City Council of Monterey Park
The City Council Acting on Behalf of the Successor Agency of the Former Redevelopment Agency, the Housing Authority, the Monterey Park Financing Authority and the Monterey Park Geologic Hazard Abatement District Agenda

Special Meeting
Monterey Park City Hall, Room 266
320 W. Newmark Avenue, Monterey Park, CA 91754

Tuesday, January 27, 2026
5:00 PM

Mission Statement
The mission of the City of Monterey Park is to provide excellent service, foster growth and opportunity, and create a joyous and collaborative environment.

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

General Information
Documents related to an Agenda item are available to the public in the City Clerk's Office located at 320 West Newmark Avenue, Monterey Park, CA 91754, during normal business hours and at www.montereypark.ca.gov/agendas.

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 8 hours before a meeting. Council Chambers are wheelchair accessible.

Pursuant to Government Code § 54954.3(a), the public may address the City Council only on matters listed on this Agenda. No other public comment will be accepted. Pursuant to Rule 5 of Resolution No. 12226 (adopted February 17, 2021), speakers are limited to a total of five minutes for Public Comment. If desirable, the Mayor and City Council may change the amount of time allowed for speakers. Written Communication will be accepted up to 3 hours before the meeting by completing an online form at www.montereypark.ca.gov/writtencomm.

The City Council will recess into Closed Session following public comment and the Open Session items, if any. Public participation is not allowed during Closed Session.

1. **Call to Order**
   Mayor

2. **Roll Call**
   Henry Lo, Vinh Ngo, Jose Sanchez, Thomas Wong, Elizabeth Yang

3. **Telecommunications Announcement, if requested**

4. **Public Communications**

5. **Closed Session**
   Upon conclusion of Closed Session, the Mayor and/or City Attorney will announce any reportable actions in accordance with the Brown Act.

   5.A. Conference with Legal Counsel - Anticipated Litigation (Significant exposure to litigation pursuant to Government Code § 54956.9(d)(2): 1 matter. Facts and Circumstances: Electronic Mail dated January 21, 2026, attached)

   5.B. Conference with Legal Counsel, Existing Litigation - Government Code Section 54956.9(d) - Number of Cases: 1
   Chan v. City of Monterey Park, LASC Case Number: 25STCP04378 (filed 11/13/2025)

6. **Adjournment**

From: Berger, Karl H.
To: Cindy Trang; Cho, Helena
Cc: Alvarez, Inez; Garcia, Diana
Subject: FW: MP - City Council Special Meeting - Public Comment for Item 5.A - Jan. 21, 2026
Date: Wednesday, January 21, 2026 3:16:09 PM
Attachments: image001.png
image002.png
1977 Saturn Data Center - Project Update 1.20.26.pdf
20241105MP - Saturn Park.pdf
12-03-2025 Agenda Item No. 10.B. - Addendum Approval to Construct Data Center and Associated Improvements at 1977 Saturn Avenue.pdf
1977 Saturn Data Center - Continuance Request.pdf

[EXTERNAL EMAIL]

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

Hi –

Please post to data center website. Thanks.

Karl H. Berger | Partner

Burke, Williams & Sorensen, LLP
444 South Flower Street - 40th Floor, Los Angeles, CA 90071
D 213.236.2729 | **O** 213.236.0600 | **F** 213.236.2700 | **M** 661.644.5476
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BURKE, WILLIAMS & SORENSEN, LLP

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From: Karl Berger <KBerger@bwslaw.com>
Date: Wednesday, January 21, 2026 at 15:14
To: James Pugh <JPugh@sheppardmullin.com>, MPClerk <MPClerk@montereypark.ca.gov>, "Hou, Timothy" <thou@MontereyPark.ca.gov>, "ialvarez@montereypark.ca.gov" <ialvarez@montereypark.ca.gov>
Cc: Bryan Marsh <bmarsh@stratcap.com>, Chris Flynn <cflynn@stratcap.com>, Scott Rynders <scott@rynderscorp.com>, Jeff Snow <jsnow@ardent.us.com>
Subject: MP - City Council Special Meeting - Public Comment for Item 5.A - Jan. 21, 2026

Dear Mr. Pugh –

Thank you for your correspondence. Your email, below, and my response will be made part of the public record.

As you note in your correspondence dated yesterday, your client's project is not on the agenda. A copy is attached for your reference. Notably, that same letter already commits your client to complete an EIR.

Your protestations, therefore, appear disingenuous and duplicative of the same misunderstandings asserted in 2024. To refresh your memory, I attach my November 5, 2024 correspondence which addresses the exact same complaints you express below. Then, as now, the agenda item tonight applies to data centers generally, not your client's in particular. You are also reminded that your client's application seeks legislative approvals – including a development agreement and zone change – that are solely within the City Council's discretion to consider.

Should the City Council decide to adopt the moratorium, your client will have the time to complete the tasks that it promised in December 2025: community workshops and outreach. Which it would have under all circumstances since your client voluntarily continued public hearings regarding its project to an uncertain date last month. A copy of that letter is also attached for your reference. There certainly appears to be a pattern for requesting delays. It is not, however, by the City.

As you are aware, there is ample opportunity for public comment regarding the agenda item. I encourage your client to send a representative who will be able to provide support for whatever decision the City Council makes.

Very truly yours,

Karl

Karl H. Berger | Partner

Burke, Williams & Sorensen, LLP
444 South Flower Street - 40th Floor, Los Angeles, CA 90071
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From: James Pugh <JPugh@sheppardmullin.com>
Date: Wednesday, January 21, 2026 at 14:33
To: MPClerk <MPClerk@montereypark.ca.gov>, Karl Berger <KBerger@bwslaw.com>, "Hou, Timothy" <thou@MontereyPark.ca.gov>, "ialvarez@montereypark.ca.gov" <ialvarez@montereypark.ca.gov>
Cc: Bryan Marsh <bmarsh@stratcap.com>, Chris Flynn <cflynn@stratcap.com>, Scott

Rynders <scott@rynderscorp.com>, Jeff Snow <jsnow@ardent.us.com>
Subject: City Council Special Meeting - Public Comment for Item 5.A - Jan. 21, 2026

[EXTERNAL]

Dear City Clerk,

We represent the applicant for the data center proposed at 1977 Saturn. We have worked with the City for two years processing entitlements for the project.

Please add this comment to the administrative record for Item 5.A on the City Council Special Meeting agenda for January 21, 2026, which is another data center moratorium. The City has established a pattern of using moratoriums to delay the only data center proposed in the City. For the record, we oppose and object to Item 5.A and its related materials. As we demonstrated in prior letters, we believe there are not sufficient legal grounds to adopt a moratorium. We incorporate by reference all of our prior correspondence to the City regarding similar urgency ordinances and data center moratoriums. We provide this comment to preserve the applicant's legal standing to challenge the City actions, if needed.

We also note that, as recently as November 19, 2025, the City issued a staff report on the project stating that the City had considered all comments and determined that there was not substantial evidence of a potentially significant impact caused by the 1977 Saturn project. Similarly, the City prepared a draft ordinance (for potential approval of the project) stating that, based on the evidence presented to the City Council, the City need not prepare an EIR for the project. The City did not ultimately adopt the ordinance or hear the project due to public controversy that arose merely days before the hearing. Our position is that the opposition campaign materials are not new substantial evidence, legally. We point this out because the applicant deserves a neutral and unbiased process for its project; and public controversy alone is not sufficient grounds (under the public resources code) to abandon prior legal positions supported by credible evidence.

Our comment here is procedurally necessary. We recognize and respect the City Council's need to further engage the public. The applicant is a willing partner in that endeavor.

Regards,
James E. Pugh | Partner
SheppardMullin | Costa Mesa
+1 714-424-2854 | ext. 12854
+1 949-877-4891 | mobile

From: James Pugh
Sent: Tuesday, January 20, 2026 4:32 PM
To: MPClerk@montereypark.ca.gov; Berger, Karl H. <KBerger@bwslaw.com>; Hou, Timothy <thou@MontereyPark.ca.gov>; ialvarez@montereypark.ca.gov
Cc: Bryan Marsh <bmarsh@stratcap.com>; Chris Flynn <cflynn@stratcap.com>; Scott Rynders <scott@rynderscorp.com>; Jeff Snow <jsnow@ardent.us.com>
Subject: 1977 Saturn Data Center

Dear City Staff and City Clerk,

Please see the attached letter regarding the 1977 Saturn project.

Please confirm receipt of this email and the attachment.

Thank you,
James E. Pugh | Partner
SheppardMullin | Costa Mesa
+1 714-424-2854 | ext. 12854
+1 949-877-4891 | mobile

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

SheppardMullin

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File Number: 89AF-371175

January 20, 2026

VIA E-MAIL

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

Re: Update for 1977 Saturn Data Center Project

Dear Honorable City Council,

We represent HMC StratCap 1977 Saturn, LLC ("Applicant") regarding its data center project ("Project") located at 1977 Saturn Street in the City of Monterey Park ("City"). On December 20, 2025, the City issued a press release stating that the City Council would not hear the Project on January 21, 2025 based on a request from the Applicant to table the matter. Accordingly, the City did not notice the matter for public hearing, and has not included the matter on the January 21, 2026 agenda. Therefore, no formal decision-making action on the Project can occur at the January 21, 2026 hearing pursuant to the Ralph M. Brown Act.

The Applicant desires a long-term relationship with the City that can provide value to the community and its residents. In December 2025, certain residents raised concerns about the Project. The Applicant takes that feedback seriously. Accordingly, the Applicant asked the City to pause consideration of the Project so the Applicant could take time to listen, share information, and better understand community concerns. In the coming weeks and months, the Applicant will share more updates, online resources, and invite residents to community meetings. The Applicant looks forward to more meaningful conversations and engagement with the community.

In addition, at this time, the Applicant has decided to voluntarily engage in preparation of an Environmental Impact Report ("EIR") for the Project. Doing so will provide additional time for community engagement and deeper environmental analysis before decision-making on the Project. We note that there is misinformation swirling in the community based on unvetted positions being pushed by an opposition campaign. The Applicant looks forward to clarifying those positions and providing the City and community with fact- and evidence-based analysis regarding the Project.

In closing, the Applicant looks forward to further evaluating the Project and demonstrating its value to the City and the community.

Sincerely,

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

SMRH:4909-1972-6217.2
cc:
mpclerk@montereypark.ca.gov
Inez Alvarez, City Manager, ialvarez@montereypark.ca.gov
Timothy Hou, Director of Community Development, thou@montereypark.ca.gov
Karl Berger, City Attorney, kberger@bwslaw.com
Bryan Marsh, StratCap
Jeff Snow, StratCap
Chris Flynn, StratCap
Scott Rynders, The Rynders Corporation

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Our File No.: 08877-0001
kberger@bwslaw.com

November 5, 2024

Via Electronic Mail Only

James E. Pugh
Sheppard, Mullin, Richter & Hampton, LLP
333 South Hope Street, 43rd Floor
Los Angeles, CA 90071-1422

Email address: jpugh@sheppardmullin.com

Re: Letter dated November 5, 2024

Dear Mr. Pugh:

As you are aware, I serve as City Attorney for the City of Monterey Park. I write in response to your letter dated November 5, 2024 (the "Letter"). Thank you for your correspondence.

A review of the Letter shows that it is premised on a fallacy: that the draft zoning regulations on the November 6th City Council meeting agenda target your client's data center project (the "Project"). As you well know, they do not. Indeed, the City has expended a tremendous amount of effort to ensure that the Project will be objectively considered when it is legally before the City Council for consideration. By any reasonable standard, the Project will stand on its own merits.

The Letter, however, continues its misleading narrative by asserting that the recommended environmental review is deficient. Contrary to the assertions in the Letter, the zoning regulations do not introduce something "new." Rather, they clarify existing regulations and specifically implement the voter's intent set forth in Measure JJ. As you are very aware, Measure JJ received its own, separate, environmental review which was certified as a Final Environmental Impact Report ("FEIR"; State Clearing House No. 2001-01-1074). That FEIR and the environmental findings set forth in the draft ordinances meet the requirements of the California Environmental Quality Act ("CEQA").

Similarly disingenuous is the Letter's statement that "[o]n April 12, 2024, the City confirmed in writing to the Applicant that the Project was an expressly permitted use in the O-P voter enacted zone for Saturn Park." The "writing" was an electronic mail transmission from an Assistant Planner. As a preliminary matter, the City Planner – not an Assistant Planner – interprets the land uses identified in the Monterey Park Municipal Code ("MPMC"; MPMC § 21.02.090). Ultimately, however, any such interpretation lies solely with the City Council.[1]

While you are aware of the law, the tone of the Letter compels me to remind you: there is a vested right to develop property only when a permittee (1) obtained a valid building permit; (2) completed a substantial amount of work; and (3) incurred substantial liability in good faith reliance on the permit. Generally, the vested rights doctrine is applied only in extraordinary instances "where the injustice is great and the precedent set by the estoppel is narrow." Here, the Project has zero land use approvals and must comply with any change to the law.

In support of the Project's contribution to the City's revenue sources, the Letter provides data from the state of Virginia. It is unclear what relevance that has to the City of Monterey Park. Sources of tax revenue for commercial land uses within the City of Monterey Park generally consist of property tax; sales tax; business license tax; and user utility tax ("UUT"). There are no data supporting the notion that the Project will be a significant source of tax revenue for the City. But, the Project is not on the City Council agenda for November 6, 2024. Rather, the City Council is considering zoning regulations for "data centers"; it is not specific as to the Project. The Letter's protestations regarding the Project's contribution to the economic health of the City, therefore, are misplaced.

The balance of the letter further implies that the November 6th City Council meeting will consider the Project. That is incorrect. As you are aware, the Project contemplates activating the Business Recovery Development Agreement Zone ("BRDZ") at 1977 Saturn as authorized by MPMC Chapter 21.45. It seems that your client's best option would be to propose significant public benefits to the City Council through that process.

I look forward to working with you to process the Project so that it will be ready for City Council consideration in the near future.

[1] *See, e.g., Yamaha Corp. of Am. v. State Bd. of Equalization* (1998) 19 Cal.4th 1 and *State Farm Mutual Auto Ins. Co. v Quackenbush* (1999) 77 Cal.App.4th 65.

Very truly yours,

BURKE, WILLIAMS & SORENSEN, LLP

Karl H. Berger
City Attorney

c: City Council
City Clerk
Inez Alvarez, City Manager
Jessica Serrano, Community Development Director
Justin Tamayo, Deputy City Attorney

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File Number: 89AF-371175

December 3, 2025

VIA E-MAIL

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

Re: 1977 Saturn Data Center Project – Hearing Continuance Request for Agenda Item 10.B

Dear Honorable City Council,

We represent HMC StratCap 1977 Saturn, LLC ("Applicant") regarding its data center project ("Project") located at 1977 Saturn Street in the City of Monterey Park ("City"). The City Council is scheduled to consider the Project at its December 3, 2025 hearing as Item 10.B on the agenda. On behalf of the Applicant, we respectfully **request a continuance of Item 10.B to a date certain of January 21, 2026**, for the following reasons.

There has been approximately two years of environmental review performed for the Project. During that time, the City prepared comprehensive environmental documents and thoroughly responded to public and agency comments. The administrative record demonstrates with facts and evidence that the Project does not have significant environmental impacts.

In addition, the Applicant worked with the City to improve the project design and craft a community benefits package that included new park space for the City, pedestrian-realm improvements for the surrounding neighborhood, and substantial reoccurring economic benefits for the City's general fund that could benefit all residents. The Project contextually helps the City accomplish its voter-enacted and community-based vision for Saturn Park. Overall, the Project is ready for legislative consideration by the City Council.

However, we understand that additional community concerns have been raised in the last few days. We have demonstrated in prior correspondence to the City that such concerns are based largely on misinformation. We believe the City Council would benefit from additional time to further dispel misinformation and understand the Project. In addition, the Applicant is committed to further informing the community regarding the reality and facts of the Project. This further facilitates informed decision making.

Also, we understand that the City has a pending request with the California Fair Political Practices Commission ("FPPC") regarding potential recusal of a councilmember. The FPPC has

not substantively responded yet. Thus, additional time would also benefit this pending process and the ability of the full City Council to hear the Project.

Accordingly, on behalf of the Applicant we are **requesting the City continue this matter until January 21, 2026**. The Applicant appreciates the City's efforts thus far to prepare the Project for hearing. Please provide this letter to City staff and the councilmembers at your earliest opportunity so they are timely informed of the Applicant's request for a continuance.

Thank you,

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

cc:
mpclerk@montereypark.ca.gov
Timothy Hou, Director of Community Development, thou@montereypark.ca.gov
Karl Berger, City Attorney, kberger@bwslaw.com
Bryan Marsh, StratCap
Chris Flynn, StratCap
Scott Rynders, The Rynders Corporation

SMRH:4890-6474-8275.2

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File Number: 89AF-371175

November 14, 2025

VIA E-MAIL

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

Re: 1977 Saturn Data Center Project – Hearing Continuance Request for Agenda Item 10.A

Dear Honorable City Council,

We represent HMC StratCap 1977 Saturn, LLC ("Applicant") regarding its data center project ("Project") located at 1977 Saturn Street in the City of Monterey Park ("City"). The City Council is scheduled to consider the Project at its November 19, 2025 hearing as Item 10.A on the agenda. On behalf of the Applicant, we respectfully **request a continuance of Item 10.A to the next regularly-scheduled City Council meeting on December 3, 2025**, for the following reasons.

Importantly, we understand that Councilmember Vinh T. Ngo will be absent from the November 19, 2025 hearing. The Project is in Councilmember Ngo's district. In order to ensure that Councilmember Ngo has an adequate opportunity to consider the Project, the Applicant request that the City continue Item 10.A to the next regularly scheduled City Council hearing date.

In addition, we recognize that other members of the City Council, and the public, may benefit from additional time to consider the staff report and attached materials issued on November 14, 2025. The Applicant encourages and supports full consideration of the administrative record by the councilmembers before deliberating on the Project. Thus, a continuance until December 3, 2025 facilitates further informed decision making.

In closing, the Applicant appreciates the City's responsiveness and good efforts to prepare the Project for public hearing. We will appear at the November 19, 2025 hearing to reiterate our request for a continuance. Nonetheless, please provide this letter to City staff and the councilmembers at your earliest opportunity so they are timely informed of the Applicant's request for a continuance.

Thank you,

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

cc:
mpclerk@montereypark.ca.gov
Timothy Hou, Director of Community Development, thou@montereypark.ca.gov
Karl Berger, City Attorney, kberger@bwslaw.com
Bryan Marsh, StratCap
Chris Flynn, StratCap
Scott Rynders, The Rynders Corporation

SMRH:4890-6474-8275.2