

PLANNING COMMISSION OF MONTEREY PARK AGENDA

REGULAR PLANNING COMMISSION MEETING Monterey Park City Hall Council Chambers 320 West Newmark Avenue

**Tuesday
August 27, 2024
6:30 PM**

MISSION STATEMENT

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

LAND ACKNOWLEDGMENT

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

GENERAL INFORMATION

Documents related to an Agenda item are available to the public in the Community Development Department – Planning Division 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>.

PUBLIC PARTICIPATION

You may speak up to 5 minutes on Agenda item. You may combine up to 2 minutes of time with another person's speaking. No person may speak more than a total of 10 minutes. The Chairperson and Planning Commission Members may change the amount of time allowed for speakers. Written Communication will be accepted up to 24 hours before the meeting via email to planningpermitcounter@montereypark.ca.gov

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

CALL TO ORDER FLAG SALUTE ROLL CALL

Chairperson Fung

Chairperson Fung

Chairperson Peter Fung, Vice Chairperson Jack Chiang, Commissioner Tammy Sam, Commissioner Bethelwel Wilson, Commissioner Johnny Kwok

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

PUBLIC COMMUNICATIONS. While all comments are welcome, the Brown Act does not allow the Commission to take discuss, deliberate, or take action on any item not on the agenda. The Commission may briefly respond to comments after Public Communications is closed. Persons may, in addition to any other matter within the Commission'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.

ORAL AND WRITTEN COMMUNICATIONS

[1.] **PRESENTATIONS – None.**

[2.] **CITY OF MONTEREY PARK – CONSENT CALENDAR – None.**

[3.] **PUBLIC HEARING**

3-A. PUBLIC HEARING –TENTATIVE MAP NO. 84188 (TM-23-05), DESIGN REVIEW (DRB-23-105), MITIGATED NEGATIVE DECLARATION (STATE CLEARINGHOUSE NO. 2024051026), AND DEVELOPMENT AGREEMENT (DA-23-03) – CONSIDERATION AND POSSIBLE ACTION TO ADOPT A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE THE CONSTRUCTION AND SUBDIVISION OF AIR RIGHTS FOR A 64-UNIT CONDOMINIUM PROJECT ON THE REAL PROPERTY LOCATED AT 338 – 410 S ALHAMBRA AVENUE, ALSO IDENTIFIED BY ASSESSOR'S PARCEL NUMBERS 5259-004-036, 5259-004-037, AND 5259-004-038.

CEQA: An initial study was prepared in accordance with CEQA guidelines § 15063 which showed that, if mitigated, the proposed Project would not cause any significant environmental impacts. Accordingly, pursuant to CEQA § 21091, the City prepared a Mitigated Negative Declaration (MND) of environmental impacts for the proposed Project. The 20-day public review period for the MND began on Thursday, May 23, 2024, and closed on Tuesday, June 12, 2024.

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) After considering the evidence received during the public hearing, adopt a resolution recommending that the City Council approve the applications from the Commons of MPK, LLC, including TM-23-05, DRB-23-105, MND (SCH No. 2024051026), DA-23-03, for the construction and subdivision of air rights for a 64-unit condominium project; and
- (5) Taking such additional, related, action that may be desirable.

[4.] **OLD BUSINESS – None.**

[5.] **NEW BUSINESS – None.**

[6.] **COMMISSION COMMUNICATIONS**

[7.] **FUTURE AGENDA ITEMS**

ADJOURN

Next regular scheduled meeting is on September 10, 2024.



Planning Commission Staff Report

DATE: August 27, 2024

AGENDA ITEM NO: 3-A

TO: The Planning Commission

FROM: Jessica Serrano, Director of Community Development

SUBJECT: **PUBLIC HEARING - TENTATIVE MAP NO. 84188 (TM-23-05), DESIGN REVIEW (DRB-23-105), MITIGATED NEGATIVE DECLARATION (STATE CLEARING HOUSE NUMBER 2024051026), AND DEVELOPMENT AGREEMENT (DA-23-03)** – Consideration and possible action to adopt a resolution recommending City Council adopt a mitigated negative declaration and approve a tentative map, design review, and development agreement for the construction and subdivision of air rights for a 64-unit condominium development on the real property located at 338 – 410 South Alhambra Avenue, also identified by Assessor's Parcel Numbers 5259-004-036, 5259-004-037, and 5259-004-038; Applicant: The Commons of MPK, LLC ("Applicant").

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) After considering the evidence received during the public hearing, adopt a resolution recommending City Council adopt a mitigated negative declaration and approve TM-23-05, DRB-23-105 and DA-23-03 for the construction and subdivision of air rights for a 64-unit condominium development; and
- (5) Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The proposed project is a 64-unit mixed-market rate and affordable housing development (the "Project"). The Project is located on the east side of Alhambra Avenue, at the easterly terminus of Peach Street, between Newmark Avenue and Graves Avenue on the real property located at 338 – 410 South Alhambra Avenue (the "Property"). Properties within the vicinity of the Property include other one and two-story multi-unit residential developments constructed in the 1950s through 2018.

According to Monterey Park Municipal Code ("MPMC") Chapters 21.44 and 21.18, the mixed-market rate and affordable housing development may be permitted through a Development Agreement and Density Bonus. Additionally, the Applicant is requesting approval of a tentative map to subdivide the Project's air-rights for condominium purposes

to enable the sale of each unit separately. The Project is designed according to the MPMC, is consistent with the allowed density, and provides affordable and market rate housing units consistent the City's adopted Housing Element.

The Project was scheduled for a public hearing before the City Council at its Special Meeting on June 18, 2024. At the meeting, the City Planner briefly presented her recommendation to continue the public hearing to allow finalization of the Project's development agreement. During the public hearing and following testimony from the community regarding the scale of the Project, and concerns related to public safety, traffic, and parking impacts, the City Council determined that the Project would be better served by allowing the City's Planning Commission to further study these issues and referred the Project to the Planning Commission for recommendation.

CEQA (California Environmental Quality Act):

The City reviewed the environmental impacts of the Project pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, et seq. "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et seq., the "CEQA Guidelines"). An initial study was prepared in accordance with the CEQA Guidelines § 15063 ("IS") which shows that, if mitigated, the Project would not cause any significant environmental impacts. Accordingly, pursuant to CEQA § 21091, the City prepared a mitigated negative declaration ("MND") of environmental impacts for the Project. Based on the IS findings, and with proposed mitigation measures for air quality, biological resources, cultural resources, geology and soils, and noise, the proposed development would not result in significant environmental impacts.

The IS, MND and a notice of intent to adopt the MND was prepared, circulated, and made available for public review between Thursday, May 23, 2024, and Tuesday, June 12, 2024. During this period, the City received 32 comments in support of the project and 35 comments protesting the project. While many of the comments received did not include CEQA related issues, those that did were evaluated and incorporated into the MND as appropriate. Accordingly, no further environmental review is required.

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

Advisory: In considering approval of the proposed project, the Planning Commission is acting as an advisory body to the City Council. Approval of the project is within the authority of the City Council because it includes a Development Agreement and related approvals pursuant to MPMC § 2.56.020(c).

Planning Commission's recommendation to the City Council, however, plays an important role in the approval process and should include the factual and legal basis for the Planning Commission's findings. The City Council can then consider those findings when making its own determination.

Planning Commission's recommended action to City Council is to approve and adopt a TM, DRB, DA, and associated Mitigated Negative Declaration. In considering such actions, the Planning Commission acts in a quasi-judicial role. In doing so, the Planning

Commission acts like a court: it applies facts gathered during a public hearing to existing law. Just like a court, the Planning Commission can only consider facts that are relevant to the case. A party appearing before the legislative body is entitled to:

- Notice of the proposed action;
- Reasons for the action;
- A copy of the evidence on which the action is based; and
- The right to respond before a reasonably impartial, non-involved reviewer.

The Planning Commission must base its decision upon substantial evidence within the record. "Substantial evidence" generally means enough relevant information and reasonable inferences from information gathered during a public hearing that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts does not constitute substantial evidence. Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. If the Planning Commission asks irrelevant questions and bases its decision-making on such questions, a court may overturn the Planning Commission's decision and potentially hold the City liable for violating the applicant's constitutionally protected due process rights.

To recommend approval of the TM (per MPMC § 20.04.070), the Planning Commission must find that the project is:

- Consistent with the Monterey Park General Plan;
- Consistent with any applicable specific plan or planned development;
- Consistent with the provisions of the MPMC;
- In the interest of public health and safety; and
- A necessary prerequisite to the order development of the surrounding area.

To recommend approval of the Design Review (per MPMC § 21.36.060), the project must:

- Be compatible and in keeping with the character of the neighborhood and not detrimental to the general welfare of the neighborhood in which they are located;
- Reflect the values of the community; enhance the surrounding environment; and harmonize with its surroundings; and
- Provide a visually pleasing setting for structures on the site through landscaping.

Pursuant to Government Code § 65867.5, to recommend approval of the development agreement, the Planning Commission must find that the:

- Provisions of the agreement are consistent with the general plan and any applicable specific plan.
- Agreement provides that any tentative map prepared for the subdivision will comply with Government Code § 66473.7.

Pursuant to CEQA Guidelines § 15074, to recommend approval of the mitigated negative declaration, the planning commission must find:

- On the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis.

Pursuant to Government Code § 65915, to recommend approval of the density bonus, the planning commission must find that the:

- The site will include 15% or more units restricted to very-low income households.

BACKGROUND

The Applicant is requesting approval of TM-23-05, DRB-23-105 and DA-23-03 for the subdivision of air rights to construct a 64-unit mixed market and affordable housing condominium project at 338-410 South Alhambra Avenue. The Property is zoned R-3 (High-Density Residential) and has a General Plan designation is High Density Residential. The Property is currently developed with multi- and single-family residential dwelling units and is surrounded by residential properties on all sides (see Figure 1).

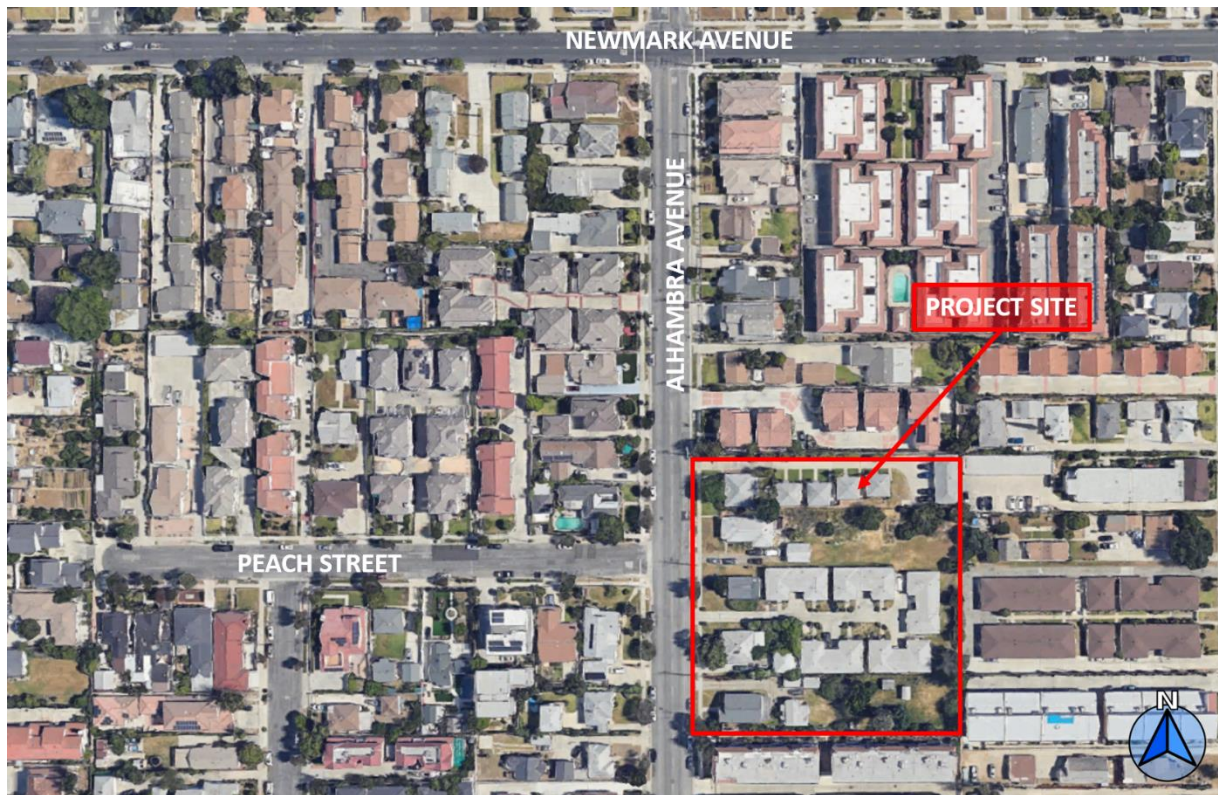


Figure 1: Project Site Aerial – 338-410 S. Alhambra Avenue

Site and Architectural Design

The Project is designed with two housing product types that total 64 multi-family residential dwelling units: (1) seven townhomes; and (2) 57 stacked condos. The frontage along Alhambra Avenue of the Project will feature seven attached townhomes that have front entries along Alhambra Avenue. Behind the row of townhomes will be a larger building that features the balance of the 57 condominium units, common open space and parking facilities (see Figure 2). The townhomes are three levels, with parking at ground level and the living areas two stories above. Because the Property slopes down from the street, when viewing from the street, the townhome units appear two-stories, but feature a bermed landscape front setback, leading to front entries that are slightly elevated from the street level. The larger condominium building will be at the rear with three stories of living units and common open spaces over a subterranean parking garage.

Parking and Circulation

The Project will be accessible from Alhambra Avenue by two driveways, one at the north end and one at the south end of the Property. These two driveways will have a U-configuration around the townhome units, so each unit is able to access its own two-car garage. The northerly driveway will span almost the full depth of the Property and provides a single point of ingress and egress to the parking garage area for the condo units in the rear building.

Total parking spaces proposed for this Project is 97. Each townhome will feature individual two-car garages (14 total garage spaces). Additionally, subterranean parking is provided for the condominium units at the rear of the Property, which is proposed to contain 83 standard parking spaces.

The Applicant proposed parking at a ratio that is higher than State Density Bonus law and did not invoke lower applicable parking ratios that allow for $\frac{1}{2}$ a parking space for units that are in close proximity to high quality transit as found on Garvey Avenue, approximately 0.3 miles to the north. A comparison of parking requirements and proposed parking is detailed in the table below. Figure 2 shows the site plan for the Project containing the outline of the proposed buildings, access points and landscape areas.

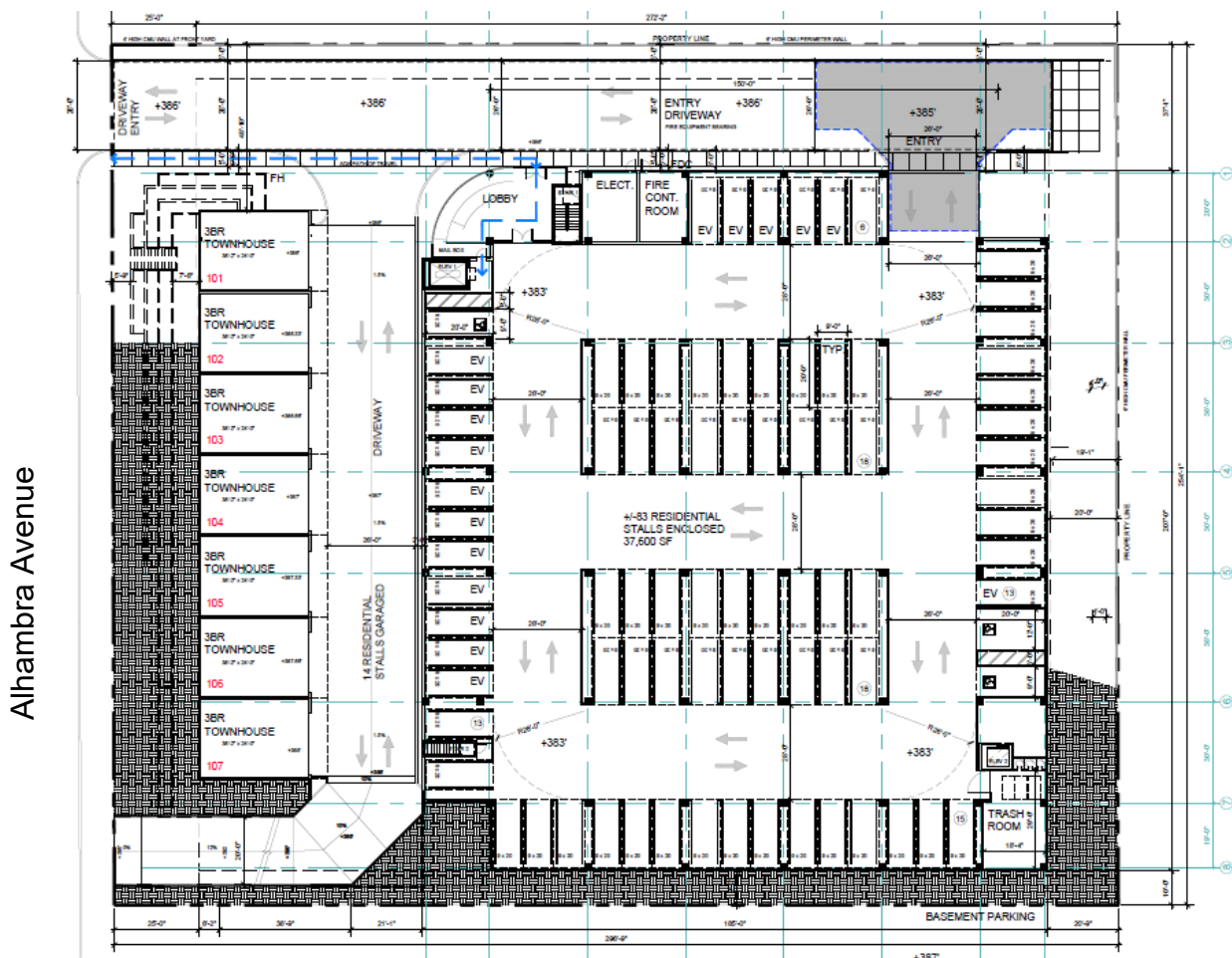


Figure 2: Site Plan

As part of the requirements of this Project, the City requested and reviewed a Focused Traffic Analysis of the site and the surrounding neighborhood. While the Project screens below the City's established Vehicle Miles Traveled ("VMT") policy thresholds and does not have an impact to transportation under to CEQA, there is acknowledgement that there may be potential impact to on-street parking along Alhambra Avenue and Peach Street,

with areas surrounding both the multi-family and single family-homes potentially being used for overflow parking. Because the Project meets and exceeds the State's Density Bonus parking ratio, the City cannot require additional parking of this Project.

However, to help provide safe access to and from the Property, staff is requiring a strategy to help maintain some on-street parking along the project's frontage. Off-site improvements will include the installation of a 20' red curb to the south of the northernmost driveway and 20' of red curb to the north of the southernmost driveway, which will allow cars to see around parked vehicles and to safely exit project driveways while still providing some on-street parking. A condition of approval has been added to the project conditions.

Design

As proposed, the Project meets development standards found in the MPMC and requirements found in City and State Density Bonus law:

DEVELOPMENT STANDARD	MPMC REQUIREMENT	PROPOSED
Minimum Lot Size	7,200 sq. ft.	75,358.8 sq. ft.
Maximum Density	25 units/acre (43.25 units) *State Density Bonus permits 50% density increase	37.5 units/acre (64 units)
Front Setback	Minimum 25'	25'
Side Setback	Minimum 5'	26' north 10' south
Side Setback – 2 nd Story	Minimum 10'	26' north 10' south
Rear Setback**	Minimum 25' MPMC Incentive: 20% reduction	20'-8" (17.3% reduction)
Height**	2 stories/30' MPMC Incentive: +1 story/+11'	3 stories/36'-0" (1 story/+6')
Distance between Structures	Minimum 10'	30'8" (townhomes to condos)
Driveway Width	Minimum 18'	25' (north driveway) 20' (south driveway)
State Density Bonus Parking Ratio	0.5 spaces/unit *Projects with at least 11% very low income w/in ½ mile of transit Total Required: 32	97 spaces

DEVELOPMENT STANDARD	MPMC REQUIREMENT	PROPOSED
Open Space (per unit)**	Common: 400 sq. ft./unit (25,600 sq. ft.) Private: 250 sq. ft./unit (16,000 sq. ft.) Total: 41,600 sq. ft. MPMC Incentive: 20% reduction	Common: 29,269sq. ft Private: 6,082 sq. ft. Total: 35,351 sq. ft (84.9% of required open space) (15.1% reduction)

* Indicates development standards that are authorized by State Density Bonus law.

** Indicates development standards that can vary from underlying zone and authorized in the MPMC.

The architectural design of the Project includes a contemporary style of architecture, combining clean lines, simple building forms such as a flat roof with a parapet. a mix of wall finishes including stucco, concrete, wood siding, and windows with dark trims. Recessed balconies and front entries are located along the Alhambra Avenue elevation, and the use of large windows help break up the massing and scale of the Project. The neutral color palette is subdued with white stucco, gray accent walls, and light wood trims. The mix of textures are understated, but contribute to the overall clean and uncluttered appearance (see Figure 3 – West Elevation)



Figure 3: West Elevation (facing Alhambra Avenue)

The Project is designed to fit into the neighborhood and surrounding properties through its compliance with the required setback requirements which provide adequate buffers to existing adjacent developments. The following setbacks are provided between the proposed development and adjacent properties:

- North of project site: 26-foot-wide setback is provided to the detached, 2-story, townhome development;

- South of project site: 10-foot setback is provided to the 3-story townhome development; and
- East of project site (rear): 20-foot, 8-inch buffer is provided to the 1 to 2 story developments.

To soften the development's appearance on the street (west) elevation, the townhomes bring the scale of the Project down as the density of the project transitions between the townhomes to the condominium building in the rear (see Figure 4 – Axonometric View – Northwest).



Figure 4 – Axonometric View – Northwest

Landscape at the front, rear, and sides will also provide transitional areas between the existing neighborhood and the proposed development. The planting of ground cover, trees, and shrubs will create green spaces to lessen the visual impact of the development.

The Project will also feature a large central courtyard on the 1st level of residential units in the rear building, that will include amenities such as seating areas and dining areas that are attractively landscaped. Staff recommends the inclusion of a barbecue area and shade structures to enhance the courtyard area amenities and included a condition of approval. Other common open space areas will be located on all levels of the condominium building as summarized below:

- 1st story – central courtyard, community room, and gym;
- 2nd story – community room, business center; and
- 3rd story – roof deck with wood trellis.

Floor Plans

There are seven attached townhome units proposed and located adjacent to the Alhambra Avenue frontage. Each of the townhome units are 2,070 square feet in size and will have 2 enclosed garage spaces with storage areas. The living areas of the townhomes will have common living spaces such as living room, dining room, powder room, kitchen and laundry on the 1st floor. The 2nd floor will contain the 3 bedrooms and two bathrooms, and a 72-square foot balcony, used as private open space, located off the master suite. All units will have a covered front entryway accessible from Alhambra Avenue.

The condominium building at the rear will feature 57 units. Each floor will feature units between 1 and 3 bedrooms ranging from 645 square feet to 1,300 square feet as summarized below:

- 1-bedroom (approximately 645 square feet) – 5 units/floor
- 2-bedroom (approximately 1,000 square feet) – 12 units/floor
- 3-bedroom (approximately 1,300 square feet) – 3 units/floor

All units will feature open concept living, dining, and kitchen areas. One-bedroom units will have one bathroom, and two- and three-bedroom units will have two bathrooms. Each unit will have a balcony averaging 79 square feet in size that will function as private open space.

Tentative Map ("TM")

The Property is comprised of three lots totaling 75,386 square feet (1.73 acres). The Applicant proposes to reconfigure the three lots into one lot and simultaneously subdivide the Property for air rights for each dwelling unit. The subdivision allows separate ownership of each dwelling unit (persons own the air space of a particular dwelling, while all the condominium owners mutually own and are responsible for all maintenance of the buildings and the common areas).

The proposed TM is consistent, in terms of density and use, with the MPMC and General Plan designations. The Property is zoned for multiple-family residences and the General Plan allows for a density between 16.1 and 30 dwelling units per acre. The Project proposes 64 residential units on approximately 1.73 acres which is rough 51.9 units per acre. While this figure is higher than contemplated in the General Plan, the Project is utilizing and consistent with the Density Bonus law and, accordingly, the Project does not exceed the maximum density allowed under the General Plan (see discussion below regarding Density Bonus).

The Public Works Department, Fire Department and other agencies reviewed the TM and plans, and proposed conditions of approval. Pursuant to MPMC Chapter 20.10, the Applicant must submit a final map within 24 months after the TM is approved which is

reviewed for substantial compliance with the TM.

Density Bonus

A Density Bonus is proposed as part of this Project and is a mechanism established by California law that allows developers to obtain concessions and/or waive local development requirements in exchange for building affordable housing.

The High-Density Residential land use designation of the General Plan allows 30 units per acre. The Property is approximately 1.73 acres; accordingly, 51.9 units are permitted by the General Plan, before considering Density Bonus law. The following table summarizes the use of the Density Bonus, of what is permitted by the MPMC and California law, in comparison to what the developer has proposed:

DENSITY BONUS CALCULATIONS	PERMITTED	PROPOSED
Underlying Density	30 units/acre (per General Plan)	25 units/acre
1.73-acre Site Size x Underlying Density	51.9 units	43.25 units
15% Units (Very Low Affordability)	$51.9 \times 15\% = 7.785$ (rounded up to 8 units)	$43.25 \times 15\% = 6.49$ (rounded up to 7 units)
Density Bonus Permitted* 50% above base density	30 units/acre + 50% = 45 units/acre	25 units/acre + 50% = 37.5 units/acre
Total Units Permitted – 1.73-acre site	77 units	64 units

*State Law permits a 50% bonus if 15% of units are proposed for at the very-low affordability level.

As shown, the Applicant is seeking a lower density bonus than otherwise permitted (64 units instead of 77 units). Of the 64 units, seven units will be affordable to those households that are categorized as very low income, while the balance of the 57 units will be market rate. Staff worked with the Applicant over the course of the entitlement applications to bring forward a Project that can be better integrated with the neighborhood while complying with State mandates.

Since the Project designates 15% of the units as restricted to very-low incomes households, the City is mandated by California law to grant a minimum of three incentives that allow the Applicant to avoid certain development standards that it retains discretion to choose.

The Applicant is requesting three incentives to increase the allowed building height, decrease the rear setback, and decrease the required open space. The requirements, incentive, and Applicant's proposal are further described in the following table.

DEVELOPMENT STANDARDS	MPMC R-3 Standards	<i>MPMC § 21.18.050 Density Bonus Incentives Menu</i>	<i>PROPOSED</i>
Maximum Building Height/Stories	30'/2-stories	Lesser of add'l 11' or 1 story	36'/3-stories (6' and 1 story)
Rear Setback	25'	20% decrease	20' (20% decrease)
Minimum Open Space (per unit)*	Common 400 sq. ft./unit (25,600 sq. ft.) Private 250 sq. ft./unit (16,000 sq. ft.) Total: 41,600 sq. ft.	20% decrease	Common 29,269 sq. ft. Private 6,082 sq. ft. Total: 30,423 (84.9%) (15.1% decrease)

The incentives chosen by the Applicant are for building height, rear setback, and open space which are consistent with what is permitted in the City's menu of incentives contained in MPMC § 21.18.05(A), (D) and (E).

Development Agreement:

The Project satisfies all requirements for approval, including General Plan consistency, of its development agreement. MPMC § 21.44.020(B) requires a development agreement, in a form approved by the City Attorney, for all residential developments with 10 or more dwelling units. The Applicant is proposing public benefits which include the creation of affordable housing units in the very low-income category, a local hire preference, a buy local preference, a local resident preference for the eventual rental or sales of affordable units, and enhanced electric vehicle charging capabilities at the site. The Development Agreement also includes additional stipulations, which will limit impacts, and implement the goals, policies, and objectives of the General Plan.

LEGAL NOTIFICATION:

The legal notice of this hearing was posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center and published in Monterey Park Press on August 1, 2024, with affidavits of posting on file. A total of 219 notices were mailed to property owners within 300' of the Property. Electronic mail notifications were also sent to parties who requested notices and expressed interest about the Project.

Respectfully submitted by:



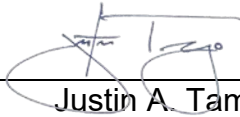
Jessica Serrano
Director of Community
Development

Respectfully prepared by:



Beth Chow, AICP
Planning Manager

Reviewed by:



Justin A. Tamayo
Deputy City Attorney

ATTACHMENTS:

- Attachment 1: Planning Commission Resolution (including Attachment A (Ordinance) and Attachment B (City Council Resolution), with Exhibits)
- Attachment 2: Architectural Plans, with Materials Board
- Attachment 3: Tentative Map No. 81411 (TM-23-05)

ATTACHMENT 1

Planning Commission Resolution (including
Attachment A (Ordinance) and Attachment B (City
Council Resolution), with Exhibits)

RESOLUTION NO.

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE THE CONSTRUCTION AND SUBDIVISION OF AIR RIGHTS FOR A 64-UNIT CONDOMINIUM PROJECT ON REAL PROPERTY LOCATED AT 338-410 S. ALHAMBRA AVENUE (ASSESSOR'S PARCEL NUMBERS 5259-004-036, 5259-004-037, AND 5259-004-038); APPLICANT: THE COMMONS OF MPK, LLC.

The Planning Commission of the City of Monterey Park does resolve as follows:

SECTION 1. The Planning Commission finds and declares that:

- A. The Commons of MPK, LLC ("Developer") submitted development applications including TM-23-05, and DA-23-03 to construct and subdivide a 64-unit condominium development, including seven affordable units through a Density Bonus (the Project") on the real property located at 338 – 410 South Alhambra Avenue (the "Property").
- B. The City Planner reviewed the project pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the "CEQA Guidelines"). CEQA and the CEQA Guidelines are collectively referred to as "CEQA Regulations."
- C. The Project was scheduled for a public hearing before the City Council at its special meeting on June 18, 2024, at which time the Council remanded the Project to the Planning Commission for further study.
- D. The Planning Commission may review and make recommendations to the City Council regarding land use regulations.
- E. The City Planner completed her review and scheduled the public hearing regarding the Project before the Planning Commission for August 27, 2024.
- F. On August 27, 2024, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed project, including, without limitation, information provided to the Planning Commission by City staff and public testimony.
- G. This Resolution and its findings are made based upon the evidence presented to the Commission at its August 27, 2024, hearing including, without limitation, the staff report submitted by the City Planner.

SECTION 2. *Factual Findings and Conclusions.* The Planning Commission adopts the project findings, and factual findings and conclusions in the draft City Council ordinance and resolution attached as Attachments "1" and "2" which are incorporated by reference.

**PLANNING COMMISSION
RESOLUTION NO.
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SECTION 3. *Environmental Review.* The City reviewed the environmental impacts of the Project pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, et seq. “CEQA”) and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et seq., the “CEQA Guidelines”). An initial study was prepared in accordance with the CEQA Guidelines section 15063 (“IS”) which shows that, if mitigated, the Project would not cause any significant environmental impacts. Accordingly, pursuant to CEQA § 21091, the City prepared a mitigated negative declaration (“MND”) of environmental impacts for the Project. Based on the IS findings, and with proposed mitigation measures for air quality, biological resources, cultural resources, paleontological resources, and noise, the proposed development would not result in significant environmental impacts. Accordingly, no further environmental review is required.

SECTION 4. *Recommendation.* The Planning Commission recommends the City Council approve the Project, and adopt the:

- A. Ordinance attached as Attachment “A” and incorporated by reference approving the development agreement, in a form approved by the City attorney; and
- B. Resolution attached as Attachment “B” and incorporated by reference approving the subdivision of air rights and adopting the IS and MND, for the Project.

SECTION 5. *Construction.* This Resolution must be broadly construed in order to achieve the purposes stated in this Resolution. It is the Planning Commission’s intent that the provisions of this Resolution be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Resolution.

SECTION 6. *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 7. *Reliance On Record.* Each and every one of the findings and determination 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 Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 8. *Severability.* If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the Planning Commission intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Resolution are severable.

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 3 OF 4**

SECTION 9. *Preservation.* This Resolution does not affect any penalty, forfeiture, or liability incurred before, or prelude prosecution and imposition of penalties for any violation occurring before, this Resolution's effective date. Any such amended part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Resolution.

SECTION 10. *Limitations.* The Planning Commission'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 Planning Commission'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 11. *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 12. This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 13. The Secretary must certify to the adoption of this Resolution and forward a copy to the City Council.

SECTION 14. *Signature.* The Planning Commission Chairman, or presiding officer, is authorized to affix its signature to this Resolution signifying its adoption by the Planning Commission of the City of Monterey Park, and the Planning Commission Secretary is directed to attest.

**PASSED, APPROVED, AND ADOPTED BY THE PLANNING COMMISSION OF
THE CITY OF MONTEREY PARK THIS 27th DAY OF AUGUST 2024.**

Peter Fung, Chairperson

**I hereby certify that the foregoing Resolution was duly adopted by
the Planning Commission of the City of Monterey Park at the regular meeting
held on the 27th day of August 2024, by the following vote of the Planning
Commission:**

AYES:

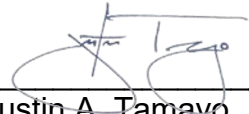
**PLANNING COMMISSION
RESOLUTION NO.
PAGE 4 OF 4**

**NOES:
ABSTAIN:
ABSENT:**

ATTEST:

Jessica Serrano, Secretary

APPROVED AS TO FORM:
KARL H. BERGER, CITY ATTORNEY

By: _____
Justin A. Tamayo, Deputy City Attorney

ORDINANCE NO.

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

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

SECTION 1: The City Council finds and declares that:

- A. The Commons of MPK, LLC ("Developer") submitted development applications including TM-23-05, DRB-23-105, and DA-23-03 to develop a 64-unit condominium development to enter into a development agreement with the City of Monterey Park (the "Development Agreement"), which is attached to this Ordinance as Exhibit "A," and incorporate by reference.
- B. The Development Agreement allows the Developer to construct a 64-unit condominium project that includes seven affordable units within the development of 3-story townhomes, and 57 condominium units in a 3-story building with subterranean level or parking (the "Project") at the real property located at 338-410 Alhambra Avenue (the "Project Site").
- C. The City Planner reviewed the project pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the "CEQA Guidelines"). CEQA and the CEQA Guidelines are collectively referred to as "CEQA Regulations."
- D. On June 18, 2024, at its special meeting, the City Council opened and closed the public hearing, and remanded the Project to the Planning Commission for further study.
- E. On August 27, 2024, the Planning Commission conducted a duly noticed public hearing to assess the proposed development in TM-23-05, DRB-23-105, and DA-23-03, considered all oral and written evidence, and adopted Resolution [REDACTED] recommending that the City Council adopt this Ordinance.
- F. The City completed its review and scheduled a public hearing regarding the proposed Project, before the City Council on _____ 2024. Notice of the public hearing on the proposed Project was duly given as required by law;
- G. This Ordinance and its findings are made based upon the evidence

presented to the City Council at its June 18, 2024, Special Meeting, the Planning Commission at its August 27, 2024 regular meeting, and the City Council at its _____ 2024, meeting, including, without limitation, the staff report submitted by the City Planner.

SECTION 2: *Factual Findings and Conclusions.* The City Council finds as follows:

- A. On June 17, 2020, the City Council approved the Land Use and Urban Design Element to the Monterey Park General Plan (the “2020 LUE”). Thereafter, the 2020 LUE was placed onto the November 3, 2020 ballot as Measure JJ. Following voter approval on November 3, 2020, the 2020 LUE (via Ordinance No. 2198) became effective on December 2, 2020.
- B. The City amended and adopted the 2021-2029 Housing Element on November 11, 2022, which was subsequently certified by the California Department of Housing and Community Development on March 30, 2023.
- C. The Developer has legal and equitable interest in the Property.
- D. On July 5, 2023, the Applicant filed development agreement, and tentative map applications for the Project. The Project was deemed complete on June 14, 2024;
- D. The City prepared an initial study (“IS”), mitigated negative declaration (“MND”), and notice of intent to adopt Which the City considered concurrently with this Ordinance.
- E. For the reasons set forth below and in the Development, Agreement attached as Exhibit “A” and incorporated by reference, the City Council finds that the City would glean public benefits from the Project.
- F. It is in the public interest to approve the Project.

SECTION 3: *Project Findings.* Pursuant to Government Code §§ 65867.5, 65915, the City Council finds as follows :

- A. For the reasons set forth in the MND, and City Council Resolution No. _____, which are incorporated by reference into these findings, the Development Agreement is consistent with the Monterey Park General Plan. The Development Agreement furthers the goals of the General Plan and is in the interest of the general community welfare in that the Development Agreement will, among other things, facilitate the development of the Project Site which is currently underutilized, and consistent with the General Plan policies, including, without limitation:

1. Policy 6.4 – to support policies that facilitate and incentivize development of affordable housing units, such as development bonus programs;
 2. Policy 8.5 – to require new development to provide engaging, well-landscaped outdoor spaces that invite and support outdoor activities;
 3. Policy 8.6 – to minimize the street presence and visibility of parking facilities from public streets and neighboring properties; and
 4. Policy 9.1 – to create homeownership opportunities by encouraging development of smaller scale, for-sale units such as condominiums, townhomes, and duplexes.
- B. The Project is not located within a specific plan or planned development area, and therefore must be consistent with the requirements found within the underlying High-Residential Density (R-3) zone.
1. As proposed, with the use of Density Bonus regulations, incentives, and concessions the Project satisfies all development standards of the R-3 zone.
- C. The Project is necessary for the orderly development of the surrounding area. As proposed, the location and characteristics of the residential project are consistent and compatible with the surrounding residential uses that also include other multi-family residential developments.
- D. The Development Agreement includes a subdivision that complies with the provisions of Government Code § 66473.7, and MPMC § 20.04.
- E. The Density Bonus is consistent with California law and MPMC Chapter 21.18, in which the City offers incentives for developers to build affordable units. Density Bonuses allow for greater density than permitted in the underlying zone, as well as, concessions or incentives, which vary from the requirements of the MPMC in order to achieve the affordable units, which will allow for the proposed site development of a multi-family affordable housing development consisting of 64 units on a 1.73 acre site, where the allowable density is increased from 51.9 units (30 units/acre) to 64 units (37.5 units/acre).
1. The incentives requested as part of the density bonus are consistent with MPMC § 21.18.050 to: 1) allow an increase building height by 1 story, resulting in an additional 6' in height; 2) allowing a decrease in the rear yard setback by 20%; and 3) allowing open space to be reduced by 20%.
 2. Seven units of housing will be created for the very low-income category of affordability.

3. The Density Bonus will help achieve General Plan 2020 LUE policies stated in Subsection A of this Section.
 4. The proposed development, containing market-rate and affordable residential units, will help meet the City's Regional Housing Needs Assessment ("RHNA") allocation of 5,267 residential units for the 8-year planning period between 2021-29.
 5. The Density Bonus Agreement will help achieve General Plan goals as set forth Housing Element in providing housing that meets the needs of all economic segments of the community and implements the General Plan policies, including, without limitation:
 - a. Policy 4.1 – to encourage the use of density bonuses and provide other regulatory concessions to facilitate affordable housing; and
 - b. Policy 4.2 – to support favorable home purchasing options for lower-and moderate-income households
- F. The Density Bonus Agreement is in the public interest and reflects the current and contemplated land uses of the R3 zone, as well as consistency between the General Plan Land Use Map and Zoning Map.
- G. The Development Agreement provides certainty in the planning and construction as well as orderly development, while providing assurance to the Applicant that it may construct the Project.

SECTION 4: *Environmental Review.* The City reviewed the environmental impacts of the proposed Ordinance pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, et seq. "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et seq., the "CEQA Guidelines"). The City Council finds as follows:

- A. An Initial Study ("IS") was prepared for the Project in accordance with CEQA Guidelines § 15063 which showed that, if mitigated, the Project would not cause any significant environmental impacts.
- B. The IS and a mitigated negative declaration ("MND") analyzing the environmental impacts of the proposed development were prepared, circulated, and made available for public review between Thursday, May 23, 2024, and Tuesday, June 12, 2024.
- C. Based on the findings of the IS, and with proposed mitigation measures for air quality, biological resources, cultural resources, paleontological resources, and

noise, the proposed development would not result in significant environmental impacts.

- D. The IS and MND are considered concurrently with this Ordinance under Resolution No. _____ [INSERT CC RESO. NO. FOR TM AND MND], which is incorporated by reference into these findings.

SECTION 5: *Notice of Determination.* The City Planner, or designee, is directed to file a Notice of Determination in accordance with CEQA §§ 21152, 21167(f); CEQA Guidelines § 15094, and any other applicable law.

SECTION 6: *General Plan and Zoning.* The Project conforms to the Monterey Park General Plan, as set forth in Section 3. In addition, the Project conforms to the MPMC in that the zoning classification for the Project Site is R3 which allows for multifamily development.

SECTION 7: *Public Benefits.* The Development Agreement provides for public benefits including, without limitation:

- A. Development of affordable units for the very low-income affordability category;
- B. Providing homeownership opportunities to qualified very low-income households, including a local preference for City residents to own or occupy the affordable units;
- C. Providing for the stimulation of the local economy through programs contained within the Development Agreement, without limitation:
 - 1. Local Hire Program to hire workers or companies that have offices within the City;
 - 2. Buy local program for materials and supplies for the construction of the project; and
 - 3. Local resident preference for the eventual rental or sales of affordable units
- D. Provide for additional opportunities to create sustainable development by including additional electrical vehicle charging infrastructure above what is required in the California Building Standards Code.

SECTION 8: *Incorporation of Development Agreement; Changes; Execution.* In accordance with Government Code §§ 65864, et seq., this Ordinance approves the Development Agreement in substantially the form attached as Exhibit “A”, and incorporated by reference.

- A. The Development Agreement may be changed before execution as authorized by the City Council during the public hearings for the Project.

- B. The Development Agreement may be changed before execution for minor clarifications and technical, clerical, corrections as approved by the City Attorney including, without limitation, completion of references, status of planning approvals, and completion and conformity of all exhibits to the Development Agreement.
- C. The City Council authorizes the City Manager to execute the Development Agreement on the City's behalf in a form approved by the City Attorney. The City Manager, or designee is authorized to execute amendments or operating memoranda as permitted by the Agreement, in a form approved by the City Attorney.

SECTION 9: *Construction.* This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 10: *Reliance On Record.* Each and every one of the findings and determination in this Ordinance are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 11: *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 12: *Enforceability.* This Ordinance does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date.

SECTION 13: *Limitations.* The City Council's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the City Council's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the city's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 14: *Severability.* If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 15: *Electronic Signatures.* This Ordinance may be executed with electronic signatures in accordance with Government Code § 16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 16: *Publications.* The City Clerk is directed to certify the passage and adoption of this Ordinance; make a note of the passage and adoption in the records of this meeting; and within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 17: *Recordation.* The City Clerk, or designee, is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within 15 days after the passage and adoption of this Ordinance, and cause it to be published or posted in accordance with California law.

SECTION 18: *Effective Date.* This Ordinance will become effective 30 days after second reading and adoption.

ORDINANCE NO. [REDACTED] HAD ITS FIRST READING ON <DATE>, ITS SECOND READING ON <DATE>, AND WAS DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MONTEREY PARK AT ITS REGULAR MEETING OF <DATE>

PASSED AND ADOPTED this ____ day of _____, 2024.

Thomas Wong, Mayor

ATTEST:

Maychelle Yee, City Clerk

APPROVED AS TO FORM:
KARL H. BERGER, CITY ATTORNEY

By: _____
Justin A. Tamayo, Deputy City Attorney

Exhibit A: Development Agreement 23-03

RECORDING REQUESTED BY:
CITY OF MONTEREY PARK

AND WHEN RECORDED MAIL TO:

CITY CLERK
CITY OF MONTEREY PARK

SPACE ABOVE THIS LINE FOR RECORDERS USE

**DEVELOPMENT AGREEMENT BY AND BETWEEN THE
CITY OF MONTEREY PARK AND THE COMMONS OF
MPK, LLC RELATIVE THE DEVELOPMENT KNOWN AS
THE COMMONS OF MPK, LLC**

This Development Agreement (the “Agreement”) is made this ____ day of _____, 2024, by and between the CITY OF MONTEREY PARK, a general law city and municipal corporation (the “City”) and The Commons of MPK, LLC, a California limited liability company (Entity no. 201510510030) (“Developer”). City and Developer may be collectively referred to as the “Parties” and each may be referred to as a “Party.” The Parties agrees as follows:

1. RECITALS. The Parties enter into this Agreement with reference to the following:
 - A. Government Code § 65864, *et seq.* and Monterey Park Municipal Code (“MPMC”) Chapter 21.110 (collectively, the “DA Regulations”) authorize City to enter into development agreements with persons having legal or equitable interests in real property for the development of such real property.
 - B. Developer owns approximately 1.73 acres of real property located in City’s jurisdiction which is legally described in attached Exhibit “A,” and is incorporated by reference (the “Property”).
 - C. Developer filed the following applications with City (the “Project Applications”):
 - i. Tentative Map (TM) 23-05;
 - ii. Density Bonus request; and
 - iii. Development Agreement (DA)-23-03, an application for approval of this Agreement.
 - D. This Agreement assists with land use planning certainty and provides for the orderly development of the Project in a manner consistent with Applicable Law including, without limitation, the MPMC and the General Plan.
 - E. Developer intends to develop the Property as a residential community consisting of

65 units condominium (the “Project”).

- F. The City’s General Plan, as amended, (the “General Plan”) designates the area in which the Property is located as R-3 zone. The General Plan provides for the Property to be developed for a maximum of 43 unit per acre.
- G. Developer seeks to develop the Property in accordance with the land use policies and goals set forth in the City’s General Plan and with the terms and conditions of this Development Agreement (“Agreement”).
- H. All actions taken by City were undertaken in accordance with Applicable Law including the California Environmental Quality Act (Public Resources Code §§ 21000, *et. seq.*) (“CEQA”), and all of the other requirements of notice, public hearings, findings, votes and other procedural matters.
- I. On June 18, 2024, the City Council held a special city council meeting where it opened and closed the public hearing, and remanded the Project to the Planning Commission for further study.
- J.
- K. On _____, 2024, the City Council held a public meeting and took the following actions after making appropriate findings:
 - i. Adopted Resolution No. ____ approving a tentative map, design review, and adopting the Mitigated Negative Declaration for the Project;
 - ii. Introduced and waived first reading of Ordinance No. ____, approving the Development Agreement. Second reading and adoption occurred on _____, 2024. That Ordinance becomes effective 30 days afterward.

2. DEFINITIONS. Unless the contrary is stated or clearly appears from the context, or is defined elsewhere within this Agreement, the following definitions govern the construction of the words and phrases used in this Agreement. Words and phrases not defined by this Agreement have the meanings stated in the MPMC and any successor statutes or regulations.

"Anniversary Date" means that date each yearly anniversary of the Effective Date.

“Applicable Law” means all federal, state and local law including, without limitation, the MPMC, uncodified ordinances, resolutions adopted by the City Council and all other regulations affecting the Property in effect on the Effective Date.

“CEQA” means the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*) and the CEQA Guidelines (California Code of Regulations, title 14, §§ 15000, *et seq.*), as amended.

“Conditions of Approval” means those conditions of approval imposed by City.

“Development Impact Fees” or “DIF” means all City-adopted fees and monetary exactions that are designed to pay for new or expanded public facilities needed to serve, or to mitigate the adverse effects of, a given development project and that are imposed by City as a condition of approval of discretionary or ministerial permits for, or in connection with the implementation of, that development project. The term “Development Impact Fees” does not include processing fees and charges as described in this Agreement. The term “Development Impact Fees” also does not include requirements that development be served by a public utility even if that public utility imposes a capital improvement fee or similar charge as a condition of providing service. The estimated DIFs to be paid for the Project are as set forth on attached Exhibit “B,” which is incorporated by reference.

“Director” means the City Manager, or designee. This Agreement anticipates that the Director will ordinarily be City’s Community Development Director.

“Discretionary Action(s)” or “Discretionary Approval(s)” means a City action requiring the exercise of judgment, deliberation or discretion on the part of City, including any board, agency, commission or department and any officer or employee thereof, in the process of approving or disapproving a particular activity, as distinguished from an activity which merely requires City, including any board, commission or department or any officer or employee thereof, to determine whether there has been compliance with Applicable Law.

“Effective Date” means, except as provided below, the date this Agreement which is the same as when the Enacting Ordinance (hereafter defined”) becomes effective. Execution of this Agreement by the parties does not bind the Project or the Developer to actually use or develop the Project pursuant to the terms of this Agreement until the Effective Date. Notwithstanding the foregoing, the indemnity obligations of Developer take effect as of the date this Agreement is executed.

“Enacting Ordinance” means Ordinance No. _____, adopted by the City Council on _____, approving this Agreement.

“Exactions” means all exactions, in-lieu fees or payments, dedications or reservation requirements, obligations for on-site or off-site improvements, construction requirements for public improvements, facilities, or services called for in connection with the development of or construction on the Property, whether such requirements constitute subdivision improvements, mitigation measures in connection with environmental review of any project, or impositions made under any applicable ordinance or in order to make a project approval consistent with the anticipated land use policies of the General Plan.

“General Plan” means the Monterey Park General Plan as of the Effective Date except that the Housing Element to the General Plan may become effective after the Effective Date, and is incorporated into the “General Plan” for purposes of this

Agreement upon its certification by the California Department of Housing and Community Development in accordance with Applicable Law.

“Minor Change” means changes, modifications or adjustments which are consistent with the overall intent of this Agreement and which do not materially alter the overall nature, scope, or design of the Project.

“Mortgage” means any mortgage, deed of trust, encumbrance, sale leaseback or other security interest encumbering all or any portion of the Property, given by Developer for the purpose of securing funds to be used for financing the acquisition of the Property or any portion thereof, the construction of improvements thereon and/or any other expenditures reasonably necessary and appropriate to develop and/or operate the Project.

“Mortgagee” means the holder of the beneficial interest under any Mortgage.

“Parking Areas” means the areas dedicated for parking, as set forth in the Applicable Law and Conditions of Approval.

“Permitted Uses” means those uses that are specifically permitted by Applicable Law.

“Processing Fees” means all processing fees and charges required by the City that are applied uniformly to all construction or development related activity including, without limitation, fees for land use applications; building permit applications; building permits; grading permits; shoring and excavation permits; hauling permits; encroachment permits; demolition permits; subdivision or parcel maps; lot line adjustments; street vacations; inspections; certificates of occupancy and plan check. Processing Fees do not mean or include DIFs.

“Project Buildings” means all the buildings permitted under the Applicable Law and this Agreement.

“Project Facilities and Infrastructure” means public and semi-public facilities and infrastructure (including associated grading, engineering, design, construction, and supervision) only to the extent such facilities and infrastructure serve the Project.

“Uniform Codes” means those Uniform Codes adopted by reference in the MPMC in accordance with Government Code §§ 50022.2, *et seq.* as required by applicable law including, without limitation, Health and Safety Code § 18944.5 and Title 24 of the California Code of Regulations. The Uniform Codes govern building and construction standards including, without limitation, the building, plumbing, electrical, mechanical, grading, sign, and fire standards.

“Zoning Regulations” means the zoning regulations in the MPMC that are part of the Applicable Law.

3. GENERAL ACKNOWLEDGMENTS. The Parties acknowledge that: (a) City entered into this Agreement pursuant to Applicable Law and City's police powers under the California Constitution to, in part, address the need for public facilities and infrastructure in connection with the Project and other property in the area; and (b) nothing in this Agreement may be construed to limit or restrict the exercise by City of its police powers including, without limitation, those of eminent domain.

4. APPLICABILITY OF THIS AGREEMENT. This Agreement does not: (a) grant density or intensity exceeding that otherwise established by Applicable Law; (b) eliminate future City approvals relating to the Project if applications seeking such approvals are initiated and submitted by the Developer after the Effective Date; (c) guarantee that Developer will receive any profits from the Project; (d) prohibit the Project's participation in any benefit assessment district that is generally applicable to the surrounding properties; or (e) amend the General Plan. This Agreement has a fixed term. Furthermore, City may apply any law in effect at the time of Developer's future application for Project approvals.

5. INTEREST OF DEVELOPER. Developer represents to City that, as of the Effective Date, Developer has a legal or equitable interest in the Property subject only to encumbrances, easements, covenants, conditions, restrictions, and other matters of record.

6. DEVELOPMENT OF THE PROJECT. The Parties agree that:

A. General Development. Any development of the Project on the Property must be conducted in accordance with the terms and conditions of this Agreement.

B. Permitted Uses. The permitted uses of the Project, the density and intensity of use, the maximum height and size of proposed buildings, provisions for reservation or dedication of land for public purposes and location of public improvements, and other terms and conditions of development applicable to the Project must be those set forth in Applicable Law including, without limitation, Conditions of Approval, and this Agreement.

C. Public Benefits. As part of this plan, the Developer is required to implement the following public benefit initiatives:

Affordable Housing Initiative: The Developer will include a total of seven units within the Property designated as very low-income. These units must be dispersed throughout the Property.

Local Hiring Program. Developer agrees to prepare and implement a local hiring program to encourage and promote the employment of qualified residents of the City of Monterey Park in its development of the Project (the "Local Hiring Program"). Developer agrees that the Local Hiring Program will be prepared within 90 days of the Effective Date and will include a mix of the following measures, and such other measures as Developer from time to time deems

appropriate: (i) public circulation within the City of employment opportunities; (ii) job fairs targeting City residents, (iii) mandatory inclusion on all Project bidding lists of any qualified City contractors or subcontractors that have registered with Developer, and (iv) compliance with Developer's corporate bidding policies. Every 6 months following the Effective Date until the completion of construction, Developer must submit to the City Manager, or designee, a written report documenting Developer's implementation of the Local Hiring Program, which report must describe in reasonable detail Developer's efforts during the relevant reporting period to hire qualified City residents pursuant to the Local Hiring Program.

Local Purchasing Prioritization. Developer will prioritize purchasing supplies, materials, and equipment for the construction of the Project from local vendors who are cost-competitive (within 5 percent) with non-local vendors and who currently have a business within the City and the point of sale, for the business's sales tax reporting purposes occurs within the City limits. Developer will keep accurate log(s) of all local purchase supplies, materials, and equipment and promptly furnish such logs to the City upon request.

Existing Tenants and Local Resident Priority Preference. To the extent permitted by the law, Developer will give priority in the following manner for the leasing or ownership of the Project's affordable units, 1) income qualified, existing tenants of the Property and 2) current residents of the City. Existing tenants are defined as those persons that either possess an active lease agreement, or currently reside at the Property. "Current residents" means persons having primary residency in Monterey Park, which can be further determined by the Developer by home visits and requests for written verification from landlords. Developer will maintain a list of Applicants who have filed a complete application with the Developer to rent or purchase an affordable unit in the Project and who have incomes which would qualify them as an eligible tenant or buyer. Should multiple tenants be equally eligible and qualified to rent or own a unit, Developer on best efforts will rent or sell such units on a first-come, first-serve basis.

Electric Vehicle Charging. In addition to meeting the requirements of the California building standards codes, as adopted by the MPMC, Developer will provide an additional 10% electric vehicle ("EV") charging stations, and 35% of the total number of parking spaces will be equipped with Low Power Level 2 EV Ready.

- D. **Future Approvals.** City agrees that land uses set forth in the Conditions of Approval are approved or will be approved pursuant to the terms of this Agreement and Applicable Law, provided that Developer satisfactorily complies with all preliminary procedures, actions, payments and criteria applicable as of the Effective Date and generally required of developers by City for processing applications for land developments at such time. City agrees to grant and implement the necessary land use, zoning, site plan or subdivision approvals and to grant other approvals and permits, including ministerial approvals, that will accomplish or

facilitate development of the Project for the uses and to the density or intensity of development described and shown in the Conditions of Approval, and/or this Agreement pursuant to Applicable Law. Any future development of the Property not contemplated by this Agreement requires all discretionary approvals required by the Applicable Law (collectively, the “Future Conditions of Approval”).

E. Homeowners Association. Pursuant to City Council Resolution No. 12199:

- 1) To ensure all common areas (e.g., driveway, hardscape, landscape) are properly maintained, a Homeowners' Association (HOA) and Covenants, Conditions and Restrictions (CC&R's) are required for the proposed Project. The Developer must hire a management company for the HOA. During sales of the units, the sales managers must sit on the HOA board. The Developer's representatives can remove themselves from the HOA board only when 1) a new HOA board is selected from the new home owners; 2) the new home owners are trained on how to run the HOA; and 3) the units are fully occupied. The documents related to the HOA and CC&R's must be reviewed and approved by the City Attorney before the City approves a final map. In addition, the Developer must pay for all attorneys' fees associated with the review of the documents.
- 2) The final approved floor plan for the residential units must be incorporated into CC&R's.
- 3) The Homeowners Association must maintain a current and active business license with the City for the life of the project. Association dues may not be collected unless the Association has a current and active business license with the City.
- 4) Draft covenants, conditions and restrictions (“CC&Rs”), in a form approved by the City Attorney, must obtain approval from the City Planner, or designee, and include the following clauses:
 - a) *Payment of Municipal Charges.* The amount of the assessments levied by the Association must include sums sufficient to cover the cost of all municipal charges imposed against the Property including, without limitation, sums sufficient to ensure the payment of invoices from the City of Monterey Park (“City”) for water, wastewater, and solid waste charges. In addition, the Association and the Owners, and the management agent, if any, must continuously guarantee payment to the City of all such municipal charges.
 - b) *Access and Entry.* The Association and each Owner covenants, in favor of the City, to provide access and entry to all common areas of the Property, and all buildings, structures and units situated thereon, to any authorized Fire Inspector, Building Official and any

other official charged with carrying out the laws of the City, the State of California, or the United States of America.

c) *Signs*. Except as otherwise allowed by applicable law, the Association and each Owner covenant, in favor of the City, that no sign of any kind of advertising any service, business or other commercial project or venture can be displayed on the Property.

d) *Parking*.

- i. The Association and each Owner covenants, in favor of the City, that all automobiles used by an Owner or an Owner's invitees must be identified to a representative of the Association and subject to tow if parked in an area not designated for parking automobiles or in a guest parking space.
- ii. All driveways and garages must be maintained in a neat and orderly condition and garage doors must be maintained in closed condition except as necessary to permit ingress and egress of authorized vehicles or to clean or work in the garage. The garages are to be used for the parking of standard authorized vehicles and may not be converted to living quarters or workshops or used for the storage of boats, trailers, campers or recreation vehicles in a way which will preclude the parking of the Owner's or occupant's authorized vehicles within the garage.
- iii. Designated guest parking areas within the Common Areas are to remain open for use by guests only and are not to be used by Owners or other residents, either permanently or temporarily, for the parking of their authorized vehicles or the storage of boats, trailers or similar items of personal property, unless expressly authorized by the Association.
- iv. No motor vehicle can be constructed, reconstructed or repaired within the Property and no dilapidated or inoperable vehicle, including vehicles without wheel(s) or an engine, can be stored on the Property; provided, however, that the provisions of this Section does not apply to emergency vehicle repairs.
- v. Campers, boats, trailers, motorcycles, commercial vehicles and trucks in excess of three-quarter tons cannot be parked within the Property, other than within enclosed garages

except for periods not to exceed two hours for the purpose of loading and unloading.

- vi. Personal property other than authorized vehicles cannot be stored in garages if such storage will necessitate or result in the parking of vehicles on streets within or adjacent to the Property. Parking by commercial vehicles for the purpose of making deliveries or service calls must be permitted in accordance with the Association Rules.
 - vii. Each Owner must maintain their garage or parking spaces in a manner which ensures that it is capable of accommodating not less than the number of vehicles the space was designed to contain.
- e) *Graffiti*. The Association and each Owner covenants and agrees to maintain, or to cause to be maintained, all buildings and structures within the Property free of graffiti. In an event that the Association or an Owner fails to remove or to cause the removal of any graffiti within 24 hours of its receipt of written notice from the City requesting such removal, the City has the right and authority to enter upon the Property and remove or mask said graffiti. Any and all costs incurred by the City in connection with the removal or masking of such graffiti must be reimbursed to the City by the Association and/or the Owner, if any, of affected building or structure.
- f) *Maintenance of Property*. The maintenance of all common wastewater and storm drainage facilities, and all landscaping, irrigation systems, slopes, drainage facilities and retaining walls, if any, located within the Common Area are Association's responsibility, and the maintenance of all irrigation systems, slopes, drainage, facilities and retaining walls, if any, situated within an Exclusive Use Common Area are the responsibility of the Association in the event the applicable Owner fails to provide such maintenance.
- g) *Filing of Information*.
- i. Filing (Unincorporated Associations Only). The Association must cause the names and addresses of the officers and members of the Association to be filed annually with the City Clerk of the City of Monterey Park during the month of July.
 - ii. Filing (Incorporated Associations Only). The Association must cause the names and address of the officers and members of the Board of Directors of the Association to be

filed annually with the City Clerk of the City of Monterey Park during the month of July.

- h) *Amendment of CC&Rs.* Notwithstanding any other provision of this Declaration the contrary, the statements and covenants set forth herein in favor of the City of Monterey Park cannot be modified and rescinded without the prior written consent of the City of Monterey Park.
 - i) *Third-Party Beneficiary; Enforcement Rights.* City Enforcement of Declaration. Notwithstanding any other provision of this Declaration to the contrary, the city of Monterey Park has the power and the right, but not the obligation, to enforce any or all provisions of this Declaration as a third party beneficiary to the extent this Declaration contains provisions implementing the Monterey Park Municipal Code (“MPMC”) or any condition of approval adopted by City Council resolution or ordinance. Failure by the City to enforce any restriction, covenant, condition, limitation or reservation imposed by the provisions of this Declaration does not constitute a waiver of the City’s right to do so. The Association agrees to pay all costs associated with such enforcement including, without limitation, reasonable attorney’s fees. The City may exercise its rights of enforcement without regard to any alternative dispute resolution provision in the CC&Rs or any other restriction on enforcement otherwise applicable to owners, tenants, other residents, or the Association including, without limitation, provisions with regard to notice.
- F. Applicable Law. Subject to the limitations set forth in this Agreement, Developer may develop the Property in accordance with, and to the extent of, the Conditions of Approval and this Agreement. City may impose reasonable conditions in connection with any subsequent discretionary permit actions, but such conditions and actions must not prevent development of the Project as contemplated by this Agreement, or place burdensome or restrictive measures on Developer in connection with the development of the Project.
- G. Amendment to Applicable Law. In the event the MPMC is amended by City in a manner which provides more favorable site development standards than those in effect as of the Effective Date, Developer may notify City in writing of its desire to be subject to the new standards for the remaining term of this Agreement. If City agrees, by resolution of the City Council or by the Director’s approval, such new standards will become applicable to the Property.
- H. Exception for Uniform Codes. Notwithstanding any part of this Agreement to the contrary, the Project is subject to the City’s enforcement of the “uniform codes” regulating building or construction standards which will apply to the Project at the

time the City issues building permits.

- I. Approval of Subsequent Tentative and Final Maps. Although the Applicable Law determines the standards for granting or withholding approval of tentative, vesting tentative and final maps and tentative, vesting tentative and final parcel maps, the procedures for processing approval of all such maps must be governed by regulations as may then be applicable.
- J. Changes in State and Federal Rules and Regulations. Nothing in this Agreement precludes the application to the Project of changes in Applicable Law, the terms of which are specifically mandated and required by changes in state or federal laws or regulations as provided in Government Code § 65869.5. If City or Developer believes that such a change or addition required by California or federal law or regulation exists, then that Party must provide the other with a copy of such California or federal law or regulation and a statement of the nature of its conflict with the provisions of the Applicable Law and/or of this Agreement.
- K. Permitted Fees and Exactions. Except as otherwise provided in this Agreement, and specifically excluding fees set by entities not controlled by City that are collected by City (e.g., schools fees), City may only charge and impose those Development Impact Fees and Exactions including, without limitation, dedications and any other fee or tax (including excise, construction or any other tax) relating to development or the privilege of developing, which are in effect on a Citywide basis as of the Effective Date. This Agreement will not be construed to limit the authority of City to charge processing fees for land use approvals, building permits or other similar permits or entitlements which are in force and effect on a Citywide basis at the time application is made for such permits or entitlements and which are designed to reimburse City's expenses attributable to such application. Developer takes notice pursuant to Government Code § 66020(d) that City is imposing exactions upon the Project in accordance with the Mitigation Fee Act (Government Code § 66000, *et seq.*). Developer is informed that it may protest exactions in accordance with Government Code § 66020.
- L. Term of Map(s) and Other Conditions of Approval. Pursuant to Government Code §§ 66452.6(a) and 65863.9, the term of any subdivision or parcel map that has been or may in the future be processed on all or any portion of the Property and the term of each of the Conditions of Approval will be extended for a period of time through the scheduled termination date of this Agreement.
- M. Interpretation. Except for such changes as may in the future be mutually agreed upon between City and Developer or as otherwise provided in this Agreement, Developer intends to develop the Project in accordance with Applicable Law, the Conditions of Approval, and the terms and conditions of this Agreement. In the event of any conflict between the provisions in this Agreement, and Applicable Law, such conflict will be resolved in the following order of priority: (i) first, the Applicable Law; and (ii) this Agreement.

7. OPERATING MEMORANDA.

- A. The Parties acknowledge that the provisions of the Agreement require a close degree of cooperation and that new information and future events may demonstrate that changes are appropriate with respect to the details of performance of the Parties under this Agreement. The Parties desire, therefore, to retain a certain degree of flexibility with respect to the details of performance for those items covered in general terms under this Agreement. If and when, from time to time, the Parties find that refinements or adjustments are desirable, such refinements or adjustments will be accomplished through operating memoranda or implementation agreements approved by the Parties which, after execution, will be attached to this Agreement as addenda and become a part hereof.
- B. Execution of Memoranda. Operating memoranda or implementation agreements may be executed on behalf of City by the City Manager and the City Attorney. In the event a particular subject requires notice or hearing, such notice or hearing will be appropriately given. Any modification to the terms of performance under this Agreement, other than a Minor Change, will be processed as an amendment of this Agreement in accordance with this Agreement and must be approved by the City Council

8. DEVELOPER'S RIGHTS. Developer has and is vested with the right, during the term of this Agreement, including any extensions, to develop the Project as set forth in this Agreement.

9. MATERIAL PROJECT MODIFICATIONS. Developer may apply to City for permits, variances, or other approvals to develop portions of the Project in a manner which may be materially inconsistent with this Agreement. In such event, such portions of the Project may be reviewed and approved pursuant to the rules, regulations, and procedures of City in effect at the time Developer makes application to City for such development, and to the extent any such application is inconsistent with this Agreement, such application must include an application to amend this Agreement.

10. NON-APPLICATION OF CHANGES IN APPLICABLE LAW. City's subsequent adoption of any applicable general or specific plan, zoning, subdivision, or building regulation after the Effective Date of this Agreement, or any change in, or addition to, the Applicable Law (other than changes in Processing Fees as provided in this Agreement) including, without limitation, any changes in the General Plan or zoning regulations (including any regulation relating to the timing, sequencing, or phasing of the Project or construction of all or any part of the Project), adopted after the Effective Date of this Agreement including, without limitation, any such change by means of ordinance, initiative, resolution, motion, policy, order or moratorium, initiated or instituted for any reason whatsoever and adopted by any board, agency, commission or department of City, or by the electorate, as the case may be, which would, absent this Agreement, otherwise be applicable to the Project and which would conflict in any way with or be more restrictive than the Applicable Law or Developer's entitlements under this Agreement, may not be applied to the Project during the term of this Agreement unless such changes constitute a change in Uniform Codes.

11. DISCRETIONARY APPROVALS. City will not require Developer to obtain any approvals or permits for the development of the Project in accordance with this Agreement other than those permits or approvals that are required by Applicable Law. However, any subsequent Discretionary Approval initiated by Developer that is not permitted by Applicable Law are subject to all applicable law then in effect. Approval of any off-site signs, digital signs, or signs otherwise not permitted pursuant to the MPMC and Applicable Law is not authorized by this Agreement and is not considered (for purposes of this Agreement) part of the Project.

12. TIMING OF DEVELOPMENT. To the maximum extent permitted by law, it is the Parties' express intention that the Project will not be subject to any subsequently enacted initiative or ordinances adopted in response to an initiative which in conflict with Conditions of Approval and/or this Agreement including, without limitation, any subsequently enacted initiative or ordinance adopted regarding consistency with the Project and/or Conditions of Approval with the General Plan. Without limiting the foregoing, it is the further intention of the parties that development of the Property be exempt from any subsequently enacted initiative or ordinances adopted in response to an initiative or City Council action that limits the number of building permits which may be issued in any year or otherwise seeks to limit the Developer's development plan. Because the California Supreme Court held in *Pardee Construction Co. v. City of Camarillo* (1984) 37 Cal.3d 465, that the failure of the parties therein to provide for the timing of development resulted in a later-adopted initiative restricting the timing of development to prevail over the parties' agreement, it is the parties' intent to cure that deficiency by acknowledging and providing that, subject to any infrastructure phasing requirements that may be required by the Conditions of Approval, Developer may (without obligation) develop the Property in such order and at such rate and at such times as Developer deems appropriate within the exercise of its subjective business judgment. Notwithstanding this total exemption of the Property from local ordinances regulating the number of building permits which may be issued per year, if there is a judicial determination as a result of proceedings instituted by anyone not a party to this Agreement that the Property is subject to a subsequently adopted ordinance or initiative regulating the number of building permits which may be issued, then Developer will be entitled to construct the amount of square feet of Project Buildings specified in the Conditions of Approval. As a material part of this Agreement, City agrees that it will not (except as otherwise specifically authorized herein) determine, or seek to have a judicial determination made, that the Property is subject to any subsequently enacted ordinance or initiative regulating the number of building permits which may be issued in any year. This commitment is necessary and in the best interests of the parties in order to provide the open space, parks, public facilities infrastructure necessary to meet the requirements of the Conditions of Approval, if any, and the needs of City.

13. PERMITTED USES. Permitted uses of the Property, the density and intensity of such uses, the maximum heights and sizes of the Project Buildings and improvements to be constructed on the Property, and the reservation and dedication of land for public purposes, if any, required in connection with the development of the Property are as set forth in and consistent with the and this Agreement does not authorize construction of any building or improvement exceeding the maximum density or building heights set forth in or otherwise required by Applicable Law, as it may be lawfully amended by Developer from time to time.

14. COVENANTS RUNNING WITH THE LAND. As of the Effective Date for any portion of the Property and continuing for the Term provided in this Agreement, the terms and provisions of this Agreement are enforceable by the Parties as equitable servitudes affecting such portion of the Property, constituting covenants running with such portion pursuant to California law including, without limitation, Civil Code § 1468. Each covenant herein to act or refrain from acting is for the benefit of or a burden upon such portion of the Property, run with such portion, and be binding upon Developer and the successors and assigns of Developer during their respective ownerships of such portion of the Property.

15. 2013 AGREEMENT. Upon full execution of this Agreement by the Parties, the 2013 Agreement is superseded in its entirety and is of no further force or effect.

16. OBLIGATIONS OF CITY. In consideration of Developer entering into this Agreement, City agrees to the following with respect to the development of the Property:

- A. Processing. City recognizes that expeditious processing of ministerial permits and approvals and discretionary actions, if any, and any other approvals or actions required for the Project can be helpful to the Project. In recognition of this value, City agrees to reasonably cooperate with Developer to establish time frames for processing and reviewing such ministerial permits and approvals and discretionary actions and to comply with any timeframes established in the Conditions of Approval. Upon satisfactory completion by Developer of all required preliminary actions and payments of appropriate processing fees, if any, City must promptly commence and diligently proceed to complete all required steps necessary for the implementation of this Agreement and the development by Developer of the Property in accordance with the other Conditions of Approval including, without limitation, the following:
 - i. the holding of all required public hearings; and
 - ii. the processing and approval of all ministerial approvals and related matters as necessary for the completion of the development of the Project. In this regard, Developer will, in a timely manner, provide City with all documents, applications, plans and other information necessary for City to carry out its obligations hereunder as required by the Applicable Law and must cause Developer's planners, engineers and all other consultants to submit in a timely manner all required materials and documents therefore as required by the Applicable Law.
 - iii. Standard of Review. The rules, regulations and policies that apply to any ministerial approvals which must be secured before the construction of any portion of the Project must be the Applicable Law. Any ministerial approval, including without limitation a building permit, must be approved by City within a reasonable period of time after application is made therefor.

- iv. Contract Services. If requested by Developer, at Developer's expense, City must obtain outside contractual services as necessary to ensure prompt processing of all Conditions of Approval.

17. REIMBURSEMENT FOR CITY'S EFFORTS ON BEHALF OF DEVELOPER. To the extent that City, on behalf of (and requested by) Developer, attempts to enter into binding agreements with other entities in order to assure the availability of certain permits and approvals or services necessary for development of the Project as described in this Agreement, Developer must reimburse City for all costs and expenses incurred in connection with seeking and entering into any such agreement. Any fees, assessments or other amounts payable by City pursuant to any such agreement described herein must be borne by Developer, except where Developer has notified City in writing, before City entering into such agreement, that it does not desire for City to process an application from any third-party entity.

18. OTHER GOVERNMENTAL PERMITS. City agrees to cooperate with Developer in Developer's endeavors to obtain permits and approvals as may be required from other governmental or quasi-governmental agencies having jurisdiction over the Property or portions thereof (such as, for example, without limitation, public utilities or utility districts and agencies having jurisdiction over transportation facilities and air quality issues), so long as the cooperation by City will not require City to incur any cost, liability or expense without adequate indemnity against or right of reimbursement therefor from Developer.

19. SIGN APPROVAL. Developer acknowledges that off-site signs and digital signs are currently prohibited in City and that any amendment to the MPMC prohibiting such signs must be submitted for voter approval. If Developer requests an amendment to the MPMC and the City Council, in its sole and absolute discretion, elects to submit any such measure to City's electorate which would have the effect of permitting off-site and/or digital signs in City, Developer agrees to pay for any and all City fees and costs related to the potential preparation and election costs related to the ballot measure. In addition, Developer must defend and indemnify City against any legal challenge related to or arising from the proposed ballot measure.

20. TERM OF AGREEMENT. This Agreement is binding upon the Effective Date and, except as otherwise provided, remains in effect for a period of five years commencing from the issuance of the first Certificate of Occupancy for the Property unless terminated earlier by its terms or extended under this Section 20 (the "**Term**"). Pursuant to MPMC § 21.44.020(E), and except otherwise provided, this Agreement will automatically renew twice for an additional two-year Term, not to exceed a total Term of nine years. That automatic renewal will occur on the anniversary of the Effective Date unless either Party opts, in writing, not to renew the Agreement not less than 90 days before that renewal date. Nothing in this Section prevents Developer from applying to extend the Term for an period of time by providing a written extension notice to City within thirty days of the end of the Term, provided that there is no uncured default of any of Developer's material obligations under this Agreement at the time. Expiration or termination of this Agreement does not invalidate any prior permits or approvals on the Property issued by City before such expiration or termination, nor does such expiration affect any right City may have by reason of Developer's covenants to dedicate land or provide public improvements in conjunction with any portion of the Property which is under construction at such time.

21. PUBLIC BENEFITS. The Parties acknowledge and agree that Developer's agreement to perform and abide by the covenants and obligations of Developer set forth herein is material consideration for City's agreement to perform and abide by the covenants and obligations of City set forth herein, including without limitation the following specific public benefits for this Agreement:

22. MITIGATION MEASURES. Developer must comply with the Mitigation Measure and Reporting Plan ("MMRP") adopted via Resolution No. XXXX on XXXX, 2024 is incorporated by reference into this Agreement as if fully set forth. Failure to comply with the MMRP constitutes a material breach of this Agreement.

23. GREEN CONSTRUCTION. Developer agrees to analyze the feasibility of incorporating green construction practices, materials and features that are environmentally sustainable into new Project Buildings.

24. NEXUS/REASONABLE RELATIONSHIP CHALLENGES. Developer consents to and waives any rights it may have now or in the future to challenge the legal validity of, the conditions, requirements, policies or programs required by the Applicable Law or this Agreement including, without limitation, any claim that they constitute an abuse of the police power, violate substantive due process, deny equal protection of the laws, effect a taking of property without payment of just compensation, or impose an unlawful tax. Developer expressly waives all rights under Section 1542 of the California Civil Code which provides as follows:

GENERAL RELEASE – CLAIMS EXTINGUISHED: A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release and that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

25. OTHER GOVERNMENTAL PERMITS. Developer must apply in a timely manner for such other permits and approvals from other governmental or quasi-governmental agencies having jurisdiction over the Property as may be required for the development of, or provision of services to, the Project.

26. CONSTRUCTION AND FUNDING OF PROJECT FACILITIES AND INFRASTRUCTURE. Developer must construct or fund the construction of any Project Facilities and Infrastructure at the time such Project Facilities and Infrastructure are needed to satisfy the requirements of Applicable Law. Except as otherwise provided, Developer has no responsibility for the operation, maintenance, repair or replacement of Project Facilities and Infrastructure.

27. IMPROVEMENT SECURITY. To the extent any Project Facilities and Infrastructure are not financed by a State agency and are being constructed following approval of the relevant final subdivision map, Developer must provide appropriate improvement security pursuant to Government Code §§ 66499, *et seq.* Any such improvement security must be released in the manner provided by Government Code § 66499.7. City agrees to use reasonable efforts to ensure

the partial release of any improvement security provided by Developer upon the partial performance of the secured act or City's good faith acceptance of the secured Project Facilities and Infrastructure as completion of such improvements progresses.

28. DEDICATIONS. To the extent that rights-of-way or other interests in real property owned by Developer within the Property are needed for the construction, operation or maintenance of Project Facilities and Infrastructure, Developer must dedicate such right-of-way or other interest in real property to City (or other appropriate entity) at the time such land is actually needed for Project Facilities and Infrastructure. Any public improvements constructed by Developer and dedicated to City, and any right-of-way or other real property dedicated to City, will be dedicated free and clear of any liens unacceptable to the City. City must consider accepting each offer of dedication of the Project Facilities and Infrastructure required by this Agreement or Applicable Law within 60 days of such offer by Developer, provided that the applicable improvements are completed consistent with the Applicable Law. All other Developer offers of dedication required by this Agreement or the Project Approvals must be accepted by the City within a reasonable time, provided that the applicable improvements are completed consistent with Applicable Law.

29. REVIEW OF COMPLIANCE. City will conduct a review of this Agreement as set forth in the following subsections.

- A. Annual Review. City must review the extent of good faith compliance by Developer with the terms of this Agreement at least once every 12-month period from the Effective Date of this Agreement.
- B. Procedure. Such annual review must be conducted in accordance with the MPMC.
- C. Notice. City must notify Developer in writing of the date of review at least 30 days prior thereto.
- D. Good-faith Compliance. During each annual review, Developer is required to demonstrate good faith compliance with the material terms of this Agreement. Developer agrees to furnish reasonable evidence of good faith compliance as City, in the exercise of its reasonable discretion, may require. If requested by Developer, City agrees to provide to Developer, a certificate that Developer, or a duly authorized assignee, transferee or successor in interest, is in compliance with the terms of this Agreement, provided Developer reimburses City for all reasonable and direct costs and fees incurred by City with respect thereto.
- E. Production of Documents and Other Evidence. Developer agrees to furnish such reasonable evidence and adequate documentation of good faith compliance as City, in the exercise of its reasonable discretion, may require.
- F. Cost of Annual Review. The actual and reasonable costs incurred by City in connection with the annual review must be borne by Developer.
- G. Failure to Conduct Annual Review. City's failure to perform an annual review does

not constitute a Developer default.

- H. Special Reviews. In addition, the City Council may order a special periodic review of Developer's compliance with this Agreement at any time. The cost of such special reviews will be borne by City, unless such special review demonstrates that Developer is not acting in good faith compliance with the material provisions of this Agreement. In such cases, Developer must reimburse City for all actual and reasonable costs, direct and indirect, incurred in conjunction with the special review.
- I. Procedure for Review. The Director will conduct the review contemplated by this Section to ascertain whether Developer has reasonably complied in good faith with the material terms and conditions of this Agreement during the period for which the review is conducted. The Director will give Developer notice that any such review has been commenced, and give Developer at least 20 days after Developer's receipt of such notice to provide the Director such information as Developer deems relevant to such review. In addition, upon the written request of the Director, Developer must furnish such documents or other information as reasonably requested by the Director.
- J. Finding of Compliance. If, following such a review, the Director finds good faith compliance by Developer with the material terms and conditions of this Agreement, the Director will issue to Developer an executed certificate of compliance, certifying Developer's good faith compliance with the terms and conditions of this Agreement through the period of such review.
- K. Finding of Non-Compliance. If, following such a review, the Director finds that Developer has not complied in good faith with the material terms and conditions of the Agreement, the Director will provide notice to Developer detailing such non-compliance. Upon receipt of such notice, Developer (or a Mortgagee, if any, as provided in Section 30.B) may commence to cure the stated non-compliance in accordance with the terms of this Agreement. If Developer (or a Mortgagee, if any) fails to cure the non-compliance pursuant to the terms of this Agreement, the Director must notify the City Council that the Agreement be terminated. Developer (or a Mortgagee, if any) may dispute any such claim of non-compliance or failure to cure at a public hearing before such termination.
- L. Effect on Default Procedures. Nothing in this Section may be interpreted to prevent City from providing Developer (and any Mortgagee that has requested such notice pursuant to Section 30.B) with a notice of default hereunder at any time, including any time other than during a periodic review under this Section, or from terminating this Agreement pursuant to the provisions of this Agreement.

30. MORTGAGES.

- A. Mortgagee Protection. No breach of this Agreement will defeat, render invalid,

diminish or impair the lien of any Mortgage and any acquisition or acceptance of title or any right or interest in or with respect to the Property or any portion thereof pursuant to a Mortgage, foreclosure, trustee's sale, deed in lieu of foreclosure or otherwise is subject to all of the terms and conditions contained in this Agreement and entitled to all of its benefits. City may not unreasonably withhold its consent to any such requested interpretation or modification provided such interpretation or modification is consistent with the intent and purposes of this Agreement and does not, in City's sole determination, diminish City's benefits in this Agreement or the security for those benefits.

- B. Notice of Default to Mortgagee: Right of Mortgagee to Cure. If City receives notice from a Mortgagee requesting a copy of any notice of default given hereunder and specifying the address for service thereof, and the Mortgagee has recorded a copy of such request in the official records of Los Angeles County in the manner required under Civil Code § 2924b with respect to Requests for Notices of Default, then City must deliver to such Mortgagee, concurrently with service thereon to the applicable Party, any notice given to the applicable Party with respect to any claim by such Party that it has not complied in good faith with the material terms of this Agreement or has committed an event of default. Each Mortgagee has the right (but not the obligation) for a period of 90 days after the receipt of such notice from such Party to cure or remedy, or to commence to cure or remedy, the claimed default or act of noncompliance set forth in such Party's notice. If the default is of a nature which can only be remedied or cured by such Mortgagee upon obtaining possession, such Mortgagee may (but is not obligated to) seek to obtain possession with diligence and continuity through foreclosure, a receiver or otherwise, and may (but is not obligated to) thereafter remedy or cure the default or noncompliance within 30 days after obtaining possession. If any such default or noncompliance cannot, with diligence, be remedied or cured within such 30-day period, then such Mortgagee may have such additional time as may be reasonably necessary to remedy or cure such default or noncompliance if such Mortgagee commences cure during such 30 day period, and thereafter diligently pursues and completes such cure.
- C. Liability for Past Defaults and Obligations. Subject to the foregoing, any Mortgagee, including the successful bidder at a foreclosure sale, who comes into possession of the Project or the Property or any part thereof pursuant to foreclosure, eviction or otherwise, will take such property subject to the terms of this Agreement and in no event will any such property be released from any obligations associated with its use and development under the provisions of this Agreement. Nothing prevents City from exercising any remedy it may have for a default under this Agreement.
- D. Bankruptcy. Notwithstanding the foregoing provisions of this Section 9, if any Mortgagee is prohibited from commencing or prosecuting foreclosure, or other appropriate proceedings in the nature thereof, by any injunction issued by any court or by reason of any action by any court having jurisdiction of any bankruptcy or

insolvency proceeding involving Developer, the times specified in Section 30.B for commencing or prosecuting foreclosure or other proceedings will be extended for the period of the prohibition.

31. DEFAULT AND REMEDIES.

- A. Notice and Cure. In the event of failure by any Party substantially to perform any material terms, covenant or condition of this Agreement, which is required on its part to be performed, the non-defaulting Party has those rights and remedies provided in this Agreement, provided that such non-defaulting Party has first sent a notice of default, identifying with specificity the nature of the alleged default.
- B. Time to Cure. In the case of a monetary default by Developer, Developer must promptly commence to cure the identified default and must complete the cure of such default within 20 business days after receipt by Developer of the notice of default. In the case of a non-monetary default by either Party, the alleged defaulting Party must promptly commence to cure the identified default and complete the cure within 60 days after receipt of the notice of default. The 60-day cure period for a non-monetary default will be extended as is reasonably necessary to remedy such default, provided that the alleged defaulting Party commences such cure promptly after receiving the notice of default and continuously and diligently pursues such remedy at all times until such default is cured.

32. REMEDIES FOR MONETARY DEFAULT. In the event of default by Developer in the performance of any of its monetary obligations under this Agreement which remains uncured 20 business days after receipt by Developer of a notice of default from City and after expiration of Mortgagee's cure period (if a Mortgagee of Developer has delivered a Request for Notice to City), City has available any right or remedy provided in this Agreement, at law or in equity. All of said remedies are cumulative and not exclusive of one another, and the exercise of any one or more of said remedies does not constitute a waiver or election in respect to any other available remedy.

33. REMEDIES FOR NON-MONETARY DEFAULT. In the event of non-monetary default by either Party hereunder which remains uncured (i) after expiration of all applicable notice, cure periods and other conditions contained in Section 31.B above, and (ii) in the case of a default by Developer, in addition to the foregoing and after the expiration of Mortgagee's cure period (if a Mortgagee of Developer has delivered a Request for Notice to the City), the non-defaulting Party has available any right or remedy provided in this Agreement, or provided at law or in equity, except as prohibited by this Agreement. All of said remedies are cumulative and not exclusive of one another, and the exercise of any one or more of said remedies does not constitute a waiver or election in respect to any other available remedy.

- A. City and Developer acknowledge that monetary damages and remedies at law generally are inadequate and that specific performance, including injunctive relief is an appropriate remedy for the enforcement of this Agreement. Therefore, the remedy of specific performance, including injunctive relief, is available to both City and Developer under this Agreement in the event of a non-monetary Default.

- B. City does not have the right to sue for monetary damages as a result of a non-monetary default under this Agreement. Developer does not have the right to sue for monetary damages for any default under this Agreement.

34. **TERMINATION OF AGREEMENT BY CITY.** If City (a) finds and determines, on the basis of substantial evidence, that Developer has not been in good faith compliance with the material terms and conditions of this Agreement, or City finds and determines that there has been a default by Developer of its obligations under this Agreement; and (b) City provided notice and Developer (or a Mortgagee, if applicable) has not cured such default within the applicable cure period, City may commence proceedings to terminate this Agreement. The procedures for termination of this Agreement by City are as follows:

- A. City must provide notice to Developer (and to any Mortgagee of Developer which has delivered a Request for Notice to City) of its intention to terminate this Agreement. The notice must contain the time and place of a public hearing to be held by the City Council on the determination of City to proceed with termination or modification of this Agreement. The public hearing may not be held earlier than: (i) 31 days after delivery of the notice to Developer, or (ii) if a Mortgagee has delivered a Request for Notice, the day following the expiration of the Mortgagee's cure period.
- B. If, following the conclusion of the public hearing, the City Council: (i) determines that Developer is in default of its obligations under this Agreement beyond the applicable rights, remedies and cure periods set forth in this Agreement or has not been in good faith compliance with this Agreement, as applicable, beyond the applicable rights, remedies and cure periods set forth therein; and (ii) further determines that Developer (or the Mortgagee, if applicable) has not cured the acts or omissions that constitute the basis of the determination under subsection (i) or, if those acts or omissions could not be reasonably remedied before the public hearing, that Developer (or the Mortgagee) has not in good faith commenced to cure or correct such acts or omissions before the public hearing or is not diligently and continuously proceeding therewith to completion, the City Council may terminate this Agreement.

35. **TERMINATION OF AGREEMENT BY DEVELOPER.** In the event that (i) City breaches this Agreement and has not cured such default within the applicable cure period, or (ii) as otherwise permitted under this Agreement, Developer may terminate this Agreement by providing notice to City. Termination is effective upon City's receipt of Developer's notice.

36. **REQUIRED ACTIONS OF PARTIES; FURTHER ASSURANCES.** City and Developer must execute all such instruments and documents and take in good faith all actions necessary or convenient to consummate the actions herein contemplated.

37. **ASSIGNMENT.** Developer may transfer or assign its rights under this Agreement in whole or in part to any person acquiring all or any portion of the Property and provide notice of such

assignment to City. The terms, covenants, and conditions of this Agreement are binding upon any transferee whether or not such an assignment and assumption agreement is signed by the assignee upon acquiring the Property. Express assumption of Developer's obligations under this Agreement by any such transferee or assignee releases Developer from the obligations so assigned, and City will look solely to the transferee or assignee for performance of the assigned obligations under this Agreement.

38. NEGATION OF AGENCY. Each Party is an independent contracting entity with respect to the terms, covenants and conditions contained in this Agreement. No partnership, joint venture or other association of any kind is formed by this Agreement. The only relationship between City and Developer is that of a government entity regulating the development of private property by the owner of such property.

39. CONSIDERATION. City and Developer acknowledge and agree that there is good, sufficient and valuable consideration flowing to City and to Developer pursuant to this Agreement and more particularly set forth in the Recitals of this Agreement. The Parties further acknowledge and agree that the exchanged consideration hereunder is fair, just, and reasonable.

40. RECORDATION. As provided in Government Code § 65868.5, the City Clerk must record a copy of this Agreement with the Registrar-Recorder of the County of Los Angeles within 10 days following execution by both Parties. Developer must reimburse City for all costs of such recording, if any.

41. NOTICES. All notices under this Agreement must be in writing and are effective when personally delivered or upon receipt after deposit in the United States mail as registered or certified mail, postage prepaid, return receipt requested, to the following representatives of the Parties at the addresses indicated below or to such other addresses as one Party may provide to the other from time to time:

If to the City:

City of Monterey Park
320 West Newmark Avenue
Monterey Park, CA 91754
Attention: City Manager

With a copy to:

Burke, Williams & Sorensen, LLP
444 South Flower Street, Suite 2400
Los Angeles, CA 90071-2953
Attention: Karl H. Berger, Esq.

If to Developer:

Monterey Park Retail Partners, LLC
1260 Stelton Road
Piscataway, NJ 08854
Attn: Jack Morris

With a copy to:

The Weingarten Law Firm, LLC
1260 Stelton Road
Piscataway, NJ 08854
Attn: Sheryl Weingarten, Esq.

and

Monterey Park Retail Partners, LLC
160 Essex Street
Lodi, NJ 07644
Attn: Joseph Marino

42. AMENDMENT OR CANCELLATION.

- A. Amendment by Mutual Consent. This Agreement may be amended from time to time by mutual written consent of the original parties or their successors in interest, with City's actual and reasonable costs payable by amendment applicants, in accordance with the provisions of Government Code §§ 65867 and 65868 and provided that: (i) any amendment to this Agreement which does not relate to the term, permitted uses, density or intensity of use, height or size of buildings, provisions for reservation and dedication of land, conditions, terms, restrictions and requirements relating to subsequent discretionary actions, monetary contributions by Developer or any conditions or covenants relating to the use of the Property, does not require notice or public hearing before the parties may execute an amendment hereto; and (ii) any other amendment of this Agreement will follow the MPMC.
- B. Amendment Exemptions. It is contemplated by City and Developer that Developer may, from time to time, seek amendments to one or more of the Conditions of Approval and Future Conditions of Approval. Any such amendments are contemplated by City and Developer as being within the scope of this Agreement as long as they are consistent with the Applicable Law and will, upon approval by City, continue to constitute the Conditions of Approval as referenced herein. The parties agree that any such amendments do not constitute an amendment to this Agreement nor require an amendment to this Agreement.
- C. Amendment of Development Permits. Upon the written request of Developer, any Development Approval, including the Vesting Map may from time to time be amended or modified in the manner set forth in this Agreement, the Applicable Law and applicable State laws.

43. WAIVER. No waiver of any provision of this Agreement is effective unless in writing and signed by a duly authorized representative of the Party against whom enforcement of a waiver is sought and referring expressly to this Section. No waiver of any right or remedy in respect of any occurrence or event is deemed a waiver of any right or remedy in respect of any other occurrence of event.

44. SUCCESSION AND ASSIGNS. The provisions of this Agreement are binding upon and inure to the benefit of the Parties, and any subsequent owners of all or any portion of the Property and their respective successors and assigns. Any successors in interest to City are subject to the provisions set forth in Government Code §§ 65865.4 and 65868.5.

45. INTERPRETATION AND GOVERNING STATE LAW. This Agreement and any dispute arising hereunder are governed and interpreted in accordance with the laws of the State of California. This Agreement must be construed as a whole according to its fair language and common meaning to achieve the objective and purposes of the Parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting party may not be employed in interpreting this Agreement, both Parties having been represented by counsel in the negotiation and preparation hereof. All legal actions brought to enforce the terms of this Agreement must be brought and heard in the Superior Court of the State of California, County of Los Angeles.

46. CONSTRUCTIVE NOTICE AND ACCEPTANCE. Every person who, now or hereafter, owns or acquires any right, title or interest in or to any portion of the Property is conclusively deemed to have consented and agreed to every provision contained herein, whether or not any reference to this Agreement is contained in the instrument by which such person acquired an interest in the Property.

47. NO THIRD PARTY BENEFICIARIES. This Agreement is made and entered into for the sole protection and benefit of the Parties and their mortgagee(s), successors and assigns. No other person or entity has any right of action based upon any provision of this Agreement.

48. COUNTERPARTS. This Agreement may be executed in two or more identical counterparts, each of which is deemed to be an original and each of which is deemed to be one and the same instrument when each Party signs each such counterpart.

49. INCORPORATION OF ATTACHMENTS. All recitals and attachments to this Agreement, including all Exhibits referenced herein, and all subparts thereto, are incorporated by this reference.

50. DETERMINATIONS. Whenever in this Agreement the consent or approval of any Party to this Agreement is required, such consent or approval may not be unreasonably withheld, conditioned, or delayed. In addition, unless a contrary standard or right is set forth herein, whenever any Party is granted a right to take action, exercise discretion, or make an allocation, judgment or other determination, each Party must act reasonably, in good faith and in accordance with the requirements of this Agreement.

51. HOLD HARMLESS AGREEMENT.

- A. Developer hereby agrees to, and must defend, save and hold City and its elected and appointed boards, commissions, officers, agents, and employees harmless from, any and all claims, costs and liability for any damages, personal injury or death, which may arise, directly or indirectly, from Developer's or Developer's

contractors', subcontractors', agents or employees' operations under this Agreement, whether such negligent operations be by Developer or by any of Developer's contractors, subcontractors, agents or employees. The foregoing hold harmless provision does not apply to any claims, costs or liability arising from the negligence or willful misconduct of City or City's contractors, subcontractors, agents or employees.

- B. Developer agrees to indemnify and hold City harmless from and against any claim, action, damages, costs (including, without limitation, reasonable attorney's fees), injuries, or liability, arising from City's approval of the Project, this Agreement, and all procedures with approving this Agreement (collectively, "Project Approvals"). Should City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the Project Approvals, Developer agrees to defend City (at City's request and with counsel satisfactory to City) and will indemnify City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this Section "City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees. This defense and indemnification obligation specifically excludes any claims arising from City's negligence or willful actions or omissions and any claims arising from the sole negligence or willful actions or omissions of the Oil Site Custodial Trust ("Trust") related to existing and ongoing environmental remediation of the Property or actions taken in furtherance of the Trust's duty to maintain and keep safe the Property before the time that Developer took possession or control of all or a portion of the Property.
- C. This indemnification, hold harmless and defense requirement survives termination of this Agreement.
- D. Absent a court order, the filing of any lawsuit(s) by a third party (not a Party to this Agreement) after the Effective Date against City and/or Developer relating to this Agreement or to other development issues affecting the Project does not delay or stop City's processing or issuing any permit or authorization necessary for development of the Project, unless City in good faith determines that such delay is legally required or could potentially subject the City to monetary damages.

52. ESTOPPEL CERTIFICATE. Either Party may, at any time, and from time to time, (but not more frequently than two times in any calendar year) deliver notice to the other Party requesting such party to certify in writing that, to the knowledge of the certifying Party, (i) this Agreement is in full force and effect and a binding obligation of the Parties, (ii) this Agreement has not been amended or modified either orally or in writing, or if so amended, identifying the amendments, and (iii) the requesting Party is not in default in the performance of its obligations under this Agreement, or if in default, to describe therein the nature and amount of any such defaults. A Party receiving a request hereunder must execute and return such certificate or give a written detailed response explaining why it will not do so within 30 days following the receipt thereof. Each Party acknowledges that such a certificate may be relied upon by third parties acting in good faith. A certificate provided by City establishing the status of this Agreement with respect to the Property

will be in recordable form and may be recorded with respect to the affected parcels at the expense of the recording Party. Failure to deliver such a certificate or a written denial within the time specified above constitutes a rebuttable presumption against the Party failing to provide the certificate that this Agreement is in full force and effect, without modification, except as may be represented by the requesting Party; and that there are no uncured defaults in the performance of the requesting Party except as may be so represented. All costs incurred in providing the notice(s) anticipated by this Section 52 including reasonable attorney's fees are borne by the requesting Party.

53. **AUTHORIZED DELAYS.** Performance by any Party of its obligations hereunder is excused during any period of Excusable Delay, as hereinafter defined, provided that the Party claiming the delay gives notice of the delay to the other Parties within 30 days after the commencement of same has been ascertained. For purposes hereof, "**Excusable Delay**" means delay that directly affects, and is beyond the reasonable control of, the Party claiming the delay including, without limitation: (a) pandemic, (b) civil commotion or act(s) of terrorism; (c) riot; (d) strike, picketing or other labor dispute; (e) shortage of materials or supplies; (f) damage to work in progress by reason of fire, flood, earthquake or other casualty; (g) failure, delay or inability of City to provide adequate levels of public services, facilities or infrastructure to the Property including, by way of example only, the lack of water to serve any portion of the Property due to drought; (h) delay caused by governmental entities; or (i) litigation brought by a third party attacking the validity of this Agreement, Applicable Law, or any other action necessary for development of the Project. Except for an Excusable Delay under clause (i) above, the payment of fees or monies by Developer under this Agreement is not excused or delayed during any period of Excusable Delay. The condition of the world, country, state or local economy does not constitute an Excusable Delay.

54. [Reserved]

55. **ENFORCEABILITY OF AGREEMENT.** City and Developer agree that unless this Agreement is amended or terminated pursuant to the provisions of this Agreement and the Applicable Law, this Agreement is enforceable by any Party hereto notwithstanding any change hereafter in any Applicable Law adopted by City which change, alter or amend the Applicable Law governing the development of the Property as of the Effective Date, as provided by Government Code §§ 65866 and 65867.5, unless City determines that the failure to apply such change would place the residents of City in a condition dangerous to their health or safety, or both. This Agreement does not prevent City from denying or conditionally approving any subsequent development project application by a third party not a successor-in-interest hereto on the basis of such existing or new rules, regulations and policies.

56. **SINGULAR AND PLURAL; GENDER.** Except where the context requires otherwise, the singular of any word includes the plural and vice versa, and pronouns inferring the masculine gender includes the feminine gender and vice versa.

57. **ENFORCEMENT OF COVENANTS.** All of the provisions of this Agreement are enforceable as equitable servitudes and constitute covenants running with the land pursuant to applicable law, including without limitation, Civil Code §1468.

58. ADMINISTRATION OF AGREEMENT. Any decision by City concerning the interpretation and administration of this Agreement and development of the Property in accordance herewith may be appealed by Developer to the City Council in accordance with the MPMC. Developer may not seek judicial review of any administrative decision without first having exhausted its remedies pursuant to this Section.

59. SEVERABILITY. If any article, section, subsection, term or provision of this Agreement, or the application thereof to any party or circumstance, to any extent, is invalid or unenforceable, the remainder of the article, section, subsection, term or provision of this Agreement, or the application of the same to parties or circumstances other than those to which it is held invalid or unenforceable, will not be affected thereby, and each remaining article, section, subsection, term or provision of this Agreement is valid and enforceable to the fullest extent permitted by law.

60. ENTIRE AGREEMENT. This Agreement supersedes any prior understanding or written or oral agreements between the Parties hereto respecting the within subject matter and contains the entire understanding between the Parties with respect thereto.

61. ELECTRONIC SIGNATURES. This Agreement may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

62. AUTHORIZATION. Each person executing this Agreement represents and warrants that he or she is authorized and has the legal capacity to execute and deliver this Agreement on behalf of the Party for which execution has been made.

63. RESERVATION OF RIGHTS. Nothing contained in this Agreement limits, waives, or conflicts with Developer's rights and remedies provided by applicable State housing and development laws, including but not limited to the Permit Streamlining Act, Subdivision Map Act, Housing Crisis Act, and the Housing Accountability Act (collectively, "State Housing Laws"). Developer voluntarily, knowingly, and intelligently consents to this Agreement under protest.

CITY

CITY OF MONTEREY PARK,
A municipal corporation

By: _____

Title:

Dated:

ATTEST:

Maychelle Yee, City Clerk

APPROVED AS TO FORM:

Karl H. Berger, City Attorney

DEVELOPER

THE COMMONS OF MPK, LLC
a California limited liability company

By: _____

Title:

Dated:

APPROVED AS TO FORM:

By:

<Developer Legal Counsel>

EXHIBIT "A"
LEGAL DESCRIPTION OF PROPERTY
(Per Title Report)

Real property in the City of Monterey Park, County of Los Angeles,
State of California, described as follows:

Parcel 1:

Lot 8 in Block "O" Tract No. 786, in the City of Monterey Park, County of Los Angeles, State of California, as per Map recorded in Book 16 Pages 58 and 59 of Maps, in the Office of the County Recorder of said County.

Parcel 2:

The South 63.5 feet of Lot 7 Block "O" of Tract 786 in the City of Monterey Park, County of Los Angeles, State of California, as per Map recorded in Book 16, Pages 58 and 59 of Maps in the Office of the County Recorder of said County.

Parcel 3:

The North half of Lot 9, in Block "O", of Tract 786, in the City of Monterey Park, County of Los Angeles, State of California, as per Map recorded in Book 16, Pages 58 and 59 of Maps, in the Office of the County Recorder of said County

APNs: 5259-004-037, 5259-004-036, 5259-004-038

RESOLUTION NO.

A RESOLUTION OF THE MONTEREY PARK CITY COUNCIL APPROVING TENTATIVE MAP NO. 84188 (TM-23-05) TO ALLOW THE SUBDIVISION FOR 64 CONDOMINIUM UNITS AND ADOPTING MITIGATED NEGATIVE DECLARATION STATE CLEARING HOUSE NUMBER 2024051026 FOR REAL PROPERTY LOCATED AT 338-410 S. ALHAMBRA AVENUE (ASSESSOR'S PARCEL NUMBERS 5259-004-036, 5259-004-037, AND 5259-004-038)

BE IT RESOLVED by the Council of the City of Monterey Park as follows:

SECTION 1: The City Council finds as follows:

- A. The Commons of MPK, LLC ("Developer") submitted development applications including TM-23-05, DRB-23-105, and DA-23-03 to develop a 64-unit condominium development to enter into a development agreement with the City of Monterey Park at 338-410 Alhambra Avenue (the "Project Site").
- B. The City Planner reviewed the project pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, et seq., "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, et seq., the "CEQA Guidelines"). CEQA and the CEQA Guidelines are collectively referred to as "CEQA Regulations."
- C. On August 27, 2024, the Planning Commission conducted a duly noticed public hearing to assess the proposed development in TM-23-05, DRB-23-105, and DA-23-03, considered all oral and written evidence, and adopted Resolution No. _____ recommending that the City Council adopt this Ordinance.
- D. The City completed its review and scheduled a public hearing regarding the proposed Project, before the City Council on May 23, 2024. Notice of the public hearing on the proposed Project was duly given as required by law.
- E. On June 18, 2024, the City Council opened the public hearing, closed the public hearing and remanded the Project to the Planning Commission for further study.
- F. This Ordinance and its findings are made based upon the evidence presented to the City Council at its June 18, 2024, Special Meeting, the Planning Commission at its August 27, 2024, regular meeting, and the City Council at its _____ 2024, regular meeting, including, without limitation, the staff report submitted by the City Planner.

SECTION 2: *Factual Findings and Conclusions.* The City Council finds that the following facts exist:

- A. The proposed project includes: (1) demolition of 16 existing residential units (15 habitable units) at 338-410 Alhambra Boulevard, Monterey Park, CA 91755 (the "Project Site"); and (2) consolidating 3 existing lots into one lot which will be approximately 75,358.8 square feet (1.73 acres) and subdividing air rights for 64 condominium units, including 7 units affordable to very-low-income households, within 2 of new buildings (collectively "the Project").
- B. The Project Site is zoned R-3 (High-Density Residential) and has a General Plan designation of High Density Residential.
- C. The Project Site is accessible from S. Alhambra Avenue, a 70'- 0" wide right-of-way minor arterial street. A Project Transportation Study Screening Assessment was prepared for the Project which indicates that the Project will generate approximately 438 daily vehicle trips, including 26 vehicle trips during the AM peak hour and 33 vehicle trips during the PM peak hour.
- D. The Project Site is bound in all directions by a mix of single family and multifamily uses.
- E. The Project is compatible with the existing uses in the vicinity, which include multifamily uses at similar densities.
- F. The Project will be designed with a contemporary architectural style, with simple building forms, clean lines, and a flat roof. The use of various building materials such as stucco wall finishes, concrete, wood siding, and dark trim windows will create visual interest with front architectural features, incorporating various building material on all four sides of the buildings.
- G. The Project, containing market-rate and affordable residential units, will help meet the City's Regional Housing Needs Assessment ("RHNA") allocation of 5,267 residential units for the 8-year planning period between 2021-29.

SECTION 3: *Environmental Review Findings.* The City reviewed the environmental impacts of the proposed Ordinance pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, et seq. "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et seq., the "CEQA Guidelines"). The City Council finds as follows:

- A. An Initial Study of Environmental Impacts ("IS") and Mitigated Negative Declaration ("MND") were prepared for the Project pursuant to CEQA Guidelines § 15063.

- B. Pursuant to CEQA Guidelines § 15070 (b), a mitigated negative declaration is deemed appropriate if it is determined that though a project could result in a significant effect, mitigation measures are available to reduce these significant effects to less than significant levels. Pursuant to the MND, recommended mitigation measures are provided for Air Quality (Section 4.3), Biological Resources (Section 4.4), Cultural Resources (Section 4.5), Geology and Soils (Section 4.7), and Noise (Section 4.13).
- C. The IS and MND were made available to the public for review and comment from Thursday, May 23, 2024, and Tuesday, June 12, 2024.
- D. A duly noticed public hearing was held by the City Council on _____, 2024, at which time evidence was heard on MND and staff report. At the hearing, the City Council fully reviewed and carefully considered the MND, together with any comments received during the public review period, and determined that the MND was consistent with CEQA.
- E. When considering the whole record for the IS and MND, 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 and includes appropriate mitigation measures.
- F. Accordingly, based upon the evidence presented to the City Council, the City need not prepare an environmental impact report for the proposed project. Consequently, the City Council adopts the draft MND.

SECTION 4: Notice of Determination. The City Manager, or designee, is directed to file a Notice of Determination in accordance with CEQA §§ 21152, 21167(f); CEQA Guidelines § 15094; and any other applicable law.

SECTION 5: General Plan and Zoning. The Project conforms to the City's General Plan, and Title 21 (Zoning) of the MPMC, including, without limitation, as follows:

- A. Policy 6.4 – to support policies that facilitate and incentivize development of affordable housing units, such as development bonus programs.
- B. Policy 8.5 – to require new development to provide engaging, well-landscaped outdoor spaces that invite and support outdoor activities.
- C. Policy 8.6 – to minimize the street presence and visibility of parking facilities from public streets and neighboring properties.
- D. Policy 9.1 – to create homeownership opportunities by encouraging development of smaller scale, for-sale units such as condominiums, townhomes, and duplexes.

- E. MPMC section 21.08.010—to promote the overall improvement of all residential areas as well as provide regulations for the safe, efficient and creative design of the residential areas within the City. The zoning districts are intended to be consistent with the land use designations of the General Plan and serve as the primary tool of implementation of land use policy.

SECTION 6: Tentative Map Findings. Pursuant to MPMC section 20.04.080 and Government Code section 66474, the City Council finds that none of the mandatory findings for denial are present with this Project. Further pursuant to MPMC section 20.04.070, the City Council finds that the proposed subdivision is:

- A. Consistent with the Monterey Park General Plan as stated in Section 5 of this Resolution.
- B. Not located within any specific plan or planned development.
- C. Consistent with the provisions of MPMC section 20.04.070(a)(3) because the proposed subdivision is consistent with the provisions in this code, including development standards in MPMC Chapter 21.08 for the R-3 zone and use of the MPMC Chapter 21.18, Affordable Housing Incentives – Density Bonus related to parking, open space, setbacks, and landscaping which will help create affordable housing opportunities.
- D. In the interest of public health and safety in that, the project is not detrimental to, the surrounding land uses and improvements as it provides an appropriate visual appearance, and contributes to the City’s housing stock in an existing high-density residential neighborhood, further the site will be fully served by all utilities.
- E. A necessary prerequisite to the orderly development of the surrounding area by providing a well-designed project that is suitable for the location where it is proposed and the surrounding land uses including single and multi-family residential development in the vicinity of this site.

SECTION 7: Design Review Findings. Pursuant to MPMC section 21.36.060, the City Council finds as follows:

- A. The architecture and mass of new buildings and structures and modifications of existing buildings and structures are compatible and in keeping with the character of the neighborhood and not detrimental to the general welfare of the neighborhood in which they are located.

The proposed project’s architecture and mass of buildings and structures are compatible and in keeping with the character of the neighborhood and not detrimental to the general welfare of the neighborhood, in that the design of the buildings include recessed doorways, balconies, accent walls, and wall offsets

that help to break up the massing of the buildings. The transition between the row of townhomes and the larger condo building in the rear also provides for the gradual transition to a higher density development as allowed by the Zoning Code and Density Bonus.

- B. The design and architecture reflects the values of the community; enhances the surrounding environment; and harmonizes with its surroundings.

The proposed project's architecture includes a contemporary style of architecture, combining clean lines, simple building forms such as a flat roof with a parapet, a mix of wall finishes including stucco finishes, concrete accent walls, wood siding, and windows with dark trims which reflects the values of the community, enhances the surrounding environment and harmonizes with its neighborhood surroundings.

- C. The landscaping provides a visually pleasing setting for structures on the site.

The proposed project's landscaping will provide a visually pleasing setting for structures on the site as the preliminary landscape plans include a mix of plant materials that include various heights and types of landscaping.

- D. The design, quality, and location of signs are consistent with the character and scale of the structures to which they are attached and are visually harmonious with surrounding development.

The proposed project does not include signs, which is consistent in character with the residential neighborhood. The lack of signs within the project and the neighborhood will maintain the visual harmony within the surrounding development.

SECTION 8: Adoption and Approval. Based on the foregoing, the City Council adopts the MND and approves TM, and DR, subject to conditions in the attached Exhibit A which are incorporated by reference. The MND is set forth in the attached Exhibit "B" which is incorporated by reference.

SECTION 9: Construction. This Resolution must be broadly construed in order to achieve the purposes stated in this Resolution. It is the City Council's intent that the provisions of this Resolution be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Resolution.

SECTION 10: Reliance on Record. Each and every one of the determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the matter. The determinations constitute the independent findings and determinations of the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 11: *Limitations.* The City Council' s analysis and evaluation of this matter is based on the best information currently available. It is inevitable that in evaluating the matter that absolute and perfect knowledge of all possible aspects of the matter will not exist. One of the major limitations on analysis of the matter 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 in 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 12: *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 13: *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 14: *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 15: *Effective Date.* This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

SECTION 16: The City Clerk is directed to mail a copy of this Resolution to any other person requesting a copy.

SECTION 17: The Mayor, or presiding officer, is hereby authorized to affix its signature to this Resolution signifying its adoption by the City Council of the City of Monterey Park, and the City Clerk, or her duly appointed deputy, is directed to attest.

(Mayor signature and attestation must be on the same page.)

PASSED AND ADOPTED this ____ day of _____, 2024.

Thomas Wong, Mayor

Attest:

Maychelle Yee, City Clerk

Approved as to Form:

Karl H. Berger, City Attorney

Exhibit A

CONDITIONS OF APPROVAL

338 – 410 S. ALHAMBRA AVENUE (the “Subject Property”)

In addition to all applicable provisions of the Monterey Park Municipal Code (“MPMC”), The Commons of MPK, LLC (the “Permittee”), agrees to comply with the following conditions of approval (“Project Conditions”) for Tentative Map No. 84188 (“TM-23-05”), and Design Review (“DRB-23-105”).

Unless the contrary is stated or clearly appears from the context, the construction of words and phrases used in the Project Conditions use the definitions set forth in the MPMC.

STANDARD PROJECT CONDITIONS:

1. The Subject Property must be developed and/or used in the manner requested and must be in substantial conformity with the submitted plans date-stamped August 2, 2024, 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 the Project Conditions, are binding upon Permittee’s successors in interest. The Project Conditions may be modified, terminated, or abandoned in accordance with applicable law including, without limitation, the MPMC.
3. Any proposed deviations from the Exhibits, Project Description or Project Conditions must be submitted to the City Planner, or designee. The City Planner may approve minor deviations and may refer any and/or all proposed deviations to the City Council for review, evaluation, and approval or denial. Any unapproved deviation from this Resolution is a violation of these Project Conditions.
4. When exhibits and/or Project Conditions conflict, the written Project Conditions prevail.
5. The approvals conferred by this Resolution will be suspended for the 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 Permittee must comply with all requirements of this Resolution, the MPMC, policies, and regulations of any State, Federal or local agency with jurisdiction over the Project, and any other applicable law.

7. The Permittee must sign these Project Conditions, as set forth below, to acknowledge acceptance, within 30 days from the date of approval by the City Council.
8. This decision is not effective until the Permittee acknowledges acceptance of all Project 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 Permittee acknowledges agreement with the Project Conditions.
9. 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 including, without limitation, omission, dimensions, scale, use, colors, materials, encroachments, easements, etc., will render entitlements granted by this approval null and void. Construction must cease until all requirements of this approval are complied with. Development entitlements may be withheld until violations of the MPMC are abated.
10. The Permittee must contact the City Planner, or designee, to arrange one or more site inspections as necessary to ensure that Permittee has complied with all Project Conditions before exercising any of the rights conferred by this Resolution.
11. The Permittee must reimburse the city for all attorneys' fees expended by the City that are related to the processing of this Project. All attorneys' fees must be paid before commencement of the rights conferred by this Resolution.
12. The Permittee'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 approval. The City may, in accordance with applicable law, undertake actions and incur costs that may be required to effect compliance. All such costs including, without limitation, attorney's fees, must be reimbursed by the Permittee or current property owners in accordance with applicable law.
13. The Permittee must comply with all conditions of approval related to the Project before the City will issue a certificate of occupancy.
14. All conditions of approval must be superimposed on the construction drawings submitted for which a building permit is issued.
15. The Permittee 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-23-05, and DRB-23-105 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-23-05, or DRB-23-105 the Permittee 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.

PLANNING:

16. Permittee must revise the architectural plans dated August 2, 2024, to reflect electric vehicle charging consistent with public benefits as detailed in the Development Agreement.
17. All mitigation measures contained within the final Mitigated Negative Declaration are incorporated by reference into these Project Conditions.
18. The Permittee must prepare and submit covenants, conditions and restrictions (“CC&R”), for review and approval by the City Attorney, ensuring the continued affordability of the seven dwelling units designated for very-low-income households for a minimum period of 55 years.
19. The Permittee must install signage throughout the Subject Property to prevent unpermitted parking of vehicles in drive aisles, fire lanes, and to prevent overnight parking of unauthorized vehicles.
20. The Permittee must incorporate enhancements to the central courtyard portion of the Project to include barbecue areas and shaded areas, to the satisfaction of the City Planner.
21. Landscaping/irrigation must be maintained in good condition at all times as determined by the City Planner, or designee.
22. All planting and irrigation systems must be installed and fully operational before the issuance of final certificates of occupancy. The Permittee must provide the City Planner, or designee, a self-certification for the installation of landscape by a State licensed Landscape Architect.
23. A final map must be approved and recorded before the City issues a certificate of occupancy for any portion of the Project.
24. All enclosed garage spaces must be used for off-street parking only. This condition must be included in the CC&Rs recorded for the Subject Property.
25. The Permittee must keep the Subject Property in a clean and safe condition by, at a minimum, performing all of the following tasks:
 - a. Properly removing, storing, and disposing all trash, litter, rubbish and debris on the Subject Property.
 - b. Removing graffiti on the Subject Property within forty-eight hours of its occurrence;

- c. Keeping driveways, sidewalks, park strips, fire access roads and streets on or adjacent to the Subject Property clear and clean; and
- d. Providing adequate lighting on the Subject Property.

FIRE:

- 26. Fire Flow Verification. Before Fire Department approval and/or map recordation, the Permittee must provide to the Fire Department verification from the water purveyor that the water purveyor can provide the required fire flow. Such verification must be no older than six months.
- 27. In the event of any loss of power, all access gates across roadways or entrances to facilities must fail in the unlocked/open position, as applicable.
- 28. Fire protection plans (fire sprinklers, fire alarm, fire suppression systems, smoke alarm systems, standpipe systems, and fire hydrants) and emergency responder radio coverage, must be approved before the issuance of any building permits.
- 29. The Permittee is responsible for the development, implementation and maintenance of an approved, written safety plan establishing a fire prevention program at the Subject Property applicable throughout all phases of the construction work.

ENGINEERING:

- 30. The Permittee 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 \$187 cash deposit is to 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's Office 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 \$187 cash deposit.
- 31. The Permittee must provide written documentation evidencing 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.
- 32. Permittee agrees to pay City any development impact fees ("DIFs") that may be applicable to the Project. Permittee 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.*). Permittee is informed that it may protest DIFs in accordance with Government Code 66202.

33. For any future subdivision and or development, pursuant to the Los Angeles County Municipal "National Pollutant Discharge Elimination System ("NPDES") Permit," under which the City of Monterey Park is a permittee, that involves the disturbance of soils by grading, clearing and/or excavation, the Permittee is required to obtain a "General Construction Activity Storm Water" Permit, and the City of Monterey Park will condition a grading permit on evidence of compliance with this permit and its requirements. Compliance information is available in the office of the City Engineer. Additionally, the project will require the preparation of a Low Impact Development ("LID") Plan. The LID plan must be reviewed and approved by City before issuance of permits. Upon approval of the NPDES documents by the City, the Permittee must submit an electronic copy of the approved NPDES file, including site drawings, before the City issues a Building or Grading Permit.
34. 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.
35. For any future subdivision and or development, a Water Plan must be submitted for review and approval by the City Engineer. This plan must substantiate adequate water service for domestic flow, fire flow and identify backflow prevention. A water system analysis must be provided by the Permittee to demonstrate that the new development does not negatively impact the existing system. If the existing system does not have adequate pressure and fire flow to serve the development, the Permittee is responsible for upgrading the water main as necessary in the public right-of-way.
36. The Permittee 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. Compiled maps are not permitted. 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.
37. For any future subdivision and or development, a site drainage plan must be prepared for review and approval by the City Engineer. The property drainage must 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 must not be blocked and must be accommodated to the satisfaction of the City Engineer. A hydrology and hydraulic study of the Subject Property will be required for submittal to the City Engineer for review and for approval.

38. The domestic water demand should be provided to the City in the form of (Average Hourly Demand) and (Peak Hourly Demand). If it is determined that the surrounding infrastructure is inadequate to meet the additional demand of the Project, the Permittee must provide recommendations to improve the system to a level needed to meet the additional demand. This should include hydraulic modeling and calculations supporting the recommendation. The proposed system improvements will be reviewed and validated by the City's Water Division and the City Engineer.
39. Water Division requirements are to be determined upon completion and submittal of a water meter sizing sheet by the Permittee. This may include upsizing of water meter and water services. All upgrade costs are the responsibility of the Permittee and must be completed before approval of the grading and drainage plans.
40. All drainage facilities serving the development must accommodate a 50-year storm. If existing storm drain facilities are inadequate, they must be enlarged as necessary. All storm drain facilities must be designed and constructed to Los Angeles County Department of Public Works standards and specifications, and to the satisfaction of the City Engineer before approval of the Grading and Drainage Plans.
41. For any future subdivision and or development, the Permittee must prepare a Street Improvement Plan which may include the full width resurfacing/reconstruction of Alhambra Avenue along the development, and the rehabilitation of sidewalk, driveway approaches, and curb and gutter along the entire the Subject Property frontage. The Permittee is responsible for the construction installation costs of said improvements and any incidental work thereof and plans must be approved by the City Engineer.
42. Any damage to existing street improvements and utilities during construction must be repaired before the City issues any certificates of occupancy. Pre-existing damaged, deteriorated, substandard or off grade curb, gutter, driveways and sidewalk must be repaired or replaced to the satisfaction of the City Engineer.
43. The Grading and Drainage Plan must be submitted. The plans must include the removal and reconstruction of sidewalk, driveway approach, and curb and gutter along the entire Subject Property frontage on Alhambra Avenue.
44. All public improvements must comply with the latest standards and specifications of and/or used by the City. All public improvements must be completed and accepted by the City, or unless a public improvement guarantee and agreement is posted, before approval of the final map by the City Council.

45. For any future subdivision and or development, all electric, telephone and cable TV utility services must be installed underground according to City and public utility standards. Satisfactory provisions for all other utilities and service connections, including water, sewer, and gas, must be completed to City and public utility standards. A utility plan must be prepared and submitted before approval of the grading and drainage Plans. The utilities may be shown on a separate plan or on the proposed site plan.
46. The tentative map must be in accordance with the specific criteria noted by the City Engineer. Verify and submit the correct drainage pattern of adjacent properties.
47. Parkways must be irrigated and landscaped pursuant to plans submitted for review and approval by the City Engineer, before approval of the Grading and Drainage Plans. The need for preserving existing street trees and/or planting additional street trees will be reviewed and approved by the City Recreation and Parks Department.
48. Plans must be revised to install 20 feet of a red curb to the south of the northern most driveway and 20 feet of red curb to the north of the southern-most driveway, which will allow cars to see around parked vehicles and to safely exit the Subject Property driveways, to the satisfaction of the City Engineer.

By signing this document, Alex Lai representing The Commons of MPK, LLC (“Permittee”) certifies having read, understood, and agrees to the Project Conditions listed in this document.

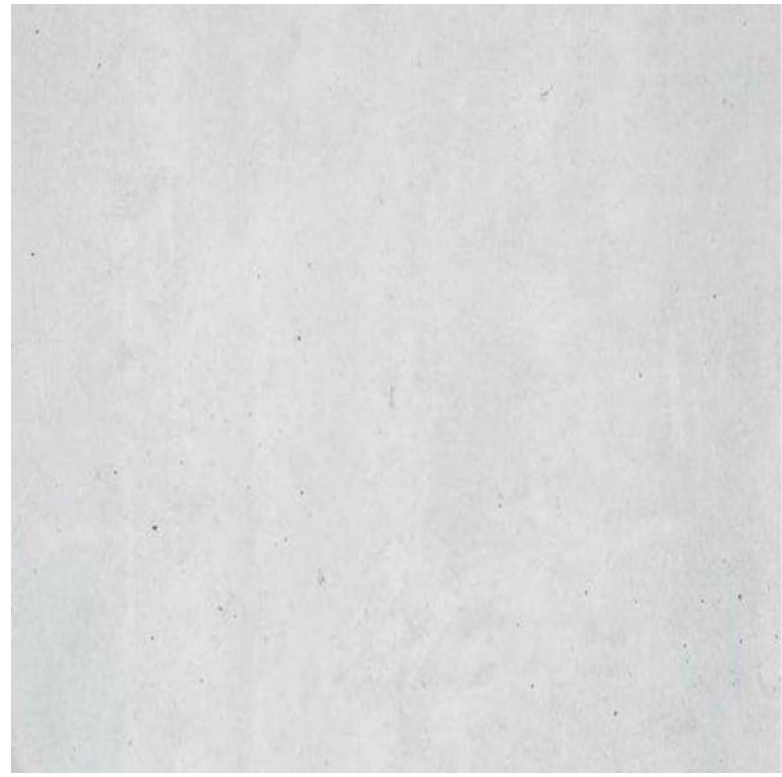
**Alex Lai representing The Commons of MPK, LLC
(Permittee)**

By signing this document, Commons of MPK, LLC (“Project Site Owner”), certifies that it has read, understood, and agree to the Project Conditions listed in this document.

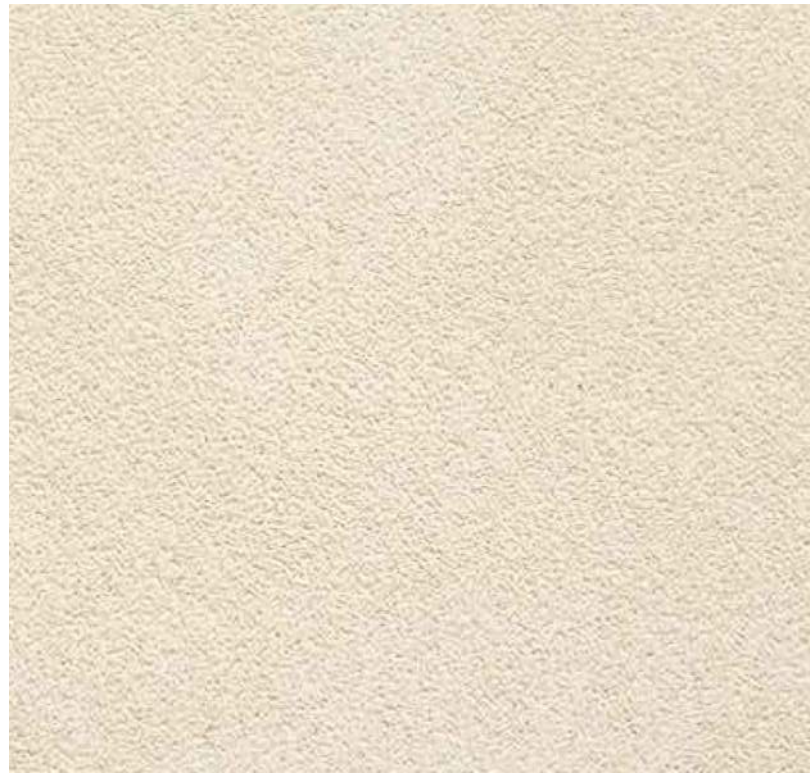
**Alex Lai representing The Commons of MPK, LLC
(Project Site Owner)**

{If Corporation or similar entity, need two officer signatures or evidence that one signature binds the company}

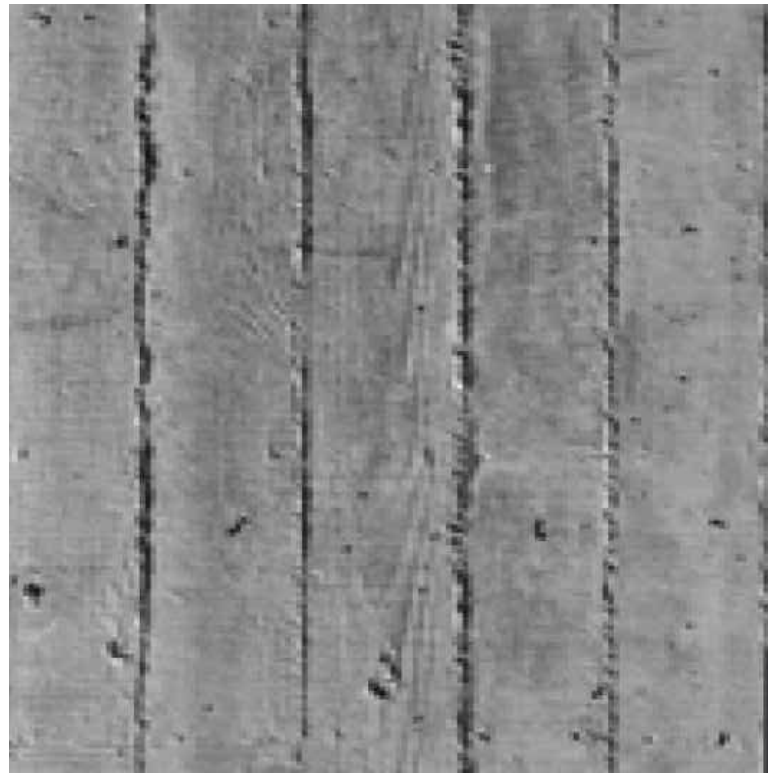
ATTACHMENT 2
Architectural Plans, with Materials Board



1 SMOOTH FINISH STUCCO



2 LIGHT SAND FINISH STUCCO



3 ARCHITECTURAL FINISHED CONCRETE



4 COMPOSITE WOOD SIDING



5 WOOD TRELLIS

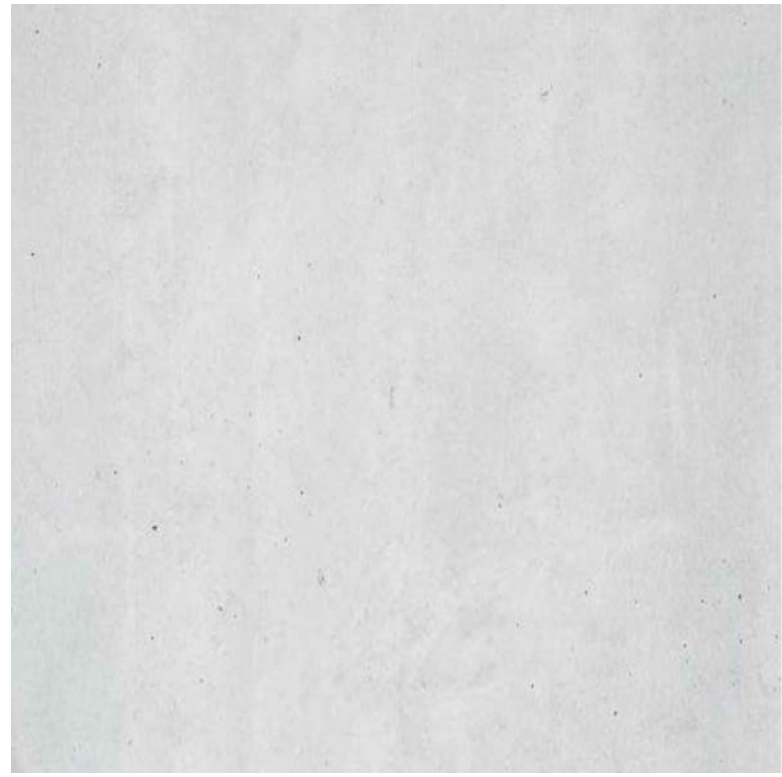
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1	SMOOTH FINISH STUCCO	
2	LIGHT SAND FINISH STUCCO	
3	ARCHITECTURAL FINISHED CONCRETE	
4	COMPOSITE WOOD SIDING	
5	WOOD TRELLIS	
6	VINYL WINDOW	
7	ALUMINUM FRAME GLASS DOOR	
8	METAL GUARDRAIL	
9	VINYL SLIDING DOOR	
10	BALCONY WITH DEX-O-TEX WATERPROOFING FLOORING	
11		
12		
13		

Maximum Building Height, as defined in the Irvine Zoning Ordinance sec. 3-9-1, states: Architectural features, antennae, Wireless Communication Facilities and flagpoles shall be permitted to exceed the maximum building height by ten feet, or by up to 15 feet for Class 4 antennae.

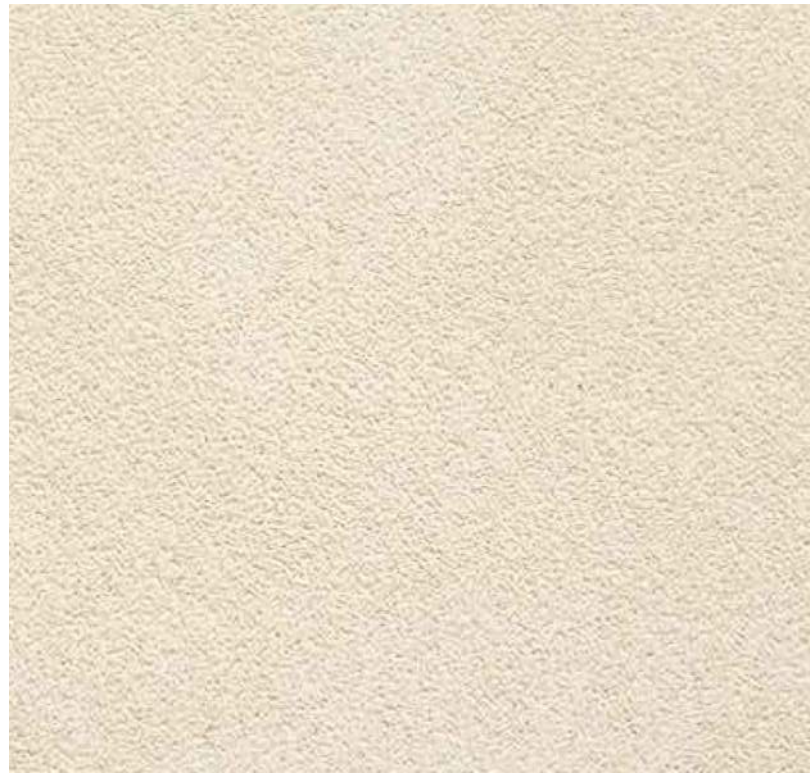


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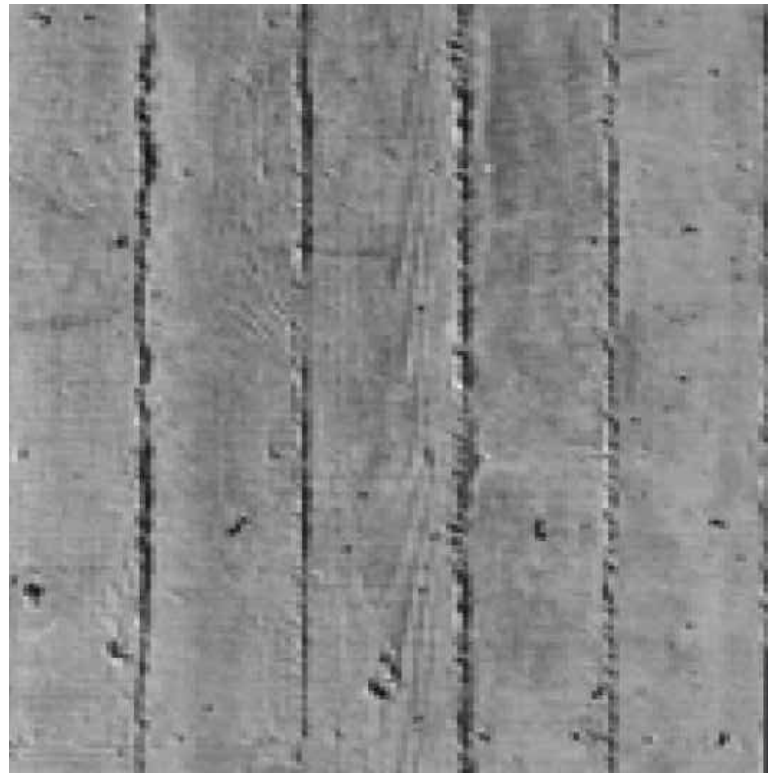
CONCEPTUAL DESIGN
MULTI-FAMILY CONDOMINIUM



1 SMOOTH FINISH STUCCO



2 LIGHT SAND FINISH STUCCO



3 ARCHITECTURAL FINISHED CONCRETE



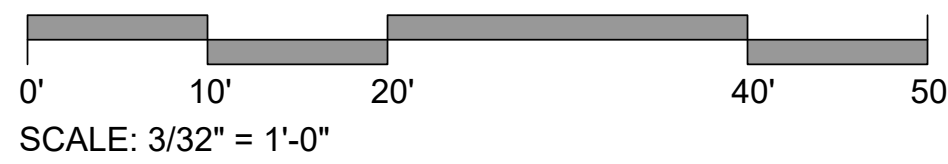
4 COMPOSITE WOOD SIDING



5 WOOD TRELLIS

KEYNOTE LEGEND		
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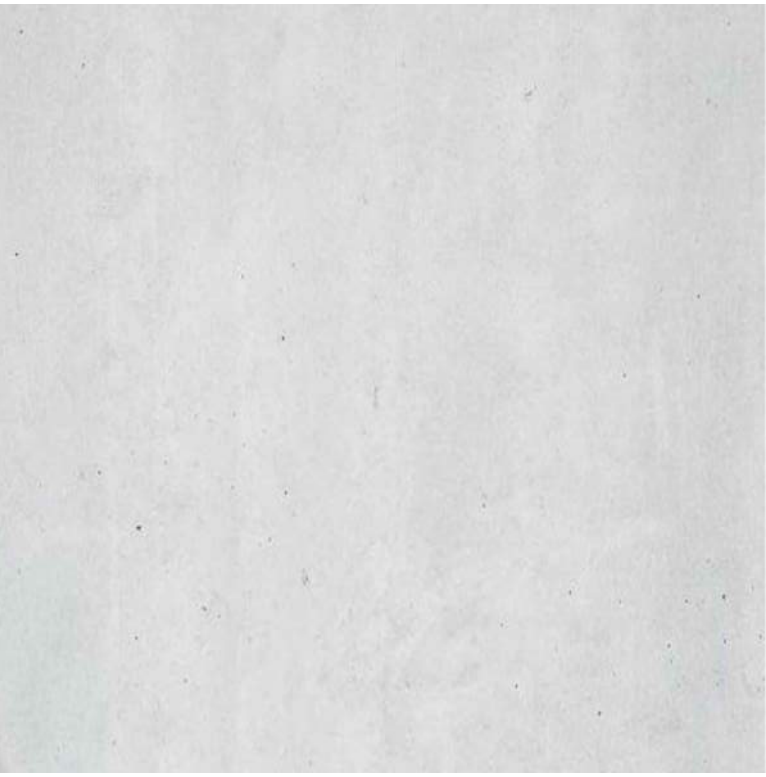


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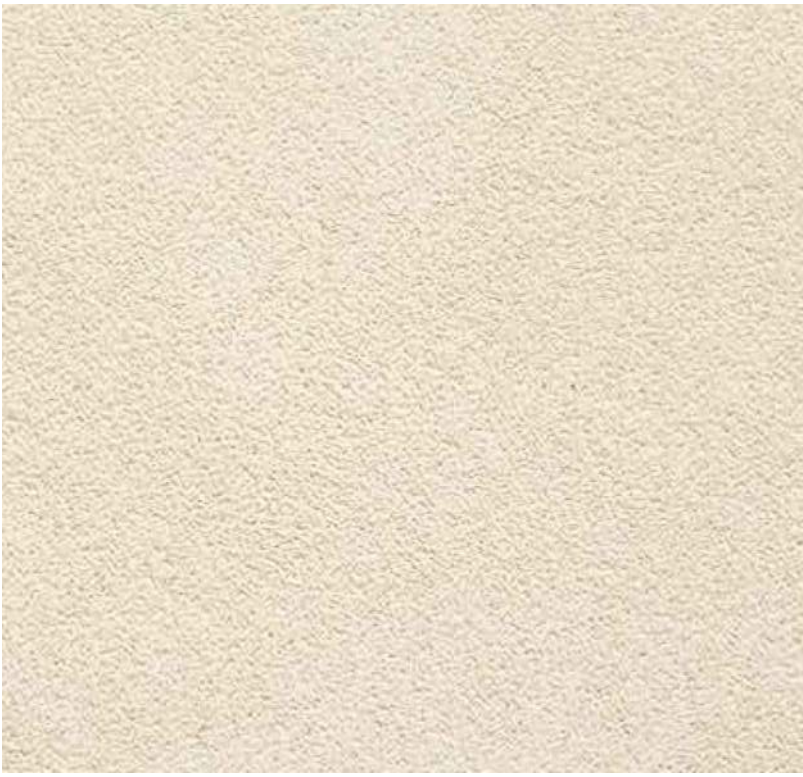
CONCEPTUAL DESIGN
MULTI-FAMILY CONDOMINIUM

KEYNOTE LEGEND		
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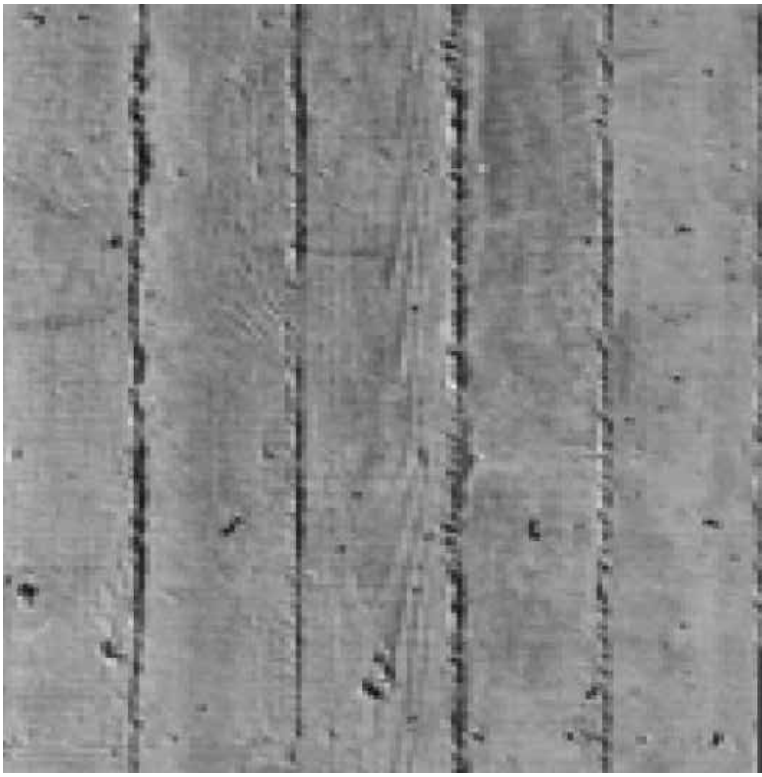
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2 LIGHT SAND FINISH STUCCO



3 ARCHITECTURAL FINISHED CONCRETE



4 COMPOSITE WOOD SIDING

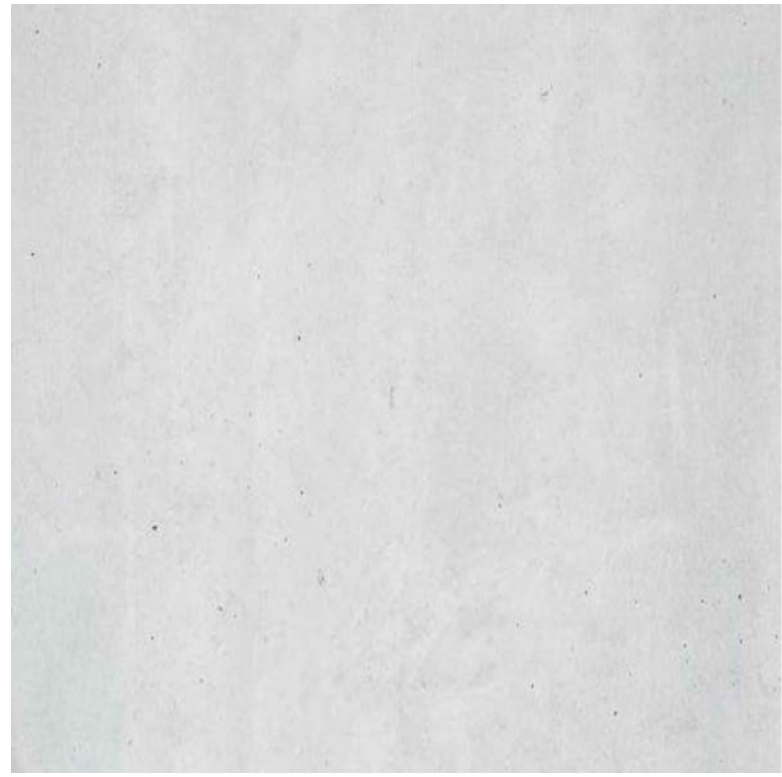


5 WOOD TRELLIS

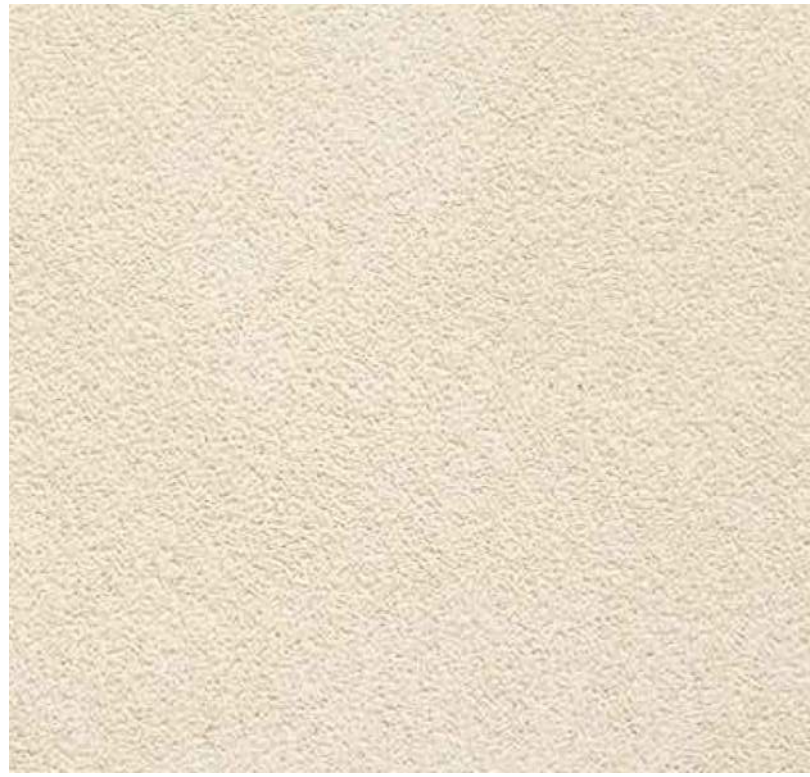


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SCALE: 3/32" = 1'-0"

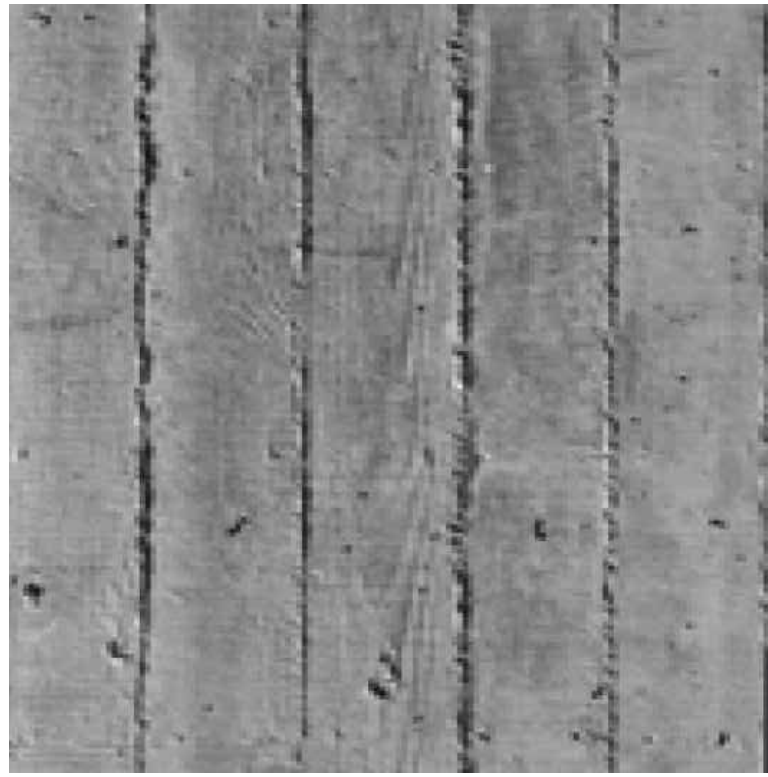
CONCEPTUAL DESIGN
MULTI-FAMILY CONDOMINIUM



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0' 10' 20' 40' 50'
SCALE: 3/32" = 1'-0"

CONCEPTUAL DESIGN
MULTI-FAMILY CONDOMINIUM

ATTACHMENT 3
Tentative Map No. 81411 (TM-23-05)

EASEMENT NOTES

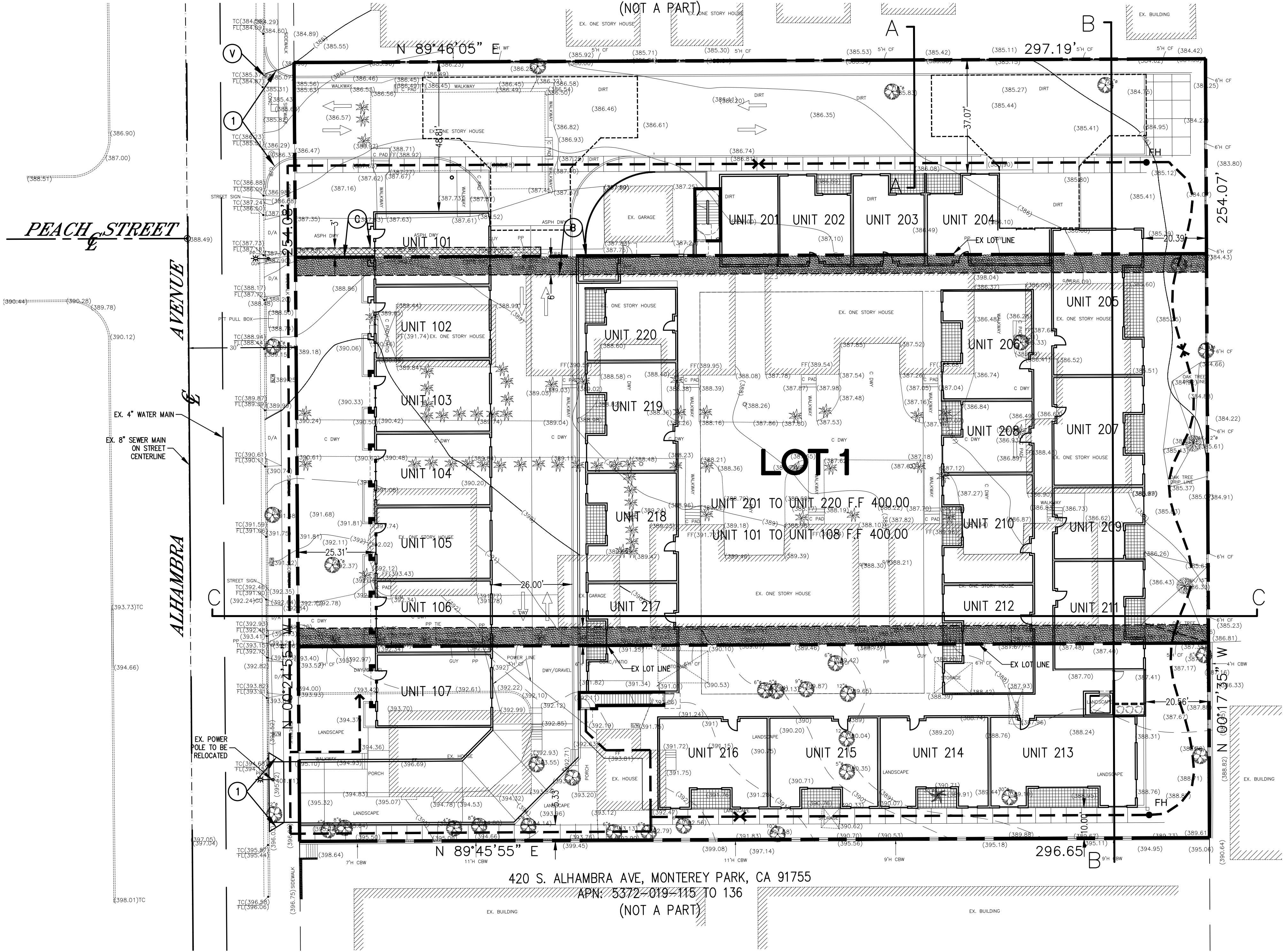
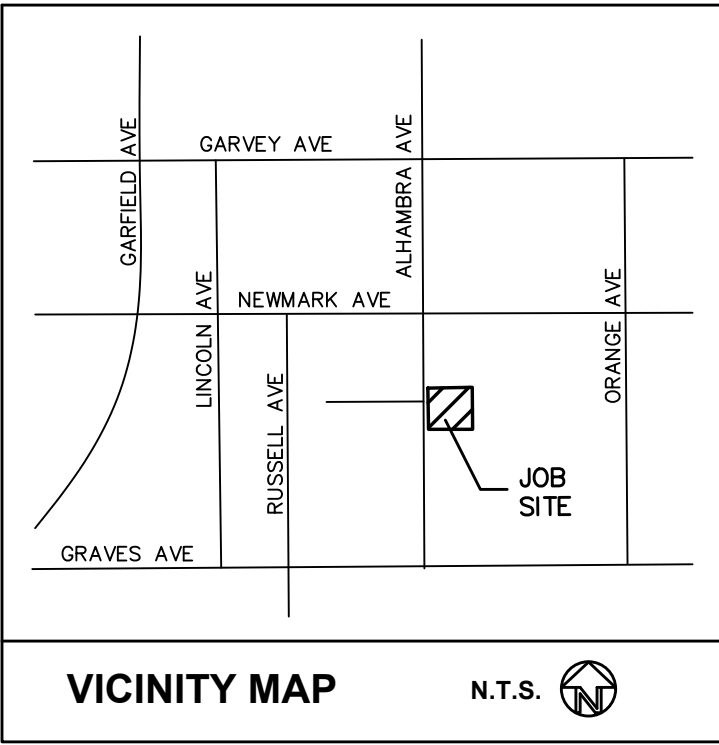
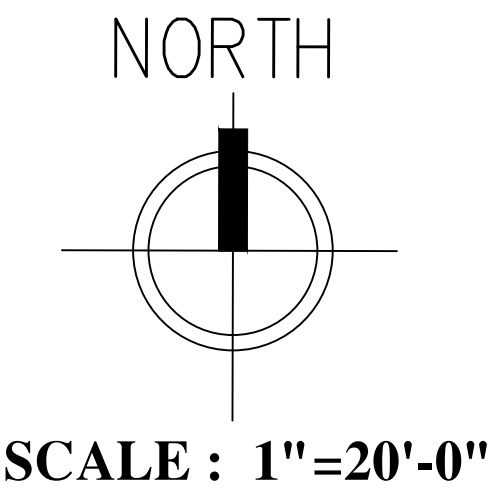
- Ⓐ EX. EASEMENT AND RIGHTS INCIDENTAL THERETO FOR PIPE AND CONDUITS AS SET FORTH IN A DOCUMENT RECORDED IN BOOK 6055, PAGE(S) 222 OF DEEDS. (BLANKET IN NATURE).
- Ⓑ EX. EASEMENT FOR POWER LINES, INGRESS AND EGRESS PURPOSES, RECORDED AS INSTRUMENT NO. 3061, JULY 26, 1960 OF O.R. (TO BE QUITCLAIMED)
- Ⓒ EX. EASEMENT TO THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY, AS SET FORTH IN A DOCUMENT RECORDED MAY 11, 1970 AS INSTRUMENT NO. 2926, OF O.R. (TO BE QUITCLAIMED)

TENTATIVE TRACT NO. 84188

IN THE CITY OF MONTEREY PARK, COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

BEING A SUBDIVISION OF LOT 8, AND A PORTION OF LOTS 7 AND 9 IN BLOCK "D" OF TRACT 786,
AS PER MAP RECORDED IN BOOK 16, PAGES 58 AND 59 OF MAPS,
IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

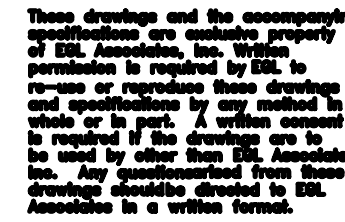
FOR CONDOMINIUM PURPOSES



LEVEL 1 FLOOR PLAN

PROJECT LOCATION:

65-UNIT CONDO
338-410 S. ALHAMBRA AVE.,
MONTEREY PARK, CA 91755



REVISIONS BY

RELEASED DATE

PREPARED FOR:

THE COMMONS OF MPK LLC
812 S. ATLANTIC BLVD, SUITE A
MONTEREY PARK, CA 91754

EGL Associates, Inc.

11819 GOLDRING ROAD, Unit A
ARCADIA, CA 91006

Tel: (626) 263-3588

E-MAIL: MAIL@EGL88.COM

DRAWN	SH
CHECKED	HJ
DATE	05/03/2023
JOB NO.	23-227-002
SCALE	1"=20'
FILE	

DRAWING 2 of 3

PREPARED BY:
HANK JONG, PE
EGL ASSOCIATES, INC.
11819 GOLDRING ROAD, UNIT A
ARCADIA, CA 91006
PH: 626-263-3588
E-MAIL: MAIL@EGL88.COM

ZONE: R-3 (PRESENT)
 ZONE: R-3 (PROPOSED)
 NO. OF EX. LOT: 3
 NO. OF PROP. LOT: 1
 NO. OF EX. UNITS: 10
 NO. OF PROP. UNIT: 64
 NO. OF PROP. PARKING: 97
 AREA OF LOT: 75,440 SQ. FT. (1.73 ACRES)
 SEWERAGE DISPOSAL: BY GRAVITY SEWER PIPES TO SEWER MAIN.
 APN: 5259-004-036, 037 & 038

THE IMPROVEMENTS AND PUBLIC UTILITIES PROPOSED TO
BE MADE OR INSTALLED AND OF THE TIME AT WHICH
SUCH IMPROVEMENTS ARE PROPOSED TO BE COMPLETED

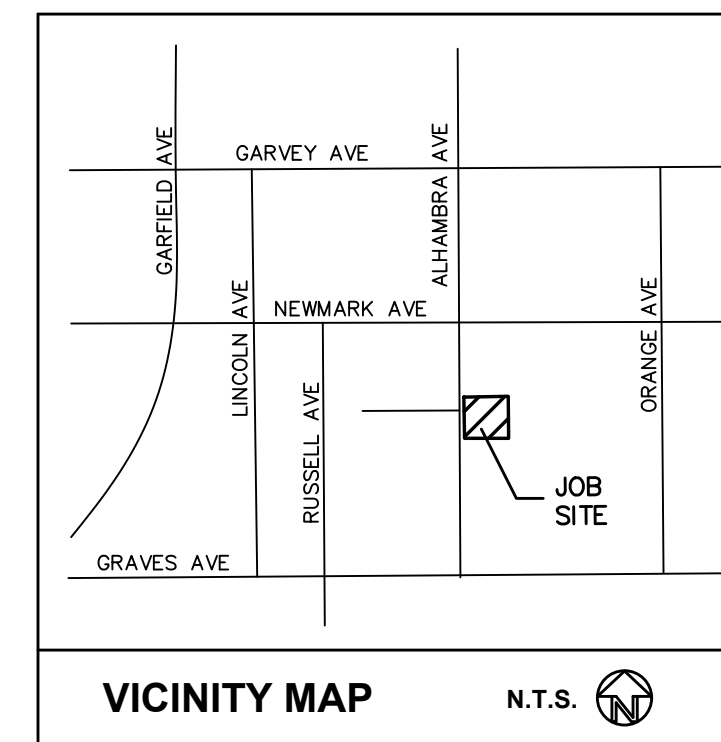
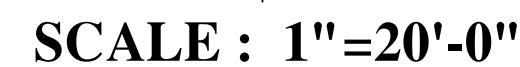
WATER - CITY OF MONTEREY PARK
GAS - SOUTHERN CALIFORNIA GAS CO.
CONTACT PERSON: TERRY HEIMBRUCH
PHONE: (818) 701-2516
ELECTRICAL - SOUTHERN CALIFORNIA EDISON CO.
CONTACT PERSON: ARLAN AVERY
PHONE: (714) 796-9920
TELEPHONE - AT&T
CONTACT PERSON: GARY MILLER
PHONE: (626) 570-7417
SEWER - CITY OF MONTEREY PARK
TRASH - ATHENS SERVICES

(A) EX. EASEMENT AND RIGHTS INCIDENTAL THERETO FOR PIPE AND CONDUITS AS SET FORTH IN A DOCUMENT RECORDED IN BOOK 6055, PAGE(S) 222 OF DEEDS. (BLANKET IN NATURE).

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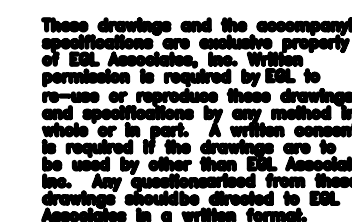
FOR CONDOMINIUM PURPOSES



PROJECT LOCATION:

65-UNIT CONDO

338-410 S. ALHAMBRA AVE.,
MONTEREY PARK, CA 91755



REVISIONS

RELEASED	DATE
----------	------

PREPARED FOR:

THE COMMONS OF MPK LLC
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MONTEREY PARK, CA 91754

EGL Associates, Inc.

11819 GOLDRING ROAD, Unit A
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Tel: (626)263-3588
E-MAIL: MAIL@EGL88.COM

DRAWN	SH
CHECKED	HJ
DATE	05/03/2023
JOB NO.	23-227-002
SCALE	1"=20'
FILE	
DRAWING	1 of 3

T-1

☐ EX. WATER METER TO BE RELOCATED.
☒ EX. POWER POLE AND LINES TO BE REMOVED.
☐ REMOVE EXISTING STRUCTURE.
☐ REMOVE EXISTING TREE.
☐ EX. DRIVEWAY APPROACH TO BE REMOVED

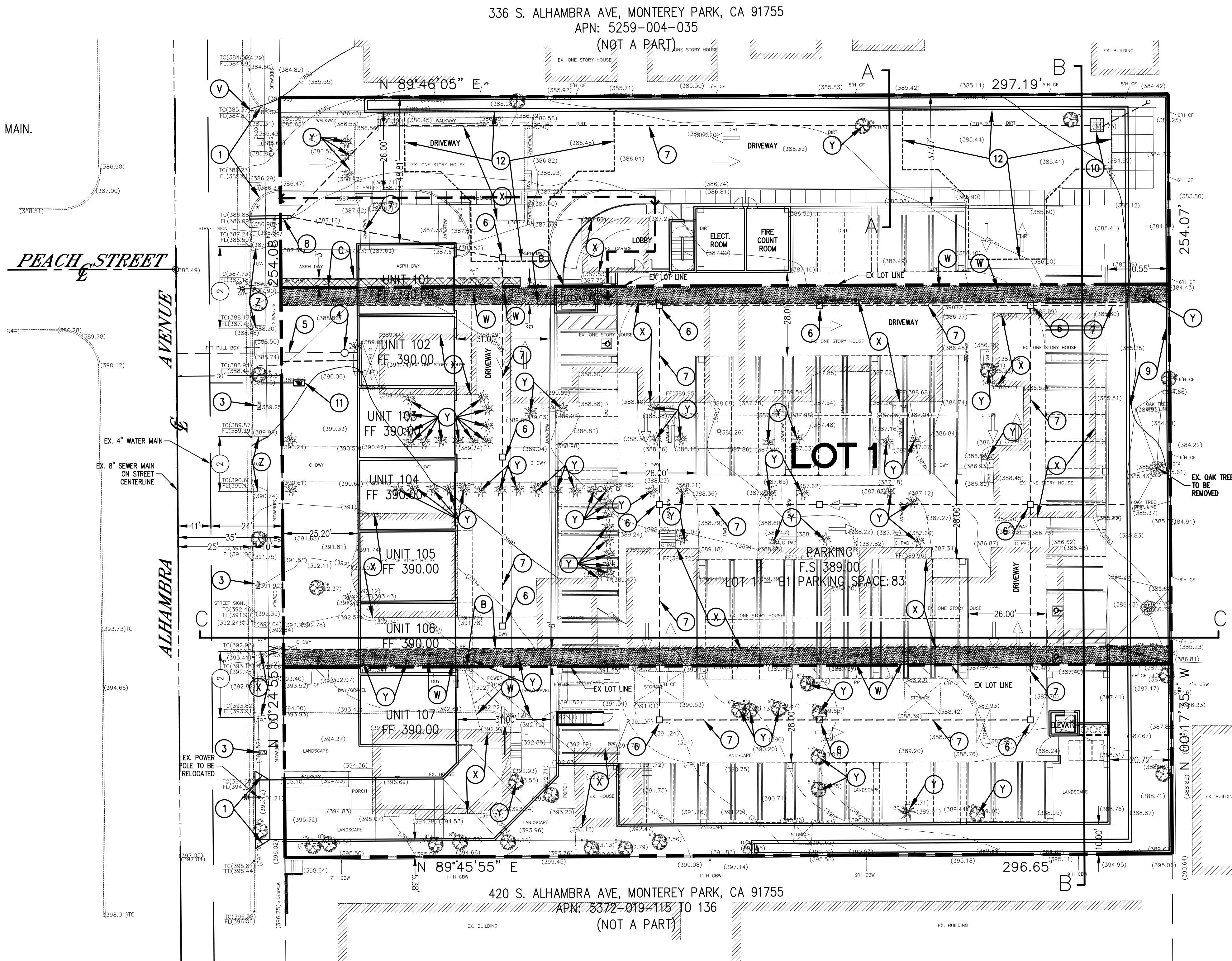
- ① PROP. DRIVEWAY APPROACH.
- ② PROP. NEW CURB AND GUTTER.
- ③ EX. WATER METER TO BE RELOCATED.
- ④ PROP. SEWER CLEAN OUT.
- ⑤ PROP. SEWER LATERAL.
- ⑥ PROP. CATCH BASIN.
- ⑦ PROP. DRAINAGE PIPE.
- ⑧ PROP. PARKWAY DRAIN.
- ⑨ PROP. BIOFILTRATION PLANTER BOX.
- ⑩ PROP. SUMP PUMP.
- ⑪ PROP. MASTER WATER METER.
- ⑫ PROP. FIRE TURN AROUND.

-ALL PUBLIC UTILITIES SHOULD BE FIELD VERIFIED.

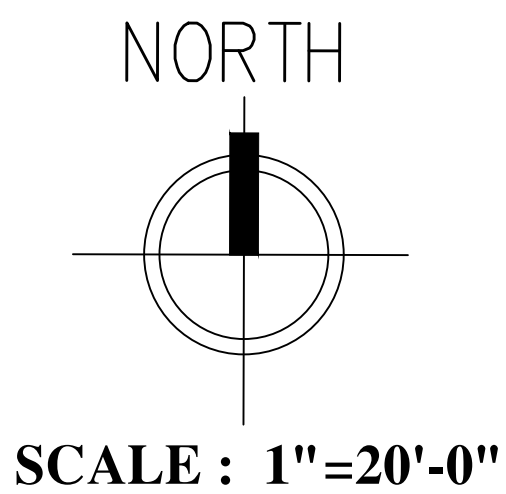
EXEXISTING
TGTOP GRATE
F.G.....FINISH GRADE
FSFINISH SURFACE
TC.....TOP OF CURB
F.F.....FINISH FLOOR
H.P.....HIGH POINT
TW.....TOP OF WALL

(186.70)EXISTING ELEVATION
--(185)--EXISTING CONTOUR

DRAINAGE PATTERN
 ...PROPOSED BLOCK WALL
 ...EXISTING STRUCTURE
 ...PROPOSED DRAIN PIPE
 ...PROPOSED CATCH BASIN
 ...FENCE LINE
SEWER MANHOLE



B1 FLOOR PLAN

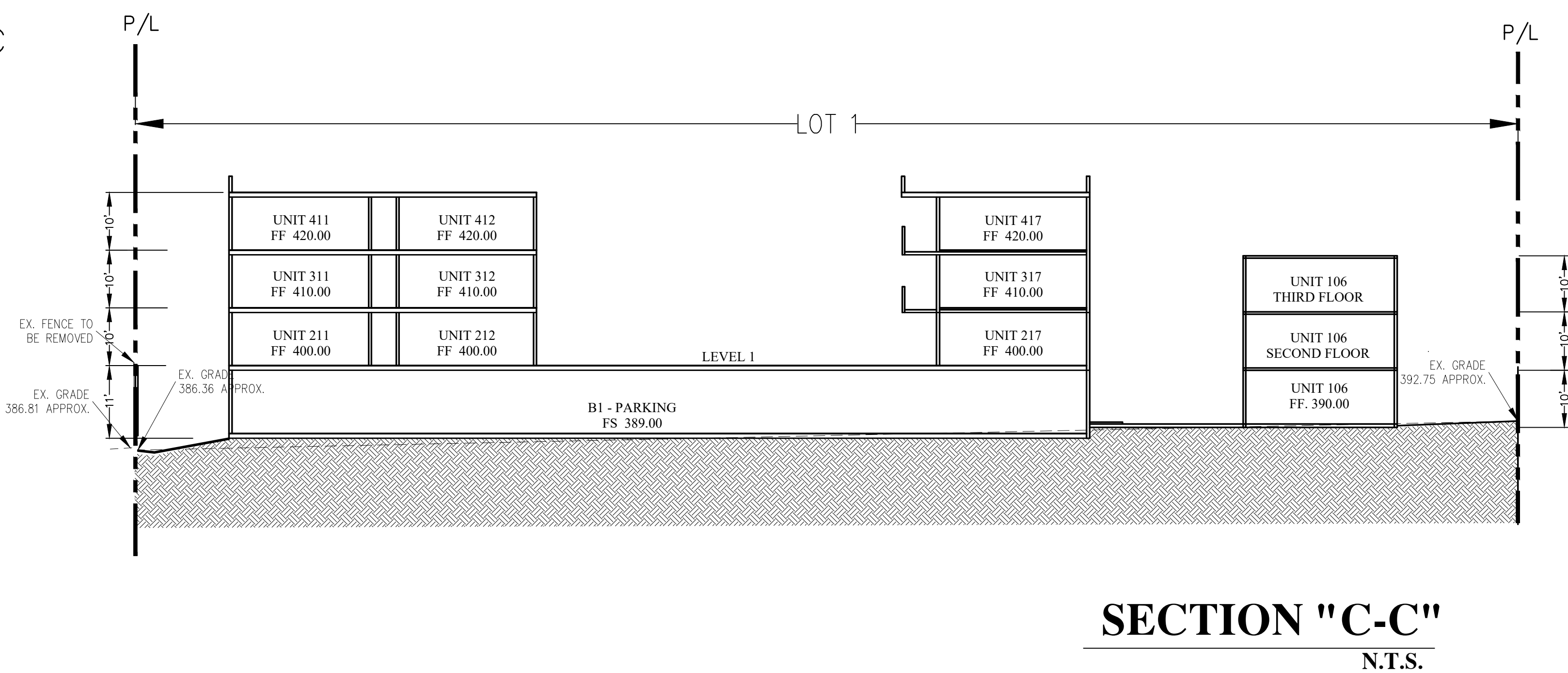
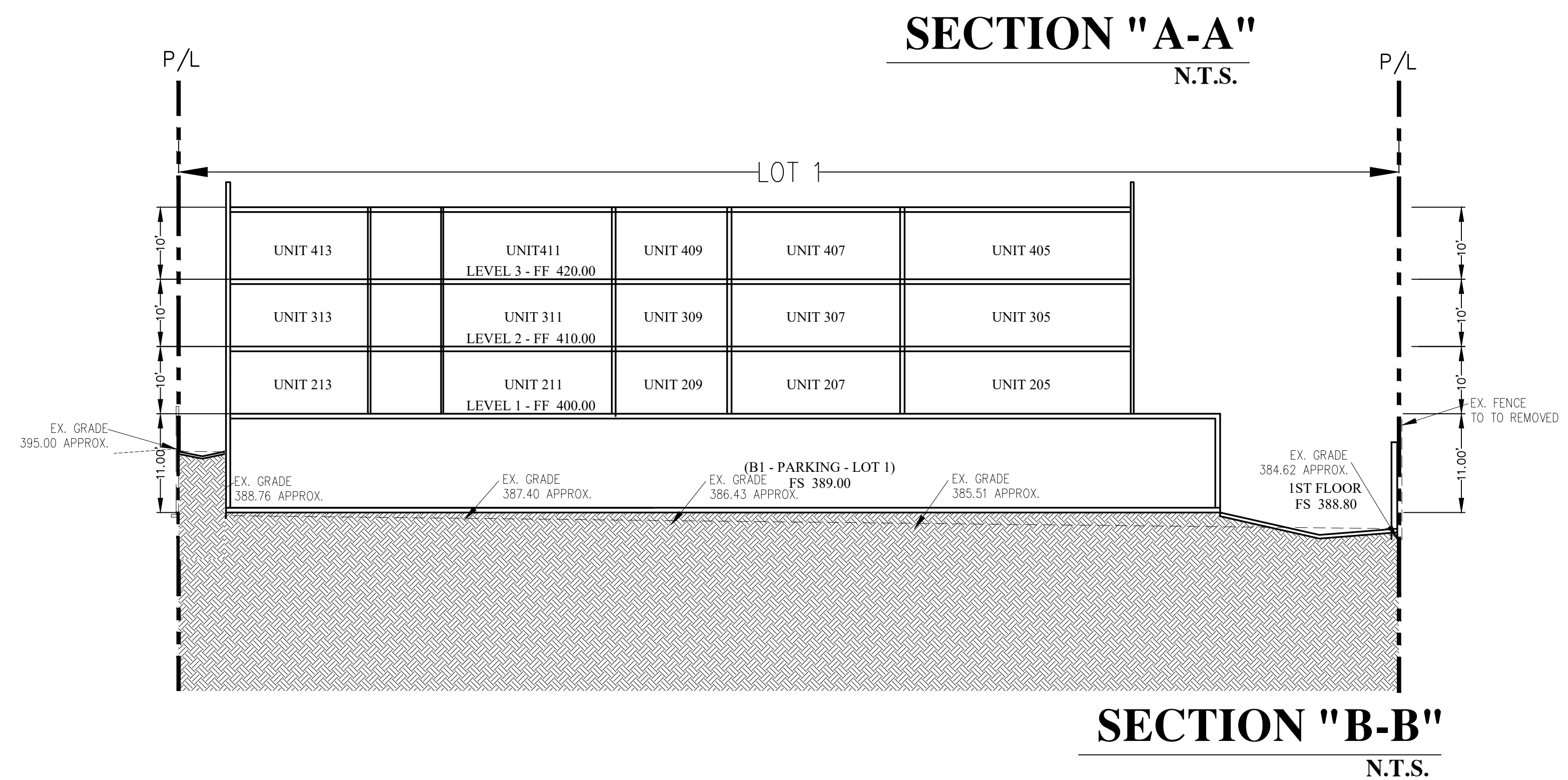
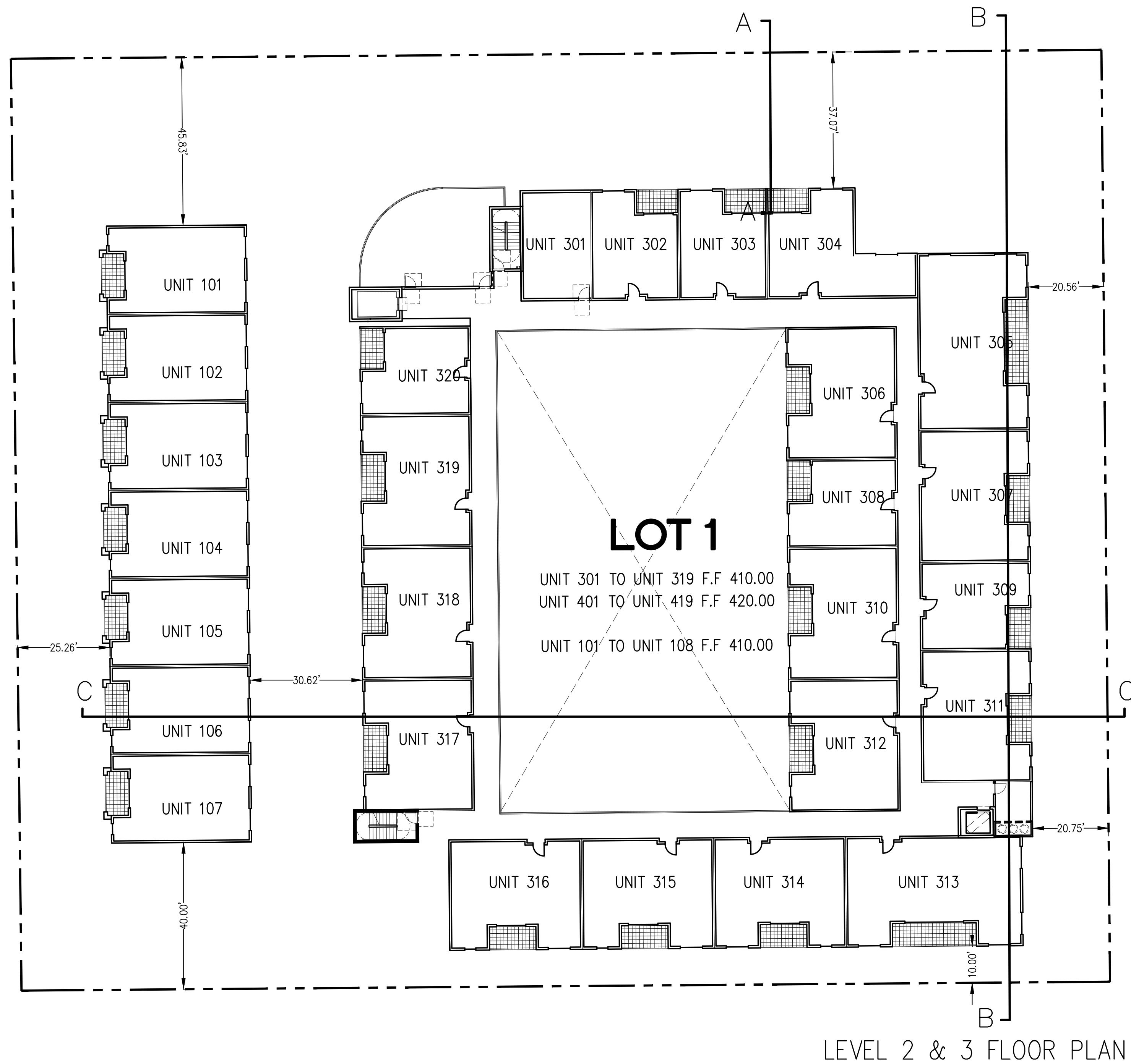
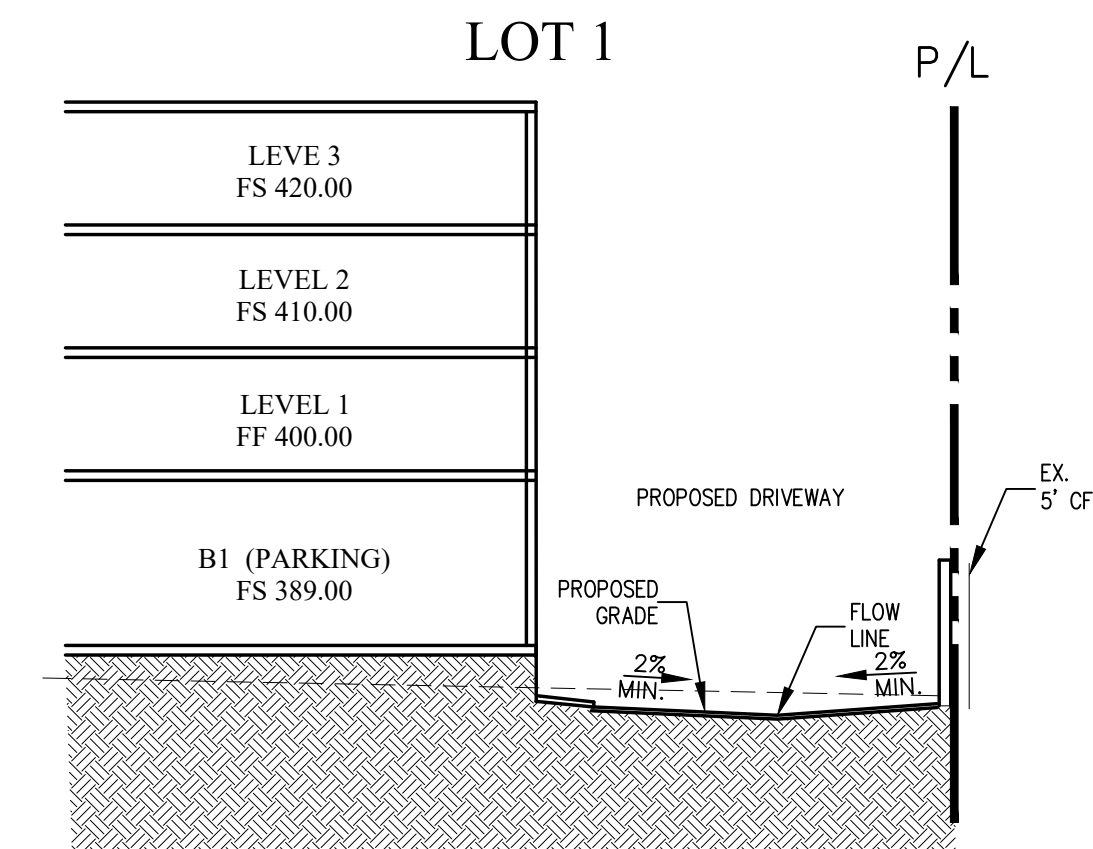


TENTATIVE TRACT NO. 84188

IN THE CITY OF MONTEREY PARK, COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

BEING A SUBDIVISION OF LOT 8, AND A PORTION OF LOTS 7 AND 9 IN BLOCK "O" OF TRACT 786,
AS PER MAP RECORDED IN BOOK 16, PAGES 58 AND 59 OF MAPS,
IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

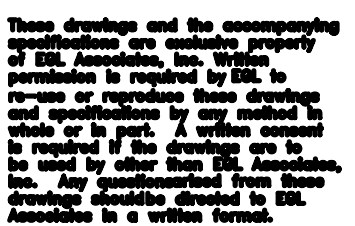
FOR CONDOMINIUM PURPOSES



PROJECT LOCATION:

65-UNIT CONDO

338-410 S. ALHAMBRA AVE.,
MONTEREY PARK, CA 91755



REVISIONS BY

RELEASED DATE

PREPARED FOR:

THE COMMONS OF MPK LLC
812 S. ATLANTIC BLVD, SUITE A
MONTEREY PARK, CA 91754

EGL Associates, Inc.

11819 GOLDRING ROAD, Unit A
ARCADIA, CA 91006

Tel: (626) 263-3588

E-MAIL: MAIL@EGL88.COM

DRAWN SH
CHECKED HJ
DATE 05/03/2023
JOB NO. 23-227-002
SCALE 1"=20'
FILE

DRAWING 3 of 3

T-3

ATTACHMENT 4
Draft Mitigated Negative Declaration

338-410 South Alhambra Avenue 64-Unit Condominium Project

Final Initial Study and Mitigated Negative Declaration

Lead Agency:

City of Monterey Park
Planning Division
320 West Newmark Avenue
Monterey Park, California 91754



Prepared For:

The Commons of MPK, LLC.
Management Company:
Longo Realty, Inc.
812 South Atlantic Boulevard, #A
Monterey Park, California 91754

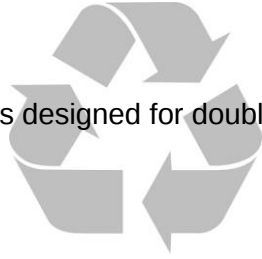
Prepared by:

MIG, Inc.
1650 Spruce Street, Suite 106
Riverside, California 92507



Final IS/MND
August 8, 2024

- This document is designed for double-sided printing -



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2 Response to Comments	2-1
3 Errata	3-1
4 Public Circulation.....	4-1
5 Mitigation Monitoring Reporting Program.....	5-1

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Attachments

Attachment 1	Public Review Draft IS/MND
Attachment 2	Updated Phase I Environmental Site Assessment
Attachment 3	Updated Low Impact Development Plan
Attachment 4	Focused Traffic Analysis
Attachment 5	Tribal Consultation Documentation

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1 – INTRODUCTION

This Final Initial Study and Mitigated Negative Declaration (Final IS/MND) has been prepared to provide revisions to the Public Review Draft IS/MND, dated May 20, 2024, that was prepared for the proposed project (see Attachment 1) and to respond to public comments that were received during the public circulation period for the document. Certification of this Final IS/MND by the Monterey Park City Council must occur as part of approval of the proposed project and related City approvals.

Purpose of the IS/MND

The Public Review Draft IS/MND was prepared to assess the short-term, long-term, and cumulative environmental impacts resulting from the proposed project. The Public Review Draft IS/MND was prepared to comply with CEQA Guidelines § 15063, which sets forth the required contents of an Initial Study. These include:

- A description of the project, including the location of the project (see Section 2 of Attachment 1);
- Identification of the environmental setting (see Section 2.9 of Attachment 1);
- Identification of environmental effects by the use of a checklist, matrix, or other methods, provided that entries on the checklist or other form are briefly explained to indicate that there is some evidence to support the entries (see Section 4 of Attachment 1);
- Examination of whether the project is compatible with existing zoning, plans, and other applicable land use controls (see Section 4.11 of Attachment 1);
- Discussion of ways to mitigate significant effects identified, if any (see Section 5); and,
- The name(s) of the person(s) who prepared or participated in the preparation of the Initial Study (see Section 6 of Attachment 1).

Project Description

The proposed project includes demolition of the existing residential structures, a Tentative Map to combine the three parcels into two new parcels of equal size, and construction of a residential development consisting of 64 multi-family condominium units along with associated parking and landscaping improvements. The proposed condominiums would be divided between two buildings, with eight attached 3-bedroom townhomes located in a two-story building along the project frontage and the remaining 57 condominium units arranged in the shape of a square surrounding a central courtyard area in the central/rear portion of the site. In total, the project proposes fifteen (15) 1-bedroom units, thirty-three (33) 2-bedroom units, and sixteen (16) 3-bedroom units. Fifty-seven (57) of the proposed residential units would be market rate while the remaining seven (7) units would be designated as very low-income housing units. Each level of the square condominium building contains five 1-bedroom units, eleven 2-bedroom units, and three 3-bedroom units.

The project site is zoned High-Density Residential (R-3) and the surrounding area is zoned either Medium-Multiple Residential (R-2) or High-Density Residential (R-3). As discussed in Section 2.7 above, the Maximum density for the R-3 designation is 30 dwelling units per acre. The zoning for the 1.73-acre site allows up to 43 dwelling units. In addition, Monterey Park Municipal Code (MPMC) Section 21.08.080 provides that no building within a residential designation can exceed

two stories or 30 feet in height. MPMC Section 21.32.015 prohibits the issuance of a variance to increase the number of stories or increase the otherwise maximum height limitation. However, because the project would designate fifteen percent (15%) of the proposed units as very-low income housing, the project qualifies for an Affordable Housing density bonus of fifty percent (50%) (MPMC Section 21.18.060(D)) and height incentives up to 3 stories or 41 feet in height (MPMC Section 21.18.050). With the Affordable Housing density bonus concessions mandated under State law, the proposed project is allowed to develop up to 65 dwelling units. As previously described, the proposed project consists of 64 condominiums. Upon completion, the proposed development would be three stories and would have a maximum height of 38.7 feet at its highest point as measured from the Grade Plane. The project is allowed to exceed the City's maximum height limits pursuant to Monterey Park Ordinance No. 2198 (Measure JJ) and State law.

Each of the 3-bedroom townhomes located along the project frontage includes a two-car subterranean garage with two levels of living space above totaling 2,100 square feet. The 1-bedroom units located within the square building total 645 square feet, the 2-bedroom units total 1,000 square feet, and the 3-bedroom units total 1,300 square feet. The square building includes a semi-subterranean parking garage on the ground level with three levels of residential units above. The parking garage includes 83 passenger vehicle parking stalls for residents and guests with six of these spaces designated for electric vehicles and two spaces designated for ADA parking. The parking garage would also house the lobby/leasing office, an electrical room, a fire control room, and trash enclosures. The first level of the square building includes a community room and gym, while the second level will include a community room and business center, with the third level containing a roof top deck with open trellis.

The project would also include approximately 13,700 square feet of landscaped common open space around the edges of the site and an approximately 12,000-square foot central courtyard in the center of the square building. Ornamental trees and landscaping would be located in front of the proposed building along the site's frontage with South Alhambra Avenue and along the building's setbacks with adjoining properties to the north and south. Vehicular access to the site would be provided via a 26-foot wide driveway at the northwest corner of the site and a 20-foot wide driveway at the southwest corner of the site. The driveways would provide direct access to the proposed townhome units along the project frontage and to the proposed subterranean parking garage under the square building. Pedestrian access to the site would be provided along the project site's frontage with South Alhambra Avenue.

City of Monterey Park Discretionary Approvals

The City Council as lead agency must take the following actions with respect to the Final IS/MND before the Council can approve the proposed project:

- Design Review (Site and Building Development)
- Development Agreement
- Tentative Map 84188
- Density Bonus Concessions
 - o Menu of Incentives Options:
 1. Increase building height/story by 11 feet/1 story
 2. Reduce rear setback by 5 feet (from 25 feet to 20 feet)
 3. Reduce private open space (balconies) to 10 feet by 6 feet

No other government/public agency approvals are required for the proposed project.

Availability of IS/MND Materials

Materials related to the preparation of the Public Review Draft IS/MND and this Final IS/MND are available for public review on the City's website: <http://www.montereypark.ca.gov/999/Featured-Projects>. To request an appointment to review these materials in person, please contact:

Beth Chow, AICP, Interim Planning Manager
City of Monterey Park Planning Division
320 West Newmark Avenue
Monterey Park, California 91754
Phone: (626) 307-1318
Email: BChow@MontereyPark.ca.gov

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2 – RESPONSES TO COMMENTS

The Public Review Draft IS/MND was circulated for 20-day public review and comment period beginning on May 23, 2024 and ending on June 12, 2024. A Notice of Intent to Adopt was sent to the State Clearinghouse, other government agencies, neighboring cities, and non-governmental interested parties. The city's Local Agency Notification List, showing who received notice of the Public Review Draft IS/MND, is provided in Section 4.0 (Public Circulation) of this Final IS/MND. In total, two (2) agency comments and twenty-four (24) comments comment letters were received (see Table 2-1). A copy of the comment letter, and written responses to those comments, follows below. Based on the responses to comments provided below, minor edits to the Public Review Draft IS/MND have been made. However, the edits are for the purposes of clarification and providing additional information. No new or significant increase in the severity of an impact has been identified in any of the comments, no inadequacies in the analysis have been identified, and the inclusion of new mitigation measures is not necessary.

Table 2-1
Public Review Draft IS/MND Comments

ID	Agency/Organization/Individual	Date
A	Department of Toxic Substances Control	June 5, 2024
B	Los Angeles County Sanitation Districts	June 7, 2024
C	Shuo Sun	June 7, 2024
D	Allen Xie	June 10, 2024
E	Barbara Chieng	June 10, 2024
F	Brenda Guan	June 10, 2024
G	Daly Yu	June 10, 2024
H	Jennifer Wu	June 10, 2024
I	Jonathan Le	June 10, 2024
J	Leo Wu	June 10, 2024
K	Louise Liu	June 10, 2024
L	Minnie Nguyen	June 10, 2024
M	Pei Ning	June 10, 2024
N	Sinh Le	June 10, 2024
O	Xinyi Chen	June 10, 2024
P	Yue Liu	June 10, 2024
Q	Sylvia Chan	June 11, 2024
R	Tommy Huynh	June 11, 2024
S	Winnie Mak	June 11, 2024
T	Cathy Wang	June 12, 2024
U	Chat Phoo/Melanie Xie	June 12, 2024
V	Chloe He	June 12, 2024
W	Raymond Liao	June 12, 2024
X	Ricky Chao	June 12, 2024
Y	Salina Raya	June 12, 2024
Z	Serena Chen	June 12, 2024

COMMENT LETTER A – DEPARTMENT OF TOXIC SUBSTANCES CONTROL



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D.
Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

June 5, 2024

Beth Chow
Planning Manager
City of Monterey Park
320 West Newmark Avenue
Monterey Park, CA 91754
bchow@montereypark.ca.gov

RE: MITIGATED NEGATIVE DECLARATION FOR THE 338-410 SOUTH ALHAMBRA AVENUE 64-UNIT CONDOMINIUM PROJECT, DATED MAY 22, 2024, STATE CLEARINGHOUSE NUMBER [2024051026](#)

Dear Beth Chow,

The Department of Toxic Substances Control (DTSC) received a Mitigated Negative Declaration (MND) for the 338-410 South Alhambra Avenue 64-Unit Condominium Project (Project). The proposed Project includes demolition of existing residential structures, a tentative map to combine the three parcels into two new parcels of equal size, and construction of a residential development consisting of 64 multi-family condominium units along with associated parking and landscaping improvements.

Ater reviewing the Project, DTSC recommends and requests consideration of the following comments:

1. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-

A-1

Beth Chow
June 5, 2024
Page 2

based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with [DTSC's Preliminary Endangerment Assessment \(PEA\) Guidance Manual](#).

A-1
cont.

2. DTSC recommends that all imported soil and fill material should be tested to ensure any contaminants of concern are within DTSC's and U.S. Environmental Protection Agency (USEPA) Regional Screen Levels (RSLs) for the intended land use. To minimize the possibility of introducing contaminated soil and fill material there should be documentation of the origins of the soil or fill material and, if applicable, sampling be conducted to ensure that the imported soil and fill material meets screening levels outlined in the [PEA](#) for the intended land use. The soil sampling should include analysis based on the source of the fill and knowledge of the prior land use. Additional information can be found by visiting [DTSC's Human and Ecological Risk Office \(HERO\) webpage](#).

A-2

DTSC appreciates the opportunity to comment on the Mitigated Negative Declaration (MND) for the 338-410 South Alhambra Avenue 64-Unit Condominium Project. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like any clarification on DTSC's comments, please respond to this letter or via [email](#) for additional guidance.

Beth Chow
June 5, 2024
Page 3

Sincerely,

Dave Kereazis

Dave Kereazis
Associate Environmental Planner
HWMP-Permitting Division – CEQA Unit
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

cc: (via email)

Governor's Office of Planning and
Research State Clearinghouse
State.Clearinghouse@opr.ca.gov

Tamara Purvis
Associate Environmental Planner
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Tamara.Purvis@dtsc.ca.gov

Scott Wiley
Associate Governmental Program Analyst
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Scott.Wiley@dtsc.ca.gov

ID	Response to Comment Letter A
A-1	In accordance with DTSC's Preliminary Endangerment Assessment (PEA) Guideline Manual, surveys for the presence of lead based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk will be conducted prior to demolition and construction activities for the proposed project. In addition, all removal, demolition, and disposal of any of these chemicals during construction activities will be conducted in compliance with California environmental regulations and policies. These requirements have been made a Condition of Approval for the proposed project and issuance of construction and occupancy permits will be contingent upon submission of the surveys and demonstration of compliance with existing regulations related to hazardous materials. In accordance with DTSC's Preliminary Endangerment Assessment (PEA) Guideline Manual, surveys for the presence of lead based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk will be conducted prior to demolition and construction activities for the proposed project. In addition, all removal, demolition, and disposal of any of these chemicals during construction activities will be conducted in compliance with California environmental regulations and policies. These requirements have been made a Condition of Approval for the proposed project and issuance of construction and occupancy permits will be contingent upon submission of the surveys and demonstration of compliance with existing regulations related to hazardous materials.
A-2	In accordance with DTSC's PEA Guideline Manual, all imported soil and fill material will be tested to ensure that contaminants of concern are within DTSC's and the United States Environmental Protection Agency (USEPA) Regional Screen Levels (RSLs). The applicant will document the origins of the soil/fill materials, provide an analysis based on the source of the fill and knowledge of the prior land use, and ensure the soil/fill materials meet the screening levels outlined in the PEA. As a Condition of Approval for the proposed project, the result of the testing and information related to the origin of imported soil and fill materials must be made available to the city prior to submission of construction permits. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.

COMMENT LETTER B – LOS ANGELES COUNTY SANITATION DISTRICTS



**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

June 7, 2024

Ref. DOC 7233038

VIA EMAIL BChow@MontereyPark.ca.gov

Ms. Beth Chow, Planning Manager
City of Monterey Park Planning Division
320 West Newmark Avenue
Monterey Park, CA 91754

Dear Ms. Chow:

NOI Response to 338-410 South Alhambra Avenue 64-Unit Condominium Project

The Los Angeles County Sanitation Districts (Districts) received a Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration (MND) for the subject project located in the City of Monterey Park on May 24, 2024. The proposed project is located within the jurisdictional boundaries 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' Monterey Park Extension Trunk Sewer, located in East Newmark Avenue west of South Alhambra Avenue. The Districts' 15-inch diameter trunk sewer has a capacity of 1.7 million gallons per day (mgd) and conveyed a peak flow of 0.4 mgd when last measured in 2016. B-1
2. The expected increase in average wastewater flow from the project, described in the NOI as seven attached 3-bedroom townhomes and 57 condominium units, is 9,971 gallons per day, after all 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 and select Will Serve Program, and click on the [Table 1. Loadings for Each Class of Land Use](#) link. B-2
3. The wastewater generated by the proposed project will be treated at the A.K. Warren Water Resource Facility (formerly known as 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 247.2 mgd. B-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 used by the Districts for its capital facilities. 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, please contact the Districts' Wastewater Fee Public Counter at (562) 908-4288, extension 2727. B-4

DOC 7242629.D02

Ms. Beth Chow

2

June 7, 2024

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 CAA. 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 City that the Districts intend to provide this service up to the levels that are legally permitted and to inform the City of the currently existing capacity and any proposed expansion of the Districts' facilities.

B-5

If you have any questions, please contact the undersigned at (562) 908-4288, extension 2742, or phorsley@lacsosd.org.

Very truly yours,

Patricia Horsley

Patricia Horsley
Environmental Planner
Facilities Planning Department

PLH:plh

DOC 7242629.D02

ID	Response to Comment Letter B
B-1	As stated on Page 97 the IS/MND, the proposed project would deliver sewage into the City's sewer collection system operated and maintained by the City's Public Works Department, while the Sanitation Districts of Los Angeles County (LACSD) manages, operates, and maintains the larger sewer trunk lines into which the City's collection system feeds. The daily trunk sewer capacity of 1.7 million gallons per day for the 15-inch diameter trunk sewer located in East Newmark Avenue west of South Alhambra Avenue and the peak conveyance flow of 0.4 million gallons per day has been noted. No new or significant increase in the severity of an impact has been identified. The proposed project will be served by the existing wastewater conveyance and treatment system provided by the City's Public Works Department and LACSD. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
B-2	This comment has been noted. Wastewater generation for the proposed project was estimated in the IS/MND using CalEEMod default outputs and assumed wastewater to be equivalent to indoor water demand. As such, it was estimated that the proposed project would generate approximately 5,371 gallons of wastewater per day, which is less than LACSD's estimation of 9,971 gallons per day. However, this amount is still well within the treatment capacity of 400 million gallons per day at the District's A.K. Warren Water Resource Facility (formerly known as the Joint Water Pollution Control Plant). No new or significant increase in the severity of an impact has been identified. Wastewater flows from the proposed project will be within LACSD's remaining treatment capacity. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
B-3	As discussed in Response B2 above, wastewater generation for the proposed project estimated using either CalEEMod default outputs or LACSD's average wastewater generation factors (5,371 and 9,971 gallons per day, respectively) would be well within the treatment capacity of 400 million gallons per day at the District's A.K. Warren Water Resource Facility. No new or significant increase in the severity of an impact has been identified. Wastewater flows from the proposed project will be within the District's remaining treatment capacity. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
B-4	This comment has been noted. As a condition of approval, the project proponent will be required to pay the District's connection fees before the project discharges to the District's sewer system, and issuance of occupancy permits will be contingent upon payment of said connection fees. No new or significant increase in the severity of an impact has been identified. Connection fees will be paid by the project applicant prior to discharges to the local sewer system. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.

ID	Response to Comment Letter B
B-5	This comment has been noted and no response is necessary. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.

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COMMENT LETTER C – SHUO SUN

From: [shuo.sun](#)
To: [Chow, Beth](#)
Subject: Opposition to Demolition of My Home at 400 S Alhambra Ave for 64-Unit Condominium Project
Date: Friday, June 7, 2024 6:40:05 PM

[EXTERNAL EMAIL]

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

Shuo Sun
400 S Alhambra Ave #F
Monterey Park, CA 91755
Email: owensun0306@hotmail.com
Phone: 626-551-8426
06/07/2024

Beth Chow, AICP, Planning Manager
320 West Newmark Avenue
Monterey Park, California 91754

Dear Beth Chow,

My name is Shuo Sun, and I have been a resident of Monterey Park for the past 20 years, living in my home at 400 S Alhambra Ave #F, Monterey Park, CA 91755. I am writing to express my strong and unequivocal opposition to the proposed demolition of residential properties, including the house I have called home for the past two decades, to make room for the construction of a 64-unit condominium project in Monterey Park. As a long-term resident deeply invested in this community, I urge you to reconsider this plan and seek alternative solutions that do not involve displacing current tenants.

C-1

The thought of being forcibly uprooted from my home of twenty years is not only distressing but also presents insurmountable challenges for me and my family. This home is more than just a building; it is a place filled with twenty years of memories and emotional significance. The forced displacement would disrupt our lives in ways that cannot be easily mitigated.

C-2

It is profoundly disheartening to see the government prioritize development projects over the well-being of longstanding residents who have contributed to the fabric of this neighborhood for years. As someone who has witnessed the evolution of Monterey Park firsthand, I believe it is imperative for the authorities to recognize and protect the rights of existing community members. The proposed plan, in its current form, shows a blatant disregard for the lives and stability of the current residents.

C-3

I implore you to engage in meaningful dialogue with affected residents, including myself, and explore alternative solutions that preserve the integrity of our community while still addressing housing needs. Whether it involves revisiting the proposed development plan,

C-4

offering fair compensation and relocation assistance to tenants, or exploring other suitable locations for the condominium project, I urge you to exhaust all possibilities before proceeding with the current course of action.

C-4
cont.

Furthermore, I demand transparency and accountability throughout this process to ensure that the concerns and voices of residents are duly acknowledged and considered. The lack of communication and consideration thus far has only added to the anxiety and distress felt by many.

C-5

Thank you for considering my impassioned plea. I sincerely hope that you will reconsider your decision and work towards a solution that honors the rights and livelihoods of longtime residents like myself.

Sincerely,
Shuo Sun

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ID	Response to Comment Letter C
C-1	This comment has been noted and entered into the record. This comment does not raise any specific issues with the environmental analysis for the proposed project; therefore, no further response is necessary. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
C-2	This comment has been noted and entered into the record. This comment does not raise any specific issues with the environmental analysis for the proposed project; therefore, no further response is necessary. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
C-3	This comment has been noted and entered into the record. This comment does not raise any specific issues with the environmental analysis for the proposed project; therefore, no further response is necessary. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
C-4	This comment has been noted and entered into the record. This comment does not raise any specific issues with the environmental analysis for the proposed project; therefore, no further response is necessary. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
C-5	This comment has been noted and entered into the record. This comment does not raise any specific issues with the environmental analysis for the proposed project; therefore, no further response is necessary. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.

COMMENT LETTER D – ALLEN XIE

June 10, 2024

Beth Chow, AICP, Planning Manager
City of Monterey Park Planning Division
320 West Newmark Avenue
Monterey Park, California 91754

RE: Notice of Intent to Adopt a Mitigated Negative Declaration for the 338-410 South Alhambra Avenue 64-Unit Condominium Project

Dear Ms Chow,

I am a resident along South Alhambra Ave and I have several comments and concerns regarding the Initial Study and Mitigated Negative Declaration (IS/MND) for the 338-410 Condominium Project.

I request that this draft IS/MND be rejected and for the project developer (The Commons of MPK, LLC) need to be revised the draft IS/MND and resubmit for public comments due address several issues summarized below:

- Project does not comply with California Density Bonus Law
- Project does not comply with City of Monterey Park Residential Development Guidelines for minimum parking spots
- Several CEQA impact determinations do not match the supporting engineering reports
- Some engineering reports are incomplete and require revision
- Several engineer reports are missing information and incorrectly referenced in relation to the incorrect project description and require revision

D-1

I request that the project developer resubmit a revised IS/MND to address my comments and require another round of public comments to review/verify if the comments for the IS/MND were addressed. Or that the project be rejected due to the amount of issues with the IS/MND determinations and incomplete engineering reports that support the determinations.

Comment #1:

Section 2.10 indicates that the project would designate 15% of the proposed units to very-low income housing in order to obtain the 50% density bonus. However, the project description in this IS/MND indicated that only 7 of the 64 units are designated for very-low income housing. 7 divided by 64 units does not equal 15% to obtain the 50%

D-2

density bonus. 7 of 64 units is approximately 11%. According to the Density Bonus law, 11% very-low income housing allows a 35% density bonus. Therefore, this project should not be allowed to build 64 units. The project needs to reduce the number of units proposed. In addition, when totaling the number of units, there are 65 units and not 64 ($15+33+17=65$).

**D-2
cont.**

I request that the draft IS/MND report be revised to analyze the CEQA conditions under the correct density bonus and correct project description. Or that the project description be revised to meet the correct number of units allowed under the Monterey Park's municipal code and California Density Bonus Law.

Comment #2

The project does not comply with Monterey Park Municipal Code (MPMC) 21.22.050 - Minimum Parking Spaces Required. The IS/MND and project description indicates a total of 83 parking spots for the project. However, this does not meet the minimum parking requirements for MPMC 21.22.050. Traffic analysis done as part of the CEQA traffic impact would not be accurate. The MPMC requires multifamily residences of 3 or fewer bedrooms to have 2 parking spots plus 1 guest parking per 2 dwelling units. In addition, single room occupancy requires 1 parking spot for each room.

Even based on the 65 units (that does not meet density bonus law), there are inadequate parking spots for this project. The project for 65 units would require a minimum of 140 parking spots. The calculations for the parking spots is summarized in the table below:

	Units	Minimum Parking	Minimum Guest Parking
1 Room	15	15	
2 Room	33	66	16.5
3 Room	17	34	8.5
SubTotal	65	115	25
		Total Required Parking =	140

D-3

I request that this project be **rejected** since the project does not meet the minimum required parking and the traffic impact analysis is not based on the current traffic conditions allowed for this project. There is a significant lack of parking based on the

project description. It does not even meet the MPMC by a large margin and would cause a significant traffic impact to the local residents. I believe this is in bad faith by the developer to have such a large difference in inadequate parking based on the city's code.

**D-3
cont.**

Comment #3

I disagree with the Section 4.9 - Hazards and Hazardous Materials determination that there is less than significant impact. I believe the Phase I Environmental Site Assessment (ESA) results were not correctly evaluated for the IS/MND. The ESA report indicates that there is potential for asbestos. The report indicates that there should be an asbestos test to determine if the building contains asbestos. **Asbestos** is a hazardous material that can significantly impact the community if there is no work plan/mitigation in proper removal of asbestos.

The ESA has also not evaluated the existing buildings for **lead based paint**. Lead based paint is a known hazard that can impact environmental, air quality, and health of the public. The ESA has not conducted any research or testing.

The ESA report indicates that no on-site evaluations were conducted for asbestos or lead based paint hazardous materials. The ESA report in Section 8 makes a disclaimer that it does not guarantee if there is hazardous material absent or present.

D-4

In addition, the IS/MND determination for hazards and hazardous materials are based on an incomplete report. It is unknown if the experts are licensed and if the ESA documentation submitted with the IS/MND is the final version. **There is no professional engineer (PE) stamp on the report or any signatures from the experts.** The public is not able to verify if the engineers preparing the reports are in good standing if there is no PE license number associated with their specific names.

I request that the project be **rejected** or that IS/MND be **revised** and **recirculated**. The evaluation of the IS/MND for the hazards and hazardous materials has not been evaluated with on-site evaluations/testings to accurately make a determination of presence or absence of hazardous materials.

Comment #4

I disagree with the IS/MND determinations that there is less than significant impact in Section 4.10 - Hydrology and Water Quality. The Low Impact Development (LID) report used by the IS/MND is lacking several parts and the LID report/plan is incomplete. The

D-5

LID plan included in the IS/MND has not been certified by the preparer. The IS/MND should not be making determinations based on incomplete reports that have not been certified.

The LID plan is also incomplete and missing a Master Covenant and Agreement (MCA) and operations and Maintenance (O&M) Plan. Both MCA and O&M plans are requirements of the Los Angeles County Municipal Separate Storm Sewer (MS4) permit. The MCA is a requirement by the MS4 permit for developers to have to establish the maintenance protocol and agreement with the City for the LID system on the project. Without this, the LID plan is incomplete and can have a significant impact on the water quality requirements. The MCA is an agreement to ensure that the LID is being maintained and who is responsible for the post-construction maintenance of the LID system that met the water quality requirements.

D-5
cont.

The O&M plan included in the LID plan is also incomplete. The O&M plan included does not actually include any protocols or instructions for the owner on how the biofiltration planter is to be maintained. There is no inspection checklist, conditions to evaluate, and how to fix/maintain the biofiltration planter.

Based on the lack of a MCA and complete O&M plan, the IS/MND is **incorrect** in determining that there are no significant impacts. The lack of a MCA and complete O&M plan is a significant impact to the continued use of the biofiltration planter to provide water quality filtration for stormwater. The IS/MND or project needs to be rejected due to the improper determination for water quality impacts.

Comment #5

I disagree with the IS/MND determination for Section 4.16 - Transportation and Traffic. The determination was based on the Project Transportation Study Screening Assessment report. Based on review of the traffic report, it is based on a different project description and conditions. The traffic report in this IS/MND is **not applicable** to the condominium project.

D-6

The IS/MND determination and traffic report is based on a project for senior housing. Senior housing traffic is different from multifamily condominium traffic. The projected trip generation information should be different since senior housing provides less vehicle traffic compared to a multifamily condominium where almost each bedroom would have a parking spot.

In addition, the IS/MND made a determination based on information that was not in the report. The IS/MND refers to Table 17 that contain proposed project forecast for traffic analysis that does not exist anywhere in the traffic report.

D-6
cont.

The IS/MND or project needs to be rejected since the traffic impact determination does not have a correct traffic report to support their determination.

Conclusion

I request that the IS/MND or project be **rejected** due to the amount of incorrect project description, project not meeting MPMC, significant lack of required minimum parking spots, incomplete/uncertified engineering reports, and incorrect supporting documentation.

D-7

Sincerely,
Allen Xie
322 S Alhambra Ave

DRAFT

ID	Response to Comment Letter D						
D-1	As shown in Responses to Comments D2 through D7, none of the issues identified by the commenter invalidate the Public Review Initial Study and Mitigated Negative Declaration and recirculation of the IS/MND for public comments is not required. However, for the purpose of transparency, a Final IS/MND has been prepared that includes minor changes based on public comments and that will be available for review by the public prior to the public hearing. None of the changes to the IS/MND affect the results of the environmental analysis and determination of impacts. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures and recirculation of the IS/MND is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.						
D-2	The commenter is incorrect in stating that the IS/MND uses an incorrect application of the density bonus. The density bonus is not based on the total number of proposed units; rather it is based on the maximum number of dwelling units permitted in the High-Density Residential (R-3) zone. The High-Density Residential (R-3) zone allows a maximum density of 25 units per acre, which equates to a maximum of 43 units for the 1.73-acre project site. 15% of 43 units equals 6.45 affordable housing units. Because the proposed project includes 7 affordable units (more than 15%), it qualifies for the 50 % state density bonus. 50% of 43 units is 21.5 units. 43 units plus 21 units equals 64 units. The project proposes 64 units. Therefore, the state density bonus has been properly applied for the proposed project, and the number of units is not required to be reduced. The commenter is correct in stating that $(15+33+17 = 65)$. However, Page 7 of the Public Review IS/MND includes the following typo: <i>“In total, the project proposes fifteen (15) 1-bedroom units, thirty-three (33) 2-bedroom units, and seventeen (16) 3-bedroom units.”</i> The project in fact includes 16 not seventeen 3-bedroom units. Pursuant to the CEQA Guidelines and court rulings, typographical errors are not grounds to invalidate an environmental document. This is simply a typographical error and has been corrected in the Final IS/MND. No new or significant increase in the severity of an impact has been identified. The typo on Page 7 of the Public Review IS/MND has been corrected in the Final IS/MND. This change does not invalidate the findings of the environmental analysis. No further changes and no new mitigation measures are required as a result of this comment.						
D-3	Pursuant to the California Density Bonus Law (Assembly Bill 2345), upon the written request of the developer, for a development project that qualifies for a density bonus, the city shall not require parking ratios that exceed the ratios identified in Section 65915(p)(1) of the Public Resources Code. The project proponent provided a written request, and the proposed project qualifies for a density bonus. As such, the City of Monterey Park may not require more than the following parking ratios for the proposed project (inclusive of parking for persons with disabilities: <table border="1" data-bbox="326 1770 721 1873"> <tr> <td>Studio</td><td>1 Space</td></tr> <tr> <td>1 Bedroom</td><td>1 Space</td></tr> <tr> <td>2 Bedroom</td><td>1.5 Spaces</td></tr> </table>	Studio	1 Space	1 Bedroom	1 Space	2 Bedroom	1.5 Spaces
Studio	1 Space						
1 Bedroom	1 Space						
2 Bedroom	1.5 Spaces						

ID	Response to Comment Letter D		
	3 Bedroom	1.5 Spaces	
	4 Bedroom	2.5 Spaces	
	According to the parking ratios in the table above, the 15 proposed 1-bedroom units would require 15 parking spaces; the 33 proposed 2-bedroom units would require 49.5 parking spaces, and the 16 proposed 3-bedroom units would require 24 parking spaces. Therefore, the City may not require more than 88.5 parking spaces for the proposed project. The proposed project includes a total of 97 parking spaces, two parking spaces for each of the 3-bedroom townhomes located along the project frontage, and an additional 83 parking spaces in the parking garage under the square building in the center of the site. In addition, the state Density Bonus Law supersedes the City's Municipal Code parking requirements. This was the intent of the law when it was written, and subsequent court rulings have reaffirmed that the law is a requirement which is mandatory for cities. A developer who meets the law's requirements for affordable units is entitled to the density bonus and other assistance as of right, regardless of the locality's desires (subject to limited health and safety exceptions). As such, the proposed project is not required to meet the minimum parking requirements of MPMC 21.22.050. In spite of this, the project applicant has made a good faith effort to provide as much parking on the site as is feasible and is required under the law. The commenter does not provide any substantive evidence that "the traffic impact analysis is not based on the current traffic conditions allowed for this project." Table 1 and Table 2 of the project traffic study show the existing land uses and project trip generation for potential residential use based upon trip generation rates obtained from the Institute of Transportation Engineers (ITE) <i>Trip Generation Manual</i> (11th Edition, 2021). Based on review of the ITE land use descriptions, trip generation rates for Single-Family Detached Residential (ITE Land Use Code 210) and Multi-Family Housing (Low-Rise) (ITE Land Use Code 220) were determined to adequately represent the existing land uses and proposed project and were used for calculating the project trip generation forecasts. The existing land uses and project trip generation forecasts were determined by multiplying the trip generation rates by the land use quantities. As shown in Table 1 of the project traffic study, the existing land uses currently generate approximately 107 daily vehicle trips, including 6 vehicle trips during the AM peak hour and 8 vehicle trips during the PM peak hour. As shown in Table 2 of the project traffic study, the proposed project would result in a net increase of approximately 331 daily trips, including a net increase of 20 vehicle trips during the AM peak hour and 25 vehicle trips during the PM peak hour. As stated in the project traffic study, and pursuant to the City's traffic impact analysis guidelines, the proposed project is presumed to have less than significant traffic impacts because the proposed project is projected to generate less than 50 new AM or PM peak hour trips. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.		

ID	Response to Comment Letter D
D-4	An Updated Phase I ESA has been prepared and is included in the Final IS/MND as Attachment 2. The Updated Phase I ESA includes a PE Stamp, license number, and signature of the engineers who prepared the study. The study also includes recommendations for asbestos and lead-based paint surveys prior to demolition activities. No new or significant increase in the severity of an impact has been identified. Impacts related to ACM and LBP will be less than significant with adherence to existing laws and regulations. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
D-5	An Updated Low Impact Development (LID) was prepared in October 2023 and is included in the Final IS/MND as Attachment 3. The updated report includes a Master Covenant and Agreement (MCA) and Operations and Maintenance (O&M) Plan. In addition, the O&M Plan includes protocols for maintenance of the biofiltration system, an inspection checklist, and conditions to evaluate. No new or significant increase in the severity of an impact has been identified. The findings of the Update LID Plan remain unchanged and inclusion of new mitigation measures is not necessary in order to mitigate potential water quality impacts. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
D-6	The commenter is incorrect in stating that the traffic study for the proposed project uses the Senior Housing land use type. The traffic study in fact uses the Multi-Family Housing (Low-Rise) land use type in Table 2 (Project Trip Generation; Page 8). This is the correct land use type for the proposed project. The commenter is correct in stating that Table 15 (Project Trip Generation) of the Public Review IS/MND (page 89) uses the term “Senior Adult Housing – Attached” as the land use type. However, this was a typo and the trip generation numbers in Table 15 match the numbers in Table 2 of the traffic study, which uses the correct land use type. Pursuant to the CEQA Guidelines and court rulings, typographical errors are not grounds to invalidate an environmental document. In addition, the Errata chapter of this Final IS/MND includes the correct land use type of Multi-Family Housing (Low-Rise) for Table 15. The commenter is correct in stating that the text referencing Table 16 (Net Trip Generation) of the Public Review IS/MND states different net trip generation rates than are shown in the actual table. The numbers used in Table 16 were incorrect and from a previous version of the document. As described in the text below Table 16 of the Public Review IS/MND, the correct number of AM Peak Hour trips is 20 rather than the 16 shown in Table 16; the correct number of PM Peak Hour trips is 25 rather than the 19 shown in Table 16, and the correct number of total Daily trips is 331 rather than the 308 shown in Table 16. These numbers are also shown in Table 3 of the project traffic study. In addition, the difference in these numbers is minor and does not change the determination that traffic impacts would be less than significant. Pursuant to the CEQA Guidelines and court rulings, typographical errors are not grounds to invalidate an environmental document. This is a typographical error and has been corrected in the Errata chapter of this Final IS/MND.

ID	Response to Comment Letter D
	No new or significant increase in the severity of an impact has been identified. The typographical errors in Table 16 of the Public Review IS/MND have been corrected in the Final IS/MND. These changes do not invalidate the findings of the environmental analysis. No further changes and no new mitigation measures are required as a result of this comment.
D-7	As stated in the Response to Comments above, the project description is correct, although there were some typographical errors that have been corrected in the Final IS/MND. In addition, the project is not required to meet the minimum parking requirements of MPMC 21.22.050 because the state Density Bonus Law supersedes the City's Municipal Code related to the maximum number of dwelling units and required parking. Finally, an Updated Limited Phase I ESA and an Updated LID Plan have been prepared for the proposed project and are included in the Final IS/MND as Attachment 2 and Attachment 3, respectively. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.

COMMENT LETTER E – BARBARA CHIENG

To the City of Monterey Park Planning Division,

As a concerned homeowner in the neighborhood surrounding the proposed development at 338-410 South Alhambra Avenue, I strongly oppose the adoption of the Mitigated Negative Declaration for the 64-Unit Condominium Project.

The proposed development raises several significant concerns:

1. ****Zoning Issues****: The project site is currently zoned as High-Density Residential (R-3), but the proposed development significantly exceeds the intended density for this zoning classification. Allowing such a high-density project undermines the purpose of the zoning laws designed to maintain a balanced and sustainable community structure. The proposed density of 64 units on a 1.73-acre site far exceeds the permissible 30 dwelling units per acre, leading to overcrowding and undue strain on local infrastructure and resources.

E-1

2. ****Parking Issues****: The development plan includes 83 parking spaces for residents and guests, which is insufficient for a project of this magnitude. With 64 units, many of which are two and three-bedroom units, the likelihood of multiple vehicles per household is high. This will inevitably lead to parking overflow onto surrounding streets, exacerbating existing parking shortages and creating additional traffic congestion. The plan's provision of parking spaces for electric vehicles and ADA parking is commendable but does not address the core issue of overall inadequate parking capacity.

E-2

3. ****Traffic and Safety Concerns****: Increased density and insufficient parking will lead to higher traffic volumes in an area that already experiences significant congestion. The narrow streets surrounding the project site are not designed to handle the increased traffic, which poses safety risks to pedestrians, particularly children and the elderly. The proposed project's impact on traffic flow and safety has not been adequately mitigated.

E-3

4. ****Impact on Local Services****: The addition of 64 new residential units will place a significant burden on local services, including schools, emergency services, and public utilities. The proposed development does not sufficiently address how these services will be scaled to accommodate the increased demand.

E-4

5. ****Environmental Concerns****: Despite the mitigated negative declaration, the project poses environmental risks, including potential impacts on air quality, noise levels, and local wildlife habitats. The mitigation measures proposed are inadequate to address these concerns comprehensively.

E-5

6. ****Community Character****: The scale and design of the proposed development are not in harmony with the existing character of the neighborhood, which consists primarily of single-family homes and lower-density residential units. This project threatens to disrupt the aesthetic and social fabric of our community.

E-6

7. ****Crime and Social Issues****: We are already experiencing an increase in crime rates this year, including issues related to boarding houses, prostitution, and possibly illegal gambling. Adding a high-density development will likely exacerbate these problems. The city has not adequately addressed the existing issues in our neighborhood, and introducing a large-scale condominium project will only compound the challenges we face. If such a development must be built, it should be located where the city council members reside, so they can firsthand experience the impact of their decisions.

E-7

In light of these concerns, I urge the City Council to vote against the adoption of the Mitigated Negative Declaration for this project. The proposed development is not compatible with the existing neighborhood and will have adverse impacts on our community's quality of life.

Thank you for considering my objections.

Sincerely,

BARBARA CHIENG
539 SEFTON AVE. Monterey Park 91755

ID	Response to Comment Letter E
E-1	The commenter is correct in stating that the proposed project exceeds the allowed density for the project site under the High-Density Residential (R-3) zoning. However, pursuant to the State Density Bonus Law (Government Code 65915-65918) housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), and that provide at least 15% very low income units, are entitled to a 50% density bonus. In addition, the density bonus is not based on the total number of proposed units; rather it is calculated using the maximum number of dwelling units permitted in the High-Density Residential (R-3) zone (“base density”). The High-Density Residential (R-3) zone allows a maximum density of 25 units per acre, which equates to a base density of 43 units for the 1.73-acre project site. Because the proposed project includes at least 15% very low income units, or 7 units out of the base density of 43, it qualifies for a 50% state density bonus. 50% of 43 units is 21.5 units. 43 units plus 21 units equals 64 units. The project proposes 64 units. Therefore, the state density bonus has been properly applied for the proposed project. Finally, pursuant to the State Density Bonus Law cities cannot require a General Plan amendment, zoning change, study, or other discretionary approval for incentives. Therefore, state law supersedes the City’s zoning law. The commenter does not provide any substantive evidence that the proposed project will result in overcrowding or undue strain on local infrastructure and resources. As shown in the IS/MND, the proposed project would have a less than significant impact related to population growth, public services, and utilities. No new or significant increase in the severity of an impact has been identified. The state density bonus has been properly applied to the project and state law supersedes local law. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
E-2	Because the proposed project qualifies for a state density bonus, the City of Monterey Park may not require the project to have more than 88.5 parking spaces. In spite of this, the project applicant has included 97 parking spaces – 8 more than is required by state law. In addition, the state Density Bonus Law supersedes the City’s Municipal Code parking requirements. This was the intent of the law when it was written, and subsequent court rulings have reaffirmed that the law is a requirement which is mandatory for cities. A developer who meets the law’s requirements for affordable units is entitled to the density bonus and other assistance as of right, regardless of the locality’s desires (subject to limited health and safety exceptions). As such, the proposed project is not required to meet the minimum parking requirements of MPMC 21.22.050. Finally, pursuant to the City’s traffic impact analysis guidelines, the proposed project is presumed to have less than significant traffic impacts because the proposed project is projected to generate less than 50 new AM or PM peak hour trips. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.

ID	Response to Comment Letter E
E-3	The commenter does not provide any substantive evidence that the proposed project would increase traffic volumes such that it would pose safety risks to pedestrians. The commenter also does not provide any substantive evidence showing the streets around the project site cannot handle the increase in traffic volumes from the proposed project. As shown in Table 2 of the project traffic study, the proposed project would result in a net increase of approximately 331 daily trips, including a net increase of 20 vehicle trips during the AM peak hour and 25 vehicle trips during the PM peak hour. As stated in the project traffic study, and pursuant to the City's traffic impact analysis guidelines, the proposed project is presumed to have less than significant traffic impacts because the proposed project is projected to generate less than 50 new AM or PM peak hour trips. Finally, the proposed project would not include any changes to the roadway system that would increase safety hazards. No new or significant increase in the severity of an impact has been identified. Traffic and safety hazards have been sufficiently analyzed and the inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
E-4	The commenter does not provide any substantive evidence that the proposed project would place a significant burden on local services such as schools, emergency services, and public utilities. In addition, the commenter is incorrect in stating that the project does not sufficiently address how these services will be scaled to accommodate the project. As discussed in Section 4.14 (Public Services) of the IS/MND, pursuant to Government Code Section 65996, payment of school impact fees in accordance with Government Code Section 65995 and/or Education Code Section 17620 is deemed to constitute full and complete mitigation for potential impacts to schools caused by development. These fees would help to fund future needs in the school districts with relation to the provision of new or physically altered district facilities. Additionally, with adherence to the goals and policies of the Safety and Community Services Element of the General Plan, and plan reviews conducted by the Monterey Park Fire Department, the proposed project is not anticipated to substantially impact fire protection services. Furthermore, no new or expanded fire protection facilities would be required as a result of this project as it is not anticipated to induce substantial population increases that were not anticipated under the City's General Plan. Similarly, the proposed residential development would not result in any unique or more extensive crime problems that cannot be handled with the existing level of police resources, and no new or expanded police facilities would need to be constructed as a result of this project. As discussed in Section 4.18 (Utilities and Services Systems) of the IS/MND, the City's 2020 Urban Water Management Plan (UWMP) estimates the reliable quantities of projected water supply for Year 2025 and Year 2030 are 8,421 acre-feet per year (AFY) and 8,514 AFY, respectively. It was estimated that the project would consume approximately 7,164 gallons of water per day, which equates to approximately 2,614,934 gallons of water per year, or 8.0 AFY. Therefore, the estimated water consumption of the proposed project is well within the Water Utility Division's projected water supply for 2025 and 2030 and would not significantly impact existing water service. Further, the project site would be redeveloped in compliance with the California Green Building Code (which implements water efficiency standards for

ID	Response to Comment Letter E
	appliances and fixtures), which would further reduce project water usage. Similarly, wastewater generation for the proposed project estimated using either CalEEMod default outputs or LACSD's average wastewater generation factors (5,371 and 9,971 gallons per day, respectively) would be well within the treatment capacity of 400 million gallons per day at the District's A.K. Warren Water Resource Facility. Finally, the proposed project would not have significant impacts on the local stormwater drainage system. No new or significant increase in the severity of an impact has been identified. The proposed project would not have any significant impacts on local services and the inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
E-5	The commenter does not provide any substantive evidence that the “proposed project poses environmental risks, including potential impacts on air quality, noise levels, and wildlife habitats” and provides no reasoning for why the proposed mitigation measures are inadequate to address these concerns. However, as discussed in Section 4.3 (Air Quality) of the IS/MND, the proposed project will not conflict with or obstruct implementation of the applicable air quality plan, would not 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, and would not result in other emissions (such as odors) that would adversely affect a substantial number of people. During construction activities, the proposed project would generate diesel particulate matter (DPM), a toxic air contaminant (TAC), from combustion of diesel fuel in heavy-duty construction equipment and trucks used to access the site during construction, and nearby receptors would be exposed to varying concentrations of pollutants throughout the construction period. Therefore, Mitigation Measure AIR-1 is incorporated to ensure the proposed project does not generate TAC emissions that have the potential to result in substantial adverse health effects at receptor locations near the proposed project. Implementation of Mitigation Measure AIR-1 would reduce the amount of DPM that adjacent receptors would be exposed to by approximately 51 percent and reduce the potential for substantial pollutant concentrations and adverse health risks resulting from construction-related DPM emissions to a less than significant level. Similarly, as discussed in Section 4.13 (Noise) of the IS/MND, the proposed project will not generate excessive groundborne vibration or noise levels and would not expose people to excessive noise levels from an airport. To reduce the potential for construction activities to result in a substantial temporary increase in ambient noise levels in the vicinity of the project site, and to reduce effects on adjacent residential receptors, Mitigation Measure NOI-1 is incorporated into the project. Mitigation Measure NOI-1 would provide advanced notice of construction activities to surrounding residential properties, limit construction hours per MPMC requirements, limit noise from stationary and other construction equipment, and reduce temporary construction noise impacts by a minimum of 5 to 10 dBS. The proposed project would comply with the City's applicable construction noise control regulations and implement other mitigation measures to reduce the potential for project construction activities to result in a substantial temporary increase in ambient noise levels. With Mitigation

ID	Response to Comment Letter E
	Measure NOI-1, temporary construction noise levels would be rendered a less-than-significant impact. Finally, as discussed in Section 4.4 (Biological Resources) of the IS/MND, the proposed project would not have a significant impact on any sensitive wildlife species, riparian or other sensitive natural community, federally protected wetlands, local policies ordinances protecting biological resources, or an adopted habitat conservation plan. Because the project site may still contain trees that support nesting habitat for native avian species and the project proposes removal of trees during construction, Mitigation Measure BIO-1 has been incorporated to ensure impacts to nesting/migratory birds are less than significant. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
E-6	The commenter does not provide any substantive evidence showing how the proposed project would disrupt the aesthetic or social fabric of the community. The proposed residential project has been designed to be consistent in character and scale with surrounding residential developments, which consist of both single- and multi-family residential developments of varying densities and heights, and similar to the proposed project many of these developments are three stories in height. The multi-family residential development immediately to the south of the proposed project site (416-418 South Alhambra Ave.) is three stories in height. There are two multi-family residential developments on Peach Street (343 and 346 Peach St.) that are three stories in height. In addition, the architectural design of the proposed condominium project would not be substantially dissimilar to the architectural design of residential developments in the project area and would, in fact, be considered an improvement over the existing condition of the site. Finally, the project design has gone through plan check with the City and is in compliance with the City's General Plan and Zoning Code design standards. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
E-7	The commenter does not provide any substantive evidence showing how the proposed project would exacerbate issues related to boarding houses, prostitution, or illegal gambling. The proposed residential condominium would not result in any unique or more extensive crime problems. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.

COMMENT LETTER F – BRENDA GUAN

From: [Brenda Guan](#)
To: [Chow, Beth](#)
Subject: Opposition to Condo Project at 338-410 South Alhambra Ave
Date: Monday, June 10, 2024 4:23:06 PM

[EXTERNAL EMAIL]

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Hi Beth,

My name is Brenda and I am a condo owner who lives in close proximity to the aforementioned Condo Project. I am writing to express my opposition to this project.

We are already in a high density area - adding these 64 units would only exacerbate the problems we are facing, especially when it comes to parking issues, impact on local services, and risk for additional crime incidents. The parking that is planned to come with the development will not be enough to compensate for the increased population, as demonstrated by multiple cars beyond # of bedrooms of current Monterey Park condos and single family homes.

The supposed benefit from the development doesn't outweigh the negatives, and in fact, disrupts the living situations of all of the current residents who are already facing complications with parking, traffic, safety, crime, etc.

I strongly urge you to reject this development and protect the current state of the neighborhood.

Thanks,
Brenda

F-1

ID	Response to Comment Letter F
F-1	The commenter does not provide any substantive evidence showing how the proposed project would exacerbate problems related to parking, local services, or crime. Pursuant to the State Density Bonus Law, the proposed project is not required to provide more than 88.5 parking spaces. In addition, the state Density Bonus Law supersedes the City's Municipal Code parking requirements. This was the intent of the law when it was written, and subsequent court rulings have reaffirmed that the law is a requirement which is mandatory for cities. A developer who meets the law's requirements for affordable units is entitled to the density bonus and other assistance as of right, regardless of the locality's desires (subject to limited health and safety exceptions). As such, the proposed project is not required to meet the minimum parking requirements of MPMC 21.22.050. In spite of this, the project applicant has made a good faith effort to provide as much parking on the site as is feasible and is required under the law by providing 97 parking spaces. Finally, as demonstrated in the Public Review IS/MND, the proposed project would not result in significant impacts to public services and utilities, and would not result in any unique or more extensive crime problems that cannot be handled with the existing level of police resources. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.

COMMENT LETTER G – DALY YU

From: [Dalu Yu](#)
To: [Chow, Beth](#)
Subject: 338-410 south Alhambra Ave 64-unit Condominium Project
Date: Monday, June 10, 2024 10:16:20 PM

[EXTERNAL EMAIL]

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I don't agree to build condominium at Monterey Park . I am Dalu Yu, live at 472 S Alhambra Ave, Monterey Park ,CA 91755

G-1

获取 [Outlook for iOS](#)

DRAFT

ID	Response to Comment Letter G
G-1	This comment has been noted and entered into the record. This comment does not raise any specific issues with the environmental analysis for the proposed project; therefore, no further response is necessary. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.

DRAFT

COMMENT LETTER H – JENNIFER WU

From: [B27](#)
To: [Chow, Beth](#)
Subject: opposition comments to propose 64 units project 338-410 S Alhambra Avenue
Date: Monday, June 10, 2024 11:35:11 AM

[EXTERNAL EMAIL]

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

Attention To: Monterey Park City Council members and city planners

This letter is to address my concern and also state my opposition to the City notice of intent to adopt a mitigated negative declaration for the 338-410 South Alhambra Avenue 64-unit condominium.

I respectfully ask our city council and board colleagues and city planners will not approve the above intent and only allow up to 48 dwelling units based on the property lot size and current city regulations.

We believe this proposed of building 64 units will cause significant negative impact of our nearby living area and will add loads of burden to current parking, environment, traffic safety and community.

Your leadership and decision are critically important to our community and city planning. We appreciate you would take into consideration of our above concerns while reviewing this housing development proposal.

Monterey Park resident
location : 530 S Alhambra Avenue Monterey Park CA 91755

Jennifer Wu

H-1

ID	Response to Comment Letter H
H-1	The commenter does not provide any substantive evidence showing how the proposed project would cause a significant negative impact related to parking, the environment, traffic, safety and community. Pursuant to the State Density Bonus Law, the proposed project is not required to provide more than 88.5 parking spaces. In addition, the state Density Bonus Law supersedes the City's Municipal Code parking requirements. This was the intent of the law when it was written, and subsequent court rulings have reaffirmed that the law is a requirement which is mandatory for cities. A developer who meets the law's requirements for affordable units is entitled to the density bonus and other assistance as of right, regardless of the locality's desires (subject to limited health and safety exceptions). As such, the proposed project is not required to meet the minimum parking requirements of MPMC 21.22.050. In spite of this, the project applicant has made a good faith effort to provide as much parking on the site as is feasible and is required under the law by providing 97 parking spaces. Further, as demonstrated in the Public Review IS/MND, the proposed project would not result in any significant environmental impacts, would not result in any unique or more extensive crime problems that cannot be handled with the existing level of police resources, and would be designed consistent with the character and scale of existing development in the neighborhood. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.

COMMENT LETTER I – JONATHAN LE

To the City of Monterey Park Planning Division,

As a concerned homeowner in the neighborhood surrounding the proposed development at 338-410 South Alhambra Avenue, I strongly oppose the adoption of the Mitigated Negative Declaration for the 64-Unit Condominium Project.

The proposed development raises several significant concerns:

1. ****Zoning Issues****: The project site is currently zoned as High-Density Residential (R-3), but the proposed development significantly exceeds the intended density for this zoning classification. Allowing such a high-density project undermines the purpose of the zoning laws designed to maintain a balanced and sustainable community structure. The proposed density of 64 units on a 1.73-acre site far exceeds the permissible 30 dwelling units per acre, leading to overcrowding and undue strain on local infrastructure and resources.

I-1

2. ****Parking Issues****: The development plan includes 83 parking spaces for residents and guests, which is insufficient for a project of this magnitude. With 64 units, many of which are two and three-bedroom units, the likelihood of multiple vehicles per household is high. This will inevitably lead to parking overflow onto surrounding streets, exacerbating existing parking shortages and creating additional traffic congestion. The plan's provision of parking spaces for electric vehicles and ADA parking is commendable but does not address the core issue of overall inadequate parking capacity.

I-2

3. ****Traffic and Safety Concerns****: Increased density and insufficient parking will lead to higher traffic volumes in an area that already experiences significant congestion. The narrow streets surrounding the project site are not designed to handle the increased traffic, which poses safety risks to pedestrians, particularly children and the elderly. The proposed project's impact on traffic flow and safety has not been adequately mitigated.

I-3

4. ****Impact on Local Services****: The addition of 64 new residential units will place a significant burden on local services, including schools, emergency services, and public utilities. The proposed development does not sufficiently address how these services will be scaled to accommodate the increased demand.

I-4

5. ****Environmental Concerns****: Despite the mitigated negative declaration, the project poses environmental risks, including potential impacts on air quality, noise levels, and local wildlife habitats. The mitigation measures proposed are inadequate to address these concerns comprehensively.

I-5

6. ****Community Character****: The scale and design of the proposed development are not in harmony with the existing character of the neighborhood, which consists primarily of single-family homes and lower-density residential units. This project threatens to disrupt the aesthetic and social fabric of our community.

I-6

7. ****Crime and Social Issues****: We are already experiencing an increase in crime rates this year, including issues related to boarding houses, prostitution, and possibly illegal gambling. Adding a high-density development will likely exacerbate these problems. The city has not adequately addressed the existing issues in our neighborhood, and introducing a large-scale condominium project will only compound the challenges we face. If such a development must be built, it should be located where the city council members reside, so they can firsthand experience the impact of their decisions.

I-7

In light of these concerns, I urge the City Council to vote against the adoption of the Mitigated Negative Declaration for this project. The proposed development is not compatible with the existing neighborhood and will have adverse impacts on our community's quality of life.

Thank you for considering my objections.

Sincerely,

Jonathan Le
639 Sifton Ave.
Monterey Park, CA 91755

Monterey Park 91755

ID	Response to Comment Letter I
I-1	The commenter is correct in stating that the proposed project exceeds the allowed density for the project site under the High-Density Residential (R-3) zoning. However, pursuant to the State Density Bonus Law (Government Code 65915-65918) housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), and that provide at least 15% very low income units, are entitled to a 50% density bonus. In addition, the density bonus is not based on the total number of proposed units; rather it is calculated using the maximum number of dwelling units permitted in the High-Density Residential (R-3) zone (“base density”). The High-Density Residential (R-3) zone allows a maximum density of 25 units per acre, which equates to a base density of 43 units for the 1.73-acre project site. Because the proposed project includes at least 15% very low income units, or 7 units out of the base density of 43, it qualifies for a 50% state density bonus. 50% of 43 units is 21.5 units. 43 units plus 21 units equals 64 units. The project proposes 64 units. Therefore, the state density bonus has been properly applied for the proposed project. Finally, pursuant to the State Density Bonus Law cities cannot require a General Plan amendment, zoning change, study, or other discretionary approval for incentives. Therefore, state law supersedes the City’s zoning law. The commenter does not provide any substantive evidence that the proposed project will result in overcrowding or undue strain on local infrastructure and resources. As shown in the IS/MND, the proposed project would have a less than significant impact related to population growth, public services, and utilities. No new or significant increase in the severity of an impact has been identified. The state density bonus has been properly applied to the project and state law supersedes local law. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
I-2	Because the proposed project qualifies for a state density bonus, the City of Monterey Park may not require the project to have more than 88.5 parking spaces. In spite of this, the project applicant has included 97 parking spaces – 8 more than is required by state law. In addition, the state Density Bonus Law supersedes the City’s Municipal Code parking requirements. This was the intent of the law when it was written, and subsequent court rulings have reaffirmed that the law is a requirement which is mandatory for cities. A developer who meets the law’s requirements for affordable units is entitled to the density bonus and other assistance as of right, regardless of the locality’s desires (subject to limited health and safety exceptions). As such, the proposed project is not required to meet the minimum parking requirements of MPMC 21.22.050. Finally, pursuant to the City’s traffic impact analysis guidelines, the proposed project is presumed to have less than significant traffic impacts because the proposed project is projected to generate less than 50 new AM or PM peak hour trips. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.

ID	Response to Comment Letter I
I-3	The commenter does not provide any substantive evidence that the proposed project would increase traffic volumes such that it would pose safety risks to pedestrians. The commenter also does not provide any substantive evidence showing the streets around the project site cannot handle the increase in traffic volumes from the proposed project. As shown in Table 2 of the project traffic study, the proposed project would result in a net increase of approximately 331 daily trips, including a net increase of 20 vehicle trips during the AM peak hour and 25 vehicle trips during the PM peak hour. As stated in the project traffic study, and pursuant to the City's traffic impact analysis guidelines, the proposed project is presumed to have less than significant traffic impacts because the proposed project is projected to generate less than 50 new AM or PM peak hour trips. Finally, the proposed project would not include any changes to the roadway system that would increase safety hazards. No new or significant increase in the severity of an impact has been identified. Traffic and safety hazards have been sufficiently analyzed and the inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
I-4	The commenter does not provide any substantive evidence that the proposed project would place a significant burden on local services such as schools, emergency services, and public utilities. In addition, the commenter is incorrect in stating that the project does not sufficiently address how these services will be scaled to accommodate the project. As discussed in Section 4.14 (Public Services) of the IS/MND, pursuant to Government Code Section 65996, payment of school impact fees in accordance with Government Code Section 65995 and/or Education Code Section 17620 is deemed to constitute full and complete mitigation for potential impacts to schools caused by development. These fees would help to fund future needs in the school districts with relation to the provision of new or physically altered district facilities. Additionally, with adherence to the goals and policies of the Safety and Community Services Element of the General Plan, and plan reviews conducted by the Monterey Park Fire Department, the proposed project is not anticipated to substantially impact fire protection services. Furthermore, no new or expanded fire protection facilities would be required as a result of this project as it is not anticipated to induce substantial population increases that were not anticipated under the City's General Plan. Similarly, the proposed residential development would not result in any unique or more extensive crime problems that cannot be handled with the existing level of police resources, and no new or expanded police facilities would need to be constructed as a result of this project. As discussed in Section 4.18 (Utilities and Services Systems) of the IS/MND, the City's 2020 Urban Water Management Plan (UWMP) estimates the reliable quantities of projected water supply for Year 2025 and Year 2030 are 8,421 acre-feet per year (AFY) and 8,514 AFY, respectively. It was estimated that the project would consume approximately 7,164 gallons of water per day, which equates to approximately 2,614,934 gallons of water per year, or 8.0 AFY. Therefore, the estimated water consumption of the proposed project is well within the Water Utility Division's projected water supply for 2025 and 2030 and would not significantly impact existing water service. Further, the project site would be redeveloped in compliance with the California Green Building Code (which implements water efficiency standards for appliances and fixtures), which would further reduce project water usage. Similarly,

ID	Response to Comment Letter I
	wastewater generation for the proposed project estimated using either CalEEMod default outputs or LACSD's average wastewater generation factors (5,371 and 9,971 gallons per day, respectively) would be well within the treatment capacity of 400 million gallons per day at the District's A.K. Warren Water Resource Facility. Finally, the proposed project would not have significant impacts on the local stormwater drainage system. No new or significant increase in the severity of an impact has been identified. The proposed project would not have any significant impacts on local services and the inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
I-5	The commenter does not provide any substantive evidence that the "proposed project poses environmental risks, including potential impacts on air quality, noise levels, and wildlife habitats" and provides no reasoning for why the proposed mitigation measures are inadequate to address these concerns. However, as discussed in Section 4.3 (Air Quality) of the IS/MND, the proposed project will not conflict with or obstruct implementation of the applicable air quality plan, would not 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, and would not result in other emissions (such as odors) that would adversely affect a substantial number of people. During construction activities, the proposed project would generate diesel particulate matter (DPM), a toxic air contaminant (TAC), from combustion of diesel fuel in heavy-duty construction equipment and trucks used to access the site during construction, and nearby receptors would be exposed to varying concentrations of pollutants throughout the construction period. Therefore, Mitigation Measure AIR-1 is incorporated to ensure the proposed project does not generate TAC emissions that have the potential to result in substantial adverse health effects at receptor locations near the proposed project. Implementation of Mitigation Measure AIR-1 would reduce the amount of DPM that adjacent receptors would be exposed to by approximately 51 percent and reduce the potential for substantial pollutant concentrations and adverse health risks resulting from construction-related DPM emissions to a less than significant level. Similarly, as discussed in Section 4.13 (Noise) of the IS/MND, the proposed project will not generate excessive groundborne vibration or noise levels and would not expose people to excessive noise levels from an airport. To reduce the potential for construction activities to result in a substantial temporary increase in ambient noise levels in the vicinity of the project site, and to reduce effects on adjacent residential receptors, Mitigation Measure NOI-1 is incorporated into the project. Mitigation Measure NOI-1 would provide advanced notice of construction activities to surrounding residential properties, limit construction hours per MPMC requirements, limit noise from stationary and other construction equipment, and reduce temporary construction noise impacts by a minimum of 5 to 10 dBS. The proposed project would comply with the City's applicable construction noise control regulations and implement other mitigation measures to reduce the potential for project construction activities to result in a substantial temporary increase in ambient noise levels. With Mitigation Measure NOI-1, temporary construction noise levels would be rendered a less-than-significant impact.

ID	Response to Comment Letter I
	Finally, as discussed in Section 4.4 (Biological Resources) of the IS/MND, the proposed project would not have a significant impact on any sensitive wildlife species, riparian or other sensitive natural community, federally protected wetlands, local policies ordinances protecting biological resources, or an adopted habitat conservation plan. Because the project site may still contain trees that support nesting habitat for native avian species and the project proposes removal of trees during construction, Mitigation Measure BIO-1 has been incorporated to ensure impacts to nesting/migratory birds are less than significant. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
I-6	The commenter does not provide any substantive evidence showing how the proposed project would disrupt the aesthetic or social fabric of the community. The proposed residential project has been designed to be consistent in character and scale with surrounding residential developments, which consist of both single- and multi-family residential developments of varying densities and heights, and similar to the proposed project many of these developments are three stories in height. The multi-family residential development immediately to the south of the proposed project site (416-418 South Alhambra Ave.) is three stories in height. There are two multi-family residential developments on Peach Street (343 and 346 Peach St.) that are three stories in height. In addition, the architectural design of the proposed condominium project would not be substantially dissimilar to the architectural design of residential developments in the project area and would, in fact, be considered an improvement over the existing condition of the site. Finally, the project design has gone through plan check with the City and is in compliance with the City's General Plan and Zoning Code design standards. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
I-7	The commenter does not provide any substantive evidence showing how the proposed project would exacerbate issues related to boarding houses, prostitution, or illegal gambling. The proposed residential condominium would not result in any unique or more extensive crime problems. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.

COMMENT LETTER J – LEO WU

From: [Leo Wu](#)
To: [Chow, Beth](#)
Subject: For 338-410 S. Alhambra Ave comments
Date: Monday, May 27, 2024 8:01:26 PM

[EXTERNAL EMAIL]

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Hello, I am a tenant at 400 S. Alhambra Ave. I received a letter about the demolition and reconstruction plan for the place where I live now. I feel very frustrated and uneasy to hear this news because my family will leave this place where we have lived for almost 10 years. The cost of living will increase, and it will also affect my children's studies. We may not be able to maintain a normal life, or even become homeless. Therefore, I oppose this plan. Thank you!

J-1

ID	Response to Comment Letter J
J-1	This comment has been noted and entered into the record. This comment does not raise any specific issues with the environmental analysis for the proposed project; therefore, no further response is necessary. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.

DRAFT

COMMENT LETTER K – LOUISE LIU

From: Liuyan898@yahoo.com
To: [Chow, Beth](#)
Subject: To the City of Monterey Park Planning Division
Date: Monday, June 10, 2024 2:14:00 PM
Attachments: [City of Monterey Park.doc](#)
[ATT00001.doc](#)

[EXTERNAL EMAIL]

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

To the City of Monterey Park Planning Division,

As a concerned homeowner in the neighborhood surrounding the proposed development at 338-410 South Alhambra Avenue, I strongly oppose the adoption of the Mitigated Negative Declaration for the 64-Unit Condominium Project.

The proposed development raises several significant concerns:

1. ****Zoning Issues****: The project site is currently zoned as High-Density Residential (R-3), but the proposed development significantly exceeds the intended density for this zoning classification. Allowing such a high-density project undermines the purpose of the zoning laws designed to maintain a balanced and sustainable community structure. The proposed density of 64 units on a 1.73-acre site far exceeds the permissible 30 dwelling units per acre, leading to overcrowding and undue strain on local infrastructure and resources. **K-1**
2. ****Parking Issues****: The development plan includes 83 parking spaces for residents and guests, which is insufficient for a project of this magnitude. With 64 units, many of which are two and three-bedroom units, the likelihood of multiple vehicles per household is high. This will inevitably lead to parking overflow onto surrounding streets, exacerbating existing parking shortages and creating additional traffic congestion. The plan's provision of parking spaces for electric vehicles and ADA parking is commendable but does not address the core issue of overall inadequate parking capacity. **K-2**
3. ****Traffic and Safety Concerns****: Increased density and insufficient parking will lead to higher traffic volumes in an area that already experiences significant congestion. The narrow streets surrounding the project site are not designed to handle the increased traffic, which poses safety risks to pedestrians, particularly children and the elderly. The proposed project's impact on traffic flow and safety has not been adequately mitigated. **K-3**
4. ****Impact on Local Services****: The addition of 64 new residential units will place a significant burden on local services, including schools, emergency services, and public utilities. The proposed development does not sufficiently address how these services will be scaled to accommodate the increased demand. **K-4**
5. ****Environmental Concerns****: Despite the mitigated negative declaration, the project poses environmental risks, including potential impacts on air quality, noise levels, and local wildlife habitats. The mitigation measures proposed are inadequate to address these concerns comprehensively. **K-5**
6. ****Community Character****: The scale and design of the proposed development are not in harmony with the existing character of the neighborhood, which consists primarily of single-family homes and lower-density residential units. This project threatens to disrupt the aesthetic and social fabric of our community. **K-6**
7. ****Crime and Social Issues****: We are already experiencing an increase in crime rates this year, including issues related to boarding houses, prostitution, and possibly illegal gambling. Adding a high-density development will likely exacerbate these problems. The city has not adequately addressed the existing issues in our neighborhood, and introducing a large-scale condominium project will only compound the challenges we face. If such a development must be built, it should be located where the city council members reside, so they can firsthand experience the impact of their decisions. **K-7**

In light of these concerns, I urge the City Council to vote against the adoption of the Mitigated Negative Declaration for this project. The proposed development is not compatible with the existing neighborhood and will have adverse impacts on our community's quality of life.

Thank you for considering my objections.

Sincerely,

Louise Liu
420 S. Alhambra Ave., Unit #B, Monterey Park, CA 91755
liuyan898@yahoo.com
626-233-9638

DRAFT

ID	Response to Comment Letter K
K-1	The commenter is correct in stating that the proposed project exceeds the allowed density for the project site under the High-Density Residential (R-3) zoning. However, pursuant to the State Density Bonus Law (Government Code 65915-65918) housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), and that provide at least 15% very low income units, are entitled to a 50% density bonus. In addition, the density bonus is not based on the total number of proposed units; rather it is calculated using the maximum number of dwelling units permitted in the High-Density Residential (R-3) zone (“base density”). The High-Density Residential (R-3) zone allows a maximum density of 25 units per acre, which equates to a base density of 43 units for the 1.73-acre project site. Because the proposed project includes at least 15% very low income units, or 7 units out of the base density of 43, it qualifies for a 50% state density bonus. 50% of 43 units is 21.5 units. 43 units plus 21 units equals 64 units. The project proposes 64 units. Therefore, the state density bonus has been properly applied for the proposed project. Finally, pursuant to the State Density Bonus Law cities cannot require a General Plan amendment, zoning change, study, or other discretionary approval for incentives. Therefore, state law supersedes the City’s zoning law. The commenter does not provide any substantive evidence that the proposed project will result in overcrowding or undue strain on local infrastructure and resources. As shown in the IS/MND, the proposed project would have a less than significant impact related to population growth, public services, and utilities. No new or significant increase in the severity of an impact has been identified. The state density bonus has been properly applied to the project and state law supersedes local law. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
K-2	Because the proposed project qualifies for a state density bonus, the City of Monterey Park may not require the project to have more than 88.5 parking spaces. In spite of this, the project applicant has included 97 parking spaces – 8 more than is required by state law. In addition, the state Density Bonus Law supersedes the City’s Municipal Code parking requirements. This was the intent of the law when it was written, and subsequent court rulings have reaffirmed that the law is a requirement which is mandatory for cities. A developer who meets the law’s requirements for affordable units is entitled to the density bonus and other assistance as of right, regardless of the locality’s desires (subject to limited health and safety exceptions). As such, the proposed project is not required to meet the minimum parking requirements of MPMC 21.22.050. Finally, pursuant to the City’s traffic impact analysis guidelines, the proposed project is presumed to have less than significant traffic impacts because the proposed project is projected to generate less than 50 new AM or PM peak hour trips. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.

ID	Response to Comment Letter K
K-3	The commenter does not provide any substantive evidence that the proposed project would increase traffic volumes such that it would pose safety risks to pedestrians. The commenter also does not provide any substantive evidence showing the streets around the project site cannot handle the increase in traffic volumes from the proposed project. As shown in Table 2 of the project traffic study, the proposed project would result in a net increase of approximately 331 daily trips, including a net increase of 20 vehicle trips during the AM peak hour and 25 vehicle trips during the PM peak hour. As stated in the project traffic study, and pursuant to the City's traffic impact analysis guidelines, the proposed project is presumed to have less than significant traffic impacts because the proposed project is projected to generate less than 50 new AM or PM peak hour trips. Finally, the proposed project would not include any changes to the roadway system that would increase safety hazards. No new or significant increase in the severity of an impact has been identified. Traffic and safety hazards have been sufficiently analyzed and the inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
K-4	The commenter does not provide any substantive evidence that the proposed project would place a significant burden on local services such as schools, emergency services, and public utilities. In addition, the commenter is incorrect in stating that the project does not sufficiently address how these services will be scaled to accommodate the project. As discussed in Section 4.14 (Public Services) of the IS/MND, pursuant to Government Code Section 65996, payment of school impact fees in accordance with Government Code Section 65995 and/or Education Code Section 17620 is deemed to constitute full and complete mitigation for potential impacts to schools caused by development. These fees would help to fund future needs in the school districts with relation to the provision of new or physically altered district facilities. Additionally, with adherence to the goals and policies of the Safety and Community Services Element of the General Plan, and plan reviews conducted by the Monterey Park Fire Department, the proposed project is not anticipated to substantially impact fire protection services. Furthermore, no new or expanded fire protection facilities would be required as a result of this project as it is not anticipated to induce substantial population increases that were not anticipated under the City's General Plan. Similarly, the proposed residential development would not result in any unique or more extensive crime problems that cannot be handled with the existing level of police resources, and no new or expanded police facilities would need to be constructed as a result of this project. As discussed in Section 4.18 (Utilities and Services Systems) of the IS/MND, the City's 2020 Urban Water Management Plan (UWMP) estimates the reliable quantities of projected water supply for Year 2025 and Year 2030 are 8,421 acre-feet per year (AFY) and 8,514 AFY, respectively. It was estimated that the project would consume approximately 7,164 gallons of water per day, which equates to approximately 2,614,934 gallons of water per year, or 8.0 AFY. Therefore, the estimated water consumption of the proposed project is well within the Water Utility Division's projected water supply for 2025 and 2030 and would not significantly impact existing water service. Further, the project site would be redeveloped in compliance with the California Green Building Code (which implements water efficiency standards for appliances and fixtures), which would further reduce project water usage. Similarly,

ID	Response to Comment Letter K
	wastewater generation for the proposed project estimated using either CalEEMod default outputs or LACSD's average wastewater generation factors (5,371 and 9,971 gallons per day, respectively) would be well within the treatment capacity of 400 million gallons per day at the District's A.K. Warren Water Resource Facility. Finally, the proposed project would not have significant impacts on the local stormwater drainage system. No new or significant increase in the severity of an impact has been identified. The proposed project would not have any significant impacts on local services and the inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
K-5	The commenter does not provide any substantive evidence that the "proposed project poses environmental risks, including potential impacts on air quality, noise levels, and wildlife habitats" and provides no reasoning for why the proposed mitigation measures are inadequate to address these concerns. However, as discussed in Section 4.3 (Air Quality) of the IS/MND, the proposed project will not conflict with or obstruct implementation of the applicable air quality plan, would not 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, and would not result in other emissions (such as odors) that would adversely affect a substantial number of people. During construction activities, the proposed project would generate diesel particulate matter (DPM), a toxic air contaminant (TAC), from combustion of diesel fuel in heavy-duty construction equipment and trucks used to access the site during construction, and nearby receptors would be exposed to varying concentrations of pollutants throughout the construction period. Therefore, Mitigation Measure AIR-1 is incorporated to ensure the proposed project does not generate TAC emissions that have the potential to result in substantial adverse health effects at receptor locations near the proposed project. Implementation of Mitigation Measure AIR-1 would reduce the amount of DPM that adjacent receptors would be exposed to by approximately 51 percent and reduce the potential for substantial pollutant concentrations and adverse health risks resulting from construction-related DPM emissions to a less than significant level. Similarly, as discussed in Section 4.13 (Noise) of the IS/MND, the proposed project will not generate excessive groundborne vibration or noise levels and would not expose people to excessive noise levels from an airport. To reduce the potential for construction activities to result in a substantial temporary increase in ambient noise levels in the vicinity of the project site, and to reduce effects on adjacent residential receptors, Mitigation Measure NOI-1 is incorporated into the project. Mitigation Measure NOI-1 would provide advanced notice of construction activities to surrounding residential properties, limit construction hours per MPMC requirements, limit noise from stationary and other construction equipment, and reduce temporary construction noise impacts by a minimum of 5 to 10 dBS. The proposed project would comply with the City's applicable construction noise control regulations and implement other mitigation measures to reduce the potential for project construction activities to result in a substantial temporary increase in ambient noise levels. With Mitigation Measure NOI-1, temporary construction noise levels would be rendered a less-than-significant impact.

ID	Response to Comment Letter K
	Finally, as discussed in Section 4.4 (Biological Resources) of the IS/MND, the proposed project would not have a significant impact on any sensitive wildlife species, riparian or other sensitive natural community, federally protected wetlands, local policies ordinances protecting biological resources, or an adopted habitat conservation plan. Because the project site may still contain trees that support nesting habitat for native avian species and the project proposes removal of trees during construction, Mitigation Measure BIO-1 has been incorporated to ensure impacts to nesting/migratory birds are less than significant. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
K-6	The commenter does not provide any substantive evidence showing how the proposed project would disrupt the aesthetic or social fabric of the community. The proposed residential project has been designed to be consistent in character and scale with surrounding residential developments, which consist of both single- and multi-family residential developments of varying densities and heights, and similar to the proposed project many of these developments are three stories in height. The multi-family residential development immediately to the south of the proposed project site (416-418 South Alhambra Ave.) is three stories in height. There are two multi-family residential developments on Peach Street (343 and 346 Peach St.) that are three stories in height. In addition, the architectural design of the proposed condominium project would not be substantially dissimilar to the architectural design of residential developments in the project area and would, in fact, be considered an improvement over the existing condition of the site. Finally, the project design has gone through plan check with the City and is in compliance with the City's General Plan and Zoning Code design standards. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
K-7	The commenter does not provide any substantive evidence showing how the proposed project would exacerbate issues related to boarding houses, prostitution, or illegal gambling. The proposed residential condominium would not result in any unique or more extensive crime problems. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.

COMMENT LETTER L – MINNIE NGUYEN

From: [Minnie Nguyen](#)
To: [Chow, Beth](#)
Subject: Comments of Opposition to the 64-Unit Condominium Project at 338-410 S. Alhambra Avenue
Date: Monday, June 10, 2024 3:36:55 PM

[EXTERNAL EMAIL]

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

Dear Ms. Chow:

As part of the property owners along with multiple residents living at South Alhambra Avenue, we are clustered together and strongly oppose the adoption of the Mitigated Negative Declaration for the 64-Unit Condominium Project.

Traffic and the safety of pedestrians are major areas of concern. Traffic jams of Newmark Ave already span the distance between Garvey and intersection of Newmark and Alhambra Avenue during rush hour. The traffic surge during morning and evening rush hours, causing traffic issues during critical times for the existing Alhambra, Peach, Newmark, and Graves neighborhoods. The traffic surge during morning rush hours will also impact safety for children, since students walk to Mark Keppel High School in the morning.

L-1

Major increased traffic congestion adding to the dangerous of the collision accidents occur at the intersection between Newmark and Alhambra Avenue.

L-2

Street Parking has always been an issue to the residents, tenants, as well as visitors. Many of the residents who work on swing/night shift are unable to find parking space. They have to park far and walk at night, which may cause a dangerous situation for the existing residents. Also, the lack of parking spaces is causing people blocking the residential's driveway.

L-3

Due to the gradient side from Graves Avenue, speedy vehicles can cause danger to the residents crossing the street.

L-4

Furthermore, Property values are likely to go down in the area if housing apartments and/or condominiums are built. The large-scale apartment construction does not fit into our residential neighborhood.

L-5

We look forward to the upcoming June 18 Public Hearing meeting with you in the City Hall Council Chambers for the opposition voting.

Thank you for your continuing service, protect and support of our communities. Your consideration and attention to this matter is greatly appreciated.

Sincerely,

Minnie Nguyen

331 South Alhambra Ave. Monterey Park

Below is a listing of our neighbors' name and addresses I have gotten so far. Additional residents' information will be provided separately to support the opposition to the building of high-density condominium project at 338-410 South Alhambra Avenue.

Name	Address
Tran, Hai	311 S Alhambra Avenue
Leawprasert, Nantaporn	317 S. Alhambra Avenue
Huynh, An Tan	319 S. Alhambra Avenue
Chen, Lisa	321 S. Alhambra Avenue
Zhang, Miao	323 S. Alhambra Avenue
Marijana, Budiman	325 S. Alhambra Avenue
Chow, Suet Ying	327 S. Alhambra Avenue
Nguyen, Tung	331 S. Alhambra Avenue
Nguyen, Minnie	331 S. Alhambra Avenue
Tsao, Tina	335 S. Alhambra Avenue
SooHoo, H. Ngai	339 S. Alhambra Avenue
Situ, Xiao Yan	339 S. Alhambra Avenue
Robert Estrada	343 S. Alhambra Avenue
Diana Estrada	343 S. Alhambra Avenue
Lim, my	316 S. Alhambra Avenue
Ly, Thong	318 S. Alhambra Avenue
Ly, Khiem	318 S. Alhambra Avenue

ID	Response to Comment Letter L
L-1	The commenter does not provide any substantive evidence that the proposed project would have significant impacts related to traffic and pedestrian safety. Table 1 and Table 2 of the project traffic study show the existing land uses and project trip generation for potential residential use based upon trip generation rates obtained from the Institute of Transportation Engineers (ITE) <i>Trip Generation Manual</i> (11th Edition, 2021). Based on review of the ITE land use descriptions, trip generation rates for Single-Family Detached Residential (ITE Land Use Code 210) and Multi-Family Housing (Low-Rise) (ITE Land Use Code 220) were determined to adequately represent the existing land uses and proposed project and were used for calculating the project trip generation forecasts. The existing land uses and project trip generation forecasts were determined by multiplying the trip generation rates by the land use quantities. As shown in Table 1 of the project traffic study, the existing land uses currently generate approximately 107 daily vehicle trips, including 6 vehicle trips during the AM peak hour and 8 vehicle trips during the PM peak hour. As shown in Table 2 of the project traffic study, the proposed project would result in a net increase of approximately 331 daily trips, including a net increase of 20 vehicle trips during the AM peak hour and 25 vehicle trips during the PM peak hour. As stated in the project traffic study, and pursuant to the City's traffic impact analysis guidelines, the proposed project is presumed to have less than significant traffic impacts because the proposed project is projected to generate less than 50 new AM or PM peak hour trips. Additionally, the proposed project would not include any changes to the roadway system that would increase safety hazards. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
L-2	This comment has been noted and entered into the record. The commenter does not provide any substantive evidence showing how the proposed project would increase the incidence of traffic collisions at the intersection of Newmark and Alhambra Avenue. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
L-3	Because the proposed project qualifies for a state density bonus, the City of Monterey Park may not require the project to have more than 88.5 parking spaces. In spite of this, the project applicant has included 97 parking spaces – 8 more than is required by state law. In addition, the state Density Bonus Law supersedes the City's Municipal Code parking requirements. This was the intent of the law when it was written, and subsequent court rulings have reaffirmed that the law is a requirement which is mandatory for cities. A developer who meets the law's requirements for affordable units is entitled to the density bonus and other assistance as of right, regardless of the locality's desires (subject to limited health and safety exceptions). No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.

ID	Response to Comment Letter L
L-4	This comment has been noted and entered into the record. This comment does not raise any specific issues with the environmental analysis for the proposed project; therefore, no further response is necessary. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
L-5	The proposed project consists of a condominium, and is not an apartment. The proposed condominiums will be for sale – not for rent – and the project will arguably add to the value of neighboring properties as it would constitute an improvement over the existing residential developments on the site. This comment does not raise any specific issues with the environmental analysis for the proposed project; therefore, no further response is necessary. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.

COMMENT LETTER M – PEI NING

PEI NING
JESSICA WANG
400 SALHAMBRA AVE. APT. C
MONTEREY PARK, CA 91755
irene.ning@yahoo.com
626-4253039

June 7, 2024

Beth Chow
AICP, PLANNING MANAGER
CITY OF MONTEREY PARK PLANNING DIVISION
320 WEST NEWMARK AVENUE
MONTEREY PARK, CA 91754

Dear Beth Chow,

I hope this letter finds you well. I am writing to formally appeal the decision to terminate my lease due to the planned reconstruction of the property located at 338-410 South Alhambra Avenue, California 91755.

As a tenant of 6 and half years, I have established a stable and secure life at this residence. The sudden notice of reconstruction and subsequent eviction has caused me significant distress and anxiety. The prospect of relocating imposes severe hardships, both financially and emotionally, that I wish to detail for your understanding.

M-1

Firstly, relocating will result in considerable financial burdens. These include moving expenses, costs associated with finding new accommodation, potential higher rent in a new location, and the expense of setting up utilities and services afresh. Given the current rental market, finding a comparable property at a similar price point is highly unlikely, further exacerbating the financial strain.

M-2

Secondly, the emotional toll of moving cannot be overstated. This residence has been my home for many years, and I have developed strong ties with the community and neighbors. Disrupting these relationships and the sense of security that comes with familiarity would have a profound negative impact on my mental well-being. Stability is crucial, and being forced to move would severely disrupt my daily life and routines.

M-3

Additionally, there are practical considerations, such as proximity to my workplace, medical facilities, and essential services, which are perfectly suited to my current location. Finding a new place that meets all these criteria within a short timeframe is highly improbable.

M-4

Given these significant losses and the undue hardship that relocation would cause, I respectfully request that you reconsider the decision to terminate my lease. If reconstruction is absolutely unavoidable, I implore you to consider the following alternatives:

M-5

PAGE 1

1. **Phased Reconstruction:** Conducting the reconstruction in stages, allowing me to remain in a portion of the property while work is completed on other parts.

2. **Temporary Relocation:** Providing temporary accommodation during the reconstruction period, with a firm guarantee of returning to the property once the work is complete.

3. **Comprehensive Compensation:** Offering substantial financial compensation to cover the full scope of moving and relocation expenses, along with assistance in finding a suitable alternative residence.

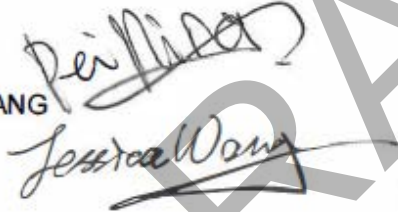
M-5
cont.

I am committed to finding a solution that minimizes the disruption to my life and am open to discussing these or other potential alternatives. Your understanding and consideration in this matter are deeply appreciated.

Thank you for your attention to this urgent and critical issue. I look forward to your prompt and favorable response.

Sincerely,

PEI NING
JESSICA WANG

The block contains two handwritten signatures. The first signature is in dark ink and appears to be 'Pei Ning'. The second signature is also in dark ink and appears to be 'Jessica Wang'. Both signatures are written over a large, light gray 'DRAFT' watermark that runs diagonally across the page.

PAGE 2

ID	Response to Comment Letter M
M-1	This comment has been noted and entered into the record. This comment does not raise any specific issues with the environmental analysis for the proposed project; therefore, no further response is necessary. No new or significant increase in the severity of an impact has been identified. The proposed project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
M-2	This comment has been noted and entered into the record. This comment does not raise any specific issues with the environmental analysis for the proposed project; therefore, no further response is necessary. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
M-3	This comment has been noted and entered into the record. This comment does not raise any specific issues with the environmental analysis for the proposed project; therefore, no further response is necessary. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
M-4	This comment has been noted and entered into the record. This comment does not raise any specific issues with the environmental analysis for the proposed project; therefore, no further response is necessary. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
M-5	This comment has been noted and entered into the record. This comment does not raise any specific issues with the environmental analysis for the proposed project; therefore, no further response is necessary. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.

COMMENT LETTER N – SINH LE

To the City of Monterey Park Planning Division,

As a concerned homeowner in the neighborhood surrounding the proposed development at 338-410 South Alhambra Avenue, I strongly oppose the adoption of the Mitigated Negative Declaration for the 64-Unit Condominium Project.

The proposed development raises several significant concerns:

1. ****Zoning Issues****: The project site is currently zoned as High-Density Residential (R-3), but the proposed development significantly exceeds the intended density for this zoning classification. Allowing such a high-density project undermines the purpose of the zoning laws designed to maintain a balanced and sustainable community structure. The proposed density of 64 units on a 1.73-acre site far exceeds the permissible 30 dwelling units per acre, leading to overcrowding and undue strain on local infrastructure and resources.

N-1

2. ****Parking Issues****: The development plan includes 83 parking spaces for residents and guests, which is insufficient for a project of this magnitude. With 64 units, many of which are two and three-bedroom units, the likelihood of multiple vehicles per household is high. This will inevitably lead to parking overflow onto surrounding streets, exacerbating existing parking shortages and creating additional traffic congestion. The plan's provision of parking spaces for electric vehicles and ADA parking is commendable but does not address the core issue of overall inadequate parking capacity.

N-2

3. ****Traffic and Safety Concerns****: Increased density and insufficient parking will lead to higher traffic volumes in an area that already experiences significant congestion. The narrow streets surrounding the project site are not designed to handle the increased traffic, which poses safety risks to pedestrians, particularly children and the elderly. The proposed project's impact on traffic flow and safety has not been adequately mitigated.

N-3

4. ****Impact on Local Services****: The addition of 64 new residential units will place a significant burden on local services, including schools, emergency services, and public utilities. The proposed development does not sufficiently address how these services will be scaled to accommodate the increased demand.

N-4

5. ****Environmental Concerns****: Despite the mitigated negative declaration, the project poses environmental risks, including potential impacts on air quality, noise levels, and local wildlife habitats. The mitigation measures proposed are inadequate to address these concerns comprehensively.

N-5

6. ****Community Character****: The scale and design of the proposed development are not in harmony with the existing character of the neighborhood, which consists primarily of single-family homes and lower-density residential units. This project threatens to disrupt the aesthetic and social fabric of our community.

N-6

7. ****Crime and Social Issues****: We are already experiencing an increase in crime rates this year, including issues related to boarding houses, prostitution, and possibly illegal gambling. Adding a high-density development will likely exacerbate these problems. The city has not adequately addressed the existing issues in our neighborhood, and introducing a large-scale condominium project will only compound the challenges we face. If such a development must be built, it should be located where the city council members reside, so they can firsthand experience the impact of their decisions.

N-7

In light of these concerns, I urge the City Council to vote against the adoption of the Mitigated Negative Declaration for this project. The proposed development is not compatible with the existing neighborhood and will have adverse impacts on our community's quality of life.

Thank you for considering my objections.

Sincerely,

SINH LE
129 Sefton Ave
Monterey Park CA 91755

K 91755

ID	Response to Comment Letter N
N-1	The commenter is correct in stating that the proposed project exceeds the allowed density for the project site under the High-Density Residential (R-3) zoning. However, pursuant to the State Density Bonus Law (Government Code 65915-65918) housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), and that provide at least 15% very low income units, are entitled to a 50% density bonus. In addition, the density bonus is not based on the total number of proposed units; rather it is calculated using the maximum number of dwelling units permitted in the High-Density Residential (R-3) zone (“base density”). The High-Density Residential (R-3) zone allows a maximum density of 25 units per acre, which equates to a base density of 43 units for the 1.73-acre project site. Because the proposed project includes at least 15% very low income units, or 7 units out of the base density of 43, it qualifies for a 50% state density bonus. 50% of 43 units is 21.5 units. 43 units plus 21 units equals 64 units. The project proposes 64 units. Therefore, the state density bonus has been properly applied for the proposed project. Finally, pursuant to the State Density Bonus Law cities cannot require a General Plan amendment, zoning change, study, or other discretionary approval for incentives. Therefore, state law supersedes the City’s zoning law. The commenter does not provide any substantive evidence that the proposed project will result in overcrowding or undue strain on local infrastructure and resources. As shown in the IS/MND, the proposed project would have a less than significant impact related to population growth, public services, and utilities. No new or significant increase in the severity of an impact has been identified. The state density bonus has been properly applied to the project and state law supersedes local law. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
N-2	Because the proposed project qualifies for a state density bonus, the City of Monterey Park may not require the project to have more than 88.5 parking spaces. In spite of this, the project applicant has included 97 parking spaces – 8 more than is required by state law. In addition, the state Density Bonus Law supersedes the City’s Municipal Code parking requirements. This was the intent of the law when it was written, and subsequent court rulings have reaffirmed that the law is a requirement which is mandatory for cities. A developer who meets the law’s requirements for affordable units is entitled to the density bonus and other assistance as of right, regardless of the locality’s desires (subject to limited health and safety exceptions). As such, the proposed project is not required to meet the minimum parking requirements of MPMC 21.22.050. Finally, pursuant to the City’s traffic impact analysis guidelines, the proposed project is presumed to have less than significant traffic impacts because the proposed project is projected to generate less than 50 new AM or PM peak hour trips. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.

ID	Response to Comment Letter N
N-3	The commenter does not provide any substantive evidence that the proposed project would increase traffic volumes such that it would pose safety risks to pedestrians. The commenter also does not provide any substantive evidence showing the streets around the project site cannot handle the increase in traffic volumes from the proposed project. As shown in Table 2 of the project traffic study, the proposed project would result in a net increase of approximately 331 daily trips, including a net increase of 20 vehicle trips during the AM peak hour and 25 vehicle trips during the PM peak hour. As stated in the project traffic study, and pursuant to the City's traffic impact analysis guidelines, the proposed project is presumed to have less than significant traffic impacts because the proposed project is projected to generate less than 50 new AM or PM peak hour trips. Finally, the proposed project would not include any changes to the roadway system that would increase safety hazards. No new or significant increase in the severity of an impact has been identified. Traffic and safety hazards have been sufficiently analyzed and the inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
N-4	The commenter does not provide any substantive evidence that the proposed project would place a significant burden on local services such as schools, emergency services, and public utilities. In addition, the commenter is incorrect in stating that the project does not sufficiently address how these services will be scaled to accommodate the project. As discussed in Section 4.14 (Public Services) of the IS/MND, pursuant to Government Code Section 65996, payment of school impact fees in accordance with Government Code Section 65995 and/or Education Code Section 17620 is deemed to constitute full and complete mitigation for potential impacts to schools caused by development. These fees would help to fund future needs in the school districts with relation to the provision of new or physically altered district facilities. Additionally, with adherence to the goals and policies of the Safety and Community Services Element of the General Plan, and plan reviews conducted by the Monterey Park Fire Department, the proposed project is not anticipated to substantially impact fire protection services. Furthermore, no new or expanded fire protection facilities would be required as a result of this project as it is not anticipated to induce substantial population increases that were not anticipated under the City's General Plan. Similarly, the proposed residential development would not result in any unique or more extensive crime problems that cannot be handled with the existing level of police resources, and no new or expanded police facilities would need to be constructed as a result of this project. As discussed in Section 4.18 (Utilities and Services Systems) of the IS/MND, the City's 2020 Urban Water Management Plan (UWMP) estimates the reliable quantities of projected water supply for Year 2025 and Year 2030 are 8,421 acre-feet per year (AFY) and 8,514 AFY, respectively. It was estimated that the project would consume approximately 7,164 gallons of water per day, which equates to approximately 2,614,934 gallons of water per year, or 8.0 AFY. Therefore, the estimated water consumption of the proposed project is well within the Water Utility Division's projected water supply for 2025 and 2030 and would not significantly impact existing water service. Further, the project site would be redeveloped in compliance with the California Green Building Code (which implements water efficiency standards for appliances and fixtures), which would further reduce project water usage. Similarly,

ID	Response to Comment Letter N
	wastewater generation for the proposed project estimated using either CalEEMod default outputs or LACSD's average wastewater generation factors (5,371 and 9,971 gallons per day, respectively) would be well within the treatment capacity of 400 million gallons per day at the District's A.K. Warren Water Resource Facility. Finally, the proposed project would not have significant impacts on the local stormwater drainage system. No new or significant increase in the severity of an impact has been identified. The proposed project would not have any significant impacts on local services and the inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
N-5	The commenter does not provide any substantive evidence that the "proposed project poses environmental risks, including potential impacts on air quality, noise levels, and wildlife habitats" and provides no reasoning for why the proposed mitigation measures are inadequate to address these concerns. However, as discussed in Section 4.3 (Air Quality) of the IS/MND, the proposed project will not conflict with or obstruct implementation of the applicable air quality plan, would not 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, and would not result in other emissions (such as odors) that would adversely affect a substantial number of people. During construction activities, the proposed project would generate diesel particulate matter (DPM), a toxic air contaminant (TAC), from combustion of diesel fuel in heavy-duty construction equipment and trucks used to access the site during construction, and nearby receptors would be exposed to varying concentrations of pollutants throughout the construction period. Therefore, Mitigation Measure AIR-1 is incorporated to ensure the proposed project does not generate TAC emissions that have the potential to result in substantial adverse health effects at receptor locations near the proposed project. Implementation of Mitigation Measure AIR-1 would reduce the amount of DPM that adjacent receptors would be exposed to by approximately 51 percent and reduce the potential for substantial pollutant concentrations and adverse health risks resulting from construction-related DPM emissions to a less than significant level. Similarly, as discussed in Section 4.13 (Noise) of the IS/MND, the proposed project will not generate excessive groundborne vibration or noise levels and would not expose people to excessive noise levels from an airport. To reduce the potential for construction activities to result in a substantial temporary increase in ambient noise levels in the vicinity of the project site, and to reduce effects on adjacent residential receptors, Mitigation Measure NOI-1 is incorporated into the project. Mitigation Measure NOI-1 would provide advanced notice of construction activities to surrounding residential properties, limit construction hours per MPMC requirements, limit noise from stationary and other construction equipment, and reduce temporary construction noise impacts by a minimum of 5 to 10 dBS. The proposed project would comply with the City's applicable construction noise control regulations and implement other mitigation measures to reduce the potential for project construction activities to result in a substantial temporary increase in ambient noise levels. With Mitigation Measure NOI-1, temporary construction noise levels would be rendered a less-than-significant impact.

ID	Response to Comment Letter N
	Finally, as discussed in Section 4.4 (Biological Resources) of the IS/MND, the proposed project would not have a significant impact on any sensitive wildlife species, riparian or other sensitive natural community, federally protected wetlands, local policies ordinances protecting biological resources, or an adopted habitat conservation plan. Because the project site may still contain trees that support nesting habitat for native avian species and the project proposes removal of trees during construction, Mitigation Measure BIO-1 has been incorporated to ensure impacts to nesting/migratory birds are less than significant. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
N-6	The commenter does not provide any substantive evidence showing how the proposed project would disrupt the aesthetic or social fabric of the community. The proposed residential project has been designed to be consistent in character and scale with surrounding residential developments, which consist of both single- and multi-family residential developments of varying densities and heights, and similar to the proposed project many of these developments are three stories in height. The multi-family residential development immediately to the south of the proposed project site (416-418 South Alhambra Ave.) is three stories in height. There are two multi-family residential developments on Peach Street (343 and 346 Peach St.) that are three stories in height. In addition, the architectural design of the proposed condominium project would not be substantially dissimilar to the architectural design of residential developments in the project area and would, in fact, be considered an improvement over the existing condition of the site. Finally, the project design has gone through plan check with the City and is in compliance with the City's General Plan and Zoning Code design standards. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
N-7	The commenter does not provide any substantive evidence showing how the proposed project would exacerbate issues related to boarding houses, prostitution, or illegal gambling. The proposed residential condominium would not result in any unique or more extensive crime problems. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.

COMMENT LETTER O – XINYI CHEN

To the City of Monterey Park Planning Division,

As a concerned homeowner in the neighborhood surrounding the proposed development at 338-410 South Alhambra Avenue, I strongly oppose the adoption of the Mitigated Negative Declaration for the 64-Unit Condominium Project.

The proposed development raises several significant concerns:

1. ****Zoning Issues****: The project site is currently zoned as High-Density Residential (R-3), but the proposed development significantly exceeds the intended density for this zoning classification. Allowing such a high-density project undermines the purpose of the zoning laws designed to maintain a balanced and sustainable community structure. The proposed density of 64 units on a 1.73-acre site far exceeds the permissible 30 dwelling units per acre, leading to overcrowding and undue strain on local infrastructure and resources. **O-1**
2. ****Parking Issues****: The development plan includes 83 parking spaces for residents and guests, which is insufficient for a project of this magnitude. With 64 units, many of which are two and three-bedroom units, the likelihood of multiple vehicles per household is high. This will inevitably lead to parking overflow onto surrounding streets, exacerbating existing parking shortages and creating additional traffic congestion. The plan's provision of parking spaces for electric vehicles and ADA parking is commendable but does not address the core issue of overall inadequate parking capacity. **O-2**
3. ****Traffic and Safety Concerns****: Increased density and insufficient parking will lead to higher traffic volumes in an area that already experiences significant congestion. The narrow streets surrounding the project site are not designed to handle the increased traffic, which poses safety risks to pedestrians, particularly children and the elderly. The proposed project's impact on traffic flow and safety has not been adequately mitigated. **O-3**
4. ****Impact on Local Services****: The addition of 64 new residential units will place a significant burden on local services, including schools, emergency services, and public utilities. The proposed development does not sufficiently address how these services will be scaled to accommodate the increased demand. **O-4**
5. ****Environmental Concerns****: Despite the mitigated negative declaration, the project poses environmental risks, including potential impacts on air quality, noise levels, and local wildlife habitats. The mitigation measures proposed are inadequate to address these concerns comprehensively. **O-5**
6. ****Community Character****: The scale and design of the proposed development are not in harmony with the existing character of the neighborhood, which consists primarily of single-family homes and lower-density residential units. This project threatens to disrupt the aesthetic and social fabric of our community. **O-6**
7. ****Crime and Social Issues****: We are already experiencing an increase in crime rates this year, including issues related to boarding houses, prostitution, and possibly illegal gambling. Adding a high-density development will likely exacerbate these problems. The city has not adequately addressed the existing issues in our neighborhood, and introducing a large-scale condominium project will only compound the challenges we face. If such a development must be built, it should be located where the city council members reside, so they can firsthand experience the impact of their decisions. **O-7**

In light of these concerns, I urge the City Council to vote against the adoption of the Mitigated Negative Declaration for this project. The proposed development is not compatible with the existing neighborhood and will have adverse impacts on our community's quality of life.

Thank you for considering my objections.

Sincerely,

Xinyi Chen

xinyichen

ID	Response to Comment Letter O
O-1	The commenter is correct in stating that the proposed project exceeds the allowed density for the project site under the High-Density Residential (R-3) zoning. However, pursuant to the State Density Bonus Law (Government Code 65915-65918) housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), and that provide at least 15% very low income units, are entitled to a 50% density bonus. In addition, the density bonus is not based on the total number of proposed units; rather it is calculated using the maximum number of dwelling units permitted in the High-Density Residential (R-3) zone (“base density”). The High-Density Residential (R-3) zone allows a maximum density of 25 units per acre, which equates to a base density of 43 units for the 1.73-acre project site. Because the proposed project includes at least 15% very low income units, or 7 units out of the base density of 43, it qualifies for a 50% state density bonus. 50% of 43 units is 21.5 units. 43 units plus 21 units equals 64 units. The project proposes 64 units. Therefore, the state density bonus has been properly applied for the proposed project. Finally, pursuant to the State Density Bonus Law cities cannot require a General Plan amendment, zoning change, study, or other discretionary approval for incentives. Therefore, state law supersedes the City's zoning law. The commenter does not provide any substantive evidence that the proposed project will result in overcrowding or undue strain on local infrastructure and resources. As shown in the IS/MND, the proposed project would have a less than significant impact related to population growth, public services, and utilities. No new or significant increase in the severity of an impact has been identified. The state density bonus has been properly applied to the project and state law supersedes local law. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
O-2	Because the proposed project qualifies for a state density bonus, the City of Monterey Park may not require the project to have more than 88.5 parking spaces. In spite of this, the project applicant has included 97 parking spaces – 8 more than is required by state law. In addition, the state Density Bonus Law supersedes the City's Municipal Code parking requirements. This was the intent of the law when it was written, and subsequent court rulings have reaffirmed that the law is a requirement which is mandatory for cities. A developer who meets the law's requirements for affordable units is entitled to the density bonus and other assistance as of right, regardless of the locality's desires (subject to limited health and safety exceptions). As such, the proposed project is not required to meet the minimum parking requirements of MPMC 21.22.050. Finally, pursuant to the City's traffic impact analysis guidelines, the proposed project is presumed to have less than significant traffic impacts because the proposed project is projected to generate less than 50 new AM or PM peak hour trips. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.

ID	Response to Comment Letter O
O-3	The commenter does not provide any substantive evidence that the proposed project would increase traffic volumes such that it would pose safety risks to pedestrians. The commenter also does not provide any substantive evidence showing the streets around the project site cannot handle the increase in traffic volumes from the proposed project. As shown in Table 2 of the project traffic study, the proposed project would result in a net increase of approximately 331 daily trips, including a net increase of 20 vehicle trips during the AM peak hour and 25 vehicle trips during the PM peak hour. As stated in the project traffic study, and pursuant to the City's traffic impact analysis guidelines, the proposed project is presumed to have less than significant traffic impacts because the proposed project is projected to generate less than 50 new AM or PM peak hour trips. Finally, the proposed project would not include any changes to the roadway system that would increase safety hazards. No new or significant increase in the severity of an impact has been identified. Traffic and safety hazards have been sufficiently analyzed and the inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
O-4	The commenter does not provide any substantive evidence that the proposed project would place a significant burden on local services such as schools, emergency services, and public utilities. In addition, the commenter is incorrect in stating that the project does not sufficiently address how these services will be scaled to accommodate the project. As discussed in Section 4.14 (Public Services) of the IS/MND, pursuant to Government Code Section 65996, payment of school impact fees in accordance with Government Code Section 65995 and/or Education Code Section 17620 is deemed to constitute full and complete mitigation for potential impacts to schools caused by development. These fees would help to fund future needs in the school districts with relation to the provision of new or physically altered district facilities. Additionally, with adherence to the goals and policies of the Safety and Community Services Element of the General Plan, and plan reviews conducted by the Monterey Park Fire Department, the proposed project is not anticipated to substantially impact fire protection services. Furthermore, no new or expanded fire protection facilities would be required as a result of this project as it is not anticipated to induce substantial population increases that were not anticipated under the City's General Plan. Similarly, the proposed residential development would not result in any unique or more extensive crime problems that cannot be handled with the existing level of police resources, and no new or expanded police facilities would need to be constructed as a result of this project. As discussed in Section 4.18 (Utilities and Services Systems) of the IS/MND, the City's 2020 Urban Water Management Plan (UWMP) estimates the reliable quantities of projected water supply for Year 2025 and Year 2030 are 8,421 acre-feet per year (AFY) and 8,514 AFY, respectively. It was estimated that the project would consume approximately 7,164 gallons of water per day, which equates to approximately 2,614,934 gallons of water per year, or 8.0 AFY. Therefore, the estimated water consumption of the proposed project is well within the Water Utility Division's projected water supply for 2025 and 2030 and would not significantly impact existing water service. Further, the project site would be redeveloped in compliance with the California Green Building Code (which implements water efficiency standards for appliances and fixtures), which would further reduce project water usage. Similarly,

ID	Response to Comment Letter O
	wastewater generation for the proposed project estimated using either CalEEMod default outputs or LACSD's average wastewater generation factors (5,371 and 9,971 gallons per day, respectively) would be well within the treatment capacity of 400 million gallons per day at the District's A.K. Warren Water Resource Facility. Finally, the proposed project would not have significant impacts on the local stormwater drainage system. No new or significant increase in the severity of an impact has been identified. The proposed project would not have any significant impacts on local services and the inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
O-5	The commenter does not provide any substantive evidence that the "proposed project poses environmental risks, including potential impacts on air quality, noise levels, and wildlife habitats" and provides no reasoning for why the proposed mitigation measures are inadequate to address these concerns. However, as discussed in Section 4.3 (Air Quality) of the IS/MND, the proposed project will not conflict with or obstruct implementation of the applicable air quality plan, would not 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, and would not result in other emissions (such as odors) that would adversely affect a substantial number of people. During construction activities, the proposed project would generate diesel particulate matter (DPM), a toxic air contaminant (TAC), from combustion of diesel fuel in heavy-duty construction equipment and trucks used to access the site during construction, and nearby receptors would be exposed to varying concentrations of pollutants throughout the construction period. Therefore, Mitigation Measure AIR-1 is incorporated to ensure the proposed project does not generate TAC emissions that have the potential to result in substantial adverse health effects at receptor locations near the proposed project. Implementation of Mitigation Measure AIR-1 would reduce the amount of DPM that adjacent receptors would be exposed to by approximately 51 percent and reduce the potential for substantial pollutant concentrations and adverse health risks resulting from construction-related DPM emissions to a less than significant level. Similarly, as discussed in Section 4.13 (Noise) of the IS/MND, the proposed project will not generate excessive groundborne vibration or noise levels and would not expose people to excessive noise levels from an airport. To reduce the potential for construction activities to result in a substantial temporary increase in ambient noise levels in the vicinity of the project site, and to reduce effects on adjacent residential receptors, Mitigation Measure NOI-1 is incorporated into the project. Mitigation Measure NOI-1 would provide advanced notice of construction activities to surrounding residential properties, limit construction hours per MPMC requirements, limit noise from stationary and other construction equipment, and reduce temporary construction noise impacts by a minimum of 5 to 10 dBS. The proposed project would comply with the City's applicable construction noise control regulations and implement other mitigation measures to reduce the potential for project construction activities to result in a substantial temporary increase in ambient noise levels. With Mitigation Measure NOI-1, temporary construction noise levels would be rendered a less-than-significant impact.

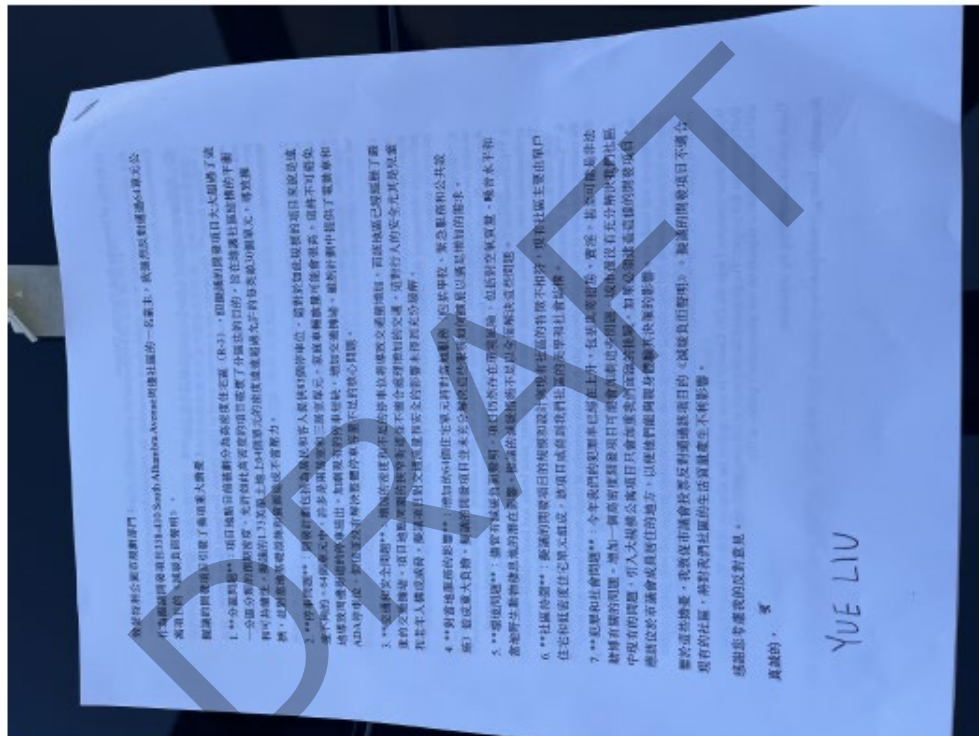
ID	Response to Comment Letter O
	Finally, as discussed in Section 4.4 (Biological Resources) of the IS/MND, the proposed project would not have a significant impact on any sensitive wildlife species, riparian or other sensitive natural community, federally protected wetlands, local policies ordinances protecting biological resources, or an adopted habitat conservation plan. Because the project site may still contain trees that support nesting habitat for native avian species and the project proposes removal of trees during construction, Mitigation Measure BIO-1 has been incorporated to ensure impacts to nesting/migratory birds are less than significant. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
O-6	The commenter does not provide any substantive evidence showing how the proposed project would disrupt the aesthetic or social fabric of the community. The proposed residential project has been designed to be consistent in character and scale with surrounding residential developments, which consist of both single- and multi-family residential developments of varying densities and heights, and similar to the proposed project many of these developments are three stories in height. The multi-family residential development immediately to the south of the proposed project site (416-418 South Alhambra Ave.) is three stories in height. There are two multi-family residential developments on Peach Street (343 and 346 Peach St.) that are three stories in height. In addition, the architectural design of the proposed condominium project would not be substantially dissimilar to the architectural design of residential developments in the project area and would, in fact, be considered an improvement over the existing condition of the site. Finally, the project design has gone through plan check with the City and is in compliance with the City's General Plan and Zoning Code design standards. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
O-7	The commenter does not provide any substantive evidence showing how the proposed project would exacerbate issues related to boarding houses, prostitution, or illegal gambling. The proposed residential condominium would not result in any unique or more extensive crime problems. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.

COMMENT LETTER P – YUE LIU

From: [liu yue](#)
 To: [Chow, Beth](#)
 Subject: 432 S Alhambra Unit C opposition to construction project
 Date: Monday, June 10, 2024 6:56:51 PM

[EXTERNAL EMAIL]

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



To the City of Monterey Park Planning Division,

As a concerned homeowner in the neighborhood surrounding the proposed development at 338-410 South Alhambra Avenue, I strongly oppose the adoption of the Mitigated Negative Declaration for the 64-Unit Condominium Project.

The proposed development raises several significant concerns:

1. ****Zoning Issues****: The project site is currently zoned as High-Density Residential (R-3), but the proposed development significantly exceeds the intended density for this zoning classification. Allowing such a high-density project undermines the purpose of the zoning laws designed to maintain a balanced and sustainable community structure. The proposed density of 64 units on a 1.73-acre site far exceeds the permissible 30 dwelling units per acre, leading to overcrowding and undue strain on local infrastructure and resources.

P-1

2. ****Parking Issues****: The development plan includes 83 parking spaces for residents and guests, which is insufficient for a project of this magnitude. With 64 units, many of which are two and three-bedroom units, the likelihood of multiple vehicles per household is high. This will inevitably lead to parking overflow onto surrounding streets, exacerbating existing parking shortages and creating additional traffic congestion. The plan's provision of parking spaces for electric vehicles and ADA parking is commendable but does not address the core issue of overall inadequate parking capacity.

P-2

3. ****Traffic and Safety Concerns****: Increased density and insufficient parking will lead to higher traffic volumes in an area that already experiences significant congestion. The narrow streets surrounding the project site are not designed to handle the increased traffic, which poses safety risks to pedestrians, particularly children and the elderly. The proposed project's impact on traffic flow and safety has not been adequately mitigated.

P-3

4. ****Impact on Local Services****: The addition of 64 new residential units will place a significant burden on local services, including schools, emergency services, and public utilities. The proposed development does not sufficiently address how these services will be scaled to accommodate the increased demand.

P-4

5. ****Environmental Concerns****: Despite the mitigated negative declaration, the project poses environmental risks, including potential impacts on air quality, noise levels, and local wildlife habitats. The mitigation measures proposed are inadequate to address these concerns comprehensively.

P-5

6. ****Community Character****: The scale and design of the proposed development are not in harmony with the existing character of the neighborhood, which consists primarily of single-family homes and lower-density residential units. This project threatens to disrupt the aesthetic and social fabric of our community.

P-6

7. ****Crime and Social Issues****: We are already experiencing an increase in crime rates this year, including issues related to boarding houses, prostitution, and possibly illegal gambling. Adding a high-density development will likely exacerbate these problems. The city has not adequately addressed the existing issues in our neighborhood, and introducing a large-scale condominium project will only compound the challenges we face. If such a development must be built, it should be located where the city council members reside, so they can firsthand experience the impact of their decisions.

P-7

In light of these concerns, I urge the City Council to vote against the adoption of the Mitigated Negative Declaration for this project. The proposed development is not compatible with the existing neighborhood and will have adverse impacts on our community's quality of life.

Thank you for considering my objections.

ID	Response to Comment Letter P
P-1	The commenter is correct in stating that the proposed project exceeds the allowed density for the project site under the High-Density Residential (R-3) zoning. However, pursuant to the State Density Bonus Law (Government Code 65915-65918) housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), and that provide at least 15% very low income units, are entitled to a 50% density bonus. In addition, the density bonus is not based on the total number of proposed units; rather it is calculated using the maximum number of dwelling units permitted in the High-Density Residential (R-3) zone (“base density”). The High-Density Residential (R-3) zone allows a maximum density of 25 units per acre, which equates to a base density of 43 units for the 1.73-acre project site. Because the proposed project includes at least 15% very low income units, or 7 units out of the base density of 43, it qualifies for a 50% state density bonus. 50% of 43 units is 21.5 units. 43 units plus 21 units equals 64 units. The project proposes 64 units. Therefore, the state density bonus has been properly applied for the proposed project. Finally, pursuant to the State Density Bonus Law cities cannot require a General Plan amendment, zoning change, study, or other discretionary approval for incentives. Therefore, state law supersedes the City's zoning law. The commenter does not provide any substantive evidence that the proposed project will result in overcrowding or undue strain on local infrastructure and resources. As shown in the IS/MND, the proposed project would have a less than significant impact related to population growth, public services, and utilities. No new or significant increase in the severity of an impact has been identified. The state density bonus has been properly applied to the project and state law supersedes local law. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
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ID	Response to Comment Letter P
	wastewater generation for the proposed project estimated using either CalEEMod default outputs or LACSD's average wastewater generation factors (5,371 and 9,971 gallons per day, respectively) would be well within the treatment capacity of 400 million gallons per day at the District's A.K. Warren Water Resource Facility. Finally, the proposed project would not have significant impacts on the local stormwater drainage system. No new or significant increase in the severity of an impact has been identified. The proposed project would not have any significant impacts on local services and the inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
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ID	Response to Comment Letter P
	Finally, as discussed in Section 4.4 (Biological Resources) of the IS/MND, the proposed project would not have a significant impact on any sensitive wildlife species, riparian or other sensitive natural community, federally protected wetlands, local policies ordinances protecting biological resources, or an adopted habitat conservation plan. Because the project site may still contain trees that support nesting habitat for native avian species and the project proposes removal of trees during construction, Mitigation Measure BIO-1 has been incorporated to ensure impacts to nesting/migratory birds are less than significant. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
P-6	The commenter does not provide any substantive evidence showing how the proposed project would disrupt the aesthetic or social fabric of the community. The proposed residential project has been designed to be consistent in character and scale with surrounding residential developments, which consist of both single- and multi-family residential developments of varying densities and heights, and similar to the proposed project many of these developments are three stories in height. The multi-family residential development immediately to the south of the proposed project site (416-418 South Alhambra Ave.) is three stories in height. There are two multi-family residential developments on Peach Street (343 and 346 Peach St.) that are three stories in height. In addition, the architectural design of the proposed condominium project would not be substantially dissimilar to the architectural design of residential developments in the project area and would, in fact, be considered an improvement over the existing condition of the site. Finally, the project design has gone through plan check with the City and is in compliance with the City's General Plan and Zoning Code design standards. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
P-7	The commenter does not provide any substantive evidence showing how the proposed project would exacerbate issues related to boarding houses, prostitution, or illegal gambling. The proposed residential condominium would not result in any unique or more extensive crime problems. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.

COMMENT LETTER Q – SYLVIA CHAN

From: [sylvia.sov](#)
To: [Chow, Beth](#)
Subject: Opposition to the 64-Unit Condominium Project at 338-410
Date: Tuesday, June 11, 2024 11:32:11 PM

[EXTERNAL EMAIL]

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

Hi Beth,

My name is Sylvia, I'm a Monterey Park resident. I'm opposition to the 64-Unit Condominium Project at 338-410 South Alhambra Ave, because will cause traffic and safety concerns, parking problems, crime issues and etc. As a resident of MPK for 3 decades, I have notice that the environment changes at MPK, some neighbors use they houses as a motel rent out beds spaces take up all the parking spaces, more trash on sidewalks and graffiti, also crime are rising. We don't want the city to get more worse. Thank you for taking time to read my email.

Q-1

Sincerely,
Sylvia Chan

[Sent from Yahoo Mail for iPhone](#)

ID	Response to Comment Letter Q
Q-1	The commenter does not provide any substantive evidence showing how the proposed project would cause a significant negative impact related to traffic, safety, parking and crime. As shown in Table 2 of the project traffic study, the proposed project would result in a net increase of approximately 331 daily trips, including a net increase of 20 vehicle trips during the AM peak hour and 25 vehicle trips during the PM peak hour. As stated in the project traffic study, and pursuant to the City's traffic impact analysis guidelines, the proposed project is presumed to have less than significant traffic impacts because the proposed project is projected to generate less than 50 new AM or PM peak hour trips. Additionally, the proposed project would not include any changes to the roadway system that would increase safety hazards. Pursuant to the State Density Bonus Law, the proposed project is not required to provide more than 88.5 parking spaces. The state Density Bonus Law supersedes the City's Municipal Code parking requirements. This was the intent of the law when it was written, and subsequent court rulings have reaffirmed that the law is a requirement which is mandatory for cities. A developer who meets the law's requirements for affordable units is entitled to the density bonus and other assistance as of right, regardless of the locality's desires (subject to limited health and safety exceptions). As such, the proposed project is not required to meet the minimum parking requirements of MPMC 21.22.050. In spite of this, the project applicant has made a good faith effort to provide as much parking on the site as is feasible and is required under the law by providing 97 parking spaces. Finally, as demonstrated in the Public Review IS/MND, the proposed project would not result in any unique or more extensive crime problems that cannot be handled with the existing level of police resources. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.

COMMENT LETTER R – TOMMY HUYNH

From: [Tommy Huynh](#)
 To: [Chow, Beth](#)
 Subject: 338-410 S. Alhambra – Proposed 64 unit condo project – Notice of Intent
 Date: Tuesday, June 11, 2024 12:54:18 PM

[EXTERNAL EMAIL]

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

Hi Beth,

I am writing in regards to the project The Commons of MPK to **provide my opposition** to this project. As a resident of Monterey Park, I feel that this would overall provide a negative value to the city and its residents by increasing the overall car traffic in an already congested area, changing the landscape to more towering buildings that remove and hurt the character of the city.

R-1

Here are my comments

The proposed notice comes with a 545 document entirely in English. This seems to be the minimal amount of notice required, but with a demographic of Asian, 65.6% it seems disingenuous at best that this public notice is available to the public. Most folks cannot finish reading a 545 book within 20 days - and the amount of literacy required to understand some of the information here seems to rely on the public to not read this document.

R-2

There are inconsistencies in the documentation about the actual number of units being built. On page 138 it says "As discussed above, the Project will include one building containing 65 multi-family residential housing, 7 of which would be low-income units." On the notice it says "In total, the project proposes fifteen (15) 1-bedroom units, thirty-three (33) 2-bedroom units, and seventeen (16) 3-bedroom units. Fiftyseven (57) of the proposed residential units would be market rate while the remaining seven (7) units would be designated as very low-income housing units." The math here says this is 64 units.

R-3

What is the correct number of units?

It also says "However, because the project would designate fifteen percent (15%) of the proposed units as very-low income housing" My math says that 15% of 64 is 9.6. **How is this 7? Shouldn't this be at least 10?**

R-4

According to the document, the number of daily trips will increase from **107 to 438**. This represents a **400%** increase. **There is only one way to get in and out of this area, through the street Alhambra.** This in my opinion is likely to create additional traffic stress on adjacent streets. There is no mention of alleviating traffic stress with other forms of transportations besides cars. This means longer commutes, more stress, more accidents.

R-5

Granted that there is another project that has already been approved in close proximity with another 100 units, that seems that it would also impact the traffic and congestion of the area. Is there a study that considers the impact of these projects as part of the consideration?

R-6

On page 258 of the documentation, the proposal includes 59 gas fireplaces as a feature - with push from California to move away from gas, this doesn't seem to be climate friendly - It is apparent that the current climate studies are quickly understating the actual effects and impacts of climate change.

R-7

My final comment is there have been a number of projects that have been approved, but it does not seem that there is an actual demand for these spaces. The Atlantic Time Square boasts living space and retail - but as a resident of this city, it seems that a large number of shops have closed, and a number of units remain unoccupied. I understand that this is not the same, but this seems like it creates the false sense of adding more home density but is this the right kind of density?

R-8

Thank you for your time reading this. I spent a significant amount of time in Monterey Park having lived in the city for at least over 20 years, and am saddened to see some of the changes over the last 10 years. I understand that things are always changing, but I would like to see some of these changes to be better thought out for the city and its residents.

Sincerely,
Tommy Huynh

1990 Heather Drive
Monterey Park, CA 91755

DRAFT

ID	Response to Comment Letter R
R-1	The commenter does not provide any substantive evidence showing how the proposed project would cause a significant negative impact related to traffic. As shown in Table 2 of the project traffic study, the proposed project would result in a net increase of approximately 331 daily trips, including a net increase of 20 vehicle trips during the AM peak hour and 25 vehicle trips during the PM peak hour. As stated in the project traffic study, and pursuant to the City's traffic impact analysis guidelines, the proposed project is presumed to have less than significant traffic impacts because the proposed project is projected to generate less than 50 new AM or PM peak hour trips. Additionally, the proposed project would not include any changes to the roadway system that would increase safety hazards. In addition, the commenter inaccurately characterizes the proposed project as a "towering building". In fact, the proposed project would be consistent in height with other similar developments in the immediate project vicinity, including 345 Peach Street, 346 Peach Street, and 416/418 South Alhambra Avenue. The proposed project is substantially similar in scale and design to the surrounding area and would be compatible with the character of the City. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
R-2	The Initial Study and Mitigated Negative Declaration that was prepared for the proposed project uses layman's terms to describe the environmental analysis and distills the technical information from the project technical studies into concise, easy to read, and understandable environmental analyses. Pursuant to state law, the City is not required to provide environmental documentation in foreign languages. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
R-3	The commenter is correct in stating that page 139 of the IS/MND, which is Page 2-3 of the project <i>Air Quality Impact Analysis Report</i>, says the project would include 65 dwelling units when, in fact, the proposed project includes 64 dwelling units. In addition, the commenter is correct in stating that the Notice of Intent Page 7 of the Public Review IS/MND includes the following typographical error: <i>"In total, the project proposes fifteen (15) 1-bedroom units, thirty-three (33) 2-bedroom units, and seventeen (16) 3-bedroom units."</i> The project in fact includes 16 not seventeen 3-bedroom units. However, these were simply typographical errors and, pursuant to the CEQA Guidelines and court rulings, typographical errors are not grounds to invalidate an environmental document. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
R-4	The density bonus is not based on the total number of proposed units; rather it is based on the maximum number of dwelling units permitted in the High-Density Residential (R-3) zone. The High-Density Residential (R-3) zone allows a maximum density of 25 units per acre, which equates to a maximum of 43 units for the 1.73-acre project site. 15% of 43 units equals 6.45 affordable housing units, and the

ID	Response to Comment Letter R
	proposed project includes 7 affordable units (more than 15%). No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
R-5	As previously stated, the proposed project would result in a net increase of approximately 331 daily trips, including a net increase of 20 vehicle trips during the AM peak hour and 25 vehicle trips during the PM peak hour. As stated in the project traffic study, and pursuant to the City's traffic impact analysis guidelines, the proposed project is presumed to have less than significant traffic impacts because the proposed project is projected to generate less than 50 new AM or PM peak hour trips. Additionally, the proposed project would not include any changes to the roadway system that would increase safety hazards. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
R-6	The project <i>Transportation Screening Assessment</i> (TSA) only determines whether or not the proposed project meets the City requirements for further VMT or LOS analysis. Because the proposed project met the exemption criteria for both, the TSA was not required to include consideration for other projects in the area. In addition, the City required a <i>Focused Traffic Analysis</i> (FTA) for project-specific site access concerns (see Attachment 4). The FTA was completed based on the requirements outlined by the City, and cumulative projects would have been accounted for had the project required an LOS analysis including future analysis scenarios. Therefore, no such analysis was required. It should also be noted that the FTA was not included in the IS/MND because its analysis does not relate to CEQA impacts. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
R-7	The commenter alluded that the proposed project would include 59 natural gas fueled fireplaces and that this does not align with the state's goal to reduce greenhouse gas emissions by reducing natural gas consumption. However, the proposed project would be all electric and would not include any natural gas connections. As such, although the Initial Study air quality analysis refers to 59 natural gas fireplaces, in actuality, the project does not include any natural gas appliances (nor would emissions be generated from combustion of natural gas, as accounted for in the modeling - see Section 4.2.3 of the modeling output and all the "O's" across the row). No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
R-8	Like most cities in the state of California, the City of Monterey Park is in need of additional housing units, including affordable units. Additionally, each city in the state of California is required to meet their Regional Housing Needs Assessment (RHNA) allocation for affordable housing. The proposed project meets the demand for more housing and state requirement to provide affordable housing. No new or significant increase in the severity of an impact has been identified. The inclusion of new

ID	Response to Comment Letter R
	mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.

DRAFT

COMMENT LETTER S – WINNIE MAK

From: [W MM](#)
To: [Chow, Beth](#)
Subject: Opposition to the 64-Unit Condominium Project at 338-410 South Alhambra Ave
Date: Tuesday, June 11, 2024 11:00:50 AM

[EXTERNAL EMAIL]

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Winnie Mak
236 S. Alhambra Ave.
Monterey Park
CA 91755

June 11, 2024

Dear Ms. Beth,

I would to express my opposition to the 64-Unit Condominium Project at 338-410 S. Alhambra Ave. It will be too crowded to have that many units in the street. It already does not have enough parking in the street right now. If we built that many new houses, it will be like living in a highway, so noisy and air quality will go downhill.

Please reduce the amount of units will be built at 338-410 South Alhambra Ave.

Thank you considering on this matter.

Best Regards,

Winnie Mak

S-1

ID	Response to Comment Letter S
S-1	This comment has been noted and entered into the record. The commenter does not provide any substantive evidence that the proposed project would result in significant impacts related to parking, noise, or air quality. Therefore, no further response is necessary. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.

DRAFT

COMMENT LETTER T – CATHY WANG

From: [Wang, Cathy](#)
To: [Chow, Beth](#)
Date: Wednesday, June 12, 2024 1:53:27 PM
Attachments: [扫描文档.pdf](#)

[EXTERNAL EMAIL]

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| T-1

Oppose construction 338-410

DRAFT

ID	Response to Comment Letter T
T-1	This comment has been noted and entered into the record. This comment does not raise any specific issues with the environmental analysis for the proposed project; therefore, no further response is necessary. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.

DRAFT

COMMENT LETTER U – CHAT PHOO/MELANIE XIE

From: [chat.phoo](#)
 To: [Chow, Beth](#)
 Subject: Comment on Condominium Project on 338-410 South Alhambra Ave
 Date: Wednesday, June 12, 2024 10:51:46 AM

[EXTERNAL EMAIL]

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To Beth Chow,

I am writing this email to express my concern on the big impact if the city approves the condominium project on 338-410 South Alhambra Ave.

Here is the list of things the committees should consider NOT to build this large-scale condominium in this area:

Too large of the building in the residential area: Most of the large size townhomes or condominium I see in the Monterey Park are on the major street such as San Gabriel Blvd or Riggan St. This project is certainly in the wrong spot and SHOULD NOT be approved.

U-1

Parking Issue: South Alhambra Ave is very dense population. I see the street is packed with cars. The parking that the condominium provides will NOT have enough for their residents.

I've break down the possible scenarios for the minimum of residents in this project, assuming each room will have one person (min residents) with the increase at 50% and 70% more.

Table: Minimum Expected of Residents with 50% and 70% increase

Unit Types	# Unit	Room Size	Expected Minimum Residents	Expected at 50% More Residents	Expected at 70% More Residents
Townhome	7	3	21	32	54
Condominium	15	1	15	23	39
Condominium	33	2	66	99	168
Condominium	16	3	48	72	122
Expected Total Residents with car*			150	226	383

U-2

*Assume one car per resident

As we know, most of people use the car garage for the storage, the 2-car garage for the Townhome may not utilize for parking at all or only have space for one car.

In the table: If we assume each person who live in the unit has one car, the project would need at least 150 parking spots. In reality in this area would have more than one person in the one bedroom. If we increase by 50% more, that would be at least 226 parking spots or 383 parking spots at 70% more.

U-2
cont.

In conclusion, approving the condominium project at 338-410 South Alhambra Ave would significantly disrupt the residential nature of this area and exacerbate existing parking issues. The proposed development is too large for a residential street and would be better suited for major street. The parking provision for the project is grossly insufficient, given the expected number of residents and the typical use of garages for storage rather than parking. With the potential for at least 150 to 383 residents, the parking demand far exceeds what the development can offer, leading to further congestion in an already densely populated area. Therefore, I strongly urge the committee to reconsider and not approve this large-scale condominium project in this location.

U-3

Photo: Parking situation on South Alhambra taken on 06/01/2024 at 5:30 pm



Chatree Phoopradiyutthakul & Melanie Xie

ID	Response to Comment Letter U
U-1	As previously stated, pursuant to the State Density Bonus Law (Government Code 65915-65918) housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), and that provide at least 15% very low income units, are entitled to a 50% density bonus. In addition, the High-Density Residential (R-3) zone allows a maximum density of 25 units per acre, which equates to a base density of 43 units for the 1.73-acre project site. Because the proposed project includes at least 15% very low income units, or 7 units out of the base density of 43, it qualifies for a 50% state density bonus. 50% of 43 units is 21.5 units. 43 units plus 21 units equals 64 units. The project proposes 64 units. Therefore, the state density bonus has been properly applied for the proposed project. Finally, pursuant to the State Density Bonus Law cities cannot require a General Plan amendment, zoning change, study, or other discretionary approval for incentives. Therefore, state law supersedes the City's zoning law. As shown in the IS/MND, the proposed project would have a less than significant impact related to population growth, public services, and utilities. No new or significant increase in the severity of an impact has been identified. The state density bonus has been properly applied to the project and state law supersedes local law. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
U-2	Because the proposed project qualifies for a state density bonus, the City of Monterey Park may not require the project to have more than 88.5 parking spaces. In spite of this, the project applicant has included 97 parking spaces – 8 more than is required by state law. In addition, the state Density Bonus Law supersedes the City's Municipal Code parking requirements. This was the intent of the law when it was written, and subsequent court rulings have reaffirmed that the law is a requirement which is mandatory for cities. A developer who meets the law's requirements for affordable units is entitled to the density bonus and other assistance as of right, regardless of the locality's desires (subject to limited health and safety exceptions). As such, the proposed project is not required to meet the minimum parking requirements of MPMC 21.22.050. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
U-3	This comment has been noted and entered into the record. This comment does not raise any specific issues with the environmental analysis for the proposed project; therefore, no further response is necessary. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.

COMMENT LETTER V – CHLOE HE

From: [C.H](#)
To: [Chow, Beth](#)
Subject: Objection to 338-410
Date: Wednesday, June 12, 2024 2:48:15 PM

[EXTERNAL EMAIL]

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

Hello Beth,

This is Chloe who lives in Alhambra Ave Monterey Park. I am writing to express my strong opposition to the proposed construction of a 64-unit condo development at 338-410 S Alhambra. This project raises numerous concerns across several critical areas.

The addition of 64 new households will substantially increase the already heavy traffic burden, leading to severe congestion.

The new condos may attract a significant number of non-local residents, disrupting the existing community's harmony.

Increased population density may lead to more social issues, such as higher crime rates and resource competition.

To protect the interests and sustainable development of our existing community, we should firmly oppose this construction project.

I hope these points help you effectively articulate your opposition.

Regards,

Chloe He

V-1

ID	Response to Comment Letter V
V-1	See previous responses to comments. This comment has been noted and entered into the record. This comment does not raise any specific issues with the environmental analysis for the proposed project; therefore, no further response is necessary. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.

DRAFT

COMMENT LETTER W – RAYMOND LIAO

From: [Raymond Liao](#)
To: [Chow, Beth](#)
Subject: Objection to 338-410 Alhambra Ave Project
Date: Wednesday, June 12, 2024 2:52:40 PM

[EXTERNAL EMAIL]

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Beth Chow,

I am the neighborhood resident of the planning project. I believe the planning project will be adverse effects the neighborhood environment and traffic significantly. I also very concern of the safety and security of the neighborhood due to the 64 units condominium. Therefore, I would like to express my strong objection to the 338-410 Alhambra Ave Project.

W-1

Best regards,

Raymond Liao

ID	Response to Comment Letter W
W-1	See previous responses to comments. This comment has been noted and entered into the record. This comment does not raise any specific issues with the environmental analysis for the proposed project; therefore, no further response is necessary. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.

DRAFT

COMMENT LETTER X – RICKY CHAO

From: jll
To: Chow, Beth
Date: Wednesday, June 12, 2024 1:40:13 PM

[EXTERNAL EMAIL]

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Oppose construction 338-410

Ricky chao, 432 s Alhambra Ave,F,Monterey park.

| X-1

DRAFT

ID	Response to Comment Letter X
X-1	This comment has been noted and entered into the record. This comment does not raise any specific issues with the environmental analysis for the proposed project; therefore, no further response is necessary. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.

DRAFT

COMMENT LETTER Y – SALINA RAYA

From: [Salina Raya](#)
To: [Chow, Beth; Hubby](#)
Subject: 338-410 South Alhambra Ave 64 unit
Date: Wednesday, June 12, 2024 4:41:47 PM

[EXTERNAL EMAIL]

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

Good Afternoon,

My name is Salina Raya, my husband, Matthew and 2 year old Daughter live at 336 S Alhambra Ave.

Comments:

Having such a large condominium structure to this already busy avenue is cause for concern. This would increase the amount of cars, street parking and traffic we already have to contend with in this specific area of Monterey Park. Additionally, not only would this create a very dense populated area, many of these type of structures tend to create opportunities for illegal activity that is already very active on Alhambra Avenue. This structure not only will create problems with traffic but will continue to cause problems for the neighborhood.

Y-1

On a side note. Occupants of 338 have a number of animals that are treated inhumanly. There is a duck and a goose locked in a very small cage and a big German shepherd with a very heavy chain the dog has to carry around just to walk around the backyard.

Y-2

Thank you for your attention.

Salina E Raya

ID	Response to Comment Letter Y
Y-1	See previous responses to comments. This comment has been noted and entered into the record. This comment does not raise any specific issues with the environmental analysis for the proposed project; therefore, no further response is necessary. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.
Y-2	This comment has been noted and entered into the record. This comment does not raise any specific issues with the environmental analysis for the proposed project; therefore, no further response is necessary. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.

DRAFT

COMMENT LETTER Z – SERENA CHEN

From: [Serena Chen](#)
To: [Chow, Beth](#)
Subject: Against 64 density condominium at Alhambra Ave
Date: Wednesday, June 12, 2024 9:23:07 AM
Attachments: [Monterey-park letter 6-11-24.pdf](#)

[EXTERNAL EMAIL]

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

Dear city representative,

We don't want to have a commercial type of condominium, with 64 units in our residential community. The street and the surrounding have been too busy and cars fully park most of the time. Can not image having such a density condominium in our neighborhood.

Please keep our residential area peace and safe!!!

Thanks

Serena

Z-1

ID	Response to Comment Letter Z
Z-1	The proposed project is a residential condominium; not a commercial condominium. The density and number of parking spaces provide is compliant with the state Density Bonus Law which supersedes the City's Municipal Code restrictions. No further response is necessary. No new or significant increase in the severity of an impact has been identified. The inclusion of new mitigation measures is not necessary. No inadequacies in the analysis have been identified and no changes to the Initial Study and Mitigated Negative Declaration are required as a result of this comment.

DRAFT

3 – ERRATA

This section identifies revisions to the Public Review Draft IS/MND. These revisions incorporate clarifications, corrections, or additions prepared as a result of project changes and consultation with interested parties during the public review period that occurred from May 23, 2024 and ending on June 12, 2024. Revisions are shown below in underline. Deletions are shown in strikethrough. Commentary notes are shown in *Italic type* where needed.

None of the revisions below represents a substantial increase in the severity of an identified significant impact or the identification of a new significant impact, mitigation, or alternative considerably different from those already considered in the Public Review Draft IS/MND.

Public Review Draft IS/MND Chapter 2, Project Description

(Page 7, 1st paragraph, 2nd sentence): In total, the project proposes fifteen (15) 1-bedroom units, thirty-three (33) 2-bedroom units, and ~~seventeen~~ sixteen (16) 3-bedroom units.

Public Review Draft IS/MND Section 4.16, Transportation and Traffic

(Page 89, Table 15 – Project Trip Generation):

Table 15
Project Trip Generation

Land Use	Quantity	Unit ¹	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
Senior Adult Housing – Attached Multi-Family Housing (Low-Rise)	65*	DU	6	20	26	21	12	33	438
Source: Ganddini, 2023 (see Appendix H)									
¹ = Dwelling Unit									
* Final Project design includes 64 units.									

Public Review Draft IS/MND Section 4.16, Transportation and Traffic

(Page 89, Table 16 – Net Trip Generation):

Table 16
Net Project Trip Generation Comparison

Land Use	AM Peak Hour			PM Peak Hour			Daily
	In	Out	Total	In	Out	Total	
Existing Land Use	1	6 5	7 6	6 5	4 3	10 8	114 107
Proposed Project	8 6	15 20	23 26	16 21	13 12	29 33	422 438
Net New Trips	+7 5	+9 15	+16 20	+10 16	+9	+19 25	+308 331
Source: Ganddini, 2023 (see Appendix H)							

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4 – PUBLIC CIRCULATION

Availability and Distribution

On May 23, 2024, the City of Monterey Park filed a Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) for the proposed project with the Los Angeles County Clerk (see Figure A). The City also published the NOI in the local public circulation *Cascades Newspaper* on the same date. In addition, the NOI was sent by certified mail to public agencies, interested individuals, neighboring jurisdictions, non-governmental entities, and interested individuals on the City's agency notification list (see Figure B). The NOI was also submitted electronically along with a Notice of Completion (NOC) (see Figure C) to the Office of Planning and Research's (OPR) State Clearinghouse (SCH) website for distribution to State agencies and the project was issued SCH #2024051026. The NOI and Public Review Draft IS/MND were also available on the City's website during the entire public review and comment period. Finally, notification was submitted to local Native American Tribal Governments in accordance with CEQA statutes, guidelines, and Assembly Bill 52. Below is a list of the public agencies, interested individuals, neighboring jurisdictions, non-governmental entities, and Tribes on the City's agency notification list:

Agency Notification List

Federal

Monterey Park Post Office

State of California

Office of Planning and Research State Clearinghouse
California Department of Transportation – District 7

Los Angeles County

Los Angeles County Registrar-Recorder/County Clerk
County of Los Angeles Public Works – Land Development Division
Los Angeles County Sanitation District
Los Angeles County Flood Control – Land Development Division
County of Los Angeles Regional Planning

Regional

Southern California Air Quality Management District
South Coast Air Quality Management District

Local Native American Tribes

Gabrielino-Tongva Tribe
Gabrielino Tongva Nation
Gabrielino/Tongva San Gabriel Band of Mission Indians
Ganbrieleño Band of Mission Indians – Kizh Nation

Local Cities

City of Alhambra
City of Montebello
City of Rosemead

Education

Los Angeles Unified School District
Garvey School District

Utilities/Services

Athens Services
AT&T Right of Way Department
Southern California Edison
Southern California Gas Co.
Ware Disposal

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FIGURE A: NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION



THIS NOTICE WAS POSTED
ON May 28 2024
UNTIL June 27 2024
REGISTRAR - RECORDER/COUNTY CLERK

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

DATE: May 23, 2024

TO: Responsible Agencies, Trustee Agencies, Interested Parties

LEAD AGENCY: City of Monterey Park
Planning Division
320 West Newmark Avenue
Monterey Park, California 91754

SUBJECT: Notice of Intent to Adopt a Mitigated Negative Declaration for the 338-410 South Alhambra Avenue 64-Unit Condominium Project

NOTICE IS HEREBY GIVEN that the City of Monterey Park (City) has prepared an Initial Study and Mitigated Negative Declaration (IS/MND), which is being distributed for public review pursuant to the California Public Resources Code Section 21092 and California Environmental Quality Act (CEQA) Guidelines Section 15072 for the following project:

Project Title: 338-410 South Alhambra Avenue 64-Unit Condominium Project

Project Location: The approximately 1.73-acre project site is located on the east side of Alhambra Avenue, between Newmark Avenue and Graves Avenue, at the eastern terminus of Peach Street in the City of Monterey Park, California. The project site currently contains multi- and single-family residential dwelling units and is surrounded by residential properties on all sides.

Project Description: The City of Monterey Park received an application for demolition of the existing residential structures, a Tentative Map to combine the three parcels into two new parcels of equal size, and construction of a residential development consisting of 64 multi-family condominium units along with associated parking and landscaping improvements. The proposed condominiums would be divided between two buildings, with seven attached 3-bedroom townhomes located in a two-story building along the project frontage and the remaining 57 condominium units arranged in the shape of a square surrounding a central courtyard area in the central/rear portion of the site. In total, the project proposes fifteen (15) 1-bedroom units, thirty-three (33) 2-bedroom units, and seventeen (16) 3-bedroom units. Fifty-seven (57) of the proposed residential units would be market rate while the remaining seven (7) units would be designated as very low-income housing units. Each level of the square condominium building contains five 1-bedroom units, eleven 2-bedroom units, and three 3-bedroom units.

The project site is zoned High-Density Residential (R-3) and the surrounding area is zoned either Medium-Density Residential (R-2) or High-Density Residential (R-3). The Maximum density for the R-3 designations is 30 dwelling units per acre. As such, the zoning for the 1.73-acre site allows up to 43 dwelling units. Monterey Park Municipal Code (MPMC) Section 21.08.080 provides that no building within a residential designation can exceed two stories or 30 feet in height. However, because the project would designate

fifteen percent (15%) of the proposed units as very-low income housing, the project would qualify for an Affordable Housing density bonus of fifty percent (50%) (MPMC Section 21.18.060(D)) and height incentives up to 3 stories or 41 feet in height (MPMC Section 21.18.050). With the Affordable Housing density bonus concessions, the proposed project is allowed to develop up to 64 dwelling units. As previously described, the proposed project consists of 64 condominiums. Additionally, upon completion, the proposed development would be three stories and would have a maximum height of 38.7 feet at its highest point as measured from the Grade Plane.

Each of the 3-bedroom townhomes located along the project frontage includes a two-car subterranean garage. The parking garage includes 83 passenger vehicle parking stalls for residents and guests with six of these spaces designated for electric vehicles and two spaces designated for ADA parking. The parking garage would also house the lobby/leasing office, an electrical room, a fire control room, and trash enclosures. The first level of the square building includes a community room and gym, while the second level will include a community room and business center, with the third level containing a roof top deck with open trellis. Vehicular access to the site would be provided via a 26-foot wide driveway at the northwest corner of the site and a 20-foot wide driveway at the southwest corner of the site. The project would also include approximately 13,700 square feet of landscaped common open space around the edges of the site and an approximately 12,000-square foot central courtyard in the center of the square building.

Environmental Determination: Based on the findings of the Initial Study, the City has determined that this project would not result in significant environmental impacts. Mitigation measures for air quality, biological resources, cultural resources, paleontological resources, and noise will be required to reduce impacts to less than significant. Accordingly, the City intends to adopt a Mitigated Negative Declaration, pursuant to Public Resources Code section 21080(c).

Hazardous Waste Sites: The project site is not included on the list of hazardous materials facilities, hazardous waste properties, or hazardous waste disposal sites enumerated under Section 65962.5 of the California Government Code (Cortese List).

Public Review/Public Comment Period: The Initial Study and Mitigated Negative Declaration will be available for public review and comment for a period of 20 days beginning **Thursday May 23, 2024** and ending **Wednesday June 12, 2024**. Any person may submit written comments to the Planning Division before the end of the review period. Copies of the Initial Study and Mitigated Negative Declaration, project plans, and supporting documents are available for public review at the City of Monterey Park, Planning Division, 320 West Newmark Avenue, Monterey Park, California 91754. These materials are also available for review on the City's website at: <http://www.montereypark.ca.gov/1535/Public-Notices>. Comments should be submitted in writing no later than 5:00 p.m. on June 12, 2024, to the City of Monterey Park Planning Division. If you would like to comment, please send written comments to:

Beth Chow, AICP, Planning Manager
City of Monterey Park Planning Division
320 West Newmark Avenue
Monterey Park, California 91754
Phone: (626) 307-1318
Email: BChow@MontereyPark.ca.gov

Public Hearing: The Monterey Park City Council is scheduled to consider the proposed project and Mitigated Negative Declaration at a special meeting on **Tuesday June 18, 2024** at 6:30 P.M., at City Hall at 320 West Newmark Avenue, Monterey Park, California 91754.



FIGURE B: AGENCY NOTIFICATION LIST

Garvey School District Kevin Hobby, Director II, Facilities 2730 Del Mar Ave Rosemead, CA 91770	County of Los Angeles Public Works - Land Development Division P.O. Box 1460 Alhambra, CA 91802-1460
LAUSD Andrea Reyes, Special Assistant to the Chief Facilities Executive 333 S Beaudry Ave. Los Angeles, CA 90017	Southern California AQMD 21865 Copley Dr. Diamond Bar, CA 91765-0939
Caltrans, District 7 Gloria Roberts, Director 100 S. Main St. Los Angeles, CA 90012	Monterey Park Post Office Post Master 245 W. Garvey Ave. Monterey Park, CA 91754
LA County Sanitation District Shirly Wang, Customer Services Specialist PO Box 4998 Whittier, CA 90607	City of Alhambra Director of Community Development 111 S. First Street Alhambra, CA 91801
SCE Roy Liu, Project Engineer 1000 Potrero Grande Monterey Park, CA 91755	City of Montebello Director of Community Development 1600 W. Beverly Blvd. Montebello, CA 90640
So Cal Gas Christopher Johnson, Field Planning Associate 1120 E. Valley Blvd. Alhambra, CA 91801	City of Rosemead Director of Community Development 8838 E. Valley Blvd. Rosemead, CA 91770
LA County Flood Control - Land Development Division Diego Rivera, Senior Civil Engineer 900 S. Fremont Ave. Alhambra, CA 91803	County of Los Angeles Regional Planning Director of Planning 320 W. Temple Ave. Los Angeles, CA 90040
Athens Services Timothy Yeh, Government Affairs Manager 15045 Salt Lake Ave. Industry, CA 91746	Business Filings and Registration P.O. Box 1208 Norwalk, CA 90651-1208
Ware Disposal Jason Bryce Rush, Legislative Director 1035 E. 4th St. Santa Ana, CA 92701	
AT&T - Right of Way Department 600 E. Green St. Pasadena, CA 91101-2020	

FIGURE C: NOTICE OF COMPLETION AND ENVIRONMENTAL DOCUMENT TRANSMITTAL

Appendix C

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # N/A

Project Title: 338-410 South Alhambra Avenue 64-Unit Condominium Project

Lead Agency: City of Monterey Park

Contact Person: Beth Chow, AICP, Planning Manager

Mailing Address: 320 West Newmark Avenue

Phone: 626-307-1318

City: Monterey Park

Zip: 91754

County: Los Angeles

Project Location: County: Los Angeles

City/Nearest Community: Monterey Park

Cross Streets: East Newmark Avenue and South Alhambra Avenue

Zip Code: 91755

Longitude/Latitude (degrees, minutes and seconds): 34 ° 03 ' 29.16 " N / 118 ° 06 ' 58.11 " W Total Acres: 1.73

Assessor's Parcel No.: 5250-004-036, -037, & -038

Section: S26

Twp.: T1S

Range: R12W

Base: SBPM

Within 2 Miles: State Hwy #: I-10 & SR-60

Waterways: Alhambra Wash

Airports: None

Railways: None

Schools: Multiple

Document Type:

CEQA: ☐ NOP☐ Draft EIRNEPA: ☐ NOIOther: ☐ Joint Document☐ Early Cons☐ Supplement/Subsequent EIR☐ EA☐ Final Document☐ Neg Dec

(Prior SCH No.) _____

☐ Draft EIS☐ Other: _____☒ Mit Neg Dec

Other: _____

☐ FONSI

Local Action Type:

☐ General Plan Update☐ Specific Plan☐ Rezone☐ Annexation☐ General Plan Amendment☐ Master Plan☐ Prezone☐ Redevelopment☐ General Plan Element☐ Planned Unit Development☐ Use Permit☐ Coastal Permit☐ Community Plan☒ Site Plan☐ Land Division (Subdivision, etc.)☐ Other: _____

Development Type:

☒ Residential: Units 64 Acres 1.73☐ Office: Sq. ft. _____ Acres _____

Employees _____

☐ Transportation: Type _____☐ Commercial: Sq. ft. _____ Acres _____

Employees _____

☐ Mining: Mineral _____☐ Industrial: Sq. ft. _____ Acres _____

Employees _____

☐ Power: Type _____ MW☐ Educational: _____☐ Waste Treatment: Type _____ MGD☐ Recreational: _____☐ Hazardous Waste: Type _____☐ Water Facilities: Type _____ MGD☐ Other: _____

Project Issues Discussed in Document:

☒ Aesthetic/Visual☐ Fiscal☒ Recreation/Parks☒ Vegetation☒ Agricultural Land☒ Flood Plain/Flooding☒ Schools/Universities☒ Water Quality☒ Air Quality☒ Forest Land/Fire Hazard☒ Septic Systems☒ Water Supply/Groundwater☒ Archeological/Historical☒ Geologic/Seismic☒ Sewer Capacity☒ Wetland/Riparian☒ Biological Resources☒ Minerals☒ Soil Erosion/Compaction/Grading☒ Growth Inducement☐ Coastal Zone☒ Noise☒ Solid Waste☒ Land Use☒ Drainage/Absorption☒ Population/Housing Balance☒ Toxic/Hazardous☒ Cumulative Effects☐ Economic/Jobs☒ Public Services/Facilities☒ Traffic/Circulation☐ Other: _____

Present Land Use/Zoning/General Plan Designation:

High Density Residential (R-3) / High Density Residential (HDR)

Project Description: (please use a separate page if necessary)

The proposed project includes demolition of existing residential structures, a Tentative Map to combine the three parcels into two new parcels of equal size, and construction of a residential development consisting of 64 multi-family condominium units along with associated parking and landscaping improvements. Fifty-seven (57) of the proposed residential units would be market rate while the remaining seven (7) units would be designated as very low-income housing units. The zoning for the 1.73-acre site allows up to 43 dwelling units. The project qualifies for an affordable housing density bonus of 50%. With the Affordable Housing density bonus concessions mandated under State law, the proposed project is allowed to develop up to 65 dwelling units. The parking garage would include 83 passenger vehicle parking stalls for residents and guests with six of these spaces designated for electric vehicles and two spaces designated for ADA parking. The project would also include approximately 13,700 square feet of landscaped common open space around the edges of the site and an approximately 12,000-square foot central courtyard in the center of the square building.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Revised 2010

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".
If you have already sent your document to the agency please denote that with an "S".

☐ Air Resources Board	☐ Office of Historic Preservation
☐ Boating & Waterways, Department of	☐ Office of Public School Construction
☐ California Emergency Management Agency	☐ Parks & Recreation, Department of
☐ California Highway Patrol	☐ Pesticide Regulation, Department of
☐ Caltrans District # _____	☐ Public Utilities Commission
☐ Caltrans Division of Aeronautics	☐ Regional WQCB # _____
☐ Caltrans Planning	☐ Resources Agency
☐ Central Valley Flood Protection Board	☐ Resources Recycling and Recovery, Department of
☐ Coachella Valley Mtns. Conservancy	☐ S.F. Bay Conservation & Development Comm.
☐ Coastal Commission	☐ San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
☐ Colorado River Board	☐ San Joaquin River Conservancy
☐ Conservation, Department of	☐ Santa Monica Mtns. Conservancy
☐ Corrections, Department of	☐ State Lands Commission
☐ Delta Protection Commission	☐ SWRCB: Clean Water Grants
☐ Education, Department of	☐ SWRCB: Water Quality
☐ Energy Commission	☐ SWRCB: Water Rights
☐ Fish & Game Region # _____	☐ Tahoe Regional Planning Agency
☐ Food & Agriculture, Department of	☐ Toxic Substances Control, Department of
☐ Forestry and Fire Protection, Department of	☐ Water Resources, Department of
☐ General Services, Department of	
☐ Health Services, Department of	Other: _____
☐ Housing & Community Development	Other: _____
☐ Native American Heritage Commission	

Local Public Review Period (to be filled in by lead agency)

Starting Date May 23, 2024 Ending Date June 12, 2024

Lead Agency (Complete if applicable):

Consulting Firm: <u>MIG, Inc.</u>	Applicant: <u>The Commons of MPK, LLC / Longo Realty, Inc.</u>
Address: <u>1650 Spruce Street, Suite 106</u>	Address: <u>812 South Atlantic Blvd., #A</u>
City/State/Zip: <u>Riverside, CA 92507</u>	City/State/Zip: <u>Monterey Park, CA 91754</u>
Contact: <u>Cameron Hile, Project Manager</u>	Phone: <u>626-628-4463</u>
Phone: <u>951-787-9222</u>	

Signature of Lead Agency Representative:  Date: May 22, 2024

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

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5 – MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) identifies Mitigation Measures incorporated into the Public Review Draft IS/MND prepared for the proposed 338-410 South Alhambra Avenue 64-Unit Condominium Project in the City of Monterey Park, California. For each Mitigation Measure, the MMRP identifies the significant impact, the related mitigation measure, the implementation entity, the monitoring and verification entity, and timing requirements.

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338-410 SOUTH ALHAMBRA AVENUE 64-UNIT CONDOMINIUM PROJECT Mitigated Negative Declaration: Mitigation Monitoring Reporting Program							
Mitigation Measures		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
Air Quality Mitigation Measures							
AIR-1	Reduce Construction-Related DPM Emissions. To reduce potential short-term adverse health risks associated with PM₁₀ exhaust emissions generated during project construction activities, including emissions of diesel particulate matter (DPM), the project proponent and/or it's designated contractors, contractor's representatives, or other appropriate personnel to implement the following construction equipment restrictions for the project: 1. Contractors must use the smallest size equipment capable of safely completing work activities. 2. Electric hook-ups must be provided for stationary equipment (e.g., pumps, compressors, welding sets). 3. The use of portable diesel generators must be prohibited at the project site. 4. All construction equipment with a rated power-output of 50 horsepower or greater must meet U.S. EPA and CARB Tier IV Final Emission Standards for PM₁₀. This may be achieved via the use of equipment with engines that have been certified to meet Tier IV emission standards, or through the use of equipment that has been retrofitted with a CARB-verified diesel emission control	Prior to Issuance of Grading Permits and Throughout Construction	Construction Plans Submission or Study Completion	City of Monterey Park			

338-410 SOUTH ALHAMBRA AVENUE 64-UNIT CONDOMINIUM PROJECT Mitigated Negative Declaration: Mitigation Monitoring Reporting Program							
Mitigation Measures		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	strategy (e.g., particulate filter) capable of reducing exhaust PM₁₀ emissions to levels that meet Tier IV standards. As an alternative to using equipment that meets Tier IV Final Emissions Standards for off-road equipment with a rated power-output of 50 horsepower or greater, the project proponent may prepare and submit a refined construction health risk assessment to the City once additional project-specific construction information is known (e.g., specific construction equipment type, quantity, engine tier, and runtime by phase). The refined health risk assessment must demonstrate and identify any measures necessary such that the proposed project's incremental cancerogenic health risk at nearby sensitive receptor locations is below the applicable SCAQMD threshold of 10 cancers in a million.						
Biological Resources Mitigation Measures							
BIO-1	If vegetation removal is scheduled during the nesting season (typically February 1 to September 1), then a focused survey for active nests must be conducted by a qualified biologist not more than five days before the beginning of project-related activities (e.g., demolition, excavation, grading and vegetation removal). Surveys must be conducted in proposed work areas, staging and storage	Prior to Issuance of Grading Permits	Completion of Surveys	Project Proponent, City of Monterey Park			

338-410 SOUTH ALHAMBRA AVENUE 64-UNIT CONDOMINIUM PROJECT Mitigated Negative Declaration: Mitigation Monitoring Reporting Program							
Mitigation Measures		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	areas, and soil, equipment, and material stockpile areas. For passerines and small raptors, surveys must be conducted within a 250-foot radius surrounding the work area (in non-developed areas and where access is feasible). For larger raptors, such as those from the genus <i>Buteo</i>, the survey area must encompass a 500-foot radius. Surveys must be conducted by a qualified biologist during weather conditions suited to maximize the observation of possible nests and concentrate on areas of suitable habitat. If a lapse in project-related work of five days or longer occurs, an additional nest survey is required before work can be reinitiated. If nests are encountered during any preconstruction survey, a qualified biologist must determine if it may be feasible for construction to continue as planned without impacting the success of the nest, depending on conditions specific to each nest and the relative location and rate of construction activities. Any nest(s) within the project site must be monitored by a qualified biologist, as determined in the sole and absolute discretion of the City, during vegetation removal if work is occurring directly adjacent to the pre-determined no-work buffer. If the qualified biologist determines construction activities have potential to adversely affect a nest, the biologist will immediately inform the						

338-410 SOUTH ALHAMBRA AVENUE 64-UNIT CONDOMINIUM PROJECT Mitigated Negative Declaration: Mitigation Monitoring Reporting Program							
Mitigation Measures		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	construction manager to halt construction activities within minimum exclusion buffer of 50 feet for songbird nests, and 200 to 500 feet for raptor nests, depending on species and location. Construction activities within the no-work buffer may proceed after a qualified biologist determines the nest is no longer active due to natural causes (e.g., young have fledged, predation or other non-anthropogenic nest failure).						
Cultural and Tribal Resources Mitigation Measures							
CUL-1	Retain a Native American Monitor/Consultant: The project proponent is required to retain and compensate for the services of a Tribal monitor/consultant who is both approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government and is listed under the NAHC's Tribal Contact list for the area of the project location. This list is provided by the NAHC. The monitor/consultant would only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined by the Gabrieleño Band of Mission Indians-Kizh Nation as activities that may include, without limitation, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor/consultant would complete daily	Prior to Construction	Completion of Agreement	City of Monterey Park			

338-410 SOUTH ALHAMBRA AVENUE 64-UNIT CONDOMINIUM PROJECT Mitigated Negative Declaration: Mitigation Monitoring Reporting Program							
Mitigation Measures		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	monitoring logs that would provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring would end when the project site grading and excavation activities are completed, or when the Tribal Representatives and monitor/consultant state in writing that the site has a low potential for impacting Tribal Cultural Resources.						
CUL-2	Unanticipated Discovery of Tribal Cultural and Archaeological Resources: Upon discovery of any archaeological resources, all construction activities in the immediate vicinity of the find must cease until the find can be assessed. All archaeological resources unearthed by project construction activities would be evaluated by the qualified archaeologist and tribal monitor/consultant approved by the Gabrieleño Band of Mission Indians-Kizh Nation. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation would coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe would request reburial or preservation for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If a resource is	Prior to Issuance of Grading Permits and Throughout Construction	Retention of Archaeologist	Project Proponent, City of Monterey Park			

338-410 SOUTH ALHAMBRA AVENUE 64-UNIT CONDOMINIUM PROJECT Mitigated Negative Declaration: Mitigation Monitoring Reporting Program							
Mitigation Measures		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	determined by the qualified archaeologist to constitute a “historical resource” or “unique archaeological resource”, time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources would with CEQA Guidelines Section 15064.5(f) for historical resources and archaeological resources.						
CUL-3	Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment upon discovering unique archaeological resources. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin must be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they would be offered to a local school or historical society in the area for educational purposes.	Prior to Issuance of Grading Permits	Completion of Plan	Project Proponent, City of Monterey Park			

338-410 SOUTH ALHAMBRA AVENUE 64-UNIT CONDOMINIUM PROJECT Mitigated Negative Declaration: Mitigation Monitoring Reporting Program							
Mitigation Measures		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
CUL-4	Resource Assessment & Continuation of Work Protocol: Upon discovery, the tribal and/or archaeological monitor/consultant/consultant would immediately divert work at minimum of 150 feet and place an exclusion zone around the burial. The monitor/consultant(s) would then notify the Tribe, the qualified lead archaeologist, and the construction manager who would call the coroner. Work would continue to be diverted while the coroner determines whether the remains are Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner would notify the NAHC as mandated by state law who would then appoint a Most Likely Descendent (MLD).	Prior to Issuance of Grading Permits	Completion of Meeting	Tribal Monitors, Project Proponent, City of Monterey Park			
CUL-5	Unanticipated Discovery of Human Remains and Associated Funerary Objects: Native American human remains are defined in Public Resources Code ("PRC") Section 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC Section 5097.98, are also to be treated according to this statute. Health and Safety Code Section 7050.5 dictates that any discoveries of human skeletal material must be immediately reported to the	During Grading and Site Preparation	Daily Monitoring Report	Tribal Monitors, Project Proponent, City of Monterey Park			

338-410 SOUTH ALHAMBRA AVENUE 64-UNIT CONDOMINIUM PROJECT Mitigated Negative Declaration: Mitigation Monitoring Reporting Program							
Mitigation Measures		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	County Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she must contact by telephone within 24 hours, the Native American Heritage Commission (NAHC) and also comply with PRC Section 5097.98.						
CUL-6	Kizh-Gabrieleno Procedures for burials and funerary remains: If the Gabrieleno Band of Mission Indians-Kizh Nation is designated MLD, the following treatment measures would be implemented. To the Tribe, the term “human remains” encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, without limitation, the burial of funerary objects with the deceased, and the ceremonial burning of human remains. These remains are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects.	During Grading and Site Preparation	Daily Monitoring Report	Tribal Monitors, Project Proponent, City of Monterey Park			

338-410 SOUTH ALHAMBRA AVENUE 64-UNIT CONDOMINIUM PROJECT Mitigated Negative Declaration: Mitigation Monitoring Reporting Program							
Mitigation Measures		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
CUL-7	Treatment Measures: Before ground disturbing activities continues, the land owner must arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains would be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe would make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials would be removed. The Tribe would work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation would be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation must be approved by the Tribe for data recovery purposes. Cremations would either be removed in bulk or by means as necessary to ensure complete recovery of all material. If the discovery of	During Grading and Site Preparation	Daily Monitoring Report	Tribal Monitors, Project Proponent, City of Monterey Park			

338-410 SOUTH ALHAMBRA AVENUE 64-UNIT CONDOMINIUM PROJECT Mitigated Negative Declaration: Mitigation Monitoring Reporting Program							
Mitigation Measures		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan would be created. Once complete, a final report of all activities is to be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive diagnostics on human remains. Each occurrence of human remains and associated funerary objects would be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony would be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation must be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There cannot be publicity regarding any cultural materials recovered.						
CUL-8	Professional Standards: Archaeological and Native American monitoring and excavation during construction projects would be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects must be taken. Principal personnel must meet the Secretary of Interior	Prior to Issuance of Occupancy Permits	Report submission	Project Proponent, City of Monterey Park			

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	standards for archaeology and have a minimum of 10 years of experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist must ensure that all other personnel are appropriately trained and qualified.						
Geology and Soils Mitigation Measures							
GEO-1	Conduct Paleontological Sensitivity Training for Construction Personnel. The Applicant must retain a professional paleontologist, who meets the qualifications set forth by the Society of Vertebrate Paleontology, to conduct a Paleontological Sensitivity Training for construction personnel before commencement of excavation activities. The training would include a handout and would focus on how to identify paleontological resources that may be encountered during earthmoving activities, and the procedures to be followed in such an event; the duties of paleontological monitors; notification and other procedures to follow upon discovery of resources; and the general steps a qualified professional paleontologist would follow in conducting a salvage investigation if one is necessary.	Prior to Grading and Site Preparation	Conduct Training	Project Proponent, City of Monterey Park			
GEO-2	Conduct Periodic Paleontological Spot Checks During Grading and Earth-Moving Activities. The Applicant must retain a	During Grading and	Daily Monitoring Report	Project Proponent, City of			

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	professional paleontologist, who meets the qualifications set forth by the Society of Vertebrate Paleontology, to conduct periodic Paleontological Spot Checks beginning at depths below six feet from the surface to determine if construction excavations extend into older Quaternary deposits. After the initial Paleontological Spot Check, further periodic checks would be conducted at the discretion of the qualified paleontologist. If the qualified paleontologist determines that construction excavations have extended into the older Quaternary deposits, construction monitoring for Paleontological Resources are required. The Applicant must retain a qualified paleontological monitor, who would work under the guidance and direction of a professional paleontologist, who meets the qualifications set forth by the Society of Vertebrate Paleontology. The paleontological monitor must be present during all construction excavations (e.g., grading, trenching, or clearing/grubbing) into the older Pleistocene alluvial deposits. Multiple earth-moving construction activities may require multiple paleontological monitors. The frequency of monitoring is based on the rate of excavation and grading activities, proximity to known paleontological resources and/or unique geological features, the materials being excavated (native versus artificial fill soils), and	Site Preparation		Monterey Park			

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	the depth of excavation, and if found, the abundance and type of paleontological resources and/or unique geological features encountered. Full-time monitoring can be reduced to part-time inspections if determined adequate by the qualified professional paleontologist.						
GEO-3	Cease Ground-Disturbing Activities and Implement Treatment Plan if Paleontological Resources Are Encountered. If paleontological resources and or unique geological features are unearthed during ground-disturbing activities, ground-disturbing activities the paleontological monitor may halt or divert away from the vicinity of the find so that the find can be evaluated. A buffer area of at least 50 feet must be established around the find where construction activities are not allowed to continue until appropriate paleontological treatment plan is approved by the Applicant and the City. Work is allowed to continue outside of the buffer area. The Applicant and City would coordinate with a professional paleontologist, who meets the qualifications set forth by the Society of Vertebrate Paleontology, to develop an appropriate treatment plan for the resources. Treatment may include implementation of paleontological salvage excavations to remove the resource along with subsequent laboratory	During Grading and Site Preparation	Daily Monitoring Report	Project Proponent, City of Monterey Park			

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	processing and analysis or preservation in place. At the paleontologist's discretion and to reduce construction delay, the grading and excavation contractor would assist in removing rock samples for initial processing.						
GEO-4	Prepare Report Upon Completion of Monitoring Services. Upon completion of the above activities, the professional paleontologist would prepare a report summarizing the results of the monitoring and salvaging efforts, the methodology used in these efforts, as well as a description of the fossils collected and their significance. The report would be submitted to the Applicant, the City, the Natural History Museums of Los Angeles County, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the project and required mitigation measures.	During Grading and Site Preparation	Report Submission	Project Proponent, City of Monterey Park			
Noise Mitigation Measures							
NOI-1	Reduce Potential Project Construction Noise Levels. To reduce potential noise levels from project construction activities, the project proponent must: 1. <i>Notify Residential Land Uses of Planned Construction Activities.</i> This notice must be provided at least two weeks before the start of any construction activities, describe the noise control measures to be	Prior to Issuance of Construction Permits	Plan Submission/ Implementation of Control Measures	Project Proponent, City of Monterey Park			

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	implemented by the project, and include the name and phone number of the designated contact for the project proponent and the City of Monterey Park responsible for handling construction-related noise complaints (per #5 below). This notice must be provided to the owner/occupants of residential dwelling units within 500 feet of construction work areas. 2. <i>Restricted Work Hours:</i> All construction-related work activities, including material deliveries, are subject to the requirements of MPMC Section 4.50.100. Construction activities, including deliveries, will occur only during the hours of 7 AM to 7 PM Monday to Friday and 9 AM to 6 PM on Saturday, Sunday, and holidays. The project proponent representative and/or its contractor must post a sign at all entrances to the construction site information contractors, subcontractors, other workers, etc. of this requirement. 3. <i>Construction Equipment Selection, Use, and Noise Control Measures:</i> The following measures apply to construction equipment used at the project site:						

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	a. Contractors must use the smallest size equipment capable of safely completing work activities. b. Construction staging will occur as far away from residential land uses as possible given site and active work constraints. c. Electric hook-ups must be provided for stationary equipment (e.g., pumps, compressors, welding sets). If it is not feasible to provide an electric hook-up, the project proponent must ensure mitigation measures 3a and 3d are implemented. d. All stationary noise generating equipment must be shielded and located as far as possible from residential land uses given site and active work constraints. Shielding may consist of existing vacant structures or a three-or four-sided enclosure provided the structure/enclosure breaks the line of sight between the equipment and the receptor and provides for proper ventilation and equipment operation. e. Heavy equipment engines must be equipped with standard noise suppression devices such as mufflers, engine covers, and engine/mechanical						

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isolators, mounts, and be maintained in accordance with manufacturer's recommendations during active construction activities. f. Pneumatic tools must include a suppression device on the compressed air exhaust. g. No radios or other amplified sound devices may be audible beyond the property line of the construction site. 4. <i>Implement Construction Activity Noise Control Measures:</i> The following measures apply to project construction activities: a. Demolition: Activities must be sequenced to take advantage of existing shielding/noise reduction provided by existing buildings or parts of buildings and methods that minimize noise and vibration, such as sawing concrete blocks, prohibiting on-site hydraulic breakers, crushing or other pulverization activities, must be employed during project construction. b. Demolition, Site Preparation, Grading, and Foundation Work: During all demolition, site preparation, grading, and structure foundation work activities, a physical noise barrier must be						

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installed and maintained around the site perimeter to the maximum extent feasible given site constraints and access requirements. The noise barrier must extend to a height of eight feet above grade. Potential barrier options capable of reducing construction noise levels could include, without limitation: i. A concrete, wood, or other barrier installed at-grade (or mounted to structures located at-grade, such as a K-Rail), and consisting of a solid material (i.e., free of openings or gaps other than weep holes) that has a minimum rated transmission loss value of 20 dB. ii. Commercially available acoustic panels or other products such as acoustic barrier blankets that have a minimum sound transmission class (STC) or transmission loss value of 20 dB. iii. Any combination of noise barriers and commercial products capable of achieving required construction noise reductions during demolition, site preparation, grading, and structure foundation work activities.						

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iv. The noise barrier may be removed following the completion of building foundation work (i.e., it is not necessary once framing and typical vertical building construction begins provided no other grading, foundation, etc. work is still occurring on-site). 5. <i>Prepare a Construction Noise Complaint Plan:</i> The project proponent must prepare a Construction Noise Complaint Plan that: a. Identify the name and/or title and contact information (including phone number and email) for a designated project and City representative responsible for addressing construction-related noise issues. b. Includes procedures describing how the designated project representative will receive, respond, and resolve construction noise complaints. c. At a minimum, upon receipt of a noise complaint, the project representative must notify the City contact, identify the noise source generating the complaint, determine the cause of the complaint, and take steps to resolve the complaint.						

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