMC”) § 21.32.020 requesting approval of Tentative Map No. TM20-03 (TM 82607) to subdivide 2.8 acres into two parcels for residential condominium purposes (“Project”);
- B. The proposed Project was reviewed by the City Planner for, in part, consistency with the General Plan and conformity with the MPMC;
- C. In addition, 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 California Code of Regulations §§ 15000, *et seq.*, the “CEQA Guidelines”);
- D. The City Planner completed review and scheduled a public hearing regarding the Project before the City Council for July 21, 2021. Notice of the public hearing was posted and mailed as required by the MPMC;
- E. On July 21, 2021, the City Council held a public hearing to receive public testimony and other evidence regarding the proposed Project, including, without limitation, information provided to the City Council by City staff and public testimony, and representatives of the Applicant; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the City Council at its July 21, 2021 public hearing including, without limitation, the staff report submitted by the City Planner.

SECTION 2: *Planning Agency.* Pursuant to MPMC § 2.56.020(A), the City Council will act as the Monterey Park Planning Agency for purposes of this Resolution.

SECTION 3: *Factual Findings and Conclusions.* The City Council finds that the following facts exist and makes the following conclusions:

- A. The Applicant seeks a tentative map that would allow development of 63 two-story units with attached and subterranean garages at 126 New Avenue (the “Property”);

- B. The Property is zoned R-3 (High Density Residential) and designated High Density Residential in the Land Use Element to the General Plan;
- C. Properties located to the north, south, east, and west of the subject property are R-3 zoned lots and are developed with multi-unit residential developments. The proposed condominium development is consistent with the type of uses that are currently developed in that neighborhood.
- D. The Project is accessible from both New Avenue and Whitmore Street.

SECTION 4: *Environmental Assessment.*

- A. In accordance with CEQA Guidelines § 15072, on March 15, 2021, a Notice of Intent to Adopt a Mitigated Negative Declaration was published in the Monterey Park Press newspaper, posted with the Los Angeles County Clerk and State Clearinghouse, and mailed to various agencies, regarding the availability and public review of the draft IS/MND for the proposed project.
- B. An IS of Environmental Impacts and an MND were prepared for the Project in accordance with the provisions of the CEQA, CEQA Guidelines, and the City of Monterey Park's Procedures for implementing CEQA.
- C. The IS/MND were made available to the public for review and comment from March 16, 2021 to and including April 14, 2021.
- D. During the 30-day public review period, the City received written comment letters concerning the draft IS/MND; the City has prepared responses to each of these comment letters as part of the final IS/MND and prepared an MMRP.
- E. A public hearing was held by the City Council of the City of Monterey Park on July 21, 2021 at which time evidence was heard on the IS, MND, MMRP, and staff report. At the hearing, the City Council fully reviewed and carefully considered the IS, MND, and MMRP, together with any comments received during the public review period.
- F. In accordance with CEQA Guidelines § 15074, the record on which the City Council's findings are based is located at the City of Monterey Park Public Works Department – Planning Division at City Hall, 320 West Newmark Avenue, Monterey Park, California 91754.
- G. When considering the whole record for the draft Initial Study and Mitigated Negative Declaration, there is no evidence that the Project will have the potential for an adverse effect on wildlife resources or the habitat on which

the wildlife depends, because the Project is in a built-out urban environment.

- H. These findings are based on the various mitigation measures to be required in the implementation of the Project as adopted in the Mitigated Negative Declaration as already having been incorporated into the Project. The City Council finds that all the mitigation measures now incorporated into the Project are desirable and feasible.

SECTION 5: Adoption; Notice of Determination. Based upon the evidence presented to the City Council, the City need not prepare an environmental impact report for the proposed Project. The Mitigated Negative Declaration captioned "Whitmore Villa Residential Development," and dated March, 2021, is adopted. The City Manager, or designee, is directed to file a Notice of Determination in accordance with CEQA §§ 15075 and any other applicable law.

SECTION 6: Subdivision. Based upon Section 3 and the evidentiary record, the City Council cannot make any of the findings for denial set forth in Government Code § 66474 and makes the findings set forth in MPMC § 20.04.070 as follows:

- A. The proposed map is consistent with applicable general and specific plans as specified in Government Code §65451. Per Section 3, the Project is consistent with the Land Use Element of the General Plan; there is no specific plan governing the Property.
- B. The design of the proposed subdivision is consistent with applicable general and specific plans. Per Section 3, the Project is consistent with the General Plan; there is no specific plan governing the Property.
- C. The site is physically suitable for the type of development. The proposed development meets the zoning development standards including, without limitation, setbacks, height, required parking, and landscaping. The Property is 122,879 square feet (2.82 acre) in size. The Project facilitates the development of 63 units capable of meeting the R-3 zone development standards.
- D. The site is physically suitable for the proposed density of development. The MPMC allows up to 70.5 units on the Property (a density of 1 unit per 1,743 square feet of lot area for lots having a minimum frontage of 200 feet and 50,000 square feet in size).
- E. The design of the subdivision or the proposed improvements is unlikely to cause substantial damage or substantially and avoidably injure fish or wildlife or their habitat. The Property is bordered by residentially developed lots to the north, south, east, and west. There are no rare plants, wild animals nor

**CITY COUNCIL
RESOLUTION NO.
PAGE 4 OF 6**

cultural, historical or scenic aspects within the surrounding area. The Property is not located within a natural watershed or wildlife corridor.

- F. The design of the subdivision or type of improvements is unlikely to cause serious public health problems. Construction of the Project will comply with applicable law. The Property is not identified as a hazardous site and is not located in close proximity to any known health hazards. The land use of the Property is residential, which is unlikely to result in serious health problems.
- G. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. There are no public easements for access within the proposed development.

SECTION 7: *Approval.* Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the City Council approves Tentative Map No. TM20-03 (Tentative Map No 82607).

SECTION 8: *Reliance on Record.* Each and every one 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 9: *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 10: *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 11: *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.

**CITY COUNCIL
RESOLUTION NO.
PAGE 5 OF 6**

SECTION 12: *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 13: *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 his duly appointed deputy, may attest thereto.

SECTION 14: *Effective Date.* This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

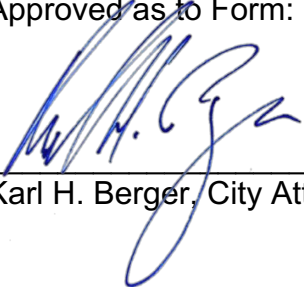
PASSED AND ADOPTED this ____ day of July, 2021

Yvonne Yiu, Mayor

Attest:

Vincent D. Chang, City Clerk

Approved as to Form:



Karl H. Berger, City Attorney

**CITY COUNCIL
RESOLUTION NO.
PAGE 6 OF 6**

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF MONTEREY PARK)

I, VINCENT D. CHANG, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Resolution No. ____ was duly adopted by the City Council of the City of Monterey Park at a Regular Meeting held on the __ day of July 2021, by the following vote of the Council:

AYES:
NOES:
ABSTAIN:
ABSENT:

Dated this __ day of July 2021

Vincent D. Chang, City Clerk

Exhibit A

Conditions of Approval

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Feng Xiao (the "Applicant" or the "Owner/Developer") will comply with the following conditions of approval for Tentative Map No. 82607 (TM-20-03) ("Project Conditions").

PLANNING:

1. The project site must be developed and/or used in the manner requested and must be in substantial conformity with the tentative map date-stamped February 22, 2021, unless revisions and/or additional conditions are specifically required herein.
2. This approval runs with the land. All rights and obligations of this approval, including the responsibility to comply with these Project Conditions, are binding upon Applicant's successors in interest. These Project Conditions may be modified, terminated, or abandoned in accordance with applicable law including, without limitation, the Monterey Park Municipal Code ("MPMC").
3. Any proposed deviations from the exhibits, Project Description or Project Conditions must be submitted to the City Planner for review and approval. Any unapproved deviations from the Project approval will constitute a violation of the permit approval.
4. When exhibits and/or written Project Conditions are in conflict, the written Project Conditions prevail.
5. The effectiveness of this Project will be suspended for the time period that any Project Condition is appealed whether administratively or as part of a legal action filed in a court of competent jurisdiction. If any Project Condition is invalidated by a court of law, the Project must be reviewed by the City and substitute conditions may be imposed.
6. The developer/owner agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of TM-20-03 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the 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 City approval of TM-20-03, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.

7. This approval is for the project as shown on the plans reviewed and approved by the City Council and on file. Before the City issues a building permit, the Applicant must submit plans, showing that the project substantially complies with the plans and conditions of approval on file with the Planning and Building and Safety Divisions. Any subsequent modification must be referred to the City Planner for a determination regarding the need for Planning Commission review and approval of the proposed modification.
8. Tentative Map No. 82607 (TM-20-03) expires twenty-four months after its approval if the use has not commenced or if improvements are required, but construction has not commenced under a valid building permit. A total of three, one year, extensions may be granted by the City Council upon finding of good cause. An application requesting an extension must be filed with the City Planner at least 30 days before the expiration date.
9. The Applicant must comply with all mitigation measures identified in the Mitigated Negative Declaration prepared for the Project. A Mitigation Monitoring and Reporting Program (MMRP) was prepared as part of the environmental review for the project and is attached as Exhibit "1" to this Resolution. The mitigation measures of the MMRP are incorporated into these conditions of approval by reference. All mitigation measures and conditions of approval must be listed on the plans submitted for plan check and the plans for which a building permit is issued.
10. Pursuant to Resolution No. 12199, adopted September 16, 2020, the Applicant must create a homeowners association. The standard conditions of approval required by Resolution No. 12199 are incorporated by reference and attached as Exhibit 2 to these Project Conditions.

ENGINEERING:

11. Under the Los Angeles County Municipal Separate Storm Sewer System (MS4) Permit, issued under the National Pollutant Discharge Elimination System (NPDES) Program, the developer/owner is required to obtain a General Construction Storm Water Permit. This project will require the preparation of a Low Impact Development (LID) Plan and a Storm Water Pollution Prevention Plan (SWPPP). Upon approval of these plans, the developer/owner shall submit an electronic copy of the approved files, including site drawings, prior to the issuance of a building or grading permit.
12. The applicant must record the Final Map after the City approves the final map in accordance with the MPMC and accepts any applicable bonds or agreements. A refundable \$191 cash deposit must be submitted to guarantee that developer will provide the City with one (1) transparent 4 mil thick mylar tracing, one (1) electronic file of approved final map tracings transferable to City's AutoCAD and GIS systems and two (2) blueprints of the recorded map which must be filed with

the City Engineer within three (3) months of recordation. If recorded copy is not submitted by the end of the three-month time period, developer will forfeit the \$191 cash deposit.

13. The applicant/property owner must provide written proof that there are no liens against the subdivision for unpaid taxes or special assessments and submit Los Angeles county tax bill, tax payment receipt, and copy of cancelled check before filing a Final Map with the City for approval.
14. Applicant agrees to pay City any development impact fees ("DIFs") that may be applicable to the Project. Applicant takes notice pursuant to Government Code 66020(d) that city is imposing the DIFs upon the Project in accordance with the Mitigation Fee Act (Government Code 66000, et seq.).
15. A homeowner's association must be established.
16. Covenants Conditions & Restrictions must be prepared and filed with the City to obtain City Attorney and the City Engineer approval. Developer/owner is responsible for securing the CC&R guidelines from the Office of the City Engineer. A copy of the recorded CC&Rs must be submitted before final inspection and clearance of the building permit. The applicant must pay for the City's costs associated with reviewing the CC&Rs including, without limitation, legal costs.
17. All improvement plans, including grading and public improvement plans must be based upon City approved criteria. Benchmark references to be obtained from the Engineering Division.
18. The applicant must provide survey monuments denoting the new property boundaries and lot lines to the satisfaction of the City Engineer. All maps must be prepared from a field survey. Complied maps are not permitted unless prior approval is granted by the City Engineer. Whenever possible, lot lines must be located to coincide with the top of all man-made slopes. Any deviation from this requirement must be approved by the City Engineer.
19. The developer/owner is responsible for ascertaining and paying all City development fees such as, but not limited to, sewer deficiency fees, water meter fees and metered water service impact fees as required by MPMC. Water division requirements are to be determined upon completion and submittal of water meter sizing sheets by the applicant.
20. A water plan shall be submitted for review and approval by the City Engineer. This plan shall comply with the recommendation of the domestic water study or as the result of the water study. The developer shall be responsible for constructing and rehabilitating the water line.

21. A site drainage plan shall be prepared for review and approval by the City Engineer. The property drainage shall be designed so that the property drains to the public street or in a manner otherwise acceptable to the City Engineer. Drainage from contiguous properties shall not be blocked and shall be accommodated to the satisfaction of the City Engineer. A hydrology and hydraulic study of the site may be required for submittal to the City Engineer for review and approval.
22. All storm drainage facilities serving the development shall accommodate a 50-year storm. If existing storm drain facilities are inadequate they shall be enlarged as necessary. All storm drain facilities shall be designed and constructed to Los Angeles County Department of Public Works standards and specifications and also to the satisfaction of the City Engineer.
23. The grading/drainage plan and the shoring plan shall incorporate all pertinent site development comments from the City's geological and geotechnical consultants and shall also include the approved geological and geotechnical report submitted by the developer's consultant.
24. The street improvement plan for along entire frontage of N. New Ave and Whitmore St to the westerly project limit. The street improvement must consist of pavement grinding and rubberized asphalt overlay and may required localized pavement repairs depending on the conditions of the street. Construct new curb and gutter, main entry driveway, and full parkway width sidewalk. The improvements must be along entire property frontage as approved by the City Engineer.
25. Landscaping and irrigation must be prepared and all parkway tree types must be reviewed and approved by the Recreation and Community Services Director, or designee. Provide five 24-inch box size of Chionanthus Retusus CHINESE FRINGE TREE along N. New Ave, beginning at Whitmore St to the southern end of the property.
26. All public works improvements shall comply with the standards and specifications of the City and to the satisfaction of the City Engineer. All public works improvements must be completed and accepted by the City or a public works improvement guarantee and agreement posted prior to final map approved by the City Council.
27. The developer shall be responsible for constructing and rehabilitating the sewer line per recommendation of the sewer study or as the result of the sewer study.
28. A sewer connection reconstruction fee will be assessed at the time of issuance of a building permit in accordance with the provisions of Chapter 14.06 of the Municipal Code.

29. All electric, telephone and cable TV utility services shall be installed fully underground and to required City standards. Satisfactory provisions for all other utilities and service connections, including water, sewer and gas, shall be made to City and public utility standards. A utility plan shall be prepared and submitted showing all existing and proposed utilities. The utilities may be shown on either a separate plan or on the proposed site plan.

FIRE:

30. The at grade access road must be a minimum of 20 feet wide and have a minimum 13'-6" vertical clearance. Signage and markings will be required for all Fire Lanes.
31. An interior emergency access lane must be provided on the first level with signage and markings.
32. The required fire flow is 2,000 gallons per minute at 20 psi for a minimum two hour duration. The applicant must verify that the water purveyor can provide the required volume and duration for the project prior to obtaining a building permit.
33. Before combustible construction, a fire hydrant capable of providing 1,000 gallons per minute at 20 psi will be provided and in service along the access road/driveway no further than 250 feet from the construction site. The owner of the combustible construction is responsible for the cost of this hydrant installation.
34. Provide fire hydrants within 600 feet of all points of all new structures.
35. Provide an approved automatic fire sprinkler system and fire alarm system.

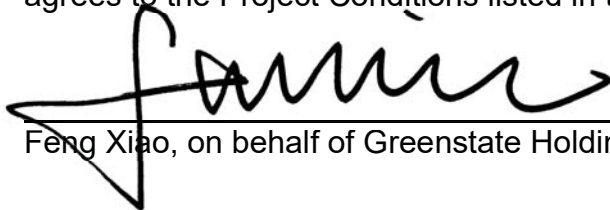
POLICE:

36. Adequate exterior lighting must be provided so that all outside perimeter areas are visible during the hours of darkness.
37. If security gates are installed on the property, it is recommended that an access control system (e.g., keypad, card reader, or electric latch retraction device) is installed at the ingress and egress gates and doors in order to control and deter unwanted access onto the property. A key card or key code must be provided to the Police Department to access the property in case of an emergency.
38. Prior to the issuance of a Certificate of Occupancy and if determined that radio communications are compromised within the parking garage, the applicant shall implement the necessary improvements and install a BDA.
39. It is recommended that a camera surveillance/security system be installed in the common areas of the property such as the common walkways, exterior storage

areas, building perimeters, and stairwells. If a camera security system is installed the cameras should operate 24 hours a day, seven days a week. All cameras should record onto a recording medium and all recordings should be maintained in a secure and locked enclosure. It is recommended that recordings be maintained for a minimum of 30 days and made readily available for any law enforcement official who requests the recording(s) for official purposes.

40. The shrubbery on the property must be installed and maintained in such condition to permit good visibility of the units from the streets. Any shrubbery surrounding the complex and in the courtyard areas must be planted and maintained where the height of the greenery would not easily conceal persons.
41. The driveway leading into the complex must be constructed and maintained in such a condition that traffic is easily visible to those entering or leaving the location.
42. Any outside ladders leading to the roof top must be secured to prevent unauthorized access to the roof.
43. Address numbers must be illuminated during hours of darkness and positioned to be readily readable from the street. Numbers must be at least 12 inches in height.
44. Each distinct unit within the building shall have its address displayed on or directly above the front door.
45. All common open areas must be well lit during the hours of darkness.
46. Proper signs must be posted at the guest parking areas and in the driveway leading into the complex preventing illegal or overnight parking of unwanted guests.
47. A proper thoroughfare for residents, guests, and any necessary emergency vehicles and/or personnel must be maintained at all times. The Monterey Park Police Department Traffic Bureau must be contacted for sign verbiage and posting locations. The Traffic Bureau Sergeant can be reached at (626) 307-1481.

By signing this document, the Applicant certifies that he has read, understood, and agrees to the Project Conditions listed in this document.

A handwritten signature in black ink, appearing to read 'Feng Xiao', is written over a horizontal line.

Feng Xiao, on behalf of Greenstate Holdings, Inc.

4. MITIGATION MONITORING

Table 1 Mitigation Monitoring Requirements

Mitigation Measure		Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
3.3 Cultural Resources					
CUL-1	In the event that construction activities occur within previously undisturbed soils and buried cultural resources are discovered, such resources could be damaged or destroyed, potentially resulting in significant impacts to cultural resources. Prior to the issuance of a grading permit by the City, the project applicant shall retain a qualified archaeologist approved by the City and provide documentation of such retention to the City. The archaeologist shall train project construction workers on the types of archaeological resources that could be found in site soils. The archaeologist shall also periodically monitor project ground-disturbing activities. If archaeological resources are encountered, all construction work 100 feet of the resource find shall cease, and the archaeologist shall be consulted to assess the find, and to determine whether the resource requires further study. The qualified archaeological personnel must assist the City by generating measures to protect the discovered resources. Any previously undiscovered resources found during construction must be recorded on appropriate Department of Parks and Recreation (DPR) 523 forms and evaluated for significance under all applicable regulatory criteria. An archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, must be retained to evaluate the finds and recommend appropriate mitigation measures.	Project Applicant Qualified Archaeologist Construction Contractor	Prior to the issuance of a grading permit	City of Monterey Park Planning Department	
3.13 Noise					
N-1	Before the City issues any demolition, grading and/or building permits, a note is required on all construction plans stating that during grading, demolition, and construction, the applicant is responsible for requiring contractors to implement the following	Project Applicant Construction Contractor	Prior to issuance of any demolition, grading and/or building permits	City of Monterey Park Planning Department	

Mitigation Monitoring and Reporting Program

Table 1 Mitigation Monitoring Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
measures to limit construction-related noise to a performance standard of 65 dBA at nearby sensitive uses: • Per the Monterey Park and Rosemead Municipal Codes, construction activity is limited to the hours of 7:00 am to 7:00 pm on weekdays and 9:00 am to 6:00 pm on Saturdays. Construction activities is prohibited on Sundays or on any federal holiday. • During the entire active construction period, equipment and trucks used for project construction must use the best available noise control techniques wherever feasible (e.g., improved mufflers, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds). • Require that impact tools (e.g., jack hammers and hoe rams) be hydraulically or electrically powered wherever possible. Where the use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust must be used along with external noise jackets on the tools. • Stationary equipment such as generators and air compressors must be located as far as feasible from nearby noise-sensitive uses. • Stockpiling of materials must be located as far as feasible from nearby noise-sensitive receptors. • At least 10 days before construction activities begin, a sign must be posted at the entrance(s) to the job site, clearly visible to the public, that includes permitted construction days and hours as well as the telephone numbers of the City's and contractor's authorized representatives that are assigned to respond in the event of a noise or vibration complaint. If the authorized contractor's representative receives a complaint, he/she must investigate, take appropriate corrective action, and report the action to the City. • Signs must be posted at the job site entrance(s), within the on-site construction zones, and along queueing lanes (if any) to				

Mitigation Monitoring and Reporting Program

Table 1 Mitigation Monitoring Requirements

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
	reinforce the prohibition of unnecessary engine idling. All other equipment must be turned off if not in use for more than 5 minutes. - During the entire active construction period and to the extent feasible, the use of noise-producing signals, including horns, whistles, alarms, and bells, will be for safety warning purposes only. The construction manager must use smart back-up alarms, which automatically adjust the alarm level based on the background noise level, or switch off back-up alarms and replace with human spotters in compliance with all safety requirements and laws. - Erect temporary noise barriers (at least as high as the exhaust of equipment and breaking line-of-sight between noise sources and sensitive receptors) at the property line, where feasible. Barriers must be constructed with a solid material that has a density of at least 4 pounds per square foot with no gaps from the ground to the top of the barrier.				
N-2	Before commencing any construction activities, the City of Monterey Park must mail a construction notice to residents within a radius of 300 feet from the construction site to inform them of the commencement of construction. The notice must also be posted onsite.	City of Monterey Park Planning Department	Prior to commencing any construction activities	City of Monterey Park Planning Department	
N-3	- Dog park hours of operation are limited to 7:00 am to 7:00 pm, thereby restricting use during the more sensitive evening and nighttime hours. - Signage must be installed informing users that the dog owner or handler must be present at all times and cannot leave the dog(s) unattended. - Signage must be installed informing users that in the case of excessive barking, the owner or dog handler must remove the dog from the park.	Project Applicant	Prior to issuance of occupancy permits and during operations	City of Monterey Park Planning Department	

Mitigation Monitoring and Reporting Program

Table 1 Mitigation Monitoring Requirements

Mitigation Measure		Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
N-4	If paving activity during construction is required within 25 feet of nearby residential structures, use of a static roller in lieu of a vibratory roller must be utilized.	Project Applicant Construction Contractor	During paving activity required within 25 feet of nearby residential structures	City of Monterey Park Planning Department	

EXHIBIT 2

STANDARD CONDITIONS OF APPROVAL FOR PROJECTS REQUIRING OWNER ASSOCIATIONS

General Conditions

1. The Applicant and its successors in interest must indemnify, protect, defend (with legal counsel reasonable acceptable to the City), and hold harmless, the City, its elected and appointed officials, officers, employees, and agents from and against any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs, and expenses of whatever nature, including reasonable attorney's fees and disbursements (collectively "Claims") arising out of or in any way relating to this project, any discretionary approvals granted by the City related to the development of the project or the environmental review conducted under the California Environmental Quality Act, Public Resources Code § 21000, *et seq.*, for the project. If the City Attorney is required to enforce any conditions of approval, all costs, including attorney's fees, must be paid for by the Applicant in accordance with the Monterey Park Municipal Code ("MPMC").
2. The Applicant must reimburse the City for all attorneys' fees expended by the City that are directly related to the processing of this project. The City will not issue a Certificate of Occupancy or other final occupancy approval until all attorneys' fees are paid by the Applicant.
3. The Applicant must submit to the City Manager, or designee, a signed copy of these conditions of approval acknowledging acceptance, and compliance with these conditions within 30 days from the date of approval by the Planning Agency. The conditions of approval must be signed, notarized and returned to the City Manager, or designee, before any plan check submittal or construction permit application or implementation of the requested entitlement.
4. This decision is not effective until Applicant acknowledges acceptance of all conditions and any appeal period has lapsed, or a waiver of right to appeal is filed or if there is an appeal, until a final decision has been made on the appeal. By use of the entitlements granted by a development application, the Applicant acknowledges agreement with conditions of approval.
5. Anything which is not shown on the application/plans, or which is not specifically approved, or which is not in compliance with this section, is not approved. Any application and/or plans which are defective as to, without

- limitation, omission, dimensions, scale, use, colors, materials, encroachments, easements, will render any entitlements null and void.
6. The property must be kept in a clean and safe condition by, at a minimum, performing all of the following tasks:
 - a. Properly removing and storing all trash, litter, rubbish and debris on the property at the end of each business day;
 - b. Properly disposing of all trash, litter, rubbish and debris from the Cannabis business;
 - c. Removing graffiti placed upon the Property within forty-eight hours of its occurrence;
 - d. Keeping driveways, sidewalks, park strips, fire access roads and streets on or adjacent to the property clear and clean; and
 - e. Providing lighting on the property to ensure the safety of the public.
 7. The owner/applicant's failure to comply with, or breach of, any condition can, in addition to any other civil or criminal action, result in modification or revocation of this permit. The City may, in accordance with applicable law, undertake action and incur costs that may required to effect compliance. All such costs including, without limitation, attorney's fees, must be reimbursed by the applicant or current property owners in accordance with applicable law.
 8. This permit is subject to an ongoing review. If at any time valid, substantiated complaints are received, a public hearing may be held in accordance with the MPMC, at the sole discretion of the City but in accordance with applicable law, to determine if any condition or the permit should be modified, amended or revoked.
 9. The permit is granted for the subject Property only and is not transferable.

Planning

A. Before the City issues Building Permits:

10. Plans submitted to the City to obtain building permits must conform to all the conditions applicable to use and development of the Property.
11. Plans submitted to the City to obtain building permits must have the conditions printed directly onto the building plans and the Project number, "[**Project Number**]," in the title blocks of the blue prints for this Project.

12. The exterior of the building(s) must be treated with anti-graffiti material. All structures and walls must be maintained free of graffiti.
13. The property owner must repave and re-stripe the parking areas as directed by the City Planner.
14. All parking areas must remain accessible for parking. Garages cannot be converted to storage space or other means, which could impede vehicle parking.

B. Post-Finalization Requirements:

15. The Planning Director may approve minor changes to the approved plans, but any substantial change will require modification in accordance with the MPMC.
16. The Conditional Use Permit will expire in the event that the licensee or owner fails to exercise the use for more than 30 days, except in the case of a remodeling, fire, natural disaster, or other physical calamity beyond the control of the owner. In such cases, the Conditional Use Permit will expire within one year.
17. The Property and all landscaping must be maintained in a neat and healthy condition and in a manner that prevents adverse public health, safety, and welfare effects.
18. Proper signage must be installed within 60 days **([Month Day, Year])** of the approval of this Project.

E. Homeowners Association Requirements:

19. 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(s) 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 Applicant/Property Owner(s) must pay for all attorneys' fees associated with the review of the document.
20. The final approved floor plan for the residential units must be incorporated

into CC&R's.

21. 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.
22. 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.

ATTACHMENT 2

TM 20-03

CITY OF MONTEREY PARK
TRACT NO. 82607
FOR CONDOMINIUM PURPOSES

HIGH DENSITY RESIDENTIAL
(R-3)

NEW AVENUE

WHITMORE STREET

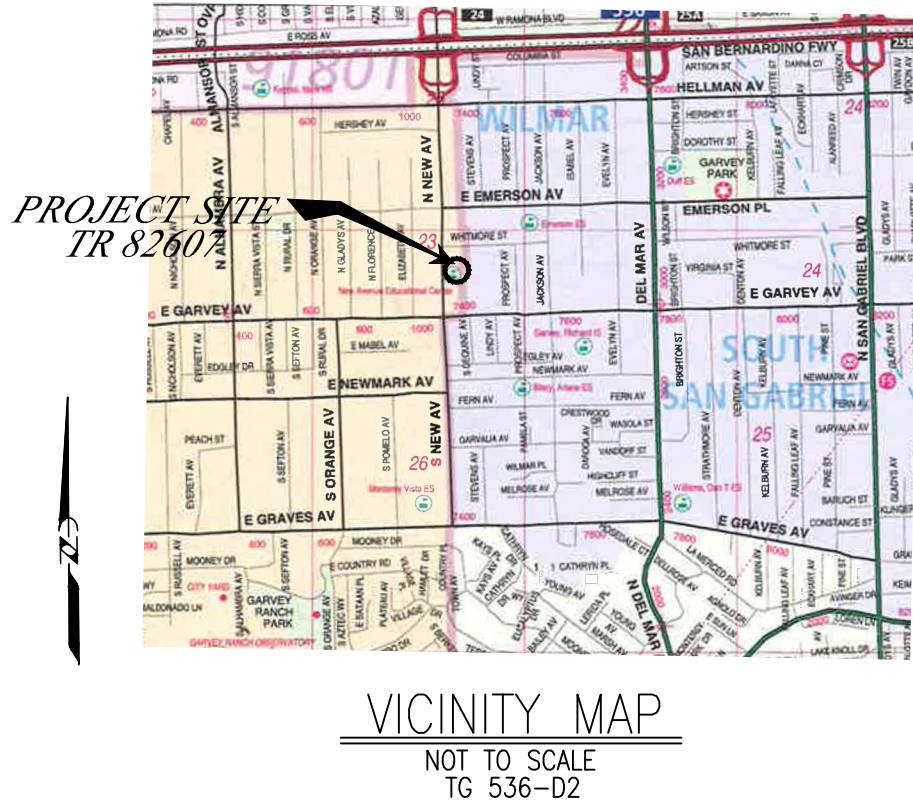
HIGH DENSITY RESIDENTIAL
(R-3)

CITY OF ROSEMEAD

SCALE 1"=20'

LOT 2

LOT 1



PROJECT TEAM:

OWNER:
GREEN STATE HOLDINGS INC.
312 WHISPERING PINE DR.
ARCADIA, CA 91008
(626) 898-8666

CIVIL ENGINEER:

LAND DESIGN CONSULTANTS, INC.
800 ROYAL OAKS DRIVE, SUITE 104
MONROVIA, CA 91016
(626) 578-7000
EMAIL: SHUNTER@LDC.COM
CONTACT: STEVE HUNTER

GEOTECHNICAL ENGINEER:

CAL LAND ENGINEERING, INC.
100 QUARTER CONSULTANTS
576 E. JAMBERT ROAD
BREA, CA 92611
(714) 671-1050 x11
EMAIL: LEE@CALANDENG.COM

ARCHITECT:

FENG XIAO ARCHITECT, INC.
2540 HUNTINGTON DR. SUITE 207
SAN MARINO, CA 91108
(626) 380-7098
EMAIL: FENGXIAO@ARCHITECT.COM
CONTACT: FENG XIAO, AIA, NGRARB

LANDSCAPE ARCHITECT:

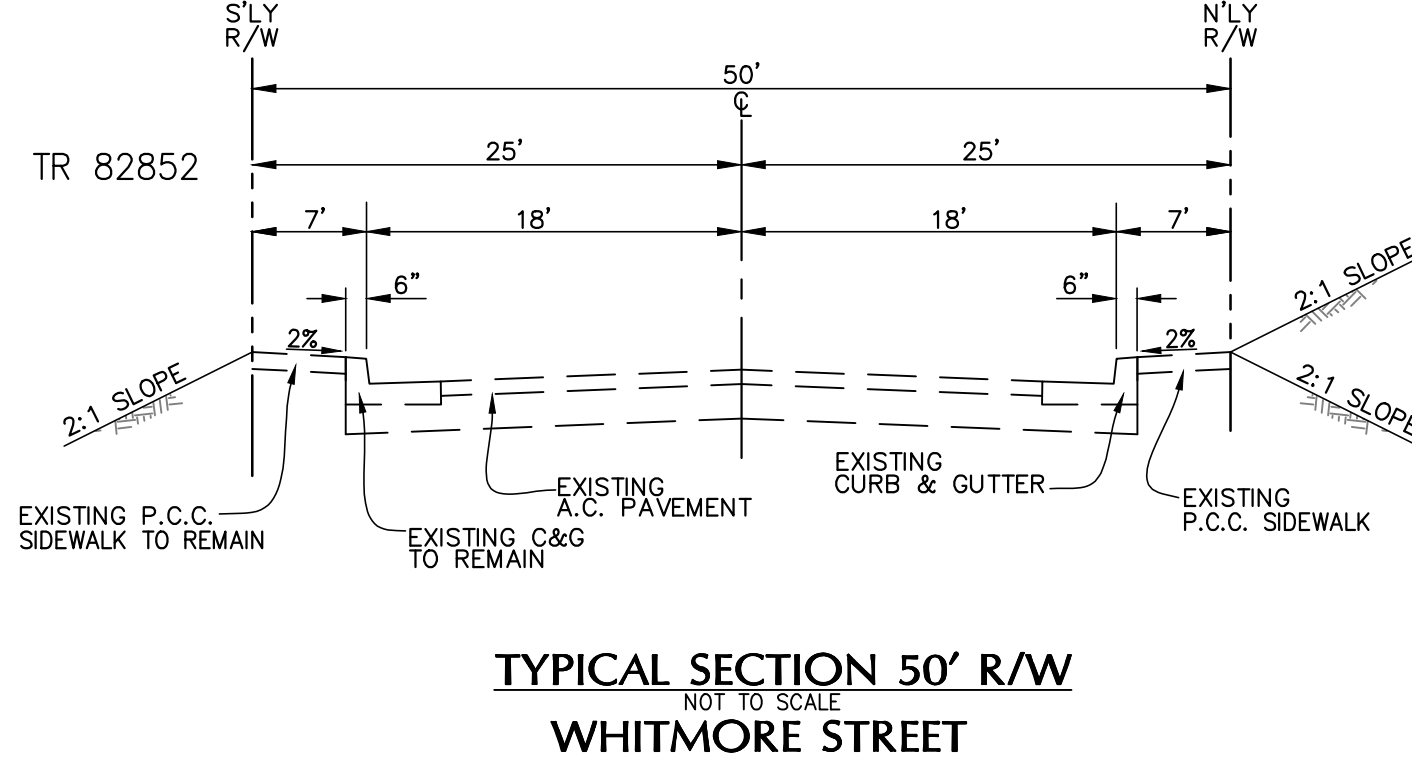
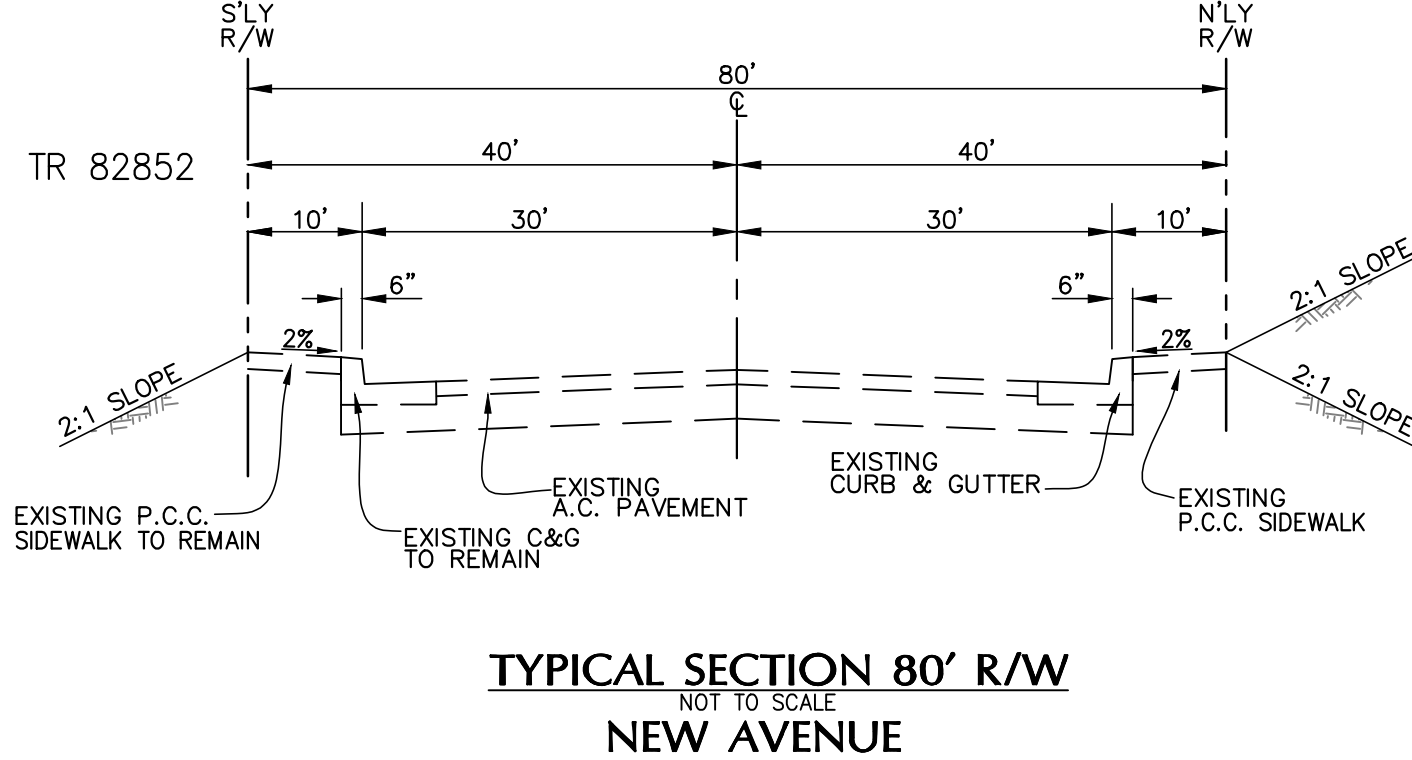
FONG HART SCHNEIDER + PARTNERS
31742 COST HIGHWAY
LAGUNA BEACH, CA 92651
(949) 645-1444
EMAIL: D.SCHNEIDER@FHSF.NET

LEGAL DESCRIPTION:

PARCEL 1 OF PARCEL MAP NO. 24398, PARTLY
IN THE CITY OF MONTEREY PARK AND PARTLY IN
THE CITY OF ROSEMEAD, BOTH IN THE COUNTY
OF LOS ANGELES, STATE OF CALIFORNIA, AS PER
MAP RECORDED IN BOOK 272 PAGES 38 AND 39
OF PARCEL MAPS, IN THE OFFICE OF THE
COUNTY RECORDER OF SAID COUNTY.

GENERAL NOTES:

1. PROJECT ADDRESS: 126 NEW AVE., MONTEREY PARK, CA 91755
2. APN# 5286-019-013, 5286-019-014
3. PROJECT AREA (GROSS) 122,897 S.F. (2.82 AC)
3. PROJECT AREA (NET) 98,376 S.F. (2.26 AC)
4. EXISTING ZONING R-3
5. PROPOSED ZONING R-3
6. EXISTING LAND USE HIGH RESIDENTIAL R3
7. PROPOSED LAND USE HIGH RESIDENTIAL R3



BENCH MARK
L.A.C.D.P.W. B.M. LY 10583 ELEV. 359.213 FEET
L&CE TAG #9548 IN W CB 2FT S/O BCR @
SW COR EMERSON AVE AND NEW AVE
COVINA QUAD. 2005 ADJUSTMENT NAVD 1988

UTILITIES AND SERVICES:

1. WATER.....CITY OF MONTEREY PARK
2. SEWER.....CITY OF MONTEREY PARK
3. GAS.....SOUTHERN CALIFORNIA GAS COMPANY
4. ELECTRIC.....SOUTHERN CALIFORNIA EDISON COMPANY
5. TELEPHONE.....AT&T
6. CABLE TV.....ATT OR CHARTER COMMUNICATION

NO.	DESCRIPTION	APP.	DATE

PLANS PREPARED BY:

LDC LAND DESIGN CONSULTANTS, INC.
Land Planning, Civil Engineering, Surveying & Environmental Services
800 Royal Oaks Drive, Suite 104, Monrovia, California 91016
Ph: (626) 578-7000, Fax: (626) 578-7373
http://www.ldca.com

PROJECT ENGINEER DATE

CITY OF MONTEREY PARK

PARCEL EXHIBIT
TRACT NO. 82607

DESIGNED: LDC DRAWN: LDC CHECKED: S.H. SCALE: AS SHOWN
DESIGN DATE: 02/22/2021 DRAWING NO.: 20006-001 SHEET: 1 OF 1

ATTACHMENT 3
Whitmore Villa Residential Development Mitigated
Negative Declaration

MITIGATED NEGATIVE DECLARATION

Pursuant to the California Environmental Quality Act (CEQA) (California Public Resources Code (PRC) Sections 2100 et seq.) and the State CEQA Guidelines (California Code of Regulations (CCR) Sections 15000 et seq.), the City of Monterey Park has completed this Mitigated Negative Declaration (MND) for the project described below based on the assessment presented in the attached Initial Study.

LEAD AGENCY: City of Monterey Park

PROJECT TITLE: Whitmore Villa Residential Development

PROJECT LOCATION: The project site is at 126 North New Avenue, Monterey Park, California.

PROJECT DESCRIPTION: The proposed project would introduce new residential uses to the project site through the construction of Whitmore Villa, a 63-unit condominium development in 11 buildings with attached and subterranean garages. The 63 proposed units would have an average size of approximately 1,320 square feet each, for a total livable area of approximately 82,707 square feet. The two-story units, with and without attached garages, would total 40 two-bedroom units and 23 three-bedroom units. Between three and nine units are in each of the 11 separate buildings, which are centered around internal driveways and common areas. Private yards with low walls (± 42 inches high) would front the sidewalk on New Avenue and Whitmore Street. Units along New Avenue and Whitmore Street would have both internal and street-facing entrances. Units directly abutting each other in the interior of the development would include private patios with 6-foot fences between units. The development would also construct 166 parking spaces, including 46 enclosed garage parking spaces, 8 surface parking spaces, and 112 underground garage parking spaces. Access would be provided from New Avenue via two west-facing driveways at the center and southern edge of the project site, and from Whitmore Street via a north-facing driveway at the northeast corner of the project site. Existing driveways would be removed, and new driveways would be installed.

EXISTING CONDITIONS: The 2.8-acre project site has been vacant, bare land since 2018 when New Avenue School and associated structures on the site's two parcels were demolished, and the entire site was rough graded. No structures, trees, or landscaping exist on the project site, which is generally level and at approximately the same grade as New Avenue.

DOCUMENT AVAILABILITY: The MND and supporting Initial Study for the proposed project can be accessed on the City of Monterey Park's website at www.montereypark.ca.gov/241/planning.

SUMMARY OF IMPACTS: The attached Initial Study was prepared to identify the potential effects on the environment from development and operation of the proposed project and to evaluate the significance of those effects. Based on the environmental analysis, the proposed project would have no impacts or less-than-significant impacts related to the following environmental issues:

- | | | |
|-----------------------------|-----------------------------------|---------------------------|
| • Aesthetics | • Agricultural/Forestry Resources | • Air Quality |
| • Biological Resources | • Energy | • Geology/Soils |
| • Greenhouse Gas Emissions | • Hazards/Hazardous Materials | • Hydrology/Water Quality |
| • Land Use/Planning | • Mineral Resources | • Population/Housing |
| • Public Services | • Recreation | • Transportation |
| • Utilities/Service Systems | • Wildfire | |

The environmental assessment presented in the Initial Study concluded that the following environmental issues would have a less than significant impact with mitigation incorporated:

- Cultural Resources
- Tribal Cultural Resources
- Noise

FINDINGS: It is hereby determined that, based on the information contained in the attached Initial Study, the proposed project would not have a significant adverse effect on the environment. Mitigation measures necessary to avoid the potentially significant effects on the environment are included in the attached Initial Study, which is hereby incorporated and fully made part of this MND. The City of Monterey Park has hereby agreed to implement each of the identified mitigation measures, which will be adopted as part of the Mitigation Monitoring and Reporting Program.

March 2021 | Initial Study

WHITMORE VILLA RESIDENTIAL DEVELOPMENT

City of Monterey Park

Prepared for:

City of Monterey Park

Contact: Jason Moquin, Interim Planning Manager
320 W. Newmark Avenue
Monterey Park, California 91754
(626) 307-1324
jmoquin@MontereyPark.ca.gov

Prepared by:

PlaceWorks

Contact:
Dina El Chammas Gass
3 MacArthur Place, Suite 1100
Santa Ana, California 92707
714.966.9220
info@placeworks.com
www.placeworks.com



PLACEWORKS

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Appendix D	Noise Modeling Data
Appendix E	Traffic Impact Analysis

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Abbreviations and Acronyms

ABBREVIATIONS AND ACRONYMS

AAQS	ambient air quality standards
AB	Assembly Bill
AIN	Assessor Identification Number
AQMP	air quality management plan
BMP	best management practices
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CBC	California Building Code
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
cfs	cubic feet per second
CGS	California Geologic Survey
CMP	congestion management program
CNEL	community noise equivalent level
CO	carbon monoxide
CO ₂ e	carbon dioxide equivalent
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
dba	A-weighted decibel
DPM	diesel particulate matter
DTSC	Department of Toxic Substances Control
EIR	environmental impact report
EPA	United States Environmental Protection Agency
FEMA	Federal Emergency Management Agency
GHG	greenhouse gases
LARWQCB	Los Angeles Regional Water Quality Control Board
LOS	level of service
LST	localized significance thresholds
NAHC	Native American Heritage Commission
NO _x	nitrogen oxides
NPDES	National Pollution Discharge Elimination System

Abbreviations and Acronyms

O ₃	ozone
RCRA	Resource Conservation and Recovery Act
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SoCAB	South Coast Air Basin
SO _x	sulfur oxides
SUSMP	standard urban stormwater mitigation plan
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
UWMP	urban water management plan
VMT	vehicle miles traveled
VOC	volatile organic compound
WQMP	water quality management plan

Abbreviations and Acronyms

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1. Introduction

The applicant proposes to develop the Whitmore Villa project (the proposed project), which would include the construction of 63 multifamily residential housing units at 126 North New Avenue in the eastern part of Monterey Park. The City of Monterey Park will serve as the Lead Agency for the proposed project in accordance with the California Environmental Quality Act (CEQA) Guidelines § 15051(c). This Initial Study is a preliminary evaluation of the potential environmental consequences associated with the proposed project. As part of the City's approval process, the proposed project is required to undergo an environmental review pursuant to CEQA. The lead agency uses the initial study analysis to determine whether an environmental impact report (EIR) or a negative declaration is required. If the initial study concludes that the project may have a significant effect on the environment, an EIR must be prepared. Otherwise, a negative declaration or mitigated negative declaration is prepared.

1.1 PROJECT LOCATION

The project site is at 126 North New Avenue (APNs 5286-019-013 and 5286-019-014) in the eastern part of the city of Monterey Park, Los Angeles County, California (see Figure 1, *Regional Location*). The project site is approximately 2.8 acres of vacant land. Previous development on the site was demolished and the property was rough graded in 2018. The project site is bounded by New Avenue to the west and Whitmore Street to the north, and residential uses to the east and south. The eastern project site boundary is on the border with the city of Rosemead.

Monterey Park is surrounded by the cities of Alhambra to the north, Montebello to the south, and Rosemead to the east, with unincorporated Los Angeles County to the west. Regional access to the project site is via Interstate 10 (San Bernardino Freeway) and New Avenue, approximately 0.5 mile to the north. The project site is rectangular and bordered by New Avenue to the west and Whitmore Street to the north; East Garvey Avenue is the nearest street to the south, and Prospect Avenue is the nearest to the east (see Figure 2, *Local Vicinity*).

1.2 ENVIRONMENTAL SETTING

1.2.1 Existing Land Use

The 2.8-acre project site has been vacant, bare land since 2018 (see Figure 3, *Aerial Photograph*), when New Avenue School and associated structures on the site's two parcels were demolished, and the entire site was rough graded. No structures, trees, or landscaping exist on the project site, which is generally level and at approximately the same grade as New Avenue.

1. Introduction

1.2.2 Surrounding Land Use

The project site is on the southeast corner of the intersection of New Avenue and Whitmore Street, and it is surrounded by mostly residential and commercial uses. The proposed project site is directly south of Esther's Nest Children's School. The City of Monterey Park General Plan designates the site High Density Residential, with a corresponding zoning of High-Density Residential (R-3). To the north across Whitmore Street and to the west across New Avenue are two- to three-story residential uses with the same General Plan designation and zoning. Single-family homes zoned R-2 (medium density residential) are farther west along Elizabeth Avenue. Areas to the south and southwest consist of one- to three-story commercial buildings and single-story multifamily housing, with a Commercial land use designation and C-S (Commercial Services) zoning. The eastern project site boundary is the border with Rosemead, and to the east and southeast the zoning is Garvey Specific Plan, which allows mixed residential and commercial development.

1.3 PROJECT DESCRIPTION

1.3.1 Proposed Land Use

The proposed project would introduce new residential uses to the project site through the construction of Whitmore Villa, a 63-unit condominium development in 11 buildings with attached and subterranean garages. The 63 proposed units would have an average size of approximately 1,320 square feet each, for a total livable area of approximately 82,707 square feet. The two-story units, with and without attached garages, would total 40 two-bedroom units and 23 three-bedroom units. (See Figure 4, *Typical Building Elevations*, for representative building layouts.) The allowed building height for the High-Density Residential (R-3) zone is 30 feet, and the maximum proposed building height is 29 feet 6 inches. Table 1, *Unit Characteristics*, shows the types of units.

Table 1 Unit Characteristics

Unit Types	Bedrooms	Average Square Feet	Unit Numbers
Unit Type A	3	1,845	1-9
Unit Type B	3	1,753	10-14, 15-20, 21-23
Unit Type C	2	1,174	24-31
Unit Type D	2	1,168	32-63

Between three and nine units are in each of the 11 separate buildings, which are centered around internal driveways and common areas. Figure 5, *Proposed Site Plan*, shows the layout of the proposed buildings. Private yards with low walls (± 42 inches high) would front the sidewalk on New Avenue and Whitmore Street. Units along New Avenue and Whitmore Street would have both internal and street-facing entrances. Units directly abutting each other in the interior of the development would include private patios with 6-foot fences between units.

The development would construct 166 parking spaces, including 46 enclosed garage parking spaces, 8 surface parking spaces, and 112 underground garage parking spaces, which would exceed the City's parking standards. Ten bicycle parking spaces would be provided. No off-street parking would be designated for the proposed

1. Introduction

project. The proposed project would include driveways, concrete walkways, drought-tolerant landscaping and groundcover, potted plants, a lawn area, a dog run park area, a communal BBQ area, seating, decorative tile paving, and private yards and patios. The proposed landscaping would use a combination of drip and spray irrigation systems. Lighting would be provided for driveways and walkways, exterior lighting for the units, and security lighting.

A 6-foot security block wall would be constructed around the perimeter of the property. Access would be provided from New Avenue via two west-facing driveways at the center and southern edge of the project site, and from Whitmore Street via a north-facing driveway at the northeast corner of the project site. Existing driveways would be removed, and new driveways would be installed. Existing street trees on New Avenue would remain in place, and no existing landscaping or vegetation would be removed as part of the proposed project. Stormwater infrastructure, including catch basins, dry wells, and trenching, would be used for infiltration. Approximately 14 percent of the project site would be pervious surfaces.

1.3.2 Project Phasing

Construction activities are proposed to begin in the winter of 2021. Construction would be completed in two stages and last approximately 21 months in total. Such activities would include final grading and excavation, trenching for site utilities and irrigation, building construction, architectural coatings, driveway and walkway construction, landscaping, and street connection improvements. Grading activities would result in the disturbance of approximately 2.74 acres and in the export of approximately 20,420 cubic yards of soil.

1.4 EXISTING ZONING AND GENERAL PLAN

The project site is zoned R-3 (High Density Residential) and is designated High Density Residential in the City of Monterey Park General Plan. The proposed project's residential use would be allowed under existing zoning. Additional approvals required from the City and currently in progress are:

- Tentative Map for the subdivision for condominium purposes; and
- City of Monterey Park Public Works/Engineering (for grading permit)

1.5 OTHER AGENCY ACTION REQUESTED

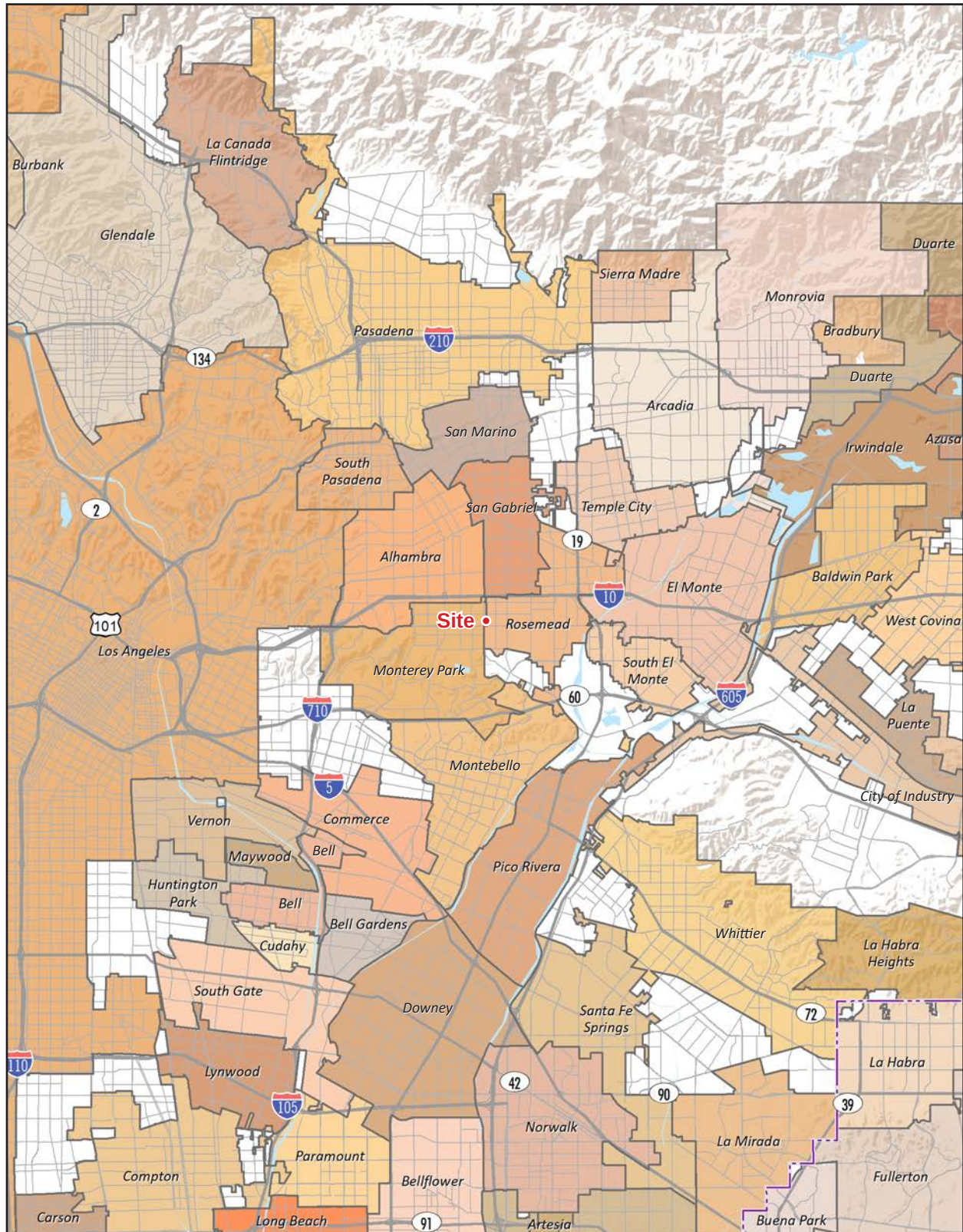
REGIONAL AGENCIES

- Los Angeles Regional Water Quality Control Board (NPDES permit; construction stormwater run-off permits)

1. Introduction

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Figure 1 - Regional Location



Note: Unincorporated county areas are shown in white.
Source: ESRI, 2019

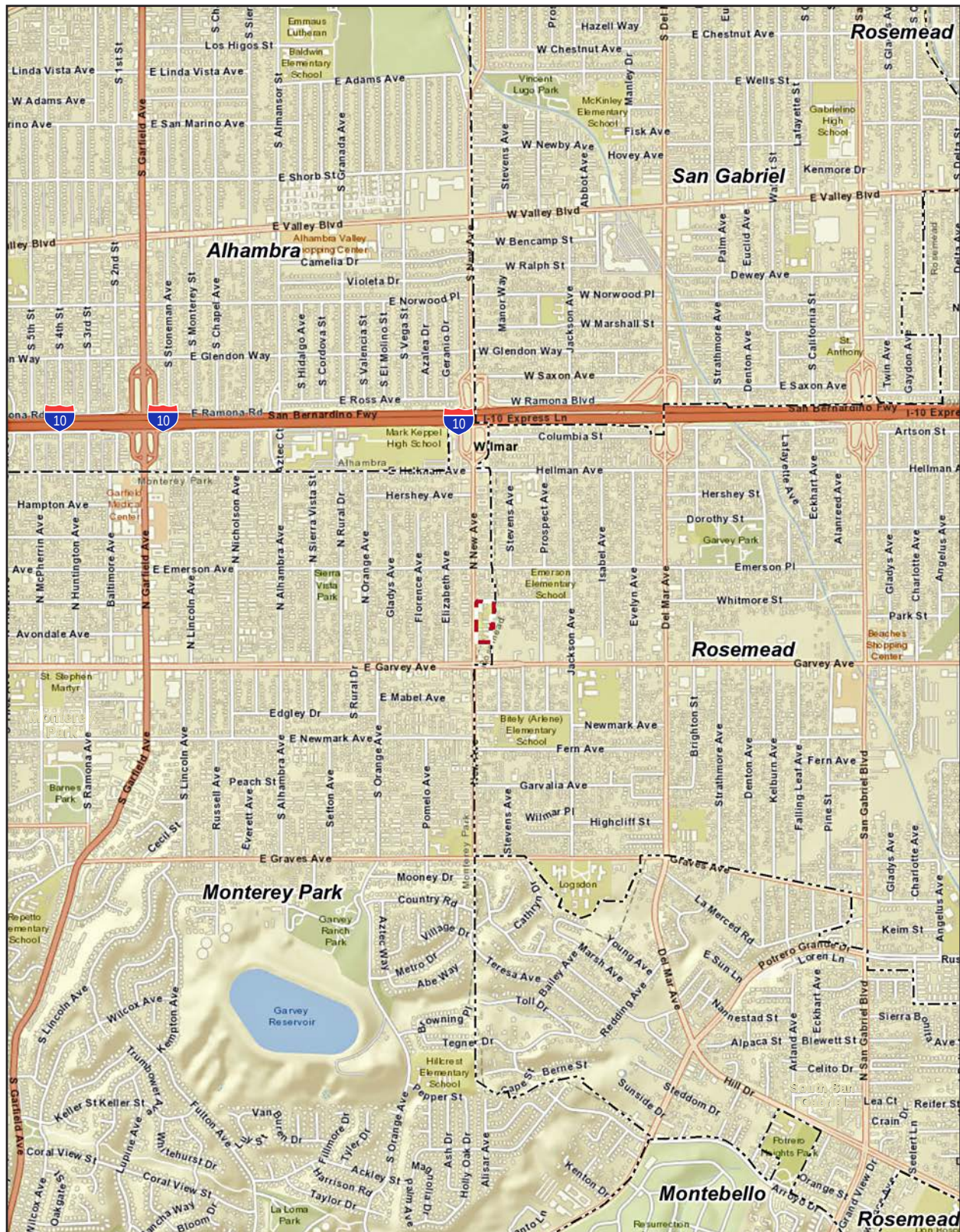
0 3
Scale (Miles)



1. Introduction

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Figure 2 - Local Vicinity



--- Project Boundary

----- City Boundary

Source: ESRI, 2019

0 2,000
Scale (Feet)



PlaceWorks

1. Introduction

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Figure 3 - Aerial Photograph



— Project Boundary
--- City Boundary

Source: Nearmap, 2019

0 125
Scale (Feet)



1. Introduction

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Figure 4 - Typical Building Elevations



1-9 Front



10-14 Front



10 Side



14 Side



Source: Feng Xiao Architect, Inc, 2020

1. Introduction

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1. Introduction

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2. Environmental Checklist

2.1 BACKGROUND

1. **Project Title:** Whitmore Villa Residential Development

2. **Lead Agency Name and Address:**
The City of Monterey Park
Community and Economic Development Department
320 W. Newmark Avenue
Monterey Park, CA 91754

3. **Contact Person and Phone Number:**
Jason Moquin, Interim Planning Manager
Department of Public Works, Planning Division
(626) 307-1324

4. **Project Location:**
126 North New Avenue in the eastern part of Monterey Park, approximately 0.5 mile south of the intersection of New Avenue and Interstate 10. The project site is rectangularly shaped and bordered by Whitmore Street to the north, East Garvey Avenue to the south, New Avenue to the west, and Prospect Avenue to the east.

5. **Project Sponsor's Name and Address:**
Green State Holding
312 Whispering Pine Drive
Arcadia, CA 91006

6. **General Plan Designation:** High Density Residential

7. **Zoning:** R3 (High Density Residential)

8. **Description of Project:**
The City of Monterey Park proposes to develop a 82,707 square-foot, 63-unit condominium development of two-story buildings, including attached and subterranean parking garages, on a 2.8-acre vacant site in the eastern part of Monterey Park. The development of the site would include driveways, plazas and walkways, ornamental landscaping, irrigation, and security lighting. There would be 46 enclosed garage parking spaces, 8 additional surface parking spaces, and 112 underground garage parking spaces, totaling 166 parking spaces.

2. Environmental Checklist

9. Surrounding Land Uses and Setting:

The project site is on the southeast corner of the intersection of North New Avenue and Whitmore Street in the City of Monterey Park at 126 North New Avenue. The project site is on the north, south, and west by High Density Residential zoning and on the east by the City of Rosemead and properties zoned Garvey Specific Plan, allowing mixed residential and commercial development.

10. Other Public Agencies Whose Approval Is Required:

- Los Angeles Regional Water Quality Control Board (NPDES permit; construction stormwater run-off permits)

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?

The following California Native American tribes are on the City of Monterey Park's notification list pursuant to AB 52:

- Gabrieleno Band of Mission Indians – Kizh Nation
- Gabrieleno/Tongva San Gabriel Band of Mission Indians
- Gabrielino/Tongva Nation
- Gabrielino Tongva Indians of California Tribal Council
- Gabrielino-Tongva Tribe

The City notified these tribes on August 16, 2019, and did not receive any request for consultation within the 30-day notification period, and no further action is required.

2. Environmental Checklist

2.2 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact," as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| ☐ Aesthetics | ☐ Agriculture / Forestry Resources | ☐ Air Quality |
| ☐ Biological Resources | ☐ Cultural Resources | ☐ Energy |
| ☐ Geology/Soils | ☐ Greenhouse Gas Emissions | ☐ Hazards and Hazardous Materials |
| ☐ Hydrology/Water Quality | ☐ Land Use / Planning | ☐ Mineral Resources |
| ☐ Noise | ☐ Population / Housing | ☐ Public Services |
| ☐ Recreation | ☐ Transportation | ☐ Tribal Cultural Resources |
| ☐ Utilities / Service Systems | ☐ Wildfire | ☐ Mandatory Findings of Significance |

2.3 DETERMINATION (TO BE COMPLETED BY THE LEAD AGENCY)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Jason Moquin
Printed Name

March 10, 2021

Date

City of Monterey Park

For

2. Environmental Checklist

2.4 EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors, as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) **Earlier Analyses Used.** Identify and state where they are available for review.
 - b) **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) **Mitigation Measures.** For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

2. Environmental Checklist

8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significant.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	
II. AGRICULTURE AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X

2. Environmental Checklist

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			X	
IV. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				X
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as pursuant to § 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?		X		
c) Disturb any human remains, including those interred outside of dedicated cemeteries?			X	

2. Environmental Checklist

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VI. ENERGY. Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	
VII. GEOLOGY AND SOILS. Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks direct or indirect to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	
VIII. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X
IX. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	

2. Environmental Checklist

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				X
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				X
X. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:			X	
i) result in a substantial erosion or siltation on- or off-site;			X	
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;			X	
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or				X
iv) impede or redirect flood flows?				X
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				X
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	
XI. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?				X
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				X

2. Environmental Checklist

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XII. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
XIII. NOISE. Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X		
b) Generation of excessive groundborne vibration or groundborne noise levels?		X		
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
XIV. POPULATION AND HOUSING. Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X
XV. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?			X	
b) Police protection?			X	
c) Schools?			X	
d) Parks?			X	
e) Other public facilities?			X	
XVI. RECREATION.				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

2. Environmental Checklist

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII. TRANSPORTATION. Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			X	
b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?			X	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
d) Result in inadequate emergency access?			X	
XVIII. TRIBAL CULTURAL RESOURCES.				
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or		X		
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			X	
XIX. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
c) Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

2. Environmental Checklist

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XXI. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?				X
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				X
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				X
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?				X
XXI. MANDATORY FINDINGS OF SIGNIFICANCE.				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X		

2. Environmental Checklist

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3. Environmental Analysis

Section 2.4 provided a checklist of environmental impacts. This section provides an evaluation of the impact categories and questions contained in the checklist and identifies mitigation measures, if applicable.

3.1 AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

a) Have a substantial adverse effect on a scenic vista?

No Impact. A scenic vista, as defined by the California Department of Transportation (Caltrans), is a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public. Vistas provide visual access or panoramic views to a large geographic area and are generally located at a point where surrounding views are greater than one mile away. Panoramic views are usually associated with vantage points over a section of urban or natural areas that provide a geographic orientation not commonly available. Examples of panoramic views might include an urban skyline, valley, mountain range, a large open space area, the ocean, or other water bodies.

As shown in Figure 3, *Aerial Photograph*, the project site and surrounding area are in a highly urbanized area of the city. A mix of one- and two-story residential and commercial buildings dominate the surrounding project area. The urban landscape character and features of the project site and surrounding area are consistent with and typical of urbanized areas of the city. Overall site topography is generally flat, with no notable change in elevation. The closest scenic resource to the project site is the San Gabriel Mountains approximately eight miles to the north.

Fleeting views of the San Gabriel Mountain ranges are available to motorists traveling on the north-south-oriented New Avenue, which forms the western project site boundary. However, project development would not affect views of these mountain ranges. The project would not introduce visual obstructions that would affect motorists or passersby traveling on this roadway, because the project site is on the east side of New Avenue and views of the mountains from this roadway are to the north.

Based on the preceding, no impact to scenic vistas would occur, and no mitigation measures are necessary.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. The project site is in an urban area consisting largely of residential and commercial uses. No state scenic highways are in the vicinity of the site. Furthermore, there are no scenic resources or historic buildings on the site. The closest historic resource recognized by the California Register of Historic Resources and the

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City is the Cascades Park and Jardin del Encanto Complex approximately 1.75 miles to the southwest (Monterey Park General Plan). Therefore, the project would have no impact on scenic resources within a state scenic highway.

- c) **In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?**

Less than Significant Impact. The project site is in Monterey Park, which is largely built out and has little undeveloped space remaining (Monterey Park General Plan). Existing land use and conditions of the project site and surrounding area are depicted on Figure 3, *Aerial Photograph*. The figure shows that the project site and surrounding area are in a highly urbanized area of the city. The project site itself is vacant and consists mostly of sparse patches of grass or exposed soil.

The project site is currently designated in the General Plan as High Density Residential and is zoned R-3 (High Density Residential). A mix of one- and two-story residential and commercial buildings dominate the surrounding area. The urban character and features of the project site and surrounding area are consistent with and typical of urbanized areas of the city. The project would construct two-story residential buildings and ancillary structures that would be consistent with development standards for the R-3 zone. Therefore, the project would not conflict with zoning or other regulations and impacts to scenic quality would be less than significant.

- d) **Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?**

Less than Significant Impact. Under existing conditions, no artificial lighting is at the site because the site is completely vacant. The proposed project would result in the construction of a 63-unit condominium development. Site lighting would consist of building-mounted light fixtures; lighting for pedestrian walkways and common and recreation areas; decorative lighting for landscape and building features; lighting along the private street and for the uncovered surface parking areas; interior lighting for the apartment buildings and parking garages; and security lighting.

Although project development would introduce new light sources to the project site and surrounding area, the proposed light sources would be similar to those of the surrounding residential uses and roadways. Considering the existing sources of lighting in the vicinity, the amount and intensity of nighttime lighting proposed on-site would not be substantially greater or different than existing lighting.

Furthermore, project development would be required to comply with Chapter 16.10 of the City of Monterey Park's Energy Code. The City's Energy Code adopts by reference the California's Building Energy Efficiency Standards for Residential and Nonresidential Buildings—Title 24, Part 6, Energy Standards, of the California Code of Regulations—which outlines mandatory provisions for lighting control devices and luminaires. For example, the project's exterior lighting sources would be installed in accordance with the provisions of Section 110.9 of the Energy Standards, Mandatory Requirements for Lighting Control. Section 110.9 of the Energy Standards establishes requirements for lighting controls that would include astronomical-time-switch controls,

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occupant-sensing controls, and daylighting controls. Astronomical-time-switch controls ensure building light sources have sunrise and sunset prediction accuracy within plus or minus 15 minutes to ensure lighting is operating based on the time of day. Occupant sensing controls ensure lighting is turned off no more than 20 minutes after a space has been vacated. Daylighting controls ensure that lighting is reduced if there is ample daylight available. Compliance with the lighting provisions of the Title 24 would ensure that the proposed project does not result in significant light impacts

Based on the preceding, nighttime light and glare impacts related to the project would be less than significant, and no mitigation measures are necessary.

3.2 AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

- a) **Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**
- b) **Conflict with existing zoning for agricultural use, or a Williamson Act contract?**
- c) **Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?**
- d) **Result in the loss of forest land or conversion of forest land to non-forest use?**
- e) **Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?**

No Impact. The California Department of Conservation manages the Farmland Mapping and Monitoring Program (FMMP), which identifies and maps significant farmland. Farmland is classified using a system of five categories including Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, and Grazing Land. The classification of farmland as Prime Farmland, Unique Farmland, and Farmland of Statewide Importance is based on the suitability of soils for agricultural production, as determined by a soil survey conducted by the Natural Resources Conservation Service. The California Department of Conservation manages an interactive website, the California Important Farmland Finder. This

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web program identifies the project site as being outside of the survey area, and it is therefore not considered agriculturally important land (CIFF 2018).

The project site is vacant, rough-graded land and does not contain trees or vegetation. Existing street trees along the project site boundary would be retained with project development. The entire site would be developed with residential housing and associated landscaping. No designated forest land exists on the project site, and the proposed project would not result in the loss of forest land. This site is not subject to a Williamson Act contract, and the site is zoned R-3, High Density Residential, on the City of Monterey Park Zoning Map. This zoning district is not intended for agricultural uses. Additionally, the project site is not adjacent to or within the vicinity of any farmland. Therefore, the project would result in no impact to agriculture or forestry resources.

3.3 AIR QUALITY

The Air Quality section addresses the impacts of the proposed project on ambient air quality and the exposure of people, especially sensitive individuals, to unhealthful pollutant concentrations. A background discussion on the air quality regulatory setting, meteorological conditions, existing ambient air quality in the vicinity of the project site, and air quality modeling can be found in Appendix A.

The primary air pollutants of concern for which ambient air quality standards (AAQS) have been established are ozone (O_3), carbon monoxide (CO), coarse inhalable particulate matter (PM_{10}), fine inhalable particulate matter ($PM_{2.5}$), sulfur dioxide (SO_2), nitrogen dioxide (NO_2), and lead (Pb). Areas are classified under the federal and California Clean Air Act as either in attainment or nonattainment for each criteria pollutant based on whether the AAQS have been achieved. The South Coast Air Basin (SoCAB), which is managed by the South Coast Air Quality Management District (SCAQMD), is designated nonattainment for O_3 , and $PM_{2.5}$ under the California and National AAQS, nonattainment for PM_{10} under the California AAQS, and nonattainment for lead (Los Angeles County only) under the National AAQS (CARB 2017b).

Furthermore, the SCAQMD has identified regional thresholds of significance for criteria pollutant emissions and criteria air pollutant precursors, including VOC, CO, NO_x , SO_x , PM_{10} , and $PM_{2.5}$. Development projects below the regional significance thresholds are not expected to generate sufficient criteria pollutant emissions to violate any air quality standard or contribute substantially to an existing or projected air quality violation. Where available, the significance criteria established by the SCAQMD may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less Than Significant Impact. The SCAQMD adopted the 2016 Air Quality Management Plan on March 3, 2017. Regional growth projections are used by SCAQMD to forecast future emission levels in the SoCAB. For southern California, these regional growth projections are provided by the Southern California Association of Governments (SCAG) and are partially based on land use designations included in city/county general plans. Typically, only large, regionally significant projects have the potential to affect the regional growth projections. In addition, the consistency analysis is generally only required in connection with the adoption of general plans, specific plans, and significant projects.

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The proposed project is anticipated to involve site preparation, grading, and utility trenching of the 2.8-acre lot. It would also involve construction of residential housing units and subterranean garage, architectural coating, paving asphalt and nonasphalt surfaces, and landscaping. Section 15206(b) of the CEQA Guidelines states that a proposed project is of statewide, regional, or areawide significance if the project would involve a net increase of over 500 residential dwelling units. The project proposes development of a small residential community that would provide up to 63 dwelling units and more housing options for the local community. Thus, it is not considered a project of statewide, regional, or areawide significance that would require intergovernmental review under Section 15206 of the CEQA Guidelines. Therefore, the project would not have the potential to substantially affect SCAG's demographic projections. Additionally, as demonstrated in Sections 3.3(b), the regional emissions that would be generated by the construction and operational phases of the proposed project would be less than the SCAQMD emissions thresholds and would therefore not be considered by SCAQMD to be a substantial source of air pollutant emissions that would have the potential to affect the attainment designations in the SoCAB. Therefore, the proposed project would not affect the regional emissions inventory or conflict with strategies in the AQMP. Impacts would be less than significant.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard?

Less Than Significant Impact. The following describes project-related impacts from regional short-term construction activities and regional long-term operation of the proposed project.

Regional Short-Term Construction Impacts

The proposed project would result in the construction of a 63-unit residential housing community that would take approximately 21 months to complete over two overlapping construction phases. Construction of the proposed project would generate criteria air pollutants associated with construction equipment exhaust and fugitive dust from site preparation, grading and trenching, building construction of the housing units and subterranean garage, architectural coating, pavement of asphalt and nonasphalt surfaces, and finishing and landscaping of the site. The proposed project construction-related emissions shown in Table 2, *Maximum Daily Regional Construction Emissions*, are quantified using California Emissions Estimator Model, Version 2016.3.2 (CalEEMod), and are based on the construction schedule and equipment mix for the project provided by the applicant. It should be noted that numbers shown in Table 2 are based on an earlier construction start date than what is proposed for the project.¹ The construction schedule used in the analysis represents a “worst-case” analysis scenario because if construction occurs any time after the respective dates, emission factors for construction decrease as time passes and the analysis year increases due to emission regulations becoming more stringent. As shown in the CalEEMod User's Guide Version 2016.3.2, Table 4.3, *Off-Road Equipment Emission Factors*, as the analysis year increases, emission factors for the same equipment pieces decrease due to the natural turnover of older equipment being replaced by newer, less-polluting equipment and new regulatory requirements (CAPCOA 2017a).

¹ The air quality and greenhouse gas modeling were based on a 2020 start date for construction activities. This start date has since been postponed to the winter of 2021.

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As shown in the table, air pollutant emissions from construction-related activities would be less than their respective SCAQMD regional significance threshold values. Therefore, air quality impacts from project-related construction activities would be less than significant.

Table 2 Maximum Daily Regional Construction Emissions

Construction Phase	Pollutants (lb/day) ^{1, 2, 3}					
	VOC	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Year 2020						
Site Preparation (Phase 1)	2	20	12	<1	2	1
Grading and Grading Soil Haul (Phase 1)	4	78	24	<1	7	3
Utility Trenching and Grading Soil Haul (Phase 1)	2	61	19	<1	4	1
Utility Trenching (Phase 1)	<1	2	3	<1	<1	<1
Townhome Construction 2020 (Phase 1)	3	20	18	<1	2	1
Year 2021						
Townhome Construction 2021 (Phase 1)	2	18	17	<1	2	1
Subterranean Garage and Townhome Construction (Phase 1 and 2)	5	34	33	<1	3	2
Architectural Coating (Phase 1) and Subterranean Garage and Townhome Construction (Phase 2)	22	17	18	<1	2	1
Paving (Phase 1) and Subterranean Garage and Townhome Construction (Phase 2)	3	26	28	<1	2	1
Finishing/Landscaping (Phase 1) and Subterranean Garage and Townhome Construction (Phase 2)	2	18	19	<1	2	1
Subterranean Garage and Townhome Construction 2021 (Phase 2)	2	16	16	<1	1	1
Year 2022						
Subterranean Garage and Townhome Construction 2022 (Phase 2)	2	14	16	<1	1	1
Architectural Coating (Phase 2)	34	1	2	<1	<1	<1
Paving (Phase 2)	1	7	9	<1	<1	<1
Finishing and Landscaping (Phase 2)	<1	2	3	<1	<1	<1
Maximum Daily Construction Emissions						
Maximum Daily Emissions	34	78	33	<1	7	3
SCAQMD Regional Construction Threshold	75	100	550	150	150	55
Significant?	No	No	No	No	No	No

Source: CalEEMod Version 2016.3.2

Notes: These numbers are based on the construction of 66 residential units (an earlier iteration of the proposed project on which the air quality modeling is based). This results in more conservative construction emissions.

Emissions totals may not equal 100 percent due to rounding.

¹ Based on the preliminary information provided by the applicant. Where specific information regarding project-related construction activities was not available, construction assumptions were based on CalEEMod defaults, which are based on construction surveys conducted by SCAQMD of construction equipment.

² Includes implementation of fugitive dust control measures required by SCAQMD under Rule 403, including watering disturbed areas a minimum of two times per day, reducing speed limit to 15 miles per hour on unpaved surfaces, replacing ground cover quickly, and street sweeping with Rule 1186-compliant sweepers.

³ Assumed equipment used during overlapping phases would not be shared to provide the most conservative estimate.

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Regional Long-Term Operation-Phase Impacts

Typical long-term air pollutant emissions are generated by area sources (e.g., landscape fuel use, aerosols, architectural coatings, and asphalt pavement), energy use (natural gas), and mobile sources (i.e., on-road vehicles). The proposed project would result in new residential housing units, a subterranean garage, internal roads, and paved and landscaped surfaces. The proposed units and structures would, at minimum, be designed and built to meet the 2019 Building Energy Efficiency Standards and the 2019 California Green Building Standards Code (CALGreen). As shown in Table 3, Maximum Daily Regional Operation Emissions, it is anticipated that operation of the proposed project would result in overall minimal emissions and would not exceed the SCAQMD regional operation-phase significance thresholds. Therefore, impacts to the regional air quality associated with operation of the project would be less than significant.

Table 3 Maximum Daily Regional Operation Emissions

Source	Maximum Daily Emissions (lbs/day)					
	VOC	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Summer						
Area	3	1	6	<1	<1	<1
Energy ¹	<1	<1	<1	<1	<1	<1
Mobile	1	1	12	<1	4	1
Total	4	3	18	<1	4	1
Winter						
Area	3	1	6	<1	<1	<1
Energy ¹	<1	<1	<1	<1	<1	<1
Mobile	1	1	11	<1	4	1
Total	4	3	17	<1	4	1
Max Daily Emissions						
Area	3	1	6	<1	<1	<1
Energy ¹	<1	<1	<1	<1	<1	<1
Mobile	1	1	12	<1	4	1
Total	4	3	18	<1	4	1
SCAQMD Regional Threshold	55	55	550	150	150	55
Exceeds Threshold?	No	No	No	No	No	No

Source: CalEEMod Version 2016.3.2.

Notes:

lbs: Pounds.

These numbers are based on the construction of 66 residential units (an earlier iteration of the proposed project on which the Air Quality modeling is based). This results in more conservative operational emissions.

¹ For purposes of this analysis, the proposed community center building is assumed to be designed and built to meet the 2019 Building Efficiency Standards and CalGreen Code based on the anticipated construction schedule.

c) Expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant Impact. The following describes changes in localized impacts from short-term construction activities and long-term operation of the proposed project.

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Construction

Localized Construction Impacts

A project could expose sensitive receptors to elevated pollutant concentrations during construction activities if it would cause or contribute significantly to elevated levels. Unlike the mass of construction emissions shown in the regional emissions analysis in Table 2 which is described in pounds per day, localized concentrations refer to an amount of pollutant in a volume of air (ppm or $\mu\text{g}/\text{m}^3$) and can be correlated to potential health effects. The screening-level localized significance thresholds (LST) are the amount of project-related emissions at which localized concentrations (ppm or $\mu\text{g}/\text{m}^3$) could exceed the California AAQSs for criteria air pollutants for which the SoCAB is designated nonattainment and are based on the proposed project site size and distance to the nearest sensitive receptor. The California AAQS, which are the most stringent AAQS, were established to provide a margin of safety in the protection of the public health and welfare. The screening-level LSTs are designed to protect sensitive receptor areas most susceptible to further respiratory distress, such as asthmatics, the elderly, very young children, people already weakened by other disease or illness, and persons engaged in strenuous work or exercise.

Air pollutant emissions generated by construction activities are anticipated to cause temporary increases in air pollutant concentrations. Table 4, *Maximum Daily Onsite Localized Construction Emissions*, shows the maximum daily construction emissions (pounds per day) generated during on-site construction activities compared with the SCAQMD's screening-level LSTs. Note that the numbers shown in Table 4 are based on an earlier construction start date than what is proposed for the project. Construction activities for the proposed project would begin in the winter of 2021. Construction would be completed in two stages and in total last approximately 21 months. Therefore, the construction schedule utilized in the analysis represents a "worst-case" analysis since emission factors for construction decrease as time passes and the analysis year increases due to emission regulations becoming more stringent.

As shown in the table, the construction of the proposed project would not generate construction-related emissions that would exceed the screening-level LSTs. Thus, project-related construction activities would not have the potential to expose sensitive receptors to substantial pollutant concentrations. Therefore, localized air quality impacts from construction activities would be less than significant, and no mitigation measures are necessary.

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Table 4 Construction Emissions Compared to the Screening-Level LSTs

Construction Activity	Pollutants (lbs/day) ^{1,2}			
	NO _x	CO	PM ₁₀ ³	PM _{2.5} ³
SCAQMD ≤1.00 -acre LST	83	673	5	4
Utility Trenching and Grading Soil Haul (Phase 1)	5	6	<1	<1
Utility Trenching (Phase 1)	2	3	<1	<1
Townhome Construction 2020 (Phase 1)	17	15	1	1
Townhome Construction 2021 (Phase 1)	16	15	1	1
Subterranean Garage and Townhome Construction (Phase 1 and 2)	30	27	2	1
Architectural Coating (Phase 1) and Subterranean Garage and Townhome Construction (Phase 2)	15	15	1	1
Paving (Phase 1) and Subterranean Garage and Townhome Construction (Phase 2)	24	25	1	1
Finishing/Landscaping (Phase 1) and Subterranean Garage and Townhome Construction (Phase 2)	16	16	1	1
Subterranean Garage and Townhome Construction 2021 (Phase 2)	14	13	1	1
Subterranean Garage and Townhome Construction 2022 (Phase 2)	13	13	1	1
Architectural Coating (Phase 2)	1	2	<1	<1
Paving (Phase 2)	7	9	<1	<1
Finishing and Landscaping (Phase 2)	2	3	<1	<1
Exceeds LST?	No	No	No	No
SCAQMD 1.88-Acre LSTs	116	986	7	5
Grading and Grading Soil Haul (Phase 1)	21	10	4	2
Exceeds LST?	No	No	No	No
SCAQMD 1.94-Acre LSTs	119	1,009	7	5
Site Preparation (Phase 1)	20	11	1	1
Exceeds LST?	No	No	No	No

Source: CalEEMod Version 2016.3.2., and SCAQMD 2008 and 2011.

Notes: In accordance with SCAQMD methodology, only onsite stationary sources and mobile equipment occurring on the project site are included in the analysis. LSTs are based on receptors within 82 feet (25 meters) of the project site in Source Receptor Area (SRA) 11.

These numbers are based on the construction of 66 residential units (an earlier iteration of the proposed project on which the modeling is based). This results in more conservative construction emissions.

¹ Based on information provided by the applicant. Where specific information regarding project-related construction activities or processes was not available, construction assumptions were based on CalEEMod defaults, which are based on construction surveys conducted by the SCAQMD.

² Assumed equipment used during overlapping phases would not be shared to provide the most conservative estimate.

³ Includes implementation of fugitive dust control measures required by SCAQMD under Rule 403, including watering disturbed areas a minimum of two times per day, reducing speed limit to 15 miles per hour on unpaved surfaces, replacing ground cover quickly, and street sweeping with Rule 1186-compliant sweepers.

Health Risk

The SCAQMD currently does not require health risk assessments to be conducted for short-term emissions from construction equipment. Emissions from construction equipment primarily consist of diesel particulate matter (DPM). The Office of Environmental Health Hazard Assessment adopted new guidance for the preparation of health risk assessments in March 2015 (OEHHA 2015). It has also developed a cancer risk

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factor and noncancer chronic reference exposure level for DPM, but these factors are based on continuous exposure over a 30-year time frame. No short-term acute exposure levels have been developed for DPM. SCAQMD currently does not require the evaluation of long-term excess cancer risk or chronic health impacts for a short-term project. The proposed project would be developed in two phases over approximately 21 months. The relatively short duration when compared to a 30-year time frame would limit exposures to on-site and off-site receptors. In addition, exhaust emissions from off-road vehicles associated with overall project-related construction activities would not exceed the screening-level LSTs. For these reasons, it is anticipated that construction emissions would not pose a threat to off-site receptors near the proposed project, and project-related construction health impacts would be less than significant.

Carbon Monoxide Hotspots

Areas of vehicle congestion have the potential to create pockets of CO called hotspots. These pockets have the potential to exceed the state one-hour standard of 20 parts per million (ppm) or the eight-hour standard of 9.0 ppm. Because CO is produced in greatest quantities from vehicle combustion and does not readily disperse into the atmosphere, adherence to ambient air quality standards is typically demonstrated through an analysis of localized CO concentrations. Hotspots are typically produced at intersections where traffic congestion is highest because vehicles queue for longer periods and are subject to reduced speeds.

The SoCAB has been designated attainment under both the national and California AAQS for CO. Under existing and future vehicle emission rates, a project would have to increase traffic volumes at a single intersection by more than 44,000 vehicles per hour—or 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited—in order to generate a significant CO impact (BAAQMD 2017). Operation of the proposed project would generate up to 37 PM peak hour trips (see Appendix E), which would be minimal compared to the screening levels. Therefore, the project would not have the potential to substantially increase CO hotspots at intersections in the vicinity of the project site, and impacts would be less than significant.

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less Than Significant Impact. The threshold for odor is if a project creates an odor nuisance pursuant to SCAQMD Rule 402, Nuisance, which states:

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property. The provisions of this rule shall not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.

The type of facilities that are considered to have objectionable odors include wastewater treatments plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical

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manufacturing, and food manufacturing facilities. The proposed project does not fall within the aforementioned land uses; no operational odors are anticipated.

During the development of the proposed project, emissions from construction equipment, such as diesel exhaust, may generate odors. However, these odors would be low in concentration, temporary, disperse rapidly, and are not expected to affect a substantial number of people. Any odors produced during the installation phase are not expected to be significant or highly objectionable and would be in compliance with SCAQMD Rule 402. Therefore, impacts would be less than significant.

3.4 BIOLOGICAL RESOURCES

Would the project:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?
- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?
- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. The project site is in a built-out urban environment largely consisting of residential and commercial uses. Monterey Park offers few natural resources such as forests, wildlife habitat, or agricultural land. Due to its developed nature, the project site is not designated by the City of Monterey Park as a natural resource. The nearest designated riverine habitat to the project site is Alhambra Wash approximately 0.9 mile to the east. Garvey Reservoir is approximately 0.9 mile to the southwest. The nearest park to the project site is Sierra Vista Park, approximately 0.4 mile to the northwest.

The 2.8-acre project site consists of previously developed land that was cleared and rough graded in 2018. The project site is currently bare and does not support any vegetation except several street trees, which would remain with project development. No suitable habitat for sensitive mammals, reptile, or fish species exist on the project

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site that would otherwise be threatened by project development. Additionally, the project site has no riparian habitat or other sensitive natural community; no wetlands or other jurisdictional waters of the United States (FWS 2019); and no surface water bodies, drainages, streams, or waterways. There are also no adopted habitat conservation plans, natural community conservation plans, or other approved local, regional, or state habitat conservation plans that govern the project site (CDFW 2019). Therefore, no impacts to biological resources would occur.

3.5 CULTURAL RESOURCES

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?

No Impact. Section 15064.5 defines historic resources as resources listed or determined to be eligible for listing by the State Historical Resources Commission, a local register of historical resources, or the lead agency. Generally, a resource is considered “historically significant” if it meets one of the following criteria:

- i) Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
- ii) Is associated with the lives of persons important in our past;
- iii) Embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important creative individual, or possesses high artistic values;
- iv) Has yielded, or may be likely to yield, information important in prehistory or history.

According to Monterey Park Municipal Code § 21.04.291, a “cultural resource” refers to “any structure, portion of a structure, improvement, district, or any grouping of structures or improvements related to one another by virtue of their sharing of common characteristics or uses, and any natural feature, landscape, site, area or object of scientific, aesthetic, educational, cultural, architectural, landscape architectural, archaeological, or historic significance to the citizens of the City and the State, the Southern California region or the nation which is listed in the National Register or is eligible for listing in the National Register.”

The proposed project would develop 63 condominium units, associated landscaping, and ancillary amenities over an approximately 2.8-acre vacant parcel. The project site was previously developed, and the site is currently bare, rough graded land. Project development would not destroy any structures or natural features and would be contained entirely on the project site. No historical resources exist on the project site (OHP 2019, NPS 2014, Monterey Park 2019a). Therefore, no impact to historic resources would occur.

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b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

Less Than Significant Impact with Mitigation Incorporated. The proposed project would develop a new two-story residential complex with subterranean parking on a previously developed vacant site. Due to the disturbed nature of and lack of identified cultural resources on the project site, it is not anticipated that unknown cultural resources exist on-site. Project development would involve fine surface grading and excavations for the subterranean parking garage and two-story building foundations. However, previously unidentified archaeological resources, including human remains, could be inadvertently encountered during the course of earth moving construction activities. Therefore, the potential for damage to, or destruction of, these resources would be a potentially significant impact. If archaeological resources are discovered during construction, the developer would be required to implement mitigation measure CUL-1, which would ensure proper evaluation and treatment of archaeological resources, if found. With implementation of mitigation measure CUL-1, project impacts to archeological resources would be less than significant.

Mitigation Measure

CUL-1 In the event that construction activities occur within previously undisturbed soils and buried cultural resources are discovered, such resources could be damaged or destroyed, potentially resulting in significant impacts to cultural resources. Prior to the issuance of a grading permit by the City, the project applicant shall retain a qualified archaeologist approved by the City and provide documentation of such retention to the City. The archaeologist shall train project construction workers on the types of archaeological resources that could be found in site soils. The archaeologist shall also periodically monitor project ground-disturbing activities. If archaeological resources are encountered, all construction work 100 feet of the resource find shall cease, and the archaeologist shall be consulted to assess the find, and to determine whether the resource requires further study. The qualified archaeological personnel must assist the City by generating measures to protect the discovered resources. Any previously undiscovered resources found during construction must be recorded on appropriate Department of Parks and Recreation (DPR) 523 forms and evaluated for significance under all applicable regulatory criteria. An archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, must be retained to evaluate the finds and recommend appropriate mitigation measures.

Timing/Implementation: During future grading and construction activities

Monitoring/Enforcement: City of Monterey Park

Compliance with mitigation measure CUL-1 would ensure that implementation of the proposed project does not cause a substantial adverse change in the significance of an archaeological resource. Therefore, potentially significant impacts would be reduced to less than significant with mitigation incorporated. No further mitigation is required.

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c) Disturb any human remains, including those interred outside of dedicated cemeteries?

Less Than Significant Impact. There are no cemeteries or known human burials at the site, and the subject property was previously disturbed during the construction of the recently demolished school on the project site and subsequent site grading. Although not anticipated because the site was previously developed, excavation activities have the potential to result in the discovery of human remains. In this unlikely event, the City would be responsible for compliance with Health and Safety Code Section 7050.5 and CEQA Guidelines Section 15064.5. Health and Safety Code Section 7050.5, which states that no further disturbance can occur until the county coroner has made the necessary findings as to origin. Further, pursuant to Public Resources Code Section 5097.98(b), remains must be left in place and free from disturbance until a final decision as to the treatment and disposition is made. If the Los Angeles County coroner determines the remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. Subsequently, the Native American Heritage Commission will identify the most likely descendant. The most likely descendant will then make recommendations and engage in consultations concerning the treatment of the remains, as provided in Public Resources Code Section 5097.98. Impacts in this regard would be less than significant.

3.6 ENERGY

Would the project:

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Less Than Significant Impact. The following discusses the potential energy demands from construction activities associated with the development of the automotive dealership project and its operation.

Short-Term Construction

Construction of the proposed project would create temporary increased demands for electricity and vehicle fuels compared to existing conditions and would result in short-term transportation-related energy use. Energy consumption during construction (2020 through 2022) was calculated using fuel usage data from EMFAC2017, Version 1.0.2., and OFFROAD2017, Version 1.0.1, and the results are shown in Table 5.

Table 5 Construction-Related Fuel Usage

Project Component	Gas		Diesel		Electricity	
	VMT	Gallons	VMT	Gallons	VMT	kWh
Construction Worker Commute	575,686	21,402	3,602	87	6,290	2,082
Construction Vendor Trips	6,320	1,274	69,745	9,021	0	0
Construction Truck Haul Trips	50	13	57,471	9,137	0	0
Construction Off-Road Equipment	N/A	0	N/A	45,318	N/A	0
Total	582,056	22,689	130,818	63,563	6,290	2,082

Source: CalEEMod Version 2016.3.2; EMFAC2017 Version 1.0.2; OFFROAD2017 Version 1.0.1

Notes: VMT=vehicle miles traveled; kWh=kilowatt hour

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Construction of the proposed project would create temporary increased demands for electricity and vehicle fuels. It is not anticipated that construction equipment used for the proposed project would be powered by natural gas, and no natural gas demand is anticipated during construction. Construction activities associated with the proposed project would require electricity use to power the construction equipment. The electricity use during construction would vary during different phases of construction, where the majority of construction equipment during site preparation, grading, trenching, and paving would be gas powered or diesel powered, and the later construction phases, such as interior construction and architectural coatings, would require electric-powered equipment. Overall, the use of electricity would be temporary in nature and would fluctuate according to the phase of construction. Additionally, it is anticipated that the majority of electric-powered construction equipment would be hand tools (e.g., power drills, table saws, compressors) and lighting, which would result in minimal electricity usage during construction activities.

Transportation energy use depends on the type and number of trips, vehicle miles traveled, fuel efficiency of vehicles, and travel mode. Transportation energy used during construction would come from the transport and use of construction equipment, delivery vehicles, and construction employee vehicles that would use diesel fuel and/or gasoline. The use of energy resources by these vehicles would fluctuate according to the phase of construction and would be temporary. Upon completion of project construction, all construction-equipment would cease. Furthermore, the construction contractors are anticipated to minimize nonessential idling of construction equipment during construction in accordance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9 (SCAQMD 2014). Such required practices would limit wasteful and unnecessary energy consumption. Therefore, overall, it is expected that construction energy usage associated with the proposed project would not be any more inefficient, wasteful, or unnecessary than similar projects and impacts would be less than significant with respect to construction-related energy demands.

Long-Term Operation

Building Energy

As the proposed project site is currently vacant, no energy is being used on the project site. Operation of the proposed project would therefore generate an increase in the demand for electricity, natural gas, and transportation energy compared to existing conditions. During operation, energy would be used for heating, cooling, and ventilation of the buildings; water heating; on-site equipment; appliances; indoor, outdoor, and perimeter lighting; and security systems. Building electrical and natural gas energy consumption during operation of the proposed project was calculated using CalEEMod, and the results are shown in Table 6.

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Table 6 Building Electricity and Natural Gas Consumption

Land Use	Electricity (kWh/year)	Natural Gas (kBtu/year) ¹
Proposed Project Conditions		
Residential Housing	332,636	1,430,650
Subterranean Parking Structure	279,610	0
Parking Lot	393.4	0
Total	612,639	1,430,650

Source: CalEEMod Version 2016.3.2

Notes: kWh=kilowatt hour; kBtu=1,000 British thermal units

¹ Assumes that each unit would have a fireplace. Total includes 297,000 kBtu associated with operation of these fireplaces (Appendix B)

Electrical service to the proposed project would be provided by Southern California Edison (SCE) through connections to existing off-site electrical lines and new on-site infrastructure. As the project site is currently vacant, the proposed project would increase energy demand at the site. As shown in the table, electricity use at the project site would total 612,639 kilowatt hours/year. In addition, the proposed natural gas demand would total 1,430,650 kBtu/year due to consumption associated with residential housing. However, development would be required to comply with the applicable Building Energy Efficiency Standards and CALGreen. Because the proposed project would be consistent with the requirements of these energy-related regulations, it would not result in wasteful or unnecessary electricity demands. Therefore, operation of the proposed project would result in less than significant impacts with respect to electricity and natural gas usage.

Transportation Energy

Energy consumption from transportation during operation of the proposed project was calculated using trip generation data compiled by PlaceWorks, default average trip distances from CalEEMod, and fuel usage data from EMFAC2017. The results are shown in Table 7.

Table 7 Operation-Related Fuel Usage

	Gas		Diesel		Natural Gas		Electricity	
	VMT	Gallons	VMT	Gallons	VMT	Gallons	VMT	kWh
Vehicles	1,591,192	57,046	25,461	1,725	100	45	27,054	8,896
Total	1,591,192	57,046	25,461	1,725	100	45	27,054	8,896

Source: CalEEMod Version 2016.3.2; EMFAC2017 Version 1.0.2

Notes: VMT=vehicle miles traveled; kWh=kilowatt hour

The proposed project would consume transportation energy during operations from the use of motor vehicles. Because the efficiency, such as the average miles per gallon, for motor vehicles involved with the proposed project are unknown, estimates of transportation energy use are based on the overall vehicle miles traveled (VMT) and related transportation energy use. The proposed project related VMT would primarily come from future residents. As seen in Table 7, the VMT for the proposed project is estimated to be 1,643,806 miles. However, the proposed project would involve the construction of more residential housing in the city and could contribute to reducing the VMT between residential and service needs in addition to jobs. Furthermore,

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the proposed project site would be within an urbanized area with nearby amenities and public transit options. These features and aspects of the proposed project would contribute in minimizing VMT and transportation-related fuel usage. Overall, it is expected that operation-related fuel usage associated with the proposed project would not be any more inefficient, wasteful, or unnecessary than similar development projects. Therefore, impacts would be less than significant with respect to operation-related fuel usage.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

No Impact. The follow discusses consistency of the proposed project with state and local plans pertaining to renewable energy and energy efficiency.

California Renewables Portfolio Standard

The state's electricity grid is transitioning to renewable energy under California's Renewable Energy Program. Renewable sources of electricity include wind, small hydropower, solar, geothermal, biomass, and biogas. Electricity production from renewable sources is generally considered carbon neutral. Executive Order S-14-08, signed in November 2008, expanded the state's renewable portfolios standard (RPS) to 33 percent renewable power by 2020. This standard was adopted by the legislature in 2011 (SB X1-2). Senate Bill 350 (de Leon) was signed into law September 2015 and establishes tiered increases to the RPS—40 percent by 2024, 45 percent by 2027, and 50 percent by 2030. Senate Bill 350 also set a new goal to double the energy-efficiency savings in electricity and natural gas through energy efficiency and conservation measures. On September 10, 2018, Senate Bill 100 (SB 100) was signed and raised California's RPS requirements to 60 percent by 2030, with interim targets, and 100 percent by 2045. The bill also established a state policy that eligible renewable energy resources and zero-carbon resources supply 100 percent of all retail sales of electricity to California end-use customers and 100 percent of electricity procured to serve all state agencies by December 31, 2045. Under SB 100 the state cannot increase carbon emissions elsewhere in the western grid or allow resource shuffling to achieve the 100 percent carbon-free electricity target.

The statewide RPS goal is not directly applicable to individual development projects, but to utilities and energy providers such as SCE, which is the utility that would provide all of electricity needs for the proposed project. The proposed project would comply with the Building Energy Efficiency Standards and CALGreen. Therefore, implementation of the proposed project would not conflict or obstruct plans for renewable energy and energy efficiency.

City of Monterey Park Climate Action Plan

As mentioned in Section 3.8, *Greenhouse Gas Emissions*, the City of Monterey Park adopted its Climate Action Plan (CAP) in 2012 to offer a comprehensive strategy for GHG emissions reduction and to foster economic growth through sustainable practices and clean technology (Monterey Park 2012). The CAP provides measures to meet the goal of reducing community GHG emissions to a level 15 percent below 2009 emissions for 2020 and 49 percent below 2009 emissions by 2035, including measures to reduce energy consumption and increase energy efficiency in older buildings and infrastructure. As of 2009, energy consumption generated 31 percent of communitywide GHG emissions and 44 percent of municipal emissions. Cumulatively, the measures listed in the CAP are estimated to provide a 22 percent reduction in GHG emissions from 2009 levels by 2035. While

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these measures are not enough to meet the City's goal of 49 percent below 2009 levels by 2035, they are a foundation to build on in later versions of the CAP to meet the 2035 goal. As mentioned in the "Plan Evolution" of the CAP, to ensure an effective and efficiency CAP, the City would modify measures based on their efficacy and add new measures based on future developments.

While most of the policies apply specifically to existing structures, mixed use projects, or city infrastructure improvements, the proposed project is consistent with a number of goals outlined in the CAP as discussed below. Therefore, the proposed project would not interfere with implementation of the City's CAP, and no impact would occur.

- **Building Energy E-1, Efficiency Requirements for New Development.** The proposed project would meet the 2019 Title 24 Building Energy Efficiency Standards and would thus be more efficient than 2008 Title 24 Standards defined in the CAP.
- **Building Energy E-3, Appliance Upgrades.** The proposed project would involve the installation of Energy Star–certified appliances, which would offer a reduction in GHG emissions compared to formerly used, less-efficient appliances.

Building Energy E-4, Smart Meters. The proposed project is anticipated to include the installation of energy management systems (Smart Meters) to encourage users to make more informed decisions to reduce overall energy consumption and cost for the user.

3.7 GEOLOGY AND SOILS

The analysis in the following section is based in part on the findings of the *Report of Geotechnical Engineering Investigation* produced by Quartech Consultants, dated January 22, 2019, and included as Appendix C to this Initial Study.

Would the project:

- a) **Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:**

Less Than Significant Impact.

- i) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

No Impact. The proposed project site is not located within an Alquist-Priolo Earthquake Fault Zone as delineated by the Earthquake Zones of Required Investigation Map, El Monte Quadrangle (CGS 1999). No active faults are known to transect the site, and therefore the site is not expected to be adversely affected by surface rupturing. The nearest known earthquake fault to the project site is the Elysian Park (Upper) fault, approximately 0.2 mile from the site. The associated maximum earthquake magnitude that can be

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produced by nearby seismic events at this fault is 6.7 moment magnitude (Mw). No fault rupture hazards are anticipated at the project site, and no impact would occur.

ii) Strong seismic ground shaking?

Less Than Significant Impact. As with all development in Southern California, the proposed project site is in a seismically active region and may be subject to the effects of ground shaking. Strong ground shaking occurs when energy is released during an earthquake and varies depending on the distance between the site and the earthquake, the magnitude of the earthquake, and the geologic conditions underlying and surrounding the site. The project site could be expected to experience strong ground shaking from numerous local and regional faults. Structures for human occupancy must be designed to meet or exceed California Building Code (CBC) standards for earthquake resistance. The CBC contains provisions for earthquake safety based on factors including occupancy type, the types of soil and rock on-site, and the strength of ground motion with a specified probability at the site.

The Monterey Park Municipal Code adopts the 2019 CBC with modifications. In addition to conformance with the seismic safety provisions of the most current requirements of the municipal code, project development would adhere to the specific recommendations regarding foundation designs and other relevant parameters of the proposed construction in the site-specific geotechnical report by Quartech in Appendix C to this Initial Study, to ensure that impacts related to seismic and geotechnical hazards would not adversely impact the project.

According to the report, the peak ground alluvium acceleration at the project site for a 2 percent and 10 percent probability of exceedance in 50 years is about 0.891g and 0.525g, respectively, where “g” equals the force of gravity. The geologic study recommends that exposed soils within the basement cut areas be removed to at least three feet below the basement grade, then backfilled with compacted fill to grade. Outside the basement areas, near-surface fill soils should be removed to expose natural soils, approximately four feet below existing grade, and extending four feet beyond building lines. Existing near-surface soils should also be removed to approximately one foot in the proposed driveway and concrete flatwork areas, with locally deeper removal necessary to expose competent natural soils, as determined in the field as conditions are exposed. In addition to soil removal standards, the geologic survey presents recommendations for site preparation, backfill, excavations, and foundation design. Conformance with standards and recommendations of the geologic study would ensure adequate mitigation of the risks associated with faulting within or proximate to the project site. Impacts would be less than significant.

iii) Seismic-related ground failure, including liquefaction?

No Impact. Liquefaction is a phenomenon in which cohesionless, saturated, fine-grained sand and sandy silt soils lose shear strength and fail due to ground shaking. Liquefaction is defined as the transformation of granular material from a solid state into a liquefied state as a consequence of increased pore-water pressure. The project site is not located in a mapped potential liquefaction area as indicated in the California Geological Survey’s Earthquake Fault Zone and Seismic Hazard Zone maps (CGS 1999). Construction would comply with all 2019 CBC standards, as well as the recommendations of the geologic study, which would ensure adequate mitigation of any risks associated with seismic related ground failure on or

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proximate to the project site. Therefore, no impact would occur as a result of seismic-related ground failure, including liquefaction.

iv) Landslides?

No Impact. Significant landslides and erosion typically occur on steep slopes where stormwater and high winds can carry topsoil down hillsides. The project is located in a relatively level area, and there are no steep slopes where stormwater and high winds can carry topsoil down hillsides. Additionally, earthquake induced landslide zones are areas where previous occurrence of landslide movement, or local topographical, geotechnical and subsurface water conditions indicate a potential for permanent ground displacement. The project site is not mapped within such a zone. Therefore, no impact would occur.

b) Result in substantial soil erosion or the loss of topsoil?

Less than Significant Impact. The project site is vacant, bare land that was rough graded in 2018 after demolition of the former structures on the project site. No vegetation currently exists on the site except for several street trees which would remain with project development. Ground disturbance, including grading and excavation, would involve the further removal of topsoil, replacement and recompaction. The graded surface level soils on-site are currently exposed, and development of the project would stabilize soils through the introduction of hardscapes surfaces such as buildings, walkways and driveways, and landscaping.

The construction contractor would be required to implement standard dust control measures and construction site stormwater runoff control measures, including compliance with the National Pollutant Discharge Elimination System permit, best management practices, and low impact development standards, implemented in accordance with the City's municipal code, Los Angeles County requirements, and federal regulations. Stormwater erosion management strategies are further discussed in Section 5.10, *Hydrology and Water Quality*. Conformance with such standards in addition to recommendations of the geologic study would reduce the potential for substantial soil erosion or the loss of topsoil from the site during the grading and construction phases. Once the community center and ancillary features are installed, all exposed soil materials would be covered with buildings, pavement, and landscaped areas, and there would be limited potential for erosion or siltation. The site is generally flat, and stormwater would be managed on-site during operation and drain to existing curb and gutter infrastructure in surrounding streets. Impacts would be less than significant.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

Less Than Significant Impact. Due to the flat topography of the project site and surrounding area, the potential for lateral spreading is considered very low. Additionally, as indicated under Section 3.7(a)(iii), the soils on the project site are not susceptible to liquefaction. According to the geotechnical study prepared for the site, groundwater was not encountered during the subsurface investigation, drilling to a depth of 51.5 feet. (Quartech 2019) The site has been previously developed, and development of the proposed project in coordination with site-specific geologic recommendations would not increase the instability of soil on the

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project site. The potential for lateral spreading, liquefaction, subsidence, and other types of ground failure or collapse (addressed further under Section 3.7[a][iii]) would be less than significant.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Less Than Significant Impact. Expansive or “shrink-swell” soils are soils that swell when subjected to moisture and shrink when dry. Expansive soils typically contain clay minerals that attract and absorb water, greatly increasing the volume of the soil. This increase in volume can cause damage to foundations, structures, and roadways. According to the site-specific geotechnical report, soil on the project site consist of sandy silt and silty sand to a depth of approximately 45 feet below ground surface. A laboratory expansion index test was conducted on the existing near-surface materials to evaluate the soil expansion potential. Testing results determined an expansion index of 3, which coordinates to a very low expansion potential (Quartech 2019). There is a low potential for risk associated with expansive soils on the project site. Conformance with the provisions of the most current requirements of the municipal code and the recommendations of the geologic study would ensure adequate mitigation of any risks associated with expansive soils. Therefore, the potential impacts of expansive soils at the proposed project site would be less than significant.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

No Impact. The project site is served by existing sewer infrastructure, and project construction would not require connections to septic tanks or alternative wastewater disposal systems. Therefore, no impact would occur.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less Than Significant Impact. The project site is relatively flat, and there are no unique geological features on or next to the site. Given the geology and developed nature of the city and the project site, it is highly unlikely that any unknown fossils or geological features would be present in site soils and could be destroyed by ground disturbances from the proposed project. The potential for the discovery of unknown paleontological resources or a unique geologic feature during construction activities of the proposed project is minimal. However, should a previously unknown paleontological or unique geological feature be discovered during construction activities, compliance with Section 5097.5 of the Public Resource Code would result in less than significant impacts to unique paleontological or geologic resources.

3.8 GREENHOUSE GAS EMISSIONS

Scientists have concluded that human activities are contributing to global climate change by adding large amounts of heat-trapping gases, known as greenhouse gases (GHGs), into the atmosphere. The primary source of these GHG is fossil fuel use. The Intergovernmental Panel on Climate Change (IPCC) has identified four major GHGs—water vapor, carbon dioxide (CO₂), methane (CH₄), and ozone (O₃)—that are the likely cause of an increase in global average temperatures observed within the 20th and 21st centuries. Other GHG

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identified by the IPCC that contribute to global warming to a lesser extent include nitrous oxide (N₂O), sulfur hexafluoride (SF₆), hydrofluorocarbons, perfluorocarbons, and chlorofluorocarbons.^{2, 3}

This section analyzes the project's contribution to global climate change impacts in California through an analysis of project related GHG emissions. Information on manufacture of cement, steel, and other "life cycle" emissions that would occur as a result of the project are not applicable and are not included in the analysis.⁴ Black carbon emissions are not included in the GHG analysis because CARB does not include this pollutant in the state's AB 32 inventory and treats this short-lived climate pollutant separately (CARB 2017a).⁵ A background discussion on the GHG regulatory setting and GHG modeling can be found in Appendix A to this Initial Study.

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the proposed project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less Than Significant Impact. Global climate change is not confined to a particular project area and is generally accepted as the consequence of global industrialization over the last 200 years. A typical project, even a very large one, does not generate enough greenhouse gas emissions on its own to influence global climate change significantly; hence, the issue of global climate change is, by definition, a cumulative environmental impact.

Project-related construction and operation-phase GHG emissions are shown in Table 8, *Project-Related Operation GHG Emissions*. As shown in the table, the proposed project would generate GHG emissions from vehicle trips generated by the project (e.g., residents) energy use (indirectly from purchased electricity use and directly through fuel consumed for building heating), area sources (e.g., landscaping equipment used on-site, consumer

² Water vapor (H₂O) is the strongest GHG and the most variable in its phases (vapor, cloud droplets, ice crystals). However, water vapor is not considered a pollutant, but part of the feedback loop rather than a primary cause of change.

³ Black carbon contributes to climate change both directly, by absorbing sunlight, and indirectly, by depositing on snow (making it melt faster) and by interacting with clouds and affecting cloud formation. Black carbon is the most strongly light-absorbing component of PM emitted from burning fuels. Reducing black carbon emissions globally can have immediate economic, climate, and public health benefits. California has been an international leader in reducing emissions of black carbon, with close to 95 percent control expected by 2020 due to existing programs that target reducing PM from diesel engines and burning activities (CARB 2017a). However, state and national GHG inventories do not yet include black carbon due to ongoing work resolving the precise global warming potential of black carbon. Guidance for CEQA documents does not yet include black carbon.

⁴ Life cycle emissions include indirect emissions associated with materials manufacture. However, these indirect emissions involve numerous parties, each of which is responsible for GHG emissions of their particular activity. The California Resources Agency, in adopting the CEQA Guidelines Amendments on GHG emissions found that lifecycle analyses was not warranted for project-specific CEQA analysis in most situations, for a variety of reasons, including lack of control over some sources, and the possibility of double-counting emissions (see Final Statement of Reasons for Regulatory Action, December 2009). Because the amount of materials consumed during the operation or construction of the proposed project is not known, the origin of the raw materials purchased is not known, and manufacturing information for those raw materials are also not known, calculation of life cycle emissions would be speculative. A life-cycle analysis is not warranted (OPR 2008).

⁵ Particulate matter emissions, which include black carbon, are analyzed in Section 3.3, *Air Quality*. Black carbon emissions have sharply declined due to efforts to reduce on-road and off-road vehicle emissions, especially diesel particulate matter. The State's existing air quality policies will virtually eliminate black carbon emissions from on-road diesel engines within 10 years (CARB 2017a).

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products, coatings), water/wastewater generation, and waste disposal. Annual average construction emissions were amortized over 30 years and included in the emissions inventory to account for one-time GHG emissions from the construction phase of the project. Overall, development and operation of the proposed project would not generate annual emissions that exceed the SCAQMD bright-line threshold of 3,000 metric tons of carbon dioxide equivalent (MTCO_{2e}) per year (SCAQMD 2010). Therefore, the proposed project's cumulative contribution to GHG emissions would be less than significant.

Table 8 Project-Related Operation GHG Emissions

Source	GHG (MTCO _{2e} /Year)
Area	17
Energy	202
Mobile (Vehicle Trips)	536
Solid Waste	15
Water	13
Amortized Construction Emissions ¹	35
Total	818
Proposed SCAQMD Bright-Line Threshold	3,000 MTCO _{2e} /Yr
Exceeds Bright-Line Threshold?	No

Source: CalEEMod, Version 2016.3.2. Totals may not equal to the sum of the values as shown due to rounding

Notes: MTCO_{2e}: metric ton of carbon dioxide equivalent

These numbers are based on the construction of 66 residential units (an earlier iteration of the proposed project on which the GHG modeling is based). This results in more conservative GHG emissions.

¹ Total construction emission are amortized over 30 years per SCAQMD methodology.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

No Impact. Applicable plans adopted for the purpose of reducing GHG emissions include the California Air Resources Board's (CARB) Scoping Plan and SCAG's Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). A consistency analysis with these plans is presented below.

CARB Scoping Plan

CARB's Scoping Plan is California's GHG reduction strategy to achieve the state's GHG emissions reduction target established by Assembly Bill (AB) 32, which is to return to 1990 emission levels by year 2020. The CARB Scoping Plan is applicable to state agencies and is not directly applicable to cities/counties and individual projects. Nonetheless, the Scoping Plan has been the primary tool that is used to develop performance-based and efficiency-based CEQA criteria and GHG reduction targets for climate action planning efforts.

Since adoption of the 2008 Scoping Plan, state agencies have adopted programs identified in the plan, and the legislature has passed additional legislation to achieve the GHG reduction targets. Statewide strategies to reduce GHG emissions include the Low Carbon Fuel Standard (LCFS), California Appliance Energy Efficiency regulations, California Renewable Energy Portfolio standard, changes in the Corporate Average Fuel Economy

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(CAFE) standards, and other early action measures as necessary to ensure the state is on target to achieve the GHG emissions reduction goals of AB 32. Also, new buildings are required to comply with the latest applicable Building Energy Efficiency Standards and California Green Building Code (CALGreen). On December 24, 2017, CARB adopted the Final 2017 Climate Change Scoping Plan Update to address the new 2030 interim target to achieve a 40 percent reduction below 1990 levels by 2030, established by SB 32 (CARB 2017c). While measures in the Scoping Plan apply to state agencies and not the proposed project, the project's GHG emissions would be reduced from compliance with statewide measures that have been adopted since AB 32 and SB 32 were adopted. Therefore, the proposed project would not obstruct implementation of the CARB Scoping Plan and impacts would be less than significant.

SCAG's Regional Transportation Plan/Sustainable Communities Strategy

SCAG's 2016-2040 RTP/SCS was adopted April 7, 2016. The RTP/SCS identifies multimodal transportation investments, include bus rapid transit, light rail transit, heavy rail transit, commuter rail, high-speed rail, active transportation strategies (e.g., bike ways and sidewalks), transportation demand management strategies, transportation systems management, highway improvements (interchange improvements, high-occupancy vehicle lanes, high-occupancy toll lanes), arterial improvements, goods movement strategies, aviation and airport ground access improvements, and operations and maintenance to the existing multimodal transportation system.

The RTP/SCS identifies that land use strategies that focus on new housing and job growth in areas served by high quality transit and other opportunity areas would be consistent with a land use development pattern that supports and complements the proposed transportation network. The overarching strategy in the 2016-2040 RTP/SCS is to provide for a plan that allows the southern California region to grow in more compact communities in existing urban areas, provide neighborhoods with efficient and plentiful public transit, abundant and safe opportunities to walk, bike and pursue other forms of active transportation, and preserve more of the region's remaining natural lands (SCAG 2016). The 2016-2040 RTP/SCS contains transportation projects to help more efficiently distribute population, housing, and employment growth, as well as forecast development that is generally consistent with regional-level general plan data. The projected regional development, when integrated with the proposed regional transportation network identified in the RTP/SCS, would reduce per capita GHG emissions related to vehicular travel and achieve the per capita GHG reduction targets for the SCAG region.

The RTP/SCS does not require that local general plans, specific plans, or zoning be consistent with the SCS, but provides incentives for consistency for governments and developers. The proposed project is an infill development project that would provide new residential housing on the project site, which would contribute to reducing the vehicle miles traveled between residential and service needs. Therefore, the proposed project would not interfere with SCAG's ability to implement the regional strategies outlined in the RTP/SCS, and no impact would occur.

City of Monterey Park Climate Action Plan

Adopted by the City of Monterey Park in 2012, the Climate Action Plan (CAP) provides a comprehensive strategy for the reduction of GHG emissions and fosters economic growth that stems from sustainable

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practices and clean technology (Monterey Park 2012). Furthermore, the CAP provides measures to meet the goal of reducing community GHG emissions to a level 15 percent below 2009 emissions for 2020 and 49 percent below 2009 emissions by 2035. Cumulatively, the measures listed in the CAP are estimated to provide a 22 percent reduction from 2009 levels by 2035. While these measures are not enough to meet the City's goal of 49 percent below 2009 levels by 2035, they serve as a foundation that can be built upon in later versions of the CAP to meet the 2035 goal. As mentioned in the Plan Evolution of the CAP, to ensure an effective and efficient CAP, the City would modify measures based on their efficacy and add new measures based on future developments.

While most of the policies apply specifically to existing structures, mixed use projects, or city infrastructure improvements, the proposed project is consistent with a number of goals outlined in the CAP, as discussed below. Therefore, the proposed project would not interfere with implementation of the City's CAP, and no impact would occur.

- **Building Energy E-1. Efficiency Requirements for New Development.** The proposed project would meet the 2019 Title 24 Building Energy Efficiency Standards and would thus be more efficient than 2008 Title 24 Standards defined in the CAP.
- **Building Energy E-3. Appliance Upgrades.** The proposed project would involve the installation of Energy Star certified appliances, which would offer a reduction in GHG emissions compared to formerly used, less efficient appliances.
- **Building Energy E-4. Smart Meters.** The proposed project is anticipated to include the installation of energy management systems (Smart Meters) to encourage users to make more informed decisions to reduce overall energy consumption and cost for the user.
- **Transportation T-1.2: Promote Use of Transit Network.** The proposed project would be consistent with the Transportation Measure listed under the CAP. Implementation of the proposed project would result in more opportunities for housing in the city and would serve the local population and those currently working in the City. Providing more housing in the region could contribute to reducing the vehicle miles traveled between residential and service needs.

3.9 HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- a) **Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?**

Less Than Significant Impact. The project site was previously developed as a school, is currently vacant land, and no known recognized environmental conditions exist on the project site. During the construction phase, hazardous materials in the form of solvents, glues, and other common construction materials containing toxic substances may be transported to the site, and construction waste that possibly contains hazardous materials could be transported off the site for purposes of disposal. Use and/or storage of hazardous materials

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at the project site are expected to be minimal and would not constitute a level that would be subject to regulation. Operation of the proposed project would not require the handling of hazardous materials or result in the production of large amounts of hazardous waste and would consist mainly of cleaning solvents for routine maintenance. Adherence to all applicable federal and state laws related to routine transport, use, or disposal of hazardous materials would apply. Development of the residential complex would not create a significant hazard through the routine transport, use or disposal of hazardous materials, and impacts would be less than significant.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less Than Significant Impact.

Construction Effects

The project site does not appear on any regulatory agency database, including GeoTracker, EnviroStor, EnviroMapper, EJSCREEN, or the SWIS facility database (SWRCB 2019, DTSC 2019; EPA 2019a; EPA 2019b; CalRecycle 2019). Construction activities associated with the proposed project are not expected to result in the exposure of construction personnel and the public to hazardous substances on-site, as no known substances exist on the project site. Additionally, no environmental hazards were identified within a 0.25-mile radius of the project site. Exposure to hazardous materials during construction activities could occur as a result of any of the following:

- Direct dermal contact with hazardous materials,
- Incidental ingestion of hazardous materials (usually due to improper hygiene, when workers fail to wash their hands before eating, drinking, or smoking),
- Inhalation of airborne dust released from dried hazardous materials.

Cal/OSHA regulates worker safety with respect to the use of hazardous materials, including requirements for safety training, availability of safety equipment, hazardous materials exposure warnings, and emergency action and fire prevention plan preparation. Cal/OSHA enforces the hazard communication program regulations, which include provisions for identifying and labeling hazardous materials, describing the hazards of chemicals, and documenting employee training programs.

Compliance with existing regulations would ensure that construction workers and the general public are not exposed to any unusual or excessive risks related to hazardous materials during construction activities. Construction impacts would be less than significant.

Operational Effects

It is not anticipated that operation of the proposed project would create a significant hazard to the public or the environment through reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment. Hazardous materials that could be stored within the project site

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would consist of common household chemicals used for maintenance and cleaning. Development of the proposed project would include the use and storage of common hazardous materials such as paints, solvents, and cleaning products.

In the unlikely event of unanticipated exposure to these products, the potential risk would vary among individuals as the properties and health effects of different chemicals are unique to each chemical and depend on the extent to which an individual is exposed. The extent and exposure of individuals to hazardous materials would be limited by the relatively small quantities of these materials that are expected to be stored and used on the project site. Common maintenance products and chemicals would be used, and with adherence to warning labels and storage recommendations from the individual manufacturers, these hazardous materials would not pose any greater risk than at any other similar development. Therefore, the probability of a major hazardous materials incident would be remote for the proposed project. Minor incidents could occur, but the consequences of such accidents would likely not be severe due to the types and amounts of common chemicals anticipated to be used at the project site. Operational impacts would be less than significant.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Less Than Significant Impact with Mitigation Incorporated. The proposed project site is directly south of Esther's Nest Children's School. As discussed above under Sections 3.9(a) and 3.9(b), the use of hazardous materials and substances during the operation of the proposed project would generally be minimal in quantity and intensity of use. All hazardous materials and substances at the project site would be subject to federal, state, and local health and safety requirements (i.e., Resource Conservation and Recovery Act, California Hazardous Waste Control Law, and principles prescribed by the California Department of Health Services, Centers for Disease Control and Prevention, and National Institutes of Health), and the proposed project would be governed under regulatory oversight agencies (e.g., Los Angeles County Environmental Health Division, RWQCB). The proposed project would result in a less-than-significant impact regarding the emission or handling of hazardous or acutely hazardous materials, substances, or wastes within 0.25 mile of an existing or proposed school (air quality emissions are discussed in Section 3.3).

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

No Impact. Refer to response 3.9(b). The project site does not appear on any regulatory agency database, including GeoTracker, EnviroStor, EnviroMapper, EJSCREEN, or the SWIS facility database (SWRCB 2019; DTSC 2019; EPA 2019a, 2019b; CalRecycle 2019). Adherence to existing laws and regulations would ensure that no impact associated with exposure to hazardous materials from the development of the proposed project would occur.

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- e) **For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?**

No Impact. The proposed project site is approximately 4.5 miles northeast of the San Gabriel Valley Airport, which is at 4233 Santa Anita Avenue in the City of El Monte. According to the Los Angeles County Airport Land Use Commission Interactive Map, the proposed project site is not in an airport land use plan area (Los Angeles 2019). As a result, the proposed project would not result in safety hazards or excessive noise for people residing or working in the area, and no impact would occur.

- f) **Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

No Impact. The City of Monterey Park's Standardized Emergency Management System (SEMS) provides a framework for coordinating multi-agency emergency responses. The City's SEMS incorporates mutual aid agreements, establishes lines of communication during emergencies, and standardizes incident command structures. The City is anticipating an update to its Safety and Community Services General Plan Element. Development of the proposed project would be conducted in accordance with regulatory standards governing emergency access requirements and would not interfere with any existing or proposed emergency response plans or emergency evacuation plans. Therefore, implementation of the proposed project would have no impact on emergency response or evacuation plans. Refer to Section 3.15.

- g) **Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?**

No Impact. The proposed project site and surrounding area are characterized by features typical of an urban landscape. No wildlands exist within the immediate vicinity of the project site. The proposed project is not located within a state responsibility area or land classified as very high fire hazard severity zones as identified in the Los Angeles County Fire Hazard Severity Zone Map (CAL FIRE 2007). Consequently, development of the proposed project would not result in the direct or indirect exposure of people or structures to hazards associated with wildland fires, and no impact would occur.

3.10 HYDROLOGY AND WATER QUALITY

Would the project:

- a) **Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?**

Less Than Significant Impact. Urban runoff (both dry and wet weather) discharges into storm drains and, in most cases, flows directly to creeks, rivers, lakes, and the ocean. Polluted runoff can have harmful effects on drinking water, recreational water, and wildlife. Urban runoff pollution includes a wide array of environmental, chemical, and biological compounds from both point and nonpoint sources. In the urban environment, stormwater characteristics depend on site conditions (e.g., land use, impervious cover, pollution prevention,

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types and amounts of best management practices), rain events (duration, amount of rainfall, intensity, and time between events), soil type and particle sizes, multiple chemical conditions, the amount of vehicular traffic, and atmospheric deposition. Major pollutants typically found in runoff from urban areas include sediments, nutrients, oxygen-demanding substances, heavy metals, petroleum hydrocarbons, pathogens, and bacteria. Urban runoff can be divided into two categories: dry and wet weather urban runoff.

- Dry weather urban runoff occurs when there is no precipitation-generated runoff. Typical sources include landscape irrigation runoff, driveway and sidewalk washing, noncommercial vehicle washing, groundwater seepage, fire flow, potable water line operations and maintenance discharges, and permitted or illegal non-stormwater discharges.
- Wet weather urban runoff refers collectively to nonpoint source discharges that result from precipitation events. Wet weather runoff includes stormwater runoff. Stormwater discharges are generated by runoff from land and impervious areas such as building rooftops, paved streets, and parking lots.

In 1999, the State Water Resources Control Board (SWRCB) adopted Order No. 99-08-DWQ, National Pollution Discharge Elimination System (NPDES) General Construction Permit No. CAS000002, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity (General Construction Permit). This permit was subsequently amended to include smaller construction sites. The general construction permit requires that construction sites with 1 acre or greater of soil disturbance, or less than 1 acre, but part of a greater common plan of development, apply for coverage for discharges under the general construction permit by submitting a Notice of Intent (NOI) for coverage, developing a stormwater pollution prevention plan (SWPPP), and implementing best management practices (BMPs) to address construction site pollutants. The SWRCB is responsible for implementing the Clean Water Act and issues NPDES permits to cities and counties through the individual Regional Water Quality Control Boards (RWQCB).

Construction of the proposed project would be subject to local, state, and federal water quality regulations. This includes, without limitation, required adherence to the federal Clean Water Act (CWA), NPDES requirements, the National Flood Insurance Act, the California Clean Water Act, California Department of Water Resources requirements, the California Fish and Wildlife Code, the California Water Code, Los Angeles RWQCB regulations, and the City's municipal code. The municipal code regulations regarding stormwater requirements can be found in Chapter 6.30, *Stormwater and Urban Runoff Pollution Prevention Controls of the City of Monterey Park*. Among Chapter 6.30's regulations are BMPs for all existing land uses, construction, and new development. These BMPs include drainage controls to prevent runoff from leaving a project site, the prohibition of toxic chemical or fuels in areas exposed to stormwater, and measures to ensure excavated soil do not run off site. Development of the proposed project could result in a significant impact to hydrology and water quality if associated construction activities or operations resulted in the violation of any water quality or waste discharge standards. However, compliance with existing regulations would ensure water quality standards or waste discharge requirements would not be degraded.

Before construction, the applicant's construction manager would be required to prepare a SWPPP and obtain a waste discharge identification number from the Los Angeles RWQCB. The SWPPP would include a series of

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specific measures that would be included in the construction process to address erosion, accidental spills, and the quality of stormwater runoff. BMPs that must be implemented as part of a SWPPP can be grouped into two major categories: erosion and sediment control BMPs, and non-stormwater management and materials management BMPs. Erosion controls include practices to stabilize soil, to protect the soil in its existing location, and to prevent soil particles from migrating. Sediment controls are practices to collect soil particles after they have migrated but before the sediment leaves the site. Examples of sediment control BMPs are street sweeping, fiber rolls, silt fencing, gravel bags, sand bags, storm drain inlet protection, sediment traps, and stockpile management areas. Tracking controls prevent sediment from being tracked off-site via vehicles leaving the site to the extent practicable. A stabilized construction entrance not only limits the access points to the construction site but also functions to partially remove sediment from vehicles prior to leaving the site.

Requirements for waste discharges to stormwater from operation of developed land uses within the coastal watersheds of Los Angeles and Ventura counties are in the Municipal Stormwater Permit (MS4 Permit), Order No. R4-2012-0175, issued by the RWQCB in 2012. Development of the proposed project would include preparation and implementation of a water quality management plan pursuant to the MS4 Permit, specifying BMPs to be used during project design and operation to minimize stormwater pollution. Approximately 14 percent of area on the project site would be pervious land uses with project development.

Water runoff on the site would be captured by various catch basins located throughout the site. From there, water would be conveyed via PVC storm drainpipes and toward an on-site dry well stormwater treatment system located at the northeast boundary of the project site proximate to Whitmore Street. Other BMPs would include river rock rip-rap pad and “no dumping” signs at the catch basins. It is anticipated that project conformance with appropriate BMPs and compliance with applicable local, state, and federal water quality regulations, in combination with design standards implemented by the applicant’s construction manager, would reduce potential water quality impacts during construction and operation to less than significant. Refer also to Section 3.10(c).

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Less Than Significant Impact. The project site is on vacant land consisting sparse patches of grass or exposed soil. Implementation of the proposed project would result in the development of a 63-unit residential development with attached and subterranean garages. The project site is over the Main San Gabriel Valley Groundwater Basin. The City of Monterey Park Water Utility Division would provide potable water to the project site. The City receives its water supply entirely from local groundwater, and the water is produced by seven City-owned wells with a total capacity of 20 million gallons per day (mgd) (Monterey Park 2019b).

The City estimates that water demands in its service area for normal years would increase from approximately 9,782 acre-feet per year (afy) in 2020 to approximately 10,737 afy in 2035 (Monterey Park 2015). The City forecasts that it will have sufficient water supplies to meet water demands in its service area for normal, single dry, and multiple dry years. Estimates of future population are based on projections from SCAG. Therefore, development of the proposed project would have been accounted for in the City’s estimates of future water demands. Project water demands would not substantially deplete groundwater supplies.

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The proposed project site is neither a designated groundwater recharge area, nor does it serve as a primary source of groundwater recharge. A geotechnical study prepared by Quartech Consultants for the site did not encounter groundwater when drilling to a depth of 51.5 feet (Quartech 2019). Additionally, according to the Los Angeles County Assessor, from as early as 1996 and to 2018, the site (APN 5286-019-013) was previously developed as the New Avenue Elementary School; therefore, project conditions would likely be similar to historical uses as they pertain to recharge potential. No water features (e.g., streams or creeks) that serve the purpose of groundwater recharge for the area are located in the project vicinity. Therefore, implementation of the proposed project would not substantially deplete groundwater supplies or interfere with groundwater recharge, and impacts would be less than significant.

- c) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:**

Less Than Significant Impact.

- i) **Result in a substantial erosion or siltation on- or off-site?**

Less Than Significant Impact. Refer to Response 3.10(a), above. The contractor would be responsible for preparation and implementation of a SWPPP by using a qualified SWPPP practitioner as defined in the General Construction Permit. This includes maintenance of erosion and sediment controls during the life of the project and submittal of the annual reports.

A proposed roof drain and area drain system would convey collected stormwater toward a landscaped area located at the northeastern corner of project the site. Once there, water will ultimately drain to an on-site dry well stormwater treatment system. The applicant's contractor would be required to prepare an SWPPP in order to comply with the RWQCB's General Construction Storm Water Permit. The SWPPP will identify BMPs to be implemented during construction activities at the project site to minimize soil erosion and protect existing drainage systems. Types of BMPs that are incorporated in SWPPPs and would help minimize impacts from soil erosion include:

- **Erosion controls:** Cover and/or bind soil surface, to prevent soil particles from being detached and transported by water or wind. Erosion control BMPs include mulch, soil binders, and mats.
- **Sediment controls:** Filter out soil particles that have been detached and transported in water. Sediment control BMPs include barriers, and cleaning measures such as street sweeping.
- **Tracking controls:** Tracking control BMPs minimize the tracking of soil offsite by vehicles; for instance, stabilizing construction roadways and entrances/exits.

Compliance with existing regulations and BMPs developed to minimize erosion and siltation would reduce this impact to a less than significant level. Project infrastructure would connect to existing off-site storm drain infrastructure, and no upgrades or expansion of such off-site facilities would occur with project implementation. Standard BMPs designed to prevent erosion during and after construction, as well as the

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introduction of pervious land uses in the center of the site where drainage occurs, would slow stormwater runoff velocities and allow sediment to settle out of the water, and the nature of drainage patterns on the project site would capture trash and debris and restrict flow of debris into the storm drain system. The City of Monterey Park prohibits the configuration of land, whether naturally or as the result of grading operations or excavation, that causes erosion, subsidence, or surface water drainage problems that would potentially cause injury to public health, safety, welfare, or adjacent properties. Water runoff would be minimized to the extent possible, and the project would comply with the requirements of the MS4 Permit as outlined in the municipal code. The proposed project would be designed to meet local, state, and federal water quality standards and to ensure that stormwater flows do not result in substantial erosion or siltation.

Therefore, post development runoff would be adequately handled by the proposed project's drainage system and would not exceed the capacity of existing or planned stormwater drainage systems or substantially alter the existing drainage pattern of the project site or area in a manner that would result in flooding on- or offsite. Therefore, project impacts would be less than significant, and no mitigation measures are necessary.

ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

Less Than Significant Impact. Refer to Response 3.10(c)(i), above.

Under proposed conditions, on-site runoff from the project site would be collected on the buildings' roofs and within the pavement areas into catch basins. Collected runoff would be conveyed underground through a new stormwater drain system. Runoff would travel through the stormwater drain system toward a new on-site dry well stormwater treatment system at the northeastern corner of the project site.

Therefore, post-development runoff would be adequately handled by the proposed project's drainage system and would not exceed the capacity of existing or planned stormwater drainage systems or substantially alter the existing drainage pattern of the project site or area in a manner that would result in flooding on- or off-site. Project impacts would be less than significant, and no mitigation measures are necessary.

iii) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?

Less Than Significant Impact. Project impacts on the capacity of storm drainage systems and project stormwater pollution impacts would be less than significant, as substantiated in 3.10(b) and 3.10(c)(i). No mitigation measures are necessary.

iv) Impede or redirect flood flows?

No Impact. The proposed project area is within Federal Emergency Management Agency Flood Zone Designation X (Zone X) (FEMA 2008). Zone X is an area of minimal flood hazard, usually depicted on Flood Insurance Rate Maps (FIRMs) as above the 500-year flood level. In particular, the project site is in an area protected by levees from the 1 percent annual flood risk. Therefore, the project site is not located

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within a flood hazard area. Implementation of the proposed project would not impede or redirect flood flows and runoff rates would remain similar to existing conditions. No impact would occur.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

No Impact. As stated in Response 3.10(c)(iv), the proposed project site is not within a flood hazard area. A seiche is a surface wave created when a body of water is shaken, usually by earthquake activity. Seiches are of concern relative to water storage facilities because inundation from a seiche can occur if the wave overflows a containment wall, such as the wall of a reservoir, water storage tank, dam or other artificial body of water. The General Plan identifies the Garvey Reservoir and Laguna Basin as the only potential flood hazards of concern to the city in the unlikely event that catastrophic dam failure were to occur. (Monterey Park 2001)

The Garvey Reservoir is owned by the Metropolitan Water District of Southern California (MWD) and is located approximately a mile to the southwest. MWD performed improvements to Garvey Reservoir in 1999 to ensure reservoir integrity. Further, the California Department of Conservation, Division of Dams and Safety, annually inspects the Garvey Reservoir dams to ensure the structure is sound and operating as intended (CGS 2019). In the unlikely event catastrophic of dam failure at Garvey Reservoir, the project site is outside of the projected flood zone. The Laguna Basin is approximately 3.5 miles to the southwest and is managed by the Los Angeles County Department of Public Works. In the unlikely event of catastrophic failure of the Laguna Basin, the inundation area would be confined to the interchange of Interstate 710 (Long Beach Freeway) and Interstate 10 (San Bernardino Freeway) and would not impact the proposed project. Lastly, the project site is not in a mapped tsunami inundation zone as identified in the Los Angeles County Tsunami Inundation Maps (CGS 2009). Therefore, the project is not subject to inundation by tsunami, seiche, or flood, and no impacts would occur.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less Than Significant Impact. As stated in Responses 3.10(a) and 3.10(b), above, compliance with existing laws and regulations would ensure that the proposed project would result in a less than significant impact regarding conflicting with or obstructing implementation of a water quality control plan or sustainable groundwater management plan.

3.11 LAND USE AND PLANNING

Would the project:

a) Physically divide an established community?

No Impact. The proposed project would occur entirely on two adjacent parcels totaling approximately 2.8 acres in size. All proposed improvements would occur within the confines of the site, and no major off-site improvements (e.g., construction of new roadways) would be required. The proposed residential development would occur in an area designated as high density residential and would not divide any established community. Therefore, no impact would occur.

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- b) **Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?**

No Impact. The project site has a General Plan designation of High Density Residential and is zoned as High Density Residential (R-3). Development of the proposed residential development would comply with these established land use designations. No changes to the existing zoning or General Plan land use designations would occur as a result of the proposed project. Therefore, the proposed project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project. No impact would occur.

3.12 MINERAL RESOURCES

- a) **Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?**

No Impact. The project site is located in a fully developed and urbanized area in the City of Monterey Park. Furthermore, the project site has been previously disturbed with construction of a school. The project site is listed as MRZ-4 according to the California Geological Survey's Mineral Land Classification Map. MRZ-4 is defined as areas where available information is inadequate for assignment to any other MRZ zone. (CGS 1994). Additionally, no active mines in the City of Monterey Park are mapped by the California Office of Mine Reclamation (OMR 2019). There are no active oil or gas wells on or next to the site; the nearest well to the site is an idle well approximately 400 feet to the southwest (DOGGR 2019). Project development would not result in the loss of any known mineral resource, and no impact would occur.

- b) **Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

No Impact. As discussed above in Response 3.12(a), no mineral resource recovery sites are identified on or in the immediate vicinity of the project site. Project development would not result in the loss of availability of mineral resources and no impact would occur.

3.13 NOISE

Noise Fundamentals

Noise is defined as unwanted sound and is known to have several adverse effects on people, including hearing loss, speech and sleep interference, physiological responses, and annoyance. Based on these known adverse effects of noise, the federal, state, and city governments have established criteria to protect public health and safety and to prevent the disruption of certain human activities, such as classroom instruction, communication, or sleep. Fundamentals of noise and vibration and additional regulatory background information, including local regulations, are included in Appendix D.

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Environmental Setting

The noise environment in the project area is influenced primarily by traffic noise on local roadways such as New Avenue. The Year 2020 noise contour map in the General Plan Safety & Community Services Element shows the project site within the 65 dBA CNEL noise contour. During plan check and design-level review of the project, the City's building department may require a detailed acoustical study showing compliance with City and State exterior and interior noise standards related to the land use compatibility of the project site for residential use. It is important to note that with the Supreme Court decision regarding the assessment of the environment's impacts on projects, it is generally no longer the purview of the CEQA process to evaluate the impact of existing environmental conditions on any given project. (*California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 (No. S 213478) issued December 17, 2015.) As a result, while the noise from existing sources is taken into account as part of the baseline, the direct effect of exterior noise from nearby noise sources relative to land use compatibility of the project is no longer a required topic for impact evaluation under CEQA, and no determination of significance is required.

Sensitive Receptors

Certain land uses are particularly sensitive to noise and vibration. These uses include residences, schools, hospital facilities, houses of worship, and open space/recreation areas where quiet environments are necessary for the enjoyment, public health, and safety of the community. The proposed project is in the City of Monterey Park and borders the City of Rosemead to the east. The nearest sensitive receptors are the surrounding residences adjacent to the site to the south in the City of Monterey Park and to the east in the City of Rosemead. In addition to residential sensitive receptors, Esther's Nest Children School daycare is north of the project on New Avenue. Sky City Christian Reformed Church is north of the project site on Emerson Avenue.

Applicable Standards

State Noise Regulations

The State of California regulates freeway noise, sets standards for sound transmission, provides occupational noise control criteria, identifies noise standards, and provides guidance for local land use compatibility. State law requires that each county and city adopt a general plan that includes a noise element which is to be prepared according to guidelines adopted by the Governor's Office of Planning and Research. The purpose of the noise element is to "limit the exposure of the community to excessive noise levels."

California Code of Regulations, Title 24, Chapter 12

The Monterey Park Municipal Code adopted the 2019 California Building Code with local amendments based on local geographic, topographic, or climatic conditions. The CBC regulates noise insulation standards. These noise standards are for new construction in California for the purposes of interior compatibility with exterior noise sources. The regulations specify that acoustical studies must be prepared when new buildings with habitable rooms that are near major transportation noises, and where such noise sources create an exterior noise level of 60 dBA CNEL/L_{dn} or higher. Acoustical studies that accompany building plans must demonstrate that the structure has been designed to limit interior noise in habitable rooms to 45 dBA CNEL/L_{dn}.

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City of Monterey Park

The City of Monterey Park has established exterior noise standards for residential, commercial, and industrial uses under municipal code chapter 9.53, *Noise*. Table 9, *City of Monterey Park Exterior Noise Standards*, shows the City's noise standards.

Table 9 City of Monterey Park Exterior Noise Standards

Zone	Time Period	Allowable Noise Level, L ₅₀ dBA ¹
Residential	7:00 am to 10:00 pm	55
	10:00 pm to 7:00 am	50
Commercial	7:00 am to 10:00 pm	65
	10:00 pm to 7:00 am	55
Industrial	Anytime	70

Source: City of Monterey Park Municipal Code, Chapter 9.53, *Noise*

Notes:

The exterior noise standards may not be exceeded by more than:

5 dBA for a cumulative period of 15 minutes in any hour (L₂₅)

10 dBA for a cumulative period of 5 minutes in any hour (L₅)

15 dBA for a cumulative period of 1 minutes in any hour (L₂)

20 dBA for less than 1 minute (L_{max}).

¹ The median ambient noise level is the L₅₀ metric

Construction and demolition work conducted between 7:00 am to 7:00 pm on weekdays and 9:00 am to 6:00 pm weekends and holidays is exempt from the municipal code noise standards.

The municipal code does not establish vibration limits. Therefore, for the purposes of this analysis, the Federal Transit Administration (FTA) threshold of 0.2 inches/second (in/sec) peak particle velocity (PPV) will be used to assess vibration impacts at nonengineered structures (e.g., wood-frame residential) (FTA 2018).

Would the project result in:

- a) **Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

Less Than Significant Impact with Mitigation Incorporated.

Construction Noise

Construction activities are anticipated to last approximately 21 months. Construction equipment for the proposed project could include graders, scrapers, tractors, loaders, lifts, dozers, backhoes, excavators, cranes, welders, air compressors, rollers, and paving equipment.

Two types of short-term noise impacts could occur during construction: (1) mobile-source noise from transport of workers, material deliveries, and debris haul and (2) stationary-source noise from use of construction equipment.

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Construction Vehicles

The transport of workers and materials to and from the construction site would incrementally increase noise levels along site access roadways. Individual construction vehicle pass-bys may create momentary noise levels of up to approximately 85 dBA $L_{\max}$ at 50 feet from the worker and vendor vehicles and haul trucks. Haul trips would likely overlap during grading and utility trenching phases over a 15-day period. However, these occurrences would be temporary, generally be infrequent, and short lived. Therefore, noise impacts from construction haul trips would be less than significant.

Worker and vendor trips would total a maximum of 125 daily trips during townhome and garage construction. Existing average daily traffic (ADT) on access roadway segments is as low as approximately 8,530.⁶ This would result in a temporary noise increase of approximately 0.1 dBA CNEL or less, which would not be perceptible and, therefore, would result in a less than significant increase.

Construction Equipment

Noise generated by on-site construction equipment is based on the type of equipment used, its location relative to sensitive receptors, and the timing and duration of noise-generating activities. Each phase of construction involves different kinds of equipment and has distinct noise characteristics. Noise levels from construction activities are typically dominated by the loudest piece or pieces of equipment. The dominant equipment noise source is typically the engine, although work-piece noise (such as dropping of materials) can also be noticeable.

The noise produced at each construction phase is determined by combining the L_{eq} contributions from each piece of equipment used at a given time, while accounting for the ongoing time variations of noise emissions (commonly referred to as the usage factor). Heavy equipment, such as a dozer or a loader, can have maximum, short-duration noise levels of up to 85 dBA at 50 feet. However, overall noise emissions vary considerably, depending on what specific activity is being performed at any given moment. Noise attenuation due to distance, the number and type of equipment, and the load and power requirements to accomplish tasks at each construction phase would result in different noise levels from construction activities at a given receptor. Since noise from construction equipment is intermittent and diminishes at a rate of at least 6 dBA per doubling of distance (conservatively ignoring other attenuation effects from air absorption, ground effects, and shielding effects), the average noise levels at noise-sensitive receptors could vary considerably, because mobile construction equipment would move around the site with different loads and power requirements. Noise levels from project-related construction activities were calculated from the simultaneous use of all applicable construction equipment at spatially averaged distances (i.e., from the acoustical center of the general construction site) to the property line of the nearest receptors. Although construction may occur across the entire phase area, the area around the center of construction activities best represents the potential average construction-related noise levels at the various sensitive receptors.

Construction for the proposed project would have two development phases. Some activity phases, such as townhome construction, may overlap or be repeated in Phase 2. However, the construction equipment is not anticipated to change. Using the construction activity phase information provided by the applicant and CalEEMod air quality model defaults, project construction noise was estimated using the Federal Highway

⁶ ADT is estimated to be approximately 10 times peak hour volume.

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Administration (FHWA) Roadway Construction Noise Model (RCNM). The associated, aggregate sound levels—grouped by construction activity—are summarized in Table 10, *Phase 1 and Phase 2 Construction Noise*. RCNM modeling input and output worksheets are included in Appendix D.

Table 10 Phase 1 and Phase 2 Construction Noise

Construction Activity	Nearest Sensitive Receptor			
	Rosemead Residences 100 feet east	Monterey Park Residences 175 feet west	Esther's Nest Children School Daycare 475 feet north	Sky City Christian Reformed Church 625 feet north
Site Preparation ¹	79	74	66	63
Grading ¹	79	74	66	63
Soil Haul & Utility Trenching ¹	76	71	62	60
Townhome Construction ^{1,2}	77	72	64	61
Architectural Coating ^{1,2}	68	63	54	52
Paving ^{1,2}	80	75	66	64
Finish & Landscaping ^{1,2}	71	66	57	55

Notes:

Calculations performed with the FHWA RCNM software are included in Appendix D. Distance measurements were taken using Google Earth 2019 from the approximate acoustical center of the project site.

Decibels rounded to the nearest whole number.

These numbers are based on the construction of 66 residential units (an earlier iteration of the proposed project on which the noise calculations are based). This results in more conservative noise levels.

¹ Phase 1

² Phase 2

As shown in Table 10, construction-related noise levels may exceed the 65 dBA threshold at nearby residences and Esther's Nest Children School daycare. This would be considered a potentially significant impact. Implementation of Mitigation Measure N-1 would reduce this impact to a level of less than significant. The combination of noise reduction measures in Mitigation Measure N-1 are estimated to reduce construction noise levels by at least 15 dBA.

MM N-1 Before the City issues any demolition, grading and/or building permits, a note is required on all construction plans stating that during grading, demolition, and construction, the applicant is responsible for requiring contractors to implement the following measures to limit construction-related noise to a performance standard of 65 dBA at nearby sensitive uses:

- Per the Monterey Park Municipal Code construction activity are limited to the hours of 7:00 am to 7:00 pm on weekdays and 9:00 am to 6:00 pm on Saturdays.
- During the entire active construction period, equipment and trucks used for project construction must use the best available noise control techniques wherever feasible (e.g., improved mufflers, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds).
- Require that impact tools (e.g., jack hammers and hoe rams) be hydraulically or electrically powered wherever possible. Where the use of pneumatic tools is unavoidable, an exhaust

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muffler on the compressed air exhaust must be used along with external noise jackets on the tools.

- Stationary equipment such as generators and air compressors must be located as far as feasible from nearby noise-sensitive uses.
- Stockpiling of materials must be located as far as feasible from nearby noise-sensitive receptors.
- At least 10 days before construction activities begin, a sign must be posted at the entrance(s) to the job site, clearly visible to the public, that includes permitted construction days and hours as well as the telephone numbers of the City's and contractor's authorized representatives that are assigned to respond in the event of a noise or vibration complaint. If the authorized contractor's representative receives a complaint, he/she must investigate, take appropriate corrective action, and report the action to the City.
- Signs must be posted at the job site entrance(s), within the on-site construction zones, and along queueing lanes (if any) to reinforce the prohibition of unnecessary engine idling. All other equipment must be turned off if not in use for more than 5 minutes.
- During the entire active construction period and to the extent feasible, the use of noise-producing signals, including horns, whistles, alarms, and bells, will be for safety warning purposes only. The construction manager must use smart back-up alarms, which automatically adjust the alarm level based on the background noise level, or switch off back-up alarms and replace with human spotters in compliance with all safety requirements and laws.
- Erect temporary noise barriers (at least as high as the exhaust of equipment and breaking line-of-sight between noise sources and sensitive receptors) at the property line, where feasible. Barriers must be constructed with a solid material that has a density of at least 4 pounds per square foot with no gaps from the ground to the top of the barrier.

Operational Noise

Traffic Noise

With respect to project-related increases, noise impacts can be put into three categories. The first is "audible" impacts, which refer to increases in noise level that are perceptible to humans. Audible increases generally refer to a change of 3 dBA or more since this level has been found to be the threshold of perception in exterior environments. The second category, "potentially audible" impacts, refers to a change in noise level between 1 and 3 dBA. The last category includes changes in noise level of less than 1 dBA, which are typically "inaudible" to the human ear except under quiet conditions in controlled environments. Only "audible" changes in noise levels at sensitive receptor locations (i.e., 3 dBA or more) are considered potentially significant. Note that a doubling of traffic flows (i.e., 10,000 vehicles per day to 20,000 per day) would be needed to create a 3 dBA CNEL increase in traffic-generated noise levels. An increase of 3 dBA CNEL is used as a threshold for a substantial increase.

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The peak hour traffic volumes along roadways in the project area were used to analyze traffic noise increases due to the proposed project. This analysis compares Existing Plus Project peak hour traffic volumes to the Existing traffic volumes logarithmically to estimate the project noise increase along study roadway segments. The additional trips created by the project would result in a permanent noise level increase of up to 0.3 dBA CNEL along Whitmore Street east of New Avenue. Traffic noise increases would be less along all other study roadway segments (see Appendix D). To determine the cumulative traffic noise level increase, the Future Plus Project traffic volumes were compared to the Existing traffic volumes. The permanent noise level increase was estimated to be up to 0.4 dBA CNEL, also along Whitmore Street east of New Avenue. Since the permanent noise level increase due to project-generated traffic would be less than 3 dBA CNEL, the proposed project would not cause a substantial permanent noise level increase at surrounding noise-sensitive receptors.

Stationary Sources

Future HVAC for the proposed residential units would be located on the ground in the backyard of each unit. These individual units for each residence are expected to be similar to existing HVAC equipment at nearby residential buildings. Noise from future HVAC at residences in the eastern and southern portion of the project site would be shielded by a proposed six-foot-high masonry wall. To the north, HVAC units would be at least 70 feet from the nearest residential property lines across Whitmore Street. At this distance, noise from HVAC equipment is not expected to be substantial, and this impact would be less than significant.

The project proposes a dog run park, BBQ area, and communal lawn area near residences to the south and east. The project proposes a six-foot-high masonry wall around the south and east perimeter adjacent to other residential uses. This would block line-of-sight to noise sources such as dogs barking and future residences gathering and conversing in the BBQ and communal lawn area, thereby reducing project operational noise. However, if uncontrolled, dogs barking could create a nuisance, which is considered potentially significant. Implementation of Mitigation Measure N-2 would reduce impacts to a level of less than significant.

MM N-2

- Dog park hours of operation are limited to 7:00 am to 7:00 pm, thereby restricting use during the more sensitive evening and nighttime hours.
- Signage must be installed informing users that the dog owner or handler must be present at all times and cannot leave the dog(s) unattended.
- Signage must be installed informing users that in the case of excessive barking, the owner or dog handler must remove the dog from the park.

b) Generation of excessive groundborne vibration or groundborne noise levels?

Less Than Significant Impact with Mitigation Incorporated.

Operational Vibration

The main concern associated with groundborne vibration from this type of project is annoyance; however, vibration-sensitive instruments and operations can be disrupted at much lower levels than would typically affect

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other uses. In extreme cases, vibration can cause damage to buildings, particularly those that are old or otherwise fragile. There are no existing sources of groundborne vibration surrounding the project site and the proposed residences would not be exposed to excessive groundborne vibration. Therefore, this analysis focuses on the potential for the project to generate vibration at surrounding land uses. Groundborne vibration occurring as part of the project would result from construction equipment. Following construction, the proposed residences would not generate groundborne vibration. Thus, no significant vibration effects from operations sources would occur.

Construction Vibration

Construction can generate varying degrees of ground vibration, depending on the construction procedures and equipment. Operation of construction equipment generates vibrations that spread through the ground and diminish with distance from the source. The effect on buildings in the vicinity of the construction site varies depending on soil type, ground strata, and receptor-building construction. The effects from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibrations at moderate levels, to slight structural damage at the highest levels. Vibration from construction activities rarely reaches levels that can damage structures.

For reference, a vibration level of 0.2 in/sec PPV is used as the limit for non-engineered timber and masonry buildings (which would apply to the surrounding residential structures) (FTA 2018). As shown in Table 11, *Vibration Levels for Typical Construction Equipment*, typical construction equipment aside from vibratory rollers produce vibration levels of less than 0.2 in/sec at a distance of 25 feet. At a distance greater than 25 feet, vibratory roller vibration levels would attenuate to less than the 0.2 in/sec PPV.

Table 11 Vibration Levels for Typical Construction Equipment

Equipment	PPV (in/sec) at 25 feet
Vibratory Roller	0.21
Large Bulldozer	0.089
Loaded Trucks	0.079
Jackhammer	0.035
Small Bulldozer	0.003

Source: FTA, 2018.

The nearest structures to proposed paving areas are residential structures within 10 feet of the proposed driveways on the south, east, and northeast edges of the project site. The proximity of the proposed driveways and paving activities could result in vibration levels greater than 0.2 in/sec PPV. Therefore, this impact would be potentially significant. Implementation of Mitigation Measure N-3 would reduce construction vibration impacts to a level of less than significant.

Mitigation Measure

N-3 If paving activity during construction is required within 25 feet of nearby residential structures, use of a static roller in lieu of a vibratory roller must be utilized.

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- c) **For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

No Impact. There are no airstrips or airports within two miles of the project (AirNav 2019). The nearest airport is the San Gabriel Valley Airport, approximately 4.5 miles northeast. The project would, therefore, not expose people residing or working in the project area to excessive noise levels, and no impact would occur.

3.14 POPULATION AND HOUSING

- a) **Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

Less Than Significant Impact. The proposed project is in a developed residential area and consists of the development of 63 condominium units at a density of approximately 22.5 dwelling units per acre (du/ac), consistent with the maximum residential density range (25 du/ac) permitted for the High Density Residential General Plan land use designation of the project site. According to the California Department of Finance, the average household size in Monterey Park in 2019 was 3.05 persons (CDF 2019). Therefore, the project is estimated to house approximately 192 residents at full occupancy. The population of the city is forecast to increase from 64,240 people in 2019 to 75,442 in 2040 (Monterey Park 2019c), a net increase of 11,202 people. The proposed project's population of 192 persons would fall well within the city's regional population forecast for 2040, accounting for under 2 percent of the forecast population increase. Therefore, impacts involving the increase in population growth would be less than significant.

- b) **Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?**

No Impact. No housing currently exists on the project site. No actively utilized or potentially active residences would be displaced or removed as a result of the proposed project, and the proposed project would create additional housing. Therefore, the proposed project would not displace any people or necessitate the construction of any replacement housing. No impact would occur.

3.15 PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- a) **Fire protection?**

Less Than Significant Impact. Fire prevention, fire protection, and emergency medical services in the immediate project area are provided by the Monterey Park Fire Department. The proposed project would be

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constructed to meet the requirements of the state fire marshal and would adhere to the City's fire safety standards. Site development would be reviewed by the Community and Economic Development Department to ensure that public safety is considered and addressed. Additionally, the proposed project would pay fire services impact fees as required by the municipal code (Title 14, Chapter 12, Section 165). These fees would be used to offset demands created by the proposed project on fire services in the city. Although the proposed project would result in approximately 192 new residents, adherence to conditions of approval identified by the City and payment of applicable fees and taxes would ensure impacts are reduced to a less than significant level.

b) Police protection?

Less Than Significant Impact. Law enforcement services in the area are provided by the Monterey Park Police Department. Site development would be reviewed by the Community and Economic Development Department to ensure that public safety is considered and addressed, and the proposed project would adhere to conditions of approval identified by the City. Additionally, the City of Monterey Park requires new developments to pay fees for the cost of providing police services. Although the proposed project would result in approximately 192 new residents, implementation of the conditions of approval identified by the City and payment of applicable fees and taxes would ensure impacts are reduced to a less than significant level.

c) Schools?

Less Than Significant Impact. See Section 3.14(a). The proposed project would result in 192 persons at buildout and would be served by the Garvey School District (GSD) and the Alhambra Unified School District (AUSD). Both districts have adopted fee programs. The current school fees for AUSD are \$3.79 per square foot for residential projects. The current school fees for GSD are \$3.48 per square foot for multifamily residential projects. Pursuant to California Government Code Section 65995(h), payment of the impact fees fully mitigates impacts to school facilities. Additionally, GSD enrollment has dropped from 6,297 student in the 2005/2006 school year to 4,491 students in the 2019/2020 school year, a 28 percent drop in enrollment (GUSD 2017, 2019). AUSD has seen a similar decline in enrollment. Currently, AUSD has a capacity of 21,456 student with an enrollment of 16,389 students, a difference of 4,574 students (Rincon ,2019). Both GSD and AUSD have at least 20 percent remaining capacity for future students. Between the development impact fees and available capacity for future enrollment, impact involving the increase in population growth would be less than significant.

d) Parks?

No Impact. See response to Section 3.15(a), below. As substantiated in that section, impacts would be less than significant, and no mitigation measures are necessary.

e) Other public facilities?

Less than significant. The only library in the City of Monterey Park, Monterey Park Bruggemeyer Library, is approximately one mile southeast of the project site. The City has adopted development impact fees to help cover the impacts of new residential developments on public services. The current impact fee for attached dwelling units is \$9,625/unit. The revenue raised by payment of this fee is used solely for the costs of public

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services such as, parks, fire, public safety facilities, and libraries. Therefore, with payment of the development impact fee, impacts on library and other public services due to the increase in population growth would be less than significant.

3.16 RECREATION

- a) **Would the project increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated?**

Less Than Significant Impact. Implementation of the proposed project would result in the development of new residential housing units with private and shared outdoor spaces including seating, a BBQ area, dog park run area, lawn area, and other ancillary amenities. An increase in population from the proposed residential uses would have the potential to increase demand for local or regional recreational facilities or parks. The proposed project would support on-site recreational spaces for residents and limit the impact on neighboring parks and recreational spaces; however, parks and recreational areas in the project vicinity would serve additional needs to new residents.

The City currently contains approximately 129.8 acres of City-owned open space across 13 parks (82.80 acres) and one golf course (47 acres). The City's parkland-to-resident ratio is approximately 2.11 acres per 1,000 residents. The City's General Plan Resources Element does not include an adopted parkland-to-resident ratio; however, the City's ratio is considered below the National Park and Recreation Association's (NRPA) guideline of 2.5 to 4.0 acres of parkland for every 1,000 residents (Monterey Park 2019c). While the City does not meet the NRPA standard for parkland, implementation of the proposed project is not expected to reduce the existing ratio of 2.11 acres per 1,000 residents. Furthermore, the proposed project would be subject to development impact fees. This park funding mechanism would offset the incremental increase in demand for park facilities from implementation of the proposed project and impacts with regard to the increased usage of existing recreation facilities would be less than significant.

- b) **Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?**

Less than Significant Impact. The proposed project would develop on-site recreational spaces as part of the residential development, including shared outdoor spaces with seating, a BBQ area, dog park run area, lawn area, and other ancillary amenities. The proposed project does not involve any construction of recreational facilities beyond what is proposed to serve future residents of the housing development, and project development does not propose construction or expansion of existing recreational facilities in the city. Furthermore, construction of the proposed project's recreational areas and amenities by themselves are not considered likely to result in a significant construction- or operational-related impact, and the physical impacts associated with construction of the proposed project's recreational areas and amenities are analyzed throughout this Initial Study. Furthermore, as discussed in Section 3.16(a), above, the proposed project would be subject to development impact fees to fund any increase in demand for park facilities in the city. Therefore, a less than significant impact would occur.

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3.17 TRANSPORTATION

The following section is based in part on the findings of the *Traffic Impact Analysis for The New Avenue 66-Unit Residential Development*, conducted by PlaceWorks and dated October 2019 (see Appendix E).

Note that the traffic impact study (TIA) includes a comprehensive analysis of the potential impact of buildout of the proposed project on the level of service (LOS) of four area intersections and four roadway segments. The results of this LOS analysis, however, are not reproduced or summarized in this Initial Study section because, pursuant to SB 743—passed in September 2013 and incorporated into updated CEQA Guidelines approved in December 2018—LOS and auto delay are no longer metrics to evaluate transportation impacts under CEQA. The updated guidelines codify the switch from LOS to vehicle miles traveled (VMT) as the metric for transportation analysis. VMT refers to the amount and distance of automobile travel attributable to a project.

a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Less Than Significant Impact. Access to the site will be via two driveways on New Avenue and an access driveway to the north on Whitmore Street. The proposed project would involve the construction of a 63-unit condominium residential development with attached and subterranean garages. The development would include two-story, two- and three-bedroom units with and without attached garages, as shown in Figure 5, *Proposed Site Plan*. The proposed project is not expected to increase traffic around the project site.

Construction Impacts

Construction of the proposed project would entail large construction equipment, transportation of equipment to and from the site, and worker vehicles. Construction is expected to start in the winter of 2021 and last approximately 21 months.

Once materials are delivered to the site, all construction activities would occur on-site within the existing boundaries. All staging of construction vehicles will occur on-site. Lane closures are not anticipated, and no off-site roadway improvements are required or proposed that would have the potential to interrupt area circulation or redirect traffic. As such, project construction is not anticipated to obstruct traffic lanes or have any long-term effects on the circulation system. Per standard construction procedures, the construction contractor would prepare and implement a traffic control plan to ensure that public safety and emergency access are maintained during the construction phase. As such, sidewalk facilities would not be impacted during project development. Implementation of the traffic control plan would ensure that existing conditions are not adversely affected or substantially degraded by project construction.

Roadways

Study area roadways are described below, and roadway classifications are identified in the City of Monterey Park General Plan Circulation Element.

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- **Garvey Avenue.:** This east-west four lane undivided roadway is classified a minor arterial. It contains paved sidewalks, posted speed limit of 35 mph, and no marked bike lanes.
- **Hellman Avenue.** This east-west two-lane divided roadway is classified a minor arterial. It contains paved sidewalks, and no marked bike lanes.
- **New Avenue.** This north-south four lane undivided roadway is classified a principal arterial north of Garvey Avenue up to the city's boundary at the Interstate 10 Freeway. It contains paved sidewalks, posted speed limit of 35 mph, and no marked bike lanes
- **Emerson Avenue.** This east-west two-lane undivided roadway is classified a minor arterial. It contains paved sidewalks, posted speed limit of 25 mph, and no marked bike lanes.

Furthermore, site access would be provided via two driveways on New Avenue and one driveway on Whitmore (see Figure 5, *Proposed Site Plan*):

- **New Avenue Southern Driveway.** An approximately 100-foot-long driveway leading to a subterranean garage on the southwestern end of the project site along New Avenue.
- **New Avenue Northern Driveway.** An approximately 60-foot-long driveway at the center of the project site along New Avenue that would provide access to the surface parking spaces and garages.
- **Whitmore Street Driveway.** An approximately 60-foot-long driveway on the north end of the project site along Whitmore Street that would provide access to the surface parking spaces and garages.

All access driveways would allow for full access (right and left turns in/out). As shown in Table 4 of the TIA, the project would generate 30 trips (7 inbound and 23 outbound) during the AM peak hour and 37 trips (23 inbound and 14 outbound) during the PM peak hour. The southern driveway on New Avenue is expected to handle approximately two-thirds of the project traffic. Therefore, the busiest driveway would handle approximately 5 cars in and 16 cars out in the AM peak hour and approximately 16 cars in and 11 cars out in the PM peak hour. The TIA indicates that none of the driveways would result in queues.

The posted speed limit on New Avenue is 35 miles per hour. Several access driveways on New Avenue serve residential developments to the north and south along New Avenue. Based on field observations and a review of aerial photography, New Avenue and Whitmore Street are generally flat and with minimum curvature, and there are no obstructions blocking the line of sight between through-traffic and the access driveways. As a project design feature and a condition of approval, signage would be installed at the exits of each driveway to require a stop. Therefore, the project would not conflict with a program, plan, ordinance, or policy addressing the roadways. Impacts would be less than significant.

Nonmotorized Transportation and Transit Network

The streets in the project vicinity have sidewalks along both sides of the street. Aside from the intersection of New Avenue and Whitmore Street, the remaining study area intersections have painted crosswalks and

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pedestrian signals and pedestrian push buttons to activate the signals. The study area is, therefore, equipped to accommodate pedestrian travel.

Monterey Park has somewhat less bicycle use than most neighboring communities as well as California as a whole. An estimated 1,887 bicycle trips are made daily in Monterey Park. None of the streets in the immediate vicinity of the project site have marked bike lanes. The sustainable community element of the City's general plan focuses on the environmental aspects of sustainability relating to land use and transportation. It identifies Monterey Park as having limited facilities for bicycling and includes specific policies related to bicycle travel in the city, including Policy 5.6, Multipurpose Trails, that seeks opportunities to provide off-street multipurpose trails for biking and walking that increase connectivity throughout the city while providing an attractive environment for walking and bicycling separated from the roadway. To implement this policy, the City partnered with BikeSGV, Baldwin Park, San Gabriel, El Monte, and South El Monte to develop the San Gabriel Valley Bicycle Master Plan. The plan guides the creation and maintenance of a comprehensive bicycle network for the next 20 years with bicycling promotion, education, and supportive policies. The majority of the city's current bikeway network consists of the bike paths along the San Gabriel River and Rio Hondo. The plan proposes a variety of enhancements to the network, such as shared-use paths, bike lanes, and signed bike routes (Monterey Park 2020). The bicycle master plan includes a recommended bikeway network for the city with Class III bikeways on New Avenue and Whitmore Street. A Class II bike lane is proposed for New Avenue (Alta 2014).⁷ These proposed bikeways would serve the proposed project.

Furthermore, public transportation services operating in the City of Monterey Park include the local-fixed route circulator, the Spirit Bus, and regional service provided by Los Angeles County Metro Bus and Montebello Bus Lines. Route 3 of the Spirit Bus, and Line 70 and Line 770 of the Los Angeles Metro Bus system, are the closest bus routes to the site location. Route 3 generally runs north-south through the City with a 40-minute headway during peak hours. If taking Route 3, passengers can embark/disembark at Emerson Avenue and Florence Avenue then enter at the Western or Northern Driveway. Line 70 runs east-west, serving Los Angeles, Monterey Park, and El Monte with a 12-minute headway during peak hours. If taking Line 70, passengers can embark/disembark at Garvey Avenue and New Avenue then enter at the Western Driveway.

b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?

Less than Significant Impact. Under SB 743, a city can decide to screen out certain projects from needing a complete VMT analysis. The Governor's Office of Planning and Research (OPR) has advised that certain projects could be cleared from further analysis based on size, type, location, and/or proximity to a major transit stop, or high-quality transit. "High quality transit" refers to a street with fixed route bus service with intervals no longer than 15 minutes during peak commute hours. Based on OPR's guidelines, the City of Monterey Park can screen out residential projects that are in areas of the city that are performing well and already have a low VMT when compared to the surrounding region. Based on OPR's standard, low VMT is defined as 15 percent below the baseline for a defined geographic area. In land use terms, these are places that have higher densities, an ideal mix of land uses (commercial near residential), and transit accessibility. OPR has advised that cities can

⁷ Class III Bike Routes share the right-of-way between vehicles and people on bicycles with signage and optional shared lane markings to indicate that the road is a shared use facility. Class II Bike Lanes are striped and signed on-street travel lanes exclusively for bicycles.

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assume that new residential projects in these areas will incorporate similar low VMT features, thus having a “less than significant impact.”

To assist member agencies with complying to SB 743 mandates, the San Gabriel Valley Council of Governments (SGVCOG) worked with member agencies, including the City of Monterey Park, to analyze existing traffic conditions in the region and develop a baseline VMT standard that determines CEQA significance thresholds for future land use and transportation projects. The average VMT for the area, measured by VMT per capita, VMT per employee, or VMT per service population, was used as to determine baseline conditions. SGVCOG developed a web-based tool to allow city staff and developers to determine if a proposed project would require a full VMT analysis based on each city’s adopted CEQA criteria. SGVCOG used SCAG’s Regional Travel Demand Model⁸ with a base year of 2012 to determine baseline conditions for SGVCOG’s planning area—2012 is also the base year used for the 2016 RTP. The City of Monterey Park adopted its VMT thresholds on November 24, 2020.

The project site includes two parcels in the jurisdiction of Monterey Park. Since the proposed project would include high-density residential development, is in an area with a mix of land uses, and is accessible by transit, it was screened against the City’s “Low VMT Area” threshold. Based on this threshold, the SGVCOG’s web-based tool shows that both parcels are within a low VMT area (SGVCOG 2020). Therefore, the proposed project would have a less than significant impact.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No Impact. The increased levels of traffic generated by the proposed facility, the increased number of pedestrians, and the increased number of vehicular turning movements at the nearby intersections would result in an increased number of traffic conflicts and a corresponding increase in the probability of an accident. These impacts would not be significant, however, because the streets and intersections are designed to accommodate the anticipated levels of vehicular and pedestrian activity and have historically been accommodating activities at the project site (previously New Avenue School) and surrounding residences.

The proposed facility would be compatible with the design and operation of the street network and would not result in any major modifications to the existing access or circulation features. The driveways would remain in place with project development. Visibility at the site access driveway is sufficient. New Avenue and Whitmore Street are flat and have no curves that would restrict sight distance. The proposed project would not, therefore, substantially increase hazards due to a design feature or incompatible uses, and no impact would occur.

d) Result in inadequate emergency access?

Less Than Significant Impact. The proposed access and circulation features at the project site would accommodate emergency ingress and egress by fire trucks, police units, and ambulance/paramedic vehicles. Site access would be provided via two driveways on New Avenue and one driveway on Whitmore Street. Project access features are subject to and must satisfy the City of Monterey Park design requirements and would be

⁸ A regional travel demand model forecasts the supply and demand for travel in an urban area.

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subject to approval by the City of Monterey Park Code Enforcement Division. The project would not, therefore, result in inadequate emergency access. Impacts would be less than significant.

3.18 TRIBAL CULTURAL RESOURCES

- a) **Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:**
 - i) **Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or**

Less Than Significant Impact. As of July 1, 2015, Public Resources Code Sections 21080.1, 21080.3.1, and 21080.3.2 require public agencies to consult with California Native American tribes recognized by the Native American Heritage Commission (NAHC) for the purpose of mitigating impacts to tribal cultural resources. This law does not preclude agencies from initiating consultation with the tribes that are culturally and traditionally affiliated with their jurisdictions.

In accordance with Public Resources Code Section 21080.1(d), a lead agency is required to provide formal notification of intended development projects to Native American tribes that have requested to be on the lead agency's list for receiving such notification. The formal notification is required to include a brief description of the proposed project and its location, lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation for tribal cultural resources. The Gabrieleno Band of Mission Indians – Kizh Nation, Gabrieleno/Tongva San Gabriel Band of Mission Indians, Gabrieleno/Tongva Nation, Gabrieleno Tongva Indians of California Tribal Council, and Gabrieleno-Tongva Tribe are on the City of Monterey Park's notification list pursuant to AB 52. The City notified the tribes on August 16, 2019. No request for consultation was initiated by the tribe within the 30-day consultation period.

The project site is not listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). As the property has been previously disturbed, it is not anticipated that unknown tribal cultural resources are present on-site. However, because project development would involve fine surface grading and excavations for the subterranean parking garage and two-story building foundations there is the possibility tribal cultural resources could be discovered during excavation activities. In the unlikely event such resources are discovered during excavation activities, adherence to Mitigation Measure CUL-1 would ensure any discovery is properly managed and impacts would be less than significant.

- ii) **A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource**

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Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Less Than Significant Impact. The project would involve the development of residential complex. No historic resources are present on the project site or anticipated to be discovered with project development as discussed in 3.18 a(i), above. Impacts would be less than significant.

3.19 UTILITIES AND SERVICE SYSTEMS

Would the project:

- a) **Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?**

Less Than Significant Impact.

Wastewater

Implementation of the proposed project would result in the development of a 63-unit residential condominium on 2.8 acres of currently vacant land. The Sanitation Districts of Los Angeles County (LACSD) provide sewer collection and treatment services in the City, and the city supplies water to residents. The proposed project site is in an urban and fully developed area and would connect to existing utility connections. All utility connections to the proposed project would be required to comply with applicable law and Public Works standards. The proposed project would result in uses that would generate new water and wastewater demand.

Wastewater flow originating from the proposed project would discharge to a local sewer line for conveyance to the LACSD's Graves Avenue extension trunk sewer in New Avenue south of Gravalia Avenue. The 12-inch diameter trunk sewer has a capacity of 1.3 million gallons per day (mgd) and conveyed a peak flow of 1.0 mgd when last measured in 2016. The wastewater generated by the proposed project will be treated at the Whittier Narrows Water Reclamation Plant in South El Monte, which has a capacity of 15 mgd and currently produces an average recycled water flow of 9.1 mgd. The expected average wastewater flow from the project was estimated using the LACSD's average wastewater generation factors. A factor of 156 gallons per day per dwelling unit was used for a total wastewater flow of 9,828 gallons per day (LACSD 2020). The proposed project's anticipated sewage per day would represent less than 0.1 percent of the Whittier Narrows Water Reclamation Plant's existing sewage flow, and therefore would not result in the plant exceeding its sewage treatment capacity. Therefore, the current available capacity would be able to accommodate the wastewater flows generated from the proposed project.

Potable Water

Project implementation would increase the amount of water needed to serve the project site compared to existing conditions. Water supply would be provided by the San Gabriel Valley Municipal Water District through the City of Monterey Park Water Utility Division. The city's main source of water is groundwater that is delivered to the system by seven active wells in the Main San Gabriel Basin (Main Basin). Water demands within

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the Monterey Park water system are expected to increase from 7,884 acre-feet per year (afy) (7.03 mgd) in 2020 to 9,155 afy (8.1 mgd) in 2040 (Monterey Park 2015). The city's water use rate for the most recent available year (2014-15) was 134 gallons per capita per day. Table 12, *Proposed Water Demand*, identifies the estimated water needs of the proposed project. The proposed project would represent less than 1 percent of the total water demand in 2020. Project impacts related to water supply availability and capacity would be less than significant.

Table 12 Proposed Water Demand

Land Use	Land Use Unit Count	Water Demand Factor	Water Demand (gpd)	Water Demand (AFY)
Residential Units	192 people	134 gpcd ¹	25,728	28.8

Notes: sf: square feet, gpcd: gallons per capita per day, ETWU: estimated total water use; AFY: acre-feet per year
¹ Based on City of Monterey Park 2020 per capita water use goals, Monterey Park 2015 Urban Water Management Plan

Stormwater

The project site is in a developed area of Monterey Park that has an existing stormwater collection and conveyance system. Under the proposed project, stormwater drainage plans would comply with regulatory requirements. Compliance with the Municipal Stormwater NPDES Permit would ensure that the capacity of the existing storm drainage infrastructure serving the project site would not be diminished and impacts of the proposed project to the storm drain system would be less than significant.

Other Utilities

Natural gas would be provided by Southern California Gas. Natural gas would be used for HVAC systems, hot water heaters, and food preparation. Telephone and cable television service would be available from a number of providers. The proposed development would connect to the existing electric power system, which is maintained by Southern California Edison (SCE). All utility connections to the proposed project would be required to comply with applicable federal, state, and local regulations related to electric power supply. Therefore, relocation and expansion of existing electricity and natural gas utilities and construction of new facilities would not be required. Impacts would be less than significant.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less Than Significant Impact. See Section 3.10(b). The City of Monterey Park Water Utility Division would provide potable water to the project site. The City receives its water supply entirely from local groundwater and the water is produced by seven City-owned wells with a total capacity of 20 mgd (Monterey Park 2019b). The groundwater is pulled from the Main Basin. The City has been able to meet all historical water demands with the available water supply. The City assessed future water supply and demand in its 2015 Urban Water Management Plan. By comparing water supplies available to the City during a historical normal year in 2009-10 to water supplies during a historical dry year in 2011-12 and 2012-13, the City was able to arrive at estimates for future water demand and supply. The City estimates that water demands in its service area for normal years will increase from approximately 9,782 afy in 2020 to approximately 10,737 afy in 2035 (Monterey Park 2015).

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The City projects that even with increased demands, it will be able to meet all water demands over the next two decades during normal, single dry and multiple dry years.

These estimates are also supported by an assessment of the water levels of the Main Basin which found the Main Based has managed to maintain water levels during multiple drought cycles since 1969. Furthermore, should the city face a severe or extended water shortage, the City has established a water shortage contingency plan designed to provide a minimum of 50 percent of normal supply during a prolonged water shortage. The water shortage contingency plan limits or prohibits certain water uses (lawn irrigation, swimming pools, etc.) based on the severity of a potential water shortage. Therefore, the project area's existing water supply would adequately supply the proposed project's water need during normal, single dry, and multiple dry years and would ensure impacts to water supplies would be less than significant.

- c) **Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

Less Than Significant Impact. See Sections 3.18(a) and (b). The existing wastewater treatment provider would be able to accommodate the proposed project. Therefore, impacts to wastewater facilities would be less than significant

- d) **Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?**

Less Than Significant Impact.

Waste from the project site would be transported to the San Timoteo Sanitary Landfill, which has an average daily disposal rate of 892 tons per day (tpd), although it is permitted up to 2,000 tpd; thus, the landfill has a remaining daily intake capacity of 1,108 tpd (Los Angeles County 2019). The landfill has the capacity to serve residents and businesses for the next 25 years. The remaining capacity of the landfill is 12,360,396 cubic yards (CalRecycle 2019b).

The California Department of Resources Recycling and Recovery's (CalRecycle) sample solid waste generation rates for multifamily developments reflect the volume of refuse generated per dwelling unit (CalRecycle 2016). The proposed project would result in 63 dwelling units. Using a waste generation rate of 8.6 pounds per dwelling unit per day, project implementation would increase waste generation by approximately 5,676 pounds per day. This increase would be 0.05 percent of the landfill's remaining daily allowable intake and could be accommodated.⁹ Therefore, the project impacts on landfill capacity would be less than significant.

⁹ $1,108 \text{ tons per day} \times 2,000 \text{ lbs (1 ton)} = 2,216,000 \text{ lbs /day}$
 $1,108 \text{ lbs/day} / 2,216,000 \text{ lbs /day} = 0.0005 = 0.05\%$

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- e) **Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?**

Less Than Significant Impact. A significant impact would occur if the proposed project were to generate solid waste that is not disposed of in accordance with applicable regulations. As stated above, the proposed project would not result in a significant increase in the demand for solid waste services. Solid waste generated on the project site would be disposed of in accordance with all applicable federal, state, and local regulations related to solid waste. In addition, because the proposed project site is in California, it would be required to comply with the California Integrated Waste Management Act of 1989 (AB 939), which was enacted to reduce, recycle, and reuse solid waste generated in the state to the maximum amount feasible. Project implementation would not interfere with applicable statutes and regulations. Therefore, impacts would be less than significant.

3.20 WILDFIRE

- a) **Substantially impair an adopted emergency response plan or emergency evacuation plan?**
- b) **Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?**
- c) **Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?**
- d) **Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?**

Wildland fire protection in California is the responsibility of either the State, local, or federal government. State Responsibility Areas (SRA) are the areas in the State where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. The SRA forms one large area over 31 million acres to which the State Department of Forestry and Fire Protection (CAL FIRE) provides a basic level of wildland fire prevention and protection services.

Local Responsibility Areas (LRA) include incorporated cities, cultivated agriculture lands, and portions of the desert. LRA fire protection is typically provided by city fire departments, fire protection districts, counties, and by CAL FIRE under contract to local government. CAL FIRE uses an extension of the SRA Fire Hazard Severity Zone model as the basis for evaluating fire hazard in LRA. The LRA hazard rating reflects flame and ember intrusion from adjacent wildlands and from flammable vegetation in the urban area. The Monterey Park Fire Department currently provides fire protection and emergency medical services to the City.

Fire Hazard Severity Zones (FHSZ) are identified by Moderate, High and Very High in an SRA, and Very High in a LRA. The project site is not located in or near SRAs or lands classified as high fire hazard severity zones (Cal Fire 2017). The nearest FHSZ in the SRA and the LRA is a VHFHSZ 4.2 miles west of the project site where scattered open space leading into northern Los Angeles interfaces with the urban edge. Land between

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the edge of the FHSZ and the project site is dense urban development. Since the project site is outside the prescribed boundaries, no impact would occur.

See Section 3.9, Hazards and Hazardous Materials, for a discussion of the project's potential to conflict with an adopted emergency response plan or emergency evacuation plan, and expose people and structures to a significant loss, injury or death involving wildfires.

3.21 MANDATORY FINDINGS OF SIGNIFICANCE

- a) **Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

Less Than Significant Impact. The site is presently vacant and consists mostly of sparse patches of grass or exposed soil. The proposed project would construct 63 condominiums on approximately 2.8 acres of land. The project site was previously a school, which was demolished in 2018. Prior development of the project site greatly reduces the potential for sensitive habitat or species to be present on-site, and no natural lands exist on-site. The proposed project site is in an urban and fully developed area and would not have an impact on the habitat or population level of fish or wildlife species; threaten a plant or animal community; or impact the range of a rare or endangered plant or animal. A very low potential exists for undiscovered archaeological resources, paleontological resources, or human remains to be encountered during grading activities; however, conformance with standard protocols for the discovery of such resources would ensure that project impacts remain less than significant.

- b) **Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)**

Less than Significant Impact. Implementation of the proposed project, in conjunction with other approved or pending projects in the region, has the potential to result in cumulatively considerable impacts to the physical environment. However, implementation of the proposed project would not result in cumulatively considerable impacts. Where appropriate, the environmental checklist questions above include a cumulative construction impact discussion to address the cumulative impacts of the proposed project when developed in conjunction with related projects. As concluded throughout the analysis, the proposed project would include both operation- and construction-related project components whose adherence to applicable regulations would ensure that the proposed project's incremental contribution would be less than cumulatively considerable. Further, the proposed project would not achieve short-term environmental goals to the disadvantage of long-term goals. Therefore, cumulatively considerable impacts would be considered less than significant.

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- c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

Less than Significant Impact with Mitigation Incorporated. No potentially significant impacts on human beings are identified in this Initial Study. Mitigation measures included herein MM CUL-1, MM N-1, MM N-2, and MM N-3 would reduce any impacts to less than significant.

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4. References

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5. List of Preparers

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ATTACHMENT 4

Whitmore Villa Residential Development Mitigation
Monitoring Reporting Plan

June 2021 | Mitigation Monitoring and Reporting Program

WHITMORE VILLA RESIDENTIAL DEVELOPMENT

City of Monterey Park

Prepared for:

City of Monterey Park

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PLACEWORKS

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Mitigation Monitoring and Reporting Program

1. PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program has been developed to provide a vehicle by which to monitor mitigation measures and conditions of approval outlined in the Whitmore Villa Residential Development Initial Study/Mitigated Negative Declaration (IS/MND), State Clearinghouse No. 2021030384. The Mitigation Monitoring and Reporting Program (MMRP) has been prepared in conformance with Section 21081.6:

- (a) When making findings required by paragraph (1) of subdivision (a) of Section 21081 or when adopting a mitigated negative declaration pursuant to paragraph (2) of subdivision (c) of Section 21080, the following requirements shall apply:
 - (1) The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead or responsible agency, prepare and submit a proposed reporting or monitoring program.
 - (2) The lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.

The State CEQA Guidelines Section 15097 provides clarification of mitigation monitoring and reporting requirements and guidance to local lead agencies on implementing strategies. The reporting or monitoring program must be designed to ensure compliance during project implementation. The City of Monterey Park is the lead agency for the Whitmore Villa Residential Development project and is therefore responsible for implementing the MMRP. The MMRP has been drafted to meet the requirements of Public Resources Code Section 21081.6 as a fully enforceable monitoring program.

The MMRP consists of the mitigation program and the measures to implement and monitor the mitigation program. The MMRP defines the following for the mitigation measure outlined in Table 1, *Mitigation Monitoring Requirements*:

- **Definition of Mitigation.** The mitigation measure contains the criteria for mitigation, either in the form of adherence to certain adopted regulations or identification of the steps to be taken in mitigation.

Mitigation Monitoring and Reporting Program

- **Responsible Party or Designated Representative.** Unless otherwise indicated, the project applicant is the responsible party for implementing the mitigation, and the City of Monterey Park or a designated representative is responsible for monitoring the performance and implementation of the mitigation measures. To guarantee that the mitigation measure will not be inadvertently overlooked, a supervising public official acting as the Designated Representative is the official who grants the permit or authorization called for in the performance. Where more than one official is identified, permits or authorization from all officials shall be required.
- **Time Frame.** In each case, a time frame is provided for performance of the mitigation measure or review of evidence that mitigation has taken place. The performance points selected are designed to ensure that impact-related components of project implementation do not proceed without establishing that the mitigation is implemented or ensured. All activities are subject to the approval of all required permits from local, state, and federal agencies with permitting authority over the specific activity.

The numbering system in Table 1 corresponds with the numbering system used in the IS/MND. The last column of the MMRP table will be used by the parties responsible for documenting when implementation of the mitigation measure has been completed. The ongoing documentation and monitoring of mitigation compliance will be completed by the City of Monterey Park. The completed MMRP and supplemental documents will be kept on file at the City of Monterey Park Planning Department.

2. PROJECT LOCATION

The project site is at 126 North New Avenue (APNs 5286-019-013 and 5286-019-014) in the eastern part of the city of Monterey Park, Los Angeles County, California. The project site is approximately 2.8 acres of vacant land. Previous development on the site was demolished and the property was rough graded in 2018. The project site is bounded by New Avenue to the west and Whitmore Street to the north, and residential uses to the east and south. The eastern project site boundary is on the border with the city of Rosemead.

Monterey Park is surrounded by the cities of Alhambra to the north, Montebello to the south, and Rosemead to the east, with unincorporated Los Angeles County to the west. Regional access to the project site is via Interstate 10 (San Bernardino Freeway) and New Avenue, approximately 0.5 mile to the north. The project site is rectangular and bordered by New Avenue to the west and Whitmore Street to the north; East Garvey Avenue is the nearest street to the south, and Prospect Avenue is the nearest to the east.

3. PROJECT SUMMARY

The Project includes the construction of Whitmore Villa, a 63-unit condominium development in 11 buildings with attached and subterranean garages. The 63 proposed units would have an average size of approximately 1,320 square feet each, for a total livable area of approximately 82,707 square feet. The two-story units, with and without attached garages, would total 40 two-bedroom units and 23 three-bedroom units. Units along New Avenue and Whitmore Street would have both internal and street-facing entrances. The development would construct 166 parking spaces, including 46 enclosed garage parking spaces, 8 surface parking spaces, and 112 underground garage parking spaces, which would exceed the City's parking standards.

Mitigation Monitoring and Reporting Program

The proposed project would include driveways, concrete walkways, drought-tolerant landscaping and groundcover, potted plants, a lawn area, a dog run park area, a communal BBQ area, seating, decorative tile paving, and private yards and patios. The proposed landscaping would use a combination of drip and spray irrigation systems. Lighting would be provided for driveways and walkways, exterior lighting for the units, and security lighting.

Mitigation Monitoring and Reporting Program

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Mitigation Monitoring and Reporting Program

4. MITIGATION MONITORING

Table 1 Mitigation Monitoring Requirements

Mitigation Measure		Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
3.3 Cultural Resources					
CUL-1	In the event that construction activities occur within previously undisturbed soils and buried cultural resources are discovered, such resources could be damaged or destroyed, potentially resulting in significant impacts to cultural resources. Prior to the issuance of a grading permit by the City, the project applicant shall retain a qualified archaeologist approved by the City and provide documentation of such retention to the City. The archaeologist shall train project construction workers on the types of archaeological resources that could be found in site soils. The archaeologist shall also periodically monitor project ground-disturbing activities. If archaeological resources are encountered, all construction work 100 feet of the resource find shall cease, and the archaeologist shall be consulted to assess the find, and to determine whether the resource requires further study. The qualified archaeological personnel must assist the City by generating measures to protect the discovered resources. Any previously undiscovered resources found during construction must be recorded on appropriate Department of Parks and Recreation (DPR) 523 forms and evaluated for significance under all applicable regulatory criteria. An archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, must be retained to evaluate the finds and recommend appropriate mitigation measures.	Project Applicant Qualified Archaeologist Construction Contractor	Prior to the issuance of a grading permit	City of Monterey Park Planning Department	
3.13 Noise					
N-1	Before the City issues any demolition, grading and/or building permits, a note is required on all construction plans stating that during grading, demolition, and construction, the applicant is responsible for requiring contractors to implement the following	Project Applicant Construction Contractor	Prior to issuance of any demolition, grading and/or building permits	City of Monterey Park Planning Department	

Mitigation Monitoring and Reporting Program

Table 1 Mitigation Monitoring Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
measures to limit construction-related noise to a performance standard of 65 dBA at nearby sensitive uses: • Per the Monterey Park and Rosemead Municipal Codes, construction activity is limited to the hours of 7:00 am to 7:00 pm on weekdays and 9:00 am to 6:00 pm on Saturdays. Construction activities is prohibited on Sundays or on any federal holiday. • During the entire active construction period, equipment and trucks used for project construction must use the best available noise control techniques wherever feasible (e.g., improved mufflers, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds). • Require that impact tools (e.g., jack hammers and hoe rams) be hydraulically or electrically powered wherever possible. Where the use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust must be used along with external noise jackets on the tools. • Stationary equipment such as generators and air compressors must be located as far as feasible from nearby noise-sensitive uses. • Stockpiling of materials must be located as far as feasible from nearby noise-sensitive receptors. • At least 10 days before construction activities begin, a sign must be posted at the entrance(s) to the job site, clearly visible to the public, that includes permitted construction days and hours as well as the telephone numbers of the City's and contractor's authorized representatives that are assigned to respond in the event of a noise or vibration complaint. If the authorized contractor's representative receives a complaint, he/she must investigate, take appropriate corrective action, and report the action to the City. • Signs must be posted at the job site entrance(s), within the on-site construction zones, and along queueing lanes (if any) to				

Mitigation Monitoring and Reporting Program

Table 1 Mitigation Monitoring Requirements

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
	reinforce the prohibition of unnecessary engine idling. All other equipment must be turned off if not in use for more than 5 minutes. - During the entire active construction period and to the extent feasible, the use of noise-producing signals, including horns, whistles, alarms, and bells, will be for safety warning purposes only. The construction manager must use smart back-up alarms, which automatically adjust the alarm level based on the background noise level, or switch off back-up alarms and replace with human spotters in compliance with all safety requirements and laws. - Erect temporary noise barriers (at least as high as the exhaust of equipment and breaking line-of-sight between noise sources and sensitive receptors) at the property line, where feasible. Barriers must be constructed with a solid material that has a density of at least 4 pounds per square foot with no gaps from the ground to the top of the barrier.				
N-2	Before commencing any construction activities, the City of Monterey Park must mail a construction notice to residents within a radius of 300 feet from the construction site to inform them of the commencement of construction. The notice must also be posted onsite.	City of Monterey Park Planning Department	Prior to commencing any construction activities	City of Monterey Park Planning Department	
N-3	- Dog park hours of operation are limited to 7:00 am to 7:00 pm, thereby restricting use during the more sensitive evening and nighttime hours. - Signage must be installed informing users that the dog owner or handler must be present at all times and cannot leave the dog(s) unattended. - Signage must be installed informing users that in the case of excessive barking, the owner or dog handler must remove the dog from the park.	Project Applicant	Prior to issuance of occupancy permits and during operations	City of Monterey Park Planning Department	

Mitigation Monitoring and Reporting Program

Table 1 Mitigation Monitoring Requirements

Mitigation Measure		Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
N-4	If paving activity during construction is required within 25 feet of nearby residential structures, use of a static roller in lieu of a vibratory roller must be utilized.	Project Applicant Construction Contractor	During paving activity required within 25 feet of nearby residential structures	City of Monterey Park Planning Department	

ATTACHMENT 5

Whitmore Villa Residential Development Response to Comments

June 2021 | Response to Comments

WHITMORE VILLA RESIDENTIAL DEVELOPMENT

City of Monterey Park

Prepared for:

City of Monterey Park

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Prepared by:

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1. Response to Comments

Following is a list of agencies and organizations that submitted comments on the Initial Study/Mitigated Negative Declaration (IS/MND) for the Whitmore Villa Residential Development during the public review period, which extended from March 16 to April 14, 2021. Comment letters and specific comments are given letters and numbers for reference purposes.

Number Reference	Commenting Agency/Person	Date of Comment	Page No.
Agencies and Organizations			
A1	City of Rosemead	April 1, 2021	1-3
A2	Los Angeles County Sanitation District	April 5, 2021	1-23
A3	California State Transportation Agency	April 8, 2021	1-27
Individuals			
I1	Bin (Jack) Zhou	March 23, 2021	1-31
I2	Manuel and Hortencia Ramirez	March 25, 2021	1-35

1. Response to Comments

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1. Response to Comments

LETTER A1 – City of Rosemead (14 page[s])

MAYOR:
POLLY LOW

MAYOR PRO TEM:
SEAN DANG

COUNCIL MEMBERS:
SANDRA ARMENTA
MARGARET CLARK
STEVEN LY



City of Rosemead

8838 E. VALLEY BOULEVARD P.O. BOX 399
ROSEMEAD, CALIFORNIA 91770
TELEPHONE (626) 569-2100
FAX (626) 307-9218

April 1, 2021

Jason Moquin
Planning Manager
City of Monterey Park
320 W. Newmark Avenue
Monterey Park, CA 91754

Subject: Notice of Intent to Adopt a Mitigated Negative Declaration
126 N. New Avenue

The City of Rosemead has reviewed the Initial Study/Notice of Intent to Adopt a Mitigated Negative Declaration that was prepared for the proposed Whitmore Villa Resident Development project. We appreciate the opportunity to comment on the document, and we would like you to consider addressing the following items in the final document.

Lighting

1. Since the project is located directly adjacent to the City of Rosemead's boundary line, the City is requesting that the City of Rosemead's lighting standards be considered (attached), such as:
 - a. The development shall have exterior lighting that provides adequate visibility at entrances, public sidewalks, open areas, and parking lots with a safe level of illumination at night.
 - b. Exterior lighting shall be of low intensity and shielded so that light will not spill out onto surrounding properties or project above the horizontal plane.
 - c. Flashing, revolving, or intermittent exterior lighting visible from any property line or street shall be prohibited.

A1.1

Noise

2. Since the project is located directly adjacent to the City of Rosemead's boundary line, the City is requesting that the City of Rosemead's noise standards be considered (attached).
3. Mitigation Measure No. 1 limits the hours of construction from 7:00 a.m. to 7:00 p.m. on weekdays and 7:00 a.m. to 6:00 p.m. on Saturdays.

A1.2

A1.3

1. Response to Comments

a. The City of Rosemead is requesting that the mitigation includes the following: "No construction shall take place on Sundays or on any federal holiday."	A1.3 cont.
4. The City of Rosemead would like to request that a construction notice be mailed to residents within a 300' radius from the project site to inform them of the commencement of construction, as well as onsite posting.	A1.4
<u>Walls</u>	
5. Per Rosemead Municipal Code Section 17.68.030 (Height Limitations-Residential Development), in the R-1, R-2, and R-3 zones, no fence or wall located in the required front yard shall exceed a height of four feet. The project includes construction of a new six-foot high security wall around the perimeter of the property. To maintain a clear line of sight for motorists exiting the adjacent property to the east, the City of Rosemead is requesting that the first 20 feet of the wall along the east property line (fronting Whitmore Street) is constructed at four feet.	A1.5
<u>Traffic</u>	
The City's Traffic Engineer has reviewed the Traffic Impact Analysis (TIA). Based on the TIA, the project is expected to generate 483 daily trips, 30 AM peak vehicle trips with 7 in and 23 out and 37 PM peak vehicle trips with 23 in and 14 out. The TIA was prepared and approved by the City of Monterey Park in October of 2019. Since the traffic study was completed prior to the State mandated use of VMT analysis starting in July 2020, the project did not complete a VMT analysis. However, when the project was inputted into the City's VMT screening tool, it was found that the project is located in a LOW VMT area, so would essentially be exempt from the analysis. Due to the close proximity of the project to the City of Rosemead's boundary to the west, the City's Traffic Engineer has the following concerns:	A1.6
6. The traffic analysis did not include a discussion on parking. Where are guests expected to park (on-site or on adjacent streets)? Whitmore Street is a heavily parked area with multifamily dwelling units surrounding the project site. The competition for on-street parking will be significant.	A1.7
7. It appears that the project is gated. How will guests be allowed to park on-site and will the overflow of parking transfer onto Whitmore Street?	A1.7
8. If the project is gated, will left turns into the driveways pose a safety risk with vehicles blocking a thru lane waiting for the gate to open or to be "buzzed" into the site? New Avenue has a posted speed of 35 mph and southbound left turn project traffic will sit in a travel lane to enter the site. Is there stacking on-site for at least one vehicle to wait for the gate to open?	A1.8
9. Where will the trash bins be placed for collection? Will it be collected by garbage trucks? If so, what is the route of the garbage truck on-site. Please include templates showing their route.	A1.9

1. Response to Comments

10. 15% of project traffic is distributed on Whitmore Street to the east. Ralph Waldo Emerson Elementary is located on Whitmore Street and Jackson Avenue. Will this project impact school traffic and parking? | A1.10

11. Although the TIA indicates that no site obstructions were noted at each project driveway, if the vehicles are parked up to the driveway on Whitmore Street or New Avenue, will the line of sight for exiting project vehicles be blocked? A red curb may be needed on either side of the driveways to aid vehicles exiting site driveways. | A1.11

12. The project should provide a more comprehensive evaluation and description on parking on adjacent streets, particularly Whitmore Street. | A1.12

If you have any questions, please feel free to contact me at (626) 569-2142 or ltrinh@cityofrosemead.org. Rosemead City Hall is open from 7:00 a.m. to 6:00 p.m., Monday through Thursday. City Hall is closed on Fridays.

Sincerely,



Lily T. Valenzuela
Planning & Economic Development Manager

Enclosures

Cc: Gloria Molleda, City Manager
Angelica Frausto-Lupo, Director of Community Development
Chris Daste, Director of Public Works
Michael Ackerman, Contract City Engineer
Jana Robbins, Contract Traffic Engineer

1. Response to Comments

Chapter 17.88 LIGHTING

Chapter 17.88 LIGHTING

17.88.010 Applicability.

The lighting provisions contained in this chapter shall apply to all multifamily residential, commercial, industrial, residential/commercial mixed-use or commercial/industrial mixed-use development.

(Ord. No. 931, § 5(Exh. A), 10-22-13)

17.88.020 Lighting standards.

- A. A photometric survey (lighting plan) may be required at the discretion of the Community Development Director for new lighting proposed in multifamily, commercial, industrial, institutional, and mixed-use developments.
- B. All developments shall have exterior lighting that provides adequate visibility at entrances, public sidewalks, open areas, and parking lots with a safe level of illumination at night.
- C. Exterior lighting shall be of low intensity and shielded so that light will not spill out onto surrounding properties or project above the horizontal plane. In residential/commercial mixed-use and commercial/industrial mixed-use development, the lighting for commercial uses shall be appropriately shielded so that it does not negatively impact the on-site residential units.
- D. Flashing, revolving, or intermittent exterior lighting visible from any property line or street shall be prohibited, except if approved in conjunction with a public art project or as an accessory feature on a temporary basis in conjunction with a special event permit.
- E. Lighting shall be integrated with landscaping wherever possible.

(Ord. No. 931, § 5(Exh. A), 10-22-13)

1. Response to Comments

Chapter 8.36 NOISE CONTROL

Chapter 8.36 NOISE CONTROL

8.36.010 Policy.

In order to control unnecessary, excessive and annoying noise in the city, it is declared to be the policy of the city to prohibit such noise generated from any sources as specified in this chapter. It is determined that certain noise levels are detrimental to the public health, welfare and safety, and contrary to public interest, and therefore, the City Council does ordain and declare that creating, maintaining, causing or allowing to be created, caused or maintained any noise in a manner prohibited by or not in conformity with the provisions of this chapter, is a public nuisance and shall be punishable as such.

(Prior code § 4301)

8.36.020 Definitions.

All terminology used in this chapter, not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

The following words, phrases and terms are for the purpose of this chapter and shall have the meanings as indicated below:

"Agricultural property" means a parcel of real property which is undeveloped for any use other than agricultural purposes, including any residence located thereon.

"Ambient noise level" means the all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding the alleged offensive noise, occasional or occasional and transient sources, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.

"A weighted sound level" means the total sound level in decibels of all sound as measured with a sound level meter with a reference pressure of twenty (20) micro-pascals using the "A" weighted network scale as slow response. The unit of measurement shall be defined as "dBA."

"Commercial property" means a parcel of real property which is developed and used either in part or in whole for commercial purposes.

"Construction" means any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding demolition for or of public or private rights-of-way, structures, utilities or similar property.

"Cumulative period" means an additive period of time composed of individual time segments which may be continuous or interrupted.

"Decibel (dBA)" means the unit that denotes the ratio between two quantities which are proportional to power; the number of decibels corresponding to the ratio of two amounts of power is ten times the logarithm to the base ten of this ratio.

"Dwelling unit" means a single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

"Emergency" means any occurrence or set of circumstances involving actual or imminent injury to person or property damage which demands immediate action.

1. Response to Comments

"Emergency machinery, vehicle, work or alarm" means any machinery, vehicle, work or alarm used, employed, performed or operated in an effort to protect, provide or restore safe conditions in the community or for the citizenry, or work by private or public utilities when restoring utility service.

"Fixed noise source" means a stationary device which creates sounds while fixed or motionless including, but not limited to residential, agricultural, industrial and commercial machinery and equipment, pumps, fans, compressors, air conditioners and refrigeration equipment.

"Grading" means any excavating or filling of earth material or any combination thereof conducted at a site to prepare the site for construction or other improvements thereon.

"Health care institution" means any hospital, convalescent home or other similar facility which provides health care, medical treatment, room, board or other services for the ill, retarded or convalescent.

"Impulsive noise" means a noise of short duration usually less than one second of high intensity, with an abrupt onset and rapid decay.

"Industrial property" means a parcel of real property which is developed and used either in part or in whole for manufacturing purposes or zoned M-1.

"Intruding noise level" means the total sound level, in decibels, created, caused, maintained or originating from an alleged offensive source at a specified location while the alleged offensive source is in operation.

"Mobile noise source" means any noise source other than a fixed noise source.

"Noise" means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

"Noise disturbance" means any sound or noise which endangers or injures the safety or health of human beings or animals or which annoys or disturbs reasonable persons of normal sensitivities or which is of such a noise level or volume as would annoy or disturb reasonable persons of normal sensitivities or which endangers or injures personal or real property, or which violates the ambient noise standards set forth in this chapter.

"Person" means a person, firm, association, co-partnership, joint venture corporation or any entity, public or private in nature.

"Residential property" means a parcel of real property which is zoned for residential use according to the RMC, other than transient uses such as hotels and motels.

"Sound amplification equipment" means any device which produces, reproduces or amplifies sound and has a variable volume control.

"Sound level meter" means an instrument meeting American National Standard Institute's Standard SL 4-1971, or most recent revision thereof for Type 1 or Type 2 sound level meters.

"Sound pressure level" of a sound, in decibels, means twenty (20) times the logarithm to the base ten of the ratio of the pressure of the sound to a reference pressure, which reference pressure shall be explicitly stated.

(Prior code §§ 4302, 4303, 4323)

8.36.030 Exemptions.

A. The following activities shall be exempted from the provisions of this chapter:

1. Activities conducted on public playgrounds and public or private school grounds, including but not limited to, school athletic or school entertainment events or programs sponsored by the Rosemead Recreation Department;

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(Supp. No. 33, 12-20)

1. Response to Comments

2. Any mechanical device, apparatus or equipment used, related to or connected with emergency machinery, vehicle, work or warning alarm or bell provided the sounding of any bell or alarm on any building or motor vehicle shall terminate its operation within thirty (30) minutes in any hour of its being activated;
 3. Noise sources associated by construction, repair, remodeling or grading of any real property or during authorized seismic surveys, provided such activities do not take place between the hours of eight p.m. and seven a.m. on weekdays, including Saturday, or at any time on Sunday or a federal holiday, and provided the noise level created by such activities does not exceed the noise standard of sixty-five (65) dBA plus the limits specified in Section 8.36.060(B) as measured on residential property and does not endanger the public health, welfare and safety;
 4. All mechanical devices, apparatus or equipment associated with agricultural operations provided:
Operations do not take place between eight p.m. and seven a.m. on weekdays, including Saturday or at any time on Sunday or a federal holiday;
 5. Noise sources associated with the maintenance of real property provided such activities take place between the hours of seven a.m. and eight p.m. on any day except Sunday, or between the hours of nine a.m. and eight p.m. on Sunday;
 6. Any activity to the extent regulation thereof has been preempted by state or federal law, including but not limited to: aircraft, motor vehicles, railroads, and other interstate carriers;
 7. The provisions of this chapter shall not preclude the construction, operation, maintenance and repairs of equipment, apparatus or facilities of park and recreation departments, public work projects, or public utilities subject to the regulatory jurisdiction of the California Public Utilities Commission.
- B. Grandfather Provisions. Any noise source located in an "M" zone as defined in the Rosemead Zoning Ordinance, and which noise source is in operation on or prior to the date of adoption of the ordinance codified in this chapter shall be exempt from the provisions of this chapter, provided however, that such source shall not increase its noise level beyond that currently existing. Notwithstanding the foregoing, no such noise source shall emit levels in excess of the standards set forth in Section 8.36.130.

(Prior code §§ 4309, 4310)

8.36.040 Decibel measurement criteria.

Any decibel measurement made pursuant to the provisions of this chapter shall be based on a reference sound pressure of twenty (20) micro-pascals as measured with a sound level meter using the "A" weighted network (scale) at slow response.

(Prior code § 4304)

8.36.050 Designated noise zones.

Receptor properties hereinafter described are assigned to the following noise zones:

Noise Zone I: Single-, double- and multiple-family residential properties.

Noise Zone II: Commercial properties.

Noise Zone III: Manufacturing or industrial properties.

(Prior code § 4305)

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(Supp. No. 33, 12-20)

1. Response to Comments

8.36.060 Noise standards.

A. Exterior Noise Standards.

1. The following noise standards, unless otherwise specifically indicated, shall apply to all receptor properties within a designated noise zone:

Noise Zone	Type of Land Use (Receptor Property)	Time Interval	Allowable Exterior Noise Level
I	Single-, double- or multiple-family residential	10:00 p.m.—7:00 a.m. 7:00 a.m.—10:00 p.m.	45 dBA 60 dBA
II	Commercial	10:00 p.m.—7:00 a.m. 7:00 a.m.—10:00 p.m.	60 dBA 65 dBA
III	Industrial or manufacturing	anytime	70 dBA

2. A person shall not in any location of the city create any noise, or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person (hereinafter "noise source"), which causes the noise level when measured on any property (hereinafter "receptor property"), to exceed:
 - a. The applicable noise standard for a cumulative period of time of more than thirty (30) minutes in any hour; or
 - b. The applicable noise standard plus five dBA for a cumulative period of more than fifteen (15) minutes in any hour; or
 - c. The applicable noise standard plus ten dBA for a cumulative period of more than five minutes in any hour; or
 - d. The applicable noise standard plus fifteen (15) dBA for a cumulative period of more than one minute in any hour; or
 - e. The noise standard plus twenty (20) dBA for any period of time.
3. In the event the ambient noise level exceeds any of the first three noise limit categories above, the cumulative period applicable to said category shall be increased to reflect ambient noise level. In the event the ambient noise level exceeds the third noise limit category, the maximum allowable noise level under said category shall be increased to reflect the maximum ambient noise level.
4. If the receptor property is located on a boundary between two different noise zones, the lower noise level standard applicable to the quieter noise zone shall apply.
5. If the noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the ambient noise level can be determined, the measured noise level obtained while the source is in operation shall be compared directly to the receptor property's designated land use and for the time of day the noise level is measured.

B. Interior Noise Standards.

1. The following noise standards, unless otherwise specifically indicated, shall apply to all residential receptor property within all noise zones:

Noise Zone	Type of Land Use (Receptor Property)	Time Interval	Allowable Noise Level
ALL	Residential	anytime	45 dBA

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(Supp. No. 33, 12-20)

1. Response to Comments

The noise limit specified above shall be reduced by five dBA for noises consisting of speech or music, provided, however, that if the ambient noise level exceeds the resulting standard the ambient shall be standard.

2. A person shall not at any location within the city create any noise, or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person which causes the noise level when measured within any receptor residential dwelling unit in any noise zone to exceed:
 - a. The interior noise standard for a cumulative period of more than five minutes in any hour; or
 - b. The interior noise standard plus five dBA for a cumulative period of more than one minute in any hour; or
 - c. The interior noise standard plus ten dBA for any period of time.
3. In the event the ambient noise level exceeds the noise limit categories set forth in subdivisions (2)(a) and (2)(b) above, the cumulative period applicable to said category shall be increased to reflect said ambient noise level. In the event the ambient noise level exceeds the third noise limit category, the maximum allowable noise level under said category shall be increased to reflect the maximum ambient noise level.
4. If the receptor property is located on a boundary between two different noise zones, the noise level standard applicable to the quieter noise zone shall apply.
5. If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the ambient noise level can be determined, the same procedures specified in subsection (A)(5) of this section shall be deemed proper to enforce the provisions of this chapter.

(Prior code §§ 4306, 4307)

8.36.070 Noise level measurement.

The location selected for measuring exterior noise levels shall be at any point on the receptor property, and at least four feet above the ground and five feet from the nearest structure or wall. Interior noise measurements shall be made within the receptor residential unit. The measurements shall be made at a point at least four feet from the wall, ceiling or floor nearest the noise source with windows in an open or closed position depending on the normal ventilation requirements.

(Prior code § 4308)

8.36.080 Noise disturbance prohibited.

- A. A person shall not make, continue or cause to be made or continued, any noise disturbance. Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be exempt from the operation of this subsection.
- B. No person shall create, conduct, maintain or cause a noise disturbance. No person shall host or conduct a private or public dance, party, gathering or event in a residential neighborhood or in another neighborhood inhabited for residential use where the sound or noise emanating therefrom constitutes a noise disturbance. The source of instrumentalities of a noise disturbance may be seized in conjunction with the abatement of a noise disturbance.

(Prior code §§ 4311, 4324)

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(Supp. No. 33, 12-20)

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8.36.090 Abatement of noise disturbance.

Any peace officer and any person empowered and authorized to make arrests for violations of provisions of this code is empowered and authorized to summarily abate a noise disturbance.

(Prior code § 4325)

8.36.100 Specific prohibitions.

The following acts, and the causing thereof, are declared to be in violation of this chapter.

- A. Radios, Television Sets, Musical Instruments and Similar Devices. Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which produces, reproduces, or amplifies sound between the hours of ten p.m. and seven a.m. the following day in such a manner as to create a noise disturbance across a real property boundary or within a noise sensitive zone.
- B. Loudspeakers/Public Address Systems.
 - 1. Using or operating for noncommercial purpose any loudspeaker, public address system, or similar device between the hours of ten p.m. and seven a.m. the following day, such that the sound therefrom creates a noise disturbance across a residential real property boundary.
 - 2. Using or operating for any commercial purpose, any loudspeaker, public address system, or similar device such that the sound therefrom creates a noise disturbance across a real property boundary or between the hours of ten p.m. and seven a.m. the following day on a public right-of-way or public space.
- C. Loading and Unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects between the hours of ten p.m. and six a.m. the following day in such a manner as to cause a noise disturbance across a residential real property boundary.
- D. Vehicle or Motorboat Repairs and Testing. Repairing, rebuilding, modifying or testing any motor vehicle, motorcycle, or motorboat in such a manner as to cause a noise disturbance across a residential real property boundary.
- E. Powered Model Vehicles. Operating or permitting the operation of powered model vehicles so as to create a noise disturbance across a residential real property boundary, in a public space between the hours of ten p.m. and seven a.m. the following day. Maximum sound levels in a public space during the permitted period of operation shall conform to those set forth for residential land use in Section 8.36.060(A)(1). Maximum sound levels for residential property during the permitted period of operation, shall be governed by Section 8.36.060(A)(1).
- F. Stationary Non-Emergency Signaling Devices.
 - 1. Sounding or permitting the sounding of any electronically amplified signal from any stationary bell, chime, siren, whistle or similar device, intended primarily for non-emergency purposes, from any place, for more than five minutes in any hourly period.
 - 2. Devices used in conjunction with places of religious worship shall be exempt from the operation of this provision.
- G. Refuse Collection Vehicles. A person shall not:

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(Supp. No. 33, 12-20)

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1. On or after three years following the effective date of the ordinance codified in this chapter, operate or permit the operation of the compacting mechanism of any motor vehicle which compacts refuse and which creates, during the compacting cycle, a sound level in excess of eighty-five (85) dBA when measured at fifty (50) feet from any point on the vehicle;
2. Operate or permit the operation of the compacting mechanism of any motor vehicle which compacts refuse, between the hours of ten p.m. and six a.m. the following day in a residential area or noise sensitive zone or within five hundred (500) feet thereof;
3. Collect refuse with collection vehicle between the hours of ten p.m. and six a.m. the following day in a residential area or noise sensitive zone or within five hundred (500) feet thereof.
4. In the case of a conflict between this chapter and any other ordinance regulating refuse collection, provisions of any specific ordinance regulating refuse collection shall control.

(Prior code § 4312)

8.36.110 Variances for time to comply.

- A. Within one hundred twenty (120) days following the effective date of the ordinance codified in this chapter, the owner of any commercial or industrial source of sound may apply to the Planning Commission for a variance for time to comply.
- B. Any person seeking a variance for time to comply shall file an application with the Planning Department. The application shall contain information which demonstrates that bringing the source of sound or activity for which the variance is sought into compliance with this chapter, prior to the date requested in the application, would constitute an unreasonable hardship on the applicant, on the community, or other persons.
- C. In determining whether to grant or deny the application, the Planning Commission shall balance the hardship to the applicant, the community, and other persons by not granting the variance for time to comply against the adverse impact on property affected, and any other adverse impacts of granting the variance. Applicants for variances for time to comply and persons contesting variances may be required to submit any information to the Planning Commission that they may reasonably require. In granting or denying an application, the Planning Department shall place on public file, a copy of the decision and the reasons for denying or granting the variance for time to comply.
- D. Variances for time to comply shall contain all necessary conditions, including a schedule for achieving compliance. The variance for time to comply shall not become effective until all conditions are agreed to by the applicant in writing. Noncompliance with any condition of the variance shall terminate the variance and subject the person holding it to the provisions of this chapter.
- E. Application for extension of time limits specified in variances for time to comply, or for modification of other substantial conditions, shall be treated as applications for initial variances under subsection B of this section, except that the Planning Commission must find that the need for the extension or modification clearly outweighs any adverse impacts of granting the extension or modification.
- F. The Planning Commission may issue guidelines defining the procedures to be followed in applying for a variance for time to comply and the criteria to be considered in deciding whether to grant a variance.
- G. Findings. No variance shall be granted unless the Planning Commission makes all of the following findings:
 1. That the applicant is or will be in violation of this chapter;
 2. That, due to conditions beyond the reasonable control of the applicant, requiring compliance would result in either:

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- a. An arbitrary or unreasonable taking of property, or
- b. The practical losing and elimination of a lawful business;
3. That such closing or taking would be without a corresponding benefit in reducing noise levels.

(Prior code § 4313)

8.36.120 Appeals.

A person dissatisfied with an action taken by the Planning Commission may appeal to the City Council. All appeals shall be submitted and acted upon in the manner prescribed by Section 17.124.070.

(Prior code § 4314)

8.36.130 Immediate threats to health and welfare.

- A. The City Manager shall order an immediate halt to any sound which exposes any person, except those excluded pursuant to Section 8.36.030(A) to continuous sound levels in excess of those shown in Table B. Within two days following issuance of such an order, the city shall apply to the appropriate court for an injunction to replace the order.
- B. No order pursuant to this section shall be issued if the only persons exposed to sound levels in excess of those listed in Tables A and B are exposed as a result of: (1) trespass; (2) invitation upon private property by the person causing or permitting the sound; or (3) employment by the person or a contractor of the person causing or permitting the sound.
- C. Any person subject to an order issued pursuant to Section 8.36.030(A)(1), shall comply with such order until: (1) the sound is brought into compliance with the order as determined by the City Manager; or (2) a judicial order has superseded the City Manager's order.

Table A

Continuous Sound Levels which Pose an Immediate Threat to Health and Welfare (Measured at 50 feet or 15 meters)*

Sound Level Limit (dBA)	Duration
90	24 hours
93	12 hours
96	6 hours
99	3 hours
102	1.5 hours
105	45 minutes
108	22 minutes

* Use equal energy time-intensity trade-off if level varies; find energy equivalent over 24 hours.

Table B

Impulsive Sound Levels which Pose an Immediate Threat to Health and Welfare (Measured at 50 feet or 15 meters)

Sound Level Limit (dBA)	Number of Repetitions per 24-hour period
145	1

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(Supp. No. 33, 12-20)

1. Response to Comments

135	10
125	100

(Prior code § 4320)

8.36.140 Noise abatement—Costs.

When a large party or gathering occurs on a private property and a Deputy Sheriff at the scene determines that such party or gathering is a noise disturbance as such term is defined in Section 8.36.020 or the party or gathering for any other reason is a threat to the public peace, health, safety or general welfare, the person in charge of the premises and the person responsible for the event, or if either of those persons is a minor, then the parents or guardians of that minor, will be held jointly and severally liable for the cost of providing Sheriff's personnel on special security assignment over and above the services normally provided by the Sheriff's Department. The Sheriff's personnel utilized during a second response after the first warning to abate the noise disturbance or otherwise to control the threat to the public peace, health, safety or general welfare, shall be deemed to be on special security assignment over and above the services normally provided. The costs of such special security assignment may include minor damages to city property and/or injuries to city and/or Sheriff's personnel. Costs assessed shall not be in excess of five hundred dollars (\$500.00) for a single incident. The city reserves its legal options to elect any other legal remedies when said costs or damage exceed five hundred dollars (\$500.00).

Upon the first response to such an assemblage, the person in charge of the assemblage and the person or persons in charge of the premises, and if such person is a minor, then the parents or guardians of that minor, shall be given a first warning in the form of a written notification stating that the first response as above described shall be deemed to be the normal Sheriff's services provided. The Sheriff's personnel necessarily utilized after such first warning to control a noise disturbance or a threat to the public peace, health, safety or general welfare shall be deemed to be on special security assignment over and above the normal services provided and the owner of the property and/or the person in charge of the property where such assemblage occurs, and/or the person responsible for such assemblage, shall be personally responsible for the cost of such special security assignment in an amount determined upon a cost accounting basis by the city and that the cost of such special security assignment, shall include damage to city property and/or injuries to city and/or Sheriff's personnel.

(Prior code § 4326)

8.36.150 Applicability to fixed noise sources.

None of the provisions of this chapter shall apply to a fixed sound source during the period commencing the effective date of the ordinance codified in this chapter and terminating one year thereafter. This section does not apply where the source of the noise is sound amplification equipment with variable volume control.

(Prior code § 4321)

8.36.160 Enforcement.

The City Manager or his or her appointed representative is directed to enforce the provisions of this chapter and is authorized and may arrest at his or her discretion, any person without a warrant when he or she has reasonable cause to believe that such person has committed a misdemeanor in his presence.

No person shall interfere with, oppose or resist any authorized person charged with the enforcement of this chapter while such person is engaged in the performance of his or her duty.

(Prior code §§ 4315, 4316)

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(Supp. No. 33, 12-20)

1. Response to Comments

8.36.170 Violations—Written notice.

Violations of this chapter shall be prosecuted in the same manner as other misdemeanor violations of the city code, provided however, that in the event of an initial violation of the provisions of this chapter, a written notice shall be given the alleged violator which specifies the time by which the condition shall be corrected or an application for permit or variance shall be received by the Planning Department. No complaint or further action shall be taken in the event the cause of the violation has been removed, the condition abated or fully corrected within the time period specified in the written notice.

In the event the alleged violator cannot be located in order to serve the notice of intention to prosecute, the notice as required herein shall be deemed to be given upon mailing such notice by registered or certified mail to the alleged violator at his or her last known address or at the place where the violation occurred in which event the specified time period for abating the violation or applying for a variance shall commence at the date of the day following the mailing of such notice. Subsequent violations of the same offense shall result in the immediate filing of a misdemeanor complaint.

(Prior code §§ 4317, 4319)

8.36.180 Violations—Misdemeanors.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or be imprisoned in the county jail for a period not exceeding six months or both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. (Amended during 1999 codification; prior code § 4318)

(Supp. No. 33, 12-20)

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1. Response to Comments

Response to Comments from Lily T. Valenzuela, Planning and Economic Development Manager, City of Rosemead, dated April 1, 2021.

- A1.1 The exterior lighting for the proposed project would provide adequate visibility at all entrances, public sidewalks, open areas, and parking lots with a safe level of illumination at night. Additionally, lighting will be of low intensity and shielded with no flashing, revolving, or intermittent exterior lighting.

The proposed project will also incorporate the development standards as described in Chapter 21.08, Residential Zones, of the City of Monterey Park's municipal code. These standards require that all exterior lighting be arranged so as to reflect light away from any other property. We believe that compliance with these standards in the municipal code, in addition to the site design features, will address the specific issues the commenter has addressed.

- A1.2 The commenter is requesting that the City of Rosemead's exterior noise standards be considered for the proposed project. Because the City of Monterey Park does not have established temporary noise limits for construction activities, the City of Rosemead's 65 dBA standard was used as a threshold to assess construction noise impacts to sensitive receptors residing in both the City of Rosemead and the City of Monterey Park. To reflect this point, and the additional requests from the City of Rosemead, the following text in Section 3.13, Noise, of the IS/MND (pages 62 to 67) has been added/revised. Changes made to the Initial Study are identified here in strikeout text to indicate deletions and bold underlined text to signify additions.

Additionally, the City of Monterey Park repealed Chapter 9.53, *Noise*, of the municipal code and added a new chapter, Chapter 4.5, *Regulation of Noise and Other Disturbance*. This change is also reflected in the following revisions made to the IS/MND and Appendix D, pages C-8 to C-10, of the IS/MND have been replaced by the City of Monterey Park's Ordinance No. 2204, included as Attachment A of this document.

City of Monterey Park

The City of Monterey Park has established exterior noise standards for residential, commercial, and industrial uses (Municipal Code Chapter **4.5, Regulation of Noise and Other Disturbance** ~~9.53, Noise~~). These standards are shown in Table 9, *City of Monterey Park Exterior Noise Standards*.

Table 9 City of Monterey Park Exterior Noise Standards

Zone	Time Period	Allowable Noise Level, L_{eq50} dBA ¹
Residential	7:00 am to 10:00 pm	55
	10:00 pm to 7:00 am	50
<u>Neighborhood</u> Commercial	7:00 am to 10:00 pm <u>Anytime</u>	65 <u>60</u>

1. Response to Comments

Table 9 City of Monterey Park Exterior Noise Standards

Zone	Time Period	Allowable Noise Level, L_{eq50} dBA ¹
	10:00 pm to 7:00 am	55
Other Commercial	7:00 am to 10:00 pm <u>Anytime</u>	65
	10:00 pm to 7:00 am	55
Industrial	Anytime	70

Source: City of Monterey Park Municipal Code, Chapter **4.5, Regulation of Noise and Other Disturbance** 9.53, Noise

Notes:

The exterior noise standards may not be exceeded by more than:

5 dBA for a cumulative period of 15 minutes in any hour (L_{25})

10 dBA for a cumulative period of 5 minutes in any hour (L_5)

15 dBA for a cumulative period of 1 minutes in any hour (L_1)

20 dBA for less than 1 minute (L_{max}).

¹ The median ambient noise level is the L_{50} metric. According to Section 4.50.070, for the purposes of determining noise levels from any source of sound, noise level measurements must be made at a point on the receiving property nearest to where the sound source at issue generates the highest noise level. Sound level measurements must be made with a precision Sound Level Meter (Type 1 or 2) set to A-weighting, and "fast" response for fluctuating sound. For continuous sound, use the average level, or L_{eq} .

Construction and demolition work conducted between 7:00 am to 7:00 pm on weekdays and 9:00 am to 6:00 pm weekends and holidays is exempt from the municipal code noise standards.

City of Rosemead

The City of Rosemead borders the proposed project site to the east. Project noise affecting residences within the City of Rosemead would be subject to the exterior noise standards defined in Chapter 8.36, *Noise Control*, of the City of Rosemead's municipal code. Exterior noise limits are summarized in Table 10.

Table 10 Exterior Noise Standards – City of Rosemead

Zone	Time Period	Allowable Noise Level, dBA
<u>Residential</u>	<u>7:00 am to 10:00 pm</u>	<u>60</u>
	<u>10:00 pm to 7:00 am</u>	<u>45</u>
<u>Commercial</u>	<u>7:00 am to 10:00 pm</u>	<u>65</u>
	<u>10:00 pm to 7:00 am</u>	<u>60</u>
<u>Industrial</u>	<u>Anytime</u>	<u>70</u>

Source: City of Rosemead Municipal Code, Chapter 8.36, *Noise Control*.

Notes:

The exterior noise standards may not be exceeded by more than:

The applicable noise standard for a cumulative period of more than 30 minutes in any hour (L_{30})

5 dBA for a cumulative period of more than 15 minutes in any hour (L_{25})

10 dBA for a cumulative period of more than 5 minutes in any hour (L_5)

15 dBA for a cumulative period of more than 1 minutes in any hour (L_1)

20 dBA for any period of time (L_{max}).

1. Response to Comments

Construction activities conducted between 7:00 am to 8:00 pm Monday through Saturday are exempt from the exterior noise standards in Table 10, provided that noise levels do not exceed 65 dBA. Construction noise on Sundays and federal holidays is not exempt. Because the City of Monterey Park does not have established temporary noise construction limits, the City of Rosemead's 65 dBA standard is used as a threshold to assess construction noise impacts to sensitive receptors residing in both the City of Rosemead and the City of Monterey Park.

A1.3 The commenter is requesting a change to mitigation measure MM N-1. To reflect this point, the following text in Section 3.13, Noise, of the IS/MND (page 64) has been added/revised.

MM N-1 Before the City issues any demolition, grading and/or building permits, a note is required on all construction plans stating that during grading, demolition, and construction, the applicant is responsible for requiring contractors to implement the following measures to limit construction-related noise to a performance standard of 65 dBA at nearby sensitive uses:

- Per the Monterey Park **and Rosemead** Municipal Codes, construction activity ~~are~~ **is** limited to the hours of 7:00 am to 7:00 pm on weekdays and 9:00 am to 6:00 pm on Saturdays. **Construction activities is prohibited on Sundays or on any federal holiday.**
- During the entire active construction period, equipment and trucks used for project construction must use the best available noise control techniques wherever feasible (e.g., improved mufflers, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds).
- Require that impact tools (e.g., jack hammers and hoe rams) be hydraulically or electrically powered wherever possible. Where the use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust must be used along with external noise jackets on the tools.
- Stationary equipment such as generators and air compressors must be located as far as feasible from nearby noise-sensitive uses.
- Stockpiling of materials must be located as far as feasible from nearby noise-sensitive receptors.
- At least 10 days before construction activities begin, a sign must be posted at the entrance(s) to the job site, clearly visible to the public, that includes permitted construction days and hours as well as the

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telephone numbers of the City's and contractor's authorized representatives that are assigned to respond in the event of a noise or vibration complaint. If the authorized contractor's representative receives a complaint, he/she must investigate, take appropriate corrective action, and report the action to the City.

- Signs must be posted at the job site entrance(s), within the on-site construction zones, and along queueing lanes (if any) to reinforce the prohibition of unnecessary engine idling. All other equipment must be turned off if not in use for more than 5 minutes.
- During the entire active construction period and to the extent feasible, the use of noise-producing signals, including horns, whistles, alarms, and bells, will be for safety warning purposes only. The construction manager must use smart back-up alarms, which automatically adjust the alarm level based on the background noise level, or switch off back-up alarms and replace with human spotters in compliance with all safety requirements and laws.
- Erect temporary noise barriers (at least as high as the exhaust of equipment and breaking line-of-sight between noise sources and sensitive receptors) at the property line, where feasible. Barriers must be constructed with a solid material that has a density of at least 4 pounds per square foot with no gaps from the ground to the top of the barrier.

A1.4 The commenter is requesting that a construction notice be mailed to residents within a 300-foot radius of the project site. As such, a new mitigation measure was added to the IS/MND and the following text in Section 3.13, Noise, of the IS/MND (pages 64) has been added/revised.

MM N-2 Before commencing any construction activities, the City of Monterey Park must mail a construction notice to residents within a radius of 300 feet from the construction site to inform them of the commencement of construction. The notice must also be posted onsite.

Additionally, the noise mitigation measures in Section 3.13, Noise, of the IS/MND (pages 66 and 67) have been changed as follows:

MM N-32

- Dog park hours of operation shall be limited to 7:00 am to 7:00 pm, thereby restricting use during the more sensitive evening and nighttime hours.

1. Response to Comments

- Signage shall be installed informing users that the dog owner or handler must be present at all times and cannot leave the dog(s) unattended.
- Signage must be installed informing users that in the case of excessive barking, the owner or dog handler must remove the dog from the park.

MM N-43 If paving activity during construction is required within 25 feet of nearby residential structures, use of a static roller in lieu of a vibratory roller must be utilized.

A1.5 Site plans have been modified to maintain a clear line of sight for motorists exiting the adjacent property to the east of the proposed project. The first 25 feet of the security wall along the east property line will be no higher than four feet high, as shown in Figure 1, *Proposed Site Plan*, (see note 21 on figure). This figure replaces Figure 5, *Proposed Site Plan*, of the Initial Study.

A1.6 The commenter is acknowledging that the project is in a low VMT area and is therefore exempt from a full VMT analysis.

Furthermore, the commenter's concern regarding parking will be forwarded to decision-makers since this is not an issue with respect to CEQA. However, the proposed project would include 166 parking spaces and 112 underground garage parking spaces, which would exceed the 158 spaces required per the City's parking standards and preclude the need for on-street or off-site parking. Furthermore, guest parking is provided on-site at ground level and at the garage level, therefore any overflow parking to Whitmore Street would be expected to be minimal. Guests will be allowed through the gates by residents of the proposed residential development.

A1.7 Please refer to the response to Comment A1.6 for a discussion on parking impacts. Furthermore, traffic is no longer an impact covered by CEQA and this comment has been forwarded to decision-makers for further consideration.

A1.8 Stacking is provided before entering the gate at all three driveways, and the Traffic Impact Analysis indicates that none of the driveways would result in queues (see Appendix E of the IS/MND). Therefore, left turns into the driveways would not pose a safety risk.

A1.9 The commenter is inquiring about the location of trash bins on-site and is requesting that the garbage truck routes be provided. Although this topic is not related to CEQA, the dumpster truck access route is included as Figure 2, *Dumpster Truck Access*, of this document. Trash enclosures will be provided at ground level as shown in Figure 1, *Proposed Site Plan*, and will be collected by dumpster trucks. Trash rooms with roll-out trash bins are also provided at the garage level; trash bins will be rolled out from the underground parking garage and collected at the street level by dumpster trucks.

1. Response to Comments

- A1.10 Please refer to the response to Comment A1.6 for a discussion on parking impacts. Furthermore, traffic is no longer an impact covered by CEQA and this comment has been forwarded to decision-makers for further consideration.
- A1.11 The City has adopted design standards that preclude the construction of any unsafe roadway, circulation, or access design features. Design and construction of the proposed access and circulation improvements would adhere to the City's engineering standards, which are imposed on development projects during the City's development review and building plan check process. If the plan check process finds that vehicles parked up to the driveways at Whitmore Street or New Avenue will block the line of sight of vehicles exiting the proposed project, then red curbs on either side of the driveways would be included as a condition of approval for the proposed project.
- Furthermore, the three driveways are gated, and vehicles exiting the proposed project would approach the adjacent streets at low speeds, further reducing safety hazards. Additionally, the proposed project would exceed the City's parking standards and preclude the need for on-street or off-site parking.
- A1.12 Please refer to the response to Comment A1.6 for a discussion on parking impacts. Furthermore, traffic is no longer an impact covered by CEQA and this comment has been forwarded to decision-makers for further consideration.

1. Response to Comments

LETTER A2 – Los Angeles County Sanitation District (2 page[s])



**LOS ANGELES COUNTY
SANITATION DISTRICTS**
Converting Waste Into Resources

Robert C. Ferrante
Chief Engineer and General Manager
1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
(562) 699-7411 • www.lacsd.org

April 5, 2021

Ref. DOC 6102875

Mr. Jason Moquin, Planning Manager
Public Works/Development Services Department
City of Monterey Park
320 West Newmark Avenue
Monterey Park, CA 91754

Dear Mr. Moquin:

NOI Response for Whitmore Villa Residential Project

The Los Angeles County Sanitation Districts (Districts) received a Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) for the subject project on March 16, 2021. The proposed project is located within the jurisdictional boundary of District No. 2. We offer the following comments regarding sewerage service:

- | | | |
|----|--|------|
| 1. | The wastewater flow originating from the proposed project will discharge to a local sewer line, which is not maintained by the Districts, for conveyance to the Districts' Graves Avenue Extension Trunk Sewer, located in New Avenue north of Graves Avenue. The Districts 12-inch diameter trunk sewer has a capacity of 1.3 million gallons per day (mgd) and conveyed a peak flow of 0.3 mgd when last measured in 2016. | A2.1 |
| 2. | The wastewater generated by the proposed project will be treated at the Joint Water Pollution Control Plant located in the City of Carson, which has a capacity of 400 mgd and currently processes an average flow of 261.1 mgd, or the Los Coyotes Water Reclamation Plant located in the City of Cerritos, which has a capacity of 37.5 mgd and currently processes an average flow of 21.7 mgd. | A2.2 |
| 3. | The expected increase in average wastewater flow from the project site, described in the notice as 63 residential condominiums, is 6,357 gallons per day, after the structures on the project site are demolished. For a copy of the Districts' average wastewater generation factors, go to www.lacsd.org , under Services, then Wastewater Program and Permits, select Will Serve Program, and scroll down to click on the Table 1. Loadings for Each Class of Land Use link. | A2.3 |
| 4. | The Districts are empowered by the California Health and Safety Code to charge a fee to connect facilities (directly or indirectly) to the Districts' Sewerage System or to increase the strength or quantity of wastewater discharged from connected facilities. This connection fee is a capital facilities fee that is used by the Districts to upgrade or expand the Sewerage System. Payment of a connection fee may be required before this project is permitted to discharge to the Districts' Sewerage System. For more information and a copy of the Connection Fee Information Sheet, go to www.lacsd.org , under Services, then Wastewater (Sewage) and select Rates & Fees. In determining the impact to the Sewerage System and applicable connection fees, the Districts will determine the user category (e.g. Condominium, Single Family home, etc.) that best represents the actual or anticipated use of the parcel(s) or facilities on the parcel(s) in the development. For more specific information regarding the connection fee application procedure and fees, the developer should contact the Districts' Wastewater Fee Public Counter at (562) 908-4288, extension 2727. | A2.4 |

DOC 6123192.D02

1. Response to Comments

Mr. Jason Moquin

2

April 5, 2021

5. In order for the Districts to conform to the requirements of the Federal Clean Air Act (CAA), the capacities of the Districts' wastewater treatment facilities are based on the regional growth forecast adopted by the Southern California Association of Governments (SCAG). Specific policies included in the development of the SCAG regional growth forecast are incorporated into clean air plans, which are prepared by the South Coast and Antelope Valley Air Quality Management Districts in order to improve air quality in the South Coast and Mojave Desert Air Basins as mandated by the CCA. All expansions of Districts' facilities must be sized and service phased in a manner that will be consistent with the SCAG regional growth forecast for the counties of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial. The available capacity of the Districts' treatment facilities will, therefore, be limited to levels associated with the approved growth identified by SCAG. As such, this letter does not constitute a guarantee of wastewater service, but is to advise the developer that the Districts intend to provide this service up to the levels that are legally permitted and to inform the developer of the currently existing capacity and any proposed expansion of the Districts' facilities. A2.5

If you have any questions, please contact the undersigned at (562) 908-4288, extension 2717 or at araza@lacsdc.org.

Very truly yours,



Adriana Kaza
Customer Service Specialist
Facilities Planning Department

AR:dc

DOC 6123192.D02

1. Response to Comments

Response to Comments from Adriana Kaza, Facilities Planning Department, Los Angeles County Sanitation District, dated April 5, 2021.

Intro This comment acknowledges that the Los Angeles County Sanitation Districts (Districts) received the Notice of Intent on March 16, 2021, and that the proposed project is within the jurisdictional boundaries of District No. 2.

A2.1 The commenter provided a description of the capacity and peak flow of the Districts' trunk sewer that runs along Graves Avenue, which the proposed project would connect to. The commenter also noted the sewer line's capacity and peak flow. The following text in Section 3.19, *Utilities and Services Systems*, of the Initial Study/MND (page 76) has been revised in response to the commenter. Changes made to the Initial Study are identified here in ~~strikeout~~ text to indicate deletions and **bold underlined** text to signify additions.

Wastewater flow originating from the proposed project would discharge to a local sewer line for conveyance to the LACSD's Graves Avenue extension trunk sewer in New Avenue south of Graves Avenue. The 12-inch diameter trunk sewer has a capacity of 1.3 million gallons per day (mgd) and conveyed a peak flow of ~~4.0~~ **0.3** mgd when last measured in 2016.

A2.2 The commenter stated that the proposed project's wastewater will be treated at the Joint Water Pollution Control Plant or the Los Coyotes Water Reclamation Plant; the commenter also noted the plants' daily capacity and current average daily flow. The following text in Section 3.19, *Utilities and Services Systems*, of the Initial Study/MND (page 76) has been revised in response to the commenter. Changes made to the Initial Study are identified here in ~~strikeout~~ text to indicate deletions and **bold underlined** text to signify additions.

The wastewater generated by the proposed project will be treated at the ~~Whittier Narrows Water Reclamation Plant in South El Monte~~ **Joint Water Pollution Control Plant in the City of Carson, which has a capacity of 400 mgd and currently processes an average flow of 261.1 mgd, or the Los Coyotes Water Reclamation Plant in the City of Cerritos, which has a capacity of 37.5 mgd and currently processes an average flow of 21.7 mgd** ~~which has a capacity of 15 mgd and currently produces an average recycled water flow of 9.1 mgd. The plants have a residual combined capacity of 154.7 mgd. The expected average wastewater flow from the project was estimated using the LACSD's~~ **estimated the average wastewater flow for the proposed project at 6,357 gpd.** ~~generation factors. A factor of 156 gallons per day per dwelling unit was used for a total wastewater flow of 9,828 gallons per day (LACSD 2020). The proposed project's anticipated sewage per day would represent less than 0.1 percent of the Whittier Narrows Water Reclamation Plant's~~ **Joint Water Pollution Control Plant and the Los Coyotes Water Reclamation Plant's combined** ~~existing sewage flow plants combined residual capacity, and~~

1. Response to Comments

therefore would not result in the plants exceeding ~~its~~ **their** sewage treatment capacity. Therefore, the current available capacity would be able to accommodate the wastewater flows generated from the proposed project.

- A2.3 See response to comment A2.2. The text in Section 3.19, *Utilities and Services Systems*, of the Initial Study/MND (page 76) has been revised to reflect that the expected average wastewater flow from the proposed project is 6,357 gallons per day.
- A2.4 The commenter stated that the Districts charge a fee for connecting (directly or indirectly) to the Districts' sewerage system or for increasing the strength or quantity of wastewater discharged from connected facilities. The commenter stated that the project applicant will be required to pay the connection fee prior to the proposed project being permitted to discharge to the Districts' sewerage system. The comment is acknowledged. During its development review process and in coordination with the Districts, the City will ensure that all Districts fees for connecting to the sewerage system will be paid accordingly.
- A2.5 The commenter stated that the Districts' comment letter does not constitute a guarantee of wastewater service but is to advise the project applicant that the Districts intend to provide this service up to the levels that are legally permitted and to inform the project applicant of the currently existing capacity and any proposed expansion of the Districts' facilities. The comment is acknowledged, and no response is necessary.

1. Response to Comments

LETTER A3 – California State Transportation Authority (2 page[s])

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 7
100 S. MAIN STREET, MS 16
LOS ANGELES, CA 90012
PHONE (213) 269-1124
FAX (213) 897-1337
TTY 711
www.dot.ca.gov



Serious Drought.
Making Conservation
a California Way of Life.

April 8, 2021

Mr. Jason Moquin, Planning Manager
Public Work/Development Services Department
City of Monterey Park
320 W. Newmark Avenue
Monterey Park, CA 91754

RE: Whitmore Villa Residential Development
Vic. LA-10 PM 24.83
SCH # 2021030384
GTS # LA-2021-03524AL-MND

Dear Mr. Moquin:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The Project includes the construction of Whitmore Villa, a 63-unit condominium development in 11 buildings with attached and subterranean garages.

Intro.

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. Senate Bill 743 (2013) has been codified into CEQA law. It mandates that CEQA review of transportation impacts of proposed developments be modified by using Vehicle Miles Traveled (VMT) as the primary metric in identifying transportation impacts. As a reminder, Vehicle Miles Traveled (VMT) is the standard transportation analysis metric in CEQA for land use projects after the July 1, 2020 statewide implementation date. You may reference The Governor's Office of Planning and Research (OPR) website for more information.

A3.1

<http://opr.ca.gov/ceqa/updates/guidelines/>

The project site includes two parcels in the jurisdiction of Monterey Park. Since the proposed project would include high-density residential development, and the project is in an area with a mix of land uses, and is accessible by transit, it was screened against the City's "Low VMT Area" threshold. Based on this threshold, the SGVCOG's web-based tool shows that both parcels are within a low VMT area (SGVCOG 2020). Therefore, the proposed project would have a less than significant impact.

"Provide a safe and reliable transportation network that serves all people and respects the environment"

1. Response to Comments

Mr. Jason Moquin
April 8, 2021
Page 2 of 2

For this project, transportation of heavy construction equipment and/or materials, which requires the use of oversized-transport vehicles on State highways, will require a transportation permit from Caltrans. It is recommended that large size truck trips be limited to off-peak commute periods and idle time not to exceed 10 minutes. A3.2

If you have any questions, please feel free to contact Mr. Alan Lin the project coordinator at (213) 269-1124 and refer to GTS # LA-2021-03524AL-MND.

Sincerely,

Anthony Higgins for

MIYA EDMONSON
IGR/CEQA Branch Chief

Cc: State Clearinghouse

"Provide a safe and reliable transportation network that serves all people and respects the environment"

1. Response to Comments

Response to Comments from Anthony Higgins for Miya Edmonson, IGR/CEQA Branch Chief, California Department of Transportation, dated April 8, 2021.

- | | |
|-------|--|
| Intro | The introduction summarizes the proposed project. |
| A3.1 | This comment summarizes the vehicle miles traveled analysis in the IS/MND per SB 743 and is acknowledged. |
| A3.2 | The commenter stated that any transportation of heavy construction equipment and/or materials that require an oversized transport vehicle on state highways will require a Caltrans transportation permit. If required, any such permit will be processed through and reviewed by Caltrans in coordination with the City through their development review process. |

1. Response to Comments

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1. Response to Comments

LETTER I1 – Bin (Jack) Zhou (1 page[s])

From: jack zhou [<mailto:jack91755@yahoo.com>]
Sent: Tuesday, March 23, 2021 9:00 AM
To: Moquin, Jason
Subject: Public Comment from 307 N New Ave

[EXTERNAL EMAIL]

SEHO Investment LLC

[REDACTED]

ASS ID: 5258 007 069

To: Jason Moquin, Planning Manager

Per your notice of intent to adopt a mitigated negative declaration for a project located at 126 N New Ave, our point of view is that the dense buildings and population of this street will cause changes in the surrounding environment, such as pollution, parking, and access difficulties, and public security management issues. For the above reasons, we oppose such large-scale construction projects in the community. 11.1

Best Regards.

Property Manager
Bin Zhou
03/23/2021

1. Response to Comments

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1. Response to Comments

I1. Response to Comments from Bin (Jack) Zhou, dated March 23, 2021.

I1-1 The commenter indicates that the proposed project would cause changes in the surrounding environment, such as pollution, parking and access difficulties, and public security management issues.

The City acknowledges this commenters opposition to the proposed project. The Initial Study addresses the potential aesthetic and population impacts (see Sections 3.1 and 3.14) and concludes that these impacts are less than significant and do not require mitigation. Air Quality and potential pollution is addressed in Section 3.3, *Air Quality*. The comments regarding public security management are not specific, and therefore, cannot be addressed. The potential impact to police and emergency services is addressed in Section 3.25, *Public Services*. Additionally, see response to comment A1.5 for a discussion on parking impacts. The commenters concern regarding parking will be forwarded to decision-makers since this is not an issue with respect to CEQA.

1. Response to Comments

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1. Response to Comments

LETTER I2 – Manuel and Hortencia Ramirez (1 page[s])

March 19, 2021

Mr. and Mrs. Manuel and Hortencia Ramirez
[REDACTED]

RECEIVED

MAR 25 2021

To the City of Monterey Park, Community and Economic Development Department,
City Manager's Office
Monterey Park

To Whom this may concern,

We are writing to you as home owners and landlord to [REDACTED] North Elizabeth Avenue, where we have had the property since 1976. During those early years we experienced a wonderful and pleasant life style with our family and neighbors and the only issues we had was keeping our lawns in shape. As our family grew we moved to our new home in the city of China and began renting our Monterey Park home.

I2.1

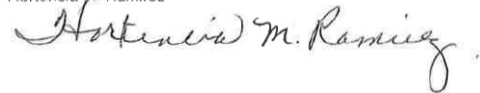
As the years progressed we noted more construction of town homes and apartments thus began the over crowding, heavy residential traffic, and the lack of parking space for the residents. Today the average family has at the least 3 to 5 vehicles in their house hold its bad enough they need to locate parking spaces, its worst when restaurants and their customers over flow into the residential areas taking up the spaces.

My Wife and I are informing you that we are against the construction of a 69-unit condominium development due to the above issues that are stated. Its nice to have a business and make money but not at the expense of someone else's piece of mind.

Manuel R. Ramirez



Hortencia M. Ramirez



1. Response to Comments

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1. Response to Comments

I2. Response to Comments from Manuel and Hortencia Ramirez, dated March 19, 2021.

- I1-2 The commenters' opposition to the proposed project and concerns regarding adequate parking spaces is noted and will be forwarded to decision-makers for consideration. As noted in response to comment A1.5, parking is not an environmental issue with respect to CEQA.

1. Response to Comments

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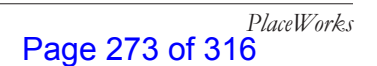
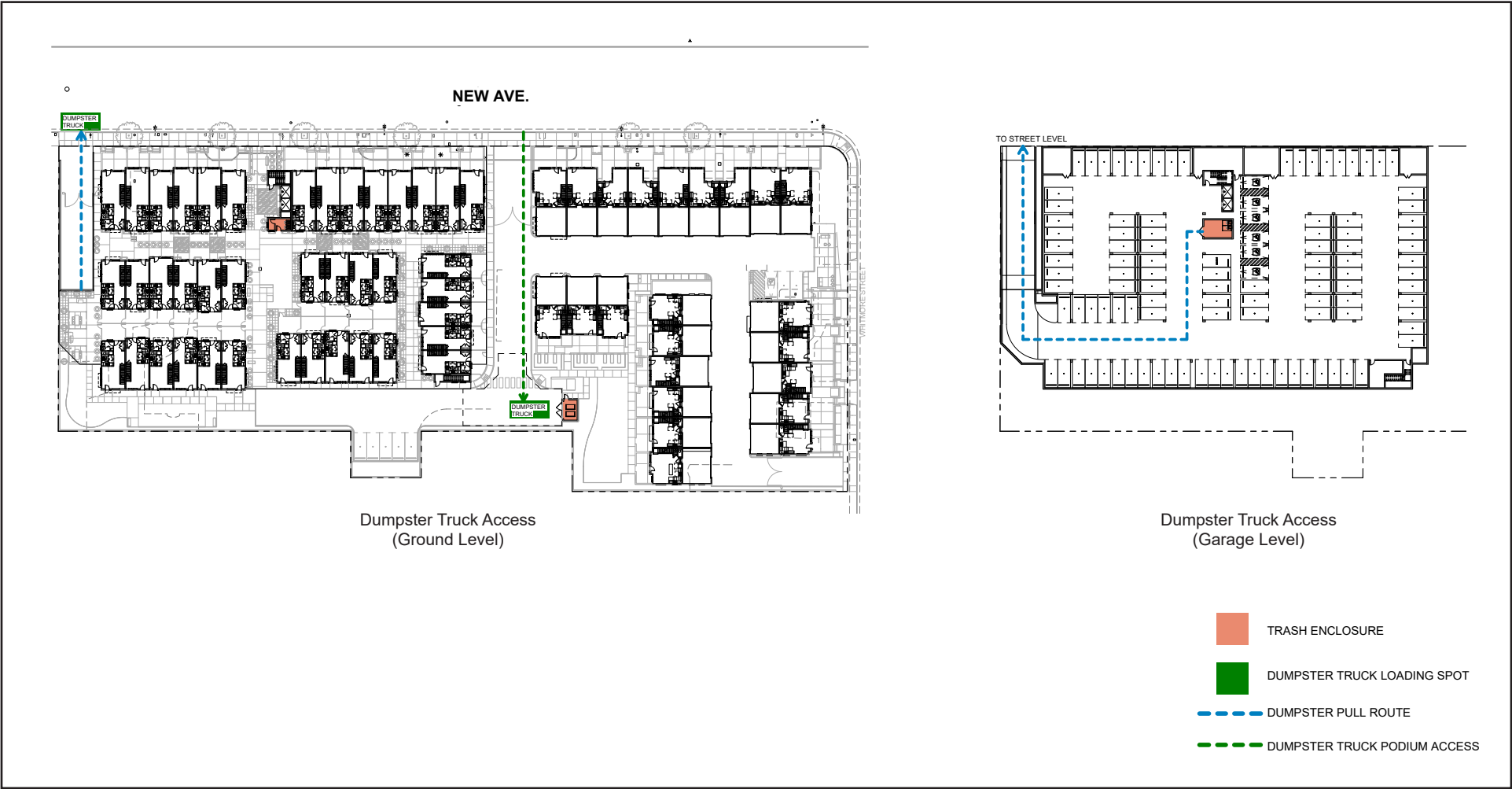
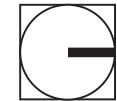


Figure 2 - Dumpster Truck Access



Source: Feng Xiao Architect, Inc, 2021



Appendix

Attachment A City of Monterey Park's Ordinance No. 2204

Appendix

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ORDINANCE NO. 2204

AN ORDINANCE REPEALING CHAPTER 9.53 OF THE MONTEREY PARK MUNICIPAL CODE AND ADDING A NEW CHAPTER 4.50 REGULATING NOISE.

The City Council of the City of Monterey Park does ordain as follows:

SECTION 1: The City Council finds and declares that:

- A. On July 15, 2020, the City Council adopted the 2020 Monterey Park Business Recovery Program ("BRP") via Ordinance No. 2185. The BRP proposes that the City implement regulations to facilitate the recovery of the local economy, promote additional economic growth, and mitigate the effects of the COVID-19 Pandemic;
- B. Specifically, the BRP creates temporary noise regulations which provide a general definition of "noise" - rather than relying exclusively upon decibel readings - and allows the City to approve temporary noise generation, among other things;
- C. The ability of local government to adopt ordinances regulating noise disturbances as public nuisances is well-established and this ordinance is adopted with reference such legal authority including, without limitation, *Kovacs v. Cooper* (1949) 336 U.S. 77;
- D. The City Manager reviewed the Monterey Park Municipal Code ("MPMC") and, along with the City Planner, recommends that the noise regulations in the BRP be codified within the MPMC (per Sections 14 and 1(F) of Ordinance No. 2185, respectively);
- E. It is in the public interest for the City Council to adopt noise standards to protect public health, safety and welfare; and
- F. The City Council desires to amend the MPMC to regulate noise disturbances.

SECTION 2: Chapter 9.53 of the Monterey Park Municipal Code ("MPMC") is repealed.

SECTION 3: A new Chapter 4.50 is added to the MPMC to read as follows:

“Chapter 4.50

REGULATION OF NOISE AND OTHER DISTURBANCES

4.50.010	Purpose.
4.50.020	Definitions.
4.50.030	Administration.
4.50.040	Noise Disturbance – Generally.
4.50.050	Noise Disturbances – Exemptions.
4.50.060	Temporary Noise Permits.
4.50.070	Noise Limitations.
4.50.080	Sound level limits – Established.
4.50.090	Sound level limits – Adjustments.
4.50.100	Sound level limits – Exceptions.

4.50.010 Purpose.

This Chapter is adopted in accordance with California Constitution Art. XI, § 7 for the purpose of regulating noise, and sources of noise, which jeopardizes public health and welfare. These regulations are intended to implement objective criteria for protecting the community’s well-being and tranquility.

4.50.020 Definitions.

Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this chapter:

- A. "A-Weighting" means a filter network designed to transform a frequency spectrum to that which is heard by the human ear.
- B. "Ambient Noise" means the composite of all noises constituting the normal or existing level of environmental noise at a given location.
- C. "Construction activities" means the grading, demolition, alteration, repair or remodeling of existing structures and construction of new structures including the use of power equipment in connection with such activities. Construction activities do not include radios or other forms of amplified music on a construction site.
- D. "Daytime" means a time period between 7:00 a.m. and 10:00 p.m.
- E. "Decibel" or its symbol of measurement "(dB)" means a unit for measuring the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals.

- F. "Delivery" means the delivery or pickup or the arrival for delivery or pickup of goods, wares and merchandise by the use of a motorized vehicle, other than an automobile or train.
- G. "Equivalent-Energy Level (Leq)" means the level of a steady-state noise that has the same sound energy as a given time-varying noise.
- H. "Holidays" means New Years Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving, and Christmas Day.
- I. "Impulsive Sound" means sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of impulsive sounds include explosions and firearm discharge.
- J. "Motor Vehicles" means any and all self-propelled vehicles as defined in the California Vehicle Code.
- K. "Multi-Family Dwelling" means any housing unit where two or more dwellings are separated by a common wall, floor, or ceiling, including, without limitation, to apartments, condominiums and townhouses.
- L. "Nighttime" means the time period between 10:00 p.m. and 7:00 a.m.
- M. "Noise Disturbance" means any loud, raucous, annoying, or unusual noises that offends the peace and quiet of persons of ordinary sensibilities and interferes with the comfortable enjoyment of life or property and affects at the same time an entire neighborhood or any considerable number of persons. A noise disturbance includes, without limitation, any source of sound exceeding the noise level limitations established by this chapter.
- N. "Noise Level" means the amplitude of sound pressure referenced to 20 micropascals, measured in decibels.
- O. "Noise Level Measurement" means the procedure of measuring sound consisting of the usage of a Precision Sound Level Meter (SLM) set to "fast" response. If the Sound Level Meter is analog with a VU meter, then the response must be "slow" unless the noise issue is impulsive. The meter must be calibrated before any measurements and the microphone must be a minimum of 3-1/2 feet from any wall, floor or other large sound reflecting surface. The meter must be protected from wind or other extraneous noise by the use of screens, shields or other appropriate devices.
- P. "Precision Sound Level Meter" means a sound pressure level measuring instrument which conforms to the American National Standards Institute (ANSI) specification S1.4 for Type 1 or Type 2 measuring instruments.

- Q. "Residential Property" means any property legally used for a single family or multi-family dwelling.
- R. "Sound-amplifying equipment" means any machine or equipment or device for the amplification of the human voice, music or any other sound. Sound-amplifying equipment does not include automobile radios regulated by the California Vehicle Code, warning devices on authorized emergency vehicles, horns, or other warning devices on vehicles used for traffic safety purposes.
- S. "Sources of sound" includes, without limitation, amplified music, radios, televisions, musical instruments, toys or models, industrial machinery, construction equipment, animals, human voices, electrical appliances, or motor vehicles.

4.50.030 Administration.

The city planner, or designee, will receive applications, issue and revoke temporary noise permits, and otherwise implement this chapter.

4.50.040 Noise Disturbance – Generally.

It is unlawful for any person to allow, maintain, or cause any noise disturbance.

4.50.050 Noise Disturbances – Exemptions.

Except as otherwise provided, the following are not noise disturbances for purposes of this chapter:

- A. Sound generated by Motor Vehicles. Sound generated by motor vehicles, trucks and buses operated on streets and highways, aircraft, trains, and other public transport. This exemption does not apply to the following:
1. Operation of any vehicle, including any equipment attached to any vehicle (such as attached refrigeration and/or heating units or any attached auxiliary equipment), for a period in excess of 10 minutes in any hour while the vehicle is stationary for reasons other than traffic congestion.
 2. Vehicles equipped with sound amplifiers that are not exempt. No person must operate or drive any vehicle or cause any vehicle to be operated or driven, or otherwise used, on any public street, which vehicle is equipped with sound amplifying equipment or other machine or device for the production or reproduction of sound, which causes sound to carry onto private property or causes sound to be heard by others using the public streets or thoroughfares which exceeds the noise level limits established by this chapter.

- B. Emergencies. Emergency repairs that deal with health or safety risk and emergency generators or equipment used during a power outage or other emergency.
- C. Emergency Warning Devices. Emergency warning devices such as fire alarms, burglar alarms, warning devices on emergency vehicles and train horns.
- D. Public Works Projects. Public works projects performed by public agencies, or their contractors which cannot be performed from 7 a.m. to 6 p.m. Monday through Friday.
- E. Special Events. Any event or use allowed by a special event permit issued pursuant to this Code that specifically allows noise levels to be exceeded.
- F. Use Permits. Any use allowed by a use permit issued pursuant to this code that specifically allows sound level limits to be exceeded.
- G. Athletic Fields/Playgrounds/Parks/Public Tennis Courts/Public Recreation Facilities. From 7 a.m. to 10 p.m. any organized athletic events or activities occurring on athletic fields, playgrounds, parks, tennis courts or other public recreation facilities owned or operated by a School District, the City, or the County provided no amplified music or sound system is utilized.

4.50.060 Temporary Noise Permits.

If an applicant can demonstrate that a diligent investigation of available noise abatement techniques indicates that compliance with this chapter would be impractical or unreasonable, the city manager, or designee, may issue a permit to allow an exemption from this chapter with appropriate conditions. Any such permit must be of as short duration as possible not to exceed three months.

4.50.070 Noise Limitations.

Except as otherwise permitted in this Code, any source of sound exceeding the noise level limits set forth in this chapter constitutes a noise disturbance. For purposes of determining noise levels from any source of sound, noise level measurements must be made at a point on the receiving property nearest to where the sound source at issue generates the highest noise level. Sound level measurements must be made with a precision Sound Level Meter (Type 1 or 2) set to A-weighting, and "fast" response for fluctuating sound. Slow or fast response may be used for continual sources. For repetitive, impulsive sound, the 1 second rms maximum level (Lmax) must be used. For continuous sound, use the average level or Leq. The microphone must also be placed five feet above the floor regardless of whether the source of sound at issue transmits through the floor, ceiling or wall.

4.50.080 Sound level limits – Established.

- A. It is unlawful for a source of sound to exceed the noise level limits identified in this section. Sound level limits include the actual measured median ambient noise level or the following presumed ambient noise level, whichever is greater:

Land Use	Time Period	Level
Residential	Nighttime	50 dbA
	Daytime	55 dbA
Neighborhood Commercial	Anytime	60 dbA
Other Commercial	Anytime	65 dbA
Industrial	Anytime	70 dbA

- B. If the ambient noise level cannot be sufficiently determined, then the above presumed noise levels will serve as the default ambient noise level.
- C. If the property where the noise is received is located on the boundary between two different land uses, the lower noise level will apply.

4.50.090 Sound level limits – Adjustments.

Should an alleged noise disturbance contain a steady, audible tone, such as a whine, screech, beating, pulsating, throbbing, or hum, the noise level limits set forth in this chapter will be reduced by five dB for purposes of determining whether a violation exists.

4.50.100 Sound level limits – Exceptions.

The following are not subject to the noise level limits established by this chapter but must comply with the conditions set forth in this section:

- A. Construction Activities. Construction activities between 7:00 a.m. and 7:00 p.m. Monday through Friday, and between 9:00 a.m. and 6:00 p.m. on Saturdays, Sundays and Holidays. Persons responsible for construction activities lasting longer than three days, for example and without limitation, the general contractor or property owner, must post notice at all entrances to the construction site listing the noise limitations on construction set forth in this chapter. Such notice must be titled in letters at least one inch in height and be placed at least five feet above ground level. Construction activities lasting longer than three days will require a temporary noise permit pursuant to this chapter.
- B. Landscaping Tools. The operation of any lawn mower or other power-

operated lawn maintenance tool used on a temporary, occasional or infrequent basis operated between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday and the hours of 8:00 a.m. and 6:00 p.m. on Saturdays, Sundays and Holidays. No piece of equipment may generate noise in excess of 85 dBA at 50 feet.

- C. Commercial/Industrial Deliveries. Deliveries to food retailers and restaurants are exempt. Deliveries to other commercial and industrial businesses between 7:00 a.m. and 6:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. Saturdays, Sundays and Holidays.
- D. Occasional Gatherings. Occasional gatherings between 11:00 a.m. and 12:00 a.m. provided the noise level for the occasional gathering measured from any adjacent residential property does not violate section 4.40.040 of this code.”

SECTION 4: *Environmental Review.* Adopting the 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 ordinance, therefore, is categorically exempt from further CEQA review under CEQA Guidelines §§ 15301; 15303; 15304(e); 15305; and 15311. Further, adopting the 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.

SECTION 5: *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.

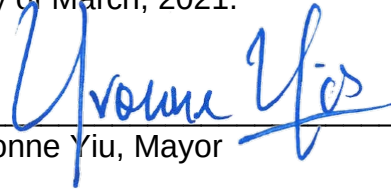
SECTION 6: *Construction.* This Ordinance must be broadly construed to achieve the purposes stated in this Ordinance. It is the City Council’s intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 7: *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 8: *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.

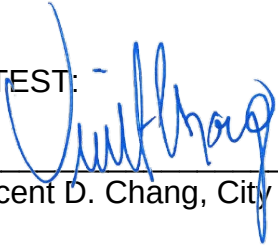
SECTION 9: Effective Date. This Ordinance will become effective 30 days after second reading and adoption.

PASSED AND ADOPTED this 3rd day of March, 2021.



Yvonne Yiu, Mayor

ATTEST:



Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §
CITY OF MONTEREY PARK)

I, Vincent D. Chang, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Ordinance No. 2204 was introduced, and placed upon its first reading at a regular meeting of the City Council of the City of Monterey Park, held on the 17th day of February, 2021. That thereafter on the 3rd day of March, 2021, said Ordinance was duly passed, approved and adopted by the following vote:

Ayes:	Council Members: Chan, Liang, Sornoso, Lo, Yiu
Noes:	Council Members: None
Absent:	Council Members: None
Abstain:	Council Members: None

Dated this 3rd day of March, 2021.



Vincent D. Chang, City Clerk
City of Monterey Park, California



City Council Staff Report

DATE: July 21, 2021

AGENDA ITEM NO: New Business
Agenda Item 5A

TO: The Honorable Mayor and City Council
FROM: Inez Alvarez, Assistant City Manager
SUBJECT: Dissolution and consolidation of certain City commissions; formation of Traffic Safety Committee

RECOMMENDATION:

It is recommended that the City Council consider:

1. Introducing and waiving first reading of an ordinance amending the Monterey Park Municipal Code to dissolve the personnel board and traffic commission;
2. Adopting a resolution consolidating the Community Participation and Environmental Commission into the Monterey Park Environmental and Community Participation Commission and authorizing the City Manager to create the Traffic Safety Committee;
3. If desirable, extending the terms of certain appointed officials on any remaining commissions; and
4. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

Beginning in 2013, the City Council undertook a series of actions to make the City's commissions, boards and committees more efficient (collectively, the "commissions"). Among other things, the City Council significantly reduced the number of commissions and also clarified their responsibilities. Monterey Park Municipal Code ("MPMC") Chapter 2.82 was adopted in 2013 to facilitate the creation of commissions – when the City Council found such action desirable – and also establish uniformity as to membership, terms, and procedures. Most recently, the City Council adopted Ordinance No. 2209 in June 2021 to clarify the terms of persons serving on commissions and the number of commissioners needed to form a quorum.

In 2020, the COVID-19 emergency provided an opportunity for City staff to further evaluate efficiencies. The message championed by the City Council – as exemplified by the 2020 Monterey Park Business Recovery Program – was to "cut through the red tape" and make things easier for businesses, and residents, to obtain City services.

A review of the various commissions suggests that the City may reduce resource expenditures – both staff and money – by further consolidating, revising, and dissolving certain commissions. The City Council may always create ad hoc commissions or establish new standing commissions when the need arises. Maintaining a multitude of

standing commissions, however, requires the City to prepare agenda packets; pay for noticing; pay for staffing at commission meetings; recruit for persons to fill vacancies; utilize meeting rooms that could be used for other community events; and engage in other, similar, administrative activities.

Certainly, several commissions are necessary for the ongoing functions of municipal government. The Planning Commission and Library Board, as examples, serve central functions for the City. Other commissions, however, may be more useful for formulating City Council policy if they were consolidated into one overall commission. And at least two commissions may be dissolved altogether.

The draft ordinance, if adopted, would dissolve the personnel board and the traffic commission. As to the personnel board, all bargaining units (i.e., the unions) were consulted regarding the dissolution and expressed no objection.

For the traffic commission, the City Engineer believes that the contributions by an at-large volunteer on a technical advisory committee – mainly comprised of City employees from the police department, fire department and public works department – would be far more efficient for prioritizing traffic improvements throughout the City.

BACKGROUND:

➤ *Consolidation*

A review of commission functions suggests that consolidating the Environmental Commission (EC) with the Community Participation Commission (CPC) would be more efficient. Both commissions focus on community participation, events, and activities.

The EC was established under Resolution No. 11589. One of the missions of the EC is to promote environmental awareness in the community through community events. This effort is manifested by coordinating the annual Earth Day Festival and Bike Ride and the participation in the annual National Night Out event. For the past few years, the EC focused on coordinating community events, guest-speaker series, and educational tours with the goal of bringing the community of all ages together to learn about the sustainability of the community.

The CPC publicizes artistic, cultural, and historic exhibits, performances and opportunities that bring the community together. Most recently the CPC focused on providing a community excursion to the Hollywood Bowl for an arts and culture musical event during the summer. The CPC hosts a community reception at City Hall before departing to the Hollywood Bowl and there are approximately 100 participants that enjoy this annual excursion. The CPC also supports all Recreation & Community Services events by assisting staff in outreach efforts. In addition, the CPC has monetarily sponsored a Movie in the Park for the community to enjoy and schedules visits to a convalescent facility to spread holiday cheer.

A review of the functions for these two commissions demonstrates that they are substantially similar. Combining the responsibilities of these commissions will help facilitate and coordinate community events.

If adopted, the draft Resolution would create the Monterey Park Environmental and Community Participation Commission (“MPEC”). The MPEC would consist of 15 members with two ex officio youth members. Its responsibilities (as listed in the Resolution) combines those of EC and CPC.

➤ *Dissolution*

Personnel Board. The Personnel Board was established in 1949. Its responsibilities include approving personnel classifications; making recommendations regarding personnel rules; and acting as a hearing board to consider certain non-public safety discipline matters and grievances. When it was established, the Personnel Board served an important function in the City’s municipal affairs: it helped provide a neutral avenue to consider various personnel matters.

During the 70 years since it was established, however, California law progressed for all employees including those serving the public. In particular, public safety personnel are governed by very specific statutes that supersede most of the functions of the Personnel Board. As a result, the Personnel Board is primarily responsible for considering matters affecting non-sworn personnel.

The most significant parts of the Personnel Board’s responsibilities that affect non-sworn personnel are personnel discipline and grievances. There are, however, more efficient alternatives to these functions. For example, an administrative hearing officer may be utilized to consider grievances and/or personnel discipline. Using these alternatives not only speeds up the time within which matters may be heard – there is no need to try assembling a quorum of the Personnel Board (for example) – but it also helps protect the privacy interests of individual employees.

After consulting all affected bargaining units, the City Manager was satisfied that dissolving the Personnel Board would help reduce the City’s costs,¹ increase efficiencies, and continue to protect employee’s interests.

Traffic Commission. The Traffic Commission (“TC”) was established in 1988; the most recent amendment to its responsibilities occurred in 2020 during the City Council’s implementation of the 2020 Monterey Park Business Recovery Program.

¹ Note that in some instances, Personnel Board meetings can cost the City both staff time and actual, “hard,” costs consisting of paying for counsel. This includes paying for the City’s labor counsel and the City Attorney’s office which advises the Personnel Board during such hearings.

The changes in 2020 amended the TC's responsibilities to make it clear that it acted in an advisory role to the City Engineer and to the City Council; it does not have independent legal authority to act on any matter. That change in responsibilities, however, has not eliminated the City's need to schedule meetings, coordinate members, prepare agendas, and otherwise administer the TC.

Most of the core functions for the TC are to advise the City Engineer regarding traffic control conditions. Most, if not all, requests for changes in traffic control conditions require traffic engineering analysis based on California regulations and standards such as the California Manual on Uniform Traffic Control Devices (CAMUTCD), the California Highway Design Manual (HDM), and/or Caltrans Standard Plans. Together these regulatory documents determine how traffic related analysis is performed; how, where, and when traffic devices are installed; and how roadway design, as it relates to traffic, is implemented. In other words, these functions are primarily engineering matters and require a high degree of technical expertise. Since membership on the TC does not require such qualifications, the recommendations and contributions from the TC to the City Engineer may be of limited benefit. Such benefit should be weighed against the cost of expending public resources to administer the TC.

In considering the matter, the Public Works Director believes that it would be more useful for the City to dissolve the TC and replace it with a technical advisory committee that would consist primarily of City staff. Those representatives would include experts from the police and fire departments along with traffic experts employed by the Public Works Department.

The public's input on these matters should not, however, be discounted. Accordingly, the Public Works Director believes that an at-large member of the public should also be a member of this administrative committee. That individual would be selected by the Public Works Director and would be required to have either formal training or equivalent experience in traffic safety matters. At least one current member of the TC already meets this requirement and would provide valuable insight to the administrative committee.

The draft Ordinance would dissolve the Traffic Commission and the draft Resolution would authorize formation of the Traffic Safety Committee. The latter would be solely under the control of the Public Works Director and would be assembled as desirable. It would also include one member of the public appointed by the City Manager and meeting certain threshold qualifications.

➤ *Term Extensions*

Regardless of the City Council's decision regarding consolidation and dissolution, the City Council should still consider extending the terms of persons on other commissions. In June, the City Council adopted Ordinance No. 2209 which allows the City Council to extend commissioner's terms beyond the baseline of two, 4-year, terms. Currently, there are six commissioners that are termed out.

In accordance with MPMC § 2.82.050, commissioners that have separated from serving on a board or commission because the individual completed their terms cannot be reappointed to the same board or commission for at least 12 consecutive months unless authorized by City Council to extend their term.

Below is a list of commissioners that have served their terms and would require Council's approval to extend their terms.

Fred Sornoso

Guey Lin Jeng (Gene) – Business Improvement District Advisory Committee (BIDAC)

Henry Lo

Johnny Thompson – BIDAC

Peter Chan

Victoria Chavez-Calderon – Community Participation Commission

Hans Liang

Karl Wong – Environmental Commission

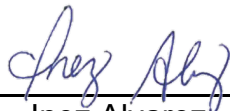
Ricky Choi – Planning Commission

Benkin Jong – Traffic Commission

FISCAL IMPACT:

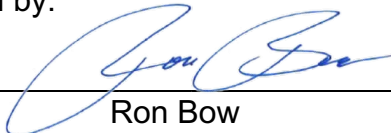
Dissolving and consolidating the commissions as recommended will result in an appreciable reduction in public resource expenditure. While it is difficult to quantify and exact amount, a reasonable estimate is approximately 380 hours of staff time amounting to roughly \$24,055 per year.

Respectfully submitted by:



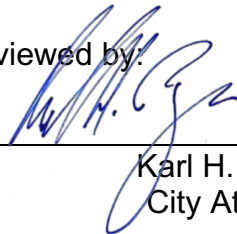
Inez Alvarez,
Assistant City Manager

Reviewed by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

Attachments:

1. Draft Ordinance
2. Draft Resolution

ATTACHMENT 1

Draft Ordinance

ORDINANCE NO.

AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE § 2.08.070; CHAPTERS 2.28 AND 2.36; AND REPEALING CHAPTER 2.90 TO DISSOLVE THE PERSONNEL BOARD AND TRAFFIC COMMISSION.

THE CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1: *Personnel Board*. The Personnel Board is dissolved. To implement such dissolution, the Monterey Park Municipal Code (“MPMC”) is amended as set forth in attached Exhibit “A,” which is incorporated by reference. All stricken language, i.e., redlined, is repealed; unless specifically redlined, no other parts of the MPMC are affected by this Section. The City Manager is authorized to promulgate administrative policies and procedures (“AP&P”) to, without limitation, regulate probationary employees; adopt disciplinary procedures including appeals before a neutral hearing officer; and, if desirable, engage in nonbinding arbitration. Any such AP&P should be drafted in consultation with affected bargaining units. The City Council intends that any AP&P promulgated by the City Manager, after consultation with affected bargaining units, will take precedence over any conflicting language within the MPMC. Additionally, the City Manager is authorized to execute side letters with affected bargaining units to implement the intent of this Section and reflect any changes to procedures resulting from this action.

SECTION 2: *Traffic Commission*. The Traffic Commission is dissolved. To implement such dissolution, MPMC Chapter 2.90 is repealed in its entirety. All references to “traffic commission” within the MPMC including, without limitation, MPMC §§ 10.48.215, 10.62.050, 10.62.060, 10.62.070, and 10.62.080, are amended to reference a “traffic safety committee.” The description of the traffic safety committee will be set forth in a separate City Council resolution.

SECTION 3: *Savings Clause*. Repeal of any provision of the MPMC or any other regulation by 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. 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 4: *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 5: *Validity of Previous Code Sections*. If this the entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal of the MPMC or other regulation by this Ordinance will be rendered void and cause such MPMC provision or other regulation to remain in full force and effect for all purposes.

SECTION 6: **Effective Date.** This Ordinance becomes effective 30 days after its adoption.

SECTION 7: **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 8: **Publication.** The City Clerk must certify as to the adoption of this ordinance and cause the summary thereof to be published within fifteen calendar (15) days of the adoption and post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code § 36993, for the City of Monterey Park.

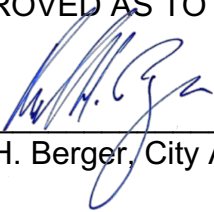
PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2021.

Yvonne Yiu, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney

EXHIBIT A

AMENDMENTS TO MPMC FOR PERSONNEL BOARD DISSOLUTION

“2.08.070 Powers and duties—Designated.

* * *

(2) Control Department Heads. To control, order and give directions to all heads of departments, subordinate officers and employees of the city, except the city clerk, city treasurer and city attorney; and to transfer employees from one department to another; and to consolidate or combine officers, positions, departments or units under this direction; ~~provided, however, that nothing contained in this chapter shall be construed to supersede the authority of the city personnel board in the matter of classification of city officers or employees;~~

* * *

~~2.28.020 Personnel board—Creation.~~

~~There is created a personnel board of five members appointed by the city council in accordance with the provisions of Section 2.28.050 of this chapter, and sometimes referred to in this chapter as “the board.”~~

~~2.28.040 Personnel board—Vacancies.~~

~~Vacancies of the board shall be filled by appointment by the city council in the same manner as that in which the member being replaced was originally appointed. Each member, except those resigning or removed by the council, shall serve until his or her successor is appointed.~~

~~2.28.050 Personnel board—Appointment.~~

~~(a)The city council shall appoint the members of the personnel board in the following manner: one member from a list of three persons nominated by the personnel of the Monterey Park fire and police departments, one member from a list of three persons nominated by the remaining employees of the city, two members from the community at large, and one member from a list of three persons nominated by a majority of the four previously appointed members. A majority vote of the city council shall be required to appoint a member of the personnel board.~~

~~(b)Nominations as required in subsection (a) of this section shall be made to the council within thirty days following notification by the council that such nominations are required. In the event nominations are not received within the thirty-day period,~~

~~the council may proceed to fill the vacancies by appointment from the community at large.~~

~~2.28.060 Personnel board—Qualifications.~~

~~Members of the personnel board shall be qualified electors of the city who are in sympathy with the application of merit principles to public employment. No person shall be appointed to the board who holds any salaried office or employment with the city, nor shall any member, while on the board or for a period of one year after his term has expired, be eligible for appointment to any office of employment of the city.~~

~~2.28.070 Personnel board—Organization—Officers.~~

~~The election of a chairman shall take place at the first meeting of the board held during the month of January of each year. The board may fill for the unexpired term any vacancy occurring in the office of chairman.~~

~~2.28.080 Personnel board—Meetings—Quorum.~~

~~The board shall hold a regular meeting at least once a month at times fixed by resolution. Special meetings may be called by the chairman or any three members of the board upon twenty-four hours' notice. The board shall determine the order of business for the conduct of its meetings. Three members of the board shall constitute a quorum for the transaction of business.~~

~~2.28.090 Personnel board—Powers—Duties.~~

~~The powers and duties of the personnel board shall be the following:~~

~~(1)As provided by the personnel system rules and regulations, the hearing of appeals submitted by any person in the competitive service relative to any disciplinary action, dismissal, demotion or alleged violation of this chapter or the personnel rules and the certification of its findings and recommendations as provided in this chapter;~~

~~(2)In any investigation or hearing conducted by the board, it shall have the power to examine witnesses under oath and compel their attendance or production of evidence by subpoenas issued in the name of the city and attested by the city clerk. It shall be the duty of the chief of police to cause all such subpoenas to be served and refusal of a person to attend or to testify in answer to such a subpoena shall subject the person to prosecution in the same manner set forth by law for failure to appear before the city council in response to a subpoena issued by the council. Each member of the personnel board shall have the power to administer oaths to witnesses;~~

~~(3)When requested by the city council or the city manager, the personnel board shall make inquiries and recommendations on any matter of personnel administration, such as standardization of hours of work, attendance and leave regulations, vacations, holidays and working conditions;~~

~~(4)The preparation and adoption by resolution, subject to the approval of the city council, of rules and regulations to supplement this chapter and establishing specific procedures governing such phases of the personnel system as:~~

~~(A) Preparation, installation, revision and maintenance of a position classification plan covering all positions in the competitive service;~~

~~(B) Formulation of standards and qualifications for each class, including residential requirements, if any;~~

~~(C) Public announcement of all tests and the acceptance of applications for employment;~~

~~(D) Preparation and conduct of tests and the establishment, approval and use of resulting employment lists containing names of persons eligible for appointment;~~

~~(E) Certification and appointment of persons from employment lists, and the making of temporary and emergency appointments;~~

~~(F)Evaluation of employees;~~

~~(G) Transfer, promotion, demotion and reinstatement of employees in the competitive service;~~

~~(H) Separation of employees from the city service through layoff, suspension and dismissal;~~

~~(I)Development of employee morale, welfare and training programs;~~

~~(J)Content, maintenance and use of personnel records and forms.~~

~~2.28.095 City council review.~~

~~Any decision, action, or failure to act or consider, by the board regarding or in connection with the establishment, amendment or revision of the classification plan may be reviewed by the city council for final approval. Within ninety days of any such action or inaction by the board, the city council, by majority vote, shall set a time, place and date for hearing and considering the action or inaction by the board. At the time of consideration by the city council, any interested person may appear and be heard. The decision of the city council shall be final.~~

2.28.100 Personnel officer.

The city manager shall appoint a personnel officer, ~~after consultation with the personnel board~~. The personnel officer shall perform the following duties:

(1) Administer all provisions of this chapter and the rules established hereunder, ~~in accordance with the policies and directives established by the personnel board~~;

~~(2) Attend meetings of and serve as secretary of the personnel board, with such clerical assistance as may be necessary;~~

* * *

~~(43)~~ Accept all notices, requests for hearings, complaints and other official documents ~~which are required to be filed with the personnel board~~;

~~(5) Prepare rules and amendments thereof, for the consideration of the board;~~

~~(64)~~ Prepare a position classification plan, class specifications and revisions thereof, ~~for the consideration of the board~~;

* * *

2.28.300 Right to contract for special services.

~~The personnel board shall consider and make recommendations to the city council regarding the extent to which the city should contract for the performance of technical services in connection with the establishment or operation of the personnel system.~~ The city council may contract with any qualified person or agency for the performance of all or any of the following responsibilities and duties imposed by this chapter:

* * *

2.36.060 Performance rating system for employees.

* * *

(b) The performance rating system shall be conducted under the direction and control of the city manager, ~~and shall be subject at all times to rules and regulations enacted by the personnel board and approved by the city council~~. Subject only to such rules and regulations, the decision of the city manager with respect to performance rating of any employee shall be final and there shall be no appeal therefrom.

2.36.070 Exceptional service adjustment.

* * *

(6) That neither the making nor revocation of such ESA shall be subject to appeal to ~~either the city council or to the personnel board~~, except as provided for specific officers in the personnel rules; and

* * *

ATTACHMENT 2

Draft Resolution

RESOLUTION NO. _____

A RESOLUTION CONSOLIDATING THE COMMUNITY PARTICIPATION COMMISSION AND ENVIRONMENTAL COMMISSION INTO THE MONTEREY PARK ENVIRONMENTAL AND COMMUNITY PARTICIPATION COMMISSION PURSUANT TO MONTEREY PARK MUNICIPAL CODE CHAPTER 2.82 AND ESTABLISHING THE CRITERIA FOR CREATING A TRAFFIC SAFETY COMMITTEE UNDER THE DIRECTION OF THE PUBLIC WORKS DIRECTOR.

The City Council of the city of Monterey Park does resolve as follows:

SECTION 1: Unless otherwise provide by this Resolution, all Boards and Commissions established by this Resolution will conform with Monterey Park Municipal Code (“MPMC”) Chapter 2.82 as to membership, terms, and procedures.

SECTION 2: **MPEC.** The Community Participation Commission and Environmental Commission are consolidated into the Monterey Park Environmental and Community Participation Commission (“MPEC”). MPEC is governed as follows:

- A. *Membership.* The MPEC will consist of 15 members plus two ex officio youth members, for a total of 17 members. Youth members must be currently matriculated in a local high school or attended within the last six months. Each member may be a resident of the city of Monterey Park, an individual operating or working in the city of Monterey Park, or a professional or scholar in the environmental field. Pursuant to MPMC § 2.82.040(A), three members of the MPEC constitute a quorum.
- B. *Responsibilities.* The MPEC may undertake the following activities:
 - 1. Seek out and publicize artistic, cultural and historic exhibits, performances and opportunities that enhances the community;
 - 2. Increase public awareness and appreciation of Monterey Park’s history and heritage;
 - 3. Preserve memorabilia and records of the history of Monterey Park and maintain a written history of the city;
 - 4. Conduct and recommend programs to the City Council which will increase good will among residents of the community and open new opportunities into all phases of community life for all residents;
 - 5. Make residents aware of the services, programs and organizations available in the community;

6. Provide information and opportunities for newcomers to become involved in the community;
7. Foster mutual regard and understanding among all racial, religious and ethnic groups in the community;
8. Participate in community affairs;
9. Promote and encourage community interest and responsibility to correct and prevent conditions of neighborhood blight and deterioration by advising regarding developing programs and resources in order to provide for a more suitable living environment for all residents;
10. Involve youths in community activities;
11. Act in an advisory capacity to the city council on all matters pertaining to the city's community participation activities;
12. Advising on policies and procedures relevant to the environment and sustainability of the community;
13. Promoting programs to increase the education and awareness of the environment, in addition to providing direct benefits to individual residents and businesses through dollar savings.
14. Investigating potential funding in order to implement programs directly in the community and to operate the activities of the commission;
15. Upon request, monitoring legislative activities that would affect the city and provide recommendations to the city council;
16. Undertaking such activities as directed by the city council for other issues deemed necessary as the environmental integrity of the city that affects numerous areas of municipal government, planning, transportation, air quality, congestion management, and community improvement; and
17. Upon request by the City Council, serving in advisory capacity to the city council on issues deemed relevant to the environment and sustainability of the city.

C. *Responsibilities—Discharge.* The MPEC may discharge its

responsibilities by:

1. Holding conferences and other public meetings in the interest of constructive resolution of tensions, prejudices, discriminations, irritations and neighborhood blight and deterioration in the community, and issuing such publications and reports as will tend to effectuate said purposes;
2. Enlisting the cooperation and participation of various community organizations, religious and ethnic groups, fraternal and benevolent associations and other organizations in educational campaigns devoted to fostering among diverse groups mutual respect, justice and equity;
3. Mediating disputes involving community relations when requested to do so with all parties to the dispute and the city council; and
4. Printing and distributing informational material approved by the city council.

D. *Responsibilities—Discharge—Limitation.* The MPEC may discharge its responsibilities as set forth in this Section, except as follows:

1. It cannot represent itself to be, nor in any way act for or on behalf of, the city council, nor can it commit the officers, employees or staff of the city in any manner or to any course of action. To the contrary, it must act as a study center and clearing house for advisory action to the city council;
2. It cannot encroach into any area preempted by state or federal law;
3. It must forward all of its findings and recommendations to the city council before public release and refrain from utilizing the MPEC as a political platform;
4. In general it must seek, in a calm, dignified and unemotional manner, make this city a better place in which all persons young, old, of whatsoever origin, race, creed, nationality, or religion, and regardless of background, viewpoint, politics, philosophies, color, credo or disability, may live in dignity, mutual respect, esteem and peace and harmony, one with the other.

SECTION 3: Traffic Safety Committee.

- A. The City Manager is authorized to form a Traffic Safety Committee (“TSC”) that will review and recommend to the Public Works Director actions related to traffic and pedestrian safety improvements throughout the City. This may include, without limitation, locations, engineering solutions, and financing opportunities.
- B. While formation and continuation of the TSC is entirely within the City Manager’s authority, the TSC should – at a minimum – be comprised of the following:
 - 1. A representative of each City department affected by a particular project. The Department Director of each department should appoint the representative.
 - 2. One at-large member of the public selected by the City Manager. The minimum qualifications for such at-large individual will be a final degree or certification in traffic engineering or planning; or at least five year’s experience within the technical field of traffic engineering or planning; or such equivalent knowledge.
- C. The TSC may be assembled under direction of the Public Works Director as needed. There is no requirement that it meet on a regular basis. It is advisory to the Public Works Director only; it does not have any independent authority to take action regarding any matter.
- D. The TSC is an administrative committee formed under the City Manager’s authority and directed by the Public Works Director. It is not subject to MPMC Chapter 2.82.

SECTION 4: *Environmental Assessment.* This Resolution is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, “CEQA”) and CEQA regulations (14 California Code of Regulations §§ 15000, *et seq.*) because it consists only of revisions and clarifications to existing codes and procedures regarding City commissions, boards, and committees. Adopting this Resolution will not have the effect of deleting or substantially changing any regulatory standards or required findings.

SECTION 5: *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 6: *Supersession.* All previous resolutions governing the creation and governance of the EC and CPC are superseded by this Resolution.

SECTION 7: *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 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 his 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.

PASSED AND ADOPTED this _____ day of July, 2021

Yvonne Yiu, Mayor

Attest:

Vincent D. Chang, City Clerk

Approved as to Form:



Karl H. Berger, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) **SS**
CITY OF MONTEREY PARK)

I, VINCENT D. CHANG, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Resolution No. _____ was duly adopted by the City Council of the City of Monterey Park at a Regular Meeting held on the ____ day of July 2021, by the following vote of the Council:

AYES:
NOES:
ABSTAIN:
ABSENT:

Dated this ____ day of July 2021

Vincent D. Chang, City Clerk



City Council Staff Report

DATE: July 21, 2021

AGENDA ITEM NO: New Business
Agenda Item 5B

TO: The Honorable Mayor and City Council
FROM: Ron Bow, City Manager
SUBJECT: Consideration of Opposing Senate Bill 9 (Atkins), Increased Density in Single-Family Zones

RECOMMENDATION:

It is recommended that the City Council consider:

1. Opposing Senate Bill 9, Increased Density in Single-Family Zones by sending a letter or adopting a Resolution; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The San Gabriel Valley Council of Governments (SGVCOG) has reached out to surrounding municipalities requesting local leadership join other cities in submitting a letter to the Assembly Appropriations Committee and the San Gabriel Valley's eight Assemblymembers and five state Senators opposing Senate Bill (SB) 9.

Staff is seeking direction from City Council on its position to oppose SB 9 and send a letter or adopt a Resolution opposing SB 9.

BACKGROUND:

SB 9 (Atkins), would end single-family residential zoning in every community in California. SB 9 would result in a quadrupling of the allowable density in long-established residential neighborhoods, driving real-estate speculators to purchase homes to split parcels, build duplexes on each lot and secure rental income streams – at the expense of the quality of life of all California residents.

SB 9 would require cities and counties, without public hearing or discretionary conditions, to approve a duplex containing two full-sized residential units on an individual lot in single-family zones. Cities would also be forced to automatically approve lot splits of individual parcels, creating two independent lots that could be sold separately, and resulting in up to four units being built where one home now stands.

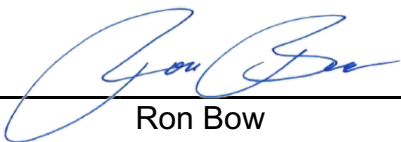
SB 9 would effectively abolish backyards by allowing rear setbacks of no more than four feet, depriving children of a safe place to play and residential neighborhoods of green space, privacy, light and fresh air. Increased residential density could result in unplanned and unsustainable impacts on local public safety, schools, parks, traffic, parking, sewers, drinking water, energy grids, and other vital neighborhood services and infrastructure.

Although the SGVCOG adopted a position of Oppose Unless Amended soon after SB 9 was introduced last December, the bill was approved in the Senate by a vote of 28-6 without significant amendments and sent to the Assembly. As a result, the SGVCOG submitted the attached letter opposing SB 9 to the Assembly Appropriations Committee and the San Gabriel Valley's eight Assemblymembers and five state Senators. This joint letter was signed by 20 San Gabriel Valley Cities. As the letter warns, SB 9 will drive real estate speculation at the expense of the quality of life of California residents. SB 9 will undermine local input, flexibility and decision-making and has fostered strong community opposition that could imperil the deliberate and essential consensus-building needed for affordable housing developments to be welcomed in communities.

FISCAL IMPACT:

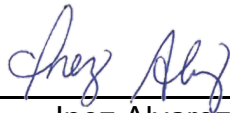
None

Respectfully submitted by:



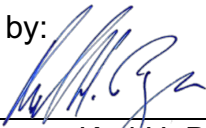
Ron Bow
City Manager

Prepared by:



Inez Alvarez
Assistant City Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENTS:

1. San Gabriel Valley Cities Joint Letter of Opposition
2. Draft Letter of Opposition
3. Draft Resolution

ATTACHMENT 1
San Gabriel Valley Cities Joint Letter of Opposition



July 8, 2021

The Honorable Chris Holden
Assemblymember, 41st District
PO Box 942849
Sacramento, CA 94249

The Honorable Freddie Rodriguez
Assemblymember, 52nd District
PO Box 942849
Sacramento, CA 94249

The Honorable Laura Friedman
Assemblymember, 43rd District
PO Box 942849
Sacramento, CA 94249

The Honorable Phillip Chen
Assemblymember, 55th District
PO Box 942849
Sacramento, CA 94249

The Honorable Blanca Rubio
Assemblymember, 48th District
PO Box 942849
Sacramento, CA 94249

The Honorable Lisa Calderon
Assemblymember, 57th District
PO Box 942849
Sacramento, CA 94249

The Honorable Ed Chau
Assemblymember, 49th District
PO Box 942849
Sacramento, CA 94249

The Honorable Cristina Garcia
Assemblymember, 58th District
PO Box 942849
Sacramento, CA 94249

**RE: OPPOSE: SB 9 (Atkins), Increased Density in Single-Family Zones
(as amended 4/27/2021)**

Dear Assemblymembers Holden, Friedman, Rubio, Chau, Rodriguez, Chen, Calderon and Garcia,

We, the undersigned representatives of cities in the San Gabriel Valley, write in firm opposition to Senate Bill 9 (Atkins), which would end single-family residential zoning in every community in California. SB 9 would result in a quadrupling of the allowable density in long-established residential neighborhoods, driving real-estate speculators to purchase homes in order to split parcels, build duplexes on each lot and secure rental income streams – at the expense of the quality of life of our residents. We urge your “no” vote on SB 9.

SB 9 would require cities and counties, without public hearing or discretionary conditions, to approve a duplex containing two full-sized residential units on an individual lot in single-family zones. Cities would also be forced to automatically approve lot splits of individual parcels, creating two independent lots that could be sold separately, and resulting in up to four units being built where one home now stands. SB 9 would effectively abolish backyards by allowing rear setbacks of no more than four feet, depriving children of a safe place to play and residential neighborhoods of green space, privacy, light and fresh air. Increased residential density could result in unplanned and unsustainable impacts on local public safety, schools, parks, traffic, parking, sewers, drinking water, energy grids, and other vital neighborhood services and infrastructure.

Our cities are committed to being part of the solution to the critical housing shortage in California. Through the San Gabriel Valley Council of Governments (SGVCOG), we are supporting Senate Bill 15 (Portantino) to provide incentives to convert vacant commercial properties into affordable housing. San Gabriel Valley cities and the SGVCOG have also established the new San Gabriel Valley Regional Housing Trust which is making significant progress in financing affordable housing developments in multiple San Gabriel Valley cities. By forcing greater density on single-family neighborhoods without any accompanying state funding to support affordable housing, SB 9 is the wrong remedy for our housing shortage. SB 9 will undermine local input, flexibility and decision-making and has fostered strong community opposition that could imperil the deliberate and essential consensus-building needed for affordable housing developments to be welcomed in communities.

We appreciate your attention to this matter and your leadership in Sacramento on behalf of our cities. Questions regarding this letter may be addressed to SGVCOG Government and Community Relations Director Paul Hubler at phubler@sgvcog.org.

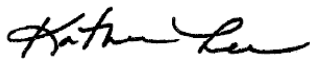
Sincerely,



Becky Shevlin, President
San Gabriel Valley Council of Governments
Councilmember, City of Monrovia



Victor M. Gordo
Mayor, City of Pasadena



Katherine Lee
Mayor, City of Alhambra



Sho Tay
Mayor, City of Arcadia



Karen Davis
Mayor, City of Glendora



Albert F. Ambriz
Councilmember, City of Irwindale



Tom Adams
Mayor, City of Monrovia



Robert Gonzales
Mayor, City of Azusa



Kimberly Ann Cobos-Cawthorne
Mayor, City of Montebello



Jennifer Stark
Mayor, City of Claremont



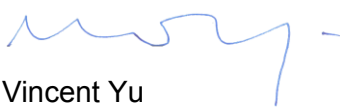
Michael Davitt
Mayor, City of La Cañada Flintridge



Tim Sandoval
Mayor, City of Pomona



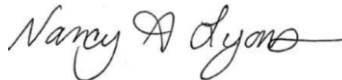
Gloria Olmos
Mayor, City of South El Monte



Vincent Yu
Mayor, City of Temple City



Diana Mahmud
Mayor, City of South Pasadena



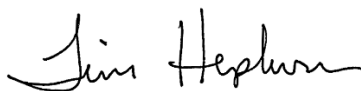
Nancy Lyons
Mayor, Diamond Bar



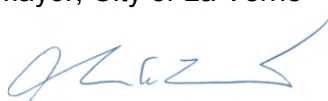
Emmett Badar
Mayor, City of San Dimas



Cory Moss
Mayor, City of Industry



Tim Hepburn
Mayor, City of La Verne



Chin Ho Liao
Mayor, City of San Gabriel



Ed Reece
Councilmember, City of Claremont



Ken Ude
Mayor, City of San Marino

cc: The Honorable Senate President pro Tempore Toni Atkins
San Gabriel Valley State Senate delegation

ATTACHMENT 2

Draft Letter of Opposition

CITY OF MONTEREY PARK

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



City Council

Peter Chan
Hans Liang
Henry Lo
Fred Sornoso
Yvonne Yiu

City Clerk

Vincent D. Chang

City Treasurer

Joseph Leon

July 21, 2021

The Honorable Chris Holden
Assemblymember, 41st District
PO Box 942849
Sacramento, CA 94249

The Honorable Freddie Rodriguez
Assemblymember, 52nd District
PO Box 942849
Sacramento, CA 94249

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The Honorable Ed Chau
Assemblymember, 49th District
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Sacramento, CA 94249

The Honorable Cristina Garcia
Assemblymember, 58th District
PO Box 942849
Sacramento, CA 94249

**RE: OPPOSE: SB 9 (Atkins), Increased Density in Single-Family Zones
(as amended 4/27/2021)**

Dear Assemblymembers Holden, Friedman, Rubio, Chau, Rodriguez, Chen, Calderon and Garcia,

The City of Monterey Park writes in firm opposition to Senate Bill 9 (Atkins), which would end single-family residential zoning in every community in California. SB 9 would result in a quadrupling of the allowable density in long-established residential neighborhoods, driving real-estate speculators to purchase homes in order to split parcels, build duplexes on each lot and secure rental income streams – at the expense of the quality of life of our residents. We urge your “no” vote on SB 9.

SB 9 would require cities and counties, without public hearing or discretionary conditions, to approve a duplex containing two full-sized residential units on an individual lot in single-family zones. Cities would also be forced to automatically approve lot splits of individual parcels, creating two independent lots that could be sold separately, and resulting in up to four units

being built where one home now stands. SB 9 would effectively abolish backyards by permitting rear setbacks of no more than four feet, depriving children of a safe place to play and residential neighborhoods of green space, privacy, light and fresh air. Increased residential density could result in unplanned and unsustainable impacts on local public safety, schools, parks, traffic, parking, sewers, drinking water, energy grids, and other vital neighborhood services and infrastructure.

The City of Monterey Park is committed to being part of the solution to the critical housing shortage in California. Through the San Gabriel Valley Council of Governments (SGVCOG), we are supporting Senate Bill 15 (Portantino) to provide incentives to convert vacant commercial properties into affordable housing as well as the significant progress of the new San Gabriel Valley Regional Housing Trust to help finance affordable housing developments in multiple San Gabriel Valley cities. By forcing greater density on single-family neighborhoods without any accompanying state funding to support affordable housing, SB 9 is the wrong remedy for our housing shortage. SB 9 will undermine local flexibility, decision-making and input and has fostered strong community opposition that could imperil the deliberate and essential consensus-building needed for affordable housing developments to be welcomed in communities.

We appreciate your attention to this matter and your strong leadership in Sacramento on behalf of the City of Monterey Park.

Sincerely,

Yvonne Yiu
Mayor
City of Monterey Park

cc. The Honorable Senate President pro Tempore Toni Atkins
San Gabriel Valley State Senate delegation

ATTACHMENT 3

Draft Resolution

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, CALIFORNIA, OPPOSING SENATE BILL 9 (ATKINS) WHICH WOULD REQUIRE MINISTERIAL APPROVAL OF HOUSING DEVELOPMENT CONTAINING TWO RESIDENTIAL UNITS AND PARCEL MAP DIVIDING A LOT INTO TWO EQUAL PARTS FOR RESIDENTIAL USE

BE IT RESOLVED by the Council of the City of Monterey Park as follows:

SECTION 1: The City Council finds as follows:

- A. In recent years, California has experienced a growing need for affordable housing and the State has enacted many laws that seek to address that need by stripping jurisdictions of local control.
- B. Senate Bill (SB) 9 would require ministerial consideration without any discretionary review, hearing, or environmental review for proposed housing developments with two residential units in zones in single-family residential zones.
- C. SB 9 would also force cities to automatically approve lot splits of individual parcels, creating two independent lots that could be sold separately, and resulting in up to four units being built where one home now stands.
- D. SB 9 would effectively abolish backyards by permitting rear setbacks of no more than four feet, depriving children of a safe place to play and residential neighborhoods of green space, privacy, light and fresh air. Increased residential density could result in unplanned and unsustainable impacts on local public safety, schools, parks, traffic, parking, sewers, drinking water, energy grids, and other vital neighborhood services and infrastructure.
- E. SB 9 would not spur much needed housing construction in a manner that supports local flexibility, decision-making, and community input and State driven ministerial or by-right housing approval processes fail to recognize the extensive public engagement associated with developing and adopting zoning ordinances and Housing Elements.
- F. SB 9 imposes no requirement to build affordable units and continues a one-size-fits all approach to the housing crisis by eroding local control and the ability of residents to shape the future of their community.
- G. The City Council of the City of Monterey Park opposes SB 9 and urges the California State Legislature and the Governor of California to reject this bill and seek a collaborative approach to the housing crisis that allows local communities

to part of the solution to the housing shortfall across all income levels without sacrificing their ability to plan future growth.

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 21st day of July, 2021.

Yvonne Yiu, Mayor

Attest:

Vincent D. Chang, City Clerk