

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

AGENDA

REGULAR CITY COUNCIL MEETING

**Wednesday
September 2, 2020
6:30 p.m.**

EXECUTIVE ORDER NO. N-29-20

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

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

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

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

MISSION STATEMENT

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

GENERAL INFORMATION

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

The public may watch the meeting live on the city's cable channel MPKTV (AT&T U-verse, channel 99 or Charter Communications, channel 182) or by visiting the city's website at <http://www.montereypark.ca.gov/133/City-Council-Meeting-Videos>.

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

PUBLIC PARTICIPATION

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

Via Email

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

Via Telephone

Public comment may be submitted via telephone during the meeting, before the close of public comment, by calling (888) 788-0099 or (877) 853-5247 and entering Zoom Meeting ID: 968 0855 5390 then press pound (#). When prompted to enter participation ID number press pound (#) again. If participants would like to make a public comment they will enter “*9” then the Clerk’s office will be notified and you will be in the rotation to make a public comment. Participants are encouraged to join the meeting 15 minutes before the start of the meeting. You may speak up to 5 minutes on Agenda item. Speakers will not be allowed to combine time. The Mayor and City Council may change the amount of time allowed for speakers. As part of the virtual meeting protocols, anonymous persons will not be allowed to provide public comment.

Important Disclaimer

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

CALL TO ORDER Mayor

FLAG SALUTE Mayor

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

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

PUBLIC COMMUNICATIONS:

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

[1.] PRESENTATION

1-A. MPK COUNTS CENSUS 2020 – INFORMATIONAL UPDATE

[2.] PUBLIC HEARING

2-A. APPEAL OF PLANNING COMMISSION RESOLUTION NO. 20-01, ADOPTED ON MAY 12, 2020, APPROVING A CONDITIONAL USE PERMIT (CUP-19-13) TO ALLOW A RETAIL EATING ESTABLISHMENT WITH A DRIVE-THROUGH IN THE S-C (SHOPPING CENTER) ZONE – 1970 SOUTH ATLANTIC BOULEVARD

It is recommended that the City Council consider:

- (1) Opening the continued public hearing to consider the appeal;
- (2) Taking testimonial and documentary evidence;
- (3) Closing the public hearing;
- (4) After considering the evidence, determine whether to uphold, amend, or overturn Planning Commission Resolution No. 01-20; and
- (5) Taking such additional, related, action that may be desirable.

2-B. CONSIDERATION AND POSSIBLE ACTION TO INTRODUCE AND WAIVE FIRST READING OF AN ORDINANCE ADDING A NEW CHAPTER 21.50 ENTITLED “ACCESSORY DWELLING UNITS” TO THE MONTEREY PARK MUNICIPAL CODE PURSUANT TO GOVERNMENT CODE §§ 65852.2 AND 65852.22

It is recommended that the City Council:

- (1) Open the public hearing, take testimonial and documentary evidence and, after considering the evidence, introduce and waive first reading of the Ordinance; and/or
- (3) Take such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The Ordinance was revised for compliance with the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., “CEQA”) and CEQA regulations (14 California Code of Regulations §§ 15000, et seq.; “CEQA Guidelines”). The Ordinance is exempt from additional environmental review pursuant to CEQA Guidelines § 15282(h) because it is an Ordinance implementing the provisions of Government Code §§ 65852.1 and 65852.2 (as set forth in Public Resources Code § 21080.17) regarding accessory dwelling units in a single-family or multifamily residential zone.

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

3-A. MINUTES

It is recommended that the City Council, and the City Council acting on behalf of the Successor Agency:

- (1) Approve the minutes from the Joint regular and special meeting of June 3, 2020 and June 17, 2020 and the special meeting of June 11, 2020 and June 17, 2020
- (2) Take such additional, related, action that may be desirable.

3-B. AMENDING RESOLUTION NO. 12155 GOVERNING PROCEDURES FOR CITY COUNCIL REORGANIZATION AND ROTATING MAYORAL RESPONSIBILITIES

It is recommended that the City Council consider:

- (1) Adopting a resolution amending Resolution No. 12155 governing procedures for city council reorganization and rotating Mayoral responsibilities; and
- (2) Taking such additional, related, action that may be desirable.

3-C. CONTINUE WAIVING THE SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING TITLE 20 (SUBDIVISIONS) OF THE MONTEREY PARK MUNICIPAL CODE IN ITS ENTIRETY IN ACCORDANCE WITH THE SUBDIVISION MAP ACT (GOVERNMENT CODE §§ 66410, ET SEQ.)

It is recommended that the City Council consider:

- (1) Continue waiving the second reading and adoption of the proposed ordinance to the September 16, 2020 City Council meeting; and/or
- (2) Taking such additional, related action that may be desirable.

3-D. N ATLANTIC WATER & SEWER IMPROVEMENT PROJECT – REJECTION OF ALL BIDS AND AUTHORIZATION TO RE-ADVERTISE

It is recommended that the City Council:

- (1) Reject all bids received for the North Atlantic Water & Sewer Improvement Project (Bid Spec 2020-02); and
- (2) Authorize staff to re-advertise the North Atlantic Water & Sewer Improvement Project as two separate projects, one for water improvements only and the other for sewer improvements only; and
- (3) Take such additional, related, action that may be desirable.

3-E. BARNES PARK PLAYGROUND AND FITNESS COURT PROJECT - AUTHORIZATION TO ADVERTISE

It is recommended that the City Council:

- (1) Adopt a resolution approving the design and plans for the Barnes Park Playground and Fitness Court Project, authorizing solicitation of bids for construction, and identifying a cooperative purchasing agreement executed by and between the City of Bell and Playcore Wisconsin, Inc. dba Gametime, as a cooperative competitive bidding procedure utilized within the last twenty-four months prepared by and processed through another local, state, or federal governmental agency upon which the city can piggy-back to procure playground equipment;
- (2) Approve a purchase order for Playcore Wisconsin, Inc. dba Gametime, to procure playground equipment for Barnes Park in the amount of \$248,016.58, and
- (3) Take such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

Pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code §§ 21000, *et seq.*) and CEQA Guidelines (California Code of Regulations, Title 14, §§ 15000, *et seq.*), the City conducted an environmental assessment. Based on the environmental assessment, the project was determined to be categorically exempt pursuant to CEQA Guidelines § 15301 (Existing Facilities).

3-F. WAIVE FURTHER READING AND ADOPT AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE § 3.90.050 REGARDING SIGNATURE AUTHORITY FOR THE CITY MANAGER AND DEPARTMENT DIRECTORS WHEN EXECUTING CONTRACTS ON THE CITY'S BEHALF

It is recommended that the City Council consider:

- (1) Waiving second reading and adopt the proposed ordinance; or
- (2) Taking such additional, related, action that may be desirable.

3-G. HINDERLITER DE LLAMAS AND ASSOCIATES/HINDERLITER SOFTWARE, LLC MASTER SERVICES AGREEMENT AMENDMENT FOR SALES TAX AND TRANSIENT OCCUPANCY TAX CONSULTING SERVICES

It is recommended that the City Council:

- (1) Authorize the City Manager to execute an Amendment, in a form approved by the City Attorney, to a master service agreement with Hinderliter De Llamas and Associates/Hinderliter Software, LLC; and
- (2) Take such additional, related, action that may be desirable.

3-H. HINDERLITER DE LLAMAS AND ASSOCIATES/HINDERLITER SOFTWARE, LLC MASTER SERVICES AGREEMENT AMENDMENT FOR REVENUE AUDIT AND CONSULTING SERVICES

It is recommended that the City Council:

- (1) Authorize the City Manager to execute an Amendment, in a form approved by the City Attorney, to a master service agreement with Hinderliter De Llamas and Associates/Hinderliter Software, LLC; and
- (2) Take such additional, related, action that may be desirable.

[4.] OLD BUSINESS – NONE.

[5.] NEW BUSINESS

5-A. REVIEW AND DISCUSS THE APPOINTMENT OF THE FINANCING TEAM AND PENSION OBLIGATION BOND BASICS

It is recommended that the City Council:

- (1) Consider a Financing Team for the proposed financing:
 - a. Ramirez & Co., Inc. to serve as Senior Managing Underwriter;
 - b. Stifel, to serve as Co-Managing Underwriter;
 - c. Urban Futures, Inc., to serve as Municipal Advisor;
 - d. Stradling Yocca Carlson & Rauth to serve as Bond and Disclosure Counsel;
 - e. Bartel and Associates to serve as consulting actuary; and
 - f. HdL Companies to serve as property tax consultant
- (2) That the City Council approve the proposed Financing Team for issuing Pension Obligation Bonds and authorize the City Manager to execute agreements, in a form approved by the City Attorney, with the consultants; and
- (3) Take such additional, related, action that may be desirable.

5-B. CREATING THE MONTEREY PARK HOMEOWNERS' ASSOCIATION MONITORING PROGRAM AND CONSIDERING AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE §§ 4.10.080 AND 21.04.475, AND CHAPTERS 21.32 AND 4.30 TO REGULAR HOMEOWNERS' ASSOCIATIONS WITHIN THE CITY

It is recommended that the City Council:

- (1) Introduce and waive first reading of the draft Ordinance;
- (2) Adopt a Resolution creating the Monterey Park Homeowners' Association Program; or
- (3) Alternatively, take such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The proposed actions are exempt from additional review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA regulations (14 California Code of Regulations ("CCR") §§ 15000, *et seq.*) because they establish rules and procedures to clarify existing policies and practices related to discretionary permitting; do not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitute an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, these actions do not constitute a "project" that requires environmental review (see specifically 14 CCR § 15378(b)(4-5)).

[6.] COUNCIL COMMUNICATIONS AND MAYOR/COUNCIL AND AGENCY MATTERS

6-A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK FINALIZING AN AGREEMENT OF FRIENDLY COOPERATION BETWEEN THE CITY OF MONTEREY PARK AND DAVAO CITY, PHILIPPINES – REQUESTED BY COUNCIL MEMBER LIANG

It is recommended that the City Council consider:

- (1) Adopting a Resolution finalizing an agreement of Friendly Cooperation between the City of Monterey Park and Davao City, Philippines
- (2) Taking such additional, related, action that may be desirable

6-B. CONSIDERATION AND POSSIBLE ACTION TO INTRODUCE AND WAIVE FIRST READING OF AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE (MPMC) §§ 6.20.020 AND 9.100.020 TO INCLUDE CANNABIS AND ITS DERIVATIVES AS PART OF THE PROHIBITION ON SMOKING IN OUTDOOR PUBLIC AREAS AND REGULATION OF TOBACCO RETAILER LICENSING – REQUESTED BY MAYOR CHAN

It is recommended that the City Council:

- (1) Introduce and waive first reading of the draft Ordinance; or
- (2) Alternatively, take such additional, related, action that may be desirable

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

ADJOURN



City Council Staff Report

DATE: September 2, 2020
AGENDA ITEM NO: Public Hearing
Agenda Item 2-A

TO: Honorable Mayor and Members of the City Council

FROM: Mark A. McAvoy, Director of Public Works/City Engineer/City Planner

SUBJECT: Appeal of Planning Commission Resolution No. 20-01, adopted on May 12, 2020, approving a Conditional Use Permit (CUP-19-13) to allow a retail eating establishment with a drive-through in the S-C (Shopping Center) Zone – 1970 South Atlantic Boulevard.

RECOMMENDATION:

It is recommended that the City Council consider:

- (1) Opening the continued public hearing to consider the appeal;
- (2) Taking testimonial and documentary evidence;
- (3) Closing the public hearing;
- (4) After considering the evidence, determine whether to uphold, amend, or overturn Planning Commission Resolution No. 01-20; and
- (5) Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

At the July 1, 2020 meeting, the City Council continued this public hearing to September 2, 2020. The original staff report, accompanying documents, and staff report addendum, are attached hereto. Written documentation received by the appellants on the afternoon of the July 1, 2020 meeting, are available for download at the following url:

<https://www.montereypark.ca.gov/1328/1970-South-Atlantic>

LEGAL NOTIFICATION:

The legal notice of this hearing was posted at the subject site, City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **June 9, 2020**, with affidavit of posting on file. The legal notice of this hearing was mailed to **137** property owners within a 300 foot radius and current tenants of the property concerned on **June 9, 2020**. At the July 1, 2020 meeting, the City Council continued the public hearing to September 2, 2020.

Respectfully submitted and prepared by:



Mark A. McAvoy
Director of Public Works/City
Engineer/City Planner

Approved by:



Ron Bow
City Manager

Reviewed by:



Natalie C. Karpeles
Deputy City Attorney

Attachments:

- Attachment A: July 1, 2020 Staff Report and Attachments (Item No. 4A and its attachments Nos. 1-6)
- Attachment B: July 1, 2020 Staff Report Addendum (Raising Cane's Response to Appeal AP-20-01, in letter dated June 25, 2020 received from Cox, Castle & Nicholson LLP)
- Attachment C: Written correspondence received from the appellants on July 1, 2020 available at the following url:
<https://www.montereypark.ca.gov/1328/1970-South-Atlantic>

ATTACHMENT A

July 1, 2020 Staff Report and Attachments (Item No. 4A and its attachments Nos. 1-6)



City Council Staff Report

DATE: July 1, 2020

AGENDA ITEM NO: Public Hearing
Agenda Item 4-A

TO: Honorable Mayor and Members of the City Council

FROM: Mark A. McAvoy, Director of Public Works/City Engineer

SUBJECT: Appeal of Planning Commission Resolution No. 20-01, adopted on May 12, 2020, approving a Conditional Use Permit (CUP-19-13) to allow a retail eating establishment with a drive-through in the S-C (Shopping Center) Zone – 1970 South Atlantic Boulevard.

RECOMMENDATION:

It is recommended that the City Council consider:

- (1) Opening a public hearing to consider the appeal;
- (2) Taking testimonial and documentary evidence;
- (3) Closing the public hearing;
- (4) After considering the evidence, determine whether to uphold, amend, or overturn Planning Commission Resolution No. 01-20; and
- (5) Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

Appellants, Rafael and Gina Casillas ("Appellants") reside within the City of Monterey Park near the project site (1970 South Atlantic Boulevard). On May 12, 2020, the Planning Commission adopted Resolution No. 01-20 approving a conditional use permit (CUP-19-13) for developing a new drive-through retail eating establishment. On May 22, 2020, Appellants appealed the Planning Commission's decision, pursuant to Monterey Park Municipal Code (MPMC) §§ 1.10.060 and 21.32.140.

BACKGROUND:

The Planning Commission approved a conditional use permit (CUP) for operation of a restaurant with a drive-through (the "Project"); pursuant to MPMC § 21.10.040(l), a drive-through is a conditionally permitted use. The property is zoned S-C (Shopping Center) and designated Commercial (C) in the General Plan.

On March 10, 2020, a three-member quorum of the Planning Commission considered the matter; while a majority of the quorum voted to approve the CUP, three affirmative votes were required to adopt the resolution. The Planning Commission staff report dated March 10, 2020 and the minutes from that meeting are attached.

On March 11, 2020, a local emergency was declared in Monterey Park due to the COVID-19 pandemic; part of that emergency included the cancellation of all non-essential public meetings until further notice.¹

On March 12, 2020, the Applicant requested an appeal before the City Council; however, no resolution of denial had been adopted by the Planning Commission.

On March 16, 2020, the City Manager cancelled all public events through the end of May.² Under these extraordinary circumstances, and based upon the ongoing local emergency, the City Planner determined (with the City Manager's concurrence) that the time periods for a Planning Commission decision – and potential appeal – should be tolled. The City Council ratified that action on June 3, 2020.³

Due to the COVID-19 pandemic, the Planning Commission was precluded from adopting a resolution of denial; the City Council meetings of April 1st, 7th and 15th were consumed by emergency-related COVID-19 matters and essential actions⁴; and the new Planning Commissioners had yet to be appointed.⁵ On April 10, 2020, the City informed the Applicant that it would need to supplement its March 11th appeal to the City Council or request that the Planning Commission consider the matter at a new public hearing. The Applicant chose a new public hearing, scheduled for May 12, 2020.

On May 12, 2020, the Planning Commission adopted Resolution No. 01-20 approving CUP 19-13 for the Project. As demonstrated in Resolution No. 01-20, the Planning Commission found there was substantial evidence supporting a conditional use permit allowing the proposed retail eating establishment with a drive-through. The Planning Commission staff report dated May 12, 2020 and the minutes from the May 12, 2020 Planning Commission meeting are attached. This matter was timely appealed by the Appellants.

After the public hearing, the City Council may sustain, modify, reject, or overrule the Planning Commission's decision. Should the City Council choose to modify, reject, or overrule the Planning Commission's decision, it would need to make findings consistent with MPMC §§ 1.10.070, 21.10.040(I) and 21.32.020(B) to support its decision. In this instance, a resolution reflecting the City Council's findings would be brought back at a subsequent meeting to memorialize the City Council's decision. An action to sustain Planning Commission Resolution No. 01-20 does not require any additional City Council findings; it can simply affirm the Planning Commission's decision by majority vote or take no action. Under those circumstances, Planning Commission Resolution No. 01-20 will reflect the City's final decision.

¹ See Resolution No. 12142, adopted on March 18, 2020

² See Resolution No. 12151, adopted April 15, 2020

³ See Resolution No. 12164, adopted June 3, 2020

⁴ *E.g.*, the April 1st meeting certifying election results and empaneling a new City Council

⁵ Indeed, the latest Planning Commission was not appointed until May 7, 2020

ANALYSIS & DISCUSSION:

Pursuant to MPMC § 1.10.070, appeals must be considered at a noticed public hearing. Evidence submitted at the hearing may include, without limitation, witness testimony, documents, or other similar evidence. Formal rules of evidence do not apply; any evidence proffered must be relevant and material to the issues upon appeal. Furthermore, appeals must specifically state the grounds for the appeal and specifically state instances in which the reviewing official or body erred in reaching the determination (see MPMC § 1.10.040(a)).

The Appellants allege the following errors: (1) the Planning Commission held an “illegal second hearing”; (2) certain sections of the Resolution and Conditions of Approval require amendment; (3) the Project does not qualify for a Class 32 Categorical Exemption and an Environmental Impact Report (EIR) is necessary (to address emissions, air quality, traffic, noise, soil quality and water quality); (4) the City failed to provide “the Project files” before the Project was approved; (5) the Traffic Impact Study prepared for the Project contains errors and omissions; and (6) the Project does not meet certain identified provisions of the MPMC. The Appellants’ Statement of Circumstances is attached for reference.

1. Good Sense and Due Process Justified the Planning Commission’s May 12, 2020 Public Hearing of the Project.

The Background of the Project, explained above, shows that the COVID-19 pandemic frustrated the normal procedures/processes related to the consideration of this Project. Under ordinary circumstances, the Planning Commission would have adopted a resolution of denial to memorialize its vote on March 10, 2020. It is unclear what would have happened at that time.

On March 11, 2020, however, the City declared an emergency related to the COVID-19 Pandemic. Thereafter, the City was engaged in emergency operations that included, without limitation, cancelling all non-essential public meetings. In addition to dozens of other actions, the City Manager – at the urging of the City Planner – tolled the time limits for various land use decisions including appeals. All such actions were ratified by the City Council.

In the midst of the City’s emergency operations, a new City Council took office on April 1, 2020. That City Council appointed new officials to the Planning Commission; the last of those new Commissioners took office on May 7, 2020.

Under all such circumstances, the matter was reheard by the Planning Commission on May 12, 2020 by five Planning Commissioners (two of them being newly appointed by the incoming City Council).

2. The Project is a Class 32 Categorical Exemption.

The Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15332 as a Class 32 categorical exemption (In-Fill Development Projects).

The Project site is located at 1970 South Atlantic Boulevard, between Brightwood Street and Floral Drive, in the City's commercial (C) zone. This is a substantially urban area: properties located to the north and south of the Project site include other one-story commercial buildings; west are South Atlantic Boulevard (a principal arterial street) and one-story commercial buildings; and east is an alleyway and single-family dwellings located at the top of hillside properties. Construction of the proposed restaurant and drive-through will take place entirely upon the Project site and is an in-fill development. The Project (1) is consistent with the applicable general plan designation and policies, as well as with applicable zoning designations and regulations (once zoning is amended as required by Condition No. 6); (2) is within City limits on a site of no more than five acres (specifically, 17,863 square feet (0.41 acres) in size); (3) has no value as habitat for endangered, rare or threatened species; (4) will not result in any significant effects relating to traffic, noise, air quality, or water quality; and (5) can be adequately served by all required utilities and public services.

No special circumstances exist that would create a reasonable possibility that the proposed Project will have a significant adverse effect on the environment, and it is categorically exempt from the requirement for the preparation of environmental documents.

3. The Project Complies with the MPMC.

- a. Designation of the Project (MPMC Chapter 21.04). The MPMC permits drive-throughs as accessory to established restaurants or commercial businesses; restaurants are permitted in the C-S zone. The project description "retail eating establishment" is used to effectively describe that unlike a fast food restaurant, as defined by MPMC § 21.04.749, the Project business will predominantly sell food to be consumed off-site. Moreover, this phrase is a definition; it does not establish development criteria or required findings. Ultimately, the proposed business is a "restaurant" (as that term is defined in MPMC § 21.04.747 and the drive-through is an ancillary point of sales option permitted via CUP.
- b. Drive-Through Stacking Requirements (MPMC § 21.10.040(I)(5)). As discussed in at the March 10, 2020 Planning Commission meeting, the split menu boards will accommodate seven vehicles, which is more than the six-vehicle minimum required by this Section.
- c. Drive-Through Setback requirements (MPMC § 21.10.040(I)(9)). The Applicant is proposing a 28-foot setback from the ultimate curb face on Atlantic Boulevard to the proposed building; and a minimum 15-foot

setback from the ultimate curb face for the proposed parking areas and drive-through aisle. The MPMC currently requires a setback of 25 feet; it is unclear why a setback of this distance is required for the proposed use.⁶ Condition No. 6 to Resolution No. 01-20 requires an amendment to MPMC § 21.10.040(l)(9) regarding drive-through setback regulation before the City will issue a certificate of occupancy for the proposed Project.

- d. Noise (MPMC § 9.53.040). MPMC § 9.53.040 lists presumed ambient noise level thresholds for the City's residential, commercial and industrial zones; if the property sits on the boundary between two different noise zones, the lower noise level in the quieter zone will apply. The presumed decibel levels indicated in MPMC § 9.53.040 will not apply where the actual measured median ambient noise level is greater than those presumed by the ordinance.

LEGAL NOTIFICATION:

The legal notice of this hearing was posted at the subject site, City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **June 9, 2020**, with affidavit of posting on file. The legal notice of this hearing was mailed to **137** property owners within a 300 feet radius and current tenants of the property concerned on **June 9, 2020**.

Respectfully submitted by:



Mark A. McAvoy
Director of Public Works/City
Engineer

Prepared by:



Samantha Tewasart
Senior Planner

Approved by:



Ron Bow
City Manager

Reviewed by:



Natalie C. Karpeles
Deputy City Attorney

⁶ Assuming the Project did not include a drive-through component, the proposed parking spaces, driveway aisle, and building would be allowed to abut the front property line. In fact, all other commercial properties along Atlantic Boulevard have parking spaces, driveway aisles, and buildings that abut the front property line.

Appeal of Planning Commission Resolution No. 01-20
July 1, 2020
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Attachments:

- Attachment 1: Appellants' Statement of Circumstances
- Attachment 2: Planning Commission staff report, dated May 12, 2020
- Attachment 3: Planning Commission Resolution No. 01-20
- Attachment 4: Planning Commission Minutes May 12, 2020
- Attachment 5: Resolution No. 12142, adopted on March 18, 2020
- Attachment 6: Resolution No. 12151, adopted April 15, 2020

ATTACHMENT 1

Appellants' Statement of Circumstances

STATEMENT OF CIRCUMSTANCES

Attachment to Rafael and Gina Casillas' Appeal to City Council,
Dated May 22, 2020

The Monterey Park City Planning Commission's approval of Raising Cane's development project, including the Resolution approving the project and attached conditions of approval, has inadequate findings, lacks substantial evidence, is erroneous, arbitrary, capricious, and contrary to law, and is a prejudicial abuse of discretion. Rafael and Gina Casillas appeal the entire decision of the Monterey Park City Planning Commission approving the Raising Cane's project on May 12, 2020, which was item 4-A on the Planning Commission agenda. Please immediately proceed with the proper notice and procedure regarding the developer's project and conduct California Environmental Quality Act (CEQA) environmental review, including review through an environmental impact report (EIR), and comply with the Monterey Park Municipal Code, the Government Code, the U.S. and California Constitutions, and all applicable law.

The developers Raising Cane's and Kristen Roberts (herein collectively "developers" or "applicants") have submitted a conditional use permit (CUP) application for the Project and the City of Monterey Park (City) has erroneously decided that the Project is categorically exempt from CEQA based on CEQA Guidelines, Section 15332, Class 32 exemption for in-fill development. The City has failed to conduct proper environmental review and Gina Casillas and Rafael Casillas are aggrieved residents and persons who live toward the eastern boundary of the project site. Gina Casillas and Rafael Casillas have resided on their property for over 29 years and care about the environment and the community in which they reside.

Gina Casillas and Rafael Casillas objected to and opposed the Project since March 2020 and objected to the Monterey Park Planning Commission's (Planning Commission) hearing of May 12, 2020. In May 2020, Gina and Rafael Casillas asked the Planning Commission to please immediately abide by the Monterey Park Municipal Code (Municipal Code), CEQA, and Constitutional due process, and refrain from proceeding with the May 12, 2020 hearing to approve the Project, as the Planning Commission had denied Project approval at the March 10, 2020 hearing. Furthermore, the Project is illegal and invalid. For example, the Project has failed to comply with applicable law and requirements, such as the Municipal Code, CEQA, and the General Plan, among other things. The Project Site was previously used for a gas station, and has significant adverse impacts to traffic, planning and land use, noise, air quality, hazardous substances, cumulative impacts, and water quality. Moreover, the Project is detrimental to the health, safety, and general welfare of the public.

The March 10, 2020 and May 12, 2020 Staff Reports have not properly disclosed the Project nor the Project's significant adverse effects, among other things. The Project consists of a Raising Cane's drive-through on three parcels, including a structure of approximately 17,863 square feet with two drive-through lanes, two large menu boards, is on an extremely busy street, Atlantic Boulevard, and is separated by a narrow alleyway from certain neighboring residents (the "Project"). The Project will be on the real property commonly known as 1970 S. Atlantic Blvd., Monterey Park, CA, 91754 ("Project Site"), but the City has not disclosed the legal description of the parcels, such as lot numbers and assessor parcel numbers.

The errors and inadequacies of the Project include, but are not limited to, the following:

A. The Planning Commission Illegally Held a Second Hearing to Approve the Project

The developers' March 12, 2020 appeal, was to the City Council and should have proceeded to the City Council instead of the Planning Commission for a second hearing to reverse the Planning Commission's March 10, 2020 Project denial. See, e.g., MP Municipal Code §21.32.060. Instead, the developers subsequently sought a second hearing at the Planning Commission, and the Planning Commission inappropriately granted the developers' request and held a second hearing to approve the same Project. The developers stated the following in their appeal Statement of Circumstances:

“On 03/10/2020 the subject project was brought before the Planning Commission (PC) for consideration of staff's recommendation of approval. Due to scheduling conflicts (other obligations) and illness two (2) of the five (5) commissioners were not able to attend said PC. After deliberation of the commissioner's [*sic*] present, the subject was denied on a 2-1 (yay-nay) vote. The appeal of ruling is based on the fact that the decision made does not take into consideration the vote/input of the commissioners not present and that the approval/denial for the project is based on a body majority and not a present majority. The *applicant believes* that the *project has substantial support from City staff members and PC to be approved* at a hearing where all members are present.” (Emphasis added.)

The developers' statements evidence that the Planning Commission's project approval of May 12, 2020 was predetermined and the Planning Commission was biased toward the developers. The proceedings before the Planning Commission are quasi-judicial and the Planning Commission must be impartial. Where the Planning Commission's decision was predetermined to approve the Project, Rafael and Gina Casillas' Constitutional due process rights have been violated.

Thus, Project approval must be set aside.

B. Resolution Approving Project

“Section 1: The Planning Commission finds and declares that:”

Paragraph I. The City fails to specify the review conducted by the City Planner.

Paragraph J. The Planning Commission also received public testimony and letters from Gina Casillas, Rafael Casillas, other residents, and attorney Maria Mejia, but this is not mentioned.

Paragraph K. Testimony and evidence were presented by Gina Casillas, Rafael Casillas, their neighbors, other Monterey Park residents, and attorney Maria Mejia, but this is not mentioned.

“Section 2: Factual findings and conclusions....”

Paragraph A. The Project is not a new retail eating establishment. By definition, a new retail eating establishment has a gross floor area of less than 1,500 square feet with a dining area less than 50 percent of the gross floor area. MPMC §21.04.754. The Project is over 1,500 square feet and has no indoor dining area. The outdoor seating area only has approximately 7 tables. The Municipal Code Section 21.10.040(I)(1) requires an established restaurant, but the Project is not one. Further, the Project does not accommodate a minimum of 6 cars behind each menu board as required by Municipal Code Section 21.10.040(I)(5) and does not have the minimum 25-foot setback from the drive-through aisles and the parking to the ultimate curb face as required by Municipal Code Section 21.10.040(I)(9).

Paragraph B. The parcels are not identified and must be to confirm the Project location, lot size, and the building percentage of the lot area, among other things. Also, residents need to know the Project's light intensity because it will directly affect them, especially with business operations until 1:00 a.m., every single day. The Project includes two drive-through aisles that eventually merge into one aisle.

Paragraph C. The Project does not meet the minimum requirement of 6 cars behind the menu board as required by Municipal Code Section 21.10.040(I)(5).

Paragraph D. The residences to the east and the north of the Project Site are single-family residences, such as residences on Brightwood Street, Bradshaw Ave., and the Atlantic (easterly) frontage road, which have been disregarded through this Project approval. The Project Site is like an island with two additional businesses on the island, the Cook's Tortas restaurant and the multi-tenant commercial building.

Paragraph E. The Project has significant adverse impacts and effects to traffic. The developers' Traffic Report has several errors and omissions and was actually conducted in October 2018. The Project decreases the level of service to E, which is the second worst level that may have long lines waiting for vehicles through several signal cycles, causing traffic hazards around the Project Site. Expert review by traffic engineer Lau states that the traffic report contains several errors and omissions, such as failing to study traffic at the intersection of the north end of the alley with Brightwood Street. In addition, the traffic report failed to study the northbound traffic from Atlantic Blvd. to the alley and the traffic exiting from the commercial mall immediately south of the Project Site onto the alley. This exit driveway is about 25 feet from the intersection of Atlantic Blvd. and the alley, which is a very close distance. The Traffic Report also failed to study the Atlantic (easterly) frontage road intersection with Brightwood Street, which is about 60 feet from the intersection of Atlantic Blvd. and Brightwood Street, and is about 150 feet from the intersection of Brightwood Street and the north end of the alley. Peculiar and unusual intersections exist around the Project Site, which must be reviewed before any Project approval. See attached **Attachment 1**, which is a vicinity map depicting these intersections.

Paragraph F. The City fails to acknowledge the existing conflict between the Project and the City's zoning code and General Plan. Significant adverse impacts and effects exist as to traffic, planning and land use, noise, air quality, hazardous substances, cumulative impacts, and water quality. Also, the City provides no water utility service information, such as the amount of water the Project will require and the source of the water in this drought-stricken State of

California. The City fails to disclose that the Project Site was listed to contain hazardous substances and the Project Site has been identified on an Underground Storage Tank Unauthorized Release (Leak)/Contamination Site Report (Contamination Site Report). On March 16, 2004, the Contamination Site Report clearly stated, "Soil samples collected beneath fuel USTs detected TPHg, MtBe, TBA, and organic lead." (All capital letters omitted, emphasis added.) The Project Site intends to feed many people driving through the Project and affects several, surrounding residences, yet the City has not studied the underground hazardous substances, which were present around a minimum of three underground storage tanks.

"Section 3: Environmental Assessment."

This referenced Section 3 refers to Section 2, which is inadequate, lacks substantial evidence, and is conclusory, among other things. The City approval nowhere states why a CUP is necessary and why the project review changed from a variance application.

Further, a categorical exemption does not apply to this Project, as it is not the type of project to which Categorical Exemption 32 for infill development applies. The Project is not an infill development because it is on a shallow island, which has an alley at its eastern and southern boundaries and it has Atlantic Blvd. at its western boundary. The Project has insufficient space, which is why it is encroaching on the alley and cannot meet the Municipal Code and zoning setback requirements.

Moreover, CEQA Guidelines Section 15332 for infill developments specifically excludes projects that are not consistent with the general plan designations and policies and zoning designation and regulations, projects that may have significant effects relating to traffic, noise, air quality, or water quality, and projects that cannot be adequately served by all required utilities. Gina and Rafael Casillas have submitted letters and oral testimony to the Planning Commission, and their attorney Maria Mejia has also submitted a letter, providing a fair argument based on substantial evidence that the project will have significant adverse effects and impacts relating to the general plan designations and policies, zoning designation and regulations, and significant adverse effects and impacts to traffic, noise, air quality, hazardous substances, cumulative impacts, water quality, and water utilities.

In addition, CEQA Guidelines Section 15300.2 specifically states that a categorical exemption will not apply to projects that have cumulative impacts, a reasonable possibility of significant effects due to unusual circumstances, or are on hazardous waste site lists compiled pursuant to Government Code Section 65962.5. Gina and Rafael Casillas have submitted letters and oral testimony to the Planning Commission, and their attorney Maria Mejia has also submitted a letter, providing a fair argument based on substantial evidence that the project will have significant adverse effects and impacts relating to the general plan designations and policies, zoning designation and regulations, and significant adverse effects and impacts to traffic, noise, air quality, hazardous substances, cumulative impacts, water quality, and water utilities. Furthermore, the Project differs from the general circumstances of the projects covered by the particular categorical exemption because it is a former gas station that had underground storage tanks that leaked hazardous substances, such as TPHg, MtBe, TBA, and organic lead, into the soil, in addition to the significant, adverse effects and impacts previously mentioned. The circumstances create an environmental risk that does not exist for the general class of

exempt projects. For instance, elevated and other residential property immediately abuts the alley to the east of the Project Site, the Project Site is located on an island, several street intersections are closely and unusually situated to the north and south of the Project, the restaurant and multi-tenant commercial building also use the alley for ingress and egress, and the residences to the east and north of the Project Site will be significantly and adversely impacted by the traffic hazards, noise, air quality, and cumulative impacts.

If the local agency has failed to study an area of possible environmental impact, a fair argument may be used on the limited facts in the record. *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296.

Also, a violation of the City's planning and land use is a violation of the Government Code.

Thus, the fair argument standard here applies, not the categorical exemption, and an EIR should be prepared.

"Section 4: Conditional Use Permit Findings."

Paragraph A. The Project does not comply with all Municipal Code requirements for a CUP. As has been presented verbally and in writing, at or before the March 10, 2020 and May 12, 2020 Planning Commission hearings, and in Exhibits 1, 2, and 3 attached hereto and incorporated by reference, the Project fails to comply with CEQA, the City's Zoning Code, General Plan, and Municipal Code, among other things. Thus, the Project Site is inadequate in size, shape, and topography for the proposed Project; the Project Site has insufficient access to streets and highways and is inadequate in width; the Project proposed use is inconsistent with the General Plan, including Goal 5.0 and Policy 5.1.4; the Project will have adverse effects on the use, enjoyment, and valuation of the property in the neighborhood; the Project will have an adverse and detrimental effect on the public health, safety, and general welfare; and the Project use is one not authorized by CUP pursuant to the Municipal Code.

Paragraph B. "... [A]fter an amendment to the MPMC, the proposed drive-through complies with all requirements set forth ... pursuant to MPMC Section 21.10.040(I)." (Emphasis added.) The Project violates the zoning code and cannot proceed. Further, the Project fails to comply with MPMC Section 21.10.040(I) subsections (1), (5), and (9) where the Project is not an established restaurant, does not accommodate a minimum of 6 cars after the menu boards, and does not have a minimum 25-foot setback from the parking and drive-through aisle to the ultimate curb face.

"Exhibit A – Conditions of Approval"

Condition 2. The Project should completely comply with what is approved.

Condition 6. Before any Project approval, the applicants must comply with all applicable setback requirements set forth in the MPMC regarding drive-throughs, setbacks, and other Project requirements. Substantial evidence exists that the Project does **not** comply with the MPMC.

The real property is not properly identified. The Staff Reports say there are 3 parcels, but only one address is listed, which is 1970 S. Atlantic Blvd. If three parcels exist, the City should disclose all addresses and assessor parcel numbers.

Condition 11. The business hours are not appropriate for the surrounding residential neighborhood and other businesses in the vicinity. Even though the Friday through Saturday closing hours have been reduced from 3:30 a.m. to 1:00 a.m., that is still too late for this location. The Project intends to operate 7 days a week, i.e., every day.

Condition 12. What does this mean? The language is vague and ambiguous.

Condition 13. 13.c. The Project does not comply with the requirement to accommodate a minimum of 6 cars behind the menu board. This problem is compounded because there are two menu boards that do not meet the minimum requirements.

13.g. The Project does not comply with the 25-foot setbacks from the ultimate curb face. The parking area and drive-through aisle are not set back from the ultimate curb face for a minimum of 25 feet, as required by the zoning.

Condition 14. No space exists for a curb or slough wall of sufficient height to be constructed along the eastern edge of the alleyway. In certain areas the alley is less than 18 feet in width, and 20 feet are to be measured from the center of the alley.

Condition 19. What does this mean? The need for any lot line adjustments or merger must be disclosed and addressed before any Project approval. Deferment to the future is improper.

Condition 24. There must be a utility plan before any Project approval, including a water utility plan. Deferment to the future is improper.

Condition 26. Traffic impacts and hazards have been inadequately addressed by the City and must be addressed before any Project approval. Detailing the manner in which the Project will manage and control onsite traffic during peak operating hours, primarily how potential extended drive-through queuing will be managed to avoid impacts to S. Atlantic Blvd. and adjacent properties that abut the public alley, must be addressed before any Project approval.

Condition 40. Before Project approval, the location and light intensity must be addressed, as residences exist to the east and north of the Project Site, and much traffic uses Atlantic Blvd., the alley, and Brightwood Street.

Condition 41. What is the legal authority for this condition? Does the City intend to install surveillance cameras on private property to engage in government surveillance of the citizens?

Condition 43. No business should be open after 10:00 p.m. at the Project Site. Residences are to the east and north of the Project Site, and no other business on the same island, or across the street on Atlantic Blvd., closes after 10:00 p.m. The Project has been approved to close at 1:00 a.m. every single day, but this is contrary to law. Surrounding residents must be

able to enjoy their homes and surrounding community and not have these significant, adverse effects and impacts to 1:00 a.m. because of the Project.

C. Lack of Notice and Due Process

In addition, the City has failed to provide the public and Gina Casillas with the Project files for review before the Project approval. The City's website does not include the entire Project file. The City website includes only the March 10, 2020 and May 12, 2020 Staff Reports.

D. Additional Appellants' Comments Requiring Project Denial

As part of this appeal, Appellants Rafael and Gina Casillas have provided the City with additional comments based on substantial evidence, requiring that Project approval be denied. Attached hereto as **Attachment 2** is a true and correct copy of Maria J. Mejia, Esq. letter to the Planning Commission, Planning Secretary, and Project Planner, dated May 12, 2020, which is hereby incorporated by reference and is part of this entire appeal. Said letter provides, among other things: I. It is improper City procedure for the Planning Commission to hold a second hearing to approve Raising Cane's Project when the Planning Commission previously denied Project approval on March 10, 2020; II. CEQA and the fair argument standard require the preparation of an EIR; III. A fair argument exists as to substantial adverse impacts to traffic, Exhibit A thereto is a true and correct copy of traffic engineer Jeffrey Lau's review of the developers' Traffic Report, which contained several errors and omissions; IV. A fair argument exists as to significant adverse impacts to planning and land use; V. A fair arguments exists as to significant adverse impacts to noise; VI. A fair argument exists as to significant adverse impacts to air quality; VII. A fair argument exists as to significant adverse impacts of hazards and hazardous substances, Exhibit B thereto is a true and correct copy of the Contamination Site Report; VIII. A fair argument exists as to significant adverse impacts to cumulative impacts; IX a fair argument exists as to significant adverse impacts to water quality; and X. The Project is against the health, safety, and general welfare of the public.

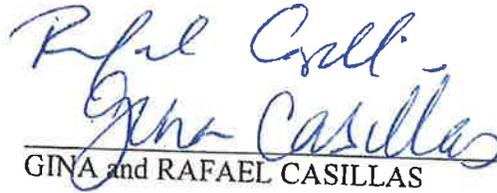
Attached hereto as **Attachment 3** please find Gina Casillas additional objection comments as part of this appeal, dated May 21, 2020, which are hereby incorporated by reference and part of this entire Appeal. Said objections address, among other things, the errors regarding the developers' appeal to the Planning Commission, the proposed project, Staff correspondence, project concerns, code deficiencies, the Resolution, the "Findings", and the Conditions.

Attached hereto as **Attachment 4** please find Rafael Casillas additional objection comments as part of this appeal, dated May 21, 2020, which are hereby incorporated by reference and part of this entire Appeal. Said objections address, among other things, planning and land use deficiencies, the developers' Traffic Report errors and omissions, impacts to traffic hazards, the inadequacy of the alley, and hazardous substances on the Project Site. Said letter includes Attachment A, which are photos of the alleyway field measurement, Attachment B, which is a SWITRS traffic collision report on Atlantic Blvd., and Attachment C, which is a

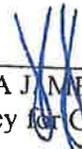
photograph of 55-gallon drums on the Project Site, all of which are incorporated by reference and part of this Appeal.

Appellants Rafael and Gina Casillas reserve the right to amend and/or supplement this Appeal.

Dated: May 22, 2020


GINA and RAFAEL CASILLAS

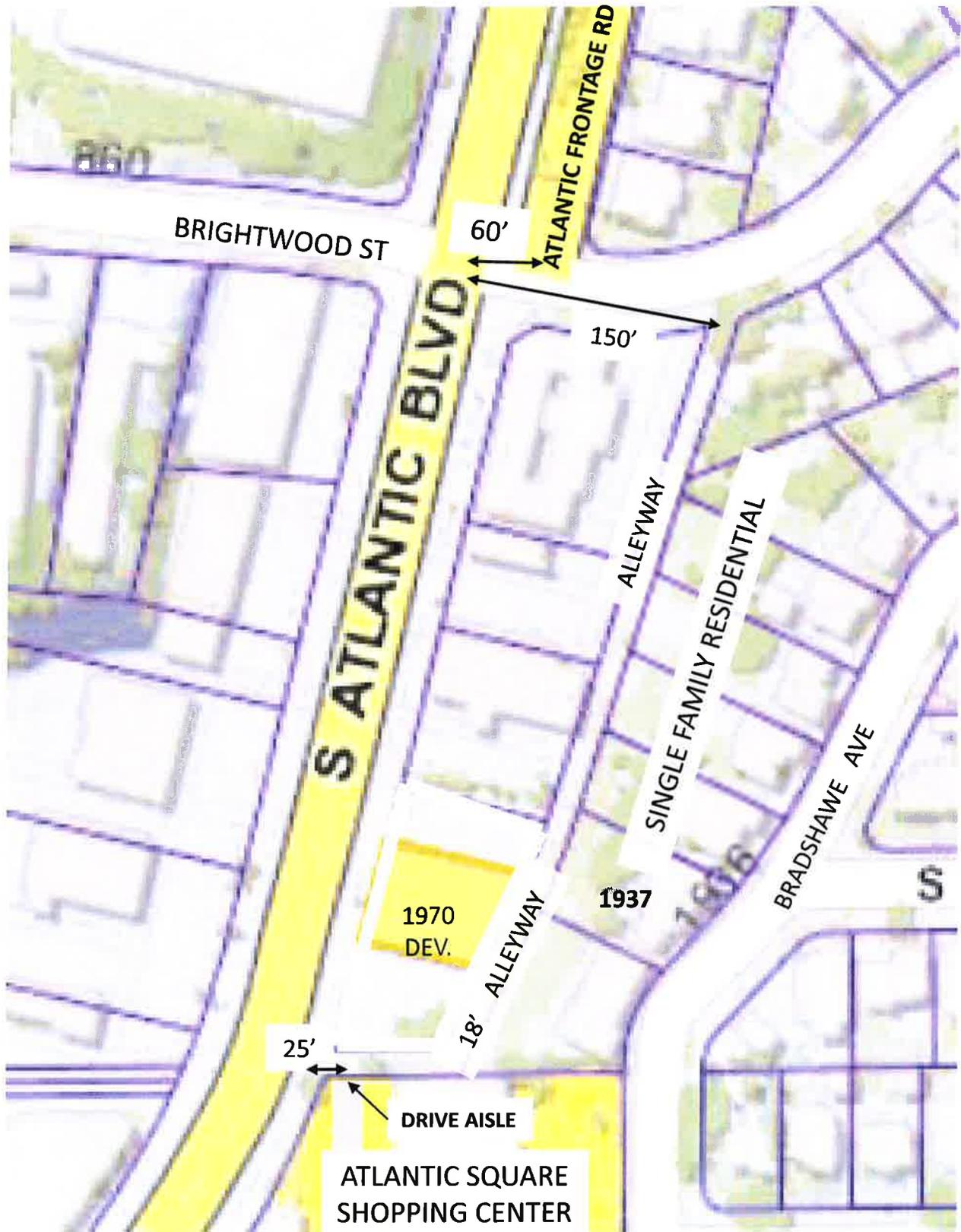
Dated: May 22, 2020


MARIA J. MEJIA, ESQ.
Attorney for Gina Casillas and Rafael Casillas

ATTACHMENTS

- 1—Vicinity Map
- 2-- Letter from Maria J. Mejia to City Planning Commission, et al., dated May 12, 2020
- 3 --Opposition Comments from Gina Casillas to City Council, et al., dated May 21, 2020
- 4 – Opposition Comments from Rafael Casillas to City Council, et al., dated May 21, 2020

ATTACHMENT 1



VICINITY MAP - ATTACHMENT 1

ATTACHMENT 2

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May 12, 2020

VIA E-MAIL AND U.S. MAIL

Monterey Park Planning Commissioners
Theresa Garcia Amador, Seat One
Eric Brossy de Dios, Seat Two
Ricky Choi, Seat Three
Tammy Sam, Seat Four
Kevin Lo, Seat Five
Planning Commission Secretary
Samantha Tewasart - Project Planner
Monterey Park City Hall
320 West Newmark Avenue
Monterey Park, CA 91754

Re: Raising Cane's Proposed Project at 1970 S. Atlantic Blvd., Monterey Park, California 91754, Agenda Item 4-A on May 12, 2020 Planning Commission's Agenda

Honorable Planning Commissioners:

I submit this letter on behalf of Gina Casillas and Rafael Casillas against the City of Monterey Park's second hearing for the Raising Cane's project development on the real property commonly known as 1970 S. Atlantic Blvd., Monterey Park, CA, 91754 ("Project Site"). The project consists of a Raising Cane's drive-through restaurant on three parcels (which have yet to be disclosed by the City), consisting of approximately 17,863 square feet with two drive-through lanes, two large menu boards, on an extremely busy street, Atlantic Boulevard, and separated by a narrow alleyway from certain neighboring residents (the "Project"). The developers Raising Cane's and Kristen Roberts (herein collectively "developers" or "applicants") have submitted a conditional use permit (CUP) for the Project and the City of Monterey Park (City) has erroneously decided that the Project is categorically exempt from the California Environmental Quality Act (CEQA) based on the CEQA Guidelines, Section 15332, Class 32 exemption for in-fill development. The City has failed to conduct proper environmental review and Gina Casillas and Rafael Casillas are aggrieved residents and persons who live near the project site. Gina Casillas and Rafael Casillas have resided on their property for over 29 years and care about the environment and the community in which they reside. Gina Casillas and Rafael Casillas object to and oppose the Project and the hearing you intend to conduct today. Please immediately abide by the Monterey Park Municipal Code (Municipal Code), CEQA, and Constitutional due process, and refrain from proceeding with today's hearing to approve the Project.

This Monterey Park Planning Commission (Planning Commission) previously denied the Project on March 10, 2020, so the developers have had their hearing before this commission and

are not entitled to a second hearing before this body. Furthermore, the Project is illegal and invalid. For example, the Project has failed to comply with applicable law and requirements, such as, the Municipal Code, CEQA, and the General Plan, among other things. Please require the developer to comply with all requirements under the Municipal Code, CEQA, the General Plan, and other applicable law and requirements. The Project site was a previously used for a gas station, and has significant adverse impacts to traffic, planning and land use, noise, air quality, hazardous substances, cumulative impacts, and water quality. Moreover, the Project harms the health, safety, and general welfare of public. Please immediately proceed with the proper notice and procedure regarding the developer's project and conduct environmental review through an environmental impact report (EIR).

The March 10, 2020 and May 12, 2020 Staff Reports have inadequate findings that lack substantial evidence, and are arbitrary, capricious, and contrary to law.

I. It is Improper City Procedure for this Planning Commission to Hold a Second Hearing to Approve Raising Cane's Project When This Planning Commission Previously Denied Project Approval on March 10, 2020.

Per the Municipal Code, the developers cannot have a second hearing before the Planning Commission to approve its Project. On March 10, 2020, the hearing before the Planning Commission commenced with the Project being noticed as Item 3-A on the Planning Commission's agenda, and the hearing proceeded. After the Commissioners deliberated on the Project, the developers gave their presentation and Gina Casillas and Rafael Casillas presented their oral objections to the Project, which were in addition to their written objections submitted prior to the hearing. The Commissioners voted on whether to approve the Project, which includes the CUP. A commissioner stated that the Project did not receive the required votes to pass where one of the commissioners voted, "no."

The Municipal Code provides that appeals from the Planning Commission are to the City Council, not to itself. Municipal Code §1.10.010(b) provides that Planning Commission decisions may be appealed to the City Council. Of Course, a developer is not required to appeal to the City Council if it decides not to proceed with the project. Also, the Municipal provides for the clear appeal to the City Council in Municipal Code §21.32.060. All appeals must be filed within 10 calendar days of the date of the rendering of the decision. MPMC §1.10.020. The appeal must specifically state the appeal grounds and specifically state the instances in which the reviewing body erred in reaching its determination. MPMC §1.10.040(a). Within 14 days of receiving an appeal the matter must be set for hearing. MPMC §1.10.050. Public hearings considering an appeal must be held within 60 days from the date the appeal was filed. MPMC §1.10.080. Notice must be given at least 10 days before the public hearing. *Ibid.* Notice of any public hearing considering an appeal must be published at least once in a newspaper of general circulation and published and circulated in Monterey Park. *Ibid.* Site posting must be made at least 11 days before the public hearing. *Ibid.* Upon the filing of an appeal, the Planning Commission Secretary shall forward the Planning Commission files regarding the project to the City Clerk. MPMC §21.32.140. The City Clerk shall promptly set the matter for public hearing before the City Council, which shall render its decision within 40 days after the hearing ends. *Ibid.*

Here, the City acknowledges in its Staff Report for the May 12, 2020 hearing (May Staff Report) that the developers filed an appeal with the City Clerk on March 12, 2020, two days after the March 10, 2020 Planning Commission hearing on its Project, which should have been forwarded to the City Council for public hearing. The Statement of Circumstances attached to the developers' appeal to the City Council states, "After deliberation of the commissioner's [*sic*] present, the subject was denied on a 2-1 (yay-nay) vote." Said Statement further adds that the denial is based on a body majority and not a present majority and the applicant believes that the project has substantial support from the City Staff members and the Planning Commission to be approved at a hearing where all members are present. This demonstrates that the developers were so certain that a re-vote at the Planning Commission level would be in its favor. How are the developers so certain of a pre-determined outcome?

The Project was required to be set for hearing within 14 days, but it was not. The May Staff Report states that since the March 10 hearing, the City has essentially been shut down because of the Coronavirus. The May Staff Report proceeds to state that the City Manager tolled all time periods and the applicant requested a new Planning Commission hearing, and to preserve the applicant's right to a fair hearing, the applicant will have a second Planning Commission hearing. The time for a hearing before the Planning Commission cannot be tolled after it occurred. The appeal was pending before the City Council, not the Planning Commission. If the City indeed could not hold the hearings before the City Council due to the coronavirus lockdowns, then it could have delayed the public hearing before the City Council. After March 10, 2020, the City Council has held 5 hearings.

The May 12, 2020 public hearing before the Planning Commission has not been properly noticed. No proof or representation exists that notice was circulated in a public newspaper. The "notice" lacks sufficient time to address the May Staff Report. Further, the notice fails to state that the May 12 hearing is a **second** hearing before the Planning Commission, even though the Planning Commission deliberated and voted on the Project on March 10, 2020, and denied Project approval, including the CUP.

We have been unable to determine whether the Planning Commission Secretary has forwarded the Planning Commission files to the City Clerk because the entire files have not been made available online nor to Gina Casillas, although Ms. Casillas requested copies of the entire files. It is likely the files are with the Planning Commission, since the Project hearing has been set in front of the Planning Commission instead of the City Council, in violation of the Municipal Code and due process for the residents and others surrounding the Project Site, including Gina Casillas and Rafael Casillas. Thus, the Project is improperly before the Planning Commission, which denied Project approval on March 10, 2020, and should not proceed.

Commissioner Brossy de Dios clearly stated that he is not accustomed to granting CUPs in conflict with the Code as currently set and they are not in a position to make an exception to that.

II. CEQA and The Fair Argument Standard Requires the Preparation of an EIR.

The fair argument standard here applies, not the Class 32 categorical exemption for infill development. "CEQA is a comprehensive scheme designed to provide long-term protection to the environment. [Citation.] In enacting CEQA, the Legislature declared its intention that all

public agencies responsible for regulating activities affecting the environment give prime consideration to preventing environmental damage when carrying out their duties. [Citations.] CEQA is to be interpreted 'to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.' [Citation.]" *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 329-330.

For CEQA purposes "substantial evidence" "means enough relevant information and reasonable inferences from this information that *a fair argument can be made* to support a conclusion, *even though other conclusions might also be reached*. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. *Georgetown Preservation Society v. County of El Dorado* (2018) 30 Cal.App.5th 358, 369.

The Project has significant adverse impacts, and CEQA review is required. A categorical exemption under the CEQA Guidelines is inappropriate for the Project where significant, adverse impacts exist. Substantial evidence and a fair argument require the preparation of an EIR. Categorical exemptions are narrowly construed because the statutes' objections limit the exempt activities. *Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal.App.4th 1165. A categorical exemption is invalid where no evidence supports the use of an exemption. *Committee to Save Hollywoodland Specific Plan v. City of Los Angeles* (2008) 161 Cal.App.4th 1168, 1187. Where a fair argument exists, a categorical exemption is inappropriate. *Mejia, Voices for Rural Living v. El Dorado Irrig. Dist.* (2012) 209 Cal.App.4th 1096. Even the categorical exemptions were to apply, which they do not, the in-fill development exemption is subject to limitations regarding planning and zoning consistencies, significant impacts, and adequate utilities and public services. CEQA Guidelines, §15332. Here, a fair argument exists as to traffic, planning and land use, noise, air quality, hazardous substances, cumulative impacts, and water quality. The landfill categorical exemption is inappropriate, and an EIR is required.

Thus, the Project should be denied.

III. A Fair Argument Exists as to Substantial Adverse Impacts to Traffic.

A fair argument, based on substantial evidence, exists that the Project may have substantial impacts on traffic. *Mejia*, at pp. 340-343; see also, *Georgetown Preservation Society*, at p. 375. The Project Site is immediately by three intersections, one is at Brightwood Street, the second is at Atlantic (easterly) frontage road, which is a separate, two-way street, runs parallel to Atlantic Blvd., and also intersects with Brightwood Street, and the third is at the alleyway that is to the east and proceeds to the south of the Project Site. Atlantic (easterly) frontage road fronts over 6 residences. This is an odd juncture at the Project's northern corner at the intersection of Atlantic Blvd. and Brightwood Street. Toward the southern end of the Project, a curve exists on Atlantic Blvd., which makes it difficult to see oncoming vehicles when driving South on Atlantic Blvd. and attempting to make a left turn onto the Project Site. Within 2 blocks south of the Project Site many commercial areas exist, including stores, such as Staples, Boston Market, and Big 5. About one block south and two blocks west from the Project Site is East Los Angeles College. The alleyway is also used by a commercial center immediately south of the alley and the Project Site. Several of these facts are omitted from the Traffic Report, which is discussed below.

Residents surrounding the Project Site have submitted Project opposition letters to the City. For example, on March 9, 2020, Gina Casillas, submitted an opposition letter to the City and she also voiced her objections at the March 10, 2020 Planning Commission hearing. Gina Casillas has lived in her residence for 48 years and her residence is directly above the Project. Her property immediately abuts the alley connecting to the Project Site. Gina Casillas has been a planner for over 14 years and works for another city's planning department. Gina Casillas' March 9 letter states that the Traffic Report has identified traffic impacts, states that the trip generation projections indicate 800 vehicles per day and worsening levels of service (LOS) for adjacent intersections, and that the nearby McDonalds, In-n-Out, and Chick Fil A restaurants located in the Monterey Park Market Place all have overflowing queuing, i.e., vehicle stacking in the drive aisles, with McDonald's having queuing on the street. Rafael Casillas, a 27-year resident of Monterey Park also attended the March 10 hearing and submitted verbal opposition to the project, in addition to his March 9, 2020 opposition letter submitted to the City prior to the March 10 hearing. Rafael Casillas is a civil engineer and has been licensed for over 15 years. Rafael Casillas states in his March 9 letter that the on-site traffic circulation will not be able to accommodate vehicle queuing, vehicle backing out of parking stalls, and vehicles in the drive aisles within the development. Vehicles will overflow onto Atlantic Boulevard at peak hour traffic times. In addition, this segment of Atlantic Boulevard has a high number of vehicle collisions from vehicles performing left-turn movements.

The Traffic Report prepared by Kimley Horn for the Raising Cane's Project, dated January 2020 (Traffic Report), fails to address the Project's substantial, adverse impacts. Traffic engineer Jeffrey Lau, has reviewed the Traffic Report and finds that it is deficient and with errors and omissions. Attached hereto as **Exhibit A** is a true and correct copy of traffic engineer Lau's report. Engineer Lau's letter highlights the following:

- The Intersection of Brightwood Street and Alleyway should have been included as one of the study intersections. It is a reasonable assumption that vehicle traffic accessing the Raising Cane project from the alleyway could have originated from the Brightwood Street and Alleyway intersection. Since the traffic impact study analyzed the Atlantic Boulevard and Alleyway intersection, it should have also analyzed the north end of the Alleyway where it intersects Brightwood Street.
- Upon review of Figure 6 – Project Related Traffic Volumes, not all inbound and outbound trips for the project site are accounted for as shown in Table 2, Summary of Project Trip Generation.
- The Drive Thru Queueing Analysis performed by Kimley Horn in Appendix E is flawed. The analysis selected three existing Raising Cane drive-through locations that are located outside of the region: one of them in Riverside County and the other two locations in Orange County. In order to perform an accurate analysis and comparison to similar type locations, Kimley Horn should have selected locations within Los Angeles County to provide a similar regional demographic to Monterey Park. There are three existing Raising Cane drive-through locations located in the Cities of Pico Rivera, Downey, and Lakewood that meet this criteria and would have provided a more accurate comparison for the Drive Thru Queueing Analysis.

- Since the Drive Thru Queuing Analysis is flawed, he does have concerns with the onsite traffic circulation not being able to accommodate vehicle queuing during peak times. There is a possibility that the vehicle queue for the drive-through will spill onto Atlantic Boulevard and block the main drive aisle and prevent vehicles from backing out of parking stalls within the project site.
- The traffic count data was collected in 2018. Typically for traffic impact studies, traffic data should not be more than 1 year old. Since the traffic impact study is dated January 2020, it is recommended that more recent traffic counts be collected for the analysis.

Examples of Traffic Report deficiencies that we highlight are as follows: under Project Description, at p. 1, said Traffic Report states that the Project Site is bounded by an existing commercial use to the north, where only one restaurant, Cook's Tortas and multi-tenant commercial building exist. The Traffic Report does not address Atlantic (easterly) Frontage Road and the residences along that street. Also, the Traffic Report states that the City's LOS standard for peak hours is LOS D, identified as having enough lower volume periods to permit clearing of developing lines, preventing excessive back-ups. Traffic Report (TR) at p. 5. However, there are excessive backups during rush hour traffic. Under Significance Thresholds, the Traffic Report states that a project is considered to have a significant traffic impact at an intersection if the LOS deteriorates to an unacceptable LOS with the addition of project traffic. *Ibid.* The Traffic Report proceeds to state that for locations forecasted to operate worse than the acceptable LOS, even without the project, the traffic assessment must include improvements. The City cannot rely on thresholds when the Project will have significant adverse impacts on traffic. A threshold of significance may be useful to determine whether an environmental impact should be considered significant, but a threshold is not conclusive and does not relieve a public agency of the duty to consider the evidence under the fair argument standard. *Mejia*, at p. 342. The Traffic Report states that the Atlantic Blvd. intersection at the alleyway is at LOS E, which is "Poor" (TR at pp. 11, 12, 16), which represents that it is at the capacity for the most vehicles that can be accommodated at the intersection; and there may be long lines of waiting through several signal cycles. TR, at p. 5. The Traffic Report, Table 3, states that the bold and shaded values indicate intersections operating at LOS E or F per City standards. TR at p. 18. However, the Traffic Report fails to state how the City standards differ from other standards, such as State Standards. Table 3 also indicates that the Atlantic Boulevard and Project driveway intersection would be at LOS D. The Traffic Report omits why the Traffic Report study was conducted in October 2018. TR, at p. 9. Further, the Queuing Data Collection, dated December 4, 2019, at p. 2, states that the queuing observations and counts were conducted at the Laguna Hills, City of Orange, and City of Riverside Raising Cane's, but this is not a proper comparison, since they do not have dual drive-through lanes, and the Laguna Hills and Orange sites have 8-vehicle capacity, as opposed to the Project's accommodation of a minimum of 8 cars, with a queuing capacity for *approximately 17* vehicles. Also, the figures are not to scale, so they do not demonstrate the proximity of the Project Site to the neighboring streets, residences, and businesses. See, e.g., Figure 1, Vicinity Map, at p. 2. In addition, the Traffic Report contains inconsistencies. For instance, the Scoping Agreement attached as Appendix A to the Traffic Report states that there are 5 suggested study intersections, whereas some of the tables and figures do not include the Project driveway intersection. TR, at pp. 22, 23.

Furthermore, the Traffic Report states that, "Access to Raising Cane's project would be provided by one driveway on Atlantic Boulevard and one driveway along the alleyway on the east side of the project site. Both project driveways would be unsignalized." TR, at pp. 1, 21. The Attachment A Map, including construction notes, among other things, depicts that a curb will be installed along the existing pavement edge, and the curb shall not cross adjacent property. This is depicted as item 34. The alley width is less than 20 feet in certain places, either because it contains existing electrical power poles and/or the hillside is there located, so the addition of the curb, without taking land from the neighboring properties, will necessarily be less than 20 feet in width in certain segments of the alley. The Traffic Report fails to analyze the traffic on the alleyway, and the exit at Brightwood.

A CEQA cumulative impacts analysis must include past, present, and probable future projects, but the Traffic Report does not include this information. While Table 4 lists two projects, it does not list past, present, and probable future projects. TR, at p. 19.

The Traffic Report incorrectly concludes that all study intersections are currently operating at an acceptable LOS, except for the intersection at Atlantic Blvd. and the alleyway and recommends employee parking on the side streets, without analyzing the Project's parking impacts to the surrounding area. E.g., TR, at pp. 27-28.

Thus, significant adverse impacts exist, the Project cannot be approved, and proper CEQA environmental review must be conducted through an EIR.

IV. A Fair Argument Exists as to Significant Adverse Impacts to Planning and Land Use.

A fair argument exists as to significant adverse impacts to planning and land use. The Project is incompatible with other existing and permitted uses in the general area. MPMC §21.32.020(A). The CEQA Guidelines, Appendix G, asks whether potentially significant adverse impacts to land use and planning exist. *The Pocket Protectors, supra*, at p. 929. Appendix G asks whether the project would physically divide an established community and whether the project would conflict with any applicable land use plan, policy, or regulation of an agency. The Project physically divides an established community and conflicts with the City's land use plans, policies, and regulations.

The Project fails to comply with City's zoning and General Plan, including the land use element. For example, the Land Use Policy Map identifies the property as commercial (C) and surrounded by low density residential (LDR). The residences to the east, north, and south of the Project Site are LDR. The March 10, 2020 and May 12, 2020 Staff Reports state the Project Site is zoned Shopping Center (CS) and designated C in the General Plan. (May Staff Report, at p. 2.) The Land Use policies include maintaining the quality and diversity of the community's residential neighborhoods.

The developers have failed to meet the standards for issuance of a CUP. MPMC §21.32.020(B). For instance, the Project does not meet the required setbacks, does not have sufficient access to streets and highways with adequate width to carry the quantity and quality of traffic generated by the proposed Project use. In addition, per the March and May Staff Reports, a drive-through is a conditionally permitted use, yet the Municipal Code requires the parking areas and drive-through aisles and structures to be setback from the ultimate curb for a minimum

of 25 feet. MPMC §21.10.040(9). Although the developer is proposing a 28-foot setback from the ultimate curb face on Atlantic Blvd. to the proposed building, it is requesting a minimum 15-foot setback from the ultimate curb face from the parking and drive-through aisle, which is at least 10 feet under the minimum 25-foot setback requirement. The Staff Reports improperly requires amending the Municipal Code Section 12.10.040(9) --in the future-- to permit the drive-through, such as stated in the attached resolution on page 4 of 6, Section 4, paragraph B. This is improper, deferred mitigation, in addition to a violation of the Municipal Code. Municipal Code Section 21.10.040(5) requires drive-through aisles to provide sufficient stacking area behind the menu board to accommodate a minimum of six cars in each lane, but the Project fails to accommodate these six cars. Further, the Project's proposed use will have an adverse effect on the public's health, safety, and general welfare.

Thus, the City should require an EIR for the Project.

V. A Fair Argument Exists as to Significant Adverse Impacts to Noise.

A fair argument exists as to significant adverse impacts to noise. See CEQA Guidelines, Appendix G. The Project will generate a minimum of 800 trips, will include two drive-through lanes adjacent to a residential area, including the homes of Gina Casillas, Rafael Casillas and their surrounding neighbors, will have two, approximate 7-foot, menu boards that face the residents, and will have at least hundreds of people in and out of Raising Cane's on a daily basis.

Thus, the City should require an EIR for the Project.

VI. A Fair Argument Exists as to Significant Adverse Impacts to Air Quality.

A fair argument exists as to significant adverse impacts to air quality. See CEQA Guidelines, Appendix G. The excavation on the Project Site where a gas station formerly operated with underground storage tanks may release toxic chemicals, fumes, and odors in the air. Engineer Lau stated that the Project will generate high levels of greenhouse gas emissions from all the idling vehicles waiting for the drive-through and will negatively impact the surrounding residential neighborhoods. See Engineer Lau's letter attached hereto.

Thus, the City should require an initial study and EIR for the Project.

VII. A Fair Argument Exists as to Significant Adverse Impacts to Hazards and Hazardous Substances.

The Project has significant adverse impact to hazards and hazardous substances, where the Project Site was formerly used for a gas station with underground storage tanks. See CEQA Guidelines, Appendix G, Government Code §65962.5. The City fails to provide information on the use of the gas station, other than it existed. A March 16, 2004 Underground Storage Tank Unauthorized Release (Leak)/Contamination Site Report states that, "Soil samples collected beneath fuel USTs detected TPHg, MtBe, TBA, and organic lead." Attached hereto as **Exhibit B** is a true and correct copy of said Report from the Los Angeles County website. Hazardous substances often leak into the ground. The City must conduct environmental review through an

EIR before approving any project on this Project Site. In this manner the decision-makers and surrounding residents and businesses can know the extent of the potential, harmful impacts.

Thus, the City should require an initial study and EIR for the Project

VIII. A Fair Argument Exists as to Significant Adverse Impacts to Cumulative Impacts.

A fair argument exists significant adverse impacts that are cumulative impacts. Cumulative impacts also consist of mandatory findings of significance. Public Resources Code §21083(b)(2), 14 Cal Code Regs §15065(a)(3), CEQA Guidelines, Appendix G. Cumulative effects include the possible effects of a project that are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects an of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. Public Resources Code §21083(b)(2). Cumulative impacts are two or more individual effects which, when considered together are considerable or which compound or increase other environmental impacts. CEQA Guidelines, §15355, *San Bernardino Valley Audubon Society v. Metropolitan Water District* (1999) 71 Cal.App.4th 382, 398-400. Here, the Traffic Report generally mentions two projects, but no disclosure exists as to the past, present, and probable future projects.

Thus, the City should require an EIR for the Project.

IX. A Fair Argument Exists as to Significant Adverse Impacts to Water Quality.

A fair argument exists as to significant adverse impacts to water quality. See CEQA Guidelines, Appendix G and Section 15332. The excavation on the Project Site where a gas station formerly operated with underground storage tanks and has been noted to have toxic chemicals, such as TPHg, MtBe, TBA, and organic lead, as discussed above. Moreover, the Staff Reports fail to address the sufficiency of water utilities, and this is particularly important since California has had droughts over many years.

Thus, the City should require an EIR for the Project.

X. The Project is Against the Health, Safety, and General Welfare of the Public.

For the reasons discussed above, the Project fails to comply with the Standards for Issuance of CUPS and is against the public's health, safety, and general welfare. MPMC §21.32.020 (B). Thus, the CUP cannot be issued and the Project should be denied.

Thus, the City should require an EIR for the Project



MARIA J. MEJIA, ESQ.
Attorney for Gina Cassillas and Rafael Casillas

EXHIBITS A --Traffic Engineer Jeffrey Lau Expert Letter
B --Underground Storage Tank Unauthorized Release (Leak) Contamination
Site Report

EXHIBIT A

May 11, 2020

City of Monterey Park
Planning Commission
320 West Newmark Avenue
Monterey Park, CA 91754

Attention: Chair and Members of the Planning Commission

Subject: Planning Commission March 10, 2020, Agenda Item 3A – 1970 South Atlantic Boulevard
Conditional Use Permit (CU-19-13)

Dear Planning Commission,

I performed an independent review of the Traffic Impact Study for the Raising Cane's Project prepared by Kimley Horn and Associates, dated January 2020. I am a licensed civil and traffic engineer with over 16 years of traffic engineering experience. This review was requested by long time Monterey Park resident, Mr. Rafael Casillas. Upon completion of my review of the traffic impact study, I have identified the following errors and omissions:

- The Intersection of Brightwood Street and Alleyway should have been included as one of the study intersections. It is a reasonable assumption that vehicle traffic accessing the Raising Cane project from the alleyway could have originated from the Brightwood Street and Alleyway intersection. Since the traffic impact study analyzed the Atlantic Boulevard and Alleyway intersection, it should have also analyzed the north end of the Alleyway where it intersects Brightwood Street.
- Upon review of Figure 6 – Project Related Traffic Volumes, not all inbound and outbound trips for the project site are accounted for as shown in Table 2, Summary of Project Trip Generation.
- The Drive Through Queueing Analysis performed by Kimley Horn in Appendix E is flawed. The analysis selected three existing Raising Cane drive-through locations that are located outside of the region: one of them in Riverside County and the other two locations in Orange County. All three of these locations have indoor seating, which is unlike the Monterey Park location that is described as having no indoor seating. The presence of indoor seating will shift some of the drive-through customers to dine-in customers thereby reducing the number of drive-through trips and queue length of the drive-through. In order to perform an accurate drive-through queueing analysis of similar type locations, Kimley Horn should have selected locations within Los Angeles County that have similar regional demographics to Monterey Park. There are three existing Raising Cane drive-through locations located in the Cities of Pico Rivera, Downey, and Lakewood that meet this criteria and would have provided a more accurate and consistent comparison for the Drive Thru Queueing Analysis.
- Since the Drive Through Queueing Analysis is flawed, I do have concerns that the onsite traffic circulation will be impacted by the drive-through queue during peak times. There is a possibility that the vehicle queue for the drive-through may spill onto the main drive aisle and prevent vehicles from backing out of parking stalls within the project site or entering the site from the main driveway along Atlantic Boulevard.

- The traffic count data was collected in 2018. Typically for traffic impact studies, traffic data should not be more than 1 year old. Since the traffic impact study is dated January 2020, it is recommended that more recent traffic counts be collected for the analysis.

In addition to these issues, I also believe the project will generate high levels of greenhouse gas emissions from all the idling vehicles waiting for the drive-through that will negatively impact the surrounding residential neighborhoods.

Based on the review comments identified above, it is recommended that the Planning Commission deny this Conditional Use Permit for now and direct Kimley Horn to update the traffic impact study to address these errors and omissions.

If you have any questions, I can be reached at (626) 636-1056 or mrilau23@gmail.com.

Sincerely,



Jeffrey Lau, PE, TE
Traffic Engineer



EXHIBIT B

KVL
CALKF

7105-38358

UNDERGROUND STORAGE TANK UNAUTHORIZED RELEASE (LEAK) / CONTAMINATION SITE REPORT

EMERGENCY YES NO
 HAS STATE OFFICE OF EMERGENCY SERVICES REPORT BEEN FILED? YES NO

FOR LOCAL AGENCY USE ONLY
 I HEREBY CERTIFY THAT I HAVE DISTRIBUTED THIS INFORMATION ACCORDING TO THE DISTRIBUTION SHOWN ON THE INSTRUCTION SHEET ON THE BACK PAGE OF THIS FORM.

REPORT DATE: 03/16/04
 CASE #

SIGNED: _____ DATE: _____

REPORTED BY: NAME OF INDIVIDUAL FILING REPORT: CHRIS SWARTZ
 REPRESENTING: OWNER/OPERATOR REGIONAL BOARD LOCAL AGENCY OTHER
 ADDRESS: P.O. BOX 25376 SANTA ANA CA 92799-5376

PHONE: (714) 428-7719
 SIGNATURE: Chris Swartz
 COMPANY OR AGENCY NAME: CONOCO PHILLIPS COMPANY

RESPONSIBLE PARTY: NAME: CONOCO PHILLIPS COMPANY UNKNOWN
 ADDRESS: P.O. BOX 25376 SANTA ANA CA 92799-5376

CONTACT PERSON: CHRIS SWARTZ
 PHONE: (714) 428-7719

SITE LOCATION: FACILITY NAME (IF APPLICABLE): 76 Station # 3627
 ADDRESS: 1970 South ATLANTIC BLVD. MONTEREY PARK LOS ANGELES 91754
 CROSS STREET: BRIGHTWOOD

OPERATOR: N/A
 PHONE: (714) 428-7719

IMPLEMENTING AGENCIES: LOCAL AGENCY: LOS ANGELES COUNTY DPW
 REGIONAL BOARD: LOS ANGELES REGION

CONTACT PERSON: Tim Smith (626) 458-3512
 Yue Rong (213) 576-6710

SUBSTANCES INVOLVED: (1) GASOLINE QUANTITY LOST (GALLONS) UNKNOWN

DISCOVERY/ABATEMENT: DATE DISCOVERED: 07/18/03
 DATE DISCHARGE BEGAN: UNKNOWN
 HAS DISCHARGE BEEN STOPPED? YES NO

HOW DISCOVERED: INVENTORY CONTROL SUBSURFACE MONITORING TANK TEST TANK REMOVAL NUISANCE CONDITIONS OTHER
 METHOD USED TO STOP DISCHARGE (CHECK ALL THAT APPLY): REMOVE CONTENTS CLOSE TANK & REMOVE REPAIR PIPING REPAIR TANK CLOSE TANK & FILL IN PLACE CHANGE PROCEDURE REPLACE TANK OTHER

SOURCE/CAUSE: SOURCE OF DISCHARGE: TANK LEAK UNKNOWN PIPING LEAK OTHER
 CAUSE(S): OVERFILL RUPTURE/FAILURE SPILL CORROSION UNKNOWN OTHER

CASE TYPE: CHECK ONE ONLY: UNDETERMINED SOIL ONLY GROUNDWATER DRINKING WATER - (CHECK ONLY IF WATER WELLS HAVE ACTUALLY BEEN AFFECTED)

CURRENT STATUS: CHECK ONE ONLY: NO ACTION TAKEN PRELIMINARY SITE ASSESSMENT WORKPLAN SUBMITTED POLLUTION CHARACTERIZATION LEAK BEING CONFIRMED PRELIMINARY SITE ASSESSMENT UNDERWAY POST CLEANUP MONITORING IN PROGRESS REMEDIATION PLAN CASE CLOSED (CLEANUP COMPLETED OR UNNECESSARY) CLEANUP UNDERWAY

REMEDIAL ACTION: CHECK APPROPRIATE ACTION(S) (SEE BACK FOR DETAILS): CAP SITE (CD) EXCAVATE & DISPOSE (EO) REMOVE FREE PRODUCT (FP) ENHANCED BIO DEGRADATION (IT) CONTAINMENT BARRIER (CB) EXCAVATE & TREAT (ET) PUMP & TREAT GROUNDWATER (GT) REPLACE SUPPLY (RS) VACUUM EXTRACT (VE) NO ACTION REQUIRED (NA) TREATMENT AT HOOKUP (HU) VENT SOIL (VS) OTHER (OT) *BASED ON SITE ASSESSMENT FINDINGS & AGENCY REQUIREMENTS*

COMMENTS: SOIL SAMPLES COLLECTED BENEATH FUEL USTS DETECTED TPHg, MTBE, TBA, AND ORGANIC LEAD.

Call # 504504

C 391802

HSC 05 (8/90)

ATTACHMENT 3

May 21, 2020

Re: Appeal of entire Planning Commission decision to approve Raising Cane's project, including the Conditional Use Permit (CU-19-13)

I have lived in my residence located at 1937 South Bradshaw Avenue in the City of Monterey Park for 48 years. My house fronts on Bradshaw Avenue and my rear yard overlooks Atlantic Boulevard. My residence is located at the top of the hill, directly above the proposed Raising Cane's project.

I have over 14 years of experience processing land use entitlements and preparing environmental compliance documents. I received a bachelor's degree in Geography with emphasis in Urban Analysis in 2006 from California State University, Los Angeles. Since 2006 I have worked as a land use planner in several different municipalities.

Appeal to Planning Commission

The City's processing of this application was unorthodox and unethical. This project item was first heard at the March 10, 2020 Planning Commission hearing. The March 10, 2020 hearing as Item 3-A, was attended by three Planning Commissioners. The City Attorney and City staff confirmed that the hearing was attended by the minimum number of Commissioners and deemed that the meeting had a "quorum". The meeting was held, the item was discussed, and the Commissioners took action on the item. At this meeting I expressed my objection to the project and the requested Conditional Use Permit application (CU-19-13) proposing a new retail eating establishment featuring dual drive through lanes, a walk-up ordering counter, outdoor patio seating and outdoor storage for Raising Cane's restaurant, among other things.

Not satisfied with the outcome the March 10th Planning Commission's meeting, the applicant submitted an application of appeal. The applicant requesting a "due over" simply because they were not satisfied with the project's outcome is not legal nor did it follow Monterey Park Municipal Code regulations. The application for appeal of the Planning Commission should have been declared invalid. The applicant alluded to a pre-determined decision expectation from the decision makers in the submitted appeal application. This was a predetermined decision. Furthermore, the granting the "de novo" hearing under the appeal heard before the Planning Commission was not ethical. As the project did not receive a majority vote, the motion failed, thus the project was denied. Denial findings should have been drafted and brought back to the Commission for approval.

Proposed Project

This letter informs you of my continued objection to the Planning Commission's decision rendered for the project and requested Conditional Use Permit application (CU-19-13) proposing a new retail eating establishment featuring dual drive through lanes, a walk-up ordering counter, outdoor patio seating and outdoor storage for Raising Cane's among other things.

Staff Correspondence

I became aware of this project when I received the first notice of Public Hearing in January 2020. As instructed if I have interest in the project, I visited the Planning Counter at the Monterey Park City Hall to obtain more detailed information regarding the project on Friday, January 24, 2020. I was able to review the proposed plans for the development however City staff was unavailable to speak to me to provide

additional information regarding the proposed business operations. On Wednesday, January 22, 2020, I spoke to the project planner over the phone, however she was unable to provide me with basic information related to the proposed project such as staff recommendation, business operating functions or hours of operation. On Friday, January 31, 2020, I provided the project planner in written correspondence (via email) a detailed list of concerns that I had of the project with regards to the lack of analysis of the project impacts as well as a list of code deficiencies/violations. On Tuesday, February 4, 2020, I sent a follow-up email requesting a response to my initial request. I received a response that same day which simply stated that the staff report was not available for review. City staff did not inform me that the February Planning Commission meeting in which the project was agendaed for was canceled. I discovered this when I attempted to view the staff report for the project from the City's website at 4:30 pm on that Friday. No information was provided to me on this proposed project until I was able to read the staff report when it was uploaded to the City's website on Friday, March 6, 2020 for the March 10th Planning Commission hearing. We received a second public hearing notice on March 6th (date stamped March 5th) which was less than required 10 days prior to hearing as required by State Law.

Project Concerns

The site and floor plans indicate that the 1,790 square foot building is proposed entirely as kitchen or "back of house" for the fast food restaurant. The floor plans for the proposed project illustrate that the project does not provide an indoor customer dining area. All proposed customer activities will occur outside building - via the walk-up customer order window, the dual vehicle drive through lanes and under the covered patio. No other customer friendly amenities will be provided. The two menu boards for the dual drive through lanes are located at the rear of the site directly behind the building, directly facing the residential properties located on Bradshaw Avenue. The applicant proposed to operate the business Sunday through Thursday, from 9:00 am to 1:00 am and Friday and Saturday from 9:00am to 3:30 am, with modified hours conditioned by the Planning Commission.

Firstly, it is my opinion that this site is being over intensified. It appears that the applicant is trying to squeeze in the drive through component onto a small site which totals 17,863 sf of area. The project proposes 14,263 sf of hardscape area - drive aisles, 18 parking stalls, and dual drive through lanes and 2,502 square feet of building area (kitchen/back of house, covered patio and outdoor storage). Based on these square footages, the primary use of the site is drive aisles, parking areas and drive through lanes and not a restaurant. The project also proposed to install approximately 393 square foot of landscaping for screening purposes. I do not believe that this use is the greatest and best use for the site or the general neighborhood.

Attached to the staff report was the only technical document - a Traffic Study used for evaluation for this project. This document is around 80 pages long and deficient in relevant data. The traffic report indicates that this project is estimated to generate over 800 vehicles per day. The report also indicates that the project will worsen traffic circulation at adjacent intersections. The traffic counts cited in the report are over two years old and the alley directly adjacent to the project site was not analyzed. Furthermore, the traffic failed to analyze past, current and the important "future" projects.

The staff reports falsely claim that this project (as conditioned) meets the findings for approving a conditional use permit. Planning staff was clearly aware of the project's municipal code deficiencies in January (2020) when public hearing notices were mailed out to the general public for the February 11, 2020 Planning Commission hearing. The public notice stated that the applicant was requesting a Conditional Use Permit and Variance for the development. The proposed project has not changed since January 2020. Staff determined that the project would not meet the findings to support the granting of a

variance. So staff is recommending a Zoning Code Amendment to facilitate this project which is not code compliant in its current state.

Code Deficiencies

I have identified a few code deficiencies for your reference, however this list is not exhaustive. MPMC Section 21.10.040(l)(9) requires that *parking areas and the drive-through aisle and structure shall be set back from the ultimate curb face a minimum of twenty-five (25) feet*. The staff report (and city staff) indicated that the applicant is proposing a 15'-0" setback instead of the required 25'-0" which warrants a code exception (variance). The application before you, is a use permit (with a zoning code amendment), not a variance request. City staff attempts to resolve this issue by recommending (Section 4) Condition B, which requires the applicant to amend the City Zoning Code to eliminate this code requirement instead of processing a code exception (variance). The reason city staff has decided to eliminate the variance request, is because the findings to approve a Conditional Use Permit require that **all** code requirements be meet **at time of approval** for the project. Whether the project is called a variance or a future zoning code amendment, the project just does not meet code. You cannot defer code compliance with a (potential) future zoning code amendment for this decision. As proposed under this application, this project does not meet this code requirement and the project should be denied.

The public notice, the staff report, and city staff indicated that the land use for this proposed project is a "retail eating establishment". According to the MPMC Section 21.04.754, a Retail Eating Establishment is defined as *a retail sale commercial business that prepares and sells quickly-prepared foods and/or beverages which are consumed on-site and/or off-site, with gross floor area of less than one thousand five hundred (1,500) square feet and with dining area less than fifty (50) percent of gross floor area*. The plans and the staff report indicate that the project will develop a **1,790**-square-foot kitchen. By definition, the project **exceeds** the 1,500 square footage threshold and **does not** meet this classification of "retail eating establishment". Furthermore, staff blatantly ignores the enclosed 232 square foot outdoor storage area and the 480 square foot covered patio (outdoor customer dining) in its evaluation. Staff has not addressed this code deficiency. As this project does not comply with this code requirement, this project should be **denied**.

As stated above, the proposed building does not definition of "retail eating establishment". As staff errors in the proper classification of this proposed building, this application should be denied. The proposed building however does meet the definition of "kitchen". MPMC Section 21.04.509 provides a definition of "Kitchen" which states *any room or space within a building designated, intended to be used or used for the cooking or the preparation of food*. However, an accessory use, drive through and/or outdoor dining uses are not permitted used for a kitchen-only building. Thus, this application shall be denied.

The site plan for the proposed project illustrates that 18 parking spaces will be provided for this use. Five standard size stalls and one ADA stall will be located "on site" via the projects two-way drive aisle and ten standard size stalls and one (van assessable ADA) stall located on the perimeter of the site accessed only from the adjacent one way 18-foot wide alley. Code regulations required one van accessible parking space and one standard accessible parking space for this use. As a result, the site will only provide for 16 standard parking spaces. If approved, the project will create major circulation issues. For example, the five parking stalls "on-site" will be blocked from entering or exiting the parking space(s) due to the overflowing vehicle queuing in the drive aisle (as specified in the traffic report). The parking spaces located on the perimeter of the site will be blocked by traffic circling around the "two -way" 18-foot wide alley, the project site looking for available parking. Additionally, one stall will be designated as a vehicle charging stall thus eliminating it for general use.

The staff report indicates that City staff has made a determination that the project qualified for a Class 32 Categorical Exemption from the California Environmental Quality Act. In order to determine a Class 32 exemption, the project must meet all zoning regulations and provide technical studies to analyze the project for any significant effects relating to traffic, noise, air quality, or water quality.

- Consistency with the General Plan and all Zoning regulations/requirements – City staff, the City Attorney, the Planning Commission, the staff report, resolution and conditions of approval clearly identify that the project does not meet all zoning code requirements.
- Traffic - Report was provided. The report states that trip generation projections indicate 800 vehicles per day and identified worsening levels of service (LOS) for adjacent intersections.
- Noise – No report was conducted.
- Air Quality – No report was conducted.
- Water Quality – No report was conducted.

This business (as proposed), operating essentially completely outdoors until 1:00 am 7-days a week (and originally requested by the applicant on weekdays until 1:00 am and 3:30 am on weekends) will create a significant noise impact, not only to me but to the other neighboring residential properties. The noise generated from the vehicles stacked in the two drive through lanes, the dual menu board (loud) speaker boxes directly facing residential properties, the walk-up order counter, the outdoor customer dining area, the mechanical equipment located on the roof of the building and electrical transformer warrants evaluation for noise impacts.

Noise levels are measured in decibels. A decibel is a unit of intensity of sound, abbreviated dB. According to the Centers for Disease Control and Prevention (CDC) “Hearing loss can result from a single loud sound (like firecrackers) near your ear. Or, more often, hearing loss can result over time from damage caused by repeated exposures to loud sounds. The louder the sound, the shorter the amount of time it takes for hearing loss to occur. The longer the exposure, the greater the risk for hearing loss (especially when hearing protection is not used or there is not enough time for the ears to rest between exposures).”¹ According to the article, Noise levels of everyday sounds (June 19, 2017), Elena McPhillips states, “the smallest audible sound is 0 dB and a sound that is 10 times more powerful is 10dB...0 dB is the softest sound a human ear can hear—something almost inaudible, like a leaf falling.”²

After residing on this property my entire life, it is easy for me to describe the existing ambient noises. My home is located at the top of the hill and sound travels easily through the air without buffers from trees or solid walls. At any time of day, we hear traffic traversing along Atlantic Blvd. Car alarms and emergency (police) sirens are intermittent noises. In the evenings, conversations can be heard when customers exit Shakey’s Pizzeria located on the west side of Atlantic Blvd. During the daytime we can hear the power tools operating from the tire shop, Just Tires located on the west side of Atlantic Blvd. These sounds taper off around 7:00 pm during the week and 6:00 pm during the weekend. These ambient noises can be heard from inside my home when the windows are open and from my backyard which overlooks Atlantic Blvd. Three of the bedrooms in my home have windows that face Atlantic Blvd. The hours of operation proposed for this business is not compatible with the adjacent commercial businesses. If approved the noise levels from this business will exceed the allowable thresholds established by code and will most certainly create significant impacts to me and the adjacent residential properties.

¹ https://www.cdc.gov/nceh/hearing_loss/what_noises_cause_hearing_loss.html

² <https://www.audicus.com/noise-levels-of-everyday-sounds/>

Based on Monterey Park Municipal Code (MPMC) Section 9.53.040 *Noise standards - No person shall, at any location within the city, create nor allow the creation of noise on any property which causes the noise level to exceed the applicable noise standards except as set forth in this section.*

(1) The noise standards shall be the actual measured median ambient noise level or the following presumed ambient noise level, whichever is greater:

Noise Zone	Time	Allowable Noise Level— dBA
I. Residential	7 a.m.—10 p.m.	55
	10 p.m.—7 a.m.	50
II. Commercial	7 a.m.—10 p.m.	65
	10 p.m.—7 a.m.	55
III. Industrial	Anytime	70

(2) If the intruding noise source is continuous and cannot be reasonably discontinued for sufficient time in which the ambient noise level can be determined, the above presumed ambient noise levels shall be used.

(3) If the property where the noise is received is located on the boundary between two different noise zones, the lower noise level standard applicable to the quieter zone shall apply. (Ord. 1519 § 1, 1980) .

Based on MPMC Section 21.10.100 *Mechanical Equipment. - Each lot which has compressors, air-conditioning units or similar machinery, located outside of the exterior walls of any building, must comply with the following:*

- (A) All mechanical equipment must be maintained in a clean and proper condition to prevent a collection of litter and filth **and to avoid the emission of unnecessary noise, dust or fumes.***
- (B) Any mechanical equipment to be located on the roof of a commercial building, or at grade, must provide adequate screening from public rights-of-way and adjacent properties through the use of parapets or a solid, non-combustible, screening material. Such screening may either be painted to match the exterior color of the commercial building or treated as an architectural feature. (Ord. 2097 § 3, 2013)*

Based on the noise thresholds listed in the MPMC, 55 dBA is the maximum (residential) level during the daytime and 50 dbA is the maximum (residential) level during the nighttime. Noise thresholds for commercial zoned properties are slightly higher than what is permitted in residential zoned properties. However, when the commercial zone abuts a residential zone, the lower noise level standard is applicable to the quieter (residential) zone.

You can compare the noise level from the menu board sound system to the list of sounds provided by the CDC which illustrate the different dB levels and how noise from everyday sources can affect your hearing.³

³ https://www.cdc.gov/nceh/hearing_loss/what_noises_cause_hearing_loss.html

Everyday Sounds and Noises	Average Sound Level (measured in decibels)	Typical Response (after routine or repeated exposure)
Softest sound that can be heard	0	Sounds at these dB levels typically don't cause any hearing damage.
Normal breathing	10	
Ticking watch	20	
Soft whisper	30	
Refrigerator hum	40	
Normal conversation, air conditioner	60	
Washing machine, dishwasher	70	You may feel annoyed by the noise
City traffic (inside the car)	80-85	You may feel very annoyed
Gas-powered lawnmowers and leaf blowers	80-85	Damage to hearing possible after 2 hours of exposure
Motorcycle	95	Damage to hearing possible after about 50 minutes of exposure
Approaching subway train, car horn at 16 feet (5 meters), and sporting events (such as hockey playoffs and football games)	100	Hearing loss possible after 15 minutes
The maximum volume level for personal listening devices; a very loud radio, stereo, or television; and loud entertainment venues (such as nightclubs, bars, and rock concerts)	105-110	Hearing loss possible in less than 5 minutes
Shouting or barking in the ear	110	Hearing loss possible in less than 2 minutes
Standing beside or near sirens	120	Pain and ear injury
Firecrackers	140-150	Pain and ear injury

If approved, the noise levels from this business will exceed the allowable thresholds established by code and will most certainly create significant impacts as illustrated in the table above. Not just me, but the five adjacent residential properties located on Bradshaw Avenue, the adjacent commercial businesses located on Atlantic Boulevard and the nearby residential properties located along Brightwood Street and Atlantic frontage road..

According to Howard Company, the leader manufacture of drive through menu board systems, "drive thru menu board systems create noise that range between 63 and 85 dBA". Even at the lowest range of 63 dBA, the drive thru menu board systems exceed this threshold limitation. McPhillips states that, "any exposure to sounds over 140 dBA is considered unsafe for humans, and continued exposure to noises over 85 dBA...will put your hearing in danger." The National Institute for Occupational Safety and Health (NIOSH) says a safe level of noise to avoid hearing loss is no more than 85 decibels (dB) over an eight-hour period. Thus, the continued exposure to the dual menu board systems over 17 hours during the weekdays and over 18.5 hours during the weekend would create significant noise impacts to me and my family as well as the families that reside in the adjacent residential properties. In addition to the negative noise impacts from the drive through menu board sound systems, the roof top mechanical equipment will also create additional ambient noise which is not addressed in the staff report or in any technical document.

It is evident that the City of Monterey Park is interested in the topic of noise as a variety of policy documents address the impacts of noise on the community as a whole. The City of Monterey Park addresses noise impacts by way of The General Plan's Safety and Community Services Element where several goals and polices address how to reduce the negative impacts of noise⁴. According to the City's website under Noise, "The planning for future land uses in Monterey Park requires that potentially problematic sources of noise be identified and that noise / land use conflicts be avoided..."⁵ According to Monterey Park's website on Noise/Land Use Compatibility Guidelines, "Monterey Park's primary goal with regard to community noise is to minimize the exposure of residential neighborhoods, schools, and hospitals to excessive or unhealthy noise levels..."⁶ Why would city staff support a project that does not promote these goals? Why would city staff support drive through business adjacent to sensitive noise receptors such as residential properties?

Furthermore, Monterey Park's website on Baseline Noise Environment, evaluated the city's noise impacts by "...establish a baseline against which to measure changes in the community noise environment over time, a noise modeling effort was performed, with year 2000 serving as the baseline year. Because traffic noise represents the dominant noise source in the community, the model focuses on traffic noise and the 24-hour ambient noise conditions resulting from this primary source...the city's Principal and Minor Arterials represent the major source of traffic noise. Both commercial and residential uses along Principal and Minor Arterials (such as Atlantic Boulevard, Garfield Avenue, Pomona Boulevard, Garvey Avenue, and Graves Avenue) lie within the 65 CNEL noise contour. A number of residential neighborhoods are also exposed to traffic noise from Minor Arterials, Collector, and Local streets...Since the city cannot control noise at the source, city noise programs focus on reducing the impact of transportation noise on the community."⁷ Based on these statements and the policies approved by the decisionmakers, noise impacts are indeed important to the Monterey Park community. Why would city staff disregard these studies and support a use that is clear would harm its residents?

According to the Safety and Community Services Element -Noise, Goal 5.0 - Minimize the impact of point-source noises and ambient noise levels throughout the community. Policy 5.1 - Continue to enforce the Noise Ordinance to control point-source noise. Policy 5.2 - Incorporate noise impact considerations into the development review process, particularly the relationship of parking and ingress/egress, loading, and refuse collection areas to surrounding residential and other noise-sensitive land uses. It is apparent that Policy 5.1 was not met as the review of this development project did not consider project noise impacts. A drive through business such as this proposed by the applicant, will create significant negative adverse impacts to the adjacent noise sensitive residential properties.

This project as proposed will not minimize the negative impacts of noise but rather will increase harmful levels of noise adjacent to noise sensitive land uses such as residential properties. With these noise reduction policy documents along with the established goals and policies set forth, why is staff not requiring the technical studies to ensure the well-being of the adjacent residential properties? Why is city staff not enforcing the City of Monterey Park policies established by the City Council?

The emissions generated with this project are also a large concern for me. The emissions generated from the projected 800 vehicles per day and the restaurant's exhaust system warrants an air quality evaluation. According to the staff report, the project proposed with two drive through lanes will provide vehicle

⁴ <http://www.montereypark.ca.gov/464/Safety-Community-Services-Element>

⁵ <https://www.montereypark.ca.gov/479/Noise>

⁶ <https://www.montereypark.ca.gov/489/Noise-Land-Use-Compatibility-Guidelines>

⁷ <https://www.montereypark.ca.gov/484/Baseline-Noise-Environment>

queuing (stacking) for approximately 17 vehicles and on peak times when the queuing is expected to exceed 17 vehicles which will overflow into to drive aisles, onto Atlantic Blvd and the adjacent alley. Vehicle emissions contain gases including carbon dioxide, which contributes to climate change, as well as harmful pollutants nitrogen dioxide, carbon monoxide and hydrocarbons. According to Monterey Park's Sustainable Community Element (adopted October 2014), "As of 2009, transportation-related emissions represented the largest sector in the community's GHG emissions inventory, accounting for about 63 percent of emissions. Besides generating these emissions, accommodating larger numbers of vehicles also leads to more land used for parking and streets, increasing surface water runoff, creating a "heat island" effect, and reducing space for vegetation." According to the Sustainable Community Element, "the City has focused on...encourage people to walk, bicycle or use public transit instead of the personal auto. Addressing safety concerns and investing in sidewalks has further supported the ability for community members to engage in daily activities without depending on a car." A business that is centered around the drive through feature does not promote the goals and policies of the residents or the City Council as addressed in this policy document.

The City's Climate Action Plan (CAP) (revised public draft January 2012) has the primary purpose to set forth a comprehensive strategy to address GHG emissions related to land use, transportation, building design, energy use, water demand, and waste generation. A CAP is a city's roadmap to reducing community GHG emissions associated with both existing and future actions and activities. The CAP focuses GHG-reducing efforts to areas that will have the greatest environmental benefit, have the least financial cost (or even savings), and preserve the character of the community. The CAP provides strategies and programs for government facilities, businesses and residents that can lead to a reduction of GHG emissions from daily activities. "For Monterey Park, the local impacts of climate change will include reduced air quality; diminished water supplies; higher seasonal temperatures; risks to local ecosystems, including those that supply the City with water; and increased energy costs." Land use patterns can affect the modes of transportation uses to move around a city. The CAP suggests that finding opportunities "to improve walkability and bike-ability" can reduce greenhouse gases...Greenhouse gases have far-ranging environmental and health effects contribute to respiratory disease from smog and air pollution."⁸ This project does not promote the goals and policies of the CAP as it is designed for the vehicle rather than a traditional sit down restaurant which would promote further walkable activities into the adjacent shopping center.

According to the U.S. Department of Energy "Idling your vehicle—running your engine when you're not driving it—truly gets you nowhere. Idling reduces your vehicle's fuel economy, costs you money, and creates pollution."⁹ Idling for more than 10 seconds uses more fuel and produces more emissions that contribute to smog and climate change than stopping and restarting your engine does."¹⁰ According to the Journal of Civil and Environmental Engineering, "An Evaluation of the Effects of Drive-Through Configurations on Air Quality at Fast Food Restaurants" (Volume 6 • Issue 3 • 1000235), "Some local governments have adopted policies in this issue and launched anti-idling campaigns to help educate people about negative impacts of idling on the environment. Furthermore, there are growing debates about the environmental impact of drive-thrus and a few governmental agencies have been trying to eliminate and ban drive thrus. The USA Federal Highway Administration (FHWA) recommends turning off the vehicle engines in drive-thrus to reduce emissions and climate change. However, most people do not know that a vehicle that is idle at a drive-through facility and wait for a long period of time produces a

⁸ <https://www.montereypark.ca.gov/242/Climate-Action-Plan>

⁹ <https://www.epa.gov/greenvehicles/greenhouse-gas-emissions-typical-passenger-vehicle>

¹⁰ https://afdc.energy.gov/files/u/publication/idling_personal_vehicles.pdf

considerable amount of emission.”¹¹ The study indicated that “when two lanes had to merge into one single lane”, such as the proposed project, “the vehicles had to be idle for longer time” thus this project is creating higher levels of air pollution just by design. By design, this project already creates more air pollution as it is proposed with two drive through lanes which merge into one lane. With this configuration the vehicles visiting the site will idle longer thus creating more air pollution than one single lane. Furthermore, the vehicles idling in the alley way as they circulate the project looking for available parking, stuck in the drive through queuing lane or trying to exist the site will contribute to increased air pollution. Why would city staff support a project such as this, when there has been significant negative effects of vehicle emissions and drive through businesses?

Traffic impacts are clearly identified in the traffic report. The traffic report indicated that Atlantic Boulevard is congested in its existing condition. Atlantic Boulevard is developed with several shopping centers between Brightwood Street and Riggan Avenue. The East Los Angeles Community College campus is located one block west of Atlantic Boulevard between Riggan Avenue and Floral Avenue. The college’s five-story tall parking structure is located on the southwest corner of Collegian Avenue and Floral Avenue. This proposed project, along with the (nearby) existing fast food restaurants (McDonalds, Taco Bell and Carl’s Jr), the existing shopping centers and the nearby regional community college will clearly contribute to significant cumulative adverse traffic impacts which were not identified in the traffic report.

One such municipality, the City of Minneapolis, has adopted a ban on new drive through businesses aimed to reduce air pollution. Local publication, The Drive, details how Minneapolis won the battle against drive through companies in “City of Minneapolis Bans Drive-Thrus to Increase Safety and Reduce Pollution details the fight against fast food restaurant. Author, Chris Chin reports that “the decision is also a part of Minneapolis 2040, a plan to progressively improve citywide infrastructure and reduce traffic fatalities and curb vehicle air pollution”.¹²

Based on facts from the EPA and the USA Federal Highway Administration, the use of vehicles, directly contribute to air pollution. With the approximately 800 vehicles projected to serve this business daily it is anticipated that this business alone will generate its fair share of air pollution. Without a proper analysis of the emissions generated from this project, staff cannot simply “make a determination of no impact”. Without requiring the proper technical studies this project cannot be determined to not create significant adverse air quality impacts for my adjacent property and the adjacent residential and commercial properties. Thus, city staff and the city attorney has not fully analyzed the project according to CEQA guidelines.

Traffic impacts have been identified in the Traffic Report. The report states that trip generation projections indicate that the site will accommodate approximately 800 vehicles per day. Additionally, the report indicated that all intersections see a worsening in the existing levels of service (LOS). The existing McDonalds restaurant located on Floral Avenue and Collegian Avenue and the new In-n-Out and Chick Fil A restaurants located in the Market Place have over-flowing queuing (vehicle stacking) into the drive aisles and in the McDonald’s case, on to the street. The proposed project will create vehicle circulation issues that will impact the adjacent alley and Atlantic Boulevard. The project will most certainly create significant adverse traffic impacts.

¹¹ <https://www.hilarispublisher.com/open-access/an-evaluation-of-the-effects-of-drivethrough-configurations-on-airquality-at-fast-food-restaurants-2165-784X-1000235.pdf>

¹² <https://www.thedrive.com/news/29377/city-of-minneapolis-bans-drive-thrus-to-increase-safety-and-reduce-pollution>

The proposed primary use of the site is identified as a fast food restaurant (with no indoor customer seating) and dual drive lanes. However, when comparing the square footage of the building and the square footage of the drive thru lanes, it appears that the primary use of the site is actually “drive through” based on the submitted plans. The restaurant is lacking in customer amenities and the site in general is lacking basic elements that would benefit the neighborhood as exemplified by locating the only dining area directly adjacent to the drive aisle/overflow vehicle queuing lane/parking lot. The prepared findings for the positive recommendation of the Conditional Use Permit are false and misleading with regards to the project not creating adverse effecting on the general welfare of the community or neighborhood.

Resolution

Section 3 – Environmental Assessment fails to factually indicate that the proposed project does not meet all zoning regulations as set forth in MPMC Section 21.10.040(i) and 21.32020(B). Because the project does not meet all zoning code requirements, it does not qualify for a Class 32 categorical exemption determination. Without the proper technical studies which provide the actual facts related to impacts City staff, the City Attorney nor the Planning Commission can make a “no impact CEQA determination.” This project was improperly reviewed under CEQA guidelines. Therefore, a full environmental review should be conducted. Thus Section 3 states false claims.

Section 4 - Findings

This section provides two sets of findings, A and B.

Set A requires that the project **not** create unusual noise, traffic, or other conditions that may be objectionable, detrimental or incompatible with surrounding properties. The use, a drive through, is not a compatible land use adjacent to residential zoned properties. The drive through will certainly create significant adverse impacts that will directly affect the adjacent residential and commercial zoned properties. The project is required to meet all code requirements at the time of approval, and it shall not defer compliance with a future code amendment. As this project does not meet all of the findings listed in Set A, the use permit shall be **denied**.

Set B - The findings set forth in Set B are **subject to a future code amendment**. Such approval of a Conditional Use Permit shall not be subject to a future code amendment thus Set B findings should be eliminated entirely as they have no basis on current code requirements under this use permit request. Furthermore, City staff suggests that the Monterey Park residents will **not** wish to address the Planning Commission on these “future” text code changes specifically amendments that affect changes to drive through development standards. As required under MPMC the **future text code amendment** is subject to public review and comment as well as compliance with CEQA. It is anticipated that many residents, such as myself, will be quite interested in the new proposed language and wish to identify additional language to specifically address the adverse impacts of drive through businesses. Such as requiring a larger buffering distance between the use and nearby sensitive land uses, and additional site design criteria aimed to minimize adverse impacts. As these findings for the **future text amendments** have not been fully analyzed through a duly noticed public review process, Set B “Findings” should be **eliminated entirely** from the Resolution and should have no basis for the decision for this CUP request.

Section 6

Reliance on Record states “that each and every one of the findings and determinations are based on competent and substantial evidence. The findings and the determinations constitute the independent findings and determinations of the Planning Commission.” Without the required technical studies regarding true project impacts on traffic, air quality, noise, and water quality, the project has not been

fully analyzed under CEQA guidelines. A Class 32 Categorical Exemption cannot be legally determined by staff or be recommended to the Planning Commission when the project is deficient in code compliance at time of vote for the item. The traffic report identified true negative, adverse traffic impacts, and thus the project does not comply with code requirements and shall be denied.

Conditions

Condition 6 states that the applicant must comply with all applicable setback requirements set forth in the MPMC regulating drive throughs. Based on this condition, it is understood by city staff and the City Attorney are aware that that in its current state, the project does not comply with code requirements related to drive throughs. If the project fails to comply with code requirements, it shall be denied as a whole.

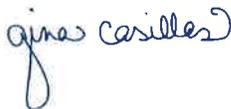
Condition 12 states that the drive-through speaker systems must not be audible above the daytime and nighttime ambient noise levels beyond the property boundaries. Based on industry standards, drive-through speaker systems exceed maximum noise thresholds and will not be able to comply as conditioned. A condition such as this has no merit and should be eliminated if the project cannot meet the minimum zoning code requirements it shall be denied as a whole.

Condition 13(g) requires that the drive-through component of the project must comply with MPMC Section 21.10.040(l)(9) which states that parking areas and the drive-through aisle and structure shall be set back from the ultimate curb face a minimum of twenty-five (25) feet. The proposed project fails to comply with this code section as the drive aisle is shown set back from the ultimate curb face a minimum of 15 feet. Based on the need for this condition, it is understood that staff, the City Attorney and the Planning Commission are aware that in its current state, the project does not comply with code requirements related to drive throughs and the project shall be denied.

Condition 26 requires the applicant to submit a traffic management plan to address the onsite traffic during peak operating hours, such as during the times that traffic will cause the drive-through queuing to over-flow onto the drive aisle and Atlantic Blvd and the adjacent properties that abut the alley. Placing a condition onto a project in such a way that it clearly concludes that traffic impacts will materialize for this proposed project. If City staff, the City Attorney and the Planning Commission knowingly understand that traffic impacts are forecasted for this proposed project then the Class 32 categorical exemption is not factual or warranted and a full environmental review is warranted by CEQA.

In conclusion, I oppose this project and request that the City Council overturn the Planning Commission's decision made on May 12, 2020 and deny this application in whole based on the project's deficiencies outlined in this letter and the lack of proper environmental impact evaluation related to noise, air quality, traffic.

Thank you,



ATTACHMENT 4

May 21, 2020

Subject: Appeal the City of Monterey Park Planning Commission Decision to approve Raising Canes Project, including Conditional Use Permit (CUP 19-13) – 1970 South Atlantic Boulevard

My name is Rafael O Casillas, a 29-year resident of Monterey Park and a registered civil engineer for the State of California (RE 68234). I have over 20 years of experience working performing Public Works and Engineering plan reviews for entitlements of new developments for municipalities. My experience has been in the Cities of South Pasadena, Duarte, Monrovia, Montebello, Santa Fe Springs and Paramount. I plan check developments to assure compliance with the City's standards and municipal code requirements. Therefore, as a resident of the City of Monterey Park, I am appealing the Planning Commission's decision to approve the project and granting Conditional Use Permit (CUP) 19-13.

The proposed development as designed will create adverse impacts to the adjacent Single-Family Residential and Shopping Center Land Uses, R1 and S-C respectively (M.P.MC 21.02.210 Zone Designations). The development is not consistent with the current Zoning Codes, General Plan Land Use Element, exceeds the building intensity, hours of operation, exceeds noise, traffic impacts and will significantly impact the quality of life to Monterey Park residents and generate a public nuisance(s). The development does not meet various legal requirements, such as the following MPMC standards and code requirements:

The proposed project does not meet the definition of a "restaurant", per Monterey Park Municipal Code (MPMC) Section 21.40.747. The project exceeds the gross floor area (1,500 s.f.) to be classified as a "retail eating establishment", MPMC Section 21.04.754. The outdoor dining/seating is only allowed as an accessory function to a restaurant; this project does not qualify for "outdoor dining/seating", MPMC Section 21.12.030 (G). Drive-through businesses shall comply to the MPMC Sections 21.04.336 and 21.10.040(I)(1). In addition, per MPMC 21.10.040(I)(11) drive-through restaurants are only permitted in S-C zoning with restaurant classification.

The proposed development does not comply with MPMC Section 21.32.020(A)(B) Conditional Use Permit requirements compatible with other existing and permitted uses located in the general area, the site is inadequate for the proposed development, deficient in required yards, walls, fences parking and loading facilities, landscaping, setbacks, lacks adequate alleyway width to provide quality of traffic generated by the proposed use, is not consistent with the General Plan, the project will create unusual noise, traffic and other conditions that are incompatible with surrounding properties, use will have an detrimental effect on the public health, safety and general welfare.

The project requires (condition 25) off-site improvements consisting of commercial driveways, sidewalks, concrete curbs, concrete gutters, alley pavement reconstruction and toe of slope improvements. Per the site plan (Kimley Horn, January 2020, Exhibit A), a setback variance is required for the development in order to meet the required twenty-six (26) parking back up distance (MPMC Section 21.22.380). The alley pavement width, along with the existing power poles along the alleyway, create a physical width of the alleyway that is less than eight-teen feet. The existing measurements are confirmed per my field measurements of the exiting alleyway, see Attachment A which includes two

photos of my measurements of the alleyway. Per MPMC Section 21.22.380 Appendix A – Off Street Parking Reequipments Part 5, the required ingress and egress width of parking facilities is minimum of clear width of twenty-four (24) feet with twelve-foot (12) travel lane widths. The narrow alleyway width will hinder proper traffic circulation.

Per the Traffic Impact Study (Kimley Horn, January 2020), *“For locations forecasted to operate worse than the acceptable Level of Service even without the project, the traffic assessment must include improvements to achieve acceptable Level of Service per the City’s standards.”* Condition 26 acknowledges that the project will generate traffic impacts at the site and spillover onto South Atlantic Boulevard and adjacent properties. Kimley Horn states, *“potential queue of vehicles at the intersection of Atlantic Boulevard and the alleyway.”* The traffic study estimates the project to generate over 800 vehicle trips on a daily basis to the site and neighborhood. The traffic study identifies Atlantic Boulevard at the alleyway operates below the City’s standard and fails to identify the project impacts to the northerly alleyway at Brightwood Avenue and Atlantic Blvd (easterly frontage road).

In addition, Brightwood Avenue between Atlantic Avenue and Bradshaw Avenue will at a minimum receive 10% of the traffic volumes (Kimley Horn, attachment C). Increased traffic volumes will increase traffic collisions to local streets. Per the Statewide Integrated Traffic Records System (SWITRS), Atlantic Boulevard from Brightwood Avenue to Floral Avenue experiences a high volume of traffic collisions from left-turn movements in and out of the businesses. A total of 115 traffic collisions occurred in a five-year period and left-turn traffic movements should be restricted from the development (see attachment B, SWITRS Traffic Collision Data which consists of true and correct data that I obtained from the California Highway Patrol Statewide Integrated Traffic Records System). From our home we have observed and heard many traffic collisions on Atlantic Blvd. south of Brightwood. The steep grades on Atlantic Blvd., sharp roadway curve at 1970 Atlantic Blvd. and left-turn movements in/out of the commercial business create an extremely hazardous condition for motorist driving on Atlantic Blvd., see attached SWITRS report.

The Kimley Horn, Appendix E, Drive-Through Queuing Analysis fails to compare similar locations to Monterey Park in Los Angeles County. The analysis utilizes locations in Orange and Riverside Counties with different project customer demographics. A que analysis from similar city demographics and within Los Angeles County, such as the Cities of Pico Rivera, Downey and Lakewood, will yield more accurate que length and time results to compare. The use of the further locations purposely minimizes the true impact to Monterey Park. In addition, as mentioned in the que study analysis the other locations include indoor dining as an option for customers *“to go into the building, rather than join the existing queue,”* and this is not a retail eating establishment. Appraisals performed outside of the immediate area will generate inaccurate comparisons.

The Kimley Horn traffic study is inconsistent with and fails to address the City of Monterey Park’s General Plan Circulation Element Goals and Policies 1.3 alternatives to reduce traffic loads and 2.6 establish and maintain a **Neighborhood Traffic Control Program**. In addition, the General Plan Circulation Element identified Atlantic Boulevard at Floral Drive and Atlantic Boulevard at Brightwood Street as “hot spots.” This designation requires ongoing efforts to improve traffic flow, **reduce non-local trips through residential neighborhoods** and best accommodate truck traffic. General Plan Circulation Element, “In particular, Atlantic Boulevard, Garvey Avenue and Garfield Avenue – the City’s three primary travel routes – experience Level of Service (LOS) conditions of E or F.” The project’s traffic study

clearly identifies significant impacts without providing proper mitigations. This project should be denied do to the fact that it does not meet the Goals established by the City Council.

The hours of operation (condition 11) should be modified to meet the applicable noise ordinances of the commercial and residential zones. The increased traffic circulation, engine idling, menu board loudspeakers, no interior protected public restrooms and outdoor dining will generate higher than allowed decibels. Thus, the business should be required to operate no later than 10:00 p.m. consistent with the noise ordinance of 50 decibels after 10:00 p.m.

The proposed site, 1970 S. Atlantic Blvd, has history of soil contamination as specified by Los Angeles County Public Works and State Water Quality Control Board (Concophillips Company #253627, Tosco/Unocal #30527, Unocal #3627 and LACO case no. 038358). The record information indicates underground storage tank removals and contamination detections in the soil as of 2006, such as contaminate MTBE. The potential of soil contamination will prohibit compliance with the National Pollutant Discharge Elimination System (NPDES) (condition 15) and failure to comply with the Low Impact Development (LID) requirements for on-site stormwater detention and best management practices. The property owner is currently storing 55-gallon drums on site with soil cuttings, see Attachment C, which a photograph of the project site with five (5) drums.

Resolution Section 4 Finding B.9 is technically a variance (MPMC 21.04.915) to grant a setback modification to the zoning requirements for the project that does not follow proper due process (MPMC 21.32.010). In addition, the project site plan clearly identifies the need of a variance for the required twenty-six foot backup setback along the perimetry on the alleyway. Granting of this variance/finding will grant special privilege to the applicant.

Per MPMC Section 21.22.210, the project requires the construction of a wall or fence due to every parking area abutting R-zoned property and must be separated from such property by a solid view-obscuring fence or wall six feet in height, but this project can not meet the reequipment because the alley is too narrow.

This project does not qualify for a California Environmental Quality Act Exemption Class 32. Attached is an independent traffic study review of the project performed by Mr. Jeffrey Lau, Licensed Traffic Engineer, to provide errors and omissions and additional guidance.

The project as submitted incomplete and inconsistent with the MPMC. The Planning Commission should deny this project in its entirety, including the Conditional Use Permit. If you have any questions, please contact me at (323) 803-0779 or via email at roc-engineer@earthlink.net.

Sincerely,



Rafael O. Casillas, PE
1937 S. Bradshaw Avenue
Monterey Park, CA 91754

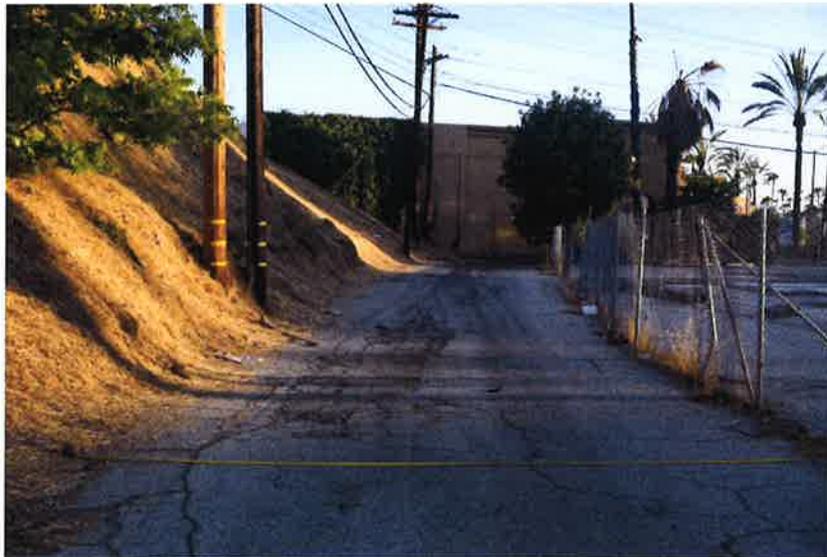
Attachments:

- A. Alleyway Field Measurement
- B. SWITRS Traffic Collision Report
- C. 55-Gallon Containers

Attachment A



17 – Feet to Edge of Pavement



Alleyway with Power Poles 18 – Feet Clear Distance

Attachment B

City of Monterey Park
 SWITRS 5 year Traffic Collisions
 Atlantic Blvd from Brightwood Avenue to Floral Avenue

No.	Primary Road	Secondary Road	Distance	Direction	Date	Time	Primary Collision Factor	Collision Type	Severity
1	ATLANTIC BLVD	BRIGHTWOOD ST	0	N/A	1/1/2014	3:22	STOP SGN/SIG	BROADSIDE	PDO
17	ATLANTIC BLVD	AVENIDA CESAR CHAVEZ	55	N	1/8/2014	15:23	STOP SGN/SIG	SIDESWIPE	PDO
2	ATLANTIC BLVD	BRIGHTWOOD ST	0	N/A	1/17/2014	19:40	R-O-W AUTO	BROADSIDE	PDO
6	ATLANTIC BLVD	BRIGHTWOOD ST	22	N/A	1/27/2014	9:23	UNSAFE SPEED	REAR END	PDO
54	ATLANTIC BLVD	BRIGHTWOOD ST	203	S	1/30/2014	13:14	IMPROP TURN	SIDESWIPE	PDO
53	ATLANTIC BLVD	BRIGHTWOOD ST	186	S	2/12/2014	22:02	IMPROP TURN	SIDESWIPE	PDO
19	RIGGIN ST	ATLANTIC BLVD	93	E	2/17/2014	19:31	STRNG/BCKNG	AUTO/PED	INJURY
8	ATLANTIC BLVD	FLORAL DR	127	N	2/19/2014	16:24	UNSAFE SPEED	REAR END	PDO
15	ATLANTIC BLVD	AVENIDA CESAR CHAVEZ	129	N	3/4/2014	12:54	IMPROP TURN	SIDESWIPE	PDO
9	ATLANTIC BLVD	FLORAL DR	0	N/A	4/25/2014	22:51	R-O-W PED	AUTO/PED	INJURY
56	ATLANTIC BLVD	FLORAL DR	215	N	5/7/2014	13:14	UNSAFE SPEED	REAR END	INJURY
7	ATLANTIC BLVD	BRIGHTWOOD ST	0	N/A	5/15/2014	9:55	STOP SGN/SIG	BROADSIDE	INJURY
10	ATLANTIC BLVD	FLORAL DR	83	W	5/25/2014	23:33	UNSAFE SPEED	REAR END	PDO
59	ATLANTIC BLVD	AVENIDA CESAR CHAVEZ	1000	N	6/1/2014	17:15	R-O-W PED	AUTO/PED	INJURY
57	ATLANTIC BLVD	FLORAL DR	519	N	6/22/2014	3:46	DRVR ALC/DRG	HEAD-ON	INJURY
18	AVENIDA CESAR CHAVEZ	ATLANTIC BLVD	126	W	7/3/2014	11:56	UNSAFE SPEED	REAR END	PDO
3	ATLANTIC BLVD	BRIGHTWOOD ST	0	N/A	7/24/2014	15:28	R-O-W AUTO	HEAD-ON	INJURY
58	ATLANTIC BLVD	FLORAL DR	246	N	8/8/2014	16:14	OTHER HAZ	BROADSIDE	INJURY
4	ATLANTIC BLVD	BRIGHTWOOD ST	0	N/A	10/27/2014	11:45	UNSAFE SPEED	REAR END	INJURY
5	ATLANTIC BLVD	BRIGHTWOOD ST	62	N	11/1/2014	3:10	UNSAFE SPEED	REAR END	PDO
11	ATLANTIC BLVD	FLORAL DR	0	N/A	11/6/2014	7:30	LANE CHANGE	SIDESWIPE	INJURY
14	FLORAL DR	ATLANTIC BLVD	12	W	11/6/2014	15:48	R-O-W PED	HEAD-ON	INJURY
55	ATLANTIC BLVD	BRIGHTWOOD ST	563	S	11/10/2014	9:05	UNSAFE SPEED	REAR END	PDO
12	ATLANTIC BLVD	FLORAL DR	83	N	11/18/2014	15:25	UNSAFE SPEED	REAR END	INJURY
20	ATLANTIC BLVD	RIGGIN ST	20	S	12/4/2014	15:55	UNSAFE SPEED	REAR END	PDO
13	ATLANTIC BLVD	FLORAL DR	34	N	12/11/2014	2:00	UNSAFE SPEED	REAR END	INJURY
16	ATLANTIC BLVD	AVENIDA CESAR CHAVEZ	143	S	12/29/2014	15:18	IMPROP TURN	SIDESWIPE	PDO
21	ATLANTIC BLVD	BRIGHTWOOD ST	129	S	1/12/2015	21:37	UNSAFE SPEED	REAR END	INJURY
23	ATLANTIC BLVD	BRIGHTWOOD ST	0	N/A	2/2/2015	14:04	UNSAFE SPEED	OTHER	INJURY
31	AVENIDA CESAR CHAVEZ	ATLANTIC BLVD	33	N	2/10/2015	11:02	STRNG/BCKNG	REAR END	PDO
24	ATLANTIC BLVD	BRIGHTWOOD ST	144	N	2/16/2015	20:21	UNSAFE SPEED	REAR END	PDO
32	ATLANTIC BLVD	RIGGIN ST	98	N	2/28/2015	18:55	UNSAFE SPEED	REAR END	INJURY
62	ATLANTIC BLVD	BRIGHTWOOD ST	187	S	3/27/2015	21:41	IMPROP TURN	HIT OBJECT	PDO
60	ATLANTIC BLVD	BRIGHTWOOD ST	433	S	5/8/2015	12:42	UNSAFE SPEED	REAR END	PDO
61	ATLANTIC BLVD	BRIGHTWOOD ST	492	S	6/1/2015	18:53	R-O-W AUTO	BROADSIDE	INJURY
26	ATLANTIC BLVD	FLORAL DR	20	N	7/2/2015	13:15	TOO CLOSE	REAR END	PDO
28	FLORAL DR	ATLANTIC BLVD	129	W	7/8/2015	17:16	STRNG/BCKNG	BROADSIDE	PDO
33	ATLANTIC BLVD	RIGGIN ST	28	N	7/15/2015	11:39	UNSAFE SPEED	BROADSIDE	PDO
22	ATLANTIC BLVD	BRIGHTWOOD ST	0	N/A	9/7/2015	12:30	NOT STATED	BROADSIDE	PDO
34	RIGGIN ST	ATLANTIC BLVD	0	E	10/1/2015	11:21	R-O-W AUTO	BROADSIDE	PDO
30	AVENIDA CESAR CHAVEZ	ATLANTIC BLVD	13	W	10/16/2015	14:54	UNKNOWN	AUTO/PED	INJURY
63	ATLANTIC BLVD	FLORAL DR	1000	S	10/21/2015	18:36	IMPROP TURN	BROADSIDE	INJURY
29	ATLANTIC BLVD	AVENIDA CESAR CHAVEZ	80	S	11/23/2015	16:13	IMPROP TURN	SIDESWIPE	PDO
25	ATLANTIC BLVD	BRIGHTWOOD ST	0	N/A	12/7/2015	11:39	STOP SGN/SIG	BROADSIDE	PDO
27	ATLANTIC BLVD	FLORAL DR	47	S	12/13/2015	15:06	LANE CHANGE	SIDESWIPE	PDO
35	ATLANTIC BLVD	RIGGIN ST	0	N/A	12/23/2015	16:03	LANE CHANGE	SIDESWIPE	PDO
37	ATLANTIC BLVD	FLORAL DR	150	S	1/5/2016	14:35	UNSAFE SPEED	REAR END	INJURY
65	ATLANTIC BLVD	FLORAL DR	268	S	2/5/2016	16:22	UNSAFE SPEED	REAR END	PDO
43	ATLANTIC BLVD	AVENIDA CESAR CHAVEZ	67	N	2/14/2016	20:16	NOT DRIVER	BROADSIDE	PDO
64	ATLANTIC BLVD	BRIGHTWOOD ST	183	S	3/1/2016	13:24	WRONG SIDE	HIT OBJECT	PDO
38	ATLANTIC BLVD	FLORAL DR	50	S	3/23/2016	16:48	IMPROP TURN	SIDESWIPE	PDO
39	ATLANTIC BLVD	FLORAL DR	60	N	5/3/2016	7:59	UNSAFE SPEED	SIDESWIPE	PDO
50	RIGGIN ST	ATLANTIC BLVD	130	E	5/18/2016	10:36	LANE CHANGE	SIDESWIPE	PDO
48	ATLANTIC BLVD	AVENIDA CESAR CHAVEZ	515	N	5/24/2016	17:12	STOP SGN/SIG	BROADSIDE	INJURY
41	ATLANTIC BLVD	FLORAL DR	100	S	6/28/2016	9:59	IMPROP TURN	SIDESWIPE	PDO
49	ATLANTIC BLVD	RIGGIN ST	20	S	7/4/2016	17:47	UNKNOWN	REAR END	PDO

City of Monterey Park
 SWITRS 5 year Traffic Collisions
 Atlantic Blvd from Brightwood Avenue to Floral Avenue

36	ATLANTIC BLVD	BRIGHTWOOD ST	50 S	7/24/2016	20:30	UNSAFE SPEED	OTHER	INJURY
44	ATLANTIC BLVD	AVENIDA CESAR CHAVEZ	112 S	8/3/2016	10:20	UNSAFE SPEED	REAR END	PDO
45	ATLANTIC BLVD	AVENIDA CESAR CHAVEZ	40 N	8/19/2016	23:48	DRVR ALC/DRG	REAR END	PDO
52	ATLANTIC BLVD	RIGGIN ST	600 N	10/7/2016	8:24	IMPROP TURN	SIDESWIPE	PDO
51	RIGGIN ST	ATLANTIC BLVD	98 E	10/10/2016	14:54	IMPROP TURN	SIDESWIPE	PDO
47	ATLANTIC BLVD	AVENIDA CESAR CHAVEZ	155 N	11/21/2016	13:52	UNKNOWN	REAR END	INJURY
46	ATLANTIC BLVD	AVENIDA CESAR CHAVEZ	150 N	12/12/2016	14:29	UNSAFE SPEED	REAR END	PDO
40	ATLANTIC BLVD	FLORAL DR	0 N/A	12/14/2016	19:31	R-O-W AUTO	BROADSIDE	PDO
42	ATLANTIC BLVD	FLORAL DR	28 S	12/15/2016	10:54	IMPROP TURN	SIDESWIPE	PDO
88	ATLANTIC BLVD	AVENIDA CESAR CHAVEZ	10 S	1/5/2017	12:45	WRONG SIDE	BROADSIDE	INJURY
78	ATLANTIC BLVD	FLORAL DR	0 N/A	1/23/2017	8:45	NOT STATED	HEAD-ON	PDO
89	ATLANTIC BLVD	AVENIDA CESAR CHAVEZ	0 N/A	1/30/2017	16:43	UNSAFE SPEED	SIDESWIPE	PDO
93	AVENIDA CESAR CHAVEZ	ATLANTIC BLVD	108 W	2/9/2017	23:12	UNSAFE SPEED	REAR END	PDO
83	ATLANTIC BLVD	FLORAL DR	0 N/A	2/17/2017	20:27	STOP SGN/SIG	BROADSIDE	PDO
90	ATLANTIC BLVD	AVENIDA CESAR CHAVEZ	12 N	3/7/2017	20:10	IMPROP TURN	AUTO/PED	INJURY
67	ATLANTIC BLVD	BRIGHTWOOD ST	0 N/A	3/22/2017	11:16	STOP SGN/SIG	BROADSIDE	INJURY
94	AVENIDA CESAR CHAVEZ	ATLANTIC BLVD	23 W	4/7/2017	16:58	STRTNG/BCKNG	REAR END	PDO
68	ATLANTIC BLVD	BRIGHTWOOD ST	300 S	4/24/2017	14:37	R-O-W AUTO	BROADSIDE	PDO
95	ATLANTIC BLVD	AVENIDA CESAR CHAVEZ	151 N	4/26/2017	13:46	R-O-W AUTO	BROADSIDE	PDO
69	ATLANTIC BLVD	BRIGHTWOOD ST	15 N	5/22/2017	22:37	UNSAFE SPEED	REAR END	INJURY
70	ATLANTIC BLVD	BRIGHTWOOD ST	32 N	5/24/2017	17:57	UNSAFE SPEED	REAR END	INJURY
71	ATLANTIC BLVD	BRIGHTWOOD ST	67 S	6/3/2017	15:42	UNSAFE SPEED	REAR END	PDO
72	ATLANTIC BLVD	BRIGHTWOOD ST	240 S	6/13/2017	19:26	IMPROP TURN	HEAD-ON	INJURY
82	FLORAL DR	ATLANTIC BLVD	90 W	6/22/2017	19:03	WRONG SIDE	SIDESWIPE	PDO
79	ATLANTIC BLVD	FLORAL DR	0 N/A	6/24/2017	22:05	UNSAFE SPEED	REAR END	PDO
84	ATLANTIC BLVD	FLORAL DR	40 N	6/26/2017	12:03	UNSAFE SPEED	REAR END	PDO
96	ATLANTIC BLVD	AVENIDA CESAR CHAVEZ	109 S	7/21/2017	19:23	IMPROP TURN	OVERTURNED	PDO
73	ATLANTIC BLVD	BRIGHTWOOD ST	42 S	7/28/2017	20:31	STRTNG/BCKNG	REAR END	INJURY
74	BRIGHTWOOD ST	ATLANTIC BLVD	3 N	8/7/2017	10:33	UNSAFE SPEED	OTHER	INJURY
80	ATLANTIC BLVD	FLORAL DR	627 N	8/14/2017	17:49	R-O-W AUTO	SIDESWIPE	INJURY
75	BRIGHTWOOD ST	ATLANTIC BLVD	150 W	8/25/2017	17:02	UNSAFE SPEED	REAR END	PDO
81	ATLANTIC BLVD	FLORAL DR	0 N/A	8/27/2017	16:08	STOP SGN/SIG	BROADSIDE	INJURY
85	ATLANTIC BLVD	FLORAL DR	60 S	9/11/2017	16:12	OTHER IMPROP DRV	BROADSIDE	INJURY
86	ATLANTIC BLVD	FLORAL DR	544 S	9/12/2017	11:51	UNKNOWN	BROADSIDE	INJURY
87	FLORAL DR	ATLANTIC BLVD	100 W	9/29/2017	15:19	IMPROP TURN	SIDESWIPE	PDO
97	ATLANTIC BLVD	AVENIDA CESAR CHAVEZ	35 N	10/3/2017	15:19	UNSAFE SPEED	REAR END	INJURY
91	ATLANTIC BLVD	AVENIDA CESAR CHAVEZ	30 S	10/27/2017	14:01	IMPROP TURN	SIDESWIPE	PDO
66	ATLANTIC BLVD	BRIGHTWOOD ST	0 N/A	11/15/2017	15:14	UNSAFE SPEED	REAR END	PDO
76	BRIGHTWOOD ST	ATLANTIC BLVD	10 E	11/23/2017	12:55	STRTNG/BCKNG	REAR END	INJURY
92	ATLANTIC BLVD	AVENIDA CESAR CHAVEZ	144 N	12/9/2017	12:07	R-O-W AUTO	REAR END	PDO
77	ATLANTIC BLVD	BRIGHTWOOD ST	243 S	12/21/2017	13:36	UNSAFE SPEED	REAR END	PDO
105	ATLANTIC BLVD	FLORAL DR	358 N	1/2/2018	11:20	R-O-W AUTO	BROADSIDE	PDO
114	RIGGIN ST	ATLANTIC BLVD	50 E	1/8/2018	11:13	IMPROP TURN	SIDESWIPE	PDO
104	FLORAL DR	ATLANTIC BLVD	132 W	2/14/2018	9:49	IMPROP TURN	SIDESWIPE	PDO
100	ATLANTIC BLVD	FLORAL DR	261 S	2/15/2018	18:50	STRTNG/BCKNG	REAR END	PDO
107	ATLANTIC BLVD	AVENIDA CESAR CHAVEZ	40 S	3/4/2018	10:02	IMPROP TURN	SIDESWIPE	PDO
98	ATLANTIC BLVD	BRIGHTWOOD ST	0 N/A	3/11/2018	11:14	STOP SGN/SIG	BROADSIDE	INJURY
110	ATLANTIC BLVD	AVENIDA CESAR CHAVEZ	0 N/A	4/14/2018	8:35	R-O-W AUTO	BROADSIDE	INJURY
101	ATLANTIC BLVD	FLORAL DR	0 N/A	5/10/2018	10:18	IMPROP TURN	SIDESWIPE	PDO
111	ATLANTIC BLVD	AVENIDA CESAR CHAVEZ	0 N/A	5/17/2018	11:35	IMPROP TURN	HEAD-ON	PDO
102	ATLANTIC BLVD	FLORAL DR	0 N/A	6/20/2018	8:25	UNKNOWN	BROADSIDE	INJURY
113	ATLANTIC BLVD	RIGGIN ST	506 N	8/3/2018	19:15	R-O-W AUTO	BROADSIDE	INJURY
103	ATLANTIC BLVD	FLORAL DR	8 N	8/20/2018	14:32	UNSAFE SPEED	REAR END	PDO
99	ATLANTIC BLVD	BRIGHTWOOD ST	550 S	8/23/2018	18:20	WRONG SIDE	BROADSIDE	INJURY
109	AVENIDA CESAR CHAVEZ	ATLANTIC BLVD	46 W	9/12/2018	21:00	UNSAFE SPEED	REAR END	PDO
115	RIGGIN ST	ATLANTIC BLVD	42 E	9/14/2018	13:01	STRTNG/BCKNG	REAR END	PDO
112	ATLANTIC BLVD	AVENIDA CESAR CHAVEZ	22 N	11/29/2018	14:52	UNSAFE SPEED	REAR END	INJURY
108	ATLANTIC BLVD	AVENIDA CESAR CHAVEZ	0 N	12/7/2018	16:08	UNSAFE SPEED	REAR END	PDO
106	ATLANTIC BLVD	FLORAL DR	640 S	12/21/2018	15:51	IMPROP TURN	SIDESWIPE	PDO

Attachment C



On-Site 55-Gallon Drums

ATTACHMENT 2

Planning Commission staff report, dated May 12, 2020



Planning Commission Staff Report

DATE: May 12, 2020

AGENDA ITEM NO: 4-A

TO: The Planning Commission
FROM: Mark A. McAvoy, Director of Public Works/City Engineer/City Planner
SUBJECT: A Public Hearing to consider a Conditional Use Permit (CU-19-13) for the construction of a new retail eating establishment with a drive-through at 1970 South Atlantic Boulevard.

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) Adopting the Resolution approving a Conditional Use Permit (CU-19-13), subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15332 as a Class 32 categorical exemption (In-Fill Development Projects). The Project consists of the construction of a new retail eating establishment with a drive-through. The Project will not result in any significant effects relating to traffic, noise, air quality, or water quality. The property is designated Commercial in the General Plan Land Use Element. The Project will take place within City limits on a site of not more than five acres substantially surrounded by urban uses. The site has no value as habitat for endangered, rare or threatened species; and can be adequately served by all required utilities and public services.

EXECUTIVE SUMMARY:

On March 10, 2020, the Planning Commission considered the Applicant's proposal for constructing and operating a new retail eating establishment with a drive-through. Pursuant to Monterey Park Municipal Code ("MPMC") § 21.10.040(I), a drive-through is a conditionally permitted use. Consequently, a CUP is required for the project. During the meeting, the Planning Commission failed to adopt a resolution approving the CUP on a 2-1 vote.

Since the March 10th meeting, the City has been essentially shut down because of the COVID-19 Pandemic. While the Applicant appealed the Planning Commission's decision to the City Council, all public meetings were cancelled other than as needed for

emergency operations or essential actions (e.g., the certification of elections on April 1, 2020).

To ensure that the Applicant's – and public's – right to a fair hearing were preserved, the City Manager tolled all time periods during the local emergency. As a result, the Applicant requested that the Planning Commission – which is now also comprised of new Commissioners – conduct a new public hearing regarding its application. Accordingly, the matter was noticed for May 12, 2020.

BACKGROUND AND ANALYSIS:

Applicant, Raising Cane's, seeks a conditional use permit to operate a new retail eating establishment with a drive-through at 1970 South Atlantic Boulevard. The property is zoned S-C (Shopping Center) and designated Commercial (C) in the General Plan.

A three-member quorum of the Planning Commission considered the matter on March 10, 2020. While a majority of the quorum voted to approve the CUP, three affirmative votes were required to adopt the resolution (see, e.g., Government Code § 36936) approving a land-use decision. Ordinarily, and in accordance with the MPMC, a written resolution denying the project would have been brought back to the Planning Commission for approval on or before April 19, 2020.¹

However, on March 11, 2020, a local emergency was declared in Monterey Park due to the COVID-19 Pandemic; this emergency was confirmed by the City Council on March 18, 2020 by Resolution No. 12142. Part of that emergency included the cancellation of all non-essential public meetings until further notice. On March 12, 2020, the Applicant filed an appeal with the City Clerk. While the Planning Commission had not yet adopted a written resolution of denial, the City processed the appeal and tentatively scheduled the matter for the April 15, 2020 City Council meeting.

On March 16, 2020, however, the City Manager cancelled all public events through the end of May; this action was confirmed by the City Council via Resolution No. 12151 on April 15, 2020. Under these extraordinary circumstances, and based upon the ongoing local emergency, the City Planner determined (with the City Manager's concurrence) that the time periods for a Planning Commission decision – and potential appeal – should be tolled.

On April 10, 2020, the City informed the Applicant that it would need to supplement its March 11th appeal to the City Council or request that the Planning Commission consider the matter at a new public hearing. The Applicant chose a new public hearing.

Ordinarily, all time periods would have now expired; for instance, the Planning Commission was to have rendered a decision by April 19, 2020, and an appeal from that decision would need to have been filed not later than April 29, 2020.² However, due to the COVID-19 pandemic, the Planning Commission was precluded from adopting a

¹ See MPMC § 21.32.100

² See MPMC §§ 21.32.100, 1.10.010 and 1.10.020

resolution of denial based upon its March 10th meeting. Additionally, the City Council meetings of April 1st, April 7th, and April 15th, were consumed by emergency-related COVID-19 matters and essential actions (e.g., the April 1st meeting certifying election results and empaneling a new City Council). Additionally, new Planning Commissioners were appointed as a result of the new City Council (the last being appointed on May 7, 2020).

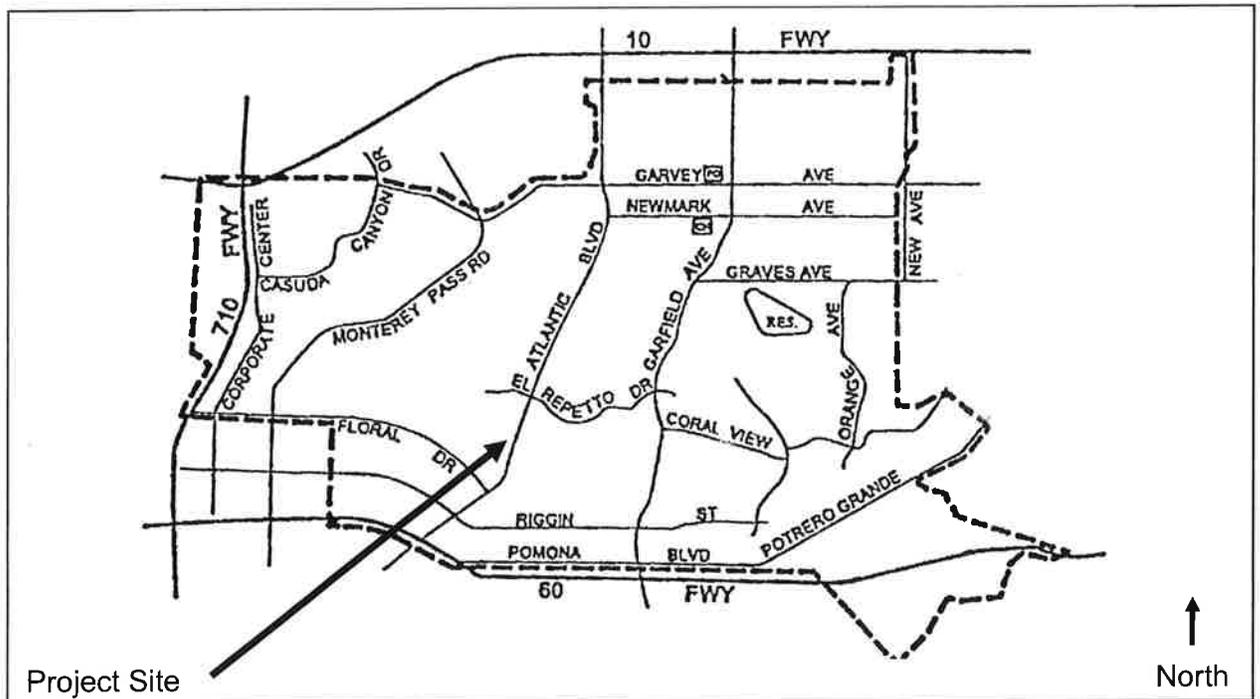
In light of all the circumstances, it seems that due process and good sense justifies this matter being again considered by the Planning Commission.

OTHER ITEMS:

Legal Notification

The legal notice of this hearing was posted at the subject site, City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **April 29, 2020**, with affidavits of posting on file. The legal notice of this hearing was mailed to **137** property owners within a 300 feet radius and current tenants of the property concerned on **April 29, 2020**.

Vicinity Map



Aerial Map



ALTERNATIVE COMMISSION CONSIDERATIONS:

None

FISCAL IMPACT:

There may be an increase in sales tax revenue and business license tax revenue. Calculations of the exact amount would be speculative.

Respectfully submitted,

Mark A. McAvoy
Director of Public Works/
City Engineer/City Planner

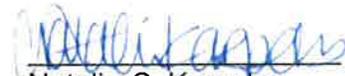
Staff Report
May 12, 2020
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Prepared by:



Samantha Tewasart
Senior Planner

Reviewed by:



Natalie C. Karpeles
Deputy City Attorney

Attachments:

- Attachment 1: Draft Resolution
- Attachment 2: Site, floor, elevation plans
- Attachment 3: Traffic Study December 2019
- Attachment 4: Planning Commission Staff Report dated March 10, 2020
- Attachment 5: Planning Commission Minutes dated March 10, 2020

ATTACHMENT 1

Draft Resolution

RESOLUTION NO.

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CUP-19-13) TO ALLOW THE CONSTRUCTION OF A NEW RETAIL EATING ESTABLISHMENT WITH A DRIVE-THROUGH AT 1970 SOUTH ATLANTIC BOULEVARD.

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

SECTION 1: The Planning Commission finds and declares that:

- A. On December 5, 2019, Ruben Gonzales of PM Design Group, Inc. submitted an application on behalf Raising Cane's ("Applicant") seeking a conditional use permit (CU-19-13) to allow operation of a new retail eating establishment with a drive-through ("Project");
- B. The Project was reviewed by the City Planner for, in part, consistency with the General Plan and conformity with the Monterey Park Municipal Code ("MPMC");
- C. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines");
- D. The City Planner completed review and scheduled a public hearing regarding the Project before the Planning Commission for March 10, 2020. Notice of the public hearing was posted and mailed as required by the MPMC;
- E. On March 10, 2020, the Planning Commission opened the 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, and representatives of the Applicant. At the conclusion of the March 10, 2020 meeting, the motion to adopt the Resolution approving the CUP failed. On March 12, 2020, the Applicant filed a request for an appeal before the City Council with the City Clerk;
- F. On March 16, 2020 the City Manager cancelled all public events through the end of May; this action was confirmed by the City Council via Resolution No. 12151. Relatedly, based upon the ongoing local emergency, the City Planner determined (with the City Manager's concurrence) that the time periods for a Planning Commission decision – and potential appeal – should be tolled;
- G. On or about April 10, 2020, the Applicant withdrew its request for an appeal and elected to have a new public hearing before the Planning Commission. However, as a result of the new City Council, new Planning Commissioners were appointed; the last new Planning Commissioner was not appointed until May 7, 2020;
- H. In light of the circumstances, due process and good sense justifies this matter being again considered by the Planning Commission;

**PLANNING COMMISSION
RESOLUTION NO.
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- I. The City Planner completed review and scheduled a public hearing regarding the Project before the Planning Commission for May 12, 2020. Notice of the public hearing was posted and mailed as required by the MPMC;
- J. On May 12, 2020, the Planning Commission opened the 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, and representatives of the Applicant; and
- K. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its March 10, 2020 and May 12, 2020 public hearing including, without limitation, the staff report submitted by the City Planner.

SECTION 2: Factual findings and Conclusions. The Planning Commission finds that the following facts exist and makes the following conclusions:

- A. 1970 South Atlantic Boulevard is located on the east side of South Atlantic Boulevard, between Brightwood Street and Floral Drive ("Project Site"). It is designated Commercial (C) in the Monterey Park General Plan. The Project Site is currently vacant. The Project proposes constructing a new retail eating establishment with a drive-through. According to MPMC §§ 21.10.040(I) and 21.32.020(B), a drive-through may be permitted via a conditional use permit and the limitations or special standards described in MPMC § 21.10.040(I).
- B. The Project Site is comprised of three consolidated parcels totaling 17,863 square feet (0.41 acres) in size. The proposed building area will be 1,790 square feet, which equates to 10 percent of the lot area. The Applicant's proposed business operating will be Sunday through Thursday from 9:00 a.m. to 1:00 a.m. and Friday through Saturday from 9:00 a.m. to 3:30 a.m. The MPMC require properties to be adequately maintained and condition numbers 40 and 45 are included to address security concerns. The proposed retail eating establishment will have a walk-up window; no indoor seating; a drive-through aisle; and a covered outdoor seating area. The proposed retail eating establishment will be designed to screen all service areas, restrooms and mechanical equipment; landscaping will be provided to screen the drive-through driveway aisle. The menu boards will be not more than 30 square feet and seven feet high and will face away from the street.
- C. The Project will provide 18 parking spaces. The Project will maintain the existing driveway cut accessible from South Atlantic Boulevard and the existing alleyway along the eastern and southern property lines. The drive-through aisles will be a minimum of 12-feet wide on the curve and 11-feet wide on the straight sections; they will also be intersected by a clearly-visible pedestrian walkway. The Project does not include any off-site roadway improvements and minimal site-adjacent improvements/repairs are anticipated. The drive-through aisle will be made of concrete and will be constructed to accommodate a minimum of eight cars.

**PLANNING COMMISSION
RESOLUTION NO.
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- D. Properties located to the north and south of the Project Site include other one-story commercial buildings; west are South Atlantic Boulevard (a principal arterial street) and one-story commercial buildings; and east is an alleyway and single-family dwellings located at the top of hillside properties. The properties located to the north, south and west of the subject property are zoned S-C (Shopping Center) and those to the east are zoned R-1 (Single-Family Residential).
- E. A Traffic Impact Analysis dated December 2019 was prepared for the proposed Project. That Analysis showed that the proposed Project is forecast to result in no significant traffic impacts at the study intersections.
- F. The Project is located within a commercial area of the City that contains no environmentally sensitive habitat and/or species. There are no identified physical constraints such as soil and/or geologic conditions indicating substrate instability that would prohibit development of the proposed Project. The Project Site has no value as habitat for endangered, rare or threatened species; the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services.

SECTION 3: Environmental Assessment. Because of the facts identified in Section 2 of this Resolution, the Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15332 as a Class 32 categorical exemption (In-Fill Development Projects) because the Project site is located in an urban area and is an in-fill development. Construction of the proposed retail eating establishment with a drive-through will take place entirely upon the Project Site. The Project is proposed within City limits on a site of no more than five acres substantially surrounded by urban uses; the Project Site has no value as habitat for endangered, rare or threatened species; the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and the Project Site can be adequately served by all required utilities and public services. It can be seen with certainty that no special circumstances exist that would create a reasonable possibility that the proposed Project will have a significant adverse effect on the environment.

SECTION 4: Conditional Use Permit Findings. Based upon the findings in Section 2, the Planning Commission finds as follows pursuant to MPMC §§ 21.10.040(I) and 21.32.020(B):

- A. The Project complies with all MPMC requirements for a CUP.
 - 1. The project site is adequate in size, shape and topography for the proposed Project;
 - 2. The site has sufficient access to streets and highways and is adequate in width and pavement type;

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PAGE 4 OF 6**

3. The proposed use is consistent with the General Plan, specifically Goal 5.0 and Policy 5.1. 4;
 4. The Project will not have an adverse effect on the use, enjoyment or valuation of property in the neighborhood;
 5. The proposed Project will not have an adverse effect on the public health, safety and general welfare; and
 6. The use is properly one authorized by conditional use permit pursuant to the MPMC.
- B. As conditioned by this Resolution and after an amendment to the MPMC, the proposed drive-through complies with all requirements set forth for a conditional use permit pursuant to MPMC § 21.10.040(l):
1. The drive-through is an accessory to a proposed restaurant or commercial business;
 2. The proposed location of the drive-through is designated commercial in the City's General Plan and is not located in any area designated as MU-I in the General Plan Land Use Map;
 3. The pedestrian walkways will have clear visibility and will be emphasized by striping;
 4. The drive-through aisle will be 12-foot width on curves and a minimum 11-foot width on straight sections;
 5. The drive-through aisles will provide sufficient stacking area behind the menu boards to accommodate a minimum of six cars;
 6. All service areas, restrooms and ground-mounted and roof-mounted mechanical equipment will be screened from view;
 7. The proposed landscaping will screen drive-through or drive-in aisles from the public right-of-way and will be used to minimize the visual impact of reader board signs and directional signs;
 8. The drive-through aisles will be constructed with concrete;
 9. Following an amendment to the MPMC as required by Condition No. 6 in attached Exhibit A, the structure will be set back from the ultimate curb face a

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PAGE 5 OF 6**

minimum of 28 feet, and the parking areas and drive-through aisles will be set back from the ultimate curb face a minimum of 15 feet.

10. The menu boards will be no more than 30 square feet and seven feet high, and will face away from the street;
11. No drive-through aisles will exit directly onto a public right-of-way; and
12. The architectural style of the drive-through will be consistent with the theme established in the vicinity and provide compatibility with surrounding uses in form, materials, colors and scale, among other things.

SECTION 5: Approval. Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the Planning Commission approves Conditional Use Permit (CU-19-13). Pursuant to Condition No. 6, the City may not issue a certificate of occupancy for the Project until the MPMC is amended to allow the setbacks proposed by the Project.

SECTION 6: Reliance on Record. Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 7: 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 8: 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 9: 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.

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PAGE 6 OF 6**

SECTION 10: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 11: A copy of this Resolution will be mailed to the Applicant and to any other person requesting a copy.

SECTION 12: This Resolution may be appealed within ten (10) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

SECTION 13: Except as provided in Section 12, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

ADOPTED AND APPROVED this 12th day of May 2020.

Chairperson Eric Brossy de Dios

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 12th day of May 2020, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Mark A. McAvoy, Secretary

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By:



Natalie C. Karpeles,
Deputy City Attorney

RESOLUTION NO.

Exhibit A

CONDITIONS OF APPROVAL

1970 SOUTH ATLANTIC BOULEVARD

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Raising Cane's agrees that it will comply with the following conditions for the City of Monterey Park's approval of Conditional Use Permit (CU-19-13) ("Project Conditions").

PLANNING:

1. Raising Cane's ("Applicant") 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 CU-19-13 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 CU-19-13, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. This approval is for the project as shown on the plans reviewed and approved by the Planning Commission and dated March 2, 2020. Before the City issues a building permit, the Applicant must submit building plans showing that the project substantially complies with the plans referenced in this Resolution. Any subsequent modification must be referred to the City Planner for a determination regarding the need for Planning Commission review and approval of the proposed modification.
3. The conditional use permit expires 12 months after its approval if the use has not commenced or if improvements are required, but construction has not commenced under a valid building permit. A single one-year extension may be granted by the Planning Commission upon finding of good cause.
4. All conditions of approval must be listed on the plans submitted for plan check and on the plans for which a building permit is issued.
5. Before building permits are issued, the applicant must obtain all the necessary approvals, licenses and permits and pay all the appropriate fees as required by the City.
6. Before the City issues a certificate of occupancy, the Applicant must comply with all applicable setback requirements set forth in the MPMC regulating drive-throughs.

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7. The real property subject to CU-19-13 must remain well-maintained and free of graffiti.
8. Building permits are required for any interior tenant improvements.
9. Landscaping/irrigation must be maintained in good condition at all times.
10. Landscaping for the project must be designed to comply with the MPMC's regulations governing efficient landscaping.
11. The business hours of operation will be Sunday through Thursday from 9:00 a.m. to 1:00 a.m. and Friday through Saturday from 9:00 a.m. to 3:30 a.m.
12. The drive-through speaker systems must not be audible above the daytime and nighttime ambient noise levels beyond the property boundaries.
13. The drive-through component of the Project must comply with MPMC § 21.10.040(I). Specifically:
 - a. Any pedestrian walkways either will not intersect the drive-through drive aisles or, if they do, will have clear visibility and will be emphasized by enriched paving or striping;
 - b. The drive-through aisles must have a minimum 12-foot width on curves and a minimum 11-foot width on straight sections;
 - c. The drive-through aisles must provide sufficient stacking area behind the menu board to accommodate a minimum of six cars;
 - d. All service areas, restrooms and ground-mounted and roof-mounted mechanical equipment must be screened from view;
 - e. Landscaping will screen the drive-thru or drive-in aisles from the public right-of-way and minimize the visual impact of reader board signs and directional signs;
 - f. The drive-through aisles must be constructed with (PCC) concrete;
 - g. The parking areas, drive-through aisles and structure must be set back from the ultimate curb face as required by the MPMC;
 - h. Menu boards can be no more than 30 square feet, with a maximum height of seven feet, and must face away from the street;
 - i. The architectural style of the drive-through must be consistent with the theme established in the vicinity and provide compatibility with surrounding uses in form, materials, colors, and scale, among other things; and
 - j. The drive-through aisles will not exit directly onto a public right-of-way.

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ENGINEERING:

14. To minimize sediment intrusion from the adjacent slope into the public alley, a curb or slough wall of sufficient height must be constructed along the eastern edge of the southerly portion of the public alley. The curb must be shown on the grading and drainage plan, and is subject to approval by the City Engineer.
15. Under the Los Angeles County Municipal Separate Storm Sewer System (MS4) Permit, issued under the National Pollutant Discharge Elimination System (NPDES) Program, the developer/owner is required to obtain a General Construction Storm Water Permit. This project will require the preparation of a Low Impact Development (LID) Plan; and a Storm Water Pollution Prevention Plan (SWPPP) if over an acre in size, including hydrology and hydraulic study/analysis required for their submittal. A preliminary/conceptual LID report and plan is requested as early as possible, to avoid impacts to the site plan should changes be required.
16. Upon approval of the LID and SWPPP, an electronic copy of the approved files, including site drawings, must be submitted to the City Engineer before the City issues a building or grading permit.
17. The property drainage must be designed so that the property drains to an approved device(s) and/or the public street unless otherwise approved by the City Engineer.
18. Sizing of water infrastructure is subject to the submittal of water system calculations that include domestic and fire system demand sizing. Installation of water services for irrigation, domestic, and fire service within the public right of way must be accomplished at permittee's cost.
19. The permittee must adjust the Project Site's lot lines, either by a lot line adjustment or lot merger, to avoid constructing structures over property lines in compliance with the California Building Code, as adopted by the MPMC.
20. The adjacent public alley is in poor, deteriorated condition, and will need to be resurfaced, to the satisfaction of the City Engineer, before a certificate of occupancy is issued for the project.
21. Grading and drainage plan(s) must be submitted with the first building permit plan check submittal and must address drainage of the adjacent public alley in a manner satisfactory to the City Engineer.

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22. All improvement plans, including grading plan(s), must be based upon City approved data; benchmark data are available from the Public Works Department's Engineering Division.
23. 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.*). Applicant is informed that it may protest DIFs in accordance with Government Code § 66020.
24. A utility plan must be approved by the City Engineer before the City issues grading permits.
25. Any abandoned driveways will need to be removed and replaced with a new curb, gutter, and sidewalk. Any damaged, out of grade, deteriorated or obsolete frontage improvements will need to be repaired to the satisfaction of the City Engineer, before a certificate of occupancy is issued.
26. A traffic management plan must be submitted to the City Engineer, detailing the manner in which the project will manage and control onsite traffic during peak operating hours, primarily how potential extended drive-through queuing will be managed to avoid impacts to South Atlantic Boulevard and adjacent properties that abut the public alley. The format of the plan is subject to approval by the City Engineer, and the plan must be approved before the City issues a certificate of occupancy.

FIRE:

27. A fire permit must be obtained from the Fire Department before engaging in activities, operations, practices or functions as indicated in the California Fire Code (CFC) per §§ 105.6 and 105.7.
28. Fire protection, including fire apparatus access roads and water supplies for fire hydrant must be installed and made serviceable before and during the time of construction, per CFC § 501.4.
29. Provide an approved automatic fire sprinkler system and fire alarm as set forth by Fire Code §§ 903 and 907 for the new structure. This may be submitted to the Fire Official as a deferred submittal.

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30. Provide an approved kitchen automatic extinguishing system as set forth by the CFC § 904. This may be submitted to the Fire Official as a deferred submittal.
31. Provide an approved carbon dioxide alarm system per Fire Code § 908.7. This may be submitted to the Fire Official as a deferred submittal.
32. Provide approved signs or other approved notices or markings that include the words NO PARKING – FIRE LANE. Signs must be provided for fire apparatus access roads, to clearly indicate the entrance to such road, or prohibit the obstruction thereof, as required by the Fire Inspector, per CFC § 501.4.

Fire Flow:

33. The minimum fire flow required must comply with the current adopted edition of the CFC Appendix B.
34. Pursuant to the plans date stamped March 2, 2020, the required fire flow for the new structure is 1,500 gallons per minutes (gpm) at 20 pounds per square inch (psi) for a minimum of 2-hour duration.
35. The City must provide a will serve letter confirming that it can accommodate the required water flow.

Fire Hydrant Installation

36. Before combustible construction on any parcel, a fire hydrant capable of providing 1,000 gpm at 20 psi must be installed and in service along the access road/driveway at a location approved by the Fire Code Official, but no further than 250 feet from the construction. The owner of the combustible construction is responsible for the cost of this installation.

Fire Flow Verification

37. Per CFC Appendix C, a minimum of one fire hydrant must be provided within 250 feet of new structure. Show locations of all existing and/or new hydrants on Site Plan.
38. Portable fire extinguishers must be installed on all floors, per CFC § 906.1.
39. The review of any revised plans will be subject to an additional plan-check fee in an amount approved in the Master Schedule of Fees and Charges.

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POLICE:

40. The permittee must submit plans to the Police Chief, or designee, demonstrating that the Project has adequate exterior lighting. The Police Chief, or designee, must approve the location and light intensity before the City issues a certificate of occupancy.
41. All major common areas of the locations, including all parking areas must be covered by security video cameras. All security cameras must operate 24-hours a day, seven days a week. All cameras must record onto a recording medium and all recordings must be maintained in a secure and locked enclosure. Security video cameras must be installed at all the entrances/exits and must be positioned to capture the faces of people entering and exiting. All recordings must be maintained for a minimum of 30 days. All recordings must be made readily available for any law enforcement official who requests the recording(s) for official purposes. If the Chief of Police determines that there is a necessity to have additional cameras installed, the management must comply with the request within seven days. Also, access to all security video cameras must be made available to the Police Department, via the internet, by providing the IP address for all cameras. The Chief of Police can also require a change in the position of the video cameras if it is determined that the position of the camera does not meet security needs. The management must comply with the request within seven days.
42. An alarm system must be installed at the main entrance and exits to the business. The alarm system will be a deterrent to criminal activity, and allow notification of the police and security in the event of any such attempt. Contact the Monterey Park Police Department Community Relations Bureau at (626) 307-1215 for additional information and alarm permits.
43. One licensed, insured, and bonded security guard in the parking lot between 10:00 p.m. to closing, subject to the review and approval of the Police Chief.
44. Access to the roof of the buildings will be locked and secured. Access of the roof will be restricted to maintenance personnel, building management, or other authorized personnel.
45. The shrubbery on the property must be installed and maintained in such condition as to not restrict visibility from the street or easily conceal persons.

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MISCELLANEOUS:

46. The applicant/owner is responsible for ascertaining and paying all City fees and costs required by MPMC including, without limitation, legal costs associated with processing this CUP. All fees must be paid before the City issues a final certificate of occupancy.

By signing this document, Kristen Roberts, on behalf of Raising Cane's, certifies that the Applicant read, understood, and agrees to the Project Conditions listed in this document.

Kristen Roberts, on behalf of Raising Canes, Applicant

ATTACHMENT 2

Site, floor, elevation plans

TITLE REPORT EXCEPTIONS

EASEMENTS ARE PLOTTED HEREON WITH REFERENCE TO SCHEDULE B EXCEPTION NUMBER.

- 6 AN EASEMENT AFFECTING THAT PORTION OF SAID LAND AND FOR THE PURPOSES STATED HEREIN AND INCIDENTAL PURPOSES AS PROVIDED IN THE FOLLOWING:
 - SOUTHERN CALIFORNIA EDISON COMPANY
 - POLE LINES
 - MARCH 23, 1950 IN BOOK 32644 OF OFFICIAL RECORDS, PAGE 169 AS INSTRUMENT NO. 2538 THE EASTERLY 6 FEET OF LOTS 191 & 192.
- 7 AN EASEMENT AFFECTING THAT PORTION OF SAID LAND AND FOR THE PURPOSES STATED HEREIN AND INCIDENTAL PURPOSES AS PROVIDED IN THE FOLLOWING:
 - SOUTHERN CALIFORNIA EDISON COMPANY
 - POLES AND CONDUITS
 - AUGUST 13, 1953 IN BOOK 42456 OF OFFICIAL RECORDS, PAGE 169 AS INSTRUMENT NO. 2769 AS DESCRIBED THEREIN

SIGN INFORMATION

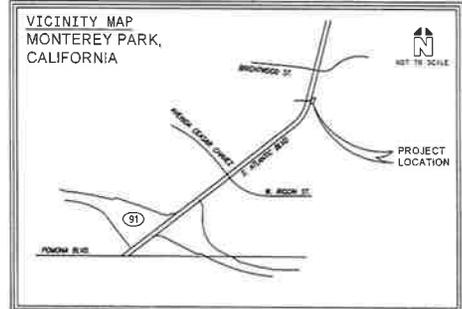
- 6 CMUTCD SIGN R5-1 - "DO NOT ENTER"
- 7 CMUTCD SIGN R1-SA OR R1-S - "YIELD TO PEDESTRIANS"

SITE KEYNOTES:

- 1 STANDARD DUTY CONCRETE PAVEMENT
- 2 CONCRETE CURB
- 3 STANDARD DUTY ASPHALT CONCRETE PAVEMENT
- 4 LANDSCAPE/PLANTER AREA
- 5 HEAVY DUTY CONCRETE PAVEMENT
- 6 ACCESSIBLE PARKING STALL SIGN IN BOLLARD
- 7 DIRECTIONAL MARKING PER PLAN
- 8 ACCESSIBLE RAMP WITH DETECTABLE WARNING (TRUNCATED DOMES)
- 9 JOIN EXISTING CURB, CURB & GUTTER, SIDEWALK
- 10 "CLEAN AIR/VAN POOL/EV" IN 12" HIGH WHITE LETTERS AT THE END OF PARKING STALL
- 11 ADA PATH OF TRAVEL SIGN
- 12 PUBLIC CURB AND GUTTER PER CITY OF MONTEREY PARK STANDARDS.
- 13 PUBLIC SIDEWALK PER CITY OF MONTEREY PARK STANDARDS.
- 14 PYLON SIGN
- 15 COVERED TRASH ENCLOSURE AND RECYCLING BIN STORAGE
- 16 STANDARD 90° PARKING STALL STRIPING
- 17 BIKE RACK
- 18 18" WALK-OFF CURB
- 19 PREVIEW BOARD
- 20 ORDER BOARD
- 21 HEADACHE BAR
- 22 CONCRETE CURB AND GUTTER
- 23 PROPRIETARY STORMWATER BIOFILTRATION SYSTEM. PRELIMINARY SIZING SHOWN FOR REFERENCE ONLY.
- 24 INSTALL WHEELSTOPS FOR PARKING SPACES
- 25 SITE LIGHTING
- 26 FUTURE E/V CHARGING STATION. CONDUIT TO BE RAN TO STALL FOR FUTURE CONNECTION
- 27 PARCEL MERGER SHALL BE COMPLETED FOR THE PROPOSED PROJECT.
- 28 PARKWAY LANDSCAPING PER CITY OF MONTEREY PARK STANDARDS
- 29 COMMERCIAL DRIVEWAY PER CITY OF MONTEREY PARK STANDARDS
- 30 HEAVY DUTY ASPHALT CONCRETE PAVEMENT.
- 31 PATIO TO BE COLORED CONCRETE/ENHANCED PAVERS.
- 32 PAD MOUNTED TRANSFORMER
- 33 SWITCHGEAR CABINET.
- 34 INSTALL CURB ALONG EXISTING PAVEMENT EDGE. CURB SHALL NOT CROSS ADJACENT PROPERTY LINE.
- 35 ACCESSIBLE PATH OF TRAVEL STRIPING

LEGEND:

CENTER LINE
 PROPERTY LINE
 EASEMENT LINE
 APPROXIMATE LIMIT OF WORK
 PROPOSED WATER LINE
 PROPOSED FIRE WATER LINE
 PROPOSED SANITARY SEWER LINE
 PROPOSED GREASE WASTE LINE
 EXISTING STORM DRAIN LINE
 STANDARD DUTY CONCRETE PAVEMENT
 HEAVY DUTY CONCRETE PAVEMENT
 LANDSCAPE/PLANTER AREA
 STANDARD DUTY ASPHALT PAVEMENT
 HEAVY DUTY ASPHALT PAVEMENT
 DETECTABLE WARNING SYSTEM
 COLORED CONCRETE / ENHANCED PAVERS
 ACCESSIBLE ROUTE (LOCATION PURPOSES ONLY, DO NOT PAINT)
 NUMBER OF PARKING SPACES
 ACCESSIBLE PARKING SPACE
 SIGN POST



SITE DATA

PROJECT DESCRIPTION: DEMOLITION OF EXISTING FOUNDATION AND SUBSURFACE STRUCTURES AND NEW CONSTRUCTION OF A RAISING CANE'S RESTAURANT

ADDRESS: 1970 S ATLANTIC BLVD
MONTEREY PARK, CA 91754

ZONING DISTRICT: S-C

LAND USE: SHOPPING CENTER

FLOOD ZONE: ZONE X - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

TOTAL DISTURBED AREA:	17,863 S.F.	(0.41 AC)	
TOTAL PAD AREA:	3,433 S.F.	(0.08 AC)	
PROPOSED LEASE AREA:	17,863 S.F.	(0.41 AC)	
LOT COVERAGE			
TOTAL SITE AREA:	17,863 S.F.	(0.41 AC)	100%
BUILDING AREA:	1,790 S.F.	(0.04 AC)	10.1%
IMPERVIOUS AREA:	14,263 S.F.	(0.33 AC)	79.8%
LANDSCAPE AREA:	1,850 S.F.	(0.04 AC)	10.1%
FRONTAGE			
TOTAL OFF-SITE AREA:	1,589 S.F.	(0.04 AC)	100%
IMPERVIOUS AREA:	1,176 S.F.	(0.03 AC)	75.0%
LANDSCAPE AREA:	393 S.F.	(0.01 AC)	25.0%

PARKING LANDSCAPE BUFFER

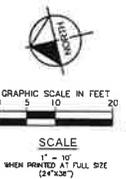
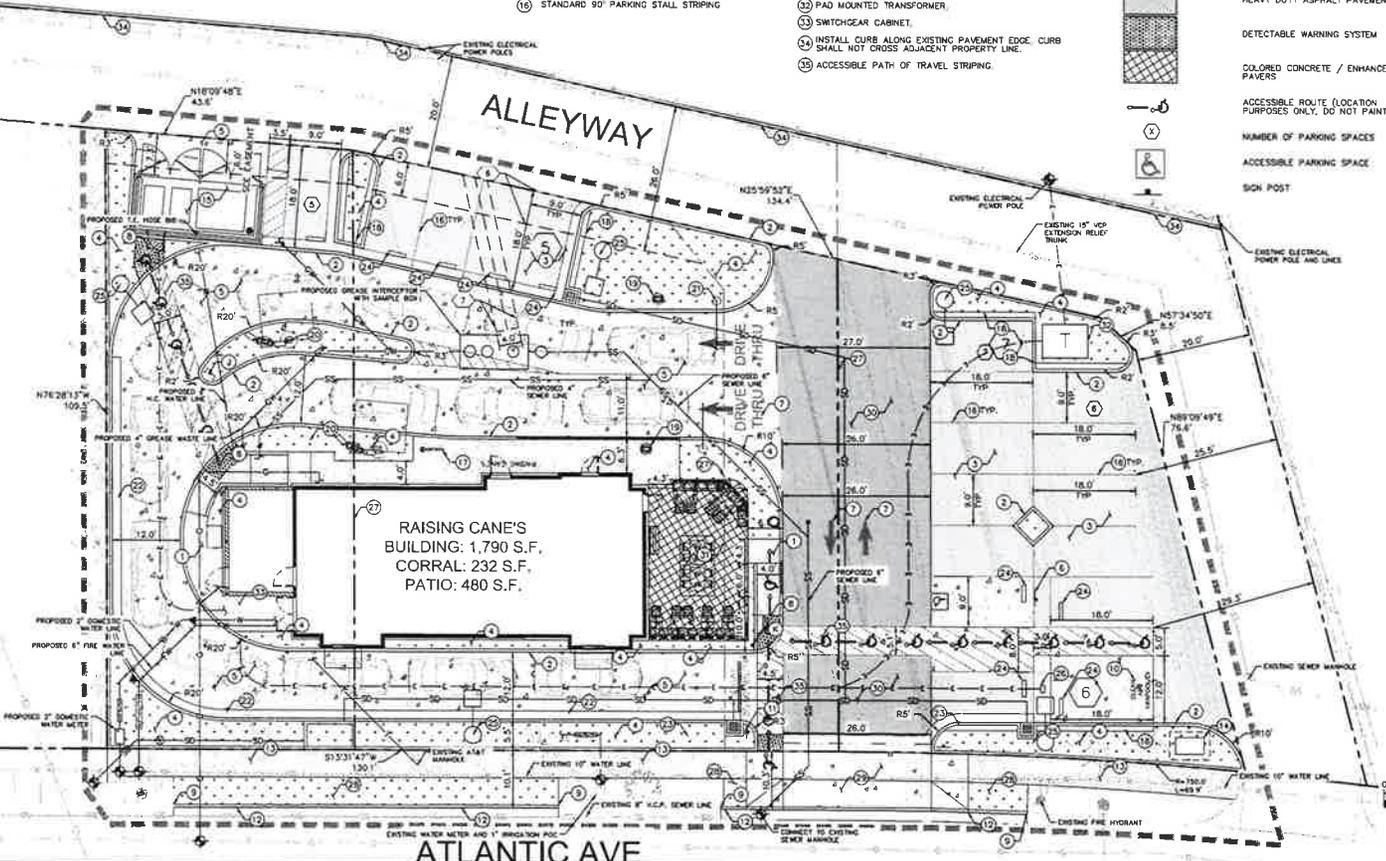
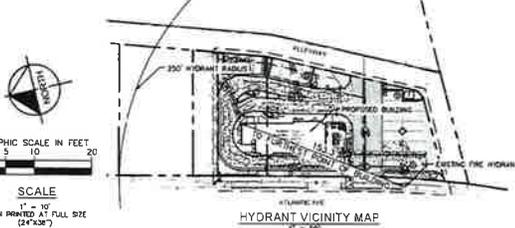
FRONT (PROPOSED)	5.5'
REAR	0.0'
SIDE (N)	0.0'
SIDE (S)	0.0'

PARKING SUMMARY:

1,790 S.F. BUILDING
 1 STALL/100 S.F. REQUIRED BY CITY CODE
 PARKING REQUIRED = 18 STALLS REQUIRED.
 ADA PARKING FOR 1-25 PARKING STALLS = 1 ADA PARKING STALL
 REQUIRED PER 2016 CBC
 FUTURE EV FOR 1-25 PARKING STALLS = 1 FUTURE EV STALL REQUIRED PER 2016 CALGREEN
 FUTURE EV STALL MUST BE VAN ACCESSIBLE
 NUMBER OF REQUIRED DESIGNATED STALLS FOR LOW-EMITTING FUEL-EFFICIENT CARPOOL/VANPOOL AND ELECTRIC VEHICLES (PER 2016 CALIFORNIA GREEN BUILDING STANDARDS) = 5
 *TOTAL NUMBER OF PARKING SPACES PROVIDED = 18

REQUIRED	PROVIDED
18	18
1	1
1	1
5	5
18	18

(EV STALLS ARE ALSO DESIGNATED FOR EV)



DIGALERT
 CALL BEFORE YOU DIG
 TOLL FREE 1-800-473-4131
 A PUBLIC SERVICE BY UNDERGROUND SERVICE ALERT

ISSA	DATE	DESCRIPTION
NC		
DR		
CH		
TH		
RECOMMENDED		

ENGINEER'S SEAL

Kimley-Horn
 265 THE CITY DRIVING SUITE 200
 ORANGE, CA 92664
 (714) 958-1230
 PREPARED UNDER THE DIRECT SUPERVISION OF:
 JOHN PORTER, R.C.E., P.E. 98186 DATE: 3/24/2020 EXP: 07/31/2025

CITY OF MONTEREY PARK
 APPROVED BY: _____
 ENGINEERING DIVISION DATE: _____

Raising Cane's
 1970 S ATLANTIC BLVD
 MONTEREY PARK, CA 91754

CITY OF MONTEREY PARK
PRELIMINARY SITE PLAN

1 OF 1

ATTACHMENT 3

Traffic Study



Traffic Impact Study

for:

Raising Cane's Project

In the City of Monterey Park

Prepared for:

Raising Cane's

January, 2020

Kimley»»Horn

**TRAFFIC IMPACT STUDY
FOR THE RAISING CANE'S PROJECT
IN THE CITY OF MONTEREY PARK**

Prepared by:

Kimley-Horn and Associates, Inc.
765 The City Drive, Suite 200
Orange, California 92868

January, 2020

**TRAFFIC IMPACT STUDY
FOR THE RAISING CANE'S PROJECT
IN THE CITY OF MONTEREY PARK**

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- Appendix A** – Approved Scoping Agreement
- Appendix B** – Traffic Data Collection Worksheets
- Appendix C** – Intersection Analysis Worksheets
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**TRAFFIC IMPACT STUDY
FOR THE RAISING CANE'S PROJECT
IN THE CITY OF MONTEREY PARK**

INTRODUCTION

This traffic impact study has been prepared to evaluate the project-related traffic impacts associated with the proposed Raising Cane's project in the City of Monterey Park. This report has been prepared in accordance with the traffic impact study requirements of the City of Monterey Park.

The project location is shown in its regional setting on **Figure 1**. As shown on Figure 1, the street system in the project vicinity is oriented on a diagonal. For ease of reference, throughout this report, Atlantic Boulevard and Collegian Avenue are referred to as the north-south streets, and Brightwood Street and Floral Drive are referred to as the east-west streets.

PROJECT DESCRIPTION

The project site is bounded by an existing commercial use to the north, Atlantic Boulevard to the west, and an alleyway to the east and south. The project site is currently vacant.

The applicant proposes to develop a 1,790-square-foot Raising Cane's drive-through restaurant. The proposed site plan is shown on **Figure 2**. As shown on the site plan, the Raising Cane's building would be located on the northeast corner of the intersection of Atlantic Boulevard and the alleyway. The project would consist of demolition of the existing foundation and subsurface structures, and construction of the Raising Cane's restaurant and drive-through lane. Access to the Raising Cane's project would be provided by one driveway on Atlantic Boulevard and one driveway along the alleyway on the east side of the project site. Both project driveways would be unsignalized.

The proposed project would provide a drive-through lane with two order boards. The drive through lane would begin as a single lane, branch out to two drive-through lanes for use of the two order boards, and then merge back into a single drive-through lane prior to the pay and pick-up window.

ANALYSIS SCENARIOS AND METHODOLOGY

Analysis Scenarios

This traffic analysis provides an evaluation of evening peak hour intersection operations for the following scenarios:

- Existing Conditions
- Existing Plus Project Conditions
- Opening Year 2020 without Project
- Opening Year 2020 with Project



NOT TO SCALE



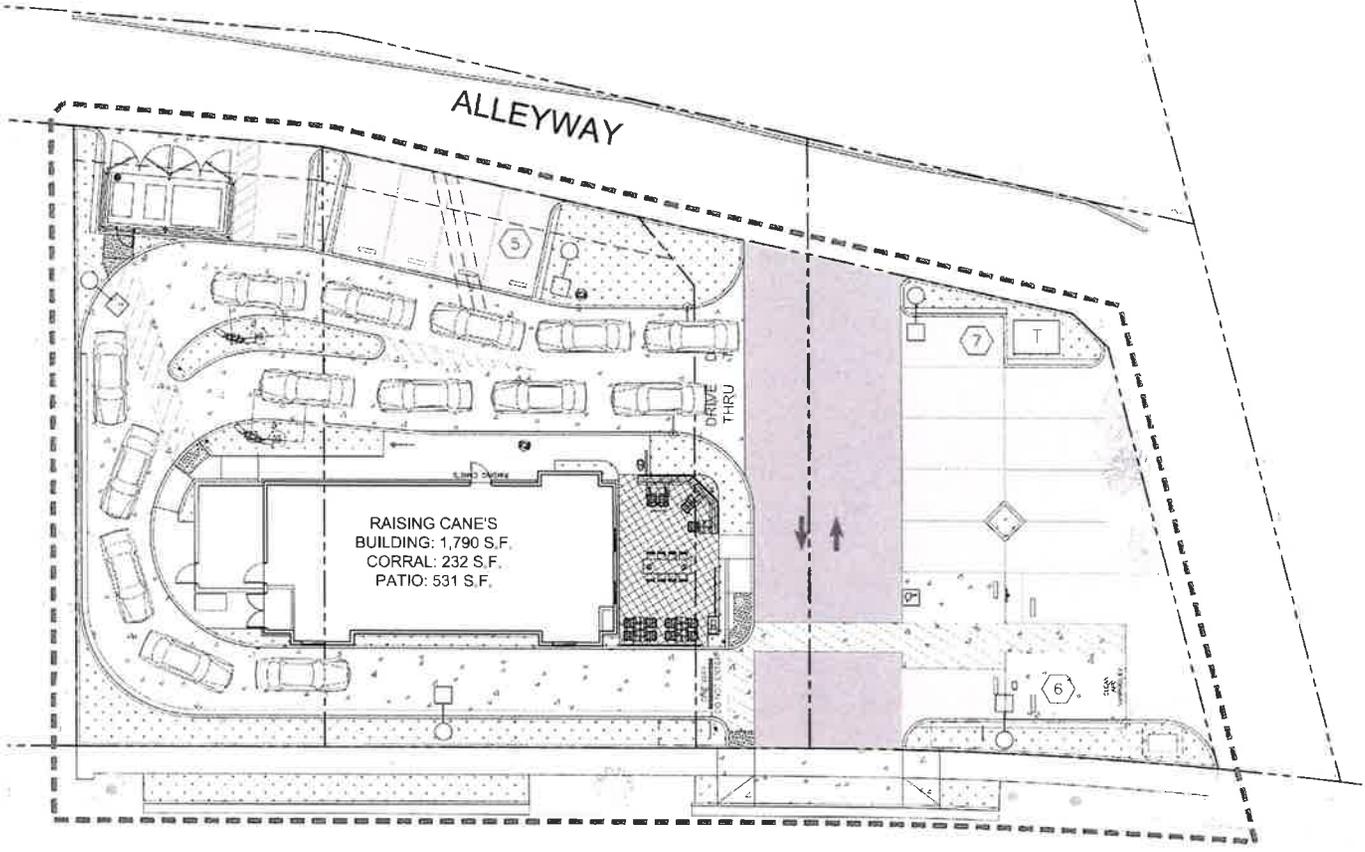
**FIGURE 1
VICINITY MAP**

LEGEND:
[Grey Rectangle] = Project Site





NOT TO SCALE



RAISING CANE'S
BUILDING: 1,790 S.F.
CORRAL: 232 S.F.
PATIO: 531 S.F.

- 3 -

FIGURE 2
SITE PLAN

Study Locations

This traffic study includes documentation of existing conditions, analysis of future traffic conditions, and identification of project-related impacts, if any, at the following study intersections:

Existing Intersections:

1. Atlantic Boulevard at Brightwood Street
2. Atlantic Boulevard at Alleyway
3. College View Lane at Floral Drive
4. Atlantic Boulevard at Floral Drive

Project Driveway Intersection:

- D1. Atlantic Boulevard at Project Driveway

The study locations were established in consultation with City staff through the Scoping Agreement process. A copy of the approved Scoping Agreement is provided in **Appendix A**.

Intersection Analysis Methodology

In accordance with the City of Monterey Park study requirements, intersection operation for signalized intersections is evaluated using the Intersection Capacity Utilization (ICU) methodology, and intersection operation for study area unsignalized intersections is evaluated using the Highway Capacity Manual (HCM) methodology.

The ICU methodology provides a comparison of the theoretical hourly vehicular capacity of an intersection to the number of vehicles passing through that intersection during the peak hour. The ICU calculation returns a volume-to-capacity (V/C) ratio. The ICU calculations assume a per-lane capacity of 1,600 vehicles per hour (vph) for each left-turn and shared lane; and 1,700 vph for each through and right-turn, with a clearance interval of 0.10.

The procedure for stop-control analysis determines the average total delay, expressed in seconds of delay per vehicle, for left turns from the major street and from the stop-controlled minor street traffic stream. Delay values are calculated based on the relationship between traffic on the major street and the availability of acceptable “gaps” in this stream through which conflicting traffic movements can be made.

Operating conditions for the ICU capacity-based methodology and the HCM delay-based methodology are expressed in terms of Level of Service (LOS). The ICU calculation returns a V/C ratio that translates into a corresponding Level of Service, ranging from LOS A, representing uncongested, free-flowing conditions; to LOS F, representing congested, over-capacity conditions. The HCM methodology returns a delay value, expressed in terms of the average seconds of delay per vehicle, which also corresponds to a Level of Service measure. A summary description of each Level of Service and the corresponding V/C ratio for the ICU methodology, and average seconds of delay for the HCM methodology are provided on the chart on the following page.

INTERSECTION PEAK HOUR LEVEL OF SERVICE DESCRIPTIONS			
LOS	Signalized: ICU	Unsignalized: HCM	Description
	V/C Ratio	Delay (sec)	
A	0.00 - 0.60	≤10.0	EXCELLENT – No vehicle waits longer than one red light, and no approach phase is fully used.
B	0.61 - 0.70	> 10.0 and ≤ 15.0	VERY GOOD – An occasional approach phase is fully utilized; drivers begin to feel somewhat restricted within groups of vehicles.
C	0.71 - 0.80	> 15.0 and ≤ 25.0	GOOD – Occasionally drivers may have to wait through more than one red light; back-ups may develop behind turning vehicles.
D	0.81 - 0.90	> 25.0 and ≤ 35.0	FAIR – Delays may be substantial during portions of the rush hours, but enough lower volume periods occur to permit clearing of developing lines, preventing excessive back-ups.
E	0.91 - 1.00	> 35.0 and ≤ 50.0	POOR – Represents the most vehicles that intersection approaches can accommodate; may be long lines of waiting vehicles through several signal cycles.
F	> 1.00	> 50.0	FAILURE – Back-ups from nearby locations or on cross streets may restrict or prevent movement of vehicles out of intersection approaches. Substantial delays with continuously increasing queue lengths.

Performance Criteria

The City of Monterey Park Level of Service standard for peak hour intersection operation is Level of Service D.

Significance Thresholds

A project is considered to have a significant traffic impact at an intersection if the Level of Service deteriorates to an unacceptable Level of Service with the addition of project traffic. Improvements are required for locations that operate at an acceptable Level of Service without the project, but which operate at an unacceptable Level of Service with the project. For locations forecasted to operate worse than the acceptable Level of Service even without the project, the traffic assessment must include improvements to achieve acceptable Level of Service per the City's standards.

EXISTING TRAFFIC ENVIRONMENT / AREA CONDITIONS

Existing Transportation System

Regional access to the site is provided by the State Route 60 (SR-60) Freeway, the Interstate 710 (I-710) Freeway, and the Interstate 10 (I-10) Freeway. The SR-60 Freeway is located approximately one-half mile to the south of the project site. The I-710 Freeway is located approximately one and one-half miles to the west of the project site. The I-10 Freeway is located approximately 2 miles north of the project site.

Existing lane configurations and traffic controls of the study intersections are shown on **Figure 3**. As mentioned previously, the street system in the project vicinity is oriented on a diagonal. For ease of reference, Atlantic Boulevard and Collegian Avenue are referred to as the north-south streets, and Brightwood Street and Floral Drive are referred to as the east-west streets. Local access to the project vicinity is provided by the following roadways:

Atlantic Boulevard is a north-south roadway that forms the western boundary of the project site. It provides two to three travel lanes in each direction and a painted two-way-left-turn median in the project vicinity. The posted speed limit is 35 miles per hour (mph), and on-street parking is prohibited on both sides of the street. Atlantic Boulevard is classified as a Principal Arterial in the City of Monterey Park Circulation Element of the General Plan.

Brightwood Street is an east-west roadway that provides one travel lane in each direction. The posted speed limit is 25 mph, and on-street parking is provided on both sides of the street.

Floral Drive is an east-west roadway that provides one travel lane in each direction. The posted speed limit is 40 mph, and on-street parking is provided on both sides of the street. Within the project vicinity, Floral Drive is classified as a Minor Arterial in the Circulation Element.

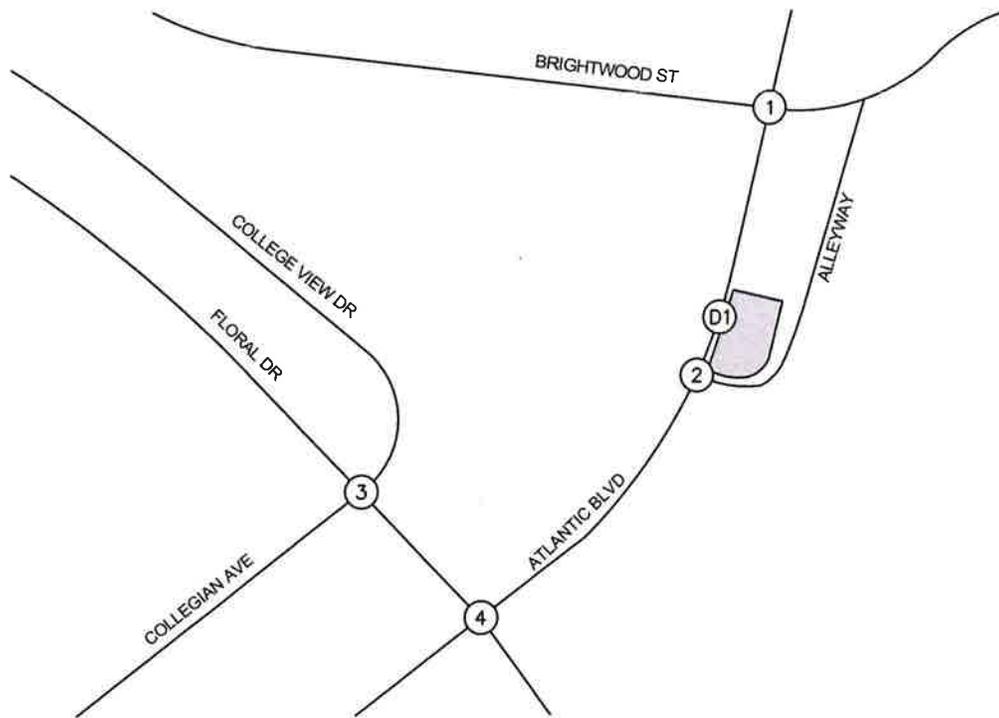
College View Drive is an east-west roadway just north of Floral Drive. College View Drive provides one travel lane in each direction. On-street parking is provided on both sides of the street.

Collegian Avenue is a north-south roadway just south of Floral Drive. Collegian Avenue provides one travel lane in each direction. On-street parking is prohibited on both sides of the street.

The Alleyway is a north-south roadway just south of Brightwood Street that forms the eastern and southern boundary of the project site. Alleyway provides one travel lane in each direction and allows ease of access for customers. On-street parking is prohibited on both sides of the street.



NOT TO SCALE



1. Atlantic Blvd at Brightwood St	2. Atlantic Blvd at Alleyway	3. College View Ln at Floral Dr	4. Atlantic Blvd at Floral Dr

LEGEND:

- = Project Site
- = Study Intersection
- = Turn or Through Lane
- = Signal

**FIGURE 3
EXISTING LANE CONFIGURATION AND
TRAFFIC CONTROL**



Transit Service

Public transit service in the project vicinity is provided by the City of Monterey Park (Spirit) and the Los Angeles County Metropolitan Transportation Authority (LA Metro). Bus stops near the project site are currently located:

- On the northeast and southwest corners of the intersection of Atlantic Boulevard at Brightwood Street
- On the northeast, northwest, and southwest corners of the intersection of Atlantic Boulevard at Floral Drive
- On the northeast, southeast, and southwest corners of Atlantic Boulevard and Avenida Cesar Chavez/Riggin Street

The following discussion provides a brief description of the Spirit and LA Metro transit routes that operate on the roadways serving the project site.

Spirit Routes 1 and 2

Spirit Routes 1 and 2 operate along Atlantic Boulevard within the project vicinity. On weekdays, both routes operate from 6:30 AM to 6:30 PM, with 40-minute headways (the interval between bus arrivals) throughout the day. On Saturdays, both routes operate from 9:10 AM to 5:45 PM, with 40-minute headways throughout the day. On Sundays, the routes do not operate.

Spirit Route 5

Spirit Route 5 operates along Floral Drive and Atlantic Boulevard within the project vicinity. On weekdays, Route 5 operates from 6:30 AM to 6:30 PM, with 15-minute headways throughout the day. On weekends and all holidays, the route does not operate.

LA Metro Route 68

LA Metro Route 68 operates between the cities of Los Angeles and Monterey Park via Cesar E. Chavez Avenue (Avenida Cesar Chavez) within the project vicinity. On weekdays, Route 68 operates from 4:00 AM to 1:00 AM, with 15-minute to 40-minute headways throughout the day. On Saturdays, Route 68 operates from 5:00 AM to 1:00 AM, with 20-minute to 40-minute headways throughout the day. On Sundays and holidays, Route 68 operates from 5:00 AM to 1:00 AM, with 20-minute to 30-minute headways throughout the day.

LA Metro Route 106

LA Metro Route 106 operates between the cities of Boyle Heights and Monterey Park. Within the project vicinity, Route 106 travels north on Atlantic Boulevard, west on Floral Drive, south on Collegian Avenue, and east on Avenida Cesar Chavez before traveling back onto Atlantic Boulevard. On weekdays, Route 106 operates from 5:30 AM to 9:00 PM, with 50-minute headways throughout the day. Route 106 does not operate on weekends or holidays.

LA Metro Route 260

LA Metro Route 260 operates between the cities of Altadena and Long Beach via Atlantic Boulevard within the project vicinity. On weekdays, Route 260 operates from 4:00 AM to 1:20 AM, with 15-minute to 50-minute headways throughout the day. On Saturdays, Route 260 operates from 5:20 AM to 1:10 AM, with 20-minute to 50-minute headways throughout the day. On Sundays and holidays, Route 260 operates from 6:00 AM to 1:10 AM, with 20-minute to 65-minute headways throughout the day.

LA Metro Rapid Route 726

LA Metro Rapid Route 726 operates, between the cities of Altadena and Long Beach via Atlantic Boulevard within the project vicinity. On weekdays, Route 726 operates from 4:30 AM to 9:30 PM, with 30-minute to 60-minute headways throughout the day. Route 726 does not operate on the weekends or holidays.

LA Metro Rapid Route 770

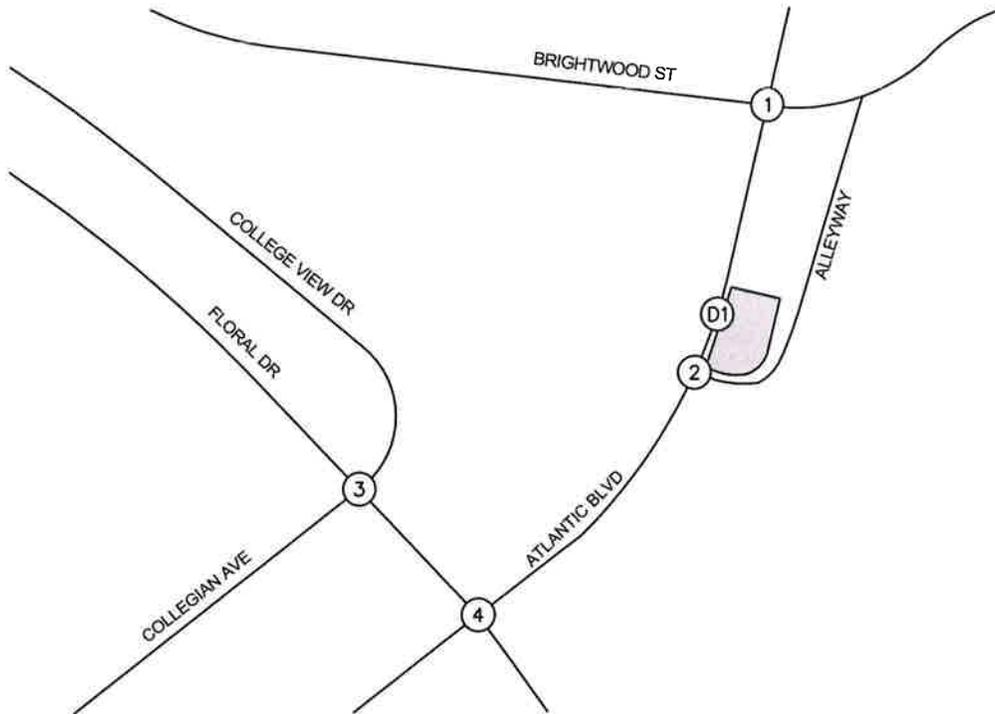
LA Metro Rapid Route 770 operates between Downtown Los Angeles and the City of El Monte via Atlantic Boulevard and Avenida Cesar Chavez within the project vicinity. On weekdays, Route 770 operates from 4:30 AM to 9:30 PM with 15-minute to 30-minute headways throughout the day. On Saturdays, Route 770 operates from 6:00 AM to 7:30 PM with 20-minute to 30-minute headways throughout the day. Route 770 does not operate on the Sundays or holidays.

Existing Traffic Volumes

Existing evening peak hour turning movement counts for the study intersections were collected in October 2018. Evening peak hour traffic volumes are shown on **Figure 4**. Copies of the traffic count data worksheets are provided in **Appendix B** to this report.



NOT TO SCALE



1. Atlantic Blvd at Brightwood St	2. Atlantic Blvd at Alleyway	3. College View Ln at Floral Dr	4. Atlantic Blvd at Floral Dr

**FIGURE 4
EXISTING EVENING PEAK HOUR
TRAFFIC VOLUMES**

LEGEND:

- = Project Site
- = Study Intersection
- XXX = PM Peak Hour Turning Movement Volumes

EXISTING OPERATING CONDITIONS

Intersection Level of Service analysis was conducted for the evening peak hour using the analysis procedures and assumptions described previously in this report. A summary of the intersection Level of Service is presented on **Table 1**. Intersection analysis worksheets are provided in **Appendix C** of this report. Review of the table shows that all study intersections currently operate at an acceptable Level of Service in the evening peak hour, with the exception of the following intersection:

- #2 – Atlantic Boulevard at the Alleyway – PM, LOS E

The Level of Service for an unsignalized intersection is reported based on the single approach movement with the highest delay, which in this case, would be the westbound approach. The side street traffic at this intersection experiences delay during the peak hours while waiting for an acceptable gap in traffic on Atlantic Boulevard. While the side street approach operates at a deficient Level of Service based on the highest delay approach, the overall intersection delay would be acceptable. Any queuing that occurs on the side street is contained on the minor intersection approach and does not impact the progression of traffic on the main arterial.

PROJECT TRAFFIC

Project Trip Generation

Daily and evening peak hour trips for the project were estimated using the Institute of Transportation Engineers (ITE) Trip Generation Manual (10th Edition) trip rates for Fast-Food Restaurant with Drive-thru (ITE Land Use 934). Pass-by reduction factors were applied to the proposed land use based on the ITE Trip Generation Handbook (3rd Edition).

The trip rates and the estimated project trip generation are shown on **Table 2**. After applying pass-by reduction factors, the project is estimated to generate approximately 814 vehicle trips on a daily basis, with 29 trips in the evening peak hour.

Project Trip Distribution and Assignment

Project trip distribution assumptions for the project site were developed based on existing traffic patterns, the likely origins and destinations of site employees and patrons, and input from City staff. Trip distribution assumptions are shown on **Figure 5**. Based on the trip distribution and assignment assumptions, the project trips to be added to the street system by the proposed project were calculated and are shown on **Figure 6**.

TABLE 1
SUMMARY OF INTERSECTION OPERATION
EXISTING CONDITIONS

Int. #	Intersection	Traffic Control	PM Peak Hour	
			V/C / Delay	LOS
1	Atlantic Boulevard at Brightwood Street	S	0.655	B
2	Atlantic Boulevard at Alleyway	U	35.5	E
3	College View Lane/Collegian Avenue at Floral Drive	S	0.648	B
4	Atlantic Boulevard at Floral Drive	S	0.709	C

Notes:

- S = Signalized; U = Unsignalized
- ICU = Intersection Capacity Utilization; LOS = Level of Service
- Delay refers to the average control delay measured in seconds per vehicle.
- **Bold** and shaded values indicate intersections operating at LOS E or F per City standards.

**TABLE 2
SUMMARY OF PROJECT TRIP GENERATION**

Land Use	ITE Code	Unit	Trip Generation Rates ¹			
			Daily	PM Peak Hour		
				In	Out	Total
Fast-Food Restaurant w/ Drive-thru	934	KSF	470.95	16.988	15.682	32.67
Land Use	Quantity	Unit	Trip Generation Estimates			
			Daily	PM Peak Hour		
				In	Out	Total
Fast-Food Restaurant w/ Drive-thru	1.790	KSF	843	30	28	58
<i>Pass-by Trips (50% PM) ²</i>			-29	-15	-14	-29
Total Net Project Trips			814	15	14	29
¹ Source: Institute of Transportation Engineers (ITE) <u>Trip Generation Manual</u> , 10th Edition ² Source: Institute of Transportation Engineers (ITE) <u>Trip Generation Handbook</u> , 3rd Edition						



NOT TO SCALE

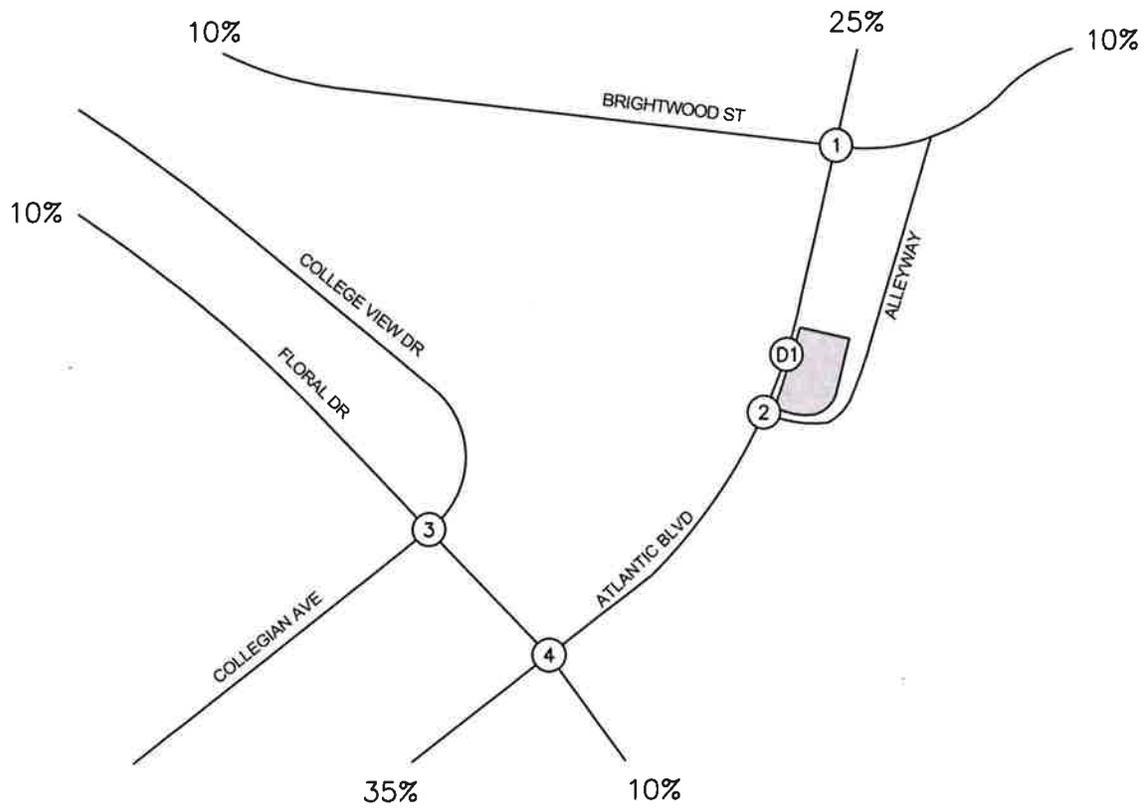
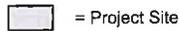


FIGURE 5
PROJECT TRIP DISTRIBUTION

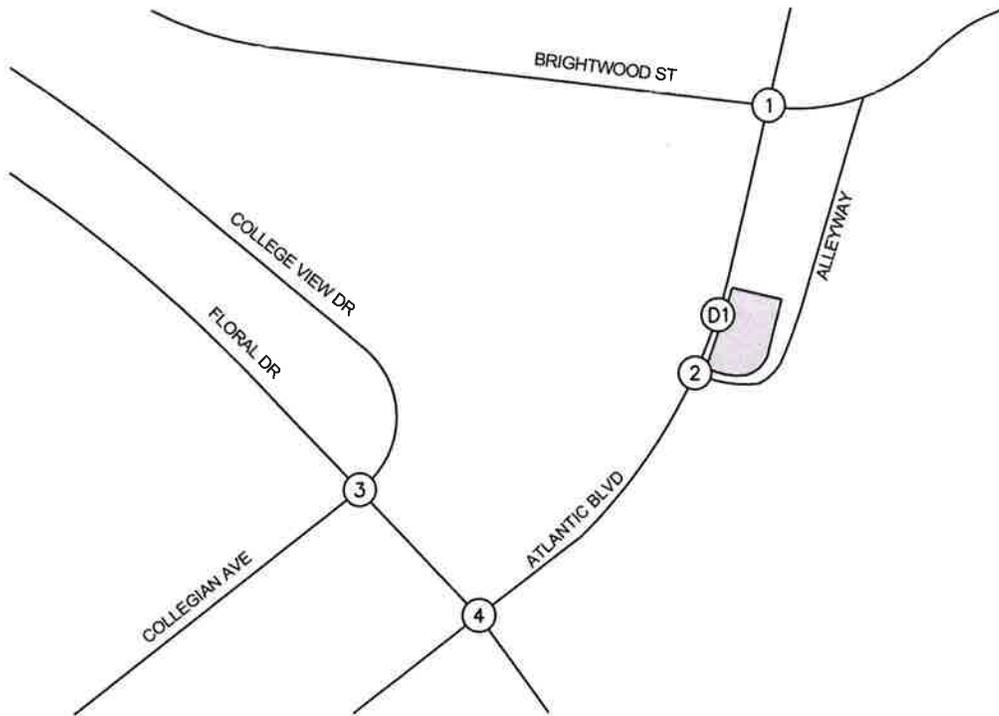
LEGEND:

-  = Project Site
- XX% = Trip Distribution Percentage





NOT TO SCALE



1. Atlantic Blvd at Brightwood St	2. Atlantic Blvd at Alleyway	3. College View Ln at Floral Dr	4. Atlantic Blvd at Floral Dr
D1. Atlantic Blvd at Project Driveway			

LEGEND:

= Project Site

= Study Intersection

XXX = PM Peak Hour Turning Movement Volume

**FIGURE 6
PROJECT-RELATED
TRAFFIC VOLUMES**

EXISTING PLUS PROJECT CONDITIONS

This section addresses the impacts associated with adding project-related trips to Existing Conditions traffic volumes. The Existing Plus Project scenario is a hypothetical scenario which assumes that the Project would be fully implemented at the present time, with no other changes to area traffic volumes or to the street network serving the site.

Existing evening peak hour plus project traffic volumes are shown on **Figure 7**. A summary of the resulting intersection Level of Service is provided on **Table 3**. As review of this table shows, all study intersections would continue to operate at an acceptable Level of Service in the evening peak hour, with the exception of the following intersection:

- #2 – Atlantic Boulevard at the Alleyway – PM, LOS E

FUTURE CONDITIONS

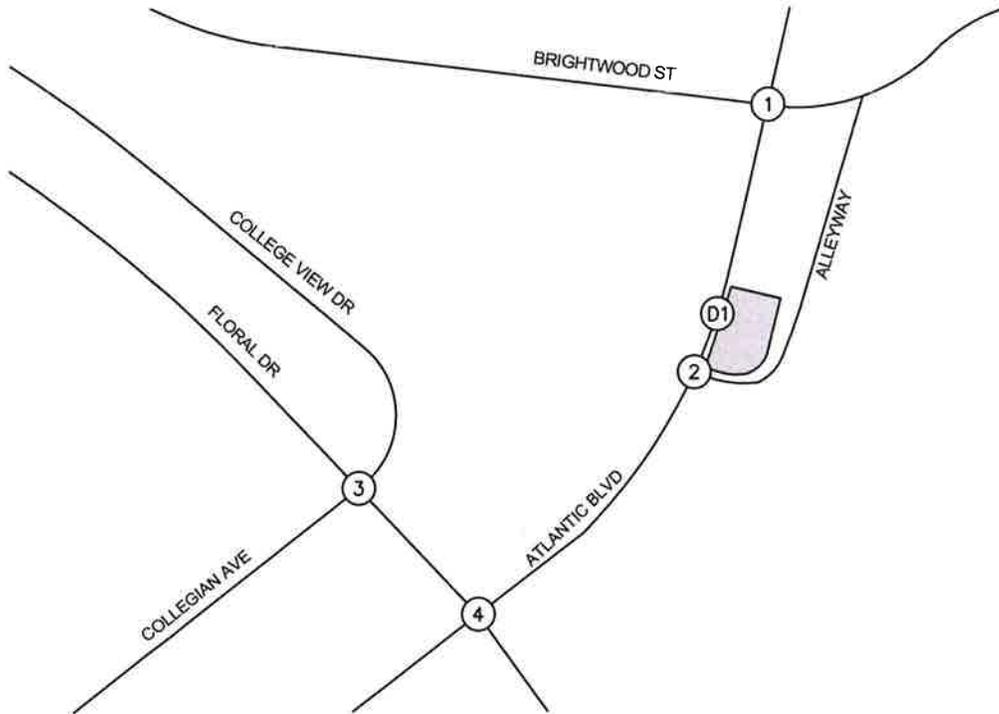
Project completion is estimated to occur in Year 2020. Future year forecasts for Opening Year 2020 were developed using the “build-up” forecasting process, starting with adding a background growth factor of 0.81 percent per year, for a total of two years, to existing traffic volumes.

In addition to ambient growth, Cumulative Projects, if any exist within the project vicinity, are considered in the Future Conditions analysis. Cumulative Project consist of projects that are approved but not yet built, built but not fully occupied, and projects that are in various stages of the application and approval process, but have not yet been approved. These projects are considered to be “reasonably foreseeable,” and must therefore be analyzed for CEQA purposes.

Cumulative Project information was obtained from the City of Monterey Park Planning Department. A summary of the Cumulative Projects included in the Future Conditions analysis is provided on **Table 4**. The location of the Cumulative Projects in relation to the project site is shown on **Figure 8**.



NOT TO SCALE



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LEGEND:

= Project Site

= Study Intersection

XXX = PM Peak Hour
Turning Movement
Volume

**FIGURE 7
EXISTING PLUS PROJECT
TRAFFIC VOLUMES**

**TABLE 3
SUMMARY OF INTERSECTION OPERATION
EXISTING PLUS PROJECT CONDITIONS**

Int. #	Intersection	Traffic Control	PM Peak Hour					
			Without Project		With Project		Project Impact	Impact Sig?
			V/C / Delay	LOS	V/C / Delay	LOS		
1	Atlantic Boulevard at Brightwood Street	S	0.655	B	0.656	B	0.001	No
2	Atlantic Boulevard at Alleyway	U	35.5	E	37.8	E	2.3	No
3	College View Lane/Collegian Avenue at Floral Drive	S	0.648	B	0.649	B	0.001	No
4	Atlantic Boulevard at Floral Drive	S	0.709	C	0.713	C	0.004	No
D1	Atlantic Boulevard at Project Driveway	U			29.8	D	-	-

Notes:

- S = Signalized, U = Unsignalized
- ICU = Intersection Capacity Utilization; LOS = Level of Service
- Delay refers to the average control delay measured in seconds per vehicle.
- **Bold** and shaded values indicate intersections operating at LOS E or F per City standards.

**TABLE 4
SUMMARY OF CUMULATIVE PROJECTS**

Proj. No.	Project Address	Land Use	Quantity	Unit	Project Trips		
					Daily Trips	PM Peak Hour	
						In	Out
1	808 W Garvey Avenue	Commercial	19.385	KSF	6,887	334	361
		Hotel	148	Rooms	1,237	45	44
		Apartments	98	DU	337	25	11
2	500 E Markland Drive	Storage	123.062	KSF	214	6	17
Total					8,675	410	433
KSF = Thousand Square Feet, DU = Dwelling Units							



NOT TO SCALE

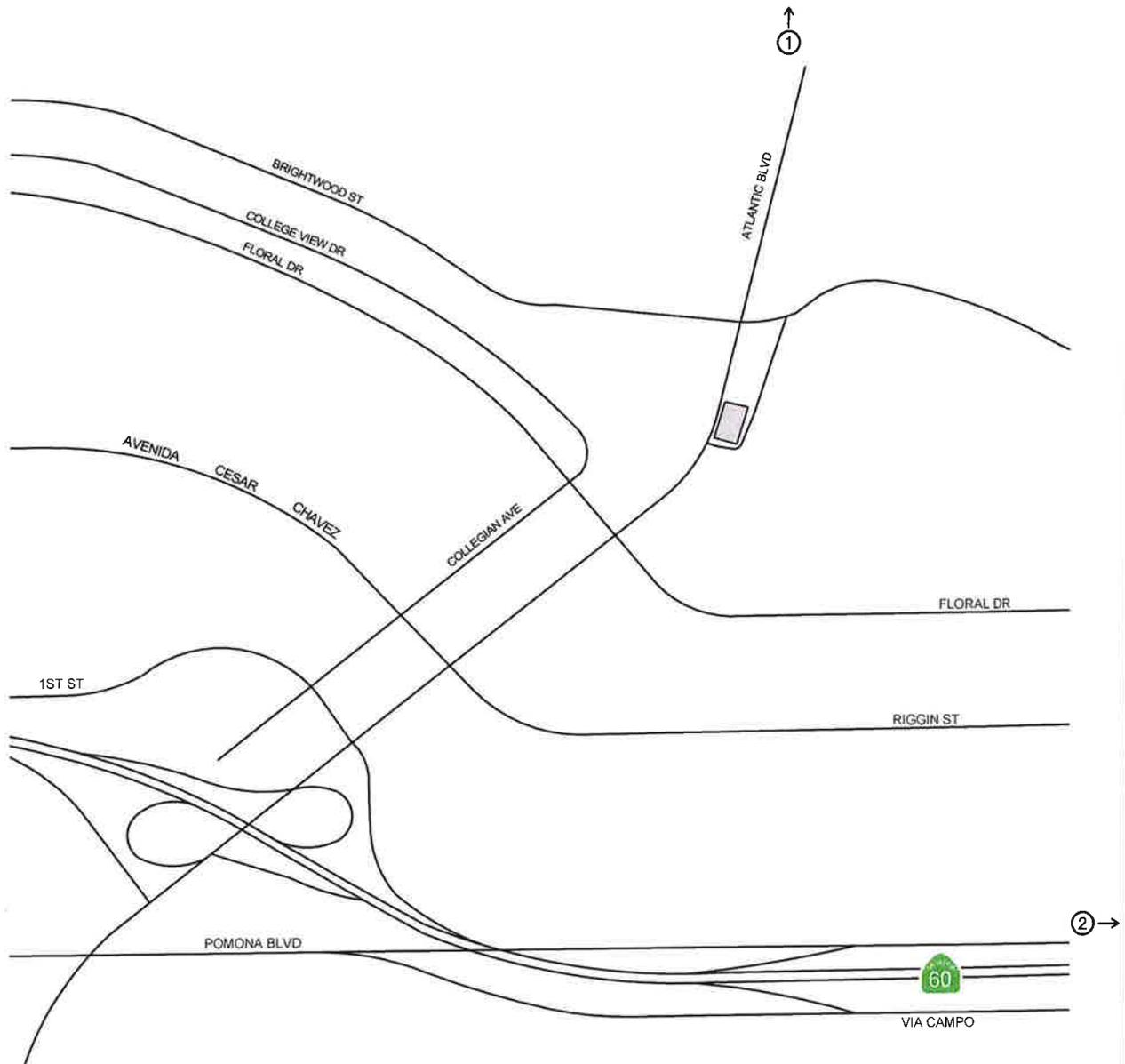


FIGURE 8
LOCATION OF CUMULATIVE PROJECTS

LEGEND:

-  = Project Site
-  = Cumulative Project



Opening Year 2020 Without Project

The ambient growth and Cumulative Project Traffic were added to the existing traffic volumes to develop Opening Year 2020 Without Project volumes. The resulting traffic volumes are shown on **Figure 9**.

A summary of the resulting intersection Level of Service is provided on **Table 5**. Intersection analysis worksheets are provided in **Appendix C**. With the addition of ambient growth and Cumulative Project traffic, all study intersections would operate at an acceptable Level of Service in the evening peak hour, with the exception of the following intersection:

- #2 – Atlantic Boulevard at the Alleyway – PM, LOS E

Opening Year 2020 With Project

The project-related traffic was added to Opening Year 2020 Without Project volumes to develop Opening Year 2020 With Project traffic forecasts. The resulting traffic volumes are shown on **Figure 10**.

A summary of the resulting intersection Level of Service is provided on **Table 6**. Intersection analysis worksheets are provided in **Appendix C**. With the addition of project traffic, all study intersections would continue to operate at an acceptable Level of Service in the evening peak hour, with the exception of the following intersection:

- #2 – Atlantic Boulevard at the Alleyway – PM, LOS E

SITE ACCESS AND CIRCULATION

Access to the Raising Cane's project would be provided by two full-movement driveways, one on Atlantic Boulevard and the other driveway on the Alleyway on the east side of the project site. Both driveways would provide access to the opening of the drive-through lane. All driveways would be unsignalized.

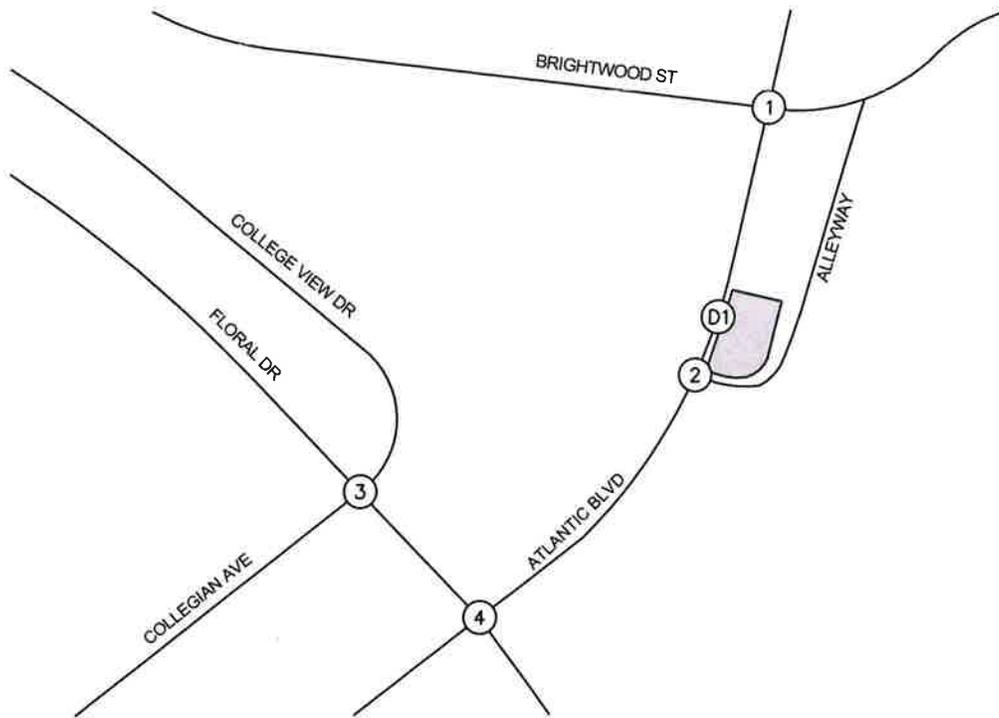
Traffic Signal Warrants

Traffic signal warrant analyses were completed for the intersections of Atlantic Boulevard at the Alleyway and Atlantic Boulevard at the Project Driveway. The intersection of Atlantic Boulevard at the Alleyway is expected to operate in future conditions at LOS E.

The California Manual on Uniform Traffic Control Devices (MUTCD, 2017), Warrant 3 for peak hour was used. Using the Opening Year 2020 with Project forecasted volumes, Warrant 3 is not met for either of the intersections. The traffic signal warrant worksheets are provided in **Appendix D**.



NOT TO SCALE



1. Atlantic Blvd at Brightwood St	2. Atlantic Blvd at Alleyway	3. College View Ln at Floral Dr	4. Atlantic Blvd at Floral Dr

LEGEND:

= Project Site

= Study Intersection

XXX = PM Peak Hour
Turning Movement
Volume

**FIGURE 9
OPENING YEAR 2020
TRAFFIC VOLUMES**

TABLE 5
SUMMARY OF INTERSECTION OPERATION
OPENING YEAR 2020 CONDITIONS

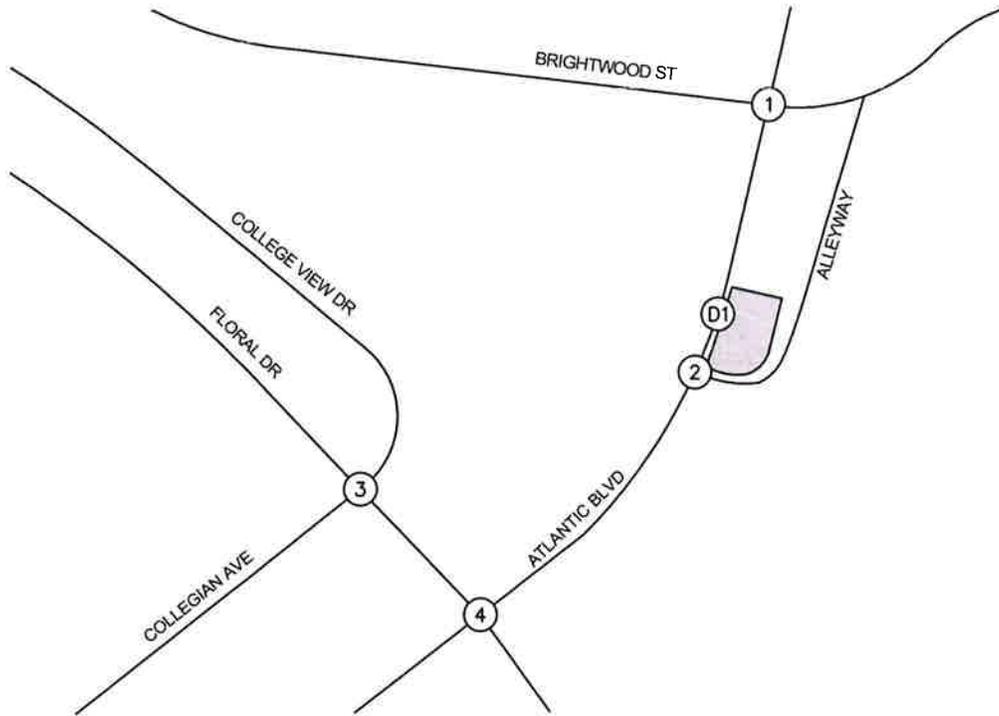
Int. #	Intersection	Traffic Control	PM Peak Hour	
			V/C / Delay	LOS
1	Atlantic Boulevard at Brightwood Street	S	0.671	B
2	Atlantic Boulevard at Alleyway	U	37.6	E
3	College View Lane/Collegian Avenue at Floral Drive	S	0.657	B
4	Atlantic Boulevard at Floral Drive	S	0.724	C

Notes:

- S = Signalized, U = Unsignalized
- ICU = Intersection Capacity Utilization; LOS = Level of Service
- Delay refers to the average control delay measured in seconds per vehicle.
- **Bold** and shaded values indicate intersections operating at LOS E or F per City standards.



NOT TO SCALE



1. Atlantic Blvd at Brightwood St	2. Atlantic Blvd at Alleyway	3. College View Ln at Floral Dr	4. Atlantic Blvd at Floral Dr																																																			
<table border="1"> <tr> <td>← 55</td> <td>← 745</td> <td>← 56</td> <td>← 55</td> <td>← 34</td> </tr> <tr> <td>→ 144</td> <td>→ 245</td> <td>→ 70</td> <td>→ 52</td> <td>→ 1257</td> </tr> <tr> <td>↘ 37</td> <td>↘ 190</td> <td></td> <td></td> <td></td> </tr> </table>	← 55	← 745	← 56	← 55	← 34	→ 144	→ 245	→ 70	→ 52	→ 1257	↘ 37	↘ 190				<table border="1"> <tr> <td>← 831</td> <td>← 20</td> <td>← 56</td> </tr> <tr> <td>→ 1395</td> <td>→ 10</td> <td>→ 18</td> </tr> </table>	← 831	← 20	← 56	→ 1395	→ 10	→ 18	<table border="1"> <tr> <td>← 3</td> <td>← 43</td> <td>← 42</td> <td>← 24</td> <td>← 310</td> </tr> <tr> <td>→ 11</td> <td>→ 605</td> <td>→ 167</td> <td>→ 170</td> <td>→ 38</td> </tr> <tr> <td>↘ 63</td> <td>↘ 185</td> <td></td> <td></td> <td></td> </tr> </table>	← 3	← 43	← 42	← 24	← 310	→ 11	→ 605	→ 167	→ 170	→ 38	↘ 63	↘ 185				<table border="1"> <tr> <td>← 131</td> <td>← 765</td> <td>← 50</td> <td>← 37</td> <td>← 77</td> </tr> <tr> <td>→ 419</td> <td>→ 125</td> <td>→ 256</td> <td>→ 185</td> <td>→ 999</td> </tr> <tr> <td>↘ 65</td> <td>↘ 52</td> <td></td> <td></td> <td></td> </tr> </table>	← 131	← 765	← 50	← 37	← 77	→ 419	→ 125	→ 256	→ 185	→ 999	↘ 65	↘ 52			
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D1. Atlantic Blvd at Project Driveway																																																						
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← 844	← 12	← 13																																																				
→ 1448	→ 14	→ 7																																																				

LEGEND:

- = Project Site
- = Study Intersection
- XXX = PM Peak Hour Turning Movement Volume

FIGURE 10
OPENING YEAR 2020 PLUS PROJECT
TRAFFIC VOLUMES



TABLE 6
SUMMARY OF INTERSECTION OPERATION
OPENING YEAR 2020 WITH PROJECT CONDITIONS

Int. #	Intersection	Traffic Control	PM Peak Hour					
			Without Project		With Project		Project Impact	Impact Sig?
			V/C / Delay	LOS	V/C / Delay	LOS		
1	Atlantic Boulevard at Brightwood Street	S	0.671	B	0.672	B	0.001	No
2	Atlantic Boulevard at Alleyway	U	37.6	E	40.3	E	2.7	No
3	College View Lane/Collegian Avenue at Floral Drive	S	0.657	B	0.658	B	0.001	No
4	Atlantic Boulevard at Floral Drive	S	0.724	C	0.728	C	0.004	No
D1	Atlantic Boulevard at Project Driveway	U			31.3	D	-	-

Notes:

- S = Signalized, U = Unsignalized
- ICU = Intersection Capacity Utilization; LOS = Level of Service
- Delay refers to the average control delay measured in seconds per vehicle.
- **Bold** and shaded values indicate intersections operating at LOS E or F per City standards.

Drive-Through Queuing

The opening to the drive-through lane is shown at the southeast corner of the building, and the pick-up window is shown on the west side of the building. The drive-through lane would wrap around the east, north, and west sides of the building in a counter-clockwise direction. The proposed project would provide a drive-through lane with two order boards. The drive through lane would begin as two drive-through lanes for use of the two order boards, which would allow Raising Cane's to take orders from two customers at the same time. and then merge back into a single drive-through lane prior to the pay and pick-up window. The drive-through lane would provide a queuing capacity for approximately 17 vehicles.

A drive-through queuing analysis was prepared to evaluate the drive-through queuing capacity of the proposed Raising Cane's, based on drive-through data from existing Raising Cane's restaurants in Southern California. The drive-through queuing analysis is provided in **Appendix E**.

On-Site Parking

The proposed project would provide a parking supply of 18 on-site parking spaces, including 1 ADA parking space and 1 EV parking space. Five parking spaces would have direct access to the alleyway on the east side of the project site. 6 parking spaces would have direct access to the alleyway on the south side of the project site, and 7 parking spaces would be along an internal project drive aisle. There is an existing shopping center driveway south of the alleyway. It is recommended that Raising Cane's employees be instructed to park in the parking spaces adjacent to the alleyway on the south side of the project site to free up the parking spaces least likely to be impacted by the potential queue of vehicles at the intersection of Atlantic Boulevard and the alleyway.

Queuing Analysis – Atlantic Boulevard at Alleyway

As congestion increases it is common for traffic at stop signs to form lines of stopped (or queued) vehicles. The 95th percentile queue is calculated by using 95th percentile traffic to account for fluctuations in traffic and represents a condition where 95 percent of the time during the peak period, traffic volumes and related queuing will be at, or less, than determined by the analysis.

A 95th percentile queuing analysis was performed for the westbound approach at the intersection of Atlantic Boulevard at Alleyway under Opening Year 2020 and Opening Year With Project conditions. Currently, there is a shopping center driveway directly south of the Alleyway close to the intersection of Atlantic Boulevard at Alleyway. With the proposed project Alleyway driveway, the westbound approach would have a storage capacity of approximately 125 ft, or 5 vehicles, assuming 25 feet per vehicle.

Under Opening Year 2020 conditions, the westbound approach would have a 95th percentile queue length of 27 feet. Under Opening Year With Project conditions, the westbound approach would have a 95th percentile queue of 36 feet. Assuming 25 feet per vehicle, the addition of project traffic increases the 95th percentile queue length by less than one vehicle. With the addition of project traffic, the increase in 95th percentile queue on the westbound approach is negligible.

SUMMARY OF FINDINGS AND CONCLUSIONS

- The applicant proposes to develop a 1,790-square-foot Raising Cane's drive-through restaurant. The project site is bounded by an existing commercial use to the north, Atlantic Boulevard to the west, and an alleyway to the east and south. The proposed site is currently vacant.
- Evening peak hour operating conditions were evaluated at four study intersections for the following study scenarios:
 - Existing,
 - Existing Plus Project,
 - Opening Year 2020 without Project, and
 - Opening Year 2020 with Project.
- Existing peak hour traffic counts were collected in October 2018.
- Under Existing Conditions, all study intersections are currently operating at an acceptable Level of Service, with the exception of the following intersection:
 - #2 – Atlantic Boulevard at the Alleyway – PM, LOS E
- After applying pass-by reduction factors, the project is estimated to generate approximately 814 vehicle trips on a daily basis, with 29 trips in the evening peak hour.
- Under Existing Plus Project Conditions, all study intersections would continue to operate at an acceptable Level of Service, with the exception of the following intersections:
 - #2 – Atlantic Boulevard at the Alleyway – PM, LOS E
- Ambient traffic growth and Cumulative Project traffic was added to Existing Conditions to establish Opening Year 2020 without Project Conditions.
- Under Opening Year 2020 without Project Conditions, all study intersections would operate at an acceptable Level of Service, with the exception of the following intersection:
 - #2 – Atlantic Boulevard at the Alleyway – PM, LOS E
- Under Opening Year 2020 with Project Conditions, all study intersections would continue to operate at an acceptable Level of Service in the evening peak hour, with the exception of the following intersections:
 - #2 – Atlantic Boulevard at the Alleyway – PM, LOS E

- Traffic signal warrant analyses were completed for the unsignalized intersections of Atlantic Boulevard at the Alleyway and Atlantic Boulevard at the Project Driveway. Based on the California MUTCD, Warrant 3 is not met for either intersection.
- It is recommended Raising Cane's employees be instructed to park in the parking spaces adjacent to the alleyway on the south side of the project site to free up the parking spaces least likely to be impacted by the potential queue of vehicles at the intersection of Atlantic Boulevard and the alleyway.
- A 95th percentile queue analysis was performed for the westbound approach at the intersection of Atlantic Boulevard at Alleyway. With the addition of project traffic, the increase in 95th percentile queue on the westbound approach is negligible.

APPENDIX A
APPROVED SCOPING AGREEMENT

TRAFFIC STUDY SCOPING AGREEMENT

Project Name:	Monterey Park Raising Cane's		
Project Location:	1970 S Atlantic Blvd, Monterey Park, CA 91754		
Project Description:	1,790 SF Fast-food Restaurant with Drive-thru (Site Plan – ATTACHMENT A)		
Opening Year:	2019	Build-out Year:	N/A
Annual Growth Rate:	0.81% (per CMP)		

Applicant Firm:	Raising Cane's	Applicant Contact:	6800 Bishop Rd, Plano, TX 75024
Phone Number:		E-mail Address:	
Consultant Firm:	Kimley-Horn and Assoc.	Consultant Contact:	Trevor Briggs
Phone Number:	(714) 939-1030	E-mail Address:	Trevor.Briggs@kimley-horn.com

Project Trip Generation Summary
(Trip Generation Table – ATTACHMENT B)

Source of Rates:	ITE Trip Generation Manual, 10th Edition	Other:	
-------------------------	--	---------------	--

ITE Land Use:	Fast-Food Res. w/ Drive-thru	ITE Land Use Code:	934			
Daily Trips:	<i>Inbound:</i>	407	<i>Outbound:</i>	407	<i>Total:</i>	814
AM Peak Hour Trips*:	<i>Inbound:</i>	N/A	<i>Outbound:</i>	N/A	<i>Total:</i>	N/A
PM Peak Hour Trips:	<i>Inbound:</i>	15	<i>Outbound:</i>	14	<i>Total:</i>	29

See attached Trip Generation table for details.

*Raising Cane's does not open until 10 A.M.

Trip Distribution: (Trip Distribution Exhibit – ATTACHMENT C)

Suggested Study Intersections

1	Atlantic Blvd and Brightwood St	11	
2	Atlantic Blvd and Floral Dr	12	
3	College View Ln/Collegian Ave and Floral Dr	13	
4	Atlantic Blvd and Project Driveway	14	
5	Atlantic Blvd and Alleyway	15	
6		16	
7		17	
8		18	
9		19	
10		20	



October 4, 2018

Consultant's Representative

Date

Approved by:

City Representative

Date

Attachments:

- A. Project Site Plan
- B. Trip Generation Table
- C. Project Trip Distribution & Suggested Traffic Area Map

TITLE REPORT EXCEPTIONS

- EASEMENTS ARE PLOTTED HEREON WITH REFERENCE TO SCHEDULE B EXCEPTION NUMBER
- (6) AN EASEMENT AFFECTING THAT PORTION OF SAID LAND AND FOR THE PURPOSES STATED HEREIN AND INCIDENTAL PURPOSES AS PROVIDED IN THE FOLLOWING:
 - SOUTHERN CALIFORNIA EDISON COMPANY
 - POLE LINES
 - MARCH 25, 1950 IN BOOK 32644 OF OFFICIAL RECORDS, PAGE 182 AS INSTRUMENT NO. 2550
 - THE EASTERN 6 FEET OF LOTS 191 & 192.
 - (7) AN EASEMENT AFFECTING THAT PORTION OF SAID LAND AND FOR THE PURPOSES STATED HEREIN AND INCIDENTAL PURPOSES AS PROVIDED IN THE FOLLOWING:
 - SOUTHERN CALIFORNIA EDISON COMPANY
 - POLES AND CONDUITS
 - AUGUST 13, 1953 IN BOOK 42456 OF OFFICIAL RECORDS, PAGE 189 AS INSTRUMENT NO. 2759
 - AS DESCRIBED THEREIN

SIGN INFORMATION

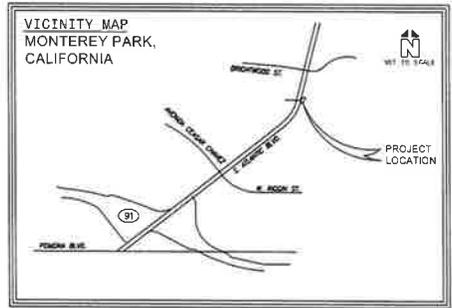
- (A) OMITTED SIGN R5-1 - "DO NOT ENTER"

CONSTRUCTION NOTES:

- 1 STANDARD DUTY CONCRETE PAVEMENT
- 2 CONCRETE CURB
- 3 STANDARD DUTY ASPHALT CONCRETE PAVEMENT
- 4 LANDSCAPE/PLANTER AREA
- 5 HEAVY DUTY CONCRETE PAVEMENT
- 6 ACCESSIBLE PARKING STALL SIGN IN BOLLARD
- 7 DIRECTIONAL MARKING PER PLAN
- 8 ACCESSIBLE RAMP WITH DETECTABLE WARNING (TRUNCATED DOMES)
- 9 JOIN EXISTING CURB, CURB & GUTTER, SIDEWALK
- 10 "CLEAN AIR/VAN POOL/EV" IN 12" HIGH WHITE LETTERS AT THE END OF PARKING STALL
- 11 ADA PATH OF TRAVEL SIGN
- 12 PUBLIC CURB AND GUTTER PER CITY OF MONTEREY PARK STANDARDS
- 13 PUBLIC SIDEWALK PER CITY OF MONTEREY PARK STANDARDS
- 14 PYLON SIGN
- 15 COVERED TRASH ENCLOSURE AND RECYCLING BIN STORAGE
- 16 STANDARD 90° PARKING STALL STRIPING
- 17 BIKE RACK
- 18 18" WALK-OFF CURB
- 19 PREVIEW BOARD
- 20 ORDER BOARD
- 21 HEADACHE BAR
- 22 CONCRETE CURB AND GUTTER
- 23 PROPRIETARY STORMWATER BIOFILTRATION SYSTEM, PRELIMINARY SIZING SHOWN FOR REFERENCE ONLY.
- 24 INSTALL WHEELSTOPS FOR PARKING SPACES
- 25 SITE LIGHTING
- 26 FUTURE E.V. CHARGING STATION, CONDUIT TO BE RAN TO STALL FOR FUTURE CONNECTION
- 27 PARCEL MERGER SHALL BE COMPLETED FOR THE PROPOSED PROJECT.
- 28 PARKWAY LANDSCAPING PER CITY OF MONTEREY PARK STANDARDS.
- 29 COMMERCIAL DRIVEWAY PER CITY OF MONTEREY PARK STANDARDS.
- 30 HEAVY DUTY ASPHALT CONCRETE PAVEMENT.
- 31 PAVED TO BE COLORED CONCRETE/ENHANCED PAVERS.
- 32 PAD MOUNTED TRANSFORMER.
- 33 SWITCHGEAR CABINET.
- 34 INSTALL CURB ALONG EXISTING PAVEMENT EDGE. CURB SHALL NOT CROSS ADJACENT PROPERTY LINE.

LEGEND: ATTACHMENT A

- CENTER LINE
- PROPERTY LINE
- EASEMENT LINE
- APPROXIMATE LIMIT OF WORK
- STANDARD DUTY CONCRETE PAVEMENT
- HEAVY DUTY CONCRETE PAVEMENT
- LANDSCAPE/PLANTER AREA
- STANDARD DUTY ASPHALT PAVEMENT
- HEAVY DUTY ASPHALT PAVEMENT
- DETECTABLE WARNING SYSTEM
- COLORLED CONCRETE / ENHANCED PAVERS
- ACCESSIBLE ROUTE (LOCATION PURPOSES ONLY, DO NOT PAINT)
- SIGN POST
- ACCESSIBLE PARKING SPACE
- NUMBER OF PARKING SPACES



SITE DATA

PROJECT DESCRIPTION: DEMOLITION OF EXISTING FOUNDATION AND SUBSURFACE STRUCTURES AND NEW CONSTRUCTION OF A RAISING CANE'S RESTAURANT

ADDRESS: 1970 S ATLANTIC BLVD
MONTEREY PARK, CA 91754

ZONING DISTRICT: S-C

LAND USE: SHOPPING CENTER

FLOOD ZONE: ZONE X - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

TOTAL DISTURBED AREA:	17,863 S.F.	(0.41 AC)
TOTAL PAD AREA:	3,632 S.F.	(0.08 AC)
PROPOSED LEASE AREA:	17,863 S.F.	(0.41 AC)

LOT COVERAGE:	17,863 S.F.	(0.41 AC)	100%
TOTAL SITE AREA:	1,600 S.F.	(0.04 AC)	10.0%
BUILDING AREA:	1,883 S.F.	(0.04 AC)	17.6%
IMPERVIOUS AREA:	2,320 S.F.	(0.05 AC)	2.4%
LANDSCAPE AREA:	14,216 S.F.	(0.33 AC)	80.0%

*% BASED (100% S.F.) OF TOTAL LANDSCAPING ALONG S. ATLANTIC BLVD. FRONTAGE

OFF-SITE COVERAGE:	1,569 S.F.	(0.04 AC)	100%
TOTAL OFF-SITE AREA:	1,176 S.F.	(0.03 AC)	78.0%
IMPERVIOUS AREA:	393 S.F.	(0.01 AC)	23.0%

PARKING / LANDSCAPE BUFFER: 5.5'-0" REAR: 0'-0" SIDE (N): 0'-0" SIDE (S): 0'-0" *A SETBACK VARIANCE IS BEING REQUESTED AS PART OF THIS APPLICATION

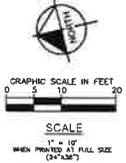
PARKING SUMMARY:

1,790 S.F. BUILDING
1 STALL/100 S.F. REQUIRED BY CITY CODE
PARKING REQUIRED: 18 STALLS REQUIRED
ADA PARKING FOR 1-25 PARKING STALLS = 1 ADA PARKING STALL
REQUIRED PER 2016 CBC
FUTURE EV FOR 1-25 PARKING STALLS = 1 FUTURE EV STALL REQUIRED PER 2016 CALGREEN
1 FUTURE EV STALL MUST BE VAN ACCESSIBLE
NUMBER OF REQUIRED DESIGNATED STALLS FOR LOW-EMITTING, FUEL-EFFICIENT, CARPOOL, VANPOOL, AND ELECTRIC VEHICLES (PER 2016 CALIFORNIA GREEN BUILDING STANDARDS) = 2

TOTAL NUMBER OF PARKING SPACES PROVIDED = 18

PARKING TABLE:	REQUIRED	PROVIDED
STANDARD	18	18
COMPACT (C)	0	0
MOTORCYCLE	0	0
DESIGNATED	1	1
E.V. CHARGING	1	1
ACCESSIBLE	0	0
TOTAL	18	18

1 (EV STALLS ARE ALSO DESIGNATED FOR EV)



DIGALERT
CALL BEFORE YOU DIG
TOLL FREE 1-800-472-6133
UNDERGROUND SERVICE ALERT

DATE	DESCRIPTION
08/18/2018	INITIAL SUBMITTAL

CITY OF MONTEREY PARK

APPROVED BY: [Signature]

PLANNING DIVISION: [Signature]

Kimley»Horn

705 THE CITY DRIVE SUITE 200
ORANGE, CA 92668
(714) 932-1000

PREPARED UNDER THE DIRECT SUPERVISION OF:
[Signature]

DATE: 8/15/2018
EXP: 12/31/18

CITY OF MONTEREY PARK

1970 S ATLANTIC BLVD
MONTEREY PARK, CA 91754

Raising Cane's

1970 S ATLANTIC BLVD
MONTEREY PARK, CA 91754

CITY OF MONTEREY PARK

PRELIMINARY SITE PLAN

1 OF 1

**TABLE 1
SUMMARY OF PROJECT TRIP GENERATION
MONTEREY PARK RAISING CANE'S**

Land Use	ITE Code	Unit	Trip Generation Rates ¹			
			Daily	PM Peak Hour		
				In	Out	Total
Fast-Food Restaurant w/ Drive-thru	934	KSF	470.95	16.988	15.682	32.67
Land Use	Quantity	Unit	Trip Generation Estimates			
			Daily	PM Peak Hour		
				In	Out	Total
Fast-Food Restaurant w/ Drive-thru	1.790	KSF	843	30	28	58
<i>Pass-by Trips (50% PM) ²</i>			-29	-15	-14	-29
Total Net Project Trips			814	15	14	29
¹ Source: Institute of Transportation Engineers (ITE) <u>Trip Generation Manual</u> , 10th Edition ² Source: Institute of Transportation Engineers (ITE) <u>Trip Generation Handbook</u> , 3rd Edition						

TRAFFIC STUDY AREA – MONTEREY PARK RAISING CANE'S PROJECT



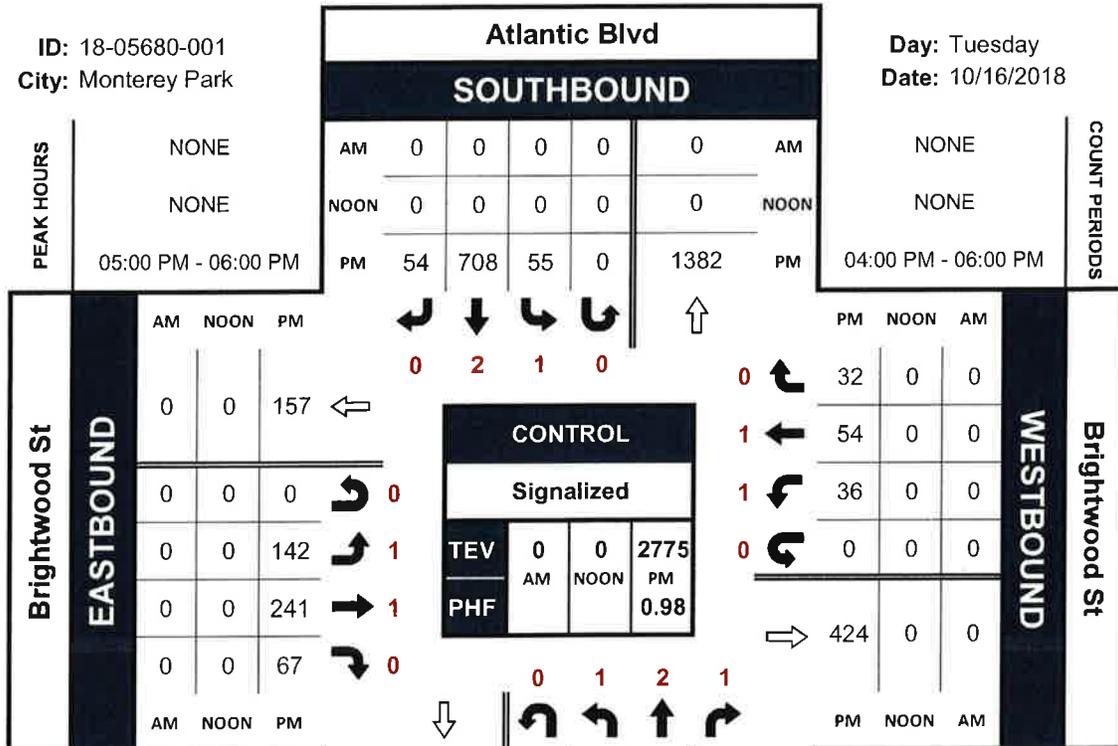
APPENDIX B
TRAFFIC DATA COLLECTION WORKSHEETS

Atlantic Blvd & Brightwood St

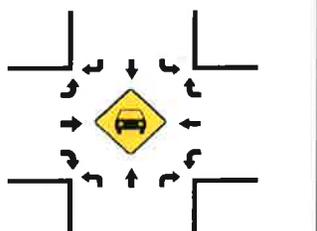
Peak Hour Turning Movement Count

ID: 18-05680-001
City: Monterey Park

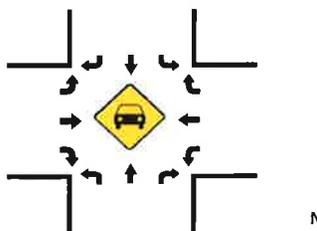
Day: Tuesday
Date: 10/16/2018



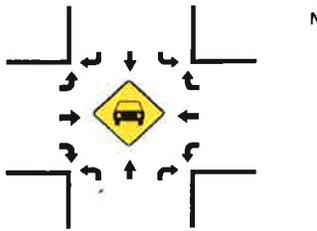
Total Vehicles (AM)



Total Vehicles (NOON)



Total Vehicles (PM)

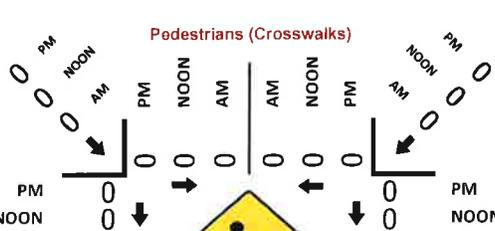


PM	812	1	49	1208	128	PM
NOON	0	0	0	0	0	NOON
AM	0	0	0	0	0	AM

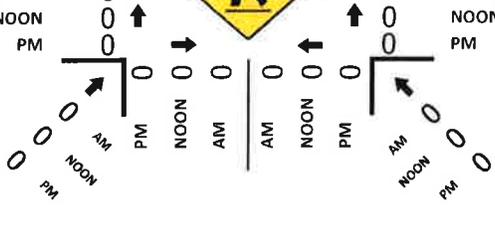
NORTHBOUND

Atlantic Blvd

Total Vehicles (AM)



Total Vehicles (NOON)



Total Vehicles (PM)



Pedestrians (Crosswalks)



National Data & Surveying Services Intersection Turning Movement Count

Location: Atlantic Blvd & Brightwood St
City: Monterey Park
Control: Signalized

Project ID: 18-05680-001
Date: 2018-10-16

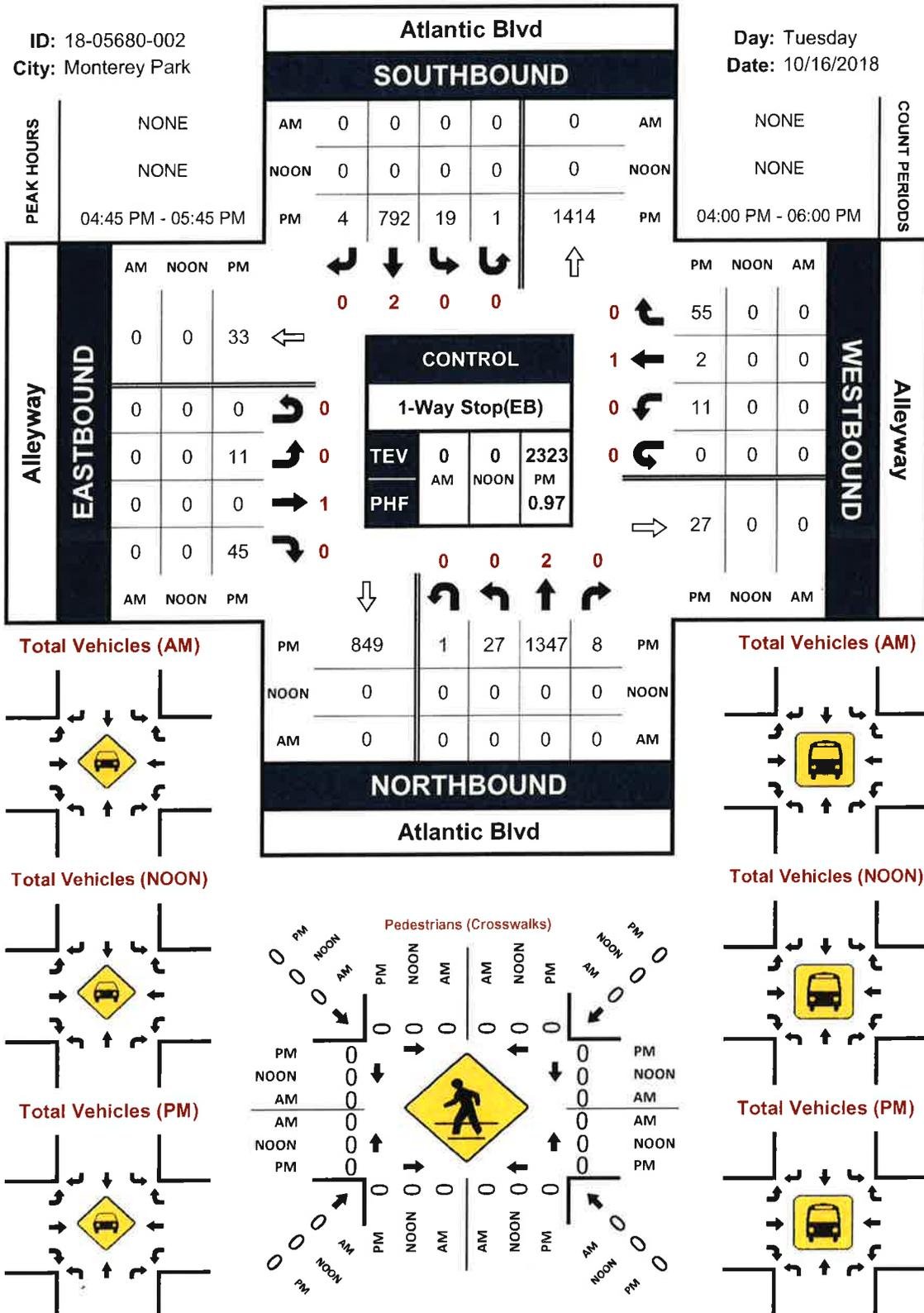
NS/EW Streets:		Total																				TOTAL						
		Atlantic Blvd					Atlantic Blvd					Brightwood St					Brightwood St											
PM	1	NORTHBOUND				SOUTHBOUND					EASTBOUND					WESTBOUND					SOUTHBOUND					TOTAL		
		NL	NT	NR	NU	NT2	SL	ST	SR	SU	SU2	EL	ET	ER	EU	EL2	WL	WT	WR	WU	WR2	S2L	S2U	S2L2	S2T2		S2R2	S2U2
4:00 PM	9	224	23	0	0	13	178	11	0	0	30	35	22	0	0	15	13	10	0	0	0	0	0	0	1	0	0	574
4:15 PM	4	253	17	0	0	15	169	7	0	0	16	54	19	0	0	8	9	6	0	0	0	0	0	0	2	0	0	579
4:30 PM	7	251	21	2	2	12	216	15	0	0	30	47	17	0	0	8	8	6	0	1	0	0	1	1	0	0	645	
4:45 PM	13	268	37	0	1	12	168	14	0	0	26	65	23	0	1	6	17	10	0	0	0	0	1	0	1	0	663	
5:00 PM	6	290	33	1	1	12	214	11	0	0	43	56	16	0	0	6	9	8	0	0	0	0	0	0	0	0	706	
5:15 PM	15	324	33	0	1	19	158	7	0	0	38	59	16	0	0	8	12	4	0	1	0	0	0	0	0	0	697	
5:30 PM	14	298	26	0	1	15	169	25	0	0	34	63	16	0	0	13	17	9	0	0	0	0	0	1	0	0	701	
5:45 PM	14	296	36	0	0	9	167	11	0	0	27	63	17	0	0	9	16	11	0	0	0	0	0	1	0	0	677	
TOTAL VOLUMES:		NL	NT	NR	NU	NT2	SL	ST	SR	SU	SU2	EL	ET	ER	EU	EL2	WL	WT	WR	WU	WR2	S2L	S2U	S2L2	S2T2	S2R2	S2U2	TOTAL
		82	2204	226	3	6	107	1439	101	0	0	234	442	148	0	1	73	101	64	0	2	0	0	2	6	1	0	5242
APPROACH %'s:		3.25%	87.43%	8.96%	0.12%	0.24%	6.50%	87.37%	6.13%	0.00%	0.00%	28.36%	53.58%	17.94%	0.00%	0.12%	30.42%	42.08%	26.67%	0.00%	0.83%	0.00%	0.00%	22.22%	66.67%	11.11%	0.00%	
PEAK HR:		05:00 PM - 06:00 PM																										
PEAK HR VOL:		49	1208	128	1	3	55	708	54	0	0	142	241	67	0	0	36	54	32	0	1	0	0	0	2	0	0	2781
PEAK HR FACTOR:		0.817	0.932	0.889	0.250	0.750	0.724	0.827	0.540	0.000	0.000	0.826	0.956	0.931	0.000	0.000	0.692	0.794	0.727	0.000	0.250	0.000	0.000	0.000	0.500	0.300	0.000	0.985
		0.931					0.862																					

Atlantic Blvd & Alleyway

Peak Hour Turning Movement Count

ID: 18-05680-002
City: Monterey Park

Day: Tuesday
Date: 10/16/2018



National Data & Surveying Services

Intersection Turning Movement Count

Location: Atlantic Blvd & Alleyway
 City: Monterey Park
 Control: 1-Way Stop(EB)

Project ID: 18-05680-002
 Date: 2018-10-16

Total

NS/EW Streets:	Atlantic Blvd				Atlantic Blvd				Alleyway				Alleyway				TOTAL		
	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND						
PM	0	2	0	0	0	2	0	0	0	1	0	0	0	0	1	0	0	0	
	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU			
4:00 PM	10	262	2	0	5	205	1	0	1	0	19	0	1	0	9	0			515
4:15 PM	6	271	2	0	9	195	1	0	4	2	7	0	3	0	13	0			513
4:30 PM	8	272	0	0	2	239	0	0	2	0	12	0	1	0	8	0			544
4:45 PM	8	309	3	0	7	186	1	0	0	0	8	0	3	1	15	0			541
5:00 PM	4	329	2	0	3	230	1	1	1	0	12	0	2	1	14	0			600
5:15 PM	10	364	3	1	5	177	0	0	5	0	11	0	3	0	12	0			591
5:30 PM	5	345	0	0	4	199	2	0	5	0	14	0	3	0	14	0			591
5:45 PM	6	312	3	0	9	187	0	0	0	0	10	0	3	0	10	0			540
TOTAL VOLUMES:	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU			TOTAL
APPROACH %'s:	57	2464	15	1	44	1618	6	1	18	2	93	0	19	2	95	0			4435
	2.25%	97.12%	0.59%	0.04%	2.64%	96.94%	0.36%	0.06%	15.93%	1.77%	82.30%	0.00%	16.38%	1.72%	81.90%	0.00%			
PEAK HR:	04:45 PM - 05:45 PM																TOTAL		
PEAK HR VOL:	27	1347	8	1	19	792	4	1	11	0	45	0	11	2	55	0			2323
PEAK HR FACTOR:	0.675	0.925	0.667	0.250	0.679	0.861	0.500	0.250	0.550	0.000	0.804	0.000	0.917	0.500	0.917	0.000			0.968
	0.915				0.868				0.737				0.895						

National Data & Surveying Services

Intersection Turning Movement Count

Location: College View Ln/Collegian Ave & Floral Dr
 City: Monterey Park
 Control: Signalized

Project ID: 18-05680-003
 Date: 2018-10-16

Total

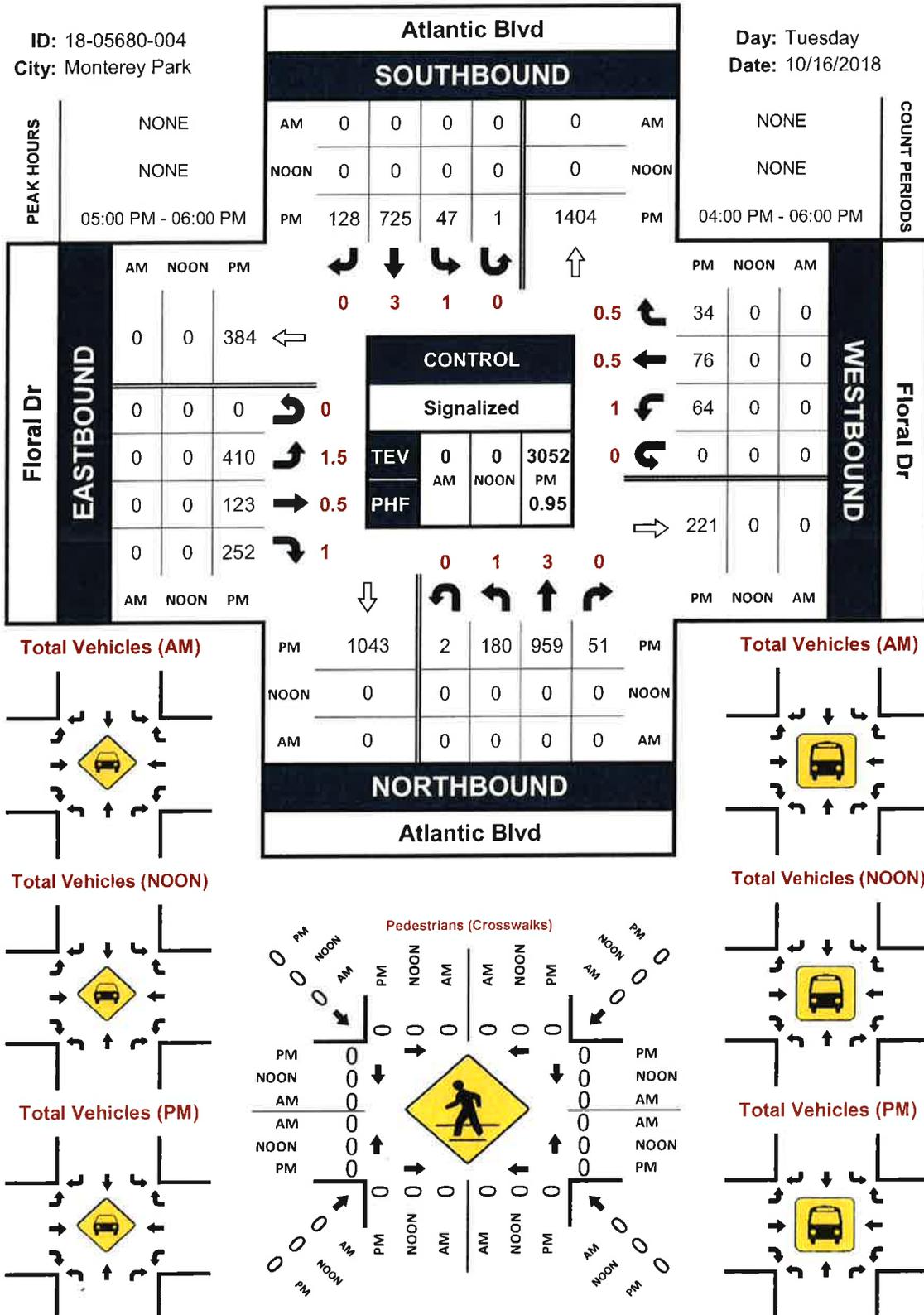
NS/EW Streets:	College View Ln/Collegian Ave				College View Ln/Collegian Ave				Floral Dr				Floral Dr				TOTAL
	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				
PM	1 NL	1 NT	0 NR	0 NU	0 SL	1 ST	0 SR	0 SU	1 EL	1 ET	1 ER	0 EU	1 WL	1 WT	0 WR	0 WU	
4:00 PM	28	7	33	0	4	3	1	0	5	157	37	0	13	70	9	0	367
4:15 PM	37	4	49	0	5	5	0	0	2	149	42	0	12	90	7	0	402
4:30 PM	22	5	35	0	6	7	0	0	2	144	30	0	16	64	3	0	334
4:45 PM	27	5	43	0	9	6	0	0	2	144	36	0	11	72	6	0	361
5:00 PM	42	12	47	0	11	7	0	0	5	154	49	0	18	84	2	0	431
5:15 PM	47	6	45	0	10	8	3	0	4	155	43	0	11	61	7	0	400
5:30 PM	44	7	49	0	11	15	0	0	1	142	42	0	17	81	8	0	417
5:45 PM	34	10	39	0	9	12	0	0	1	142	30	0	16	78	7	0	378
TOTAL VOLUMES :	NL 281	NT 56	NR 340	NU 0	SL 65	ST 63	SR 4	SU 0	EL 22	ET 1187	ER 309	EU 0	WL 114	WT 600	WR 49	WU 0	TOTAL 3090
APPROACH %'s :	41.51%	8.27%	50.22%	0.00%	49.24%	47.73%	3.03%	0.00%	1.45%	78.19%	20.36%	0.00%	14.94%	78.64%	6.42%	0.00%	
PEAK HR :	05:00 PM - 06:00 PM																TOTAL
PEAK HR VOL :	167	35	180	0	41	42	3	0	11	593	164	0	62	304	24	0	1626
PEAK HR FACTOR :	0.888	0.729	0.918	0.000	0.932	0.700	0.250	0.000	0.550	0.956	0.837	0.000	0.861	0.905	0.750	0.000	0.943
	0.946				0.827				0.923				0.920				

Atlantic Blvd & Floral Dr

Peak Hour Turning Movement Count

ID: 18-05680-004
City: Monterey Park

Day: Tuesday
Date: 10/16/2018



National Data & Surveying Services

Intersection Turning Movement Count

Location: Atlantic Blvd & Floral Dr
 City: Monterey Park
 Control: Signalized

Project ID: 18-05680-004
 Date: 2018-10-16

Total

NS/EW Streets:	Atlantic Blvd				Atlantic Blvd				Floral Dr				Floral Dr				TOTAL
	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				
PM	1 NL	3 NT	0 NR	0 NU	1 SL	3 ST	0 SR	0 SU	1.5 EL	0.5 ET	1 ER	0 EU	1 WL	0.5 WT	0.5 WR	0 WU	
4:00 PM	44	198	4	1	17	198	31	0	73	38	72	0	16	18	11	0	721
4:15 PM	50	179	13	0	10	179	31	1	98	36	71	0	14	22	6	0	710
4:30 PM	42	206	14	0	17	206	33	1	62	27	73	0	22	15	10	0	728
4:45 PM	48	203	3	0	11	158	21	0	103	24	63	0	29	18	13	0	694
5:00 PM	62	230	16	1	10	220	34	0	97	27	66	0	12	19	13	0	807
5:15 PM	35	247	13	0	12	164	23	1	124	36	59	0	22	14	10	0	760
5:30 PM	50	264	11	0	8	173	36	0	88	33	70	0	15	21	3	0	772
5:45 PM	33	218	11	1	17	168	35	0	101	27	57	0	15	22	8	0	713
TOTAL VOLUMES :	NL 364	NT 1745	NR 85	NU 3	SL 102	ST 1466	SR 244	SU 3	EL 746	ET 248	ER 531	EU 0	WL 145	WT 149	WR 74	WU 0	TOTAL 5905
APPROACH %'s :	16.57%	79.43%	3.87%	0.14%	5.62%	80.77%	13.44%	0.17%	48.92%	16.26%	34.82%	0.00%	39.40%	40.49%	20.11%	0.00%	
PEAK HR :	05:00 PM - 06:00 PM																TOTAL
PEAK HR VOL :	180	959	51	2	47	725	128	1	410	123	252	0	64	76	34	0	3052
PEAK HR FACTOR :	0.726	0.908	0.797	0.500	0.691	0.824	0.889	0.250	0.827	0.854	0.900	0.000	0.727	0.864	0.654	0.000	0.945
	0.917				0.853				0.896				0.946				

APPENDIX C
INTERSECTION ANALYSIS WORKSHEETS

Monterey Park Raising Cane's

Vistro File: K:\...\Monterey Park_PM_CURRENT.vistro

Scenario 1 EX PM

Report File: K:\...\1 - EX PM.pdf

1/29/2020

Intersection Analysis Summary

ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
1	Atlantic Blvd at Brightwood St	Signalized	ICU 1	NB Thru	0.655	-	B
2	Atlantic Blvd at Alleyway	Two-way stop	HCM 2010	WB Left	0.087	35.5	E
3	College View Ln at Floral Dr	Signalized	ICU 1	EB Thru	0.648	-	B
4	Atlantic Blvd at Floral Dr	Signalized	ICU 1	EB Left	0.709	-	C

V/C, Delay, LOS: For two-way stop, these values are taken from the movement with the worst (highest) delay value. For all other control types, they are taken for the whole intersection.

Intersection Level Of Service Report
Intersection 1: Atlantic Blvd at Brightwood St

Control Type:	Signalized	Delay (sec / veh):	-
Analysis Method:	ICU 1	Level Of Service:	B
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.655

Intersection Setup

Name	Atlantic Blvd			Atlantic Blvd			Brightwood St			Brightwood St		
Approach	Northbound			Southbound			Eastbound			Westbound		
Lane Configuration	三三三			三三三			三三三			三三三		
Turning Movement	Left	Thru	Right									
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Speed [mph]	35.00			35.00			25.00			30.00		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	Yes			Yes			Yes			Yes		

Volumes

Name	Atlantic Blvd			Atlantic Blvd			Brightwood St			Brightwood St		
Base Volume Input [veh/h]	50	1211	128	55	710	54	142	241	67	36	54	33
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	50	1211	128	55	710	54	142	241	67	36	54	33
Peak Hour Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	13	303	32	14	178	14	36	60	17	9	14	8
Total Analysis Volume [veh/h]	50	1211	128	55	710	54	142	241	67	36	54	33
Pedestrian Volume [ped/h]	0			0			0			0		
Bicycle Volume [bicycles/h]	0			0			0			0		

Intersection Settings

Cycle Length [s]	100
Lost time [s]	10.00

Phasing & Timing

Control Type	Permiss											
Signal Group		6			2			8			4	
Auxiliary Signal Groups												
Lead / Lag												

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.03	0.36	0.08	0.03	0.23	0.23	0.09	0.14	0.04	0.02	0.05	0.05
Intersection LOS	B											
Intersection V/C	0.655											

Intersection Level Of Service Report
Intersection 2: Atlantic Blvd at Alleyway

Control Type:	Two-way stop	Delay (sec / veh):	35.5
Analysis Method:	HCM 2010	Level Of Service:	E
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.087

Intersection Setup

Name	Atlantic Blvd		Atlantic Blvd		Alleyway	
Approach	Northbound		Southbound		Westbound	
Lane Configuration						
Turning Movement	Thru	Right	Left	Thru	Left	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Pocket	0	0	0	0	0	0
Pocket Length [ft]	150.00	100.00	160.00	163.00	102.00	100.00
Speed [mph]	35.00		35.00		30.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	No		No		Yes	

Volumes

Name	Atlantic Blvd		Atlantic Blvd		Alleyway	
Base Volume Input [veh/h]	1347	8	20	792	11	55
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	1347	8	20	792	11	55
Peak Hour Factor	0.9150	0.9150	0.8680	0.8680	0.8950	0.8950
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	368	2	6	228	3	15
Total Analysis Volume [veh/h]	1472	9	23	912	12	61
Pedestrian Volume [ped/h]						0

Intersection Settings

Priority Scheme	Free	Free	Stop
Flared Lane			No
Storage Area [veh]			
Two-Stage Gap Acceptance			Yes
Number of Storage Spaces in Median			1

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.13	1.00	0.05	0.21	0.09	0.17
d_M, Delay for Movement [s/veh]	2.02	35.65	13.42	3.13	35.47	19.36
Movement LOS	A	A	B	A	E	C
95th-Percentile Queue Length [veh/ln]	0.00	0.00	0.16	0.00	1.00	1.00
95th-Percentile Queue Length [ft/ln]	0.00	0.00	4.02	0.00	25.00	25.00
d_A, Approach Delay [s/veh]	0.00		0.33		22.01	
Approach LOS	A		A		C	
d_I, Intersection Delay [s/veh]	0.77					
Intersection LOS	E					

Intersection Level Of Service Report
Intersection 3: College View Ln at Floral Dr

Control Type:	Signalized	Delay (sec / veh):	-
Analysis Method:	ICU 1	Level Of Service:	B
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.648

Intersection Setup

Name	College View Dr			College View Dr			Floral Dr			Floral Dr		
Approach	Northbound			Southbound			Eastbound			Westbound		
Lane Configuration	⇌			⊕			⇌			⇌		
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Pocket Length [ft]	130.00	130.00	130.00	130.00	130.00	130.00	100.00	100.00	100.00	100.00	100.00	100.00
Speed [mph]	25.00			25.00			40.00			40.00		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	Yes			Yes			Yes			Yes		

Volumes

Name	College View Dr			College View Dr			Floral Dr			Floral Dr		
Base Volume Input [veh/h]	167	35	180	41	42	3	11	593	164	62	304	24
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	167	35	180	41	42	3	11	593	164	62	304	24
Peak Hour Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	42	9	45	10	11	1	3	148	41	16	76	6
Total Analysis Volume [veh/h]	167	35	180	41	42	3	11	593	164	62	304	24
Pedestrian Volume [ped/h]	0			0			0			0		
Bicycle Volume [bicycles/h]	0			0			0			0		

Intersection Settings

Cycle Length [s]	100
Lost time [s]	10.00

Phasing & Timing

Control Type	Permiss	Permiss	Permiss	Permiss	Permiss	Permiss	Protecte	Permiss	Permiss	Protecte	Permiss	Permiss
Signal Group	6				2		3	8		7	4	
Auxiliary Signal Groups												
Lead / Lag							Lead			Lead		

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.10	0.13	0.13	0.03	0.05	0.05	0.01	0.35	0.10	0.04	0.21	0.21
Intersection LOS	B											
Intersection V/C	0.648											

Intersection Level Of Service Report
Intersection 4: Atlantic Blvd at Floral Dr

Control Type: Signalized
 Analysis Method: ICU 1
 Analysis Period: 15 minutes

Delay (sec / veh): -
 Level Of Service: C
 Volume to Capacity (v/c): 0.709

Intersection Setup

Name	Atlantic Blvd			Atlantic Blvd			Floral Dr			Floral Dr		
Approach	Northbound			Southbound			Eastbound			Westbound		
Lane Configuration	T T T			T T T			T T			T T		
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Speed [mph]	35.00			35.00			40.00			40.00		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	Yes			Yes			Yes			Yes		

Volumes

Name	Atlantic Blvd			Atlantic Blvd			Floral Dr			Floral Dr		
Base Volume Input [veh/h]	182	959	51	48	725	128	410	123	252	64	76	34
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	182	959	51	48	725	128	410	123	252	64	76	34
Peak Hour Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	46	240	13	12	181	32	103	31	63	16	19	9
Total Analysis Volume [veh/h]	182	959	51	48	725	128	410	123	252	64	76	34
Pedestrian Volume [ped/h]	0			0			0			0		
Bicycle Volume [bicycles/h]	0			0			0			0		

Intersection Settings

Cycle Length [s]	100
Lost time [s]	10.00

Phasing & Timing

Control Type	Protecte	Permiss	Permiss	Protecte	Permiss	Permiss	Split	Split	Split	Split	Split	Split
Signal Group	1	6	3	5	2	7	9	8	10	11	4	12
Auxiliary Signal Groups												
Lead / Lag	Lead			Lead								

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.11	0.20	0.20	0.03	0.17	0.17	0.26	0.07	0.15	0.04	0.07	0.07
Intersection LOS	C											
Intersection V/C	0.709											

Monterey Park Raising Cane's

Vistro File: K:\...\Monterey Park_PM_CURRENT.vistro
 Report File: K:\...\2 - EX WP PM.pdf

Scenario 2 EX WP PM
 1/29/2020

Intersection Analysis Summary

ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
1	Atlantic Blvd at Brightwood St	Signalized	ICU 1	NB Thru	0.656	-	B
2	Atlantic Blvd at Alleyway	Two-way stop	HCM 2010	WB Left	0.147	37.8	E
3	College View Ln at Floral Dr	Signalized	ICU 1	EB Thru	0.649	-	B
4	Atlantic Blvd at Floral Dr	Signalized	ICU 1	EB Left	0.713	-	C
5	Atlantic Blvd at Project Driveway	Two-way stop	HCM 2010	WB Left	0.046	29.8	D

V/C, Delay, LOS: For two-way stop, these values are taken from the movement with the worst (highest) delay value. For all other control types, they are taken for the whole intersection.

Intersection Level Of Service Report
Intersection 1: Atlantic Blvd at Brightwood St

Control Type:	Signalized	Delay (sec / veh):	-
Analysis Method:	ICU 1	Level Of Service:	B
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.656

Intersection Setup

Name	Atlantic Blvd			Atlantic Blvd			Brightwood St			Brightwood St		
Approach	Northbound			Southbound			Eastbound			Westbound		
Lane Configuration	T T T			T T T			T T T			T T		
Turning Movement	Left	Thru	Right									
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00	150.00	150.00	150.00	100.00	100.00	100.00
Speed [mph]	35.00			35.00			25.00			30.00		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	Yes			Yes			Yes			Yes		

Volumes

Name	Atlantic Blvd			Atlantic Blvd			Brightwood St			Brightwood St		
Base Volume Input [veh/h]	50	1211	128	55	710	54	142	241	67	36	54	33
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	1	4	0	0	3	0	0	0	2	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	51	1215	128	55	713	54	142	241	69	36	54	33
Peak Hour Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	13	304	32	14	178	14	36	60	17	9	14	8
Total Analysis Volume [veh/h]	51	1215	128	55	713	54	142	241	69	36	54	33
Pedestrian Volume [ped/h]	0			0			0			0		
Bicycle Volume [bicycles/h]	0			0			0			0		

Intersection Settings

Cycle Length [s]	100
Lost time [s]	10.00

Phasing & Timing

Control Type	Permiss											
Signal Group		6			2			8			4	
Auxiliary Signal Groups												
Lead / Lag												

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.03	0.36	0.08	0.03	0.23	0.23	0.09	0.14	0.04	0.02	0.05	0.05
Intersection LOS	B											
Intersection V/C	0.656											

Intersection Level Of Service Report
Intersection 2: Atlantic Blvd at Alleyway

Control Type:	Two-way stop	Delay (sec / veh):	37.8
Analysis Method:	HCM 2010	Level Of Service:	E
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.147

Intersection Setup

Name	Atlantic Blvd		Atlantic Blvd		Alleyway	
Approach	Northbound		Southbound		Westbound	
Lane Configuration						
Turning Movement	Thru	Right	Left	Thru	Left	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Pocket	0	0	0	0	0	0
Pocket Length [ft]	103.00	103.00	103.00	103.00	103.00	103.00
Speed [mph]	35.00		35.00		30.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	No		No		Yes	

Volumes

Name	Atlantic Blvd		Atlantic Blvd		Alleyway	
Base Volume Input [veh/h]	1347	8	20	792	11	55
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	6	2	0	4	4	0
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	3	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	1353	10	20	796	18	55
Peak Hour Factor	0.9150	0.9150	0.8680	0.8680	0.8950	0.8950
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	370	3	6	229	5	15
Total Analysis Volume [veh/h]	1479	11	23	817	20	61
Pedestrian Volume [ped/h]					0	

Intersection Settings

Priority Scheme	Free	Free	Stop
Flared Lane			No
Storage Area [veh]			
Two-Stage Gap Acceptance			Yes
Number of Storage Spaces in Median			1

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio			0.05		0.15	0.17
d_M, Delay for Movement [s/veh]			13.49		37.84	21.54
Movement LOS	A	A	B	A	E	C
95th-Percentile Queue Length [veh/ln]	0.00	0.00	0.16	0.00	1.32	1.32
95th-Percentile Queue Length [ft/ln]	0.00	0.00	4.06	0.00	32.93	32.93
d_A, Approach Delay [s/veh]	0.00		0.33		25.56	
Approach LOS	A		A		D	
d_I, Intersection Delay [s/veh]	0.95					
Intersection LOS	E					

Intersection Level Of Service Report
Intersection 3: College View Ln at Floral Dr

Control Type:	Signalized	Delay (sec / veh):	-
Analysis Method:	ICU 1	Level Of Service:	B
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.649

Intersection Setup

Name	College View Dr			College View Dr			Floral Dr			Floral Dr		
Approach	Northbound			Southbound			Eastbound			Westbound		
Lane Configuration	T T			+			T T			T T		
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Speed [mph]	25.00			25.00			40.00			40.00		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	Yes			Yes			Yes			Yes		

Volumes

Name	College View Dr			College View Dr			Floral Dr			Floral Dr		
Base Volume Input [veh/h]	167	35	180	41	42	3	11	593	164	62	304	24
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	2	0	0	1	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	167	35	180	41	42	3	11	595	164	62	305	24
Peak Hour Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	42	9	45	10	11	1	3	149	41	16	76	6
Total Analysis Volume [veh/h]	167	35	180	41	42	3	11	595	164	62	305	24
Pedestrian Volume [ped/h]	0			0			0			0		
Bicycle Volume [bicycles/h]	0			0			0			0		

Intersection Settings

Cycle Length [s]	100
Lost time [s]	10.00

Phasing & Timing

Control Type	Permiss	Permiss	Permiss	Permiss	Permiss	Permiss	Protecte	Permiss	Permiss	Protecte	Permiss	Permiss
Signal Group		6			2		3	8		7	4	
Auxiliary Signal Groups												
Lead / Lag							Lead			Lead		

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.10	0.13	0.13	0.03	0.05	0.05	0.01	0.35	0.10	0.04	0.21	0.21
Intersection LOS	B											
Intersection V/C	0.649											

Intersection Level Of Service Report
Intersection 4: Atlantic Blvd at Floral Dr

Control Type:	Signalized	Delay (sec / veh):	-
Analysis Method:	ICU 1	Level Of Service:	C
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.713

Intersection Setup

Name	Atlantic Blvd			Atlantic Blvd			Floral Dr			Floral Dr		
Approach	Northbound			Southbound			Eastbound			Westbound		
Lane Configuration	↵↵↵			↵↵↵			↵↵			↵↵		
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Speed [mph]	35.00			35.00			40.00			40.00		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	Yes			Yes			Yes			Yes		

Volumes

Name	Atlantic Blvd			Atlantic Blvd			Floral Dr			Floral Dr		
Base Volume Input [veh/h]	182	959	51	48	725	128	410	123	252	64	76	34
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	4	0	1	6	1	2	0	0	0	0	2
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	182	963	51	49	731	129	412	123	252	64	76	36
Peak Hour Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	46	241	13	12	183	32	103	31	63	16	19	9
Total Analysis Volume [veh/h]	182	963	51	49	731	129	412	123	252	64	76	36
Pedestrian Volume [ped/h]	0			0			0			0		
Bicycle Volume [bicycles/h]	0			0			0			0		

Intersection Settings

Cycle Length [s]	100
Lost time [s]	10.00

Phasing & Timing

Control Type	Protecte	Permiss	Permiss	Protecte	Permiss	Permiss	Split	Split	Split	Split	Split	Split
Signal Group	1	6	5	5	2	8					4	
Auxiliary Signal Groups												
Lead / Lag	Lead			Lead								

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.11	0.20	0.20	0.03	0.17	0.17	0.26	0.07	0.15	0.04	0.07	0.07
Intersection LOS	C											
Intersection V/C	0.713											

Intersection Level Of Service Report
Intersection 5: Atlantic Blvd at Project Driveway

Control Type:	Two-way stop	Delay (sec / veh):	29.8
Analysis Method:	HCM 2010	Level Of Service:	D
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.046

Intersection Setup

Name	Atlantic Blvd		Atlantic Blvd		Project Driveway	
Approach	Northbound		Southbound		Westbound	
Lane Configuration						
Turning Movement	Thru	Right	Left	Thru	Left	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Pocket	0	0	0	0	0	0
Pocket Length [ft]	105.00	105.00	105.00	105.00	105.00	105.00
Speed [mph]	35.00		35.00		25.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	No		No		Yes	

Volumes

Name	Atlantic Blvd		Atlantic Blvd		Project Driveway	
Base Volume Input [veh/h]	1413	0	0	816	0	0
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	6	5	0	4	5
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	-8	8	7	-7	3	8
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	1405	14	12	809	7	13
Peak Hour Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	351	4	3	202	2	3
Total Analysis Volume [veh/h]	1405	14	12	809	7	13
Pedestrian Volume [ped/h]					0	

Intersection Settings

Priority Scheme	Free	Free	Stop
Flared Lane			No
Storage Area [veh]	3	3	3
Two-Stage Gap Acceptance			Yes
Number of Storage Spaces in Median	3	3	1

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.01	0.02	0.03	0.03	0.05	0.03
d_M, Delay for Movement [s/veh]	0.02	0.07	12.76	0.02	29.84	15.83
Movement LOS	A	A	B	A	D	C
95th-Percentile Queue Length [veh/ln]	0.00	0.00	0.08	0.00	0.26	0.26
95th-Percentile Queue Length [ft/ln]	0.00	0.00	1.94	0.00	6.50	6.50
d_A, Approach Delay [s/veh]	0.00		0.19		20.73	
Approach LOS	A		A		C	
d_I, Intersection Delay [s/veh]	0.25					
Intersection LOS	D					

Monterey Park Raising Cane's

Vistro File: K:\...\Monterey Park_PM_CURRENT.vistro
 Report File: K:\...\3 - OY PM.pdf

Scenario 3 OY PM
 1/29/2020

Intersection Analysis Summary

ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
1	Atlantic Blvd at Brightwood St	Signalized	ICU 1	NB Thru	0.671	-	B
2	Atlantic Blvd at Alleyway	Two-way stop	HCM 2010	WB Left	0.092	37.6	E
3	College View Ln at Floral Dr	Signalized	ICU 1	EB Thru	0.657	-	B
4	Atlantic Blvd at Floral Dr	Signalized	ICU 1	EB Left	0.724	-	C

V/C, Delay, LOS: For two-way stop, these values are taken from the movement with the worst (highest) delay value. For all other control types, they are taken for the whole intersection.

Intersection Level Of Service Report
Intersection 1: Atlantic Blvd at Brightwood St

Control Type:	Signalized	Delay (sec / veh):	-
Analysis Method:	ICU 1	Level Of Service:	B
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.671

Intersection Setup

Name	Atlantic Blvd			Atlantic Blvd			Brightwood St			Brightwood St		
Approach	Northbound			Southbound			Eastbound			Westbound		
Lane Configuration	[Diagram]			[Diagram]			[Diagram]			[Diagram]		
Turning Movement	Left	Thru	Right									
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Speed [mph]	35.00			35.00			25.00			30.00		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	Yes			Yes			Yes			Yes		

Volumes

Name	Atlantic Blvd			Atlantic Blvd			Brightwood St			Brightwood St		
Base Volume Input [veh/h]	50	1211	128	55	710	54	142	241	67	36	54	33
Base Volume Adjustment Factor	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	22	0	0	20	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	51	1253	130	56	742	55	144	245	68	37	55	34
Peak Hour Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	13	313	33	14	186	14	36	61	17	9	14	9
Total Analysis Volume [veh/h]	51	1253	130	56	742	55	144	245	68	37	55	34
Pedestrian Volume [ped/h]	0			0			0			0		
Bicycle Volume [bicycles/h]	0			0			0			0		

Intersection Settings

Cycle Length [s]	100
Lost time [s]	10.00

Phasing & Timing

Control Type	Permiss											
Signal Group		6			2			8			4	
Auxiliary Signal Groups												
Lead / Lag												

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.03	0.37	0.08	0.04	0.24	0.24	0.09	0.14	0.04	0.02	0.06	0.06
Intersection LOS	B											
Intersection V/C	0.671											

Intersection Level Of Service Report
Intersection 2: Atlantic Blvd at Alleyway

Control Type:	Two-way stop	Delay (sec / veh):	37.6
Analysis Method:	HCM 2010	Level Of Service:	E
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.092

Intersection Setup

Name	Atlantic Blvd		Atlantic Blvd		Alleyway	
Approach	Northbound		Southbound		Westbound	
Lane Configuration						
Turning Movement	Thru	Right	Left	Thru	Left	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Pocket	0	0	0	0	0	0
Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00
Speed [mph]	35.00		35.00		30.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	No		No		Yes	

Volumes

Name	Atlantic Blvd		Atlantic Blvd		Alleyway	
Base Volume Input [veh/h]	1347	8	20	792	11	55
Base Volume Adjustment Factor	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	20	0	0	22	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	1389	8	20	827	11	56
Peak Hour Factor	0.9150	0.9150	0.8680	0.8680	0.8950	0.8950
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	380	2	6	238	3	16
Total Analysis Volume [veh/h]	1518	9	23	953	12	63
Pedestrian Volume [ped/h]						0

Intersection Settings

Priority Scheme	Free	Free	Stop
Flared Lane			No
Storage Area [veh]	2	2	2
Two-Stage Gap Acceptance			Yes
Number of Storage Spaces in Median	2	2	1

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.03	0.05	0.05	0.01	0.09	0.18
d_M, Delay for Movement [s/veh]	7.00	2.20	13.79	0.00	37.60	20.28
Movement LOS	A	A	B	A	E	C
95th-Percentile Queue Length [veh/ln]	0.00	0.00	0.17	0.00	1.09	1.09
95th-Percentile Queue Length [ft/ln]	0.00	0.00	4.20	0.00	27.13	27.13
d_A, Approach Delay [s/veh]	0.00		0.33		23.05	
Approach LOS	A		A		C	
d_I, Intersection Delay [s/veh]	0.79					
Intersection LOS	E					

Intersection Level Of Service Report
Intersection 3: College View Ln at Floral Dr

Control Type:	Signalized	Delay (sec / veh):	-
Analysis Method:	ICU 1	Level Of Service:	B
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.657

Intersection Setup

Name	College View Dr			College View Dr			Floral Dr			Floral Dr		
Approach	Northbound			Southbound			Eastbound			Westbound		
Lane Configuration	⇐⇐⇐			⇐⇐⇐			⇐⇐⇐			⇐⇐⇐		
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Pocket Length [ft]	159.00	156.00	182.00	155.00	153.00	188.00	100.00	100.00	100.00	100.00	100.00	100.00
Speed [mph]	25.00			25.00			40.00			40.00		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	Yes			Yes			Yes			Yes		

Volumes

Name	College View Dr			College View Dr			Floral Dr			Floral Dr		
Base Volume Input [veh/h]	167	35	180	41	42	3	11	593	164	62	304	24
Base Volume Adjustment Factor	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	170	36	183	42	43	3	11	603	167	63	309	24
Peak Hour Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	43	9	46	11	11	1	3	151	42	16	77	6
Total Analysis Volume [veh/h]	170	36	183	42	43	3	11	603	167	63	309	24
Pedestrian Volume [ped/h]	0			0			0			0		
Bicycle Volume [bicycles/h]	0			0			0			0		

Intersection Settings

Cycle Length [s]	100
Lost time [s]	10.00

Phasing & Timing

Control Type	Permiss	Permiss	Permiss	Permiss	Permiss	Permiss	Protecte	Permiss	Permiss	Protecte	Permiss	Permiss
Signal Group		6			2		3	8		7	4	
Auxiliary Signal Groups												
Lead / Lag							Lead			Lead		

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.11	0.14	0.14	0.03	0.06	0.06	0.01	0.35	0.10	0.04	0.21	0.21
Intersection LOS	B											
Intersection V/C	0.657											

Intersection Level Of Service Report
Intersection 4: Atlantic Blvd at Floral Dr

Control Type:	Signalized	Delay (sec / veh):	-
Analysis Method:	ICU 1	Level Of Service:	C
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.724

Intersection Setup

Name	Atlantic Blvd			Atlantic Blvd			Floral Dr			Floral Dr		
Approach	Northbound			Southbound			Eastbound			Westbound		
Lane Configuration	T T T			T T T			T T			T T		
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Pocket	0	3	0	0	3	0	0	2	0	0	2	0
Pocket Length [ft]	165.00	165.00	102.00	102.00	102.00	102.00	100.00	100.00	100.00	100.00	157.00	157.00
Speed [mph]	35.00			35.00			40.00			40.00		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	Yes			Yes			Yes			Yes		

Volumes

Name	Atlantic Blvd			Atlantic Blvd			Floral Dr			Floral Dr		
Base Volume Input [veh/h]	182	959	51	48	725	128	410	123	252	64	76	34
Base Volume Adjustment Factor	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	20	0	0	22	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	185	995	52	49	759	130	417	125	256	65	77	35
Peak Hour Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	46	249	13	12	190	33	104	31	64	16	19	9
Total Analysis Volume [veh/h]	185	995	52	49	759	130	417	125	256	65	77	35
Pedestrian Volume [ped/h]	0			0			0			0		
Bicycle Volume [bicycles/h]	0			0			0			0		

Intersection Settings

Cycle Length [s]	100
Lost time [s]	10.00

Phasing & Timing

Control Type	Protecte	Permiss	Permiss	Protecte	Permiss	Permiss	Split	Split	Split	Split	Split	Split
Signal Group	1	6	5	5	2	3	7	8	2	2	4	3
Auxiliary Signal Groups												
Lead / Lag	Lead			Lead								

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.12	0.21	0.21	0.03	0.18	0.18	0.26	0.07	0.15	0.04	0.07	0.07
Intersection LOS	C											
Intersection V/C	0.724											

Monterey Park Raising Cane's

Vistro File: K:\...\Monterey Park_PM_CURRENT.vistro
 Report File: K:\...4 - OY WP PM.pdf

Scenario 4 OY WP PM
 1/29/2020

Intersection Analysis Summary

ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
1	Atlantic Blvd at Brightwood St	Signalized	ICU 1	NB Thru	0.672	-	B
2	Atlantic Blvd at Alleyway	Two-way stop	HCM 2010	WB Left	0.155	40.3	E
3	College View Ln at Floral Dr	Signalized	ICU 1	EB Thru	0.658	-	B
4	Atlantic Blvd at Floral Dr	Signalized	ICU 1	EB Left	0.728	-	C
5	Atlantic Blvd at Project Driveway	Two-way stop	HCM 2010	WB Left	0.048	31.3	D

V/C, Delay, LOS: For two-way stop, these values are taken from the movement with the worst (highest) delay value. For all other control types, they are taken for the whole intersection.

Intersection Level Of Service Report
Intersection 1: Atlantic Blvd at Brightwood St

Control Type:	Signalized	Delay (sec / veh):	-
Analysis Method:	ICU 1	Level Of Service:	B
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.672

Intersection Setup

Name	Atlantic Blvd			Atlantic Blvd			Brightwood St			Brightwood St		
Approach	Northbound			Southbound			Eastbound			Westbound		
Lane Configuration	[Diagram]			[Diagram]			[Diagram]			[Diagram]		
Turning Movement	Left	Thru	Right									
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Speed [mph]	35.00			35.00			25.00			30.00		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	Yes			Yes			Yes			Yes		

Volumes

Name	Atlantic Blvd			Atlantic Blvd			Brightwood St			Brightwood St		
Base Volume Input [veh/h]	50	1211	128	55	710	54	142	241	67	36	54	33
Base Volume Adjustment Factor	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	22	0	0	20	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	1	4	0	0	3	0	0	0	2	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	52	1257	130	56	745	55	144	245	70	37	55	34
Peak Hour Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	13	314	33	14	186	14	36	61	18	9	14	9
Total Analysis Volume [veh/h]	52	1257	130	56	745	55	144	245	70	37	55	34
Pedestrian Volume [ped/h]	0			0			0			0		
Bicycle Volume [bicycles/h]	0			0			0			0		

Intersection Settings

Cycle Length [s]	100
Lost time [s]	10.00

Phasing & Timing

Control Type	Permiss											
Signal Group	6				2			8			4	
Auxiliary Signal Groups												
Lead / Lag												

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.03	0.37	0.08	0.04	0.24	0.24	0.09	0.14	0.04	0.02	0.06	0.06
Intersection LOS	B											
Intersection V/C	0.672											

Intersection Level Of Service Report
Intersection 2: Atlantic Blvd at Alleyway

Control Type:	Two-way stop	Delay (sec / veh):	40.3
Analysis Method:	HCM 2010	Level Of Service:	E
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.155

Intersection Setup

Name	Atlantic Blvd		Atlantic Blvd		Alleyway	
Approach	Northbound		Southbound		Westbound	
Lane Configuration						
Turning Movement	Thru	Right	Left	Thru	Left	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Pocket	0	0	0	0	0	0
Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00
Speed [mph]	35.00		35.00		30.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	No		No		Yes	

Volumes

Name	Atlantic Blvd		Atlantic Blvd		Alleyway	
Base Volume Input [veh/h]	1347	8	20	792	11	55
Base Volume Adjustment Factor	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	20	0	0	22	0	0
Site-Generated Trips [veh/h]	6	2	0	4	4	0
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	3	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	1395	10	20	831	18	56
Peak Hour Factor	0.9150	0.9150	0.8680	0.8680	0.8950	0.8950
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	381	3	6	239	5	16
Total Analysis Volume [veh/h]	1525	11	23	957	20	63
Pedestrian Volume [ped/h]						0

Intersection Settings

Priority Scheme	Free	Free	Stop
Flared Lane			No
Storage Area [veh]	5	5	5
Two-Stage Gap Acceptance			Yes
Number of Storage Spaces in Median	5	5	1

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.01	0.02	0.05	0.01	0.16	0.18
d_M, Delay for Movement [s/veh]	0.00	0.00	13.87	0.00	40.29	22.78
Movement LOS	A	A	B	A	E	C
95th-Percentile Queue Length [veh/ln]	0.00	0.00	0.17	0.00	1.43	1.43
95th-Percentile Queue Length [ft/ln]	0.00	0.00	4.24	0.00	35.82	35.82
d_A, Approach Delay [s/veh]	0.00		0.33		27.00	
Approach LOS	A		A		D	
d_I, Intersection Delay [s/veh]	0.99					
Intersection LOS	E					

Intersection Level Of Service Report
Intersection 3: College View Ln at Floral Dr

Control Type:	Signalized	Delay (sec / veh):	-
Analysis Method:	ICU 1	Level Of Service:	B
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.658

Intersection Setup

Name	College View Dr			College View Dr			Floral Dr			Floral Dr		
Approach	Northbound			Southbound			Eastbound			Westbound		
Lane Configuration	⇐⇐⇐			⇐⇐⇐			⇐⇐⇐			⇐⇐⇐		
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Speed [mph]	25.00			25.00			40.00			40.00		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	Yes			Yes			Yes			Yes		

Volumes

Name	College View Dr			College View Dr			Floral Dr			Floral Dr		
Base Volume Input [veh/h]	167	35	180	41	42	3	11	593	164	62	304	24
Base Volume Adjustment Factor	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	2	0	0	1	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	170	36	183	42	43	3	11	605	167	63	310	24
Peak Hour Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	43	9	46	11	11	1	3	151	42	16	78	6
Total Analysis Volume [veh/h]	170	36	183	42	43	3	11	605	167	63	310	24
Pedestrian Volume [ped/h]	0			0			0			0		
Bicycle Volume [bicycles/h]	0			0			0			0		

Intersection Settings

Cycle Length [s]	100
Lost time [s]	10.00

Phasing & Timing

Control Type	Permiss	Permiss	Permiss	Permiss	Permiss	Permiss	Protecte	Permiss	Permiss	Protecte	Permiss	Permiss
Signal Group		6			2		3	8		7	4	
Auxiliary Signal Groups												
Lead / Lag							Lead			Lead		

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.11	0.14	0.14	0.03	0.06	0.06	0.01	0.36	0.10	0.04	0.21	0.21
Intersection LOS	B											
Intersection V/C	0.658											

Intersection Level Of Service Report
Intersection 4: Atlantic Blvd at Floral Dr

Control Type:	Signalized	Delay (sec / veh):	-
Analysis Method:	ICU 1	Level Of Service:	C
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.728

Intersection Setup

Name	Atlantic Blvd			Atlantic Blvd			Floral Dr			Floral Dr		
Approach	Northbound			Southbound			Eastbound			Westbound		
Lane Configuration	↵↵↵			↵↵↵			↵↵			↵↵		
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Speed [mph]	35.00			35.00			40.00			40.00		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	Yes			Yes			Yes			Yes		

Volumes

Name	Atlantic Blvd			Atlantic Blvd			Floral Dr			Floral Dr		
Base Volume Input [veh/h]	182	959	51	48	725	128	410	123	252	64	76	34
Base Volume Adjustment Factor	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	20	0	0	22	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	4	0	1	6	1	2	0	0	0	0	2
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	185	999	52	50	765	131	419	125	256	65	77	37
Peak Hour Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	46	250	13	13	191	33	105	31	64	16	19	9
Total Analysis Volume [veh/h]	185	999	52	50	765	131	419	125	256	65	77	37
Pedestrian Volume [ped/h]	0			0			0			0		
Bicycle Volume [bicycles/h]	0			0			0			0		

Intersection Settings

Cycle Length [s]	100
Lost time [s]	10.00

Phasing & Timing

Control Type	Protecte	Permiss	Permiss	Protecte	Permiss	Permiss	Split	Split	Split	Split	Split	Split
Signal Group	1	6		5	2			8				4
Auxiliary Signal Groups												
Lead / Lag	Lead			Lead								

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.12	0.21	0.21	0.03	0.18	0.18	0.26	0.07	0.15	0.04	0.07	0.07
Intersection LOS	C											
Intersection V/C	0.728											

Intersection Level Of Service Report
Intersection 5: Atlantic Blvd at Project Driveway

Control Type:	Two-way stop	Delay (sec / veh):	31.3
Analysis Method:	HCM 2010	Level Of Service:	D
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.048

Intersection Setup

Name	Atlantic Blvd		Atlantic Blvd		Project Driveway	
Approach	Northbound		Southbound		Westbound	
Lane Configuration	T		T		T	
Turning Movement	Thru	Right	Left	Thru	Left	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Pocket	0	0	0	0	0	0
Pocket Length [ft]	100.00	100.00	120.00	100.00	100.00	100.00
Speed [mph]	35.00		35.00		25.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	No		No		Yes	

Volumes

Name	Atlantic Blvd		Atlantic Blvd		Project Driveway	
Base Volume Input [veh/h]	1413	0	0	816	0	0
Base Volume Adjustment Factor	1.0163	1.0163	1.0163	1.0163	1.0163	1.0163
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	20	0	0	22	0	0
Site-Generated Trips [veh/h]	0	6	5	0	4	5
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	-8	8	7	-7	3	8
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	1448	14	12	844	7	13
Peak Hour Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	362	4	3	211	2	3
Total Analysis Volume [veh/h]	1448	14	12	844	7	13
Pedestrian Volume [ped/h]					0	

Intersection Settings

Priority Scheme	Free	Free	Stop
Flared Lane			No
Storage Area [veh]	0	7	0
Two-Stage Gap Acceptance			Yes
Number of Storage Spaces in Median	2	2	1

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.22	0.09	0.03	0.01	0.05	0.04
d_M, Delay for Movement [s/veh]	2.15	2.02	13.07	2.22	31.28	16.27
Movement LOS	A	A	B	A	D	C
95th-Percentile Queue Length [veh/ln]	0.00	0.00	0.08	0.00	0.27	0.27
95th-Percentile Queue Length [ft/ln]	0.00	0.00	2.01	0.00	6.82	6.82
d_A, Approach Delay [s/veh]	0.00		0.18		21.52	
Approach LOS	A		A		C	
d_I, Intersection Delay [s/veh]	0.25					
Intersection LOS	D					

APPENDIX D
SIGNAL WARRANT ANALYSIS WORKSHEET

TRAFFIC SIGNAL VOLUME WARRANT ANALYSIS (2000 MUTCD)

MAJOR STREET: Atlantic Boulevard NB SB # OF APPROACH LANES:

MINOR STREET: Alleyway EB WB # OF APPROACH LANES:

CITY, STATE: Monterey Park, CA

COMMENTS: Signal Warrant Analysis - OY WP Condition

ISOLATED COMMUNITY WITH POPULATION LESS THAN 10,000 (Y OR N):
 85TH PERCENTILE SPEED GREATER THAN 40 MPH ON MAJOR STREET (Y OR N):

	MAJOR ST TWO-WAY TRAFFIC	MINOR ST TRAFFIC HEAVY LEG	WARRANT 1 - Condition A, Part 1			WARRANT 1 - Condition B, Part 1			WARRANT 1 - Condition A, Part 2			WARRANT 1 - Condition B, Part 2			WARRANT 2 Four-Hour	WARRANT 3 Peak Hour
			MAIN LINE	SIDE STREET	BOTH MET	MAIN LINE	SIDE STREET	BOTH MET	MAIN LINE	SIDE STREET	BOTH MET	MAIN LINE	SIDE STREET	BOTH MET		
THRESHOLD VALUES			800	150		900	75		480	120		720	60			
06:00 AM TO 07:00 AM	0	0														
07:00 AM TO 08:00 AM	0	0														
08:00 AM TO 09:00 AM	0	0														
09:00 AM TO 10:00 AM	0	0														
10:00 AM TO 11:00 AM	0	0														
11:00 AM TO 12:00 PM	0	0														
12:00 PM TO 01:00 PM	0	0														
01:00 PM TO 02:00 PM	0	0														
02:00 PM TO 03:00 PM	0	0														
03:00 PM TO 04:00 PM	0	0														
04:00 PM TO 05:00 PM	0	0														
05:00 PM TO 06:00 PM	2,256	74	Y			Y			Y			Y	Y	Y		
06:00 PM TO 07:00 PM	0	0														
07:00 PM TO 08:00 PM	0	0														
08:00 PM TO 09:00 PM	0	0														
09:00 PM TO 10:00 PM	0	0														
	2,256	74	1	0	0	1	0	0	1	0	0	1	1	1	0	
			8 HOURS NEEDED			8 HOURS NEEDED			8 HOURS NEEDED for both Condition A & B						4 HRS NEEDED	1 HR NEEDED
			NOT SATISFIED			NOT SATISFIED			NOT SATISFIED						NOT SATISFIED	NOT SATISFIED

01/29/20
 Kimley-Horn and Associates

TRAFFIC SIGNAL VOLUME WARRANT ANALYSIS (2000 MUTCD)

MAJOR STREET: Atlantic Boulevard NB SB # OF APPROACH LANES:

MINOR STREET: Proj DWY EB WB # OF APPROACH LANES:

CITY, STATE: Monterey Park, CA

COMMENTS: Signal Warrant Analysis - OY WP Condition

ISOLATED COMMUNITY WITH POPULATION LESS THAN 10,000 (Y OR N):
 85TH PERCENTILE SPEED GREATER THAN 40 MPH ON MAJOR STREET (Y OR N):

	MAJOR ST TWO-WAY TRAFFIC	MINOR ST TRAFFIC HEAVY LEG	WARRANT 1 - Condition A, Part 1			WARRANT 1 - Condition B, Part 1			WARRANT 1 - Condition A, Part 2			WARRANT 1 - Condition B, Part 2			WARRANT 2 Four-Hour	WARRANT 3 Peak Hour
			MAIN LINE	SIDE STREET	BOTH MET	MAIN LINE	SIDE STREET	BOTH MET	MAIN LINE	SIDE STREET	BOTH MET	MAIN LINE	SIDE STREET	BOTH MET		
THRESHOLD VALUES			600	150		900	75		480	120		720	60			
06:00 AM TO 07:00 AM	0	0														
07:00 AM TO 08:00 AM	0	0														
08:00 AM TO 09:00 AM	0	0														
09:00 AM TO 10:00 AM	0	0														
10:00 AM TO 11:00 AM	0	0														
11:00 AM TO 12:00 PM	0	0														
12:00 PM TO 01:00 PM	0	0														
01:00 PM TO 02:00 PM	0	0														
02:00 PM TO 03:00 PM	0	0														
03:00 PM TO 04:00 PM	0	0														
04:00 PM TO 05:00 PM	0	0														
05:00 PM TO 06:00 PM	2,318	20	Y			Y			Y			Y				
06:00 PM TO 07:00 PM	0	0														
07:00 PM TO 08:00 PM	0	0														
08:00 PM TO 09:00 PM	0	0														
09:00 PM TO 10:00 PM	0	0														
	2,318	20	1	0	0	1	0	0	1	0	0	1	0	0	0	
			8 HOURS NEEDED			8 HOURS NEEDED			8 HOURS NEEDED for both Condition A & B			4 HRS NEEDED		1 HR NEEDED		
			NOT SATISFIED			NOT SATISFIED			NOT SATISFIED			NOT SATISFIED		NOT SATISFIED		

01/29/20
 Kimley-Horn and Associates

APPENDIX E
DRIVE-THROUGH QUEUING ANALYSIS

MEMORANDUM

To: Samantha Tewasart

From: Trevor Briggs, P.E. (C87664)

Date: December 4, 2019

Re: Drive-through Queuing Analysis for the Proposed Raising Cane's Project in the City of Monterey Park

This memorandum has been prepared to evaluate the drive-through queuing capacity of the proposed Raising Cane's restaurant located on the northeast corner at the intersection of Atlantic Boulevard and the alleyway.

PROJECT DESCRIPTION

The project site is located on the northeast corner at the intersection of Atlantic Boulevard and the alleyway. The project will involve demolition of the existing foundation and subsurface structures, and construction of a 1,790-square-foot Raising Cane's restaurant building with two drive-through lanes that merge into one drive-through lane after the order boards. Access to the Raising Cane's site would be provided primarily by two unsignalized driveways.

DRIVE-THROUGH QUEUING ANALYSIS

The City has requested that a drive-through queuing study be conducted for the proposed project, to evaluate the adequacy of the drive-through lane queuing capacity.

The opening to the drive-through lane would be located at the southeastern corner of the project site, and the drive-through lane would wrap around the building in a counter-clockwise direction. The drive-through would provide two side-by-side entry lanes and two order boards, which would allow Raising Cane's to take orders from two customers at the same time. After the order boards, the two lanes would merge back into a single drive-through lane prior to the pay and pick-up window. There will be approximately 240 feet of total queuing lane capacity (approximately 120 feet per lane) from the opening of the two drive-through lanes to the two order boards and approximately 130 feet from the order boards to the pick-up window. This would provide a total drive-through queue length of approximately 370 feet, for a drive-through queuing capacity of 17 vehicles, assuming 22 feet per vehicle, from the beginning of the drive-through lanes to the pick-up window.

Queuing Data Collection

Drive-through queuing observations and counts were conducted at the following existing drive-through Raising Cane's sites:

- City of Laguna Hills: Northeast corner of El Toro Road and Avenida De La Carlota
- City of Orange: 2249 North Tustin Street
- City of Riverside: 11066 Magnolia Avenue

These sites do not have dual side-by-side drive-through lanes or dual order boards. The drive-through queuing capacity for the Laguna Hills and Orange sites is 8 vehicles, assuming 22 feet per vehicle. The drive-through queuing capacity for the Riverside site is 12 vehicles, assuming 22 feet per vehicle.

These sites were selected for queuing data collection because of the following site characteristics that are similar to the proposed project:

- A Raising Cane's restaurant with a drive-through lane;
- Located in Southern California;

The drive-through activity was observed during the following times for the Raising Cane's sites on a typical weekday and Saturday:

- Laguna Hills Site:
 - 11:00 AM – 2:00 PM (lunch-time)
 - 4:00 PM – 7:00 PM (commute peak hour/dinner-time)
- Orange Site:
 - 12:00 PM – 2:30 PM (lunch-time)
 - 7:00 PM – 9:30 PM (dinner-time)
- Riverside Site:
 - 11:00 AM – 2:00 PM (lunch-time)
 - 4:00 PM – 7:00 PM (commute peak hour/dinner-time)

The results of the observations are summarized on **Table 1** and **Table 2** for a typical weekday and Saturday, respectively.

The data summaries on Tables 1 and 2 present the number of vehicles in the drive-through lane, broken down into 15-minute periods, based on the observed average queue, 85th percentile queue, and the peak queue for each of the data collection periods. A copy of the queuing data collection worksheets is provided in **Attachment A**.

Queuing Observations

The queuing activity was observed to vary with an ebb and flow pattern throughout the data collection periods. The following vehicle movement and queuing observations of the drive-through operations at the study locations were made:

Laguna Hills Site

- The peak 15 minutes during the weekday lunch-time peak was from 12:15 PM to 12:30 PM, with an average queue of 9 vehicles and a peak queue of 15 vehicles.
- The peak 15 minutes during the weekday dinner-time peak was from 6:45 PM to 7:00 PM, with an average queue of 13 vehicles and a peak queue of 14 vehicles.
- The peak 15 minutes during the Saturday lunch-time peak was from 1:00 PM to 1:15 PM, with an average queue of 8 vehicles and a peak queue of 14 vehicles.
- The peak 15 minutes during the Saturday dinner-time peak was from 6:15 PM to 6:30 PM, with an average queue of 9 vehicles and a peak queue of 13 vehicles.

Orange Site

- The peak 15 minutes during the weekday lunch-time peak was from 12:45 PM to 1:00 PM, with an average queue of 10 vehicles and a peak queue of 16 vehicles.
- The peak 15 minutes during the weekday dinner-time peak was from 7:15 PM to 7:30 PM, with an average queue of 12 vehicles and a peak queue of 14 vehicles.
- The peak 15 minutes during the Saturday lunch-time peak was from 1:00 PM to 1:15 PM, with an average queue of 11 vehicles and a peak queue of 13 vehicles.
- The peak 15 minutes during the Saturday dinner-time peak was from 8:45 PM to 9:00 PM, with an average queue of 15 vehicles and a peak queue of 17 vehicles.

Riverside Site

- The peak 15 minutes during the weekday lunch-time peak was from 12:30 PM to 12:45 PM, with an average queue of 8 vehicles and a peak queue of 12 vehicles.

- The peak 15 minutes during the weekday dinner-time peak was from 6:00 PM to 6:15 PM, with an average queue of 7 vehicles and a peak queue of 11 vehicles.
- The peak 15 minutes during the Saturday lunch-time peak was from 1:30 PM to 1:45 PM, with an average queue of 10 vehicles and a peak queue of 12 vehicles.
- The peak 15 minutes during the Saturday dinner-time peak was from 6:45 PM to 7:00 PM, with an average queue of 8 vehicles and a peak queue of 11 vehicles.

General Observations

- At the Raising Cane's sites, spillovers outside the drive-through lane opening were observed to occur occasionally and to last briefly.
- On occasion, the spillover outside the drive-through lane was due to a delay at the order board, rather than a lack of capacity in the drive-through lane itself. A more-than-average delay at the order board (i.e., due to a large order, or indecisiveness on the part of the customer) would briefly hold up the movement of the queue, sometimes causing the remainder of the queue to extend beyond the drive-through lane opening. When the vehicle at the order board finished the ordering process and pulled forward, the remaining cars in the queue would once again move through the order and pick-up process at the normal pace, and the gap between the order board and the pick-up window would fill in.
- Some customers were observed to pull into the site; evaluate the wait time, based on the vehicle queue; and choose to park and go into the building, rather than join the existing queue.

Drive-through Queue Length Calculation

To supplement the empirical data collected at the existing Raising Cane's restaurants in Laguna Hills, Orange, and Riverside, the drive-through queuing capacity was also analyzed using queuing analysis formulas published in the Institute of Transportation Engineers (ITE) Transportation Planning Handbook, 3rd Edition.

Raising Cane's typical service time in the drive-through is 2-1/2 minutes from the order board to the pick-up window, with a vehicle being processed and progressing through the order board, pay window and pick-up window every 35 to 40 seconds during the peak drive-through periods. Assuming the more conservative processing time of 40 seconds, and applying the ITE queuing formulas, the analysis indicates that the average queue length is estimated to be 5 vehicles, and

that the probability that the queue would be exactly 17 vehicles would be 0.92%. The probability of exceeding 17 vehicles is estimated to be 5.16%. The queuing calculation worksheet and formulas are provided as **Attachment B** of this report.

The ITE queuing analysis assumes a single-lane drive-through for a more conservative approach. The occurrence of the drive-through queue extending beyond the opening of the drive-through lane is expected to be an infrequent occurrence, and of short duration. The use of dual side-by-side drive-through lanes with dual order boards would improve the service rate, which would lower the number of vehicles queuing in the drive-through, as described in the following section.

Side-by-Side Operational Features

The proposed side-by-side configuration would begin with a single drive-through lane at the northeastern corner of the building. The drive-through lane would branch out into two drive-through lanes along the northern and western side of the building. Each drive-through lane would have its own order board. After the order boards, the two lanes would merge back into a single drive-through lane prior to the pay and pick-up window.

While regular customers who are familiar with the menu choices typically would complete the order part of the process in less than the average time, infrequent or new customers are more likely to dwell at the menu board before making their choices, slowing down the process for everyone behind them. As a result, the order board is considered to be the most significant bottleneck in the drive-through process.

The side-by-side ordering configuration, as proposed by Raising Cane's, would provide two lanes with a separate order board for each lane. This will increase the number of customers processed through the order board portion of the drive-through, and "keep the line moving" even if one customer takes a longer-than-average time to make their menu selections, allowing the restaurant to continue to take and complete orders from the other order lane. The newest customer to arrive at the drive-through entrance will naturally choose the empty lane or the shorter line, so that one customer who takes a longer time to order at one order board can be bypassed, thereby not holding up the entire drive-through line.

With the added efficiency of having two order boards and the ability to by-pass customers taking a longer-than-average time to order at the other order board, the service rate would increase, compared to a single drive-through lane, as more orders can be processed. The cooks would receive the orders at a more efficient rate, which allows them to continue cooking the food, rather than waiting for the slower customer to finish ordering. As a result of added efficiency in the cooking area, the efficiency at the pick-up window would increase, compared to a single drive-through lane, because the food would be processed by the cooking area at a more efficient rate.

CONCLUSION

The proposed Raising Cane's duo drive-through lanes would provide a total queue length of approximately 370 feet, for a queuing capacity for 17 vehicles, assuming 22 feet per vehicle, from the beginning of the drive-through lanes to the pick-up window. Based on the drive-through queuing data collection and analysis presented in this memorandum, the overall average number of queued vehicles is estimated to be 5 (calculated at 4.74 and rounded up to 5) during the peak drive-through operations. The peak queue based on the queuing observations described earlier is 17 vehicles during the peak 15-minute time period.

The side-by-side ordering configuration, as proposed by Raising Cane's, would provide two drive-through entry lanes at the southeastern corner of the building, with a separate order board for each lane. This would allow the ability to by-pass customers taking a longer-than-average time to order at the order board. The side-by-side ordering configuration would help address potential bottleneck issues at the order board, as well as reduce the service time at the drive-through as orders can be processed at a more efficient rate.

ATTACHMENT A
QUEUING DATA COLLECTION WORKSHEETS

Queue Study

Locations: 17-1215-001
City: Laguna Hills, CA

Day: Thursday
Date: 10/19/2017

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
11:00:40 AM	1	1	2
11:01:23 AM	2	0	2
11:02:01 AM	2	1	3
11:02:40 AM	3	0	3
11:03:24 AM	2	0	2
11:04:38 AM	1	0	1
11:05:26 AM	0	0	0
11:07:48 AM	0	1	1
11:08:22 AM	1	0	1
11:09:33 AM	0	0	0
11:17:15 AM	0	1	1
11:17:26 AM	0	2	2
11:17:51 AM	1	1	2
11:19:12 AM	2	0	2
11:19:27 AM	1	0	1
11:20:08 AM	1	1	2
11:20:36 AM	2	0	2
11:21:05 AM	1	0	1
11:23:05 AM	1	1	2
11:23:17 AM	1	2	3
11:23:21 AM	1	1	2
11:24:06 AM	2	0	2
11:25:45 AM	2	0	2
11:26:53 AM	1	0	1
11:28:15 AM	0	1	1
11:28:45 AM	0	2	2
11:29:01 AM	1	1	2
11:29:47 AM	2	0	2
11:29:59 AM	1	0	1
11:30:19 AM	1	1	2
11:31:01 AM	1	0	1
11:31:55 AM	1	1	2
11:32:18 AM	2	0	2
11:32:25 AM	2	1	3
11:32:54 AM	2	2	4
11:33:07 AM	3	1	4
11:33:23 AM	2	2	4
11:33:59 AM	3	1	4
11:34:07 AM	2	1	3
11:34:49 AM	3	0	3
11:35:22 AM	3	1	4
11:36:02 AM	3	2	5
11:36:34 AM	3	1	4
11:36:51 AM	3	2	5
11:37:00 AM	3	1	4
11:37:27 AM	4	0	4
11:38:07 AM	3	0	3
11:38:39 AM	2	0	2
11:38:58 AM	1	0	1
11:39:19 AM	0	1	1
11:40:16 AM	1	0	1
11:41:34 AM	0	0	0
11:42:11 AM	0	1	1
11:42:50 AM	1	0	1
11:43:15 AM	1	1	2
11:43:43 AM	0	1	1
11:44:10 AM	1	0	1
11:44:26 AM	1	1	2
11:44:36 AM	1	2	3
11:44:56 AM	2	1	3
11:45:33 AM	3	1	4

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
4:00:00 PM	3	0	3
4:00:59 PM	3	1	4
4:01:32 PM	3	2	5
4:01:41 PM	4	2	6
4:02:23 PM	4	3	7
4:02:43 PM	3	3	6
4:03:01 PM	4	2	6
4:03:17 PM	4	3	7
4:03:26 PM	5	3	8
4:03:40 PM	4	3	7
4:03:59 PM	5	2	7
4:05:50 PM	4	2	6
4:06:01 PM	5	1	6
4:06:11 PM	5	2	7
4:06:32 PM	5	3	8
4:06:41 PM	4	3	7
4:07:16 PM	5	2	7
4:07:48 PM	4	2	6
4:08:16 PM	5	1	6
4:08:25 PM	4	2	6
4:08:47 PM	4	1	5
4:09:26 PM	4	2	6
4:09:37 PM	3	2	5
4:10:01 PM	4	2	6
4:10:17 PM	3	2	5
4:10:38 PM	4	1	5
4:11:02 PM	4	0	4
4:12:24 PM	4	1	5
4:13:11 PM	4	0	4
4:13:31 PM	4	1	5
4:13:40 PM	3	1	4
4:13:57 PM	3	2	5
4:14:15 PM	3	1	4
4:14:44 PM	3	0	3
4:15:06 PM	3	1	4
4:16:13 PM	4	0	4
4:16:39 PM	3	0	3
4:17:21 PM	3	1	4
4:17:28 PM	3	2	5
4:17:36 PM	2	2	4
4:17:59 PM	3	1	4
4:18:06 PM	3	2	5
4:18:12 PM	3	3	6
4:18:18 PM	3	4	7
4:18:34 PM	4	4	8
4:19:02 PM	4	5	9
4:19:11 PM	3	5	8
4:19:35 PM	4	4	8
4:19:45 PM	3	4	7
4:20:24 PM	4	3	7
4:20:31 PM	3	3	6
4:20:53 PM	4	2	6
4:21:12 PM	4	1	5
4:21:27 PM	4	2	6
4:22:17 PM	5	1	6
4:24:00 PM	4	1	5
4:25:15 PM	5	0	5
4:25:22 PM	5	1	6
4:26:43 PM	4	1	5
4:26:52 PM	4	2	6
4:27:01 PM	4	3	7

Locations: 17-1215-001
 City: Laguna Hills, CA

Day: Thursday
 Date: 10/19/2017

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
11:45:36 AM	2	2	4
11:45:50 AM	3	1	4
11:46:20 AM	2	1	3
11:46:38 AM	3	0	3
11:46:47 AM	2	1	3
11:47:02 AM	2	2	4
11:47:22 AM	2	1	3
11:47:51 AM	3	0	3
11:48:00 AM	2	0	2
11:48:46 AM	1	0	1
11:50:58 AM	1	1	2
11:51:31 AM	2	0	2
11:51:40 AM	1	1	2
11:52:13 AM	2	0	2
11:52:42 AM	1	0	1
11:53:19 AM	1	1	2
11:53:40 AM	1	2	3
11:53:51 AM	2	1	3
11:54:32 AM	3	0	3
11:55:01 AM	2	1	3
11:55:17 AM	2	2	4
11:55:34 AM	1	2	3
11:56:04 AM	0	3	3
11:56:10 AM	0	4	4
11:56:42 AM	0	5	5
11:57:30 AM	0	6	6
11:57:42 AM	0	7	7
11:58:03 AM	1	7	8
11:58:39 AM	2	6	8
11:59:08 AM	2	7	9
11:59:17 AM	3	8	11
11:59:40 AM	4	7	11
12:00:00 PM	4	5	9
12:00:18 PM	3	5	8
12:00:29 PM	4	4	8
12:00:48 PM	3	4	7
12:00:58 PM	3	5	8
12:02:07 PM	4	4	8
12:02:12 PM	3	4	7
12:02:32 PM	3	3	6
12:03:07 PM	4	2	6
12:03:55 PM	4	1	5
12:04:05 PM	3	1	4
12:04:37 PM	4	0	4
12:04:56 PM	3	0	3
12:05:18 PM	2	1	3
12:05:56 PM	2	0	2
12:06:03 PM	1	0	1
12:06:23 PM	1	1	2
12:07:03 PM	2	0	2
12:07:11 PM	1	0	1
12:08:24 PM	0	1	1
12:08:51 PM	0	2	2
12:09:00 PM	1	2	3
12:09:43 PM	0	3	3
12:10:08 PM	1	2	3
12:10:41 PM	2	1	3
12:11:14 PM	3	0	3
12:11:29 PM	3	1	4
12:12:12 PM	3	2	5
12:12:29 PM	3	1	4
12:12:44 PM	2	1	3
12:12:58 PM	1	1	2
12:13:06 PM	2	0	2
12:13:14 PM	2	1	3
12:13:29 PM	1	1	2
12:14:11 PM	2	0	2

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
4:27:06 PM	4	4	8
4:27:29 PM	3	4	7
4:27:35 PM	3	5	8
4:27:49 PM	4	4	8
4:27:58 PM	3	4	7
4:28:27 PM	3	5	8
4:28:34 PM	4	4	8
4:29:14 PM	4	3	7
4:29:44 PM	4	2	6
4:30:25 PM	5	1	6
4:32:00 PM	4	2	6
4:32:25 PM	5	1	6
4:32:39 PM	4	1	5
4:33:19 PM	5	0	5
4:33:28 PM	4	0	4
4:33:38 PM	4	1	5
4:33:44 PM	4	2	6
4:33:58 PM	4	3	7
4:34:13 PM	5	2	7
4:34:29 PM	4	2	6
4:35:01 PM	4	3	7
4:35:19 PM	4	2	6
4:35:33 PM	4	3	7
4:35:53 PM	4	3	7
4:37:11 PM	3	3	6
4:37:21 PM	4	2	6
4:37:57 PM	4	1	5
4:38:25 PM	5	0	5
4:39:12 PM	4	0	4
4:39:36 PM	4	1	5
4:40:06 PM	4	0	4
4:40:19 PM	4	1	5
4:40:45 PM	3	2	5
4:40:58 PM	3	3	6
4:41:05 PM	4	2	6
4:41:16 PM	4	3	7
4:43:22 PM	4	3	7
4:43:47 PM	4	4	8
4:44:24 PM	4	5	9
4:45:06 PM	4	5	9
4:45:51 PM	3	4	7
4:46:16 PM	4	3	7
4:46:50 PM	3	3	6
4:47:52 PM	3	4	7
4:48:20 PM	2	4	6
4:48:32 PM	3	3	6
4:49:00 PM	3	2	5
4:49:31 PM	3	3	6
4:49:36 PM	3	4	7
4:49:50 PM	4	3	7
4:50:05 PM	3	3	6
4:50:23 PM	2	3	5
4:50:39 PM	3	2	5
4:50:51 PM	2	2	4
4:51:35 PM	3	2	5
4:52:04 PM	3	3	6
4:52:15 PM	3	4	7
4:52:26 PM	4	4	8
4:52:58 PM	4	3	7
4:53:21 PM	3	3	6
4:53:31 PM	4	2	6
4:53:47 PM	3	2	5
4:53:59 PM	3	3	6
4:54:05 PM	4	2	6
4:54:26 PM	3	2	5
4:54:39 PM	2	3	5
4:55:01 PM	3	2	5

Locations: 17-1215-001
 City: Laguna Hills,CA

Day: Thursday
 Date: 10/19/2017

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
12:14:18 PM	1	0	1
12:16:09 PM	0	0	0
12:16:29 PM	0	1	1
12:16:36 PM	0	2	2
12:16:43 PM	0	3	3
12:17:12 PM	0	4	4
12:17:36 PM	1	3	4
12:17:49 PM	1	4	5
12:18:00 PM	1	5	6
12:18:07 PM	2	5	7
12:18:30 PM	2	6	8
12:18:43 PM	2	7	9
12:19:05 PM	2	7	9
12:19:16 PM	2	6	8
12:19:49 PM	3	5	8
12:20:20 PM	4	4	8
12:20:37 PM	3	5	8
12:21:10 PM	3	6	9
12:21:31 PM	4	6	10
12:21:52 PM	4	6	10
12:22:30 PM	4	7	11
12:22:42 PM	5	7	12
12:23:31 PM	5	8	13
12:24:12 PM	5	7	12
12:24:33 PM	4	7	11
12:25:01 PM	4	6	10
12:25:19 PM	4	7	11
12:26:09 PM	5	7	12
12:26:35 PM	5	8	13
12:27:00 PM	5	9	14
12:27:08 PM	5	10	15
12:28:02 PM	4	10	14
12:28:23 PM	3	10	13
12:28:34 PM	4	9	13
12:29:14 PM	3	9	12
12:30:22 PM	4	8	12
12:30:43 PM	3	9	12
12:30:51 PM	4	9	13
12:30:59 PM	3	10	13
12:31:33 PM	4	9	13
12:31:47 PM	4	8	12
12:32:13 PM	4	9	13
12:32:42 PM	3	9	12
12:33:38 PM	4	8	12
12:33:43 PM	3	8	11
12:34:02 PM	2	8	10
12:34:36 PM	1	9	10
12:35:03 PM	1	10	11
12:35:26 PM	0	10	10
12:35:52 PM	1	9	10
12:36:31 PM	2	9	11
12:37:06 PM	3	8	11
12:37:38 PM	4	9	13
12:37:52 PM	4	9	13
12:38:02 PM	3	9	12
12:38:32 PM	2	9	11
12:38:44 PM	3	8	11
12:39:23 PM	3	7	10
12:39:50 PM	2	8	10
12:40:19 PM	1	8	9
12:40:35 PM	1	7	8
12:41:09 PM	2	8	10
12:41:16 PM	3	7	10
12:41:42 PM	3	6	9
12:42:46 PM	3	7	10
12:43:08 PM	2	7	9
12:43:26 PM	2	6	8

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
4:55:43 PM	3	1	4
4:56:23 PM	3	0	3
4:56:41 PM	3	1	4
4:56:46 PM	3	2	5
4:56:59 PM	2	2	4
4:57:27 PM	3	2	5
4:57:52 PM	2	2	4
4:58:04 PM	3	2	5
4:58:44 PM	2	2	4
4:58:52 PM	3	1	4
4:59:18 PM	3	0	3
4:59:34 PM	3	1	4
4:59:40 PM	3	2	5
4:59:42 PM	3	3	6
5:00:01 PM	3	2	5
5:01:05 PM	4	1	5
5:01:20 PM	3	1	4
5:01:49 PM	4	0	4
5:03:00 PM	3	1	4
5:03:32 PM	4	0	4
5:03:49 PM	3	0	3
5:04:30 PM	3	1	4
5:04:40 PM	3	2	5
5:05:16 PM	3	1	4
5:05:18 PM	3	2	5
5:05:49 PM	4	2	6
5:07:07 PM	4	2	6
5:07:31 PM	5	1	6
5:07:40 PM	4	2	6
5:08:02 PM	3	2	5
5:08:10 PM	4	1	5
5:08:16 PM	4	2	6
5:08:33 PM	4	3	7
5:08:44 PM	5	2	7
5:09:15 PM	4	2	6
5:09:26 PM	4	3	7
5:09:38 PM	4	2	6
5:10:09 PM	4	1	5
5:10:38 PM	5	0	5
5:10:43 PM	5	1	6
5:10:49 PM	5	2	7
5:10:55 PM	4	2	6
5:11:06 PM	4	3	7
5:11:17 PM	5	3	8
5:11:36 PM	5	2	7
5:12:04 PM	4	2	6
5:12:28 PM	3	2	5
5:12:47 PM	4	2	6
5:13:07 PM	4	1	5
5:13:19 PM	3	1	4
5:13:44 PM	4	1	5
5:13:53 PM	3	1	4
5:14:59 PM	4	0	4
5:15:29 PM	4	1	5
5:16:03 PM	3	2	5
5:16:14 PM	3	1	4
5:17:06 PM	4	1	5
5:17:39 PM	3	1	4
5:18:00 PM	4	1	5
5:18:17 PM	3	1	4
5:18:39 PM	3	2	5
5:18:41 PM	2	2	4
5:19:24 PM	3	1	4
5:19:40 PM	3	2	5
5:20:27 PM	4	1	5
5:20:35 PM	3	2	5
5:20:47 PM	2	3	5

Locations: 17-1215-001
 City: Laguna Hills, CA

Day: Thursday
 Date: 10/19/2017

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
12:43:53 PM	3	5	8
12:44:39 PM	3	6	9
12:44:43 PM	2	6	8
12:44:57 PM	1	6	7
12:45:15 PM	2	5	7
12:45:29 PM	1	5	6
12:45:46 PM	2	5	7
12:46:04 PM	3	5	8
12:46:18 PM	2	6	8
12:46:42 PM	1	6	7
12:46:56 PM	2	6	8
12:47:09 PM	2	7	9
12:47:37 PM	1	8	9
12:48:10 PM	0	8	8
12:48:44 PM	1	7	8
12:49:18 PM	1	8	9
12:49:30 PM	2	7	9
12:50:06 PM	2	6	8
12:50:25 PM	2	7	9
12:50:36 PM	3	6	9
12:50:45 PM	2	6	8
12:51:09 PM	3	5	8
12:51:21 PM	2	5	7
12:51:41 PM	2	6	8
12:51:48 PM	3	5	8
12:52:22 PM	3	6	9
12:52:29 PM	3	6	9
12:52:43 PM	2	6	8
12:52:50 PM	3	5	8
12:53:13 PM	2	5	7
12:53:23 PM	3	4	7
12:54:08 PM	3	3	6
12:54:28 PM	4	2	6
12:54:52 PM	3	2	5
12:55:06 PM	2	2	4
12:55:21 PM	1	3	4
12:55:46 PM	2	2	4
12:56:12 PM	3	1	4
12:57:32 PM	3	2	5
12:57:42 PM	4	3	7
12:58:11 PM	3	3	6
12:58:27 PM	2	3	5
12:58:36 PM	3	2	5
12:58:47 PM	3	3	6
12:59:08 PM	4	2	6
12:59:16 PM	3	2	5
1:00:07 PM	4	1	5
1:00:15 PM	3	2	5
1:00:33 PM	4	1	5
1:00:52 PM	3	1	4
1:01:03 PM	4	0	4
1:01:10 PM	4	1	5
1:01:43 PM	5	0	5
1:02:21 PM	4	0	4
1:02:42 PM	3	0	3
1:03:24 PM	2	1	3
1:03:51 PM	3	0	3
1:04:34 PM	3	1	4
1:04:39 PM	3	2	5
1:05:09 PM	3	3	6
1:05:18 PM	3	4	7
1:05:30 PM	4	3	7
1:05:39 PM	4	4	8
1:05:51 PM	3	4	7
1:06:06 PM	4	3	7
1:06:28 PM	3	3	6
1:07:41 PM	2	3	5

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
5:21:21 PM	2	4	6
5:21:30 PM	2	5	7
5:21:40 PM	3	4	7
5:22:02 PM	4	3	7
5:22:19 PM	3	3	6
5:23:17 PM	4	2	6
5:23:19 PM	3	2	5
5:23:30 PM	3	3	6
5:24:02 PM	4	2	6
5:24:25 PM	3	2	5
5:24:40 PM	2	3	5
5:24:57 PM	3	2	5
5:25:38 PM	3	3	6
5:25:47 PM	3	3	6
5:26:18 PM	3	4	7
5:26:31 PM	4	5	9
5:27:19 PM	4	4	8
5:28:00 PM	3	4	7
5:28:16 PM	4	3	7
5:28:57 PM	4	2	6
5:29:08 PM	4	3	7
5:29:17 PM	4	4	8
5:29:28 PM	5	3	8
5:31:01 PM	5	4	9
5:31:20 PM	5	5	10
5:32:26 PM	5	4	9
5:33:20 PM	4	4	8
5:33:32 PM	5	3	8
5:33:47 PM	5	2	7
5:34:05 PM	4	3	7
5:34:30 PM	3	3	6
5:35:17 PM	4	2	6
5:36:02 PM	5	1	6
5:36:54 PM	5	2	7
5:37:20 PM	5	3	8
5:38:15 PM	4	2	6
5:39:39 PM	4	1	5
5:39:58 PM	4	2	6
5:40:33 PM	5	1	6
5:40:55 PM	4	1	5
5:42:02 PM	4	2	6
5:42:10 PM	4	3	7
5:42:13 PM	4	4	8
5:42:31 PM	4	3	7
5:42:51 PM	4	4	8
5:43:39 PM	4	3	7
5:43:57 PM	3	4	7
5:44:08 PM	3	5	8
5:44:39 PM	4	4	8
5:44:49 PM	3	4	7
5:45:01 PM	3	5	8
5:45:17 PM	3	6	9
5:47:23 PM	4	6	10
5:47:49 PM	3	7	10
5:48:09 PM	4	6	10
5:48:56 PM	3	7	10
5:50:01 PM	4	8	12
5:51:02 PM	5	8	13
5:51:32 PM	5	8	13
5:52:01 PM	5	7	12
5:53:08 PM	5	6	11
5:53:54 PM	5	6	11
5:54:40 PM	5	6	11
5:55:46 PM	5	6	11
5:56:11 PM	4	7	11
5:56:44 PM	5	6	11
5:56:57 PM	5	6	11

Locations: 17-1215-001
 City: Laguna Hills,CA

Day: Thursday
 Date: 10/19/2017

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
1:08:02 PM	3	2	5
1:08:23 PM	4	2	6
1:08:36 PM	4	3	7
1:09:07 PM	4	2	6
1:09:40 PM	4	3	7
1:10:25 PM	5	2	7
1:10:41 PM	4	1	5
1:10:49 PM	3	1	4
1:11:19 PM	4	0	4
1:12:40 PM	4	1	5
1:12:51 PM	3	1	4
1:12:57 PM	3	2	5
1:13:33 PM	4	1	5
1:13:59 PM	3	1	4
1:14:16 PM	4	1	5
1:14:28 PM	3	1	4
1:14:34 PM	3	2	5
1:14:41 PM	3	3	6
1:14:56 PM	3	4	7
1:15:40 PM	4	3	7
1:15:47 PM	4	4	8
1:16:06 PM	5	3	8
1:16:18 PM	5	4	9
1:16:23 PM	5	5	10
1:16:43 PM	5	5	10
1:17:19 PM	5	5	10
1:17:34 PM	4	5	9
1:17:49 PM	4	4	8
1:18:25 PM	5	3	8
1:18:37 PM	5	2	7
1:18:58 PM	5	1	6
1:19:33 PM	5	0	5
1:19:53 PM	5	1	6
1:20:07 PM	4	1	5
1:20:28 PM	5	0	5
1:20:48 PM	4	0	4
1:21:03 PM	4	1	5
1:21:09 PM	3	2	5
1:21:42 PM	4	1	5
1:21:54 PM	3	2	5
1:22:37 PM	2	3	5
1:22:51 PM	3	2	5
1:22:58 PM	2	2	4
1:23:34 PM	3	1	4
1:23:53 PM	3	2	5
1:24:01 PM	2	2	4
1:24:23 PM	3	1	4
1:24:54 PM	4	0	4
1:25:17 PM	4	1	5
1:25:50 PM	3	1	4
1:26:13 PM	2	1	3
1:26:21 PM	3	0	3
1:27:14 PM	3	1	4
1:27:23 PM	3	2	5
1:28:29 PM	3	3	6
1:28:30 PM	4	2	6
1:28:38 PM	5	1	6
1:29:53 PM	5	0	5
1:30:22 PM	5	1	6
1:30:46 PM	5	0	5
1:32:09 PM	4	0	4
1:32:11 PM	3	0	3
1:32:27 PM	2	0	2
1:32:40 PM	1	0	1
1:32:45 PM	0	1	1
1:33:00 PM	0	2	2
1:33:11 PM	1	1	2

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
5:57:48 PM	5	7	12
5:58:06 PM	5	6	11
5:58:22 PM	4	6	10
5:59:14 PM	5	6	11
6:00:00 PM	4	7	11
6:00:09 PM	5	6	11
6:01:23 PM	5	6	11
6:02:01 PM	5	6	11
6:02:33 PM	5	5	10
6:03:40 PM	5	4	9
6:04:39 PM	4	5	9
6:05:14 PM	3	6	9
6:05:30 PM	3	5	8
6:06:44 PM	2	5	7
6:06:55 PM	3	5	8
6:07:39 PM	2	6	8
6:07:56 PM	2	7	9
6:08:39 PM	3	6	9
6:08:51 PM	3	5	8
6:09:31 PM	4	4	8
6:09:42 PM	4	5	9
6:10:38 PM	4	6	10
6:11:19 PM	4	5	9
6:12:09 PM	3	5	8
6:12:44 PM	3	4	7
6:13:15 PM	3	3	6
6:13:54 PM	4	3	7
6:14:28 PM	3	3	6
6:14:52 PM	4	3	7
6:15:09 PM	4	4	8
6:15:35 PM	4	5	9
6:15:42 PM	4	6	10
6:15:59 PM	4	6	10
6:16:28 PM	3	7	10
6:16:51 PM	2	8	10
6:17:03 PM	3	7	10
6:17:49 PM	2	7	9
6:18:40 PM	3	6	9
6:19:02 PM	3	5	8
6:19:10 PM	3	6	9
6:19:38 PM	3	7	10
6:19:46 PM	4	6	10
6:20:15 PM	5	5	10
6:20:31 PM	5	6	11
6:20:40 PM	5	7	12
6:21:23 PM	5	7	12
6:21:32 PM	4	7	11
6:22:18 PM	4	7	11
6:22:58 PM	5	7	12
6:23:35 PM	4	8	12
6:24:13 PM	3	8	11
6:24:38 PM	4	8	12
6:25:17 PM	5	8	13
6:26:30 PM	4	7	11
6:26:49 PM	4	8	12
6:27:22 PM	3	9	12
6:28:28 PM	3	10	13
6:29:01 PM	4	9	13
6:29:10 PM	5	8	13
6:29:23 PM	5	7	12
6:30:26 PM	5	6	11
6:31:09 PM	5	6	11
6:32:38 PM	5	6	11
6:33:17 PM	5	7	12
6:33:27 PM	5	6	11
6:33:43 PM	4	6	10
6:34:05 PM	5	6	11

Locations: 17-1215-001
City: Laguna Hills, CA

Day: Thursday
Date: 10/19/2017

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
1:34:14 PM	2	0	2
1:34:36 PM	1	0	1
1:35:49 PM	1	1	2
1:36:10 PM	1	2	3
1:36:32 PM	2	1	3
1:37:29 PM	2	0	2
1:38:26 PM	2	1	3
1:39:04 PM	1	1	2
1:39:38 PM	0	1	1
1:39:56 PM	1	0	1
1:41:11 PM	0	1	1
1:42:01 PM	1	0	1
1:42:14 PM	1	1	2
1:42:20 PM	1	2	3
1:43:10 PM	2	1	3
1:43:24 PM	2	2	4
1:43:33 PM	3	1	4
1:43:41 PM	3	2	5
1:43:49 PM	3	3	6
1:44:43 PM	2	3	5
1:44:46 PM	2	3	5
1:45:07 PM	1	3	4
1:46:33 PM	2	2	4
1:47:15 PM	2	1	3
1:47:49 PM	3	0	3
1:48:26 PM	3	1	4
1:49:08 PM	4	0	4
1:49:24 PM	3	0	3
1:49:35 PM	2	0	2
1:49:44 PM	2	1	3
1:49:55 PM	2	2	4
1:50:26 PM	2	1	3
1:50:45 PM	1	1	2
1:50:59 PM	2	0	2
1:51:18 PM	2	1	3
1:51:35 PM	3	1	4
1:52:12 PM	2	2	4
1:52:47 PM	1	2	3
1:53:02 PM	1	3	4
1:53:23 PM	2	2	4
1:53:33 PM	1	2	3
1:53:47 PM	2	1	3
1:54:39 PM	3	0	3
1:54:48 PM	3	1	4
1:54:52 PM	2	2	4
1:55:37 PM	2	1	3
1:55:54 PM	3	0	3
1:56:17 PM	3	1	4
1:56:45 PM	4	1	5
1:56:59 PM	5	0	5
1:57:53 PM	5	1	6
1:58:21 PM	4	1	5
1:58:30 PM	4	2	6
1:58:38 PM	3	2	5
1:58:50 PM	3	1	4
1:59:06 PM	2	1	3
1:59:15 PM	1	1	2
1:59:19 PM	2	0	2
1:59:59 PM	1	0	1

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
6:34:22 PM	5	7	12
6:35:23 PM	5	6	11
6:35:51 PM	5	7	12
6:36:25 PM	5	7	12
6:36:35 PM	5	8	13
6:36:49 PM	4	8	12
6:37:17 PM	5	8	13
6:37:38 PM	5	9	14
6:38:25 PM	4	9	13
6:39:15 PM	5	8	13
6:39:51 PM	4	8	12
6:40:14 PM	4	7	11
6:40:27 PM	4	6	10
6:40:41 PM	3	6	9
6:41:36 PM	4	5	9
6:41:59 PM	4	6	10
6:42:10 PM	5	5	10
6:42:21 PM	4	5	9
6:42:35 PM	4	6	10
6:42:54 PM	4	5	9
6:43:10 PM	4	6	10
6:43:41 PM	5	6	11
6:44:04 PM	5	7	12
6:44:44 PM	5	6	11
6:45:11 PM	4	7	11
6:45:42 PM	4	6	10
6:46:00 PM	5	7	12
6:46:52 PM	4	8	12
6:47:01 PM	5	8	13
6:48:12 PM	4	7	11
6:48:48 PM	4	7	11
6:49:10 PM	5	8	13
6:49:51 PM	5	8	13
6:50:23 PM	5	8	13
6:51:03 PM	5	9	14
6:51:53 PM	5	9	14
6:52:45 PM	5	9	14
6:53:19 PM	4	10	14
6:54:04 PM	4	9	13
6:54:11 PM	3	10	13
6:55:15 PM	4	10	14
6:55:55 PM	5	9	14
6:56:16 PM	4	9	13
6:57:50 PM	4	9	13
6:58:39 PM	5	9	14
6:59:01 PM	5	9	14
6:59:33 PM	4	9	13
7:00:30 PM	3	9	12

Queue Study

Locations: 17-1215-001
City: Laguna Hills,CA

Day: Saturday
Date: 10/14/2017

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
11:00:00 AM	1	0	1
11:00:27 AM	0	0	0
11:00:45 AM	0	1	1
11:01:10 AM	1	2	3
11:01:47 AM	2	1	3
11:02:30 AM	2	2	4
11:02:50 AM	2	3	5
11:02:55 AM	2	2	4
11:03:34 AM	3	1	4
11:04:10 AM	2	1	3
11:04:57 AM	2	2	4
11:05:12 AM	3	1	4
11:05:30 AM	3	2	5
11:06:08 AM	2	1	3
11:06:27 AM	3	1	4
11:06:38 AM	4	0	4
11:07:19 AM	4	1	5
11:08:13 AM	5	0	5
11:09:33 AM	4	0	4
11:10:11 AM	3	0	3
11:10:56 AM	2	0	2
11:11:19 AM	1	0	1
11:11:51 AM	1	1	2
11:12:54 AM	2	0	2
11:12:59 AM	1	0	1
11:14:55 AM	1	1	2
11:15:26 AM	0	1	1
11:15:55 AM	1	0	1
11:17:49 AM	0	1	1
11:17:52 AM	1	0	1
11:17:59 AM	1	1	2
11:19:18 AM	0	1	1
11:20:41 AM	1	2	3
11:21:15 AM	2	1	3
11:21:46 AM	3	0	3
11:22:10 AM	3	1	4
11:22:32 AM	3	0	3
11:23:06 AM	2	0	2
11:23:25 AM	1	0	1
11:23:41 AM	0	0	0
11:27:18 AM	0	1	1
11:28:47 AM	1	0	1
11:29:18 AM	1	1	2
11:29:34 AM	1	2	3
11:29:52 AM	1	1	2
11:30:27 AM	2	1	3
11:30:59 AM	2	0	2
11:31:40 AM	1	0	1
11:31:58 AM	0	0	0
11:32:35 AM	0	2	2
11:34:45 AM	1	1	2
11:35:00 AM	2	3	5
11:35:36 AM	1	3	4
11:35:55 AM	2	2	4
11:36:12 AM	1	2	3
11:36:28 AM	1	3	4
11:36:45 AM	2	3	5

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
4:00:00 PM	3	6	9
4:00:28 PM	2	6	8
4:00:52 PM	3	6	9
4:01:09 PM	4	7	11
4:01:43 PM	3	7	10
4:02:24 PM	4	6	10
4:02:34 PM	3	6	9
4:02:54 PM	3	5	8
4:03:19 PM	2	4	6
4:03:57 PM	3	3	6
4:04:10 PM	2	4	6
4:04:42 PM	3	3	6
4:04:56 PM	2	4	6
4:05:26 PM	3	3	6
4:05:43 PM	2	3	5
4:06:10 PM	1	3	4
4:06:15 PM	2	2	4
4:06:49 PM	3	1	4
4:07:23 PM	4	0	4
4:07:35 PM	4	1	5
4:07:49 PM	4	2	6
4:08:20 PM	5	1	6
4:08:40 PM	5	2	7
4:09:03 PM	4	2	6
4:09:22 PM	5	3	8
4:09:44 PM	4	3	7
4:09:58 PM	3	3	6
4:10:35 PM	2	3	5
4:10:45 PM	3	3	6
4:11:24 PM	2	3	5
4:11:30 PM	3	2	5
4:11:58 PM	2	3	5
4:12:18 PM	1	3	4
4:12:27 PM	2	3	5
4:12:44 PM	3	2	5
4:13:12 PM	4	1	5
4:14:17 PM	4	0	4
4:14:56 PM	3	0	3
4:15:07 PM	3	1	4
4:15:51 PM	2	1	3
4:16:10 PM	2	2	4
4:16:25 PM	2	3	5
4:16:41 PM	3	2	5
4:17:02 PM	4	1	5
4:17:34 PM	5	0	5
4:18:10 PM	5	1	6
4:18:20 PM	4	1	5
4:18:46 PM	4	2	6
4:19:00 PM	3	2	5
4:19:19 PM	4	1	5
4:19:39 PM	3	1	4
4:19:49 PM	3	2	5
4:20:07 PM	4	1	5
4:20:19 PM	3	2	5
4:20:50 PM	4	1	5
4:21:01 PM	3	1	4
4:21:09 PM	3	2	5

Locations: 17-1215-001
 City: Laguna Hills, CA

Day: Saturday
 Date: 10/14/2017

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
11:37:05 AM	1	3	4
11:37:32 AM	1	6	7
11:38:45 AM	0	6	6
11:39:26 AM	1	7	8
11:39:59 AM	2	7	9
11:41:04 AM	1	11	12
11:41:24 AM	2	8	10
11:42:05 AM	3	5	8
11:43:12 AM	3	5	8
11:44:20 AM	2	6	8
11:44:47 AM	2	5	7
11:45:28 AM	3	6	9
11:45:46 AM	2	6	8
11:45:51 AM	3	6	9
11:46:29 AM	4	7	11
11:46:55 AM	3	7	10
11:47:12 AM	4	8	12
11:48:16 AM	5	7	12
11:48:26 AM	4	7	11
11:49:14 AM	5	4	9
11:49:28 AM	4	4	8
11:49:57 AM	5	3	8
11:50:59 AM	5	4	9
11:52:11 AM	5	5	10
11:52:51 AM	5	4	9
11:53:21 AM	4	3	7
11:54:19 AM	3	4	7
11:54:37 AM	3	3	6
11:54:57 AM	3	2	5
11:55:28 AM	3	2	5
11:55:48 AM	3	3	6
11:56:24 AM	2	3	5
11:56:41 AM	3	3	6
11:56:59 AM	2	2	4
11:57:23 AM	2	4	6
11:57:42 AM	1	4	5
11:57:59 AM	2	3	5
11:58:16 AM	2	4	6
11:58:31 AM	1	4	5
11:58:41 AM	2	3	5
11:58:59 AM	2	5	7
11:59:09 AM	1	6	7
11:59:35 AM	2	5	7
12:00:21 PM	2	4	6
12:01:04 PM	3	3	6
12:01:29 PM	4	2	6
12:01:39 PM	3	2	5
12:02:00 PM	4	1	5
12:02:15 PM	3	1	4
12:02:34 PM	3	2	5
12:02:49 PM	4	1	5
12:03:15 PM	3	1	4
12:03:27 PM	2	3	5
12:03:38 PM	3	2	5
12:04:01 PM	4	1	5
12:04:40 PM	3	0	3
12:05:30 PM	3	2	5
12:05:45 PM	2	2	4
12:06:15 PM	2	1	3
12:06:35 PM	1	2	3
12:06:46 PM	2	1	3
12:07:10 PM	2	2	4

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
4:21:25 PM	3	3	6
4:22:07 PM	4	2	6
4:22:19 PM	3	2	5
4:22:45 PM	4	1	5
4:23:04 PM	5	0	5
4:23:22 PM	5	1	6
4:24:17 PM	4	1	5
4:24:48 PM	5	0	5
4:25:28 PM	4	0	4
4:26:46 PM	3	0	3
4:26:58 PM	3	1	4
4:27:37 PM	2	1	3
4:28:33 PM	3	0	3
4:28:44 PM	2	0	2
4:29:43 PM	1	0	1
4:30:14 PM	0	0	0
4:31:46 PM	0	1	1
4:31:48 PM	0	2	2
4:32:31 PM	1	1	2
4:33:38 PM	2	0	2
4:33:51 PM	1	0	1
4:34:27 PM	1	1	2
4:34:58 PM	2	0	2
4:35:08 PM	1	0	1
4:35:58 PM	0	0	0
4:36:08 PM	0	1	1
4:37:40 PM	1	1	2
4:38:17 PM	2	0	2
4:39:21 PM	2	1	3
4:40:02 PM	3	0	3
4:40:12 PM	2	0	2
4:40:23 PM	2	1	3
4:40:34 PM	1	1	2
4:40:44 PM	1	2	3
4:40:57 PM	2	1	3
4:41:20 PM	3	0	3
4:41:32 PM	2	1	3
4:41:46 PM	1	1	2
4:42:15 PM	2	0	2
4:42:41 PM	1	0	1
4:43:02 PM	0	0	0
4:43:13 PM	0	1	1
4:43:28 PM	1	1	2
4:44:25 PM	1	2	3
4:44:40 PM	1	3	4
4:44:56 PM	0	4	4
4:45:25 PM	1	4	5
4:45:59 PM	1	4	5
4:46:20 PM	1	5	6
4:46:32 PM	2	4	6
4:46:52 PM	2	4	6
4:47:28 PM	1	4	5
4:48:26 PM	2	3	5
4:48:36 PM	1	5	6
4:49:44 PM	2	6	8
4:50:19 PM	1	6	7
4:50:46 PM	0	6	6
4:51:12 PM	1	5	6
4:51:56 PM	2	4	6
4:52:42 PM	3	4	7
4:53:21 PM	4	3	7
4:53:42 PM	4	2	6

Locations: 17-1215-001
 Clty: Laguna Hills,CA

Day: Saturday
 Date: 10/14/2017

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
12:07:32 PM	3	1	4
12:07:50 PM	3	2	5
12:08:00 PM	2	2	4
12:08:15 PM	3	2	5
12:08:40 PM	2	3	5
12:08:50 PM	1	5	6
12:09:44 PM	1	4	5
12:10:09 PM	1	4	5
12:11:02 PM	2	3	5
12:11:21 PM	3	2	5
12:11:32 PM	4	1	5
12:11:47 PM	3	2	5
12:12:42 PM	4	1	5
12:13:22 PM	3	3	6
12:13:49 PM	2	3	5
12:13:57 PM	2	2	4
12:14:21 PM	3	2	5
12:14:30 PM	2	2	4
12:14:51 PM	1	2	3
12:15:08 PM	1	3	4
12:15:22 PM	1	4	5
12:15:42 PM	1	4	5
12:15:55 PM	1	4	5
12:16:37 PM	2	4	6
12:16:57 PM	1	4	5
12:17:18 PM	2	3	5
12:17:37 PM	1	3	4
12:18:04 PM	1	4	5
12:18:27 PM	2	3	5
12:19:07 PM	1	4	5
12:19:27 PM	0	4	4
12:19:40 PM	1	3	4
12:20:01 PM	2	2	4
12:20:43 PM	2	2	4
12:21:01 PM	3	1	4
12:21:36 PM	4	0	4
12:21:51 PM	3	0	3
12:22:10 PM	2	0	2
12:22:24 PM	2	1	3
12:22:33 PM	1	2	3
12:22:49 PM	2	1	3
12:23:12 PM	2	2	4
12:23:21 PM	2	1	3
12:23:41 PM	2	2	4
12:23:51 PM	2	3	5
12:23:59 PM	2	2	4
12:24:36 PM	3	1	4
12:24:52 PM	2	1	3
12:25:38 PM	1	2	3
12:26:13 PM	1	1	2
12:26:24 PM	1	2	3
12:26:39 PM	2	2	4
12:27:27 PM	3	1	4
12:28:11 PM	4	1	5
12:28:23 PM	3	3	6
12:28:37 PM	2	3	5
12:29:25 PM	2	2	4
12:29:39 PM	2	3	5
12:29:54 PM	3	2	5
12:30:14 PM	2	3	5
12:30:48 PM	1	4	5
12:31:15 PM	0	4	4

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
4:54:24 PM	3	2	5
4:54:53 PM	3	1	4
4:55:39 PM	3	0	3
4:55:53 PM	3	1	4
4:56:06 PM	2	1	3
4:56:21 PM	3	0	3
4:56:32 PM	3	1	4
4:56:47 PM	3	2	5
4:57:17 PM	3	3	6
4:57:57 PM	3	2	5
4:58:21 PM	4	1	5
4:59:03 PM	3	1	4
4:59:32 PM	3	2	5
4:59:48 PM	2	2	4
5:00:01 PM	3	1	4
5:00:40 PM	2	1	3
5:01:08 PM	3	0	3
5:01:29 PM	2	0	2
5:01:38 PM	2	1	3
5:01:52 PM	2	2	4
5:02:27 PM	2	3	5
5:02:43 PM	1	4	5
5:03:24 PM	2	4	6
5:04:00 PM	1	4	5
5:04:34 PM	2	3	5
5:04:55 PM	2	4	6
5:05:44 PM	3	4	7
5:05:49 PM	3	4	7
5:06:16 PM	2	4	6
5:06:51 PM	2	3	5
5:06:59 PM	1	4	5
5:07:10 PM	2	4	6
5:07:30 PM	3	3	6
5:08:48 PM	3	4	7
5:08:58 PM	2	4	6
5:09:11 PM	3	3	6
5:09:25 PM	3	4	7
5:09:51 PM	3	4	7
5:10:15 PM	2	4	6
5:10:39 PM	3	3	6
5:11:10 PM	2	3	5
5:11:40 PM	1	4	5
5:12:03 PM	2	3	5
5:12:16 PM	3	3	6
5:13:12 PM	2	5	7
5:14:24 PM	2	7	9
5:14:50 PM	3	6	9
5:15:13 PM	3	6	9
5:15:25 PM	2	5	7
5:16:16 PM	3	4	7
5:17:12 PM	4	5	9
5:18:13 PM	3	7	10
5:18:29 PM	2	7	9
5:18:39 PM	3	5	8
5:18:59 PM	3	7	10
5:19:15 PM	4	6	10
5:19:27 PM	4	8	12
5:19:41 PM	4	5	9
5:20:30 PM	3	7	10
5:20:42 PM	4	7	11
5:21:04 PM	3	8	11
5:21:42 PM	4	7	11

Locations: 17-1215-001
 City: Laguna Hills,CA

Day: Saturday
 Date: 10/14/2017

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
12:31:26 PM	1	4	5
12:32:06 PM	2	3	5
12:33:10 PM	1	3	4
12:33:40 PM	2	3	5
12:35:10 PM	2	4	6
12:35:32 PM	3	4	7
12:35:51 PM	2	5	7
12:36:22 PM	2	5	7
12:36:50 PM	2	6	8
12:37:17 PM	1	6	7
12:37:44 PM	2	6	8
12:38:50 PM	1	7	8
12:39:07 PM	2	9	11
12:39:34 PM	2	7	9
12:40:41 PM	3	8	11
12:40:57 PM	3	9	12
12:41:21 PM	2	9	11
12:41:38 PM	3	10	13
12:42:17 PM	2	10	12
12:42:36 PM	3	9	12
12:42:50 PM	2	10	12
12:43:21 PM	1	9	10
12:43:41 PM	2	8	10
12:44:21 PM	2	5	7
12:44:44 PM	3	5	8
12:45:20 PM	2	5	7
12:45:46 PM	3	6	9
12:46:22 PM	2	6	8
12:46:56 PM	2	6	8
12:47:48 PM	3	5	8
12:48:11 PM	4	4	8
12:48:32 PM	3	9	12
12:48:49 PM	4	7	11
12:49:24 PM	4	4	8
12:50:08 PM	4	4	8
12:50:55 PM	3	4	7
12:51:43 PM	4	6	10
12:51:57 PM	3	7	10
12:52:18 PM	3	6	9
12:52:55 PM	2	6	8
12:52:59 PM	3	6	9
12:53:48 PM	2	6	8
12:54:00 PM	3	6	9
12:54:32 PM	4	5	9
12:55:21 PM	5	7	12
12:55:40 PM	4	7	11
12:55:56 PM	3	8	11
12:56:16 PM	3	6	9
12:56:45 PM	2	6	8
12:57:06 PM	3	6	9
12:57:44 PM	2	6	8
12:57:59 PM	3	7	10
12:58:25 PM	4	8	12
12:59:01 PM	4	8	12
12:59:24 PM	3	8	11
1:00:19 PM	4	10	14
1:00:28 PM	3	10	13
1:00:47 PM	2	7	9
1:01:06 PM	3	7	10
1:01:34 PM	3	4	7
1:02:14 PM	4	3	7
1:02:33 PM	3	3	6

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
5:21:54 PM	3	7	10
5:22:08 PM	4	8	12
5:22:35 PM	3	7	10
5:22:46 PM	4	7	11
5:23:06 PM	3	9	12
5:23:18 PM	4	8	12
5:24:13 PM	5	7	12
5:24:28 PM	4	8	12
5:24:56 PM	5	7	12
5:25:11 PM	4	6	10
5:25:28 PM	3	6	9
5:25:46 PM	4	7	11
5:26:10 PM	3	7	10
5:26:35 PM	4	6	10
5:26:51 PM	3	6	9
5:27:02 PM	2	7	9
5:27:53 PM	3	8	11
5:28:25 PM	2	8	10
5:28:46 PM	1	8	9
5:29:17 PM	2	6	8
5:29:38 PM	3	4	7
5:30:00 PM	4	4	8
5:30:11 PM	3	4	7
5:30:38 PM	4	3	7
5:31:19 PM	3	3	6
5:31:43 PM	4	2	6
5:31:56 PM	4	3	7
5:32:24 PM	2	4	6
5:32:37 PM	3	4	7
5:33:09 PM	2	5	7
5:34:07 PM	3	3	6
5:34:29 PM	3	4	7
5:35:42 PM	2	4	6
5:36:06 PM	1	5	6
5:36:47 PM	2	6	8
5:37:35 PM	2	5	7
5:38:30 PM	3	8	11
5:39:02 PM	3	5	8
5:39:37 PM	3	3	6
5:40:01 PM	2	3	5
5:40:23 PM	2	2	4
5:40:38 PM	2	3	5
5:41:17 PM	3	2	5
5:42:03 PM	4	1	5
5:42:30 PM	4	0	4
5:43:07 PM	3	0	3
5:43:30 PM	2	0	2
5:45:15 PM	1	0	1
5:45:45 PM	0	0	0
5:46:42 PM	0	1	1
5:47:10 PM	0	2	2
5:47:24 PM	0	3	3
5:47:58 PM	1	2	3
5:48:14 PM	1	3	4
5:48:38 PM	2	3	5
5:49:08 PM	3	4	7
5:49:32 PM	2	4	6
5:50:04 PM	1	6	7
5:50:19 PM	2	5	7
5:50:38 PM	2	7	9
5:50:50 PM	1	6	7
5:51:18 PM	2	6	8

Locations: 17-1215-001
 City: Laguna Hills, CA

Day: Saturday
 Date: 10/14/2017

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
1:02:59 PM	4	4	8
1:03:17 PM	5	4	9
1:03:58 PM	4	5	9
1:04:15 PM	5	4	9
1:04:34 PM	4	4	8
1:04:48 PM	3	4	7
1:05:07 PM	5	3	8
1:05:42 PM	4	3	7
1:06:08 PM	3	4	7
1:06:21 PM	3	4	7
1:06:59 PM	2	4	6
1:07:25 PM	1	4	5
1:07:47 PM	2	4	6
1:08:06 PM	1	4	5
1:08:21 PM	2	3	5
1:08:38 PM	3	3	6
1:09:13 PM	2	3	5
1:09:39 PM	1	3	4
1:09:59 PM	2	5	7
1:10:27 PM	3	4	7
1:10:40 PM	2	4	6
1:10:58 PM	3	4	7
1:11:11 PM	2	5	7
1:11:49 PM	3	4	7
1:12:21 PM	2	5	7
1:12:55 PM	2	4	6
1:13:40 PM	3	5	8
1:14:00 PM	2	5	7
1:14:10 PM	3	4	7
1:14:30 PM	2	5	7
1:14:37 PM	3	4	7
1:14:55 PM	2	3	5
1:15:29 PM	2	4	6
1:15:52 PM	1	4	5
1:16:06 PM	2	3	5
1:16:22 PM	2	4	6
1:16:35 PM	1	5	6
1:17:15 PM	0	5	5
1:17:39 PM	1	5	6
1:18:05 PM	2	4	6
1:18:30 PM	3	4	7
1:18:49 PM	3	4	7
1:19:42 PM	4	5	9
1:20:13 PM	3	5	8
1:20:37 PM	5	4	9
1:20:57 PM	4	4	8
1:21:12 PM	3	7	10
1:22:19 PM	3	5	8
1:22:45 PM	2	5	7
1:22:59 PM	3	6	9
1:23:37 PM	2	7	9
1:23:51 PM	3	6	9
1:24:11 PM	3	5	8
1:24:22 PM	2	7	9
1:24:58 PM	1	8	9
1:25:14 PM	2	6	8
1:25:41 PM	2	5	7
1:25:58 PM	3	4	7
1:26:13 PM	2	6	8
1:27:01 PM	3	5	8
1:27:13 PM	2	4	6
1:27:34 PM	1	4	5

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
5:51:55 PM	3	6	9
5:52:42 PM	4	8	12
5:53:21 PM	5	8	13
5:55:28 PM	4	6	10
5:56:58 PM	5	6	11
5:57:18 PM	4	6	10
5:57:49 PM	5	7	12
5:58:22 PM	5	6	11
5:58:59 PM	4	6	10
5:59:30 PM	5	7	12
5:59:49 PM	4	6	10
6:00:23 PM	5	6	11
6:01:35 PM	4	5	9
6:02:06 PM	3	5	8
6:02:20 PM	4	5	9
6:02:47 PM	3	6	9
6:03:27 PM	4	6	10
6:03:58 PM	3	5	8
6:04:10 PM	2	5	7
6:04:19 PM	2	4	6
6:05:26 PM	3	5	8
6:05:56 PM	2	5	7
6:06:34 PM	3	4	7
6:07:01 PM	4	3	7
6:07:37 PM	5	2	7
6:08:41 PM	5	3	8
6:08:49 PM	5	4	9
6:09:48 PM	4	7	11
6:09:59 PM	5	6	11
6:10:26 PM	4	5	9
6:10:42 PM	5	7	12
6:11:15 PM	4	7	11
6:11:28 PM	4	7	11
6:11:54 PM	3	7	10
6:12:12 PM	4	6	10
6:12:35 PM	4	6	10
6:12:51 PM	3	5	8
6:13:11 PM	3	5	8
6:13:28 PM	2	5	7
6:13:48 PM	3	3	6
6:14:49 PM	4	3	7
6:15:04 PM	3	2	5
6:15:17 PM	3	3	6
6:15:28 PM	2	2	4
6:15:39 PM	3	3	6
6:15:52 PM	3	5	8
6:16:10 PM	3	4	7
6:16:33 PM	4	4	8
6:16:53 PM	5	6	11
6:17:22 PM	5	6	11
6:17:37 PM	5	8	13
6:17:52 PM	4	8	12
6:18:04 PM	5	5	10
6:18:23 PM	5	6	11
6:19:57 PM	5	6	11
6:20:48 PM	5	5	10
6:21:15 PM	4	5	9
6:21:36 PM	3	5	8
6:21:44 PM	4	5	9
6:21:59 PM	4	5	9
6:22:13 PM	4	4	8
6:22:29 PM	3	4	7

Locations: 17-1215-001
 City: Laguna Hills, CA

Day: Saturday
 Date: 10/14/2017

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
1:28:20 PM	2	4	6
1:28:42 PM	2	5	7
1:28:59 PM	3	4	7
1:29:33 PM	4	4	8
1:29:47 PM	3	4	7
1:30:33 PM	4	3	7
1:30:48 PM	3	3	6
1:31:26 PM	3	4	7
1:31:45 PM	4	3	7
1:32:02 PM	3	3	6
1:32:37 PM	4	2	6
1:32:51 PM	3	2	5
1:33:09 PM	3	1	4
1:33:36 PM	3	2	5
1:33:46 PM	4	2	6
1:34:13 PM	4	3	7
1:34:25 PM	4	4	8
1:34:43 PM	5	4	9
1:35:03 PM	5	5	10
1:35:30 PM	4	4	8
1:36:12 PM	4	3	7
1:36:41 PM	3	3	6
1:37:03 PM	2	3	5
1:37:20 PM	3	4	7
1:38:01 PM	4	3	7
1:38:15 PM	5	4	9
1:38:38 PM	5	5	10
1:39:40 PM	4	5	9
1:40:14 PM	5	4	9
1:40:33 PM	4	4	8
1:40:43 PM	4	5	9
1:41:01 PM	5	4	9
1:41:17 PM	4	3	7
1:41:30 PM	3	2	5
1:42:00 PM	3	3	6
1:42:30 PM	2	3	5
1:42:35 PM	3	4	7
1:43:11 PM	2	4	6
1:43:38 PM	3	3	6
1:43:52 PM	2	3	5
1:44:49 PM	3	2	5
1:45:00 PM	3	3	6
1:46:30 PM	3	4	7
1:46:43 PM	2	4	6
1:47:17 PM	1	4	5
1:47:27 PM	2	3	5
1:47:49 PM	2	4	6
1:48:13 PM	1	5	6
1:48:36 PM	2	4	6
1:49:08 PM	1	5	6
1:49:42 PM	2	4	6
1:50:05 PM	2	4	6
1:50:52 PM	2	4	6
1:51:10 PM	3	4	7
1:51:44 PM	3	5	8
1:51:55 PM	3	3	6
1:52:06 PM	2	5	7
1:52:42 PM	3	5	8
1:52:58 PM	2	5	7
1:53:14 PM	3	4	7
1:53:32 PM	2	5	7
1:53:50 PM	1	5	6

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
6:22:46 PM	3	4	7
6:23:10 PM	4	4	8
6:23:27 PM	4	5	9
6:23:43 PM	5	5	10
6:24:01 PM	5	5	10
6:24:40 PM	4	5	9
6:24:48 PM	5	5	10
6:25:30 PM	4	5	9
6:25:46 PM	5	7	12
6:25:58 PM	4	7	11
6:26:10 PM	3	7	10
6:26:30 PM	2	7	9
6:26:41 PM	3	5	8
6:27:08 PM	2	5	7
6:27:50 PM	1	4	5
6:28:17 PM	2	4	6
6:29:19 PM	1	4	5
6:30:01 PM	2	3	5
6:30:10 PM	3	3	6
6:30:32 PM	4	3	7
6:31:00 PM	3	3	6
6:31:12 PM	4	2	6
6:31:44 PM	4	3	7
6:31:56 PM	5	3	8
6:32:13 PM	4	3	7
6:32:21 PM	5	2	7
6:32:43 PM	4	2	6
6:32:54 PM	4	3	7
6:33:16 PM	3	3	6
6:33:30 PM	4	2	6
6:33:38 PM	3	1	4
6:33:52 PM	3	2	5
6:34:17 PM	2	2	4
6:34:42 PM	3	2	5
6:35:01 PM	2	2	4
6:35:19 PM	1	2	3
6:35:29 PM	2	1	3
6:35:43 PM	2	2	4
6:35:55 PM	2	3	5
6:36:28 PM	3	2	5
6:36:42 PM	3	3	6
6:36:54 PM	4	2	6
6:37:23 PM	3	2	5
6:38:08 PM	3	3	6
6:38:36 PM	2	3	5
6:38:51 PM	3	2	5
6:39:09 PM	2	2	4
6:39:24 PM	2	1	3
6:39:53 PM	2	2	4
6:40:04 PM	3	2	5
6:40:20 PM	3	3	6
6:40:32 PM	2	3	5
6:40:50 PM	2	4	6
6:40:58 PM	3	4	7
6:41:21 PM	3	6	9
6:41:40 PM	4	5	9
6:42:42 PM	5	5	10
6:43:08 PM	4	5	9
6:43:26 PM	5	4	9
6:43:57 PM	4	4	8
6:44:14 PM	3	4	7
6:44:31 PM	4	3	7

Locations: 17-1215-001
 City: Laguna Hills, CA

Day: Saturday
 Date: 10/14/2017

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
1:54:05 PM	2	5	7
1:54:28 PM	3	4	7
1:54:59 PM	4	5	9
1:55:13 PM	3	5	8
1:56:03 PM	3	4	7
1:56:18 PM	3	5	8
1:56:31 PM	3	4	7
1:57:05 PM	3	5	8
1:57:37 PM	3	7	10
1:57:56 PM	4	6	10
1:58:31 PM	3	5	8
1:59:01 PM	4	4	8
1:59:25 PM	4	6	10
1:59:46 PM	5	5	10
2:00:00 PM	4	6	10

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
6:44:58 PM	3	4	7
6:45:12 PM	4	3	7
6:45:26 PM	3	3	6
6:45:47 PM	4	2	6
6:46:01 PM	3	2	5
6:46:15 PM	4	1	5
6:46:36 PM	4	2	6
6:46:58 PM	3	2	5
6:47:10 PM	3	3	6
6:47:29 PM	2	3	5
6:47:47 PM	2	4	6
6:47:58 PM	3	4	7
6:48:11 PM	3	5	8
6:48:40 PM	4	4	8
6:49:01 PM	3	4	7
6:49:16 PM	4	3	7
6:49:30 PM	3	3	6
6:49:43 PM	3	4	7
6:50:03 PM	4	3	7
6:50:26 PM	3	3	6
6:50:48 PM	3	2	5
6:51:49 PM	2	2	4
6:52:11 PM	3	1	4
6:52:39 PM	4	0	4
6:53:33 PM	4	1	5
6:53:44 PM	3	1	4
6:54:01 PM	4	0	4
6:54:29 PM	4	1	5
6:54:43 PM	3	1	4
6:54:59 PM	3	2	5
6:55:10 PM	4	1	5
6:55:39 PM	3	1	4
6:55:51 PM	3	2	5
6:56:04 PM	2	2	4
6:56:29 PM	2	1	3
6:56:42 PM	2	2	4
6:56:56 PM	3	1	4
6:57:09 PM	2	1	3
6:57:20 PM	3	0	3
6:57:46 PM	2	0	2
6:58:02 PM	1	0	1
6:58:39 PM	1	1	2
6:59:02 PM	0	1	1
6:59:17 PM	0	2	2
6:59:29 PM	1	1	2
7:00:00 PM	1	1	2

Queue Study

Project: 18-1161
City: Orange

Date: 8/22/2018
Day: Wednesday

12:00 PM - 2:30 PM

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
12:00:00 PM	1	2	3
12:01:05 PM	1	3	4
12:01:10 PM	2	2	4
12:01:35 PM	1	3	4
12:01:50 PM	2	3	5
12:02:07 PM	2	3	5
12:02:49 PM	2	5	7
12:03:38 PM	3	4	7
12:04:03 PM	2	3	5
12:04:16 PM	1	5	6
12:04:34 PM	2	5	7
12:04:48 PM	2	4	6
12:05:08 PM	2	3	5
12:05:33 PM	2	3	5
12:05:46 PM	3	2	5
12:06:10 PM	2	2	4
12:06:30 PM	1	2	3
12:06:45 PM	2	1	3
12:06:53 PM	2	2	4
12:07:01 PM	2	3	5
12:07:14 PM	3	3	6
12:07:47 PM	3	2	5
12:08:01 PM	3	2	5
12:08:23 PM	4	1	5
12:08:38 PM	3	1	4
12:08:53 PM	2	1	3
12:09:14 PM	2	2	4
12:09:28 PM	3	1	4
12:09:33 PM	3	2	5
12:09:50 PM	3	2	5
12:10:05 PM	2	2	4
12:10:12 PM	3	1	4
12:10:21 PM	2	1	3
12:10:44 PM	2	2	4
12:10:49 PM	2	3	5
12:10:50 PM	2	3	5
12:11:07 PM	3	2	5
12:11:23 PM	3	3	6
12:11:37 PM	3	4	7
12:11:50 PM	4	3	7
12:12:01 PM	4	4	8
12:13:16 PM	4	3	7
12:13:21 PM	4	7	11
12:13:31 PM	4	8	12
12:13:43 PM	4	9	13
12:14:25 PM	4	10	14
12:15:39 PM	4	8	12

7:00PM - 9:30 PM

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
7:01:36 PM	4	10	14
7:01:49 PM	2	10	12
7:02:39 PM	2	10	12
7:03:06 PM	2	10	12
7:03:20 PM	2	9	11
7:03:31 PM	1	9	10
7:03:48 PM	2	9	11
7:03:55 PM	2	9	11
7:04:28 PM	2	9	11
7:04:48 PM	2	8	10
7:05:15 PM	1	7	8
7:05:23 PM	2	7	9
7:05:59 PM	3	8	11
7:06:31 PM	2	7	9
7:06:59 PM	1	7	8
7:07:13 PM	2	7	9
7:07:45 PM	3	8	11
7:08:17 PM	4	8	12
7:08:30 PM	3	9	12
7:08:55 PM	4	8	12
7:09:18 PM	4	9	13
7:09:56 PM	5	8	13
7:10:33 PM	5	9	14
7:10:56 PM	4	8	12
7:11:19 PM	4	8	12
7:11:34 PM	3	8	11
7:12:18 PM	3	8	11
7:13:07 PM	4	8	12
7:13:10 PM	3	6	9
7:13:31 PM	2	6	8
7:13:56 PM	3	8	11
7:14:07 PM	2	9	11
7:14:57 PM	3	9	12
7:15:03 PM	2	9	11
7:15:44 PM	2	9	11
7:16:07 PM	3	8	11
7:16:44 PM	4	9	13
7:17:17 PM	3	9	12
7:17:38 PM	2	9	11
7:17:51 PM	2	9	11
7:18:01 PM	3	8	11
7:18:31 PM	4	9	13
7:19:15 PM	5	8	13
7:19:25 PM	4	10	14
7:20:05 PM	3	10	13
7:20:21 PM	3	10	13
7:20:37 PM	2	10	12

Project: 18-1161
City: Orange

Date: 8/22/2018
Day: Wednesday

12:00 PM - 2:30 PM

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
12:15:50 PM	5	8	13
12:16:18 PM	5	7	12
12:16:41 PM	4	5	9
12:17:01 PM	3	5	8
12:17:22 PM	4	5	9
12:17:34 PM	3	3	6
12:17:55 PM	2	3	5
12:18:01 PM	2	3	5
12:18:34 PM	1	3	4
12:18:53 PM	1	3	4
12:19:21 PM	1	4	5
12:19:29 PM	2	5	7
12:19:49 PM	2	5	7
12:20:18 PM	3	3	6
12:20:31 PM	2	4	6
12:20:45 PM	2	4	6
12:20:59 PM	2	5	7
12:21:05 PM	2	6	8
12:21:27 PM	3	4	7
12:21:44 PM	2	4	6
12:21:54 PM	3	4	7
12:22:05 PM	2	4	6
12:22:12 PM	3	3	6
12:22:28 PM	2	3	5
12:22:43 PM	2	3	5
12:22:49 PM	3	2	5
12:22:57 PM	3	3	6
12:23:06 PM	2	3	5
12:23:23 PM	2	3	5
12:23:30 PM	0	3	3
12:24:02 PM	2	3	5
12:24:19 PM	2	4	6
12:24:30 PM	1	4	5
12:25:06 PM	1	3	4
12:25:25 PM	1	4	5
12:25:32 PM	1	4	5
12:26:00 PM	2	3	5
12:26:17 PM	2	4	6
12:26:35 PM	2	4	6
12:26:47 PM	1	4	5
12:27:45 PM	2	4	6
12:27:44 PM	3	3	6
12:27:58 PM	3	4	7
12:28:15 PM	3	5	8
12:28:37 PM	4	7	11
12:28:55 PM	4	7	11
12:29:27 PM	3	5	8
12:29:54 PM	2	5	7
12:30:12 PM	3	3	6
12:30:31 PM	2	3	5
12:30:50 PM	3	4	7

7:00PM - 9:30 PM

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
7:20:55 PM	4	10	14
7:21:22 PM	4	9	13
7:21:41 PM	3	10	13
7:21:53 PM	4	8	12
7:22:21 PM	5	9	14
7:22:35 PM	3	9	12
7:22:54 PM	2	9	11
7:23:09 PM	4	9	13
7:23:19 PM	3	9	12
7:23:34 PM	2	9	11
7:23:48 PM	2	9	11
7:24:05 PM	2	9	11
7:24:10 PM	3	9	12
7:24:44 PM	2	8	10
7:24:55 PM	3	8	11
7:25:03 PM	2	9	11
7:25:15 PM	3	8	11
7:25:28 PM	2	8	10
7:25:44 PM	2	9	11
7:25:58 PM	3	8	11
7:26:11 PM	2	9	11
7:26:35 PM	3	8	11
7:26:54 PM	4	7	11
7:27:07 PM	3	6	9
7:27:33 PM	3	6	9
7:27:47 PM	3	6	9
7:28:10 PM	3	7	10
7:29:10 PM	4	7	11
7:29:35 PM	5	7	12
7:29:47 PM	4	8	12
7:30:18 PM	5	7	12
7:30:42 PM	3	7	10
7:31:16 PM	4	7	11
7:31:42 PM	4	7	11
7:31:52 PM	5	6	11
7:32:04 PM	4	6	10
7:32:24 PM	3	6	9
7:32:36 PM	4	7	11
7:32:46 PM	3	7	10
7:33:05 PM	4	6	10
7:33:27 PM	3	7	10
7:33:40 PM	4	6	10
7:34:21 PM	4	5	9
7:34:52 PM	3	5	8
7:35:08 PM	3	5	8
7:36:07 PM	3	6	9
7:36:16 PM	3	5	8
7:36:36 PM	4	4	8
7:37:19 PM	5	3	8
7:37:43 PM	4	3	7
7:37:55 PM	5	2	7

Project: 18-1161
 City: Orange

Date: 8/22/2018
 Day: Wednesday

12:00 PM - 2:30 PM

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
12:31:40 PM	4	3	7
12:31:59 PM	4	3	7
12:32:25 PM	4	4	8
12:32:46 PM	3	4	7
12:33:06 PM	2	4	6
12:33:11 PM	2	3	5
12:33:26 PM	2	4	6
12:33:43 PM	1	4	5
12:33:55 PM	2	3	5
12:34:08 PM	2	4	6
12:34:15 PM	2	5	7
12:34:32 PM	2	5	7
12:34:50 PM	2	6	8
12:35:10 PM	3	6	9
12:35:22 PM	3	6	9
12:35:45 PM	3	4	7
12:36:17 PM	3	4	7
12:36:38 PM	3	4	7
12:36:54 PM	3	3	6
12:37:25 PM	3	6	9
12:38:05 PM	5	5	10
12:40:02 PM	5	4	9
12:40:39 PM	2	4	6
12:40:42 PM	3	3	6
12:41:08 PM	2	3	5
12:41:25 PM	2	4	6
12:41:39 PM	1	4	5
12:41:05 PM	2	6	8
12:42:28 PM	2	7	9
12:42:38 PM	3	6	9
12:43:34 PM	2	5	7
12:44:09 PM	2	6	8
12:44:46 PM	2	5	7
12:45:04 PM	2	5	7
12:45:30 PM	3	4	7
12:45:45 PM	2	4	6
12:46:01 PM	3	4	7
12:46:24 PM	4	5	9
12:47:00 PM	5	4	9
12:47:36 PM	4	4	8
12:47:54 PM	5	4	9
12:48:21 PM	4	4	8
12:48:49 PM	4	3	7
12:48:57 PM	4	3	7
12:49:23 PM	3	3	6
12:49:44 PM	5	2	7
12:49:59 PM	4	2	6
12:50:31 PM	3	3	6
12:50:47 PM	4	3	7
12:51:10 PM	3	6	9
12:51:38 PM	4	5	9

7:00PM - 9:30 PM

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
7:38:10 PM	5	3	8
7:38:37 PM	4	4	8
7:38:58 PM	3	4	7
7:39:14 PM	4	3	7
7:39:19 PM	4	3	7
7:40:02 PM	5	2	7
7:40:41 PM	5	3	8
7:41:36 PM	5	4	9
7:41:49 PM	5	4	9
7:42:06 PM	4	4	8
7:42:19 PM	4	4	8
7:42:41 PM	5	3	8
7:42:49 PM	4	3	7
7:43:01 PM	4	3	7
7:43:12 PM	4	4	8
7:43:30 PM	4	3	7
7:43:50 PM	4	4	8
7:44:09 PM	5	3	8
7:45:10 PM	5	4	9
7:45:39 PM	4	4	8
7:45:56 PM	5	3	8
7:46:04 PM	4	3	7
7:46:21 PM	4	4	8
7:46:30 PM	4	4	8
7:47:12 PM	3	4	7
7:47:46 PM	2	4	6
7:48:05 PM	3	4	7
7:48:10 PM	2	4	6
7:48:45 PM	2	4	6
7:49:02 PM	1	4	5
7:49:10 PM	2	5	7
7:49:37 PM	3	4	7
7:50:12 PM	4	3	7
7:50:21 PM	3	3	6
7:50:43 PM	4	3	7
7:51:02 PM	3	3	6
7:51:29 PM	3	3	6
7:51:42 PM	3	3	6
7:51:50 PM	3	4	7
7:52:00 PM	4	3	7
7:52:11 PM	4	4	8
7:53:04 PM	4	3	7
7:53:36 PM	5	6	11
7:54:08 PM	4	6	10
7:54:28 PM	5	7	12
7:54:42 PM	4	6	10
7:55:12 PM	3	6	9
7:55:33 PM	3	6	9
7:55:40 PM	2	6	8
7:55:49 PM	3	6	9
7:56:12 PM	3	6	9

Project: 18-1161
City: Orange

Date: 8/22/2018
Day: Wednesday

12:00 PM - 2:30 PM

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
12:51:59 PM	3	5	8
12:52:39 PM	3	5	8
12:52:58 PM	4	4	8
12:53:21 PM	4	6	10
12:53:30 PM	4	8	12
12:53:49 PM	5	11	16
12:54:21 PM	3	11	14
12:55:06 PM	4	10	14
12:55:36 PM	4	9	13
12:56:19 PM	3	9	12
12:56:35 PM	4	8	12
12:56:54 PM	4	8	12
12:57:25 PM	4	10	14
12:58:02 PM	5	8	13
12:59:14 PM	4	9	13
12:59:24 PM	4	9	13
12:59:57 PM	5	8	13
1:00:12 PM	4	9	13
1:00:32 PM	4	9	13
1:00:46 PM	4	7	11
1:00:59 PM	3	7	10
1:01:36 PM	4	6	10
1:01:49 PM	3	7	10
1:02:05 PM	4	6	10
1:02:26 PM	3	6	9
1:02:48 PM	2	8	10
1:03:01 PM	3	9	12
1:03:24 PM	2	9	11
1:03:40 PM	3	8	11
1:03:48 PM	3	8	11
1:04:13 PM	1	7	8
1:04:29 PM	2	8	10
1:05:06 PM	4	8	12
1:05:22 PM	3	7	10
1:05:45 PM	4	7	11
1:06:01 PM	2	7	9
1:06:39 PM	4	6	10
1:07:19 PM	2	6	8
1:07:34 PM	4	5	9
1:07:48 PM	4	5	9
1:07:58 PM	2	5	7
1:08:06 PM	4	7	11
1:08:34 PM	4	5	9
1:09:03 PM	5	4	9
1:09:36 PM	4	6	10
1:09:59 PM	5	6	11
1:10:09 PM	4	4	8
1:10:36 PM	3	4	7
1:10:53 PM	3	3	6
1:11:26 PM	3	2	5
1:12:01 PM	4	2	6

7:00PM - 9:30 PM

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
7:56:24 PM	4	6	10
7:57:00 PM	5	6	11
7:57:11 PM	4	6	10
7:57:34 PM	5	7	12
7:57:59 PM	4	8	12
7:58:30 PM	3	7	10
7:58:48 PM	4	6	10
7:59:11 PM	5	6	11
8:00:34 PM	5	7	12
8:01:21 PM	5	6	11
8:01:53 PM	4	6	10
8:02:21 PM	4	5	9
8:02:31 PM	4	6	10
8:02:50 PM	3	6	9
8:02:59 PM	2	6	8
8:03:22 PM	3	5	8
8:03:34 PM	2	6	8
8:03:46 PM	3	6	9
8:04:04 PM	2	7	9
8:04:30 PM	2	7	9
8:04:45 PM	2	7	9
8:05:17 PM	3	6	9
8:05:39 PM	2	9	11
8:05:51 PM	3	6	9
8:06:10 PM	2	6	8
8:06:37 PM	2	7	9
8:06:49 PM	3	7	10
8:07:03 PM	2	8	10
8:07:14 PM	1	8	9
8:07:41 PM	1	7	8
8:07:56 PM	2	6	8
8:08:30 PM	3	6	9
8:08:52 PM	3	5	8
8:09:11 PM	3	6	9
8:09:25 PM	2	6	8
8:09:41 PM	2	6	8
8:09:52 PM	3	6	9
8:10:41 PM	3	7	10
8:11:18 PM	3	7	10
8:11:41 PM	2	6	8
8:11:52 PM	3	7	10
8:12:16 PM	3	6	9
8:12:48 PM	3	7	10
8:12:59 PM	4	7	11
8:13:39 PM	4	8	12
8:14:19 PM	5	8	13
8:14:41 PM	4	8	12
8:15:02 PM	3	8	11
8:15:21 PM	4	8	12
8:15:59 PM	4	7	11
8:16:12 PM	4	7	11

Project: 18-1161
 City: Orange

Date: 8/22/2018
 Day: Wednesday

12:00 PM - 2:30 PM

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
1:12:30 PM	3	3	6
1:12:57 PM	3	3	6
1:13:05 PM	4	2	6
1:13:17 PM	3	2	5
1:13:28 PM	3	2	5
1:13:45 PM	3	3	6
1:13:58 PM	3	5	8
1:14:19 PM	3	6	9
1:14:52 PM	4	6	10
1:15:11 PM	4	5	9
1:15:26 PM	5	5	10
1:16:09 PM	5	5	10
1:16:37 PM	3	5	8
1:17:15 PM	3	6	9
1:17:38 PM	4	5	9
1:18:46 PM	4	4	8
1:18:58 PM	5	6	11
1:19:42 PM	4	6	10
1:20:30 PM	3	7	10
1:21:01 PM	2	7	9
1:21:09 PM	2	7	9
1:21:20 PM	2	6	8
1:21:42 PM	1	6	7
1:22:12 PM	0	6	6
1:22:34 PM	1	6	7
1:22:55 PM	2	5	7
1:23:33 PM	3	4	7
1:23:41 PM	2	4	6
1:23:49 PM	3	3	6
1:24:10 PM	2	3	5
1:24:12 PM	3	2	5
1:24:45 PM	3	3	6
1:24:57 PM	3	3	6
1:25:14 PM	3	4	7
1:25:42 PM	3	3	6
1:25:51 PM	2	3	5
1:26:03 PM	3	3	6
1:26:14 PM	2	3	5
1:26:20 PM	2	3	5
1:26:28 PM	3	2	5
1:26:47 PM	2	2	4
1:27:07 PM	3	1	4
1:27:25 PM	2	2	4
1:27:42 PM	2	3	5
1:27:53 PM	3	2	5
1:28:07 PM	2	2	4
1:28:23 PM	3	2	5
1:28:43 PM	3	3	6
1:28:42 PM	2	3	5
1:29:09 PM	1	3	4
1:29:42 PM	2	2	4

7:00PM - 9:30 PM

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
8:16:31 PM	3	7	10
8:16:54 PM	4	7	11
8:17:32 PM	5	7	12
8:17:53 PM	4	6	10
8:18:34 PM	4	6	10
8:18:47 PM	5	6	11
8:19:07 PM	3	7	10
8:19:34 PM	3	8	11
8:19:57 PM	3	7	10
8:20:23 PM	2	7	9
8:20:51 PM	3	7	10
8:21:08 PM	2	6	8
8:21:47 PM	2	6	8
8:21:55 PM	3	5	8
8:22:12 PM	2	5	7
8:22:34 PM	3	6	9
8:23:02 PM	3	6	9
8:23:09 PM	2	6	8
8:23:33 PM	2	6	8
8:23:54 PM	1	6	7
8:24:21 PM	1	5	6
8:24:56 PM	2	4	6
8:25:19 PM	2	4	6
8:25:28 PM	3	5	8
8:25:53 PM	3	5	8
8:26:06 PM	4	6	10
8:26:48 PM	5	6	11
8:27:02 PM	4	6	10
8:27:11 PM	5	5	10
8:27:40 PM	4	5	9
8:27:53 PM	4	4	8
8:28:14 PM	5	4	9
8:28:30 PM	3	2	5
8:28:46 PM	2	3	5
8:28:59 PM	2	4	6
8:29:00 PM	1	4	5
8:29:13 PM	2	3	5
8:29:39 PM	1	3	4
8:29:55 PM	2	2	4
8:30:01 PM	2	2	4
8:30:38 PM	3	1	4
8:30:43 PM	3	2	5
8:30:50 PM	2	2	4
8:30:59 PM	2	3	5
8:31:11 PM	2	3	5
8:31:48 PM	1	4	5
8:32:23 PM	2	4	6
8:32:31 PM	1	4	5
8:32:49 PM	2	4	6
8:32:59 PM	2	4	6
8:33:10 PM	2	5	7

Project: 18-1161
 City: Orange

Date: 8/22/2018
 Day: Wednesday

12:00 PM - 2:30 PM

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
1:29:54 PM	3	2	5
1:30:06 PM	2	2	4
1:30:30 PM	1	2	3
1:30:30 PM	1	2	3
1:30:57 PM	1	1	2
1:31:27 PM	2	0	2
1:31:33 PM	2	0	2
1:32:29 PM	2	0	2
1:33:28 PM	2	1	3
1:33:40 PM	2	2	4
1:33:42 PM	2	3	5
1:33:51 PM	1	3	4
1:34:06 PM	0	3	3
1:34:19 PM	1	2	3
1:34:39 PM	2	1	3
1:35:10 PM	3	0	3
1:35:28 PM	3	1	4
1:35:56 PM	4	1	5
1:36:08 PM	5	2	7
1:36:56 PM	3	2	5
1:37:09 PM	3	1	4
1:37:22 PM	3	2	5
1:37:39 PM	3	2	5
1:38:04 PM	2	2	4
1:38:34 PM	2	1	3
1:39:13 PM	3	0	3
1:39:19 PM	3	1	4
1:39:25 PM	3	1	4
1:39:40 PM	2	1	3
1:40:01 PM	2	1	3
1:40:24 PM	2	1	3
1:40:45 PM	1	2	3
1:41:11 PM	2	2	4
1:41:32 PM	2	1	3
1:41:45 PM	2	2	4
1:41:53 PM	3	2	5
1:42:21 PM	3	3	6
1:43:17 PM	4	2	6
1:43:29 PM	3	3	6
1:43:42 PM	3	2	5
1:44:18 PM	3	1	4
1:44:59 PM	4	0	4
1:45:10 PM	3	0	3
1:45:27 PM	2	0	2
1:45:36 PM	2	0	2
1:46:06 PM	2	0	2
1:46:53 PM	1	0	1
1:48:15 PM	0	1	1
1:49:02 PM	0	2	2
1:49:40 PM	1	2	3
1:50:28 PM	2	3	5

7:00PM - 9:30 PM

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
8:33:26 PM	2	5	7
8:33:48 PM	2	6	8
8:33:58 PM	1	6	7
8:34:13 PM	2	5	7
8:34:20 PM	1	5	6
8:35:02 PM	2	5	7
8:35:21 PM	2	6	8
8:35:48 PM	3	5	8
8:36:07 PM	4	5	9
8:36:40 PM	5	4	9
8:36:54 PM	5	4	9
8:37:06 PM	5	5	10
8:37:20 PM	5	5	10
8:37:41 PM	4	5	9
8:38:13 PM	3	5	8
8:38:34 PM	4	5	9
8:39:00 PM	5	5	10
8:39:23 PM	4	5	9
8:39:51 PM	3	5	8
8:40:19 PM	3	3	6
8:40:43 PM	2	4	6
8:41:05 PM	3	3	6
8:41:18 PM	2	3	5
8:41:26 PM	3	2	5
8:41:55 PM	2	2	4
8:42:09 PM	3	1	4
8:42:19 PM	2	1	3
8:42:25 PM	2	2	4
8:42:37 PM	1	3	4
8:42:49 PM	2	3	5
8:43:17 PM	2	3	5
8:43:32 PM	3	2	5
8:43:42 PM	3	3	6
8:43:56 PM	4	2	6
8:44:09 PM	4	3	7
8:44:17 PM	3	3	6
8:44:29 PM	4	3	7
8:44:46 PM	4	3	7
8:45:24 PM	5	2	7
8:45:32 PM	4	3	7
8:45:50 PM	3	3	6
8:46:04 PM	3	4	7
8:46:22 PM	3	3	6
8:46:47 PM	3	3	6
8:46:58 PM	4	2	6
8:47:07 PM	3	2	5
8:47:37 PM	4	1	5
8:48:04 PM	3	1	4
8:48:30 PM	3	0	3
8:49:06 PM	2	0	2
8:49:17 PM	2	0	2

Project: 18-1161
 City: Orange

Date: 8/22/2018
 Day: Wednesday

12:00 PM - 2:30 PM

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
1:50:57 PM	3	3	6
1:51:12 PM	3	2	5
1:51:33 PM	3	2	5
1:51:44 PM	4	1	5
1:51:50 PM	4	2	6
1:52:02 PM	4	2	6
1:52:07 PM	3	2	5
1:52:23 PM	2	2	4
1:52:32 PM	2	2	4
1:52:41 PM	3	1	4
1:52:44 PM	3	2	5
1:52:54 PM	3	2	5
1:53:10 PM	2	2	4
1:53:31 PM	2	3	5
1:53:51 PM	3	2	5
1:54:03 PM	2	3	5
1:54:21 PM	2	2	4
1:54:30 PM	2	2	4
1:54:36 PM	3	1	4
1:54:57 PM	2	1	3
1:55:10 PM	3	0	3
1:55:14 PM	2	2	4
1:55:25 PM	2	2	4
1:55:43 PM	1	2	3
1:55:50 PM	2	1	3
1:55:57 PM	2	1	3
1:56:23 PM	3	0	3
1:56:31 PM	3	0	3
1:56:44 PM	2	0	2
1:56:55 PM	2	1	3
1:57:07 PM	1	1	2
1:57:54 PM	1	2	3
1:57:59 PM	0	2	2
1:58:18 PM	1	2	3
1:58:35 PM	1	3	4
1:58:49 PM	2	2	4
1:58:57 PM	2	2	4
1:59:21 PM	1	2	3
1:59:32 PM	1	2	3
1:59:41 PM	2	1	3
1:59:49 PM	2	2	4
1:59:55 PM	2	3	5
2:00:03 PM	1	3	4
2:00:14 PM	2	2	4
2:00:21 PM	2	3	5
2:00:38 PM	3	2	5
2:00:47 PM	2	2	4
2:01:05 PM	2	3	5
2:01:22 PM	2	3	5
2:01:32 PM	2	2	4
2:01:49 PM	1	3	4

7:00PM - 9:30 PM

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
8:49:28 PM	2	1	3
8:49:45 PM	1	1	2
8:50:12 PM	2	0	2
8:50:24 PM	2	1	3
8:50:28 PM	2	2	4
8:50:59 PM	2	2	4
8:51:09 PM	1	2	3
8:51:44 PM	0	2	2
8:51:55 PM	0	3	3
8:52:29 PM	1	2	3
8:52:44 PM	1	3	4
8:52:52 PM	1	4	5
8:53:34 PM	1	5	6
8:53:42 PM	1	5	6
8:53:56 PM	2	5	7
8:54:19 PM	2	4	6
8:54:58 PM	3	3	6
8:55:21 PM	3	3	6
8:55:32 PM	3	4	7
8:55:51 PM	3	4	7
8:56:05 PM	2	4	6
8:56:15 PM	2	5	7
8:56:29 PM	3	4	7
8:56:53 PM	3	5	8
8:57:04 PM	2	5	7
8:57:29 PM	2	4	6
8:57:49 PM	2	4	6
8:58:10 PM	3	3	6
8:58:39 PM	3	4	7
8:59:01 PM	2	4	6
8:59:19 PM	3	4	7
9:00:11 PM	4	4	8
9:00:22 PM	4	5	9
9:00:31 PM	5	4	9
9:00:48 PM	5	5	10
9:01:12 PM	4	5	9
9:01:46 PM	5	5	10
9:02:37 PM	4	5	9
9:02:48 PM	5	4	9
9:03:45 PM	4	4	8
9:04:01 PM	3	4	7
9:04:15 PM	4	3	7
9:04:20 PM	4	4	8
9:04:25 PM	3	4	7
9:04:34 PM	4	4	8
9:04:45 PM	3	3	6
9:05:12 PM	4	2	6
9:05:18 PM	3	2	5
9:05:34 PM	3	3	6
9:05:46 PM	4	2	6
9:05:57 PM	3	3	6

Project: 18-1161
City: Orange

Date: 8/22/2018
Day: Wednesday

12:00 PM - 2:30 PM

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
2:02:12 PM	1	3	4
2:02:22 PM	2	2	4
2:02:56 PM	3	1	4
2:03:05 PM	3	1	4
2:03:10 PM	4	0	4
2:03:23 PM	3	1	4
2:03:39 PM	2	1	3
2:04:05 PM	2	2	4
2:04:10 PM	1	2	3
2:04:17 PM	2	1	3
2:04:39 PM	2	1	3
2:04:52 PM	3	2	5
2:05:01 PM	2	2	4
2:05:30 PM	2	2	4
2:05:42 PM	2	1	3
2:06:02 PM	1	2	3
2:06:22 PM	2	1	3
2:06:27 PM	2	2	4
2:00:35 PM	2	3	5
2:06:43 PM	3	2	5
2:07:27 PM	2	2	4
2:07:35 PM	3	2	5
2:07:55 PM	2	2	4
2:08:09 PM	3	1	4
2:08:24 PM	3	2	5
2:08:34 PM	2	2	4
2:08:54 PM	3	2	5
2:09:03 PM	3	2	5
2:09:10 PM	2	2	4
2:09:17 PM	3	1	4
2:09:46 PM	4	0	4
2:09:51 PM	3	0	3
2:10:37 PM	2	1	3
2:10:59 PM	2	1	3
2:11:17 PM	3	0	3
2:11:26 PM	2	0	2
2:11:46 PM	1	0	1
2:11:52 PM	1	0	1
2:11:56 PM	1	1	2
2:12:22 PM	2	1	3
2:12:46 PM	2	2	4
2:13:01 PM	3	1	4
2:13:11 PM	2	1	3
2:13:22 PM	3	0	3
2:13:49 PM	2	0	2
2:14:15 PM	1	1	2
2:14:36 PM	2	0	2
2:14:54 PM	2	1	3
2:15:08 PM	1	1	2
2:15:17 PM	2	0	2
2:15:36 PM	1	0	1

7:00PM - 9:30 PM

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
9:06:26 PM	3	2	5
9:06:39 PM	3	2	5
9:06:52 PM	2	3	5
9:07:19 PM	3	2	5
9:07:50 PM	3	2	5
9:08:15 PM	3	2	5
9:08:23 PM	3	3	6
9:08:28 PM	2	3	5
9:08:45 PM	3	2	5
9:08:51 PM	2	2	4
9:09:00 PM	2	3	5
9:09:19 PM	2	2	4
9:09:51 PM	1	2	3
9:09:57 PM	1	2	3
9:10:35 PM	2	3	5
9:10:55 PM	1	3	4
9:11:24 PM	2	3	5
9:11:41 PM	2	5	7
9:11:50 PM	2	6	8
9:12:14 PM	2	6	8
9:12:34 PM	2	6	8
9:13:02 PM	2	5	7
9:13:44 PM	2	4	6
9:13:51 PM	2	5	7
9:14:11 PM	1	5	6
9:14:39 PM	1	5	6
9:14:52 PM	2	5	7
9:15:24 PM	2	6	8
9:15:45 PM	3	5	8
9:16:20 PM	4	5	9
9:17:06 PM	4	6	10
9:17:52 PM	3	6	9
9:18:01 PM	2	6	8
9:18:11 PM	3	5	8
9:18:22 PM	2	5	7
9:18:50 PM	3	4	7
9:19:13 PM	4	4	8
9:19:37 PM	3	5	8
9:19:54 PM	4	4	8
9:20:21 PM	4	4	8
9:20:41 PM	5	4	9
9:21:35 PM	4	6	10
9:22:31 PM	5	5	10
9:22:50 PM	5	6	11
9:23:46 PM	4	6	10
9:23:55 PM	5	7	12
9:24:21 PM	3	6	9
9:24:51 PM	3	6	9
9:25:21 PM	3	4	7
9:25:36 PM	3	5	8
9:26:14 PM	3	4	7

Project: 18-1161
 City: Orange

Date: 8/22/2018
 Day: Wednesday

12:00 PM - 2:30 PM

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
2:15:54 PM	1	0	1
2:16:32 PM	1	1	2
2:17:21 PM	1	2	3
2:17:31 PM	2	1	3
2:17:50 PM	3	0	3
2:18:04 PM	3	0	3
2:18:27 PM	2	0	2
2:19:06 PM	1	0	1
2:19:34 PM	0	1	1
2:19:55 PM	1	1	2
2:20:05 PM	1	3	4
2:20:37 PM	1	4	5
2:20:45 PM	1	4	5
2:21:28 PM	2	3	5
2:21:52 PM	3	2	5
2:22:05 PM	3	3	6
2:22:27 PM	4	2	6
2:22:47 PM	4	2	6
2:22:56 PM	3	2	5
2:23:21 PM	3	2	5
2:23:33 PM	4	1	5
2:23:42 PM	3	1	4
2:23:51 PM	4	0	4
2:23:53 PM	3	0	3
2:24:25 PM	2	0	2
2:24:50 PM	2	1	3
2:25:31 PM	1	1	2
2:25:52 PM	0	1	1
2:26:02 PM	1	0	1
2:26:13 PM	1	1	2
2:26:49 PM	2	1	3
2:27:04 PM	2	1	3
2:27:20 PM	1	1	2
2:27:27 PM	1	1	2
2:27:50 PM	0	1	1
2:27:57 PM	1	0	1
2:28:36 PM	1	0	1
2:28:42 PM	1	1	2
2:29:31 PM	1	1	2
2:29:37 PM	1	2	3
2:29:53 PM	2	1	3

7:00PM - 9:30 PM

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
9:26:42 PM	4	3	7
9:27:03 PM	4	3	7
9:27:27 PM	3	2	5
9:27:43 PM	3	3	6
9:27:57 PM	2	3	5
9:28:21 PM	3	3	6
9:28:32 PM	3	4	7
9:28:41 PM	2	4	6
9:28:49 PM	2	4	6
9:29:09 PM	2	4	6
9:29:09 PM	2	3	5
9:29:32 PM	2	3	5
9:29:41 PM	3	2	5
9:29:59 PM	2	3	5
9:30:05 PM	2	3	5

Queue Study

Project: 18-1161

City: Orange

Date: 8/18/2018

Day: Saturday

12:00 PM - 2:30 PM

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
12:02:39 PM	0	1	1
12:03:46 PM	2	1	3
12:04:53 PM	1	1	2
12:05:49 PM	2	1	3
12:06:12 PM	2	2	4
12:06:34 PM	1	2	3
12:06:44 PM	2	1	3
12:06:53 PM	2	2	4
12:07:00 PM	2	3	5
12:07:15 PM	2	2	4
12:07:37 PM	2	2	4
12:08:04 PM	3	2	5
12:08:23 PM	2	2	4
12:08:38 PM	2	2	4
12:08:57 PM	1	2	3
12:09:05 PM	2	3	5
12:09:22 PM	2	4	6
12:09:43 PM	3	3	6
12:09:17 PM	2	4	6
12:10:02 PM	2	4	6
12:10:18 PM	3	4	7
12:10:32 PM	3	4	7
12:10:53 PM	4	4	8
12:11:26 PM	5	3	8
12:11:38 PM	5	4	9
12:12:03 PM	4	5	9
12:12:19 PM	3	5	8
12:12:36 PM	4	4	8
12:13:04 PM	3	5	8
12:13:14 PM	3	4	7
12:13:38 PM	4	4	8
12:13:56 PM	3	4	7
12:14:12 PM	2	4	6
12:14:47 PM	2	4	6
12:14:58 PM	1	4	5
12:15:05 PM	1	4	5
12:16:10 PM	2	3	5
12:16:28 PM	2	4	6
12:16:43 PM	1	4	5
12:16:50 PM	1	4	5
12:17:05 PM	2	3	5
12:17:22 PM	1	4	5
12:17:41 PM	2	3	5
12:17:53 PM	2	3	5
12:18:16 PM	3	3	6
12:18:29 PM	3	4	7
12:18:57 PM	3	4	7

7:00PM - 9:30 PM

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
7:01:58 PM	1	8	9
7:03:12 PM	0	8	8
7:03:33 PM	1	7	8
7:04:10 PM	2	7	9
7:04:21 PM	2	7	9
7:04:40 PM	3	7	10
7:04:53 PM	4	6	10
7:05:10 PM	3	6	9
7:05:17 PM	2	5	7
7:05:29 PM	2	7	9
7:06:15 PM	0	7	7
7:06:57 PM	2	6	8
7:07:21 PM	2	8	10
7:07:46 PM	3	10	13
7:08:36 PM	3	9	12
7:08:56 PM	2	9	11
7:09:28 PM	4	8	12
7:09:52 PM	3	7	10
7:10:11 PM	2	8	10
7:10:42 PM	3	8	11
7:11:01 PM	1	8	9
7:11:20 PM	3	7	10
7:11:31 PM	2	7	9
7:11:51 PM	2	7	9
7:12:07 PM	1	7	8
7:12:38 PM	0	7	7
7:12:46 PM	1	6	7
7:13:28 PM	2	7	9
7:13:50 PM	3	6	9
7:14:19 PM	4	5	9
7:14:43 PM	3	5	8
7:15:49 PM	3	6	9
7:16:08 PM	2	6	8
7:16:29 PM	1	6	7
7:16:50 PM	0	8	8
7:17:03 PM	1	9	10
7:17:38 PM	2	9	11
7:18:06 PM	2	10	12
7:18:13 PM	3	10	13
7:18:40 PM	4	9	13
7:19:36 PM	5	8	13
7:20:07 PM	5	7	12
7:20:27 PM	4	7	11
7:20:48 PM	3	9	12
7:21:28 PM	2	10	12
7:21:41 PM	2	11	13
7:22:00 PM	1	11	12

Project: 18-1161
City: Orange

Date: 8/18/2018
Day: Saturday

12:00 PM - 2:30 PM

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
12:19:20 PM	2	4	6
12:19:35 PM	3	4	7
12:19:58 PM	4	4	8
12:20:10 PM	3	4	7
12:20:46 PM	3	4	7
12:21:05 PM	2	4	6
12:21:15 PM	2	3	5
12:21:31 PM	1	3	4
12:21:38 PM	2	3	5
12:21:49 PM	2	4	6
12:22:21 PM	2	4	6
12:22:48 PM	1	4	5
12:22:59 PM	2	5	7
12:23:01 PM	2	5	7
12:23:32 PM	1	6	7
12:23:53 PM	1	6	7
12:24:24 PM	0	6	6
12:24:32 PM	1	5	6
12:25:00 PM	2	6	8
12:25:46 PM	3	5	8
12:26:27 PM	4	5	9
12:26:42 PM	3	5	8
12:27:06 PM	3	6	9
12:27:37 PM	3	5	8
12:27:52 PM	3	6	9
12:28:06 PM	3	7	10
12:28:31 PM	2	8	10
12:28:52 PM	2	8	10
12:29:03 PM	3	7	10
12:29:29 PM	2	6	8
12:29:57 PM	3	5	8
12:30:20 PM	2	5	7
12:30:32 PM	2	5	7
12:30:47 PM	2	6	8
12:31:11 PM	2	6	8
12:31:24 PM	2	6	8
12:31:57 PM	3	5	8
12:32:07 PM	2	5	7
12:32:21 PM	2	5	7
12:32:40 PM	3	4	7
12:32:58 PM	2	4	6
12:33:08 PM	3	3	6
12:33:19 PM	2	3	5
12:33:36 PM	3	2	5
12:33:56 PM	3	2	5
12:34:06 PM	4	1	5
12:34:16 PM	4	2	6
12:34:25 PM	3	3	6
12:34:39 PM	2	3	5
12:34:53 PM	2	3	5
12:35:03 PM	3	3	6

7:00PM - 9:30 PM

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
7:22:27 PM	0	11	11
7:22:55 PM	1	11	12
7:23:30 PM	2	10	12
7:23:58 PM	2	10	12
7:24:24 PM	3	9	12
7:24:40 PM	3	9	12
7:24:52 PM	2	9	11
7:25:03 PM	3	9	12
7:25:21 PM	3	9	12
7:25:59 PM	4	9	13
7:26:19 PM	4	9	13
7:26:48 PM	3	9	12
7:27:01 PM	2	10	12
7:27:33 PM	3	10	13
7:27:57 PM	4	9	13
7:29:43 PM	4	9	13
7:30:04 PM	3	9	12
7:30:17 PM	4	11	15
7:31:07 PM	4	10	14
7:31:17 PM	3	10	13
7:31:44 PM	3	10	13
7:31:59 PM	4	9	13
7:32:06 PM	3	9	12
7:32:16 PM	4	12	16
7:32:37 PM	2	11	13
7:32:57 PM	3	11	14
7:33:12 PM	3	10	13
7:33:57 PM	4	9	13
7:34:09 PM	3	9	12
7:34:41 PM	3	10	13
7:35:11 PM	4	10	14
7:35:21 PM	3	10	13
7:35:31 PM	2	10	12
7:35:50 PM	1	9	10
7:37:00 PM	2	10	12
7:37:15 PM	1	10	11
7:37:47 PM	2	9	11
7:38:05 PM	3	8	11
7:38:55 PM	3	8	11
7:39:16 PM	4	7	11
7:39:35 PM	3	7	10
7:39:57 PM	3	6	9
7:40:10 PM	2	6	8
7:40:49 PM	3	5	8
7:41:19 PM	2	5	7
7:41:41 PM	3	4	7
7:41:52 PM	2	6	8
7:42:14 PM	1	6	7
7:42:22 PM	2	5	7
7:42:31 PM	2	6	8
7:42:56 PM	4	5	9

Project: 18-1161
City: Orange

Date: 8/18/2018
Day: Saturday

12:00 PM - 2:30 PM

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
12:35:19 PM	3	3	6
12:35:25 PM	2	3	5
12:35:45 PM	1	3	4
12:35:52 PM	1	3	4
12:36:11 PM	2	2	4
12:36:19 PM	2	3	5
12:36:27 PM	2	4	6
12:36:44 PM	1	4	5
12:36:55 PM	2	3	5
12:37:04 PM	2	3	5
12:37:39 PM	2	3	5
12:38:05 PM	1	4	5
12:38:28 PM	0	4	4
12:39:12 PM	0	5	5
12:39:29 PM	1	4	5
12:39:59 PM	2	3	5
12:40:29 PM	3	3	6
12:40:50 PM	2	2	4
12:41:09 PM	3	2	5
12:41:21 PM	2	2	4
12:41:35 PM	2	3	5
12:42:15 PM	2	4	6
12:43:01 PM	3	4	7
12:43:40 PM	3	3	6
12:44:07 PM	3	5	8
12:44:24 PM	3	6	9
12:44:42 PM	2	6	8
12:45:20 PM	3	6	9
12:45:39 PM	2	6	8
12:45:56 PM	3	5	8
12:46:37 PM	2	6	8
12:47:00 PM	2	5	7
12:47:30 PM	3	5	8
12:47:52 PM	2	6	8
12:48:30 PM	2	6	8
12:49:23 PM	1	8	9
12:49:35 PM	2	6	8
12:49:51 PM	2	4	6
12:50:50 PM	2	5	7
12:51:10 PM	1	5	6
12:51:26 PM	2	6	8
12:51:44 PM	3	6	9
12:52:00 PM	2	6	8
12:52:19 PM	2	5	7
12:52:37 PM	2	5	7
12:52:53 PM	2	5	7
12:53:24 PM	3	5	8
12:53:37 PM	3	3	6
12:53:59 PM	3	4	7
12:54:30 PM	3	4	7
12:54:44 PM	3	4	7

7:00PM - 9:30 PM

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
7:43:07 PM	3	5	8
7:43:16 PM	3	6	9
7:43:33 PM	4	5	9
7:43:49 PM	3	5	8
7:43:55 PM	3	6	9
7:44:54 PM	4	5	9
7:45:14 PM	3	4	7
7:45:25 PM	4	3	7
7:45:40 PM	3	3	6
7:45:57 PM	3	2	5
7:46:16 PM	2	2	4
7:46:32 PM	2	3	5
7:46:42 PM	2	3	5
7:47:06 PM	3	2	5
7:47:40 PM	3	3	6
7:48:00 PM	3	2	5
7:48:24 PM	4	7	11
7:49:03 PM	4	2	6
7:49:09 PM	5	1	6
7:50:23 PM	5	2	7
7:51:21 PM	5	2	7
7:51:49 PM	4	2	6
7:52:07 PM	5	1	6
7:52:34 PM	4	1	5
7:52:47 PM	3	1	4
7:53:12 PM	3	1	4
7:53:40 PM	4	0	4
7:54:20 PM	3	0	3
7:54:18 PM	2	0	2
7:54:26 PM	1	0	1
7:55:35 PM	1	1	2
7:55:47 PM	1	2	3
7:56:08 PM	0	2	2
7:56:35 PM	1	1	2
7:57:02 PM	2	0	2
7:57:11 PM	2	0	2
7:57:38 PM	1	0	1
7:57:52 PM	1	1	2
7:58:14 PM	0	1	1
7:58:33 PM	0	2	2
7:58:45 PM	0	3	3
7:58:51 PM	1	2	3
7:59:00 PM	1	3	4
7:59:12 PM	2	2	4
7:59:38 PM	2	3	5
8:00:21 PM	2	3	5
8:00:30 PM	1	3	4
8:00:58 PM	1	2	3
8:01:28 PM	1	3	4
8:02:33 PM	1	2	3
8:02:49 PM	1	3	4

Project: 18-1161
 City: Orange

Date: 8/18/2018
 Day: Saturday

12:00 PM - 2:30 PM

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
12:54:58 PM	2	4	6
12:55:14 PM	3	3	6
12:55:40 PM	1	4	5
12:56:06 PM	0	4	4
12:56:27 PM	0	5	5
12:56:55 PM	1	6	7
12:57:18 PM	2	5	7
12:57:41 PM	1	5	6
12:58:10 PM	2	4	6
12:58:38 PM	3	3	6
12:58:50 PM	4	2	6
12:58:59 PM	3	1	4
12:59:10 PM	2	2	4
12:59:30 PM	3	3	6
12:59:45 PM	3	5	8
1:01:00 PM	2	5	7
1:01:38 PM	3	8	11
1:02:04 PM	4	7	11
1:02:20 PM	4	4	8
1:03:06 PM	3	8	11
1:04:10 PM	3	9	12
1:04:27 PM	3	5	8
1:04:56 PM	3	6	9
1:05:20 PM	4	6	10
1:05:53 PM	4	6	10
1:06:45 PM	4	6	10
1:07:27 PM	4	8	12
1:08:30 PM	3	9	12
1:09:18 PM	4	9	13
1:09:36 PM	4	9	13
1:09:54 PM	3	5	8
1:10:09 PM	3	9	12
1:10:25 PM	2	10	12
1:10:39 PM	3	10	13
1:11:04 PM	3	8	11
1:11:25 PM	3	9	12
1:11:32 PM	4	8	12
1:11:49 PM	3	9	12
1:12:05 PM	2	9	11
1:12:35 PM	2	7	9
1:13:13 PM	1	5	6
1:13:24 PM	1	5	6
1:13:34 PM	2	6	8
1:14:16 PM	2	9	11
1:14:24 PM	1	9	10
1:14:41 PM	1	11	12
1:14:42 PM	2	9	11
1:15:06 PM	1	9	10
1:15:25 PM	2	10	12
1:15:51 PM	3	9	12
1:16:25 PM	2	9	11

7:00PM - 9:30 PM

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
8:03:07 PM	2	2	4
8:03:22 PM	2	3	5
8:03:35 PM	3	2	5
8:03:45 PM	2	3	5
8:04:03 PM	3	2	5
8:04:28 PM	2	2	4
8:04:42 PM	2	2	4
8:05:06 PM	3	1	4
8:05:23 PM	3	2	5
8:05:41 PM	3	1	4
8:06:00 PM	3	2	5
8:06:10 PM	2	2	4
8:06:19 PM	2	3	5
8:06:32 PM	1	4	5
8:06:49 PM	2	3	5
8:07:08 PM	2	4	6
8:07:17 PM	2	4	6
8:07:38 PM	2	3	5
8:08:05 PM	2	3	5
8:08:45 PM	1	3	4
8:08:55 PM	1	4	5
8:09:07 PM	0	4	4
8:09:41 PM	1	3	4
8:10:40 PM	1	3	4
8:11:09 PM	2	2	4
8:11:17 PM	2	3	5
8:11:36 PM	2	4	6
8:11:45 PM	2	4	6
8:11:58 PM	2	5	7
8:12:09 PM	2	4	6
8:12:23 PM	3	5	8
8:12:39 PM	3	6	9
8:13:11 PM	3	6	9
8:13:19 PM	4	6	10
8:13:34 PM	3	6	9
8:13:53 PM	4	5	9
8:14:11 PM	3	5	8
8:14:36 PM	4	4	8
8:15:13 PM	4	4	8
8:15:24 PM	4	5	9
8:15:42 PM	3	6	9
8:16:09 PM	4	6	10
8:16:34 PM	4	5	9
8:16:51 PM	4	6	10
8:16:59 PM	3	6	9
8:17:14 PM	4	7	11
8:17:52 PM	5	6	11
8:18:29 PM	5	6	11
8:18:53 PM	4	8	12
8:19:10 PM	5	7	12
8:19:22 PM	4	6	10

Project: 18-1161
City: Orange

Date: 8/18/2018
Day: Saturday

12:00 PM - 2:30 PM

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
1:16:40 PM	3	9	12
1:17:07 PM	2	8	10
1:17:33 PM	2	8	10
1:17:56 PM	2	10	12
1:18:38 PM	2	11	13
1:18:53 PM	1	11	12
1:19:47 PM	0	11	11
1:19:54 PM	1	9	10
1:20:49 PM	2	9	11
1:21:18 PM	3	8	11
1:21:44 PM	3	8	11
1:22:15 PM	4	9	13
1:22:37 PM	5	8	13
1:23:05 PM	4	8	12
1:23:25 PM	4	7	11
1:23:49 PM	3	7	10
1:24:00 PM	2	7	9
1:24:20 PM	2	7	9
1:24:36 PM	2	7	9
1:24:55 PM	2	5	7
1:25:32 PM	3	4	7
1:26:01 PM	3	4	7
1:26:20 PM	3	5	8
1:26:39 PM	4	4	8
1:27:36 PM	2	4	6
1:27:45 PM	3	3	6
1:28:01 PM	2	4	6
1:28:13 PM	2	4	6
1:28:45 PM	2	4	6
1:28:54 PM	3	4	7
1:29:04 PM	3	4	7
1:29:08 PM	2	4	6
1:29:15 PM	3	4	7
1:29:17 PM	3	6	9
1:29:31 PM	2	6	8
1:29:55 PM	3	7	10
1:30:17 PM	2	7	9
1:30:30 PM	2	6	8
1:30:56 PM	3	5	8
1:31:42 PM	4	5	9
1:32:03 PM	3	6	9
1:32:30 PM	2	7	9
1:32:42 PM	2	8	10
1:32:50 PM	3	8	11
1:33:23 PM	4	8	12
1:33:55 PM	3	8	11
1:34:08 PM	4	9	13
1:34:30 PM	3	8	11
1:34:58 PM	3	7	10
1:35:13 PM	3	7	10
1:35:33 PM	2	8	10

7:00PM - 9:30 PM

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
8:19:49 PM	5	7	12
8:20:20 PM	3	7	10
8:21:21 PM	3	7	10
8:21:34 PM	3	8	11
8:21:48 PM	3	8	11
8:22:41 PM	3	8	11
8:23:52 PM	1	6	7
8:23:52 PM	2	7	9
8:24:25 PM	2	5	7
8:24:54 PM	2	5	7
8:25:20 PM	2	4	6
8:25:36 PM	3	3	6
8:16:04 PM	2	4	6
8:16:18 PM	2	5	7
8:16:52 PM	2	4	6
8:27:29 PM	1	6	7
8:28:13 PM	1	6	7
8:28:51 PM	2	6	8
8:29:07 PM	3	6	9
8:29:53 PM	3	4	7
8:30:19 PM	1	7	8
8:30:34 PM	3	6	9
8:31:10 PM	3	4	7
8:31:42 PM	2	4	6
8:32:18 PM	3	2	5
8:32:36 PM	4	1	5
8:33:10 PM	3	2	5
8:33:29 PM	2	3	5
8:34:03 PM	1	6	7
8:34:16 PM	0	6	6
8:34:37 PM	1	5	6
8:35:12 PM	1	6	7
8:35:21 PM	1	6	7
8:35:40 PM	2	7	9
8:35:57 PM	1	7	8
8:36:37 PM	2	6	8
8:37:00 PM	2	6	8
8:37:30 PM	3	6	9
8:37:50 PM	3	7	10
8:38:15 PM	3	6	9
8:38:33 PM	2	6	8
8:38:47 PM	2	6	8
8:39:17 PM	2	9	11
8:39:35 PM	1	9	10
8:40:25 PM	2	8	10
8:40:46 PM	3	7	10
8:41:08 PM	2	7	9
8:41:16 PM	3	9	12
8:41:30 PM	3	9	12
8:41:43 PM	4	6	10
8:42:27 PM	5	6	11

Project: 18-1161
 City: Orange

Date: 8/18/2018
 Day: Saturday

12:00 PM - 2:30 PM

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
1:35:50 PM	3	9	12
1:36:08 PM	2	9	11
1:36:22 PM	3	7	10
1:37:02 PM	3	5	8
1:37:51 PM	2	5	7
1:38:05 PM	3	4	7
1:38:30 PM	2	4	6
1:39:01 PM	3	3	6
1:39:24 PM	3	2	5
1:39:43 PM	3	4	7
1:40:07 PM	3	6	9
1:40:20 PM	3	6	9
1:40:32 PM	4	5	9
1:41:19 PM	3	5	8
1:41:34 PM	4	5	9
1:42:04 PM	3	4	7
1:42:24 PM	4	4	8
1:42:38 PM	4	5	9
1:42:53 PM	3	5	8
1:43:16 PM	2	5	7
1:43:32 PM	2	5	7
1:43:45 PM	3	4	7
1:43:58 PM	2	4	6
1:44:21 PM	2	4	6
1:44:39 PM	3	3	6
1:44:59 PM	3	2	5
1:45:17 PM	3	3	6
1:45:31 PM	3	3	6
1:45:46 PM	3	3	6
1:46:11 PM	4	2	6
1:46:47 PM	4	2	6
1:47:00 PM	3	2	5
1:47:15 PM	3	2	5
1:47:26 PM	4	1	5
1:47:37 PM	4	2	6
1:47:54 PM	3	3	6
1:48:06 PM	4	2	6
1:48:29 PM	3	2	5
1:48:52 PM	2	2	4
1:49:10 PM	2	2	4
1:49:24 PM	3	1	4
1:49:39 PM	2	2	4
1:49:48 PM	3	1	4
1:50:18 PM	3	0	3
1:50:42 PM	2	0	2
1:50:51 PM	2	2	4
1:51:14 PM	1	2	3
1:51:31 PM	1	2	3
1:52:40 PM	2	1	3
1:51:54 PM	1	2	3
1:52:02 PM	3	0	3

7:00PM - 9:30 PM

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
8:42:37 PM	4	8	12
8:42:59 PM	3	8	11
8:43:27 PM	4	9	13
8:43:54 PM	2	9	11
8:44:28 PM	1	9	10
8:44:39 PM	2	9	11
8:44:53 PM	3	8	11
8:45:10 PM	2	10	12
8:45:20 PM	2	10	12
8:45:49 PM	3	12	15
8:46:10 PM	2	11	13
8:46:33 PM	2	12	14
8:47:09 PM	3	12	15
8:47:33 PM	3	13	16
8:47:45 PM	4	13	17
8:48:53 PM	5	12	17
8:49:03 PM	4	11	15
8:49:33 PM	3	12	15
8:49:49 PM	4	12	16
8:50:08 PM	3	11	14
8:50:44 PM	4	12	16
8:51:43 PM	4	10	14
8:51:55 PM	5	10	15
8:52:46 PM	5	11	16
8:53:47 PM	5	10	15
8:54:38 PM	5	12	17
8:55:06 PM	4	12	16
8:55:25 PM	4	9	13
8:55:41 PM	4	9	13
8:56:23 PM	4	9	13
8:57:59 PM	5	11	16
8:58:16 PM	5	12	17
8:58:46 PM	5	12	17
8:59:22 PM	5	11	16
8:59:48 PM	5	10	15
9:00:45 PM	4	12	16
9:01:28 PM	5	11	16
9:02:19 PM	5	12	17
9:02:49 PM	5	11	16
9:03:36 PM	5	11	16
9:04:05 PM	5	10	15
9:04:45 PM	4	11	15
9:05:02 PM	4	10	14
9:05:42 PM	3	10	13
9:05:53 PM	3	10	13
9:06:02 PM	4	10	14
9:06:13 PM	3	10	13
9:06:22 PM	3	13	16
9:06:38 PM	3	12	15
9:06:53 PM	3	12	15
9:07:20 PM	3	11	14

Project: 18-1161
 City: Orange

Date: 8/18/2018
 Day: Saturday

12:00 PM - 2:30 PM

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
1:52:28 PM	1	0	1
1:52:38 PM	2	1	3
1:53:10 PM	3	2	5
1:53:23 PM	2	2	4
1:53:49 PM	2	2	4
1:53:58 PM	3	2	5
1:54:29 PM	3	1	4
1:54:42 PM	3	0	3
1:54:59 PM	3	2	5
1:55:22 PM	2	2	4
1:55:30 PM	1	2	3
1:55:43 PM	2	1	3
1:56:19 PM	3	0	3
1:56:27 PM	2	0	2
1:57:08 PM	2	0	2
1:57:26 PM	2	1	3
1:57:35 PM	1	1	2
1:57:41 PM	1	2	3
1:57:48 PM	1	3	4
1:57:53 PM	0	3	3
1:58:02 PM	1	2	3
1:58:11 PM	1	3	4
1:58:42 PM	2	2	4
1:59:00 PM	2	2	4
1:59:11 PM	3	1	4
1:59:42 PM	2	0	2
1:59:55 PM	2	2	4
2:00:00 PM	1	2	3
2:00:59 PM	1	2	3
2:01:27 PM	2	1	3
2:01:57 PM	3	2	5
2:02:06 PM	3	3	6
2:02:24 PM	4	2	6
2:02:51 PM	3	2	5
2:03:20 PM	3	2	5
2:03:41 PM	2	1	3
2:04:00 PM	3	0	3
2:04:25 PM	3	0	3
2:05:00 PM	3	2	5
2:06:05 PM	3	2	5
2:06:43 PM	2	2	4
2:07:16 PM	2	1	3
2:07:50 PM	2	0	2
2:08:25 PM	2	2	4
2:08:50 PM	3	2	5
2:09:46 PM	4	1	5
2:10:10 PM	4	3	7
2:10:36 PM	5	3	8
2:10:48 PM	4	3	7
2:11:05 PM	4	4	8
2:12:04 PM	3	4	7

7:00PM - 9:30 PM

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
9:07:49 PM	3	10	13
9:08:16 PM	2	9	11
9:08:49 PM	3	8	11
9:08:59 PM	2	7	9
9:09:20 PM	2	7	9
9:10:01 PM	3	8	11
9:10:18 PM	2	8	10
9:10:40 PM	2	7	9
9:11:12 PM	2	7	9
9:11:28 PM	3	7	10
9:12:47 PM	3	6	9
9:13:26 PM	2	6	8
9:13:51 PM	3	5	8
9:14:40 PM	3	4	7
9:15:01 PM	2	5	7
9:15:24 PM	3	6	9
9:16:04 PM	2	6	8
9:16:33 PM	1	8	9
9:17:09 PM	0	8	8
9:17:45 PM	1	7	8
9:18:33 PM	1	6	7
9:19:02 PM	2	5	7
9:19:20 PM	1	5	6
9:20:01 PM	2	5	7
9:20:29 PM	3	4	7
9:21:21 PM	3	5	8
9:21:29 PM	2	5	7
9:21:38 PM	2	6	8
9:21:48 PM	1	7	8
9:22:40 PM	2	8	10
9:23:36 PM	1	8	9
9:23:50 PM	2	7	9
9:24:04 PM	2	7	9
9:24:22 PM	2	8	10
9:24:41 PM	3	9	12
9:25:08 PM	3	11	14
9:25:17 PM	3	12	15
9:25:29 PM	2	11	13
9:25:47 PM	2	10	12
9:26:06 PM	1	9	10
9:26:44 PM	0	10	10
9:26:58 PM	2	9	11
9:27:43 PM	2	8	10
9:28:28 PM	2	7	9
9:29:10 PM	2	8	10
9:30:44 PM	2	8	10

Project: 18-1161
 City: Orange

Date: 8/18/2018
 Day: Saturday

12:00 PM - 2:30 PM

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
2:13:30 PM	4	4	8
2:13:55 PM	2	4	6
2:14:21 PM	2	4	6
2:14:51 PM	1	4	5
2:15:18 PM	2	4	6
2:15:50 PM	1	5	6
2:16:05 PM	2	4	6
2:16:19 PM	3	3	6
2:16:44 PM	2	3	5
2:16:56 PM	3	3	6
2:17:07 PM	2	4	6
2:17:16 PM	2	4	6
2:17:26 PM	1	4	5
2:17:37 PM	2	3	5
2:18:17 PM	3	2	5
2:18:42 PM	2	2	4
2:18:54 PM	2	3	5
2:19:04 PM	3	2	5
2:19:30 PM	4	2	6
2:19:56 PM	4	2	6
2:19:59 PM	4	3	7
2:20:50 PM	4	4	8
2:21:10 PM	3	2	5
2:21:26 PM	3	2	5
2:21:34 PM	3	1	4
2:21:41 PM	3	1	4
2:22:26 PM	4	0	4
2:22:44 PM	4	1	5
2:22:56 PM	4	2	6
2:23:43 PM	4	3	7
2:24:49 PM	5	3	8
2:25:11 PM	4	5	9
2:25:40 PM	4	4	8
2:26:03 PM	3	4	7
2:26:18 PM	3	6	9
2:26:33 PM	2	6	8
2:26:45 PM	3	5	8
2:27:44 PM	4	6	10
2:27:52 PM	3	6	9
2:28:09 PM	2	6	8
2:28:21 PM	3	6	9
2:28:49 PM	3	5	8
2:29:19 PM	3	4	7
2:29:48 PM	3	3	6

7:00PM - 9:30 PM

Arrival Time	Pick-up to Order Board	Behind Order Board	Total

Queue Study

Project: 11066 Magnolia Ave Riverside
 City: Riverside,CA

Date: 3/27/2019
 Day: Wednesday

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
11:00 AM	0	0	0
11:01 AM	0	0	0
11:02 AM	0	0	0
11:03 AM	0	0	0
11:04 AM	0	0	0
11:05 AM	0	1	1
11:06 AM	0	1	1
11:07 AM	1	2	3
11:08 AM	1	3	4
11:09 AM	2	1	3
11:10 AM	3	1	4
11:11 AM	3	0	3
11:12 AM	2	0	2
11:13 AM	1	1	2
11:14 AM	0	3	3
11:15 AM	1	4	5
11:16 AM	2	2	4
11:17 AM	3	0	3
11:18 AM	2	0	2
11:19 AM	0	0	0
11:20 AM	0	2	2
11:21 AM	1	1	2
11:22 AM	1	2	3
11:23 AM	4	1	5
11:24 AM	4	2	6
11:25 AM	4	1	5
11:26 AM	2	1	3
11:27 AM	1	2	3
11:28 AM	1	1	2
11:29 AM	1	0	1
11:30 AM	1	1	2
11:31 AM	1	0	1
11:32 AM	0	0	0
11:33 AM	1	0	1
11:34 AM	1	0	1
11:35 AM	1	1	2
11:36 AM	2	0	2
11:37 AM	0	1	1
11:38 AM	1	0	1
11:39 AM	1	1	2
11:40 AM	0	0	0
11:41 AM	0	0	0
11:42 AM	0	1	1
11:43 AM	0	1	1
11:44 AM	1	0	1
11:45 AM	1	1	2
11:46 AM	1	2	3
11:47 AM	2	1	3
11:48 AM	3	0	3
11:49 AM	2	0	2
11:50 AM	1	1	2
11:51 AM	1	1	2
11:52 AM	1	3	4
11:53 AM	3	1	4
11:54 AM	3	2	5
11:55 AM	3	0	3
11:56 AM	2	1	3
11:57 AM	1	0	1
11:58 AM	1	3	4
11:59 AM	1	3	4
12:00 PM	1	3	4
12:01 PM	2	1	3
12:02 PM	1	6	7
12:03 PM	3	5	8
12:04 PM	3	4	7
12:05 PM	4	3	7

Time: (by min)	Pick-up to Order Board	Behind Order Board	Total
4:00 PM	1	2	3
4:01 PM	1	1	2
4:02 PM	3	2	5
4:03 PM	3	3	6
4:04 PM	4	2	6
4:05 PM	3	1	4
4:06 PM	2	2	4
4:07 PM	4	1	5
4:08 PM	3	0	3
4:09 PM	1	0	1
4:10 PM	1	2	3
4:11 PM	2	2	4
4:12 PM	2	1	3
4:13 PM	2	0	2
4:14 PM	1	1	2
4:15 PM	1	0	1
4:16 PM	0	0	0
4:17 PM	0	0	0
4:18 PM	0	4	4
4:19 PM	1	3	4
4:20 PM	1	2	3
4:21 PM	2	0	2
4:22 PM	1	0	1
4:23 PM	1	1	2
4:24 PM	2	1	3
4:25 PM	2	1	3
4:26 PM	2	1	3
4:27 PM	1	1	2
4:28 PM	1	0	1
4:29 PM	0	1	1
4:30 PM	1	1	2
4:31 PM	0	3	3
4:32 PM	2	1	3
4:33 PM	2	1	3
4:34 PM	1	1	2
4:35 PM	1	0	1
4:36 PM	1	0	1
4:37 PM	0	3	3
4:38 PM	1	6	7
4:39 PM	2	5	7
4:40 PM	1	4	5
4:41 PM	2	4	6
4:42 PM	2	4	6
4:43 PM	1	3	4
4:44 PM	3	1	4
4:45 PM	3	1	4
4:46 PM	3	2	5
4:47 PM	4	2	6
4:48 PM	6	3	9
4:49 PM	6	2	8
4:50 PM	6	3	9
4:51 PM	6	4	10
4:52 PM	6	3	9
4:53 PM	5	3	8
4:54 PM	5	2	7
4:55 PM	3	2	5
4:56 PM	2	1	3
4:57 PM	3	0	3
4:58 PM	2	1	3
4:59 PM	3	1	4
5:00 PM	4	2	6
5:01 PM	4	1	5
5:02 PM	4	1	5
5:03 PM	2	0	2
5:04 PM	1	1	2
5:05 PM	1	0	1

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
12:06 PM	6	1	7
12:07 PM	4	3	7
12:08 PM	6	1	7
12:09 PM	4	0	4
12:10 PM	2	1	3
12:11 PM	1	4	5
12:12 PM	2	2	4
12:13 PM	2	1	3
12:14 PM	2	3	5
12:15 PM	2	3	5
12:16 PM	2	2	4
12:17 PM	2	2	4
12:18 PM	2	2	4
12:19 PM	1	3	4
12:20 PM	2	1	3
12:21 PM	2	1	3
12:22 PM	1	1	2
12:23 PM	1	2	3
12:24 PM	1	3	4
12:25 PM	1	5	6
12:26 PM	1	7	8
12:27 PM	2	6	8
12:28 PM	3	6	9
12:29 PM	2	5	7
12:30 PM	0	6	6
12:31 PM	2	6	8
12:32 PM	3	4	7
12:33 PM	3	4	7
12:34 PM	3	3	6
12:35 PM	2	3	5
12:36 PM	2	3	5
12:37 PM	1	5	6
12:38 PM	1	8	9
12:39 PM	2	5	7
12:40 PM	3	9	12
12:41 PM	5	6	11
12:42 PM	4	5	9
12:43 PM	5	4	9
12:44 PM	5	5	10
12:45 PM	3	3	6
12:46 PM	4	3	7
12:47 PM	3	3	6
12:48 PM	3	4	7
12:49 PM	3	4	7
12:50 PM	3	3	6
12:51 PM	1	4	5
12:52 PM	2	3	5
12:53 PM	2	3	5
12:54 PM	2	4	6
12:55 PM	1	4	5
12:56 PM	2	3	5
12:57 PM	4	1	5
12:58 PM	2	3	5
12:59 PM	3	1	4
1:00 PM	1	2	3
1:01 PM	1	2	3
1:02 PM	1	5	6
1:03 PM	2	4	6
1:04 PM	3	2	5
1:05 PM	2	3	5
1:06 PM	2	2	4
1:07 PM	4	0	4
1:08 PM	1	1	2
1:09 PM	1	3	4
1:10 PM	2	5	7
1:11 PM	3	5	8
1:12 PM	3	4	7
1:13 PM	3	4	7
1:14 PM	2	5	7
1:15 PM	2	4	6

Time: (by min)	Pick-up to Order Board	Behind Order Board	Total
5:06 PM	1	0	1
5:07 PM	0	0	0
5:08 PM	0	0	0
5:09 PM	0	0	0
5:10 PM	0	1	1
5:11 PM	1	0	1
5:12 PM	1	1	2
5:13 PM	1	3	4
5:14 PM	3	0	3
5:15 PM	2	0	2
5:16 PM	2	1	3
5:17 PM	2	0	2
5:18 PM	1	0	1
5:19 PM	0	1	1
5:20 PM	0	2	2
5:21 PM	2	1	3
5:22 PM	2	2	4
5:23 PM	2	1	3
5:24 PM	2	1	3
5:25 PM	2	4	6
5:26 PM	2	2	4
5:27 PM	1	5	6
5:28 PM	3	5	8
5:29 PM	1	5	6
5:30 PM	1	5	6
5:31 PM	2	6	8
5:32 PM	4	5	9
5:33 PM	5	4	9
5:34 PM	5	5	10
5:35 PM	5	3	8
5:36 PM	3	3	6
5:37 PM	2	3	5
5:38 PM	1	3	4
5:39 PM	2	3	5
5:40 PM	2	1	3
5:41 PM	2	1	3
5:42 PM	1	1	2
5:43 PM	1	0	1
5:44 PM	0	0	0
5:45 PM	0	1	1
5:46 PM	1	0	1
5:47 PM	0	1	1
5:48 PM	0	1	1
5:49 PM	1	3	4
5:50 PM	3	1	4
5:51 PM	1	2	3
5:52 PM	2	0	2
5:53 PM	1	1	2
5:54 PM	2	2	4
5:55 PM	2	1	3
5:56 PM	2	0	2
5:57 PM	2	2	4
5:58 PM	4	2	6
5:59 PM	1	2	3
6:00 PM	0	2	2
6:01 PM	2	3	5
6:02 PM	2	4	6
6:03 PM	2	3	5
6:04 PM	2	3	5
6:05 PM	2	2	4
6:06 PM	2	4	6
6:07 PM	3	5	8
6:08 PM	2	5	7
6:09 PM	2	5	7
6:10 PM	3	6	9
6:11 PM	3	6	9
6:12 PM	4	7	11
6:13 PM	3	6	9
6:14 PM	2	6	8
6:15 PM	4	5	9

Project: 11066 Magnolia Ave Riverside
 City: Riverside,CA

Date: 3/27/2019
 Day: Wednesday

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
1:16 PM	2	4	6
1:17 PM	3	2	5
1:18 PM	4	1	5
1:19 PM	3	0	3
1:20 PM	2	3	5
1:21 PM	1	4	5
1:22 PM	1	4	5
1:23 PM	2	5	7
1:24 PM	3	7	10
1:25 PM	4	5	9
1:26 PM	3	6	9
1:27 PM	4	6	10
1:28 PM	1	5	6
1:29 PM	3	5	8
1:30 PM	3	6	9
1:31 PM	2	5	7
1:32 PM	3	4	7
1:33 PM	4	3	7
1:34 PM	4	2	6
1:35 PM	4	3	7
1:36 PM	4	2	6
1:37 PM	4	1	5
1:38 PM	4	1	5
1:39 PM	1	1	2
1:40 PM	1	0	1
1:41 PM	0	0	0
1:42 PM	0	0	0
1:43 PM	0	3	3
1:44 PM	2	1	3
1:45 PM	1	2	3
1:46 PM	2	3	5
1:47 PM	0	3	3
1:48 PM	0	5	5
1:49 PM	1	6	7
1:50 PM	2	3	5
1:51 PM	2	3	5
1:52 PM	1	3	4
1:53 PM	1	3	4
1:54 PM	1	4	5
1:55 PM	2	4	6
1:56 PM	2	4	6
1:57 PM	4	2	6
1:58 PM	3	3	6
1:59 PM	2	3	5

Time: (by min)	Pick-up to Order Board	Behind Order Board	Total
6:16 PM	2	5	7
6:17 PM	3	5	8
6:18 PM	4	5	9
6:19 PM	3	4	7
6:20 PM	3	4	7
6:21 PM	2	5	7
6:22 PM	4	3	7
6:23 PM	4	1	5
6:24 PM	3	1	4
6:25 PM	3	1	4
6:26 PM	1	3	4
6:27 PM	2	2	4
6:28 PM	2	3	5
6:29 PM	1	6	7
6:30 PM	2	5	7
6:31 PM	3	5	8
6:32 PM	3	4	7
6:33 PM	3	3	6
6:34 PM	2	3	5
6:35 PM	1	2	3
6:36 PM	2	1	3
6:37 PM	2	0	2
6:38 PM	1	1	2
6:39 PM	1	0	1
6:40 PM	1	2	3
6:41 PM	1	4	5
6:42 PM	1	3	4
6:43 PM	3	3	6
6:44 PM	2	3	5
6:45 PM	3	1	4
6:46 PM	2	1	3
6:47 PM	2	0	2
6:48 PM	1	0	1
6:49 PM	0	1	1
6:50 PM	1	1	2
6:51 PM	1	1	2
6:52 PM	2	2	4
6:53 PM	2	3	5
6:54 PM	1	3	4
6:55 PM	1	2	3
6:56 PM	2	1	3
6:57 PM	1	3	4
6:58 PM	1	3	4
6:59 PM	2	2	4

Queue Study

Project: 11066 Magnolia Ave Riverside
 City: Riverside, CA

Date: 3/30/2019
 Day: Saturday

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
11:00 AM	0	0	0
11:01 AM	1	0	1
11:02 AM	1	0	1
11:03 AM	1	0	1
11:04 AM	0	0	0
11:05 AM	0	0	0
11:06 AM	1	1	2
11:07 AM	2	0	2
11:08 AM	1	0	1
11:09 AM	1	0	1
11:10 AM	1	3	4
11:11 AM	3	1	4
11:12 AM	3	3	6
11:13 AM	3	3	6
11:14 AM	4	2	6
11:15 AM	5	1	6
11:16 AM	5	1	6
11:17 AM	5	1	6
11:18 AM	4	0	4
11:19 AM	4	0	4
11:20 AM	3	0	3
11:21 AM	2	0	2
11:22 AM	0	0	0
11:23 AM	1	0	1
11:24 AM	1	0	1
11:25 AM	0	0	0
11:26 AM	0	0	0
11:27 AM	0	0	0
11:28 AM	1	0	1
11:29 AM	1	0	1
11:30 AM	1	1	2
11:31 AM	2	1	3
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11:33 AM	4	0	4
11:34 AM	3	0	3
11:35 AM	4	1	5
11:36 AM	5	1	6
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11:48 AM	1	1	2
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11:50 AM	1	0	1
11:51 AM	1	0	1
11:52 AM	0	0	0
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11:54 AM	3	0	3
11:55 AM	4	0	4
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11:58 AM	3	1	4
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12:02 PM	5	1	6
12:03 PM	4	3	7
12:04 PM	4	2	6
12:05 PM	5	1	6
12:06 PM	7	3	10
12:07 PM	8	3	11

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
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4:02 PM	1	0	1
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4:06 PM	5	1	6
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4:08 PM	5	5	10
4:09 PM	5	4	9
4:10 PM	4	3	7
4:11 PM	5	3	8
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4:13 PM	5	3	8
4:14 PM	4	4	8
4:15 PM	3	4	7
4:16 PM	5	2	7
4:17 PM	6	1	7
4:18 PM	5	2	7
4:19 PM	5	0	5
4:20 PM	4	1	5
4:21 PM	2	3	5
4:22 PM	3	4	7
4:23 PM	5	6	11
4:24 PM	6	3	9
4:25 PM	5	4	9
4:26 PM	6	2	8
4:27 PM	5	3	8
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4:29 PM	2	4	6
4:30 PM	3	1	4
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4:33 PM	3	0	3
4:34 PM	4	0	4
4:35 PM	3	2	5
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4:37 PM	5	4	9
4:38 PM	3	2	5
4:39 PM	5	2	7
4:40 PM	3	1	4
4:41 PM	5	0	5
4:42 PM	5	1	6
4:43 PM	3	1	4
4:44 PM	2	0	2
4:45 PM	3	1	4
4:46 PM	2	0	2
4:47 PM	2	0	2
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4:49 PM	1	1	2
4:50 PM	1	2	3
4:51 PM	2	0	2
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4:53 PM	2	1	3
4:54 PM	3	3	6
4:55 PM	4	1	5
4:56 PM	3	3	6
4:57 PM	4	3	7
4:58 PM	4	1	5
4:59 PM	4	2	6
5:00 PM	6	0	6
5:01 PM	7	1	8
5:02 PM	6	1	7
5:03 PM	5	2	7
5:04 PM	6	1	7
5:05 PM	5	1	6
5:06 PM	4	1	5
5:07 PM	4	1	5

Project: 11066 Magnolia Ave Riverside
 City: Riverside,CA

Date: 3/30/2019
 Day: Saturday

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
12:08 PM	6	3	9
12:09 PM	7	1	8
12:10 PM	7	2	9
12:11 PM	7	3	10
12:12 PM	6	4	10
12:13 PM	6	4	10
12:14 PM	4	3	7
12:15 PM	6	2	8
12:16 PM	4	2	6
12:17 PM	3	4	7
12:18 PM	3	2	5
12:19 PM	4	2	6
12:20 PM	4	3	7
12:21 PM	3	3	6
12:22 PM	4	2	6
12:23 PM	4	2	6
12:24 PM	5	0	5
12:25 PM	1	0	1
12:26 PM	1	0	1
12:27 PM	0	0	0
12:28 PM	3	2	5
12:29 PM	3	1	4
12:30 PM	2	2	4
12:31 PM	3	2	5
12:32 PM	5	1	6
12:33 PM	4	3	7
12:34 PM	4	3	7
12:35 PM	4	3	7
12:36 PM	4	3	7
12:37 PM	5	2	7
12:38 PM	6	2	8
12:39 PM	6	1	7
12:40 PM	5	1	6
12:41 PM	5	1	6
12:42 PM	4	1	5
12:43 PM	7	2	9
12:44 PM	7	2	9
12:45 PM	6	2	8
12:46 PM	5	1	6
12:47 PM	6	1	7
12:48 PM	6	2	8
12:49 PM	6	1	7
12:50 PM	4	1	5
12:51 PM	4	4	8
12:52 PM	4	3	7
12:53 PM	5	2	7
12:54 PM	6	2	8
12:55 PM	5	2	7
12:56 PM	6	3	9
12:57 PM	4	5	9
12:58 PM	6	6	12
12:59 PM	5	6	11
1:00 PM	3	7	10
1:01 PM	5	5	10
1:02 PM	3	6	9
1:03 PM	3	4	7
1:04 PM	6	5	11
1:05 PM	4	5	9
1:06 PM	5	3	8
1:07 PM	6	3	9
1:08 PM	5	3	8
1:09 PM	4	5	9
1:10 PM	5	3	8
1:11 PM	5	2	7
1:12 PM	6	2	8
1:13 PM	4	4	8
1:14 PM	6	2	8
1:15 PM	6	3	9
1:16 PM	6	3	9
1:17 PM	6	2	8
1:18 PM	6	2	8
1:19 PM	4	2	6

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
5:08 PM	3	0	3
5:09 PM	3	0	3
5:10 PM	2	0	2
5:11 PM	2	0	2
5:12 PM	1	2	3
5:13 PM	2	1	3
5:14 PM	3	1	4
5:15 PM	3	3	6
5:16 PM	4	2	6
5:17 PM	3	2	5
5:18 PM	3	1	4
5:19 PM	4	1	5
5:20 PM	3	1	4
5:21 PM	4	0	4
5:22 PM	4	0	4
5:23 PM	4	0	4
5:24 PM	2	0	2
5:25 PM	3	0	3
5:26 PM	3	1	4
5:27 PM	3	0	3
5:28 PM	2	2	4
5:29 PM	4	1	5
5:30 PM	5	1	6
5:31 PM	4	1	5
5:32 PM	4	0	4
5:33 PM	4	0	4
5:34 PM	3	0	3
5:35 PM	1	0	1
5:36 PM	0	0	0
5:37 PM	2	0	2
5:38 PM	3	1	4
5:39 PM	4	0	4
5:40 PM	3	2	5
5:41 PM	3	2	5
5:42 PM	3	0	3
5:43 PM	5	0	5
5:44 PM	4	0	4
5:45 PM	2	0	2
5:46 PM	1	0	1
5:47 PM	1	0	1
5:48 PM	2	1	3
5:49 PM	3	0	3
5:50 PM	2	2	4
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5:52 PM	2	0	2
5:53 PM	1	0	1
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5:55 PM	3	1	4
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5:59 PM	1	0	1
6:00 PM	1	0	1
6:01 PM	0	0	0
6:02 PM	1	0	1
6:03 PM	0	1	1
6:04 PM	0	1	1
6:05 PM	2	0	2
6:06 PM	1	0	1
6:07 PM	1	0	1
6:08 PM	2	0	2
6:09 PM	4	0	4
6:10 PM	5	0	5
6:11 PM	6	0	6
6:12 PM	7	0	7
6:13 PM	6	0	6
6:14 PM	6	0	6
6:15 PM	5	1	6
6:16 PM	5	0	5
6:17 PM	5	0	5
6:18 PM	3	0	3
6:19 PM	2	0	2

Project: 11066 Magnolia Ave Riverside
 City: Riverside,CA

Date: 3/30/2019
 Day: Saturday

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
1:20 PM	5	7	12
1:21 PM	5	6	11
1:22 PM	5	5	10
1:23 PM	5	3	8
1:24 PM	3	4	7
1:25 PM	2	4	6
1:26 PM	4	2	6
1:27 PM	6	2	8
1:28 PM	5	1	6
1:29 PM	4	4	8
1:30 PM	7	3	10
1:31 PM	6	4	10
1:32 PM	5	3	8
1:33 PM	4	5	9
1:34 PM	5	3	8
1:35 PM	4	6	10
1:36 PM	3	6	9
1:37 PM	4	8	12
1:38 PM	4	6	10
1:39 PM	6	5	11
1:40 PM	4	6	10
1:41 PM	4	5	9
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1:43 PM	5	4	9
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1:45 PM	6	2	8
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1:49 PM	5	3	8
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1:54 PM	6	1	7
1:55 PM	5	1	6
1:56 PM	6	2	8
1:57 PM	7	2	9
1:58 PM	6	2	8
1:59 PM	5	2	7

Arrival Time	Pick-up to Order Board	Behind Order Board	Total
6:20 PM	3	0	3
6:21 PM	1	0	1
6:22 PM	2	0	2
6:23 PM	2	0	2
6:24 PM	3	0	3
6:25 PM	3	0	3
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6:27 PM	2	0	2
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6:51 PM	5	3	8
6:52 PM	5	5	10
6:53 PM	3	3	6
6:54 PM	3	5	8
6:55 PM	3	4	7
6:56 PM	4	2	6
6:57 PM	4	1	5
6:58 PM	3	5	8
6:59 PM	4	3	7

ATTACHMENT B
ITE QUEUING CALCULATION WORKSHEETS

DRIVE-THROUGH QUEUING ANALYSIS

Project: Raising Cane's Restaurant
Location: Monterey Park, CA

INPUT VALUES

Variable	Description	Value
A =	average number of vehicle arrivals per hour ¹	74
S =	service rate, number of vehicles per hour	87
I =	traffic intensity, utilization factor = A/S	0.85
Q =	queue capacity (vehicles)	17

FORMULAS

Average Length of Queue	$\text{Avg } Q = A^2 / S(S-A) = I^2 / 1-I$	4.74
Probability of Q Number of Vehicles in Queue	$P(Q) = (I)^Q (1-I)$	0.92%
Probability of Queue Exceeding Q Vehicles	$\sum_{Q=0}^{Q=a} P(Q) \geq 0.95$	5.16%

Source: Institute of Transportation Engineers (ITE)
 Transportation Planning Handbook, 3rd Edition

ATTACHMENT 4

Planning Commission Staff Report dated March 10, 2020



Planning Commission Staff Report

DATE: March 10, 2020

AGENDA ITEM NO: 3-A

TO: The Planning Commission
FROM: Mark A. McAvoy, Director of Public Works/City Engineer/City Planner
SUBJECT: A Public Hearing to consider a Conditional Use Permit (CU-19-13) for the construction of a new retail eating establishment with a drive-through at 1970 South Atlantic Boulevard.

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) Adopting the Resolution approving a Conditional Use Permit (CU-19-13), subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15332 as a Class 32 categorical exemption (In-Fill Development Projects). The Project consists of the construction of a new retail eating establishment with a drive-through. The Project will not result in any significant effects relating to traffic, noise, air quality, or water quality. The property is designated Commercial in the General Plan Land Use Element. The Project will take place within City limits on a site of not more than five acres substantially surrounded by urban uses. The site has no value as habitat for endangered, rare or threatened species; and can be adequately served by all required utilities and public services.

EXECUTIVE SUMMARY:

The Applicant seeks a conditional use permit ("CUP") for operation of a new retail eating establishment with a drive-through. Pursuant to Monterey Park Municipal Code ("MPMC") § 21.10.040(I), a drive-through is a conditionally permitted use. Based upon the application, it appears that the proposed uses are consistent with the General Plan.

BACKGROUND AND DISCUSSION:

The Project

Applicant, Raising Cane's, seeks a conditional use permit to operate a new retail eating establishment with a drive-through at 1970 South Atlantic Boulevard. The property is zoned S-C (Shopping Center) and designated Commercial (C) in the General Plan.

The property is located on the east side of South Atlantic Boulevard, between Brightwood Street and Floral Drive. It is comprised of three consolidated parcels totaling 17,863 square feet (0.41 acres). The property is vacant, but was previously developed with a service station that was demolished in 2007. Properties located to the north, south, and west are S-C zoned lots and east are R-1 (Single-Family Residential) zoned lots. The proposed Project would improve the property with a new one-story 1,790 square foot retail eating establishment with a 480 square foot outdoor dining area and a drive-through. The Applicant's proposed business operating will be Sunday through Thursday from 9:00 a.m. to 1:00 a.m. and Friday through Saturday from 9:00 a.m. to 3:30 a.m. To address security and alarm requirements, the Police Department included condition numbers 40 through 45 in the Resolution.

The Project will provide 18 spaces (per MPMC § 21.22.120). The Project does not include any off-site roadway improvements and minimal site-adjacent improvements/repairs are anticipated. The proposed Project will maintain the existing driveway cut accessible from Atlantic Boulevard and the existing alleyway along the eastern and southern property lines. A Traffic Impact Analysis dated December 2019 was prepared for the proposed Project and the analysis concluded that all study intersections would continue to operate at an acceptable Level of Service (under Existing plus Project Conditions).

The opening to the drive-through lane will be at the southeast corner of the building, and the pick-up window will be on the west side of the building. The drive-through lane will wrap around the east, north, and west sides of the building in a counter-clockwise direction; the queuing length will be 201 feet from the drive-through entrance to the pick-up window on the inside lane, and the outside lane will add approximately 133 feet to the total queue. The proposed drive-through merges two drive-through lanes into a single drive-through lane before the pay and pick-up window; this allows the business to take orders from two customers at the same time. The proposed two drive-through lanes will each have a menu board, will be constructed to accommodate a minimum of eight cars, and will provide a queuing capacity for approximately 17 vehicles (see MPMC § 21.10.040(I)(5)). Lastly, the drive-throughs will be intersected by a clearly visible pedestrian walkway (see MPMC § 21.10.040(I)(3)).

Pursuant to MPMC § 21.10.040(I)(1), a drive-through is a conditionally permitted use. The CUP requires that the proposed drive-through be designed to screen all service areas, restrooms and mechanical equipment; and provide landscaping to screen the drive-through driveway aisle. All menu boards are required to face away from the street and be not more than 30 square feet and seven feet high (see MPMC § 21.10.040(I)(10)). The MPMC requires all drive-through aisles to be a minimum of 12-feet wide on the curve and 11-feet wide on the straight sections; be made of concrete; and be intersected by a clearly-visible pedestrian walkway (see MPMC § 21.10.040(I)(3), (4) & (8)). MPMC § 21.10.040(I)(9) requires that the CUP include a condition that the "parking areas and the

drive-through aisle and structure shall be set back from the ultimate curb face a minimum of twenty-five (25) feet.”

The Applicant is proposing a 28-foot setback from the ultimate curb face on Atlantic Boulevard to the proposed building; and a minimum 15-foot setback from the ultimate curb face for the proposed parking areas and drive-through aisle. The MPMC currently requires a setback of 25 feet. It is unclear why a setback of this distance is required for the property or the proposed use. A review of the application suggests that it would be in the public interest to amend the MPMC to accommodate the Applicant’s proposed setback. This would allow the drive-through to be constructed as anticipated in the Applicant’s plans.

Accordingly, the draft CUP includes Condition No. 6 that requires an amendment to MPMC § 21.10.040(1)(9) regarding drive-through setback regulation, before the City can issue a certificate of occupancy for the proposed Project.¹ If the Planning Commission issues the proposed CUP, the City will recommend that the City Council amend the MPMC to allow the setback distance proposed by this applicant.

The City’s Drive-Through Regulations

For the last eight years, the City had not received any conditional use permit applications for a drive-through business; however, within the past two years, three applications for a drive-through business were submitted and a fourth application is currently under review. In fact, four drive-through businesses were approved in 2012 for the Market Place project. It is apparent that economics are changing proposed commercial land uses.

Following a survey on drive-through regulations for the cities of Alhambra, Rosemead, San Gabriel, Pasadena, Temple City and Commerce, staff found that the City’s existing regulations are generally outdated; it is in the public interest for the City Council to consider updating these regulations in order to continue the City’s philosophy of business friendliness.

According to the General Plan Economic Development Element, Monterey Park is largely built-out, with relatively little vacant land available for new large-scale development. Many opportunities exist for expanding the existing commercial base. As described in the Land Use Element, private and public redevelopment efforts within identified focus areas will allow new investment and new complementary uses to meet local and regional shopping demands, provide expanded job opportunities, and build the City’s tax base. According to Goal 2.0 Business Attraction and Retention, the City should continue providing incentives to encourage new businesses to locate in Monterey Park and for existing businesses to expand. Updating some of the City’s outdated regulations, including setback requirements, will assist with business attraction and retention.

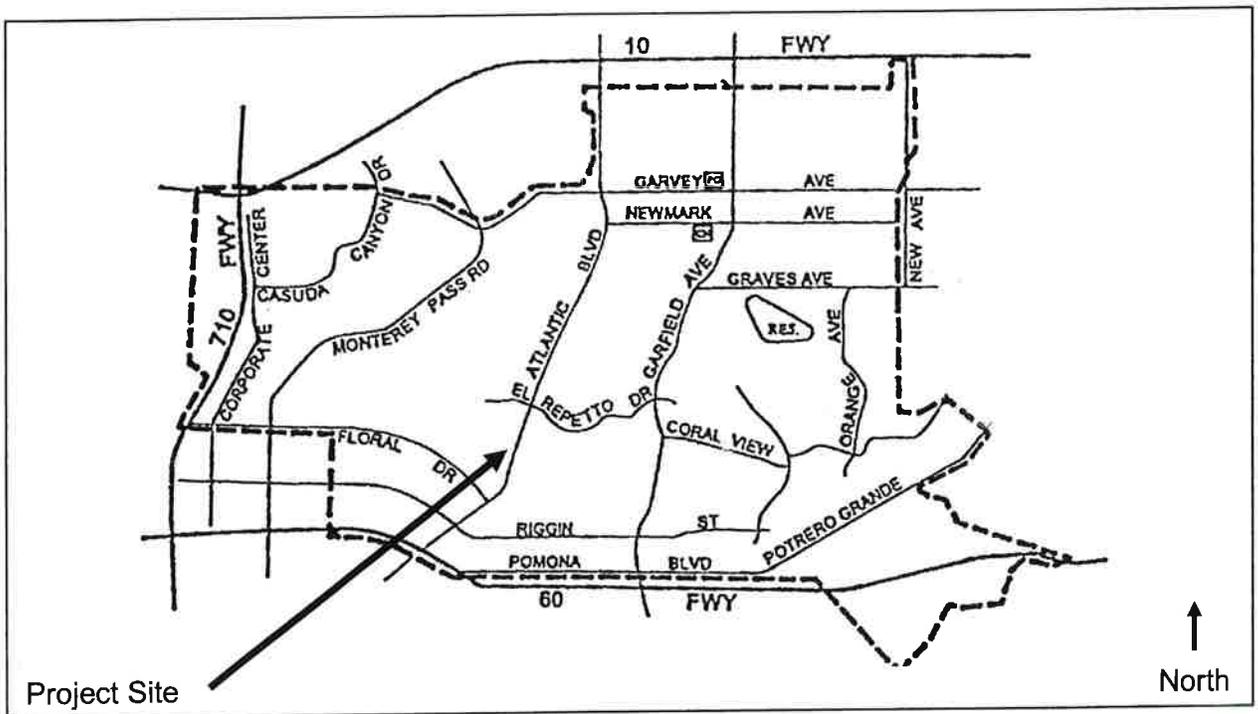
¹ Assuming the Project did not include a drive-through component, the proposed parking spaces, driveway aisle, and building would be allowed to abut the front property line. In fact, all the other commercial properties along Atlantic Boulevard have parking spaces, driveway aisles, and buildings that abut the front property line.

OTHER ITEMS:

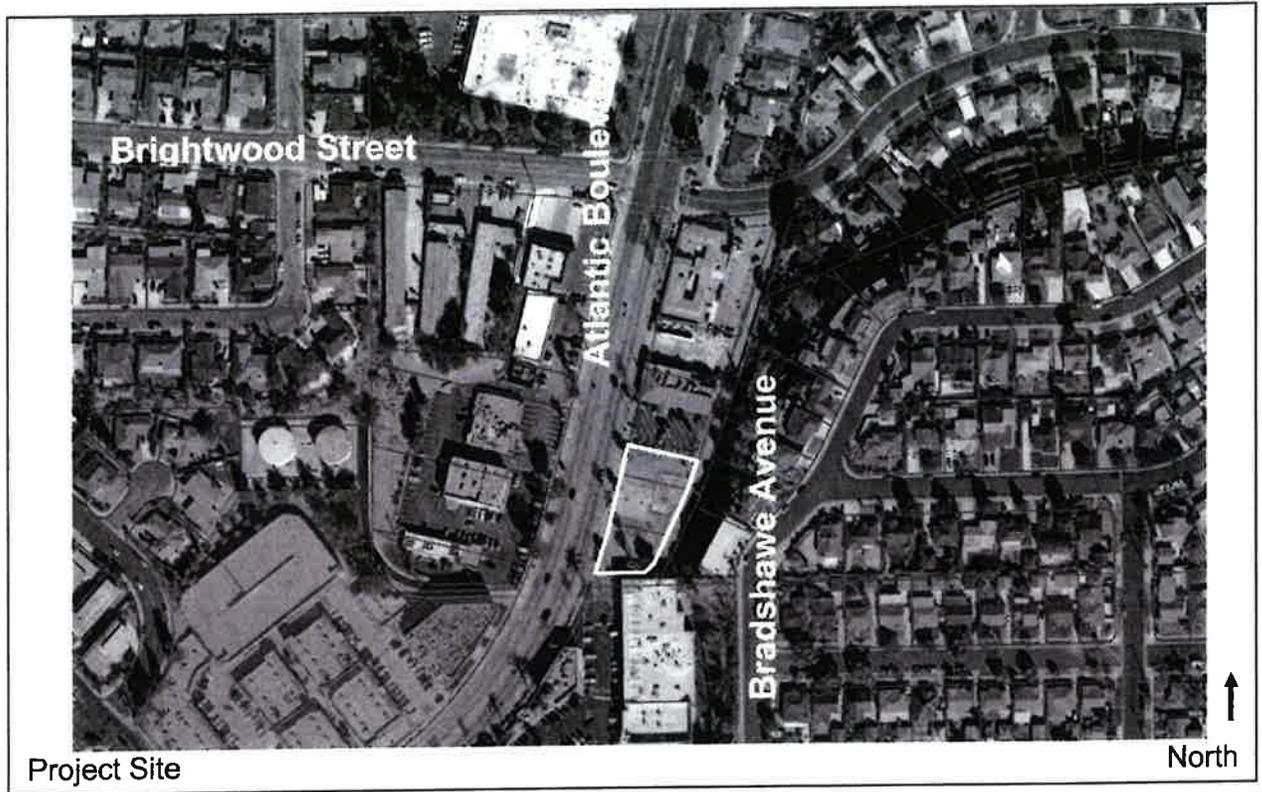
Legal Notification

The legal notice of this hearing was posted at the subject site, City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **January 14, 2020** and **March 4, 2020**, with affidavits of posting on file. The legal notice of this hearing was mailed to **137** property owners within a 300 foot radius and current tenants of the property concerned on **January 14, 2020** and **March 2, 2020**.

Vicinity Map



Aerial Map



ALTERNATIVE COMMISSION CONSIDERATIONS:

None

FISCAL IMPACT:

There may be an increase in sales tax revenue and business license tax revenue. Calculations of the exact amount would be speculative.

Respectfully submitted,

Mark A. McAvoy
Director of Public Works/
City Engineer/City Planner

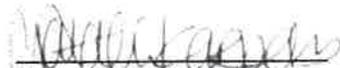
Staff Report
March 10, 2020
Page 6

Prepared by:



Samantha Tewart
Senior Planner

Reviewed by:



Natalie C. Karpeles
Deputy City Attorney

Attachments:

- Attachment 1: Draft Resolution
- Attachment 2: Site, floor, elevation plans
- Attachment 3: Traffic Study December 2019

ATTACHMENT 1

Draft Resolution

RESOLUTION NO.

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CUP-19-13) TO ALLOW THE CONSTRUCTION OF A NEW RETAIL EATING ESTABLISHMENT WITH A DRIVE-THROUGH AT 1970 SOUTH ATLANTIC BOULEVARD.

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

SECTION 1: The Planning Commission finds and declares that:

- A. On December 5, 2019, Ruben Gonzales of PM Design Group, Inc. submitted an application on behalf of Raising Cane's ("Applicant") seeking a conditional use permit (CU-19-13) to allow operation of a new retail eating establishment with a drive-through ("Project");
- B. The Project was reviewed by the City Planner for, in part, consistency with the General Plan and conformity with the Monterey Park Municipal Code ("MPMC");
- C. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines");
- D. The City Planner completed review and scheduled a public hearing regarding the Project before the Planning Commission for February 11, 2020. Notice of the public hearing was posted and mailed as required by the MPMC;
- E. On March 10, 2020, the Planning Commission opened the 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, and representatives of the Applicant; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its March 10, 2020 public hearing including, without limitation, the staff report submitted by the City Planner.

SECTION 2: *Factual findings and Conclusions.* The Planning Commission finds that the following facts exist and makes the following conclusions:

- A. 1970 South Atlantic Boulevard is located on the east side of South Atlantic Boulevard, between Brightwood Street and Floral Drive ("Project Site"). It is designated Commercial (C) in the Monterey Park General Plan. The Project Site is currently vacant. The Project proposes constructing a new retail eating establishment with a drive-through. According to MPMC §§ 21.10.040(I) and 21.32.020(B), a drive-through may be permitted via a conditional use permit and the limitations or special standards described in MPMC § 21.10.040(I).
- B. The Project Site is comprised of three consolidated parcels totaling 17,863 square feet (0.41 acres) in size. The proposed building area will be 1,790 square feet, which

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 2 OF 6**

equates to 10 percent of the lot area. The Applicant's proposed business operating will be Sunday through Thursday from 9:00 a.m. to 1:00 a.m. and Friday through Saturday from 9:00 a.m. to 3:30 a.m. The MPMC require properties to be adequately maintained and condition numbers 40 and 45 are included to address security concerns. The proposed retail eating establishment will have a walk-up window; no indoor seating; a drive-through aisle; and a covered outdoor seating area. The proposed retail eating establishment will be designed to screen all service areas, restrooms and mechanical equipment; landscaping will be provided to screen the drive-through driveway aisle. The menu boards will be not more than 30 square feet and seven feet high and will face away from the street.

- C. The Project will provide 18 parking spaces. The Project will maintain the existing driveway cut accessible from South Atlantic Boulevard and the existing alleyway along the eastern and southern property lines. The drive-through aisles will be a minimum of 12-feet wide on the curve and 11-feet wide on the straight sections; they will also be intersected by a clearly-visible pedestrian walkway. The Project does not include any off-site roadway improvements and minimal site-adjacent improvements/repairs are anticipated. The drive-through aisle will be made of concrete and will be constructed to accommodate a minimum of eight cars.
- D. Properties located to the north and south of the Project Site include other one-story commercial buildings; west are South Atlantic Boulevard (a principal arterial street) and one-story commercial buildings; and east is an alleyway and single-family dwellings located at the top of hillside properties. The properties located to the north, south and west of the subject property are zoned S-C (Shopping Center) and those to the east are zoned R-1 (Single-Family Residential).
- E. A Traffic Impact Analysis dated December 2019 was prepared for the proposed Project. That Analysis showed that the proposed Project is forecast to result in no significant traffic impacts at the study intersections.
- F. The Project is located within a commercial area of the City that contains no environmentally sensitive habitat and/or species. There are no identified physical constraints such as soil and/or geologic conditions indicating substrate instability that would prohibit development of the proposed Project. The Project Site has no value as habitat for endangered, rare or threatened species; the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services.

SECTION 3: Environmental Assessment. Because of the facts identified in Section 2 of this Resolution, the Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15332 as a Class 32 categorical exemption (In-Fill Development Projects) because the Project site is located in an urban area and is an in-fill development. Construction of the proposed retail eating establishment with a drive-through will take place entirely upon the Project Site. The Project is proposed within City limits on a

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site of no more than five acres substantially surrounded by urban uses; the Project Site has no value as habitat for endangered, rare or threatened species; the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and the Project Site can be adequately served by all required utilities and public services. It can be seen with certainty that no special circumstances exist that would create a reasonable possibility that the proposed Project will have a significant adverse effect on the environment.

SECTION 4: Conditional Use Permit Findings. Based upon the findings in Section 2, the Planning Commission finds as follows pursuant to MPMC §§ 21.10.040(I) and 21.32.020(B):

- A. The Project complies with all MPMC requirements for a CUP.
1. The project site is adequate in size, shape and topography for the proposed Project;
 2. The site has sufficient access to streets and highways and is adequate in width and pavement type;
 3. The proposed use is consistent with the General Plan, specifically Goal 5.0 and Policy 5.1. 4;
 4. The Project will not have an adverse effect on the use, enjoyment or valuation of property in the neighborhood;
 5. The proposed Project will not have an adverse effect on the public health, safety and general welfare; and
 6. The use is properly one authorized by conditional use permit pursuant to the MPMC.
- B. As conditioned by this Resolution and after an amendment to the MPMC, the proposed drive-through complies with all requirements set forth for a conditional use permit pursuant to MPMC § 21.10.040(I):
1. The drive-through is an accessory to a proposed restaurant or commercial business;
 2. The proposed location of the drive-through is designated commercial in the City's General Plan and is not located in any area designated as MU-I in the General Plan Land Use Map;
 3. The pedestrian walkways will have clear visibility and will be emphasized by striping;

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4. The drive-through aisle will be 12-foot width on curves and a minimum 11-foot width on straight sections;
5. The drive-through aisles will provide sufficient stacking area behind the menu boards to accommodate a minimum of six cars;
6. All service areas, restrooms and ground-mounted and roof-mounted mechanical equipment will be screened from view;
7. The proposed landscaping will screen drive-through or drive-in aisles from the public right-of-way and will be used to minimize the visual impact of reader board signs and directional signs;
8. The drive-through aisles will be constructed with concrete;
9. Following an amendment to the MPMC as required by Condition No. 6 in attached Exhibit A, the structure will be set back from the ultimate curb face a minimum of 28 feet, and the parking areas and drive-through aisles will be set back from the ultimate curb face a minimum of 15 feet.
10. The menu boards will be no more than 30 square feet and seven feet high, and will face away from the street;
11. No drive-through aisles will exit directly onto a public right-of-way; and
12. The architectural style of the drive-through will be consistent with the theme established in the vicinity and provide compatibility with surrounding uses in form, materials, colors and scale, among other things.

SECTION 5: Approval. Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the Planning Commission approves Conditional Use Permit (CU-19-13). Pursuant to Condition No. 6, the City may not issue a certificate of occupancy for the Project until the MPMC is amended to allow the setbacks proposed by the Project.

SECTION 6: Reliance on Record. Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 7: 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

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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 8: *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 9: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 10: A copy of this Resolution will be mailed to the Applicant and to any other person requesting a copy.

SECTION 11: This Resolution may be appealed within ten (10) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

SECTION 12: Except as provided in Section 11, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

ADOPTED AND APPROVED this 10th day of March 2020.

Chairperson Eric Brossy de Dios

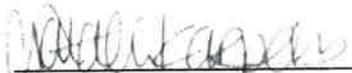
I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 10th day of March 2020, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Mark A. McAvoy, Secretary

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

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By: 

Natalie C. Karpeles,
Deputy City Attorney

RESOLUTION NO.

Exhibit A

CONDITIONS OF APPROVAL

1970 SOUTH ATLANTIC BOULEVARD

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Raising Cane's agrees that it will comply with the following conditions for the City of Monterey Park's approval of Conditional Use Permit (CU-19-13) ("Project Conditions").

PLANNING:

1. Raising Cane's ("Applicant") 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 CU-19-13 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 CU-19-13, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. This approval is for the project as shown on the plans reviewed and approved by the Planning Commission and dated March 2, 2020. Before the City issues a building permit, the Applicant must submit building plans showing that the project substantially complies with the plans referenced in this Resolution. Any subsequent modification must be referred to the City Planner for a determination regarding the need for Planning Commission review and approval of the proposed modification.
3. The conditional use permit expires 12 months after its approval if the use has not commenced or if improvements are required, but construction has not commenced under a valid building permit. A single one-year extension may be granted by the Planning Commission upon finding of good cause.
4. All conditions of approval must be listed on the plans submitted for plan check and on the plans for which a building permit is issued.
5. Before building permits are issued, the applicant must obtain all the necessary approvals, licenses and permits and pay all the appropriate fees as required by the City.
6. Before the City issues a certificate of occupancy, the Applicant must comply with all applicable setback requirements set forth in the MPMC regulating drive-throughs.

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7. The real property subject to CU-19-13 must remain well-maintained and free of graffiti.
8. Building permits are required for any interior tenant improvements.
9. Landscaping/irrigation must be maintained in good condition at all times.
10. Landscaping for the project must be designed to comply with the MPMC's regulations governing efficient landscaping.
11. The business hours of operation will be Sunday through Thursday from 9:00 a.m. to 1:00 a.m. and Friday through Saturday from 9:00 a.m. to 3:30 a.m.
12. The drive-through speaker systems must not be audible above the daytime and nighttime ambient noise levels beyond the property boundaries.
13. The drive-through component of the Project must comply with MPMC § 21.10.040(I). Specifically:
 - a. Any pedestrian walkways either will not intersect the drive-through drive aisles or, if they do, will have clear visibility and will be emphasized by enriched paving or striping;
 - b. The drive-through aisles must have a minimum 12-foot width on curves and a minimum 11-foot width on straight sections;
 - c. The drive-through aisles must provide sufficient stacking area behind the menu board to accommodate a minimum of six cars;
 - d. All service areas, restrooms and ground-mounted and roof-mounted mechanical equipment must be screened from view;
 - e. Landscaping will screen the drive-thru or drive-in aisles from the public right-of-way and minimize the visual impact of reader board signs and directional signs;
 - f. The drive-through aisles must be constructed with (PCC) concrete;
 - g. The parking areas, drive-through aisles and structure must be set back from the ultimate curb face as required by the MPMC;
 - h. Menu boards can be no more than 30 square feet, with a maximum height of seven feet, and must face away from the street;
 - i. The architectural style of the drive-through must be consistent with the theme established in the vicinity and provide compatibility with surrounding uses in form, materials, colors, and scale, among other things; and
 - j. The drive-through aisles will not exit directly onto a public right-of-way.

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ENGINEERING:

14. To minimize sediment intrusion from the adjacent slope into the public alley, a curb or slough wall of sufficient height must be constructed along the eastern edge of the southerly portion of the public alley. The curb must be shown on the grading and drainage plan, and is subject to approval by the City Engineer.
15. Under the Los Angeles County Municipal Separate Storm Sewer System (MS4) Permit, issued under the National Pollutant Discharge Elimination System (NPDES) Program, the developer/owner is required to obtain a General Construction Storm Water Permit. This project will require the preparation of a Low Impact Development (LID) Plan; and a Storm Water Pollution Prevention Plan (SWPPP) if over an acre in size, including hydrology and hydraulic study/analysis required for their submittal. A preliminary/conceptual LID report and plan is requested as early as possible, to avoid impacts to the site plan should changes be required.
16. Upon approval of the LID and SWPPP, an electronic copy of the approved files, including site drawings, must be submitted to the City Engineer before the City issues a building or grading permit.
17. The property drainage must be designed so that the property drains to an approved device(s) and/or the public street unless otherwise approved by the City Engineer.
18. Sizing of water infrastructure is subject to the submittal of water system calculations that include domestic and fire system demand sizing. Installation of water services for irrigation, domestic, and fire service within the public right of way must be accomplished at permittee's cost.
19. The permittee must adjust the Project Site's lot lines, either by a lot line adjustment or lot merger, to avoid constructing structures over property lines in compliance with the California Building Code, as adopted by the MPMC.
20. The adjacent public alley is in poor, deteriorated condition, and will need to be resurfaced, to the satisfaction of the City Engineer, before a certificate of occupancy is issued for the project.
21. Grading and drainage plan(s) must be submitted with the first building permit plan check submittal and must address drainage of the adjacent public alley in a manner satisfactory to the City Engineer.

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22. All improvement plans, including grading plan(s), must be based upon City approved data; benchmark data are available from the Public Works Department's Engineering Division.
23. 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.*). Applicant is informed that it may protest DIFs in accordance with Government Code § 66020.
24. A utility plan must be approved by the City Engineer before the City issues grading permits.
25. Any abandoned driveways will need to be removed and replaced with a new curb, gutter, and sidewalk. Any damaged, out of grade, deteriorated or obsolete frontage improvements will need to be repaired to the satisfaction of the City Engineer, before a certificate of occupancy is issued.
26. A traffic management plan must be submitted to the City Engineer, detailing the manner in which the project will manage and control onsite traffic during peak operating hours, primarily how potential extended drive-through queuing will be managed to avoid impacts to South Atlantic Boulevard and adjacent properties that abut the public alley. The format of the plan is subject to approval by the City Engineer, and the plan must be approved before the City issues a certificate of occupancy.

FIRE:

27. A fire permit must be obtained from the Fire Department before engaging in activities, operations, practices or functions as indicated in the California Fire Code (CFC) per §§ 105.6 and 105.7.
28. Fire protection, including fire apparatus access roads and water supplies for fire hydrant must be installed and made serviceable before and during the time of construction, per CFC § 501.4.
29. Provide an approved automatic fire sprinkler system and fire alarm as set forth by Fire Code §§ 903 and 907 for the new structure. This may be submitted to the Fire Official as a deferred submittal.
30. Provide an approved kitchen automatic extinguishing system as set forth by the CFC § 904. This may be submitted to the Fire Official as a deferred submittal.

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31. Provide an approved carbon dioxide alarm system per Fire Code § 908.7. This may be submitted to the Fire Official as a deferred submittal.
32. Provide approved signs or other approved notices or markings that include the words NO PARKING – FIRE LANE. Signs must be provided for fire apparatus access roads, to clearly indicate the entrance to such road, or prohibit the obstruction thereof, as required by the Fire Inspector, per CFC § 501.4.

Fire Flow:

33. The minimum fire flow required must comply with the current adopted edition of the CFC Appendix B.
34. Pursuant to the plans date stamped March 2, 2020, the required fire flow for the new structure is 1,500 gallons per minutes (gpm) at 20 pounds per square inch (psi) for a minimum of 2-hour duration.
35. The City must provide a will serve letter confirming that it can accommodate the required water flow.

Fire Hydrant Installation

36. Before combustible construction on any parcel, a fire hydrant capable of providing 1,000 gpm at 20 psi must be installed and in service along the access road/driveway at a location approved by the Fire Code Official, but no further than 250 feet from the construction. The owner of the combustible construction is responsible for the cost of this installation.

Fire Flow Verification

37. Per CFC Appendix C, a minimum of one fire hydrant must be provided within 250 feet of new structure. Show locations of all existing and/or new hydrants on Site Plan.
38. Portable fire extinguishers must be installed on all floors, per CFC § 906.1.
39. The review of any revised plans will be subject to an additional plan-check fee in an amount approved in the Master Schedule of Fees and Charges.

POLICE:

40. The permittee must submit plans to the Police Chief, or designee, demonstrating that the Project has adequate exterior lighting. The Police Chief, or designee, must

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approve the location and light intensity before the City issues a certificate of occupancy.

41. All major common areas of the locations, including all parking areas must be covered by security video cameras. All security cameras must operate 24-hours a day, seven days a week. All cameras must record onto a recording medium and all recordings must be maintained in a secure and locked enclosure. Security video cameras must be installed at all the entrances/exits and must be positioned to capture the faces of people entering and exiting. All recordings must be maintained for a minimum of 30 days. All recordings must be made readily available for any law enforcement official who requests the recording(s) for official purposes. If the Chief of Police determines that there is a necessity to have additional cameras installed, the management must comply with the request within seven days. Also, access to all security video cameras must be made available to the Police Department, via the internet, by providing the IP address for all cameras. The Chief of Police can also require a change in the position of the video cameras if it is determined that the position of the camera does not meet security needs. The management must comply with the request within seven days.
42. An alarm system must be installed at the main entrance and exits to the business. The alarm system will be a deterrent to criminal activity, and allow notification of the police and security in the event of any such attempt. Contact the Monterey Park Police Department Community Relations Bureau at (626) 307-1215 for additional information and alarm permits.
43. One licensed, insured, and bonded security guard in the parking lot between 10:00 p.m. to closing, subject to the review and approval of the Police Chief.
44. Access to the roof of the buildings will be locked and secured. Access of the roof will be restricted to maintenance personnel, building management, or other authorized personnel.
45. The shrubbery on the property must be installed and maintained in such condition as to not restrict visibility from the street or easily conceal persons.

By signing this document, Kristen Roberts, on behalf of Raising Cane's, certifies that the Applicant read, understood, and agrees to the Project Conditions listed in this document.

Kristen Roberts, on behalf of Raising Canes, Applicant

ATTACHMENT 2

Site, floor, elevation plans

ATTACHMENT 3

Traffic Study

ATTACHMENT 5

Planning Commission Minutes dated March 10, 2020

**UNOFFICIAL MINUTES
MONTEREY PARK PLANNING COMMISSION
REGULAR MEETING
MARCH 10, 2020**

The Planning Commission of the City of Monterey Park held a regular meeting of the Board in the Council Chambers, located at 320 West Newmark Avenue in the City of Monterey Park, Tuesday, March 10, 2020 at 7:00 p.m.

CALL TO ORDER:

Chairperson Eric Brossy de Dios called the Planning Commission meeting to order at 7:00 p.m.

ROLL CALL:

Senior Planner Tewasart called the roll:

Board Members Present: Eric Brossy De Dios, Antonio Salazar, and Delario Robinson

Board Members Absent: Ricky Choi and Theresa Amador

ALSO PRESENT: Natalie C. Karpeles, Deputy City Attorney, Mark A. McAvoy, Public Works Director/City Engineer/City Planner, and Samantha Tewasart, Senior Planner

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS: None

ORAL AND WRITTEN COMMUNICATIONS:

[1.] **PRESENTATIONS:** None

[2.] **CONSENT CALENDAR:** None

2-A APPROVAL OF MINUTES

July 23, 2019

Action Taken: The Planning Commission approved the minutes from the regular meeting of July 23, 2019

Motion: Moved by Member Robinson and seconded by Member Salazar, motion carried by the following vote:

Ayes: Commissioners: Brossy de Dios, Salazar, and Robinson

Noes: Commissioners: None

Absent: Commissioners: Choi and Amador

Abstain: Commissioners: None

[3.] **PUBLIC HEARING:**

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3-A. CONDITIONAL USE PERMIT (CU-19-13) TO ALLOW THE CONSTRUCTION OF A NEW RETAIL EATING ESTABLISHMENT WITH A DRIVE-THROUGH IN THE S-C (SHOPPING CENTER) ZONE – 1970 SOUTH ATLANTIC BOULEVARD

Senior Planner Tewasart provided a brief summary of the staff report.

Commissioner Robinson inquired about the required code amendment. Attorney Karpeles replied that the amendment will be to the 25-foot setback requirement should the Planning Commission direct staff that such an amendment is necessary. Condition number 6 contemplates that an amendment would need to be processed in order for the project to be approved.

Commissioner Salazar inquired how long the service station was vacant before being demolished. Senior Planner Tewasart replied that staff did not have the information.

Chairperson Brossy de Dios inquired about the term ultimate curb face. Director McAvoy replied that it would mean whether there was a dedication involved.

Chairperson Brossy de Dios inquired if the only way to modify this item was an amendment as opposed to a variance. Attorney Karpeles replied that the findings for a variance are particular and very specific. A variance is only granted under very extremely limited circumstances where a property cannot be developed without some type of relief from the requirements in the municipal code. In this instance the applicant has not opted for a variance rather they have opted to hope for a future code amendment with regard to the setback requirement.

Director McAvoy stated that is not how a project would be conditioned however staff has been working on some updates to the zoning code, which was held off because of the update to the Land Use Element. In the event that the Land Use Element was approved by the voters, the updates would incorporate the changes contemplated by the Land Use Element. There are plans to bring forward some minor text amendments to the zoning code. Chairperson Brossy de Dios inquired if such a revision is currently being contemplated. Director McAvoy replied yes as well updates to some of the parking standards.

Chairperson Brossy de Dios inquired if staff has studied some of the potential impact. Director McAvoy replied not yet until the County certifies the election results and then the amendments will come before the Commission sometime in the summer period.

Chairperson Brossy de Dios inquired if there are any other drive-throughs on Atlantic Boulevard. Senior Planner Tewasart replied off Collegian there is a McDonald's, Taco Bell, and Carl's Jr.

Chairperson Brossy de Dios inquired about the mechanical equipment screening. Attorney Karpeles replied that condition number 15 addresses noise and that all code requirements must be adhered to. Senior Planner Tewasart replied that when there are elevation

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differences, properties on the higher elevation typically see rooftops. However, from the street view, all roof mounted mechanical equipment will be screened.

Chairperson Brossy de Dios opened the public hearing.

Applicant, Kristen Roberts, 6800 Bishop Road, Plano, Texas 75024, provided a brief presentation and was present for questions.

Commissioner Salazar inquired if the hours are similar as other stores such as the one in Pico Rivera. Applicant Roberts replied yes, those are standard California operating hours. Commissioner Salazar inquired about security. Applicant Roberts replied that discussions have already been had with the Police Chief. On the weekends security is already provided. Attorney Karpeles stated that condition number 43 addresses security.

Commissioner Salazar inquired about the restroom availability. Applicant Roberts replied that restrooms will be provided and made available.

Chairperson Brossy de Dios inquired about the use of the corral area. Applicant Roberts replied that it functions as a delivery receiving area and space where boxes are broken down. There is no activity or use after dark.

Chairperson Brossy de Dios inquired about the queuing space. Director McAvoy replied that the six spaces are split between the two drive-through lanes. Both lanes will accommodate seven vehicles.

Engineer Lucas Teani, P.E., 765 The City Drive Suite 200 Orange, CA 92868, replied that the queuing analysis was conducted from the pick-up window to the beginning of the drive-through queue. Chairperson Brossy de Dios inquired about the queuing analysis, the five percent chance of the queue exceeding the 17 spaces, and the number maximum anticipated. Engineer Teani replied that based on existing stores, the maximum number anticipated was 17 spaces during peak hours. The five percent exceedance probability is a degree of exceeding 17 spaces. The average of the analysis of existing stores was 15 spaces and more than the average will be provided.

Chairperson Brossy de Dios stated that the level of service was E at the alley and Atlantic, assuming that some of the cars were diverting to the alley, some of them were exiting through the driveway. Engineer Teani replied yes. Chairperson Brossy de Dios inquired that with the drive lane terminating directly adjacent the exit path, if the alley is anticipating a level of service of E, is a level of service E anticipated at the driveway as well. Engineer Teani replied that it is not expected. There is either a level of service E at the driveway or the alley, all the traffic flow was concentrated to one point. If they are split, it is anticipated to be less.

Chairperson Brossy de Dios stated that if one car is waiting to exit, it is potentially blocking the exit of the drive-through aisle. Engineer Teani replied that is why the analysis is focused on vehicles coming out from the alleyway. Traffic flow on-site is controlled by the operations team. The operations team works diligently on making sure that traffic flows through the

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site and is not impacted especially as they are trying to speed up service and serve more customers at a faster rate; it is important that the exit is not blocked and that is why the focus on traffic flow was through the alleyway. Director McAvoy added that condition number 26 requires a traffic management plan.

Chairperson Brossy de Dios inquired about screening the restroom. Applicant Roberts replied that it can be addressed with an architectural feature, but they are going to be cognizant of the extent of the screening from a security reason and providing areas for people to hide behind.

Speaker Raphael Casillas, 1973 Bradshaw Avenue, Monterey Park, stated that he is a 27 year resident of Monterey Park and a registered civil engineer with over 30-years of experience working for local municipalities in the San Gabriel Valley as well as the Gateway COG and SGV COG. The project does not meet the development standards. The project has many deficiencies and requires a code amendment. It creates many public nuisances as defined by the codes. The project failed to meet the findings such as noise, outdoor activities, speaker box from the menu board, the roof mounted equipment, car radios, and the hours of operations are not consistent with the residential or commercial areas. The Atlantic Square center is closed by 9:00 p.m. Traffic collisions occur between Brightwood and Floral from vehicles turning in and out. At minimum left-turn movements should be restricted in and out both entrances, and on-site circulation is bad and will block vehicles from getting out. There will be high levels of emissions from idling vehicles and orders.

Speaker Gina Casillas, 1973 Bradshaw Avenue, Monterey Park, stated that she is a city planner and has processed land use entitlements and evaluated projects for compliance with the California Environmental Quality Act. Drive-throughs should not be located adjacent to residential areas. All drive-throughs should be located within a contained shopping center. She has lived in her residence for over 30 years. Her house fronts on Bradshaw Avenue and her rear yard overlooks Atlantic Boulevard. She expressed concerns about noise from the speaker box, car radios, outdoor dining area, and construction, traffic, and air quality from vehicle emissions. She stated that a code amendment does not provide a solution for tonight's vote.

Chairperson Brossy de Dios inquired about the hours of operations. Applicant Roberts replied that those are the standard California operating hours, but that is up to the discretion of the Planning Commission. She stated that the speaker boxes are turned down at 10:00 p.m. Chairperson Brossy de Dios inquired if it would be feasible to restrict the left-turn. Applicant Roberts replied that if it is a requirement of the City. Attorney Karpeles clarified that the noise limit between 7:00 a.m. and 10:00 p.m. is 65 and 10:00 p.m. to 7:00 a.m. is 55.

Chairperson Brossy de Dios closed the public hearing.

Commissioner Robinson stated that the State of California is requiring the City to plan for 5,000 homes, so the city will be expanding and there will be growing pains. There has to be adjustability and be expansive and broad in our thinking and acceptability.

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Commissioner Salazar stated that he remembers Atlantic Square, the gas station, and Paul's Kitchen and those places were always full and things have been slowly dying. He respects the Casillas' concerns because in many respects it has become a ghost town. In order for the City to survive there needs to be revenue and businesses that cater to the surrounding areas and that would be East LA College and the youth that is there. This is a business that would do well at that location. He hopes Raising Canes will take into consideration their neighbors and make adjustments if need be to address those concerns and serve the community together.

Chairperson Brossy de Dios stated that he feels the application is premature to be put before the Commission in its current state given the state of the municipal code. He is not accustomed to granting conditional use permits in conflict with the code as it is currently set and they are not in the position to make an exception to that. Once the code is amended it may be something to consider as a re-submittal. He is also concerned with the traffic flow on-site and the potential conflict with the drive aisle. The ability of a car to exit and make a left hand turn onto Atlantic is highly constrained. The hours requested is also a concern and are rather unusual.

Action Taken: Motion to adopt **Resolution No. 01-20** approving Conditional Use Permit (CU-19-13) to allow a retail eating establishment with a drive-through in the S-C (Shopping Center) Zone failed.

Motion: Moved, by Commissioner Robinson and seconded by Commissioner Salazar, motion failed by the following vote:

Ayes: Commissioners: Salazar and Robinson
Noes: Commissioners: Brossy de Dios
Absent: Commissioners: Choi and Amador
Abstain: Commissioners: None

Deputy City Attorney Natalie C. Karpeles advised that, due to the absence of Commissioners Choi and Amador, the motion cannot pass without unanimous approval from the three presiding Commissioners

[4.] **OLD BUSINESS:** None

[5.] **NEW BUSINESS:** None

[6.] **COMMISSION COMMUNICATIONS AND MATTERS:** None

[7.] **STAFF COMMUNICATIONS AND MATTERS:** None

ADJOURNMENT:

There being no further business for consideration, the Planning Commission meeting was adjourned at 8:23 p.m.

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Next regular scheduled meeting on March 24, 2020 at 7:00 p.m. in the Council Chambers.

Mark A. McAvoy
Director of Public Works/City Engineer/City Planner

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ATTACHMENT 3

Planning Commission Resolution No. 01-20

RESOLUTION NO. 01-20

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CUP-19-13) TO ALLOW THE CONSTRUCTION OF A NEW RETAIL EATING ESTABLISHMENT WITH A DRIVE-THROUGH AT 1970 SOUTH ATLANTIC BOULEVARD.

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

SECTION 1: The Planning Commission finds and declares that:

- A. On December 5, 2019, Ruben Gonzales of PM Design Group, Inc. submitted an application on behalf Raising Cane's ("Applicant") seeking a conditional use permit (CU-19-13) to allow operation of a new retail eating establishment with a drive-through ("Project");
- B. The Project was reviewed by the City Planner for, in part, consistency with the General Plan and conformity with the Monterey Park Municipal Code ("MPMC");
- C. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines");
- D. The City Planner completed review and scheduled a public hearing regarding the Project before the Planning Commission for March 10, 2020 and May 12, 2020. Notice of the public hearing was posted and mailed as required by the MPMC;
- E. On March 10, 2020 and May 12, 2020, the Planning Commission opened the 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, and representatives of the Applicant; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its March 10, 2020 and May 12, 2020 public hearing including, without limitation, the staff report submitted by the City Planner.

SECTION 2: *Factual findings and Conclusions.* The Planning Commission finds that the following facts exist and makes the following conclusions:

- A. 1970 South Atlantic Boulevard is located on the east side of South Atlantic Boulevard, between Brightwood Street and Floral Drive ("Project Site"). It is designated Commercial (C) in the Monterey Park General Plan. The Project Site is currently vacant. The Project proposes constructing a new retail eating establishment with a drive-through. According to MPMC §§ 21.10.040(I) and 21.32.020(B), a drive-through may be permitted via a conditional use permit and the limitations or special standards described in MPMC § 21.10.040(I).

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- B. The Project Site is comprised of three consolidated parcels totaling 17,863 square feet (0.41 acres) in size. The proposed building area will be 1,790 square feet, which equates to 10 percent of the lot area. The Applicant's proposed business operating hours will be 9:00 a.m. to 1:00 a.m. Monday through Sunday. The MPMC require properties to be adequately maintained and condition numbers 40 and 45 are included to address security concerns. The proposed retail eating establishment will have a walk-up window; no indoor seating; a drive-through aisle; and a covered outdoor seating area. The proposed retail eating establishment will be designed to screen all service areas, restrooms and mechanical equipment; landscaping will be provided to screen the drive-through driveway aisle. The menu boards will be not more than 30 square feet and seven feet high and will face away from the street.
- C. The Project will provide 18 parking spaces. The Project will maintain the existing driveway cut accessible from South Atlantic Boulevard and the existing alleyway along the eastern and southern property lines. The drive-through aisles will be a minimum of 12-feet wide on the curve and 11-feet wide on the straight sections; they will also be intersected by a clearly-visible pedestrian walkway. The Project does not include any off-site roadway improvements and minimal site-adjacent improvements/repairs are anticipated. The drive-through aisle will be made of concrete and will be constructed to accommodate a minimum of eight cars.
- D. Properties located to the north and south of the Project Site include other one-story commercial buildings; west are South Atlantic Boulevard (a principal arterial street) and one-story commercial buildings; and east is an alleyway and single-family dwellings located at the top of hillside properties. The properties located to the north, south and west of the subject property are zoned S-C (Shopping Center) and those to the east are zoned R-1 (Single-Family Residential).
- E. A Traffic Impact Analysis dated December 2019 was prepared for the proposed Project. That Analysis showed that the proposed Project is forecast to result in no significant traffic impacts at the study intersections.
- F. The Project is located within a commercial area of the City that contains no environmentally sensitive habitat and/or species. There are no identified physical constraints such as soil and/or geologic conditions indicating substrate instability that would prohibit development of the proposed Project. The Project Site has no value as habitat for endangered, rare or threatened species; the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services.

SECTION 3: *Environmental Assessment.* Because of the facts identified in Section 2 of this Resolution, the Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15332 as a Class 32 categorical exemption (In-Fill Development Projects) because the Project site is located in an urban area and is an in-fill development. Construction of the proposed retail eating establishment with a drive-through

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will take place entirely upon the Project Site. The Project is proposed within City limits on a site of no more than five acres substantially surrounded by urban uses; the Project Site has no value as habitat for endangered, rare or threatened species; the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and the Project Site can be adequately served by all required utilities and public services. It can be seen with certainty that no special circumstances exist that would create a reasonable possibility that the proposed Project will have a significant adverse effect on the environment.

SECTION 4: Conditional Use Permit Findings. Based upon the findings in Section 2, the Planning Commission finds as follows pursuant to MPMC §§ 21.10.040(I) and 21.32.020(B):

- A. The Project complies with all MPMC requirements for a CUP.
 - 1. The project site is adequate in size, shape and topography for the proposed Project;
 - 2. The site has sufficient access to streets and highways and is adequate in width and pavement type;
 - 3. The proposed use is consistent with the General Plan, specifically Goal 5.0 and Policy 5.1. 4;
 - 4. The Project will not have an adverse effect on the use, enjoyment or valuation of property in the neighborhood;
 - 5. The proposed Project will not have an adverse effect on the public health, safety and general welfare; and
 - 6. The use is properly one authorized by conditional use permit pursuant to the MPMC.

- B. As conditioned by this Resolution and after an amendment to the MPMC, the proposed drive-through complies with all requirements set forth for a conditional use permit pursuant to MPMC § 21.10.040(I):
 - 1. The drive-through is an accessory to a proposed restaurant or commercial business;
 - 2. The proposed location of the drive-through is designated commercial in the City's General Plan and is not located in any area designated as MU-I in the General Plan Land Use Map;

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3. The pedestrian walkways will have clear visibility and will be emphasized by striping;
4. The drive-through aisle will be 12-foot width on curves and a minimum 11-foot width on straight sections;
5. The drive-through aisles will provide sufficient stacking area behind the menu boards to accommodate a minimum of six cars;
6. All service areas, restrooms and ground-mounted and roof-mounted mechanical equipment will be screened from view;
7. The proposed landscaping will screen drive-through or drive-in aisles from the public right-of-way and will be used to minimize the visual impact of reader board signs and directional signs;
8. The drive-through aisles will be constructed with concrete;
9. Following an amendment to the MPMC as required by Condition No. 6 in attached Exhibit A, the structure will be set back from the ultimate curb face a minimum of 28 feet, and the parking areas and drive-through aisles will be set back from the ultimate curb face a minimum of 15 feet.
10. The menu boards will be no more than 30 square feet and seven feet high, and will face away from the street;
11. No drive-through aisles will exit directly onto a public right-of-way; and
12. The architectural style of the drive-through will be consistent with the theme established in the vicinity and provide compatibility with surrounding uses in form, materials, colors and scale, among other things.

SECTION 5: *Approval.* Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the Planning Commission approves Conditional Use Permit (CU-19-13). Pursuant to Condition No. 6, the City may not issue a certificate of occupancy for the Project until the MPMC is amended to allow the setbacks proposed by the Project.

SECTION 6: *Reliance on Record.* Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

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SECTION 7: 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 8: 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.

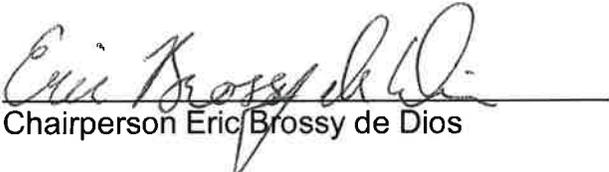
SECTION 9: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 10: A copy of this Resolution will be mailed to the Applicant and to any other person requesting a copy.

SECTION 11: This Resolution may be appealed within ten (10) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

SECTION 12: Except as provided in Section 11, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

ADOPTED AND APPROVED this 12th day of May 2020.


Chairperson Eric Brossy de Dios

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 12th day of May 2020, by the following vote of the Planning Commission:

AYES: Commissioners Choi, Amador, Lo, and Sam
NOES: Commissioner Brossy de Dios
ABSTAIN: None
ABSENT: None


Mark A. McAvoy, Secretary

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APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By: 
Natalie C. Karpeles,
Deputy City Attorney

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Exhibit A

CONDITIONS OF APPROVAL

1970 SOUTH ATLANTIC BOULEVARD

In addition to all applicable provisions of the Monterey Park Municipal Code (“MPMC”), Raising Cane’s agrees that it will comply with the following conditions for the City of Monterey Park’s approval of Conditional Use Permit (CU-19-13) (“Project Conditions”).

PLANNING:

1. Raising Cane’s (“Applicant”) 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 CU-19-13 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 CU-19-13, the Applicant agrees to defend the City (at the City’s request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section “the City” includes the City of Monterey Park’s elected officials, appointed officials, officers, and employees.
2. This approval is for the project as shown on the plans reviewed and approved by the Planning Commission and dated March 2, 2020. Before the City issues a building permit, the Applicant must submit building plans showing that the project substantially complies with the plans referenced in this Resolution. Any subsequent modification must be referred to the City Planner for a determination regarding the need for Planning Commission review and approval of the proposed modification.
3. The conditional use permit expires 12 months after its approval if the use has not commenced or if improvements are required, but construction has not commenced under a valid building permit. A single one-year extension may be granted by the Planning Commission upon finding of good cause.
4. All conditions of approval must be listed on the plans submitted for plan check and on the plans for which a building permit is issued.
5. Before building permits are issued, the applicant must obtain all the necessary approvals, licenses and permits and pay all the appropriate fees as required by the City.
6. Before the City issues a certificate of occupancy, the Applicant must comply with all applicable setback requirements set forth in the MPMC regulating drive-throughs.

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7. The real property subject to CU-19-13 must remain well-maintained and free of graffiti.
8. Building permits are required for any interior tenant improvements.
9. Landscaping/irrigation must be maintained in good condition at all times.
10. Landscaping for the project must be designed to comply with the MPMC's regulations governing efficient landscaping.
11. The business hours of operation will be from 9:00 a.m. to 1:00 a.m. Monday through Sunday.
12. The drive-through speaker systems must not be audible above the daytime and nighttime ambient noise levels beyond the property boundaries.
13. The drive-through component of the Project must comply with MPMC § 21.10.040(I). Specifically:
 - a. Any pedestrian walkways either will not intersect the drive-through drive aisles or, if they do, will have clear visibility and will be emphasized by enriched paving or striping;
 - b. The drive-through aisles must have a minimum 12-foot width on curves and a minimum 11-foot width on straight sections;
 - c. The drive-through aisles must provide sufficient stacking area behind the menu board to accommodate a minimum of six cars;
 - d. All service areas, restrooms and ground-mounted and roof-mounted mechanical equipment must be screened from view;
 - e. Landscaping will screen the drive-thru or drive-in aisles from the public right-of-way and minimize the visual impact of reader board signs and directional signs;
 - f. The drive-through aisles must be constructed with (PCC) concrete;
 - g. The parking areas, drive-through aisles and structure must be set back from the ultimate curb face as required by the MPMC;
 - h. Menu boards can be no more than 30 square feet, with a maximum height of seven feet, and must face away from the street;
 - i. The architectural style of the drive-through must be consistent with the theme established in the vicinity and provide compatibility with surrounding uses in form, materials, colors, and scale, among other things; and
 - j. The drive-through aisles will not exit directly onto a public right-of-way.

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ENGINEERING:

14. To minimize sediment intrusion from the adjacent slope into the public alley, a curb or slough wall of sufficient height must be constructed along the eastern edge of the southerly portion of the public alley. The curb must be shown on the grading and drainage plan, and is subject to approval by the City Engineer.
15. Under the Los Angeles County Municipal Separate Storm Sewer System (MS4) Permit, issued under the National Pollutant Discharge Elimination System (NPDES) Program, the developer/owner is required to obtain a General Construction Storm Water Permit. This project will require the preparation of a Low Impact Development (LID) Plan; and a Storm Water Pollution Prevention Plan (SWPPP) if over an acre in size, including hydrology and hydraulic study/analysis required for their submittal. A preliminary/conceptual LID report and plan is requested as early as possible, to avoid impacts to the site plan should changes be required.
16. Upon approval of the LID and SWPPP, an electronic copy of the approved files, including site drawings, must be submitted to the City Engineer before the City issues a building or grading permit.
17. The property drainage must be designed so that the property drains to an approved device(s) and/or the public street unless otherwise approved by the City Engineer.
18. Sizing of water infrastructure is subject to the submittal of water system calculations that include domestic and fire system demand sizing. Installation of water services for irrigation, domestic, and fire service within the public right of way must be accomplished at permittee's cost.
19. The permittee must adjust the Project Site's lot lines, either by a lot line adjustment or lot merger, to avoid constructing structures over property lines in compliance with the California Building Code, as adopted by the MPMC.
20. The adjacent public alley is in poor, deteriorated condition, and will need to be resurfaced, to the satisfaction of the City Engineer, before a certificate of occupancy is issued for the project.
21. Grading and drainage plan(s) must be submitted with the first building permit plan check submittal and must address drainage of the adjacent public alley in a manner satisfactory to the City Engineer.

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22. All improvement plans, including grading plan(s), must be based upon City approved data; benchmark data are available from the Public Works Department's Engineering Division.
23. 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.*). Applicant is informed that it may protest DIFs in accordance with Government Code § 66020.
24. A utility plan must be approved by the City Engineer before the City issues grading permits.
25. Any abandoned driveways will need to be removed and replaced with a new curb, gutter, and sidewalk. Any damaged, out of grade, deteriorated or obsolete frontage improvements will need to be repaired to the satisfaction of the City Engineer, before a certificate of occupancy is issued.
26. A traffic management plan must be submitted to the City Engineer, detailing the manner in which the project will manage and control onsite traffic during peak operating hours, primarily how potential extended drive-through queuing will be managed to avoid impacts to South Atlantic Boulevard and adjacent properties that abut the public alley. The format of the plan is subject to approval by the City Engineer, and the plan must be approved before the City issues a certificate of occupancy.

FIRE:

27. A fire permit must be obtained from the Fire Department before engaging in activities, operations, practices or functions as indicated in the California Fire Code (CFC) per §§ 105.6 and 105.7.
28. Fire protection, including fire apparatus access roads and water supplies for fire hydrant must be installed and made serviceable before and during the time of construction, per CFC § 501.4.
29. Provide an approved automatic fire sprinkler system and fire alarm as set forth by Fire Code §§ 903 and 907 for the new structure. This may be submitted to the Fire Official as a deferred submittal.
30. Provide an approved kitchen automatic extinguishing system as set forth by the CFC § 904. This may be submitted to the Fire Official as a deferred submittal.

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- 31. Provide an approved carbon dioxide alarm system per Fire Code § 908.7. This may be submitted to the Fire Official as a deferred submittal.
- 32. Provide approved signs or other approved notices or markings that include the words NO PARKING – FIRE LANE. Signs must be provided for fire apparatus access roads, to clearly indicate the entrance to such road, or prohibit the obstruction thereof, as required by the Fire Inspector, per CFC § 501.4.

Fire Flow:

- 33. The minimum fire flow required must comply with the current adopted edition of the CFC Appendix B.
- 34. Pursuant to the plans date stamped March 2, 2020, the required fire flow for the new structure is 1,500 gallons per minutes (gpm) at 20 pounds per square inch (psi) for a minimum of 2-hour duration.
- 35. The City must provide a will serve letter confirming that it can accommodate the required water flow.

Fire Hydrant Installation

- 36. Before combustible construction on any parcel, a fire hydrant capable of providing 1,000 gpm at 20 psi must be installed and in service along the access road/driveway at a location approved by the Fire Code Official, but no further than 250 feet from the construction. The owner of the combustible construction is responsible for the cost of this installation.

Fire Flow Verification

- 37. Per CFC Appendix C, a minimum of one fire hydrant must be provided within 250 feet of new structure. Show locations of all existing and/or new hydrants on Site Plan.
- 38. Portable fire extinguishers must be installed on all floors, per CFC § 906.1.
- 39. The review of any revised plans will be subject to an additional plan-check fee in an amount approved in the Master Schedule of Fees and Charges.

POLICE:

- 40. The permittee must submit plans to the Police Chief, or designee, demonstrating that the Project has adequate exterior lighting. The Police Chief, or designee, must

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approve the location and light intensity before the City issues a certificate of occupancy.

41. All major common areas of the locations, including all parking areas must be covered by security video cameras. All security cameras must operate 24-hours a day, seven days a week. All cameras must record onto a recording medium and all recordings must be maintained in a secure and locked enclosure. Security video cameras must be installed at all the entrances/exits and must be positioned to capture the faces of people entering and exiting. All recordings must be maintained for a minimum of 30 days. All recordings must be made readily available for any law enforcement official who requests the recording(s) for official purposes. If the Chief of Police determines that there is a necessity to have additional cameras installed, the management must comply with the request within seven days. Also, access to all security video cameras must be made available to the Police Department, via the internet, by providing the IP address for all cameras. The Chief of Police can also require a change in the position of the video cameras if it is determined that the position of the camera does not meet security needs. The management must comply with the request within seven days.
42. An alarm system must be installed at the main entrance and exits to the business. The alarm system will be a deterrent to criminal activity, and allow notification of the police and security in the event of any such attempt. Contact the Monterey Park Police Department Community Relations Bureau at (626) 307-1215 for additional information and alarm permits.
43. One licensed, insured, and bonded security guard in the parking lot between 10:00 p.m. to closing, subject to the review and approval of the Police Chief.
44. Access to the roof of the buildings will be locked and secured. Access of the roof will be restricted to maintenance personnel, building management, or other authorized personnel.
45. The shrubbery on the property must be installed and maintained in such condition as to not restrict visibility from the street or easily conceal persons.

MISCELLANEOUS:

46. Signage and/or striping must be installed as necessary to prohibit vehicular traffic exiting the driveway onto Atlantic Blvd from left-turn movements, to the satisfaction of the City Engineer, before a certificate of occupancy is issued for the project.
47. The volume of the speaker boxes are to be turned down after 10:00 P.M. each night.

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48.A Noise Mitigation Plan, submitted by the Applicant, must be approved by the City Planner, before a certificate of occupancy will be issued.

By signing this document, Kristen Roberts, on behalf of Raising Cane's, certifies that the Applicant read, understood, and agrees to the Project Conditions listed in this document.

Bryan Brown

6/3/2020

Bryan Brown, on behalf of Raising Canes, Applicant

ATTACHMENT 4

Planning Commission Minutes May 12, 2020

**UNOFFICIAL MINUTES
MONTEREY PARK PLANNING COMMISSION
REGULAR MEETING
MAY 12, 2020**

The Planning Commission of the City of Monterey Park held a regular meeting of the Board in the Council Chambers, located at 320 West Newmark Avenue in the City of Monterey Park, Tuesday, May 12, 2020 at 7:00 p.m.

CALL TO ORDER:

Chairperson Eric Brossy de Dios called the Planning Commission meeting to order at 7:00 p.m.

ROLL CALL:

Senior Planner Tewasart called the roll:

Board Members Present: Eric Brossy De Dios, Ricky Choi, Theresa Amador, Tammy Sam, and Dr. Kevin Lo

Board Members Absent: None

ALSO PRESENT: Natalie C. Karpeles, Deputy City Attorney, Mark A. McAvoy, Public Works Director/City Engineer/City Planner, and Samantha Tewasart, Senior Planner

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS: None

ORAL AND WRITTEN COMMUNICATIONS:

[1.] **PRESENTATIONS:** Swearing in of new Commissioners

[2.] **CONSENT CALENDAR:** None

2-A APPROVAL OF MINUTES

October 8, 2019

Action Taken: The Planning Commission approved the minutes from the regular meeting of October 8, 2019

Motion: Moved by Member Amador and seconded by Member Choi, motion carried by the following vote:

Ayes: Commissioners: Brossy de Dios, Choi, and Amador

Noes: Commissioners: None

Absent: Commissioners: None

Abstain: Commissioners: Sam and Lo

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

October 22, 2019

Action Taken: The Planning Commission approved the minutes from the regular meeting of October 22, 2019

Motion: Moved by Member Amador and seconded by Member Choi, motion carried by the following vote:

Ayes: Commissioners: Brossy de Dios, Choi, and Amador
Noes: Commissioners: None
Absent: Commissioners: None
Abstain: Commissioners: Sam and Lo

November 12, 2019

Action Taken: The Planning Commission approved the minutes from the regular meeting of November 12, 2019

Motion: Moved by Member Robinson and seconded by Member Salazar, motion carried by the following vote:

Ayes: Commissioners: Brossy de Dios, Choi, and Amador
Noes: Commissioners: None
Absent: Commissioners: None
Abstain: Commissioners: Sam and Lo

March 10, 2020

Action Taken: The Planning Commission approved the minutes from the regular meeting of March 10, 2020

Motion: Moved by Member Brossy de Dios and seconded by Member Amador, motion carried by the following vote:

Ayes: Commissioners: Brossy de Dios, Choi, and Amador
Noes: Commissioners: None
Absent: Commissioners: None
Abstain: Commissioners: Sam and Lo

[3.] PUBLIC HEARING:

3-A. RESOLUTION ESTABLISHING PROCEDURAL RULES FOR CONDUCTING PLANNING COMMISSION MEETINGS

Planner Tewart provided a brief summary of the staff report.

Chairperson Brossy de Dios closed the public hearing.

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

Speaker Gina Casillas stated that she opposes the rules for conducting the Planning Commission meeting. The rules are not consistent with the Public Resources Division 13. An opposition letter was provided to the Planning Commission.

Speaker Teresa Real Sebastian stated to consider for item 5.2 give warning first, item 7.3 participants are not required to give address, item 8.5 typo sentence structure, and item 8.7 deleted a substitute motion, need to analyze the items more. She inquired if this is in-lieu or changing procedurally how to conduct a meeting.

Speaker Raphael Casillas stated that it limits free speech; item 7.3 is vague and ambiguous; and inquired about rule 6.

Chairperson Brossy de Dios closed the public hearing.

Commissioner Amador asked the Deputy City Attorney to clarify some of the points that were brought up by the community speakers for clarification.

Attorney Karpeles stated that the rules of procedure before the Planning Commission are modeled after the rules of parliamentary procedures and also Rosenberg's Rule of Order, which superseded Robert's Rule of Order. These rules of procedure are also second to the Brown Act. The Brown Act will supersede any conflicting provisions and it is meant to be in tandem with the government code and what the Brown Act requires for public meetings. The rules of procedure have been taken from what the Brown Act, which has been codified by the government code, to provide for open meetings and public meetings in terms of transparency and those requirements.

Commissioner Sam stated that the Commission received an email stating that the project is not exempt from CEQA. Attorney Karpeles replied that this item is not a project as defined under CEQA and therefore is not subject review.

Chairperson Brossy de Dios stated that in the past three years there has not been previous protocol set to a vote to the Commission and inquired if there is a previous set of protocol that have been put in place. Attorney Karpeles replied that while the City Council has similar procedural rules which were last updated in 2013. The procedural rules that govern the City Council do not cover meetings held by a planning body and the municipal code allows the Planning Commission to adopt its own set of rules. The proposed procedures can be modified based on the deliberations of the Planning Commission, but they are meant to act as a format for these meetings secondary to the Brown Act.

Commissioner Lo inquired about the protocol from before. Chairperson Brossy de Dios replied not written as such. It was conducted by tradition, reference to Rosenberg's Rule of Order, and advice from legal Council in matters of parliamentary deliberation when necessary.

Action Taken: Motion to adopt **Resolution No. 02-20** approving establishment of procedural rules for conducting Planning Commission Meetings.

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

Motion: Moved, by Commissioner Amador and seconded by Commissioner Choi, motion failed by the following vote:

Ayes: Commissioners: Brossy de Dios, Choi, Amador, Lo, and Sam
Noes: Commissioners: None
Absent: Commissioners: None
Abstain: Commissioners: None

3-B. NOMINATING AND VOTING TO SELECT A CHAIR AND VICE-CHAIR PURSUANT TO MONTEREY PARK MUNICIPAL CODE § 2.82.080

Action Taken: The Planning Commission (1) appointed Commissioner Eric Brossy de Dios as the Chair pursuant to Monterey Park Municipal Code (MPMC) § 2.78.030; and (2) took additional, related, action that may be desirable.

Motion: Moved by Commissioner Lo and seconded by Commissioner, motion carried by the following vote:

Ayes: Commissioners: Brossy de Dios, Choi, Amador, Sam and Lo
Noes: Commissioners: None
Absent: Commissioners: None
Abstain: Commissioners: None

Action Taken: The Planning Commission (1) appointed Commissioner Ricky Choi as the Vice-Chair pursuant to Monterey Park Municipal Code (MPMC) § 2.78.030; and (2) took additional, related, action that may be desirable.

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

Ayes: Commissioners: Brossy de Dios, Choi, Amador, Sam and Lo
Noes: Commissioners: None
Absent: Commissioners: None
Abstain: Commissioners: None

4-A. CONDITIONAL USE PERMIT (CU-19-13) TO ALLOW THE CONSTRUCTION OF A NEW RETAIL EATING ESTABLISHMENT WITH A DRIVE-THROUGH IN THE S-C (SHOPPING CENTER) ZONE – 1970 SOUTH ATLANTIC BOULEVARD

Planner Tewart provided a brief summary of the staff report.

Chairperson Brossy de Dios inquired why the item was being brought back to the Commission after consideration on March 10th. Attorney Karpeles replied that on March 10th it was a quorum of the Commission to consider the project, because three affirmative votes are required of the Commission and the motion to approve the resolution failed two to one. Pursuant to the City's codes a resolution of denial should have been brought back to the Commission for consideration and the resolution of denial would have confirmed the Commission's decision regarding this project. However, on March 11th a local emergency

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was declared in the City and nonessential activities were canceled and certain deadlines were toll. On March 12th when the applicant filed their appeal, the appeal was premature because no resolution of denial had been approved by the Commission. Following the March 12th date, there were three City Council meetings, no Planning Commission meetings were held and the three Council meetings that there held included emergency related COVID-19 issues, certifying election results, and paneling a new City Council. The Planning Commission appointments did not conclude until May 7th. Under normal circumstances and processes, the deadline that are outlined in the municipal code would have ensured that there was due process and that the applicant's due process rights were preserved, which includes the ability to challenge an unfavorable decision. However, in light of the current circumstances and the fact that all these deadlines had passed, the applicant requested a new hearing. There is no resolution of denial on file and any event such a resolution would have brought this project before the Commission again. So all things considered, in order to ensure that due process is preserved, a rehearing before the Commission is considered appropriate.

Chairperson Brossy de Dios stated that even though the public hearing was close in the previous meeting and there was a vote, because there was no resolution of denial issued, the applicant has a right to resubmit and have it reconsidered. Attorney Karpeles replied that that is a correct understanding, but it does not cover everything that was taken into consideration in order to bring this item back before the Commission. In addition to the fact that there was no resolution of denial, the COVID-19 issue coupled with the emergency declaration in the City and the fact that the Commission had not been fully appointed. All these things were taken into consideration. Under normal circumstances, if there was no COVID, under normal circumstances what would have happened would have been the motion failed, a resolution of denial would have been brought back and the Commission would have held a public hearing on the resolution of denial. At that point, the Commission could have approved, denied, or modified the resolution of denial. But we are operating under unusual circumstances, so that is what brought us here today.

Commissioner Choi inquired if this Commission should have considered a resolution of denial. Attorney Karpeles replied that the applicant would have still had the opportunity to appeal. The item that we are trying to protect is the original due process. All things considered whatever happens at the outcome of this meeting, the applicant or any aggrieved party depending on the resolution can ultimately appeal to the City Council.

Commissioner Choi inquired why a traffic management plan was not asked to be produced before the conditional use permit. Director McAvoy replied that the inclusion of the condition was to be abundantly cautious. The traffic report was reviewed by engineering staff and there was no exception to the traffic report. However, it is possible that when the business opens it would be popular and have some periods where even thought the maximum queue is accommodated on-site and does not impact Atlantic Boulevard, based on past experiences the condition would allow the applicant time to prepare something unique to the site. It was not necessary to have it before consideration because their traffic report does show that they accommodate the proposed maximum queue. It would be more of in the event that management would be required there would be something in place.

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Commissioner Choi stated that it could alleviate some of the concerns if that document was available.

Commissioner Lo inquired about the procedure to amend the code. Director McAvoy replied that the process would be a text amendment that staff would be bringing to the Commission. Staff is currently working with the City Attorney's Office on such an amendment for a few different items, such as setbacks, parking, and traffic standards. There are a few minor items that come up with most projects that we are working through, so based on that staff felt it appropriate to condition this project to be consider by the Commission and the estimated timeframe for that is this summer. Attorney Karpeles added that it would come in the form of a resolution showing the proposed language and will be deliberated on and changes can be proposed.

Commissioner Lo inquired if the changes that were to come even before the proposed project. Director McAvoy replied that the reason why it has not come is because staff was working on updating the General Plan land use element, which was approved by the City Council in December and placed on the ballot because it requires voter ratification. The ballot measure was not approved. However, had the land use element been approved it would have also required some additional changes to the zoning code, so staff held off on these minor text amendments just in case that land use element was approved. The idea was not to do it twice. Since the ballot measure was not approved, staff will be moving forward with the minor text amendments. These were considered by staff prior because as most projects in our built-out city come through staff review there are some common items that are barriers to redevelopment of existing smaller sites, including setbacks, parking standards and others, which will be moved forward shortly.

Commissioner Lo inquired why the setback is exactly 25 feet. Director McAvoy replied exactly. The standard for setbacks can be a bit arbitrary. There are requirements that go hand-in-hand. Setbacks are often related to safety, lot coverage for landscaping, floor area ratio, or to provide a buffer against adjacent uses that may be different in nature. There are a lot of considerations regarding setbacks. There isn't in the municipal code a lot of flexibility for staff to look at each setback a little differently, so a setback in this location may not make as much sense to have a setback in relations to Atlantic Boulevard or a wide sidewalk and parkway area as oppose to if this was adjacent to something else. So, those standards will be brought back for consideration.

Commissioner Choi inquired about the timeline. Director McAvoy replied July or August because staff has been working on this and there specific areas, setbacks and on-site parking standards. Otherwise, the conditions would not have been written the way it is and it will have to go to the City Council.

Chairperson Brossy de Dios inquired if there have been any substantial modifications to the application since the previous hearing. Planner Tewasart replied no.

Commissioner Choi inquired why a variance option was not entertained. Director McAvoy replied that that question did come up at the last Planning Commission meeting. Variances are taken seriously because they do run with the land and knowing that there would be text

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amendments being proposed because of how the industry is changing and the applications that were being received, a variance option was not elected. Attorney Karpeles replied that a variance application is up to the discretion of the applicant and the applicant elected to undergo this separate process whereby there is a condition of a text amendment.

Commissioner Lo inquired if it would be quicker to apply for a variance. Attorney Karpeles replied not necessarily, the requirements for the granting of a variance is very technical.

Chairperson Brossy de Dios opened the public hearing.

Applicant, Kristen Roberts, 6800 Bishop Road, Plano, Texas 75024, provided a brief presentation and was available for questions.

Commissioner Sam inquired about the stacking study and numbers on the plans. The alleyway may realistically become an extension of the stacking, which may not be a terrible thing if this portion will only be used by the business. Engineer John Pollock with Kimley-Horn replied that technically the site can be accessed via the alley and frontage driveway on Atlantic. The cars shown on the site plan are not to scale with the spacing. The capacity of the queuing is based off of the total length which is 370 feet, which is at 22-foot spacing per car would accommodate what would roughly equate to 17 cars. The site plan does not quite have the cars to the 22-foot scale. The 29 trips are generated in the peak PM based off the ITE numbers, which is the required way to arrive at those numbers per the City's traffic study requirements. That is based off a table for restaurant drive-through use. The Laguna Hills, Orange and Riverside numbers were for the queuing and hard empirical counts were taken for the queuing.

Commissioner Sam inquired about the operating hours and comparables. Engineer Pollock replied that the queuing intervals that were taken were identified as peak windows at those locations. Applicant Roberts stated that all the restaurants have similar operating hours. Engineer Pollock stated that the level of service of E that was identified was for the alleyway heading westbound out of the alleyway to get onto Atlantic just to the south of the site and the reason for that delay is because that is looking at cars trying to wait to make a left trying to get across traffic. It is not the direct effect of actual traffic trying to get onto the streets.

Commissioner Sam inquired if a left is allowed there and recommended a right-turn only to prevent accidents and backups. Commissioner Sam inquired about sound, safety, and lighting. Applicant Roberts replied that the Police Department added a condition to require on-site security, the speakers will be turned down after a certain time, and the lighting will comply with city standards.

Commissioner Sam inquired if the EV space will be electrified. Engineer Pollock replied that per the current building code the conduit will be ran for the future installation, but the charging station will not be installed at this time. Director McAvoy stated that the project as submitted complies with the building code, as the applicant stated it requires a spot to be provided and a potential to charge it. Commissioner Sam stated that Cal Greens does not require a charger, but there are a lot of electric drivers in the city and it can be a great draw

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to the business while customers are eating. Applicant Roberts stated that it will not be an issue to provide a charger and will check with their engineer. Commissioner Sam stated that there are rebates available and there may be no cost to the installer.

Commissioner Amador inquired if some considerations can be given to the hours of operation on Fridays and Saturdays, perhaps making it consistent with the other days of the week from 9:00 to 1:00. Applicant Roberts replied that that is acceptable, seven days a week. Commissioner Amador stated that she agreed with the right-turn only. Engineer Pollock replied that they are open to that suggestion for the site.

Planner Tewasart stated that 2 written correspondences were received in support and 14 written correspondences were received in opposition and those have been provided to the Commission to review and consider.

Speaker Gina Casillas spoke in opposition to the project and submitted a written opposition letter that was provided to the Commission.

Speaker Teresa Real Sebastian spoke in opposition to the project due to concerns about the location being next to single-family homes and not in a shopping center.

Speaker Raphael Casillas spoke in opposition to the project and submitted a written opposition letter that was provided to the Commission

Speaker Alexandro Acevedo spoke in opposition to the project due to concerns about the traffic.

Speaker Scott Dumke spoke in opposition to the project due to concerns about traffic, health, and food options.

Speaker Heidi Dumke, spoke in opposition to the project and for the Commission to consider the needs of the community and not a business proposal coming from out of state by a corporation and expressed concerns about the location.

Chairperson Brossy de Dios closed the public hearing.

Commissioner Sam inquired about the fire lane. Director McAvoy replied that this project was reviewed by every department in the city, including the Fire Department and conditions were provided and the Fire Department's conditions were included. Conditions number 27 through 32 and that was not listed as a concern of the Fire Department. Commissioner Sam inquired if there is an alternative fire lane. Director McAvoy replied that the Fire Department when they review a project they review it against the adopted fire code and the fire code provides requirements regarding hydrant spacing and location. As long as they have access to a hydrant they run their hose in fighting a fire along a slope. While they send out an annual requirement to clear the brush to help lower fire risk they don't necessarily park in the alley to fight a fire. They fight it from wherever they need to station which along Atlantic Boulevard you would have the fire hydrants that they would be using and running their hoses. The alley itself would not be their primary operations. They would

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fight from above from Bradshawe or from below off of Atlantic or within the alley wherever they would approach it. They did review the project and provided their comments.

Commissioner Amador inquired about condition number 32 regarding a fire lane. Director McAvoy replied that the fire department includes comments on proposals and that is a standard comment that they include where they require fire lanes to be marked. The alleyway was not designated by the fire department in their review as a fire lane for this project because of the narrowness of this site. In a typical commercial site you wouldn't generally have an alleyway in the back, so the fire fighting would occur from Atlantic Boulevard. When a site is deep enough, the fire department will call out on a site plan to have a fire lane in the rear of a building and this can be seen at the Market Place development. In this location, with the shallowness of the site it would not be required. Condition number 32 would not be applicable to the alleyway, but it is general language that they would include when you have a fire lane you would have to provide approved signs and include markings that say no parking.

Commissioner Amador inquired that several of the public speakers raised certain comments and if what the Commission approves is in compliance with all references they made to the legalese. Attorney Karpeles replied that the way the resolution is drafted and the evidence relied upon in preparation for the resolution have all been derived from the municipal code and has been reviewed the City Attorney's Office.

Commissioner Sam stated that noise and circulation should be further analyzed and a better vehicular circulation path.

Commissioner Lo stated that he is in agreement with the operating hours being a little too late and there should be a restricted right-turn only.

Commissioner Amador inquired if there are restrooms for the public or just for staff. Applicant Roberts replied for both. Commissioner Amador commended the applicant for being amenable to adjusting their hours.

Commissioner Choi stated that the property has been vacant for many years and there are a lot of vacancies in the property to the south. With the current pandemic, the way people eat will be changing. The city is built-out there are not many parcels for a drive-through. Commissioner Choi recommended adding a condition regarding the right-turn only. Commissioner Choi inquired about the existing noise environment on South Atlantic. Attorney Karpeles replied that before the Planning Commission is a quasi-judicial decision regarding approval of a conditional use permit. In order to approve a conditional use permit, findings must be made that are based on substantial evidence in the record and once that substantial evidence is applied, it is applied to particular sections of the municipal code. In this case the sections that govern conditional use permits generally and the section that covers drive-throughs. With regards to noise, there is a condition in the conditions of approval that states that any aspects that trigger noise for instance must be in compliance with the city's codes. There was some discussion regarding testing of noise and mitigation of noise. All of that and these decisions to do these additional tests are fact based.

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Planner Tewasart replied that the city has noise regulation standards within chapter 9.53 regarding the limits. All businesses, not just this application are required to comply with the limits. Commissioner Sam inquired about the consequences for a violation. Attorney Karpeles replied that generally speaking it would depend on the severity of the violation of the municipal code and who is responsible, if it is the property owner or a third party and if the violation is a public nuisance. If it does not affect the public generally then it can be dealt with as a private matter, but the timing would all depend on when the city received the violation and the severity of the violation. Commissioner Amador inquired if a condition can be included to quote the code. Attorney Karpeles replied that the noise standards are measured from the median ambient noise level. If the allowable noise levels are less than the ambient noise levels for that area then they do not apply. The greater noise will be considered the ambient noise level for that area.

Commissioner Choi inquired if there are noise insulation standards in place for residential buildings constructed near existing major thoroughfares such as Atlantic Boulevard. Planner Tewasart replied that residential dwelling units are constructed according to building and safety and fire codes. There is not a specific requirement that being adjacent to major arterial requires a building to be constructed a certain way. Commissioner Sam stated that generally if there is a noise concern a row of trees or a wall can be added. Attorney Karpeles stated that if the applicant is amenable, the Commission can add a condition requiring the applicant to submit a noise mitigation plan to the Director that meets the municipal code requirements before the city will issue a building permit. Commissioner Sam stated that that will work with the machinery that are specified for the project and will ultimately be used, including the speaker box and roof mounted equipment.

Commissioner Choi recommended adding a condition that the speaker box will be turned down at 10 p.m. Commissioner Choi stated that in terms of hours of operation, it looks like the other locations in the area, Pico Rivera, Downey, Lakewood, Azusa their hours are to 3:30 a.m. Thursday through Saturday. Commissioner Choi inquired about the existing drive-through establishments in that corridor of South Atlantic, which are also adjacent to residential properties and have been in business for decades and if any noise complaints have been received. Planner Tewasart replied not that staff is aware of.

Chairperson Brossy de Dios stated that his comments were fairly well documented in the minutes for the previous meeting. His primary concern on this project is the fact that the Commission is being asked to approve an application in conflict with the existing setback codes for this kind of project in this particular zone and the amendment are forthcoming but they do not currently exist. Conditioning an approval on something that is speculative is not an appropriate action for this Commission to take. He appreciates the effort to develop a property that has been vacant for a long time, but seems like this particular application is fraught with some difficulties there. The other concern is regarding the drive-through space which terminates within what appears to be a single car length of the exit aisle. Based on what is indicated on the dimensions indicated on the site plan and the reduced setback that is being requested for the parking and drive-through lane, it places the exit of that lane in direct conflict with a car that is waiting to exit the driveway. It appears that it would only take one or two cars in queue to completely block that lane if somebody is waiting to make a

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turn. Conditioning that to a right-turn only exit would help, but given the amount of traffic backup that is found at the northbound light at Brightwood it could take a couple of lights.

Action Taken: Motion to adopt **Resolution No. 01-20** approving Conditional Use Permit (CU-19-13) to allow a retail eating establishment with a drive-through in the S-C (Shopping Center) Zone approved, subject to added conditions including 1) requiring right-turn only out of the driveway, 2) speaker box to be turned down at 10 p.m., 3) hours of operation from 9:00 p.m. to 1:00 a.m. seven days a week, and 4) a noise mitigation plan to the Director meeting MPMC requirements before the City will issue a building permit.

Motion: Moved, by Commissioner Choi and seconded by Commissioner Amador, motion failed by the following vote:

Ayes: Commissioners: Choi, Amador, Sam, and Lo
Noes: Commissioners: Brossy de Dios
Absent: Commissioners: None
Abstain: Commissioners: None

[4.] OLD BUSINESS: None

[5.] NEW BUSINESS: None

[6.] COMMISSION COMMUNICATIONS AND MATTERS: None

[7.] STAFF COMMUNICATIONS AND MATTERS: None

ADJOURNMENT:

There being no further business for consideration, the Planning Commission meeting was adjourned at 10:08 p.m.

Next regular scheduled meeting on May 26, 2020 at 7:00 p.m. in the Council Chambers.

Mark A. McAvoy
Director of Public Works/City Engineer/City Planner

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ATTACHMENT 5

Resolution No. 12142, adopted on March 18, 2020

RESOLUTION NO. 12142

A RESOLUTION ADOPTED BY THE CITY COUNCIL FOR THE CITY OF MONTEREY PARK CONFIRMING THE EXISTENCE OF A LOCAL EMERGENCY.

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

SECTION 1: The City Council finds as follows:

- A. On or about March 11, 2020, the World Health Organization (“WHO”) declared the coronavirus identified as COVID-19 to be a pandemic: the worldwide spread of a new disease against which most people do not have immunity.
- B. The declaration by WHO on March 11, 2020 follows the Governor’s Proclamation of a State of Emergency on March 4, 2020. A copy of that Proclamation is attached as Exhibit “A.”
- C. COVID-19 Pandemic is causing extreme peril to the safety of persons and property.
- D. The dangers presented by the COVID-19 Pandemic caused the City Manager to proclaim the existence of a local emergency beginning on March 11, 2020 in accordance with the Monterey Park Municipal Code (“MPMC”) as specified in attached Exhibit “B” (“Declaration of Emergency”).
- E. Based upon information provided to the City Council by the City Manager including, without limitation, set forth in the staff report accompanying this Resolution, it is apparent that local resources are unable to completely cope with the effects of this emergency.

SECTION 2: The City Council has reviewed the state of the community and ratifies the City Manager’s Declaration of Emergency including, without limitation, the Emergency Policies and Procedures for Mass Gatherings.

SECTION 3: In accordance with MPMC Chapter 2.52, and applicable law, the City Council declares that due to COVID-19 Pandemic a local emergency exists within the City of Monterey Park’s territorial limits.

SECTION 4: The City Manager, as the Director of Emergency Services, is empowered to carry out all emergency powers conferred upon him/her as the Emergency Services Director by local and state laws, and by all other lawful authority, as may be necessary to protect life and property.

SECTION 5: During the existence of this local emergency, the powers, functions, and duties of the Emergency Services Director and the emergency organization of this City will be those prescribed by state law, by ordinance, and resolutions of this City approved by the City Council.

SECTION 6: Since local resources are unable to cope with the effects of this emergency, the City Council directs the Emergency Services Director to forward a copy of this resolution to the Governor of California with the request that he/she proclaim the City of Monterey Park to be in a state of emergency.

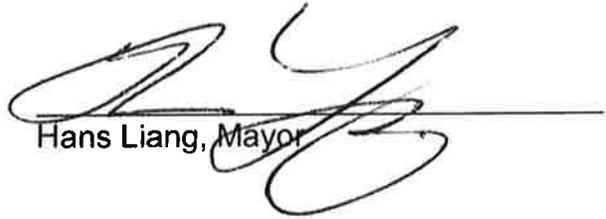
SECTION 7: Since local resources are unable to cope with the effects of this emergency, the City Council directs the Emergency Services Director to forward a copy of this resolution to the Governor of California and request that the Governor request a Presidential Declaration of Emergency from the President of the United States.

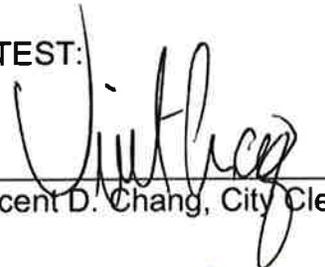
SECTION 8: The City Manager is designated as the authorized representative for public assistance and as the authorized representative for individual assistance of the City of Monterey Park for the purpose of receiving, processing, and coordinating all inquiries and requirements necessary to obtain available state and federal assistance.

SECTION 9: This local emergency will continue to exist until otherwise determined by City Council Resolution.

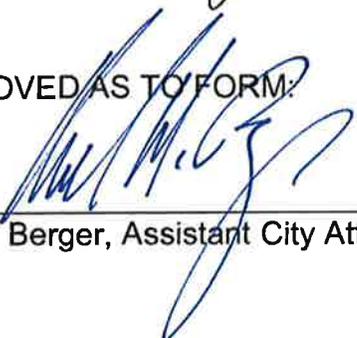
SECTION 10: This Resolution will take effect immediately upon adoption.

PASSED AND ADOPTED this 18th day of March, 2020.


Hans Liang, Mayor

ATTEST:


Vincent D. Chang, City Clerk

APPROVED AS TO FORM:


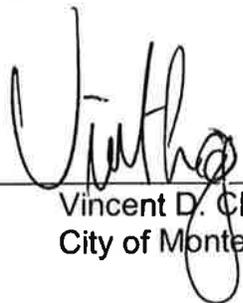
Karl H. Berger, Assistant City Attorney

State of California)
County of Los Angeles) ss.
City of Monterey Park)

I, Vincent D. Chang, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Resolution No. 12142 was duly and regularly adopted by the City Council of the City of Monterey Park at a special council meeting held on the 18th day of March, 2020, by the following vote:

Ayes:	Council Members: Chan, Real Sebastian, Ing, Liang
Noes:	Council Members: None
Absent:	Council Members: Lam
Abstain:	Council Members: None

Dated this 18th day of March, 2020.



Vincent D. Chang, City Clerk
City of Monterey Park, California

EXHIBIT A
Governor's Proclamation of a State of Emergency

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS in December 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19), was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, impacting more than 75 countries, including the United States; and

WHEREAS the State of California has been working in close collaboration with the national Centers for Disease Control and Prevention (CDC), with the United States Health and Human Services Agency, and with local health departments since December 2019 to monitor and plan for the potential spread of COVID-19 to the United States; and

WHEREAS on January 23, 2020, the CDC activated its Emergency Response System to provide ongoing support for the response to COVID-19 across the country; and

WHEREAS on January 24, 2020, the California Department of Public Health activated its Medical and Health Coordination Center and on March 2, 2020, the Office of Emergency Services activated the State Operations Center to support and guide state and local actions to preserve public health; and

WHEREAS the California Department of Public Health has been in regular communication with hospitals, clinics and other health providers and has provided guidance to health facilities and providers regarding COVID-19; and

WHEREAS as of March 4, 2020, across the globe, there are more than 94,000 confirmed cases of COVID-19, tragically resulting in more than 3,000 deaths worldwide; and

WHEREAS as of March 4, 2020, there are 129 confirmed cases of COVID-19 in the United States, including 53 in California, and more than 9,400 Californians across 49 counties are in home monitoring based on possible travel-based exposure to the virus, and officials expect the number of cases in California, the United States, and worldwide to increase; and

WHEREAS for more than a decade California has had a robust pandemic influenza plan, supported local governments in the development of local plans, and required that state and local plans be regularly updated and exercised; and

WHEREAS California has a strong federal, state and local public health and health care delivery system that has effectively responded to prior events including the H1N1 influenza virus in 2009, and most recently Ebola; and

WHEREAS experts anticipate that while a high percentage of individuals affected by COVID-19 will experience mild flu-like symptoms, some will have more serious symptoms and require hospitalization, particularly individuals who are elderly or already have underlying chronic health conditions; and

WHEREAS it is imperative to prepare for and respond to suspected or confirmed COVID-19 cases in California, to implement measures to mitigate the spread of COVID-19, and to prepare to respond to an increasing number of individuals requiring medical care and hospitalization; and

WHEREAS if COVID-19 spreads in California at a rate comparable to the rate of spread in other countries, the number of persons requiring medical care may exceed locally available resources, and controlling outbreaks minimizes the risk to the public, maintains the health and safety of the people of California, and limits the spread of infection in our communities and within the healthcare delivery system; and

WHEREAS personal protective equipment (PPE) is not necessary for use by the general population but appropriate PPE is one of the most effective ways to preserve and protect California's healthcare workforce at this critical time and to prevent the spread of COVID-19 broadly; and

WHEREAS state and local health departments must use all available preventative measures to combat the spread of COVID-19, which will require access to services, personnel, equipment, facilities, and other resources, potentially including resources beyond those currently available, to prepare for and respond to any potential cases and the spread of the virus; and

WHEREAS I find that conditions of Government Code section 8558(b), relating to the declaration of a State of Emergency, have been met; and

WHEREAS I find that the conditions caused by COVID-19 are likely to require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under the provisions of Government Code section 8625(c), I find that local authority is inadequate to cope with the threat posed by COVID-19; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in California.

IT IS HEREBY ORDERED THAT:

1. In preparing for and responding to COVID-19, all agencies of the state government use and employ state personnel, equipment, and facilities or perform any and all activities consistent with the direction of the Office of Emergency Services and the State Emergency Plan, as well as the California Department of Public Health and the Emergency Medical Services Authority. Also, all residents are to heed the advice of emergency officials with regard to this emergency in order to protect their safety.
2. As necessary to assist local governments and for the protection of public health, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services needed to assist in preparing for, containing, responding to, mitigating the effects of, and recovering from the spread of COVID-19. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of COVID-19.
3. Any out-of-state personnel, including, but not limited to, medical personnel, entering California to assist in preparing for, responding to, mitigating the effects of, and recovering from COVID-19 shall be permitted to provide services in the same manner as prescribed in Government Code section 179.5, with respect to licensing and certification. Permission for any such individual rendering service is subject to the approval of the Director of the Emergency Medical Services Authority for medical personnel and the Director of the Office of Emergency Services for non-medical personnel and shall be in effect for a period of time not to exceed the duration of this emergency.
4. The time limitation set forth in Penal Code section 396, subdivision (b), prohibiting price gouging in time of emergency is hereby waived as it relates to emergency supplies and medical supplies. These price gouging protections shall be in effect through September 4, 2020.
5. Any state-owned properties that the Office of Emergency Services determines are suitable for use to assist in preparing for, responding to, mitigating the effects of, or recovering from COVID-19 shall be made available to the Office of Emergency Services for this purpose, notwithstanding any state or local law that would restrict, delay, or otherwise inhibit such use.
6. Any fairgrounds that the Office of Emergency Services determines are suitable to assist in preparing for, responding to, mitigating the effects of, or recovering from COVID-19 shall be made available to the Office of Emergency Services pursuant to the Emergency Services Act, Government Code section 8589. The Office of Emergency Services shall notify the fairgrounds of the intended use and can immediately use the fairgrounds without the fairground board of directors' approval, and

notwithstanding any state or local law that would restrict, delay, or otherwise inhibit such use.

7. The 30-day time period in Health and Safety Code section 101080, within which a local governing authority must renew a local health emergency, is hereby waived for the duration of this statewide emergency. Any such local health emergency will remain in effect until each local governing authority terminates its respective local health emergency.
8. The 60-day time period in Government Code section 8630, within which local government authorities must renew a local emergency, is hereby waived for the duration of this statewide emergency. Any local emergency proclaimed will remain in effect until each local governing authority terminates its respective local emergency.
9. The Office of Emergency Services shall provide assistance to local governments that have demonstrated extraordinary or disproportionate impacts from COVID-19, if appropriate and necessary, under the authority of the California Disaster Assistance Act, Government Code section 8680 et seq., and California Code of Regulations, Title 19, section 2900 et seq.
10. To ensure hospitals and other health facilities are able to adequately treat patients legally isolated as a result of COVID-19, the Director of the California Department of Public Health may waive any of the licensing requirements of Chapter 2 of Division 2 of the Health and Safety Code and accompanying regulations with respect to any hospital or health facility identified in Health and Safety Code section 1250. Any waiver shall include alternative measures that, under the circumstances, will allow the facilities to treat legally isolated patients while protecting public health and safety. Any facilities being granted a waiver shall be established and operated in accordance with the facility's required disaster and mass casualty plan. Any waivers granted pursuant to this paragraph shall be posted on the Department's website.
11. To support consistent practices across California, state departments, in coordination with the Office of Emergency Services, shall provide updated and specific guidance relating to preventing and mitigating COVID-19 to schools, employers, employees, first responders and community care facilities by no later than March 10, 2020.
12. To promptly respond for the protection of public health, state entities are, notwithstanding any other state or local law, authorized to share relevant medical information, limited to the patient's underlying health conditions, age, current condition, date of exposure, and possible contact tracing, as necessary to address the effect of the COVID-19 outbreak with state, local, federal, and nongovernmental partners, with such information to be used for the limited purposes of monitoring, investigation and control, and treatment and coordination of care. The

notification requirement of Civil Code section 1798.24, subdivision (j), is suspended.

13. Notwithstanding Health and Safety Code sections 1797.52 and 1797.218, during the course of this emergency, any EMT-P licensees shall have the authority to transport patients to medical facilities other than acute care hospitals when approved by the California EMS Authority. In order to carry out this order, to the extent that the provisions of Health and Safety Code sections 1797.52 and 1797.218 may prohibit EMT-P licensees from transporting patients to facilities other than acute care hospitals, those statutes are hereby suspended until the termination of this State of Emergency.

14. The Department of Social Services may, to the extent the Department deems necessary to respond to the threat of COVID-19, waive any provisions of the Health and Safety Code or Welfare and Institutions Code, and accompanying regulations, interim licensing standards, or other written policies or procedures with respect to the use, licensing, or approval of facilities or homes within the Department's jurisdiction set forth in the California Community Care Facilities Act (Health and Safety Code section 1500 et seq.), the California Child Day Care Facilities Act (Health and Safety Code section 1596.70 et seq.), and the California Residential Care Facilities for the Elderly Act (Health and Safety Code section 1569 et seq.). Any waivers granted pursuant to this paragraph shall be posted on the Department's website.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this proclamation.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 4th day of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

EXHIBIT B
Declaration of Emergency
Emergency Policy & Procedure for Mass Gatherings
Under COVID-19 Emergency
Guidance on Preparing Workplaces for COVID-19



CITY OF MONTEREY PARK

City Manager's Office

DECLARATION OF EMERGENCY

The City Manager finds:

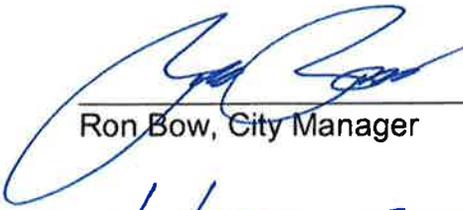
That conditions of extreme peril to the safety of persons and property have arisen within the City of Monterey Park, as a result of the coronavirus identified as COVID-19. On March 11, 2020, the World Health Organization ("WHO") declared COVID-19 to be a pandemic: the worldwide spread of a new disease against which most people do not have immunity.

The declaration by WHO on March 11, 2020 follows the Governor's Proclamation of a State of Emergency on March 4, 2020. A copy of that Proclamation is attached as Exhibit "A."

These conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency.

Accordingly, pursuant to Monterey Park Municipal Code § 2.52.060(a)(1), a local emergency is proclaimed to exist within the City of Monterey Park. This action will be taken to the City Council for conformation within seven days.

In light of upcoming "mass gatherings" planned within the City including, without limitation, City Council meetings scheduled for March 18, 2020, April 1, 2020, and April 15, 2020, I am implementing the procedures in attached Exhibit "B," which is incorporated by reference, as recommended by the California Department of Public Health on March 7, 2020. Additional emergency policies will be implemented, subject to ratification by the City Council, as they are recommended by federal, State, and local authorities including, without limitation, the Monterey Park Police and Fire Departments.



Ron Bow, City Manager

3/11/2020, 7:00 PM
Date/Time

EMERGENCY POLICY AND PROCEDURE

MASS GATHERINGS UNDER COVID-19 EMERGENCY

I. Purpose

This emergency policy and procedure (“EP&P”) is adopted pursuant to Monterey Park Municipal Code (“MPMC”) § 2.52.060(a)(6)(A) to protect public health and safety during “mass gatherings” as defined in this EP&P.

II. Definitions

Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this EP&P. Words and phrases undefined in this EP&P have the same meaning as set forth in applicable law.

“Administrative Emergency Declaration” means the administrative declaration of emergency signed by the City Manager on March 11, 2020 related to the COVID-19 pandemic.

“Essential Mass Gatherings” are those that are required by applicable law including, without limitation, City Council meetings.

“High Risk Persons” are those individuals with a higher risk of severe illness. Persons with higher risk of severe illness include individuals 59 years or older and individuals with underlying medical problems (including, without limitation, cardiovascular disease; diabetes; cancer; chronic lung disease; and immunosuppression).

“Mass Gatherings” are events, including public meetings held by the City’s legislative bodies, where large numbers of people are within an arm’s length of one another. These do not include typical office environments or stores. Mass Gatherings include both public and private events occurring at Public Facilities.

“Optional Mass Gathering” are all events other than essential mass gatherings. Such events may include, without limitation, private and public events held at Public Facilities for purposes of amusement, instruction, or other recreational activities.

“Public Facilities” include all City owned property where mass gatherings occur including, without limitation, City Hall, the Bruggemeyer Library, and the Langley Center.

III. Operational Requirements

A. Identification of Mass Gatherings

Every City Department director that may administer a mass gathering must, within five days of the Administrative Emergency Declaration, provide the City Manager with a list of mass

EMERGENCY POLICY AND PROCEDURE

MASS GATHERINGS UNDER COVID-19 EMERGENCY

gatherings anticipated or scheduled for the next 120 days. Every mass gathering must be categorized as either “essential” or “optional.”

B. Essential Mass Gatherings – Regulations

To protect public health and safety, every mass gathering identified as “essential” must comply with the following:

1. Regardless of the presumed cause, persons displaying respiratory symptoms (cough or runny nose) or fever are prohibited from attending the mass gathering.
2. Any High Risk Person including, without limitation, City personnel, should be discouraged from attending a mass gathering.
3. Persons who are known to have travelled within the previous 14 days to areas identified by the Centers for Disease Control (“CDC”) as having a Level 3 Travel Health Notice due to COVID-19 are prohibited from attending a mass gathering.
4. To the extent practicable, all mass gatherings must be equipped with hand washing facilities and supplies including hand sanitizer that contains at least 60% alcohol, tissues, and trash baskets.
5. Department Directors should ensure that Public Facilities used for mass gatherings are regularly cleaned with detergent and water followed by a disinfectant that is EPA-approved for emerging viral pathogens.
6. Any attendees at mass gatherings must be encouraged to minimize close contact (e.g., no hand shaking or hugging). Additionally, persons attending mass gatherings must be encouraged to separate themselves by 6 or more feet.
7. Department Directors must provide alternative options for attending the mass gathering via phone, video, or web applications to the extent practicable.

The Police Chief and Fire Chief, or designees, are authorized to enforce these regulations in accordance with the MPMC.

C. Optional Mass Gatherings – Procedures

1. For each optional mass gathering, the Department Director will recommend to the City Manager whether the mass gathering should be modified (e.g., conducted as a video webinar), canceled, or postponed.

EMERGENCY POLICY AND PROCEDURE

MASS GATHERINGS UNDER COVID-19 EMERGENCY

2. For optional mass gatherings that are primarily intended for – or attended – by Higher Risk Persons, the Department Director must generally cancel the mass gathering.

Under all circumstances for optional mass gatherings, the City Manager must determine whether the Department Director’s recommendation should be implemented or modified.

These EP&P are subject to ratification by the City Council. They will remain effective unless superseded by applicable federal or state law; or are terminated by the City Council or City Manager.

APPROVED:
City Manager



APPROVED AS TO FORM:
City Attorney



ATTACHMENT 6

Resolution No. 12151, adopted April 15, 2020

RESOLUTION NO. 12151

A RESOLUTION ADOPTED BY THE CITY COUNCIL FOR THE CITY OF MONTEREY PARK RATIFYING CERTAIN ACTIONS COMPLETED BY THE CITY MANAGER AND EXTENDING THE EXISTENCE OF A LOCAL EMERGENCY.

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

SECTION 1: The City Council finds as follows:

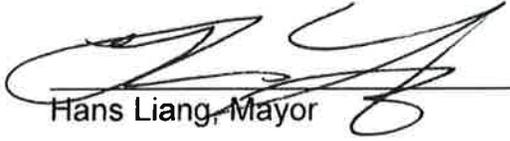
- A. On March 18, 2020, the City Council adopted Resolution No. 12142 which confirmed the existence of a local emergency related to the COVID-19 Pandemic (the "COVID-19 Pandemic").
- B. Section 4 of Resolution No. 12142 authorizes the City Manager to undertake all actions needed to preserve public health and safety in accordance with applicable law.
- C. Responses to the COVID-19 Pandemic have occurred on nearly a daily basis since March 11, 2020 which is when the City Manager declared a local emergency to exist. As a result, the City Manager has undertaken a number of actions as reflected in the attached Exhibit "A," which is incorporated by reference (the "Emergency Policies and Procedures" or "EP&P").
- D. Government Code § 8630 requires that the City Council review a local emergency at least once every 60 days. Based upon the verbal and written reports of the City Manager regarding the COVID-19 Pandemic, the City Council is satisfied that the local emergency will continue for the foreseeable future.

SECTION 2: The City Council reviewed the state of the community and continues to extend the COVID-19 Pandemic emergency. The EP&P are ratified and approved.

SECTION 3: This Resolution supplements Resolution No. 12142 and confirms the ongoing COVID-19 Pandemic emergency. This local emergency will continue to exist until otherwise determined by City Council Resolution.

SECTION 4: This Resolution will take effect immediately upon adoption.

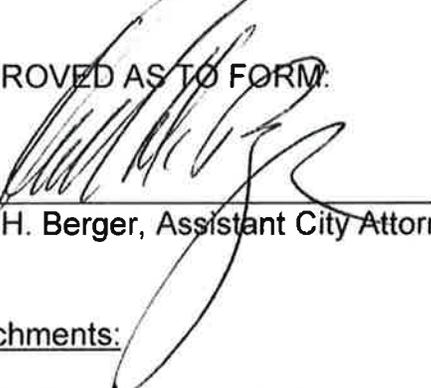
PASSED AND ADOPTED this 15th day of April, 2020.


Hans Liang, Mayor

ATTEST:


Vincent D. Chang, City Clerk

APPROVED AS TO FORM:


Karl H. Berger, Assistant City Attorney

Attachments:

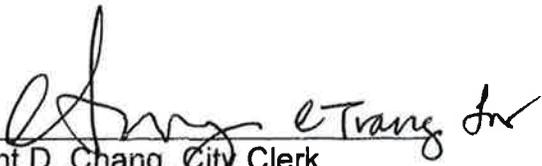
Exhibit A: Emergency Policies and Procedures

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

I, Vincent D. Chang, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Resolution No. 12151 was duly adopted by the City Council of the City of Monterey Park at a regular meeting held on the 15th of April 2020, by the following vote of the Council:

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

Dated this 15th day of April, 2020.


Vincent D. Chang, City Clerk
City of Monterey Park, California

EMERGENCY POLICIES AND PROCEDURES

MARCH 11 – APRIL 9, 2020

COVID-19 PANDEMIC

I. Purpose

These emergency policies and procedures (“EP&P”) were adopted pursuant to Monterey Park Municipal Code (“MPMC”) §§ 2.52.050 and 2.52.060; and Resolution No. 12142, adopted March 18, 2020 to protect public health, safety, and welfare including, without limitation, the health and safety of all City employees.

II. Definitions

Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this EP&P. Words and phrases undefined in this EP&P have the same meaning as set forth in applicable law.

“City Manager” means the Director of Emergency Services identified in MPMC § 2.52.050.

“COVID-19 Pandemic” means the local emergency identified by Resolution No. 12142.

“Fire Chief” means the Coordinator of Emergency Services identified in MPMC § 2.52.050.

“Police Chief” means the Assistant Director of Emergency Services identified in MPMC § 2.52.050.

III. Appointment of Assistant Director and Coordinator of Emergency Services

Pursuant to MPMC § 2.52.050, the City Manager appointed the Police Chief as Assistant Director of Emergency Services and the Fire Chief as Coordinator of Emergency Services on March 11, 2020.

IV. City Employees and Personnel Rules

The various temporary personnel rules implemented by this EP&P were promulgated during the COVID-19 Pandemic and are only intended to be in effect during the time of emergency. To the extent practicable, the City Manager, Police Chief, and Fire Chief met with representatives of employee bargaining units to discuss implementation of these temporary personnel rules. If these EP&P further require a meet and confer with bargaining units, those meetings will be held at the earliest practicable time pursuant to Government Code § 3504.5(b).

EMERGENCY POLICIES AND PROCEDURES

MARCH 11 – APRIL 9, 2020

COVID-19 PANDEMIC

V. Miscellaneous

The EP&P attached as Exhibit “A,” and incorporated by reference, are approved by the City Manager. These EP&P are listed in chronological order and describe their substantive effect. If required, these EP&P may be implemented, refined, revised, repealed, or otherwise amended by the City Manager, Police Chief, or Fire Chief in response to the ongoing COVID-19 Pandemic. Implementation of these EP&P may be reflected in separate documents issued by the Police Chief, Fire Chief, or other Department Directors.

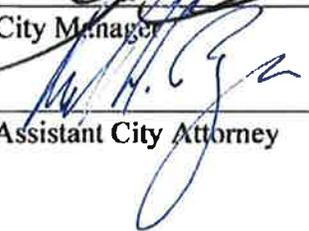
These EP&P are subject to ratification by the City Council in accordance with Resolution No. 12142 and MPMC § 2.52.060(a)(6)(A). They will remain effective unless superseded by applicable federal or state law; or are terminated by the City Council or City Manager.

APPROVED:



City Manager

APPROVED AS TO FORM:



Assistant City Attorney

Date: April 9, 2020

EXHIBIT A
Chronological EP&P

March 16:

- City Manager orders employees age 65+ to work from home.
- City Manager orders Help Desk established.
- City Manager orders City utilities to extending service without penalties and no late fees during emergency.
- City Manager cancels all April and May events.
- City Manager orders employees to use gloves when handling mail and establishes protocol for “cooling down” period on mail.

March 17:

- City Manager orders protocol for meal service to for seniors.

March 18:

- City Manager orders that all employee’s temperatures be taken as they arrive to work in the morning; if temperature, send home.

March 19:

- City Manager orders credit card policy change to allow customers to pay 100% of fees/rates by credit card.
- City Manager orders alternate work schedule for employees.
- Police Chief orders implementation of A & B shifts; schedule splitting 50% of workforce in each shift.
- City Manager orders increased janitorial services to include daily sanitizing.
- City Manager orders credit card limits increased to \$10,000 for Department Directors.

March 20:

- City Manager orders that only essential personnel gain access to City Hall. City Councilmembers and nonessential personnel are excluded.
- City Manager orders Department Directors to implement shift work emphasizing work in pairs and in field work in separate vehicles 6 and maintain feet separation.

- City Manager orders Department Directors to designate successor in the event of infection to ensure continuity of government.

March 25:

- City Manager orders all City parks closed including basketball courts.

March 26:

- City Manager orders all public projects for MPFD and MPPD to be placed on hold.
- City Manager orders Library to turn off Wi-Fi at 8:00 p.m. instead of 10:00 p.m. to avoid people loitering near the library.
- City Manager appoints Recreation and Community Services Director as Public Information Officer

March 27:

- City Manager orders street lights de-energized to help with closure of the parks.
- City Manager orders A-Frames set up at Edison Trails regarding closure.

March 30:

- Police Chief orders detectives to be placed on A & B shift.
- City Manager allows for donation of gloves/masks.

April 1:

- City Manager orders water barriers be delivered to Monterey Park hospital.

April 6:

- Police Chief orders MPPD employees to wear masks at City Hall and during calls for service/dealing with the public.
- Fire Chief orders decontamination of fire equipment.

April 7:

- City Manager orders Spirit Bus Operations be suspended on April 9, 2020.
- City Manager orders Weed Abatement proceedings held until further notice.
- City Manager orders execution of an emergency contract for sewer repair work at 518 W. Hellman Ave with GRBCON Inc. at the cost not to exceed \$7,496.00

April 8:

- City Manager orders face coverings at City Hall.

April 9:

- City Manager orders all public parking lots closed.
- City Manager orders execution of a contract amendment with Computer Service Company in the amount of \$29,950 for traffic signal maintenance work at the intersection of Garvey Ave/ Garfield Ave

ATTACHMENT B

July 1, 2020 Staff Report Addendum (Raising Cane's
Response to Appeal AP-20-01, in letter dated June
25, 2020 received from Cox, Castle & Nicholson LLP)



Cox, Castle & Nicholson LLP
2029 Century Park East, Suite 2100
Los Angeles, California 90067-3284
P: 310.284.2200 F: 310.284.2100

David P. Waite
310.284.2218
dwaite@coxcastle.com

File No. 85689

June 25, 2020

VIA E-MAIL

Members of the Monterey Park City Council
Monterey Park City Hall
320 West Newmark Avenue
Monterey Park, California 91754

hliang@montereypark.ca.gov
pchan@montereypark.ca.gov
fsornososo@montereypark.ca.gov
hlo@montereypark.ca.gov
yyiu@montereypark.ca.gov

Re: Raising Cane’s Response to Appeal AP-20-01 (Conditional Use Permit CU-19-13)

Dear Honorable Members of the Monterey Park City Council:

Our firm represents Raising Cane’s Restaurants, LLC (“Raising Cane’s”) in connection with its application for a Conditional Use Permit (“CUP”) to allow for the construction and operation of a restaurant at 1970 South Atlantic Boulevard, Monterey Park, California (the “Property”), which is currently a vacant lot. In its application (CU-19-13), Raising Cane’s seeks a CUP to construct a 1,790 square foot restaurant with a drive-through, a covered outdoor seating area, and 18 parking space on a 17,863 square foot lot (the “Project”). Raising Cane’s submitted the Project application on December 5, 2019. On May 12, 2020, Monterey Park (the “City”) Planning Commission conducted a public hearing and voted to approve the Project’s CUP application. On May 22, 2020, an appeal of that decision (the “Appeal”) was filed by Rafael and Gina Casillas (the “Appellants”). This correspondence addresses the contentions raised in the Appeal, all of which lack legal merit and factual support. **To remove any doubt as to the Project’s zoning consistency, we are respectfully requesting that the hearing on the Appeal be continued for a period of time sufficient for City Council to consider the pending zoning regulations, including reducing setback requirements for drive-through aisles on commercially zoned properties.**

1. Executive Summary

In their 49-page Appeal, Appellants have thrown the kitchen sink of arguments at the Planning Commission’s approval of the Project CUP. They advance one theory after another in

an attempt to sow doubt and confusion about the Project, the CUP approval, and the City's decision to exempt the Project from the California Environmental Quality Act ("CEQA"). Their theories are without any legal basis and are unsupported by evidence in the administrative record and as further set forth in this response to the Appeal.

The Project's CUP approval is robustly supported by substantial evidence. This evidence demonstrates that each of the required CUP findings can be made, that the Project will be fully consistent with all applicable zoning regulations, and that the Project is properly exempt from CEQA. Unless Appellants can successfully demonstrate that the Planning Commission acted without substantial evidence for its findings, the Project's CUP approval must be upheld. As addressed herein, Appellants cannot make such a showing, and their Appeal must be denied.

2. Planning Commission's May 12, 2020 approval of the Project's CUP was proper.

a. *The City followed proper procedure in its approval of the Project CUP.*

Appellants argue that the May 12, 2020 Planning Commission action granting the Project CUP is invalid (and illegal) because the Project was not entitled to a second hearing before the Planning Commission. Appellants summarize the process for appeals from the Planning Commission to City Council and suggest that the Project's second hearing in front of the Planning Commission was actually an appeal. This mischaracterizes the procedural posture by which the Project was approved by the Planning Commission.

On March 10, 2020, the Planning Commission took up the Project CUP application. The Planning Commission voted to approve the Project, with two votes to approve and one to deny. However, the California Government Code requires a majority vote of the total membership of the body to pass a resolution. In the case of the Monterey Park Planning Commission, this would require three affirmative votes. Because it only received two, the motion to approve the Project CUP did not pass. Pursuant to City Municipal Code section 21.32.100, the Planning Commission ordinarily has 40 days after the conclusion of a hearing to render a decision. During this period of time, a matter could come back to the Planning Commission for further deliberation and reconsideration.

Shortly after the March 10, 2020 Planning Commission meeting, the City (and the world) was turned upside due to the outbreak of the COVID-19 pandemic. For the next two months, cities around the world (including the City) worked to figure out how to stop the spread of the virus and how to keep their communities safe. Understandably, this meant that the City's Planning Commission actions on land use projects were put on hold. In response to the COVID-19 pandemic, the City declared a local emergency on March 11, 2020. Correspondingly, the City Manager tolled all deadlines for land use applications and cancelled all public events through the end of May. This action was later confirmed by City Council via Resolution No. 12151.

As discussed, under normal circumstances, a project applicant would have the opportunity to return to the Planning Commission for a formal decision on its application within 40 days of its hearing. For the Project, that would have required the Planning Commission to take up the item by April 19, 2020. This deadline was properly tolled pursuant to Resolution No. 12151. By early May, the City was ready to continue processing land use applications and scheduled the Project to be heard at the May 12, 2020 Planning Commission meeting. The Planning Commission timely re-heard the item on May 12, 2020 and voted to approve the Project CUP by a 5-0 vote.

Appellants claim that, “[p]er the Municipal Code” it was improper to have a second hearing on the Project’s CUP application. (Appeal, p. 16).¹ However they point to no specific code section that the Planning Commission’s action supposedly violates. Pursuant to City Municipal Code section 21.32.100, Raising Cane’s had the right to request that the matter be reheard by the Planning Commission. And in approving this request and the Project’s CUP application, the City followed the letter of the Municipal Code and City Council’s emergency resolution.

Appellants also argue that their due process rights were violated because they were not supplied with sufficient information about the Project before the Planning Commission hearing. Appellants base this contention on their assertion that the City’s website “does not include the entire Project file,” only the March 10, 2020 and May 12, 2020 Staff Reports. (Appeal, p. 10). This argument has no legal basis and is unsupported by any factual evidence. On the contrary, the CUP application item properly appeared on the May 12, 2020 Planning Commission meeting agenda, which included over 200 pages of documents related to the Project. Appellants cannot argue that notice was in any way insufficient.

b. There is no evidence of bias by the Planning Commission or City staff.

Appellants claim that the Planning Commission’s approval of the Project CUP was “predetermined,” and that the Planning Commission was “biased toward the developers.” (Appeal, p. 5). But Appellants offer no factual proof or evidence to support such an assertion. Instead, Appellants cite Raising Cane’s’ appeal after it first came before the Planning Commission, in which Raising Cane’s expresses optimism that the Project “has substantial support from City staff members and PC to be approved at a hearing where all members are present.” This is not evidence that the Planning Commission is biased or that the Planning Commission was predetermined to approve the Project. This is simply Raising Cane’s assessment of staff and community support for the Project. Moreover, City staff routinely support or recommend projects that come before the Planning Commission. This is in no way improper, nor does it prove partiality or bias. Absent factual evidence of any actual bias in favor of the Project application, Appellants’ assertion has no merit.

¹All references to the Appeal refer to the page number of Appellants’ full PDF Appeal packet, not Appellants’ Statement of Circumstance.

- c. *The Planning Commission's approval of the CUP is supported by substantial evidence in the administrative record.*

In order to grant Project's CUP application, the Planning Commission must have found that substantial evidence in the administrative record supports each required CUP finding. As evidenced in the Planning Commission's resolutions approving the Project CUP and City staff's detailed Staff Reports, ample evidence supports each finding.

Aside from Appellants' procedural arguments, Appellants' attacks on the Project's approval by the Planning Commission fall into two categories: 1) assertions that the Project does not comply with the City's applicable Municipal Code regulations and 2) that the Project may have significant environmental impacts. On these bases, Appellants' conclude that the required CUP findings cannot be made. Instead of articulating why the specific findings cannot be made, Appellants summarily conclude that:

“[T]he Project Site is inadequate in size, shape, and topography for the proposed Project; the Project Site has insufficient access to streets and highways and is inadequate in width; the Project proposed use is inconsistent with the General Plan, including Goal 5.0 and Policy 5.1.4; the Project will have an adverse and detrimental effect on the public health, safety, and general welfare; and the Project use is not one authorized by the CUP pursuant to the Municipal Code.” Appeal, p. 5 (pdf p. 9).

Simply listing the required CUP findings and concluding with a general sweeping statement that they cannot be met does not make it so. Presumably, the alleged defects that Appellants attempt to highlight throughout their Appeal constitute the basis for their assertion that the CUP findings cannot be made. However, Appellants do not bridge the analytical gap – they merely list a bevy of issues that they have with the Project's CUP approval (addressed herein) and conclude based on those issues that the CUP findings are deficient. In fact, substantial evidence supports the required CUP findings, as documented in the administrative record and herein.

3. The Project fully complies with all applicable Municipal Code requirements.

Throughout their Appeal, Appellants contend that the Project does not comply with the Municipal Code. Appellants' primary point of contention is that the Project conflicts with the City's drive-through regulations, set forth in Municipal Code section 21.10.040.I. Among other things, Appellants contend that the Project is too big to qualify as a “retail eating establishment,” the Project “does not accommodate a minimum of 6 cars behind each menu board,” and does not have the required minimum 25-foot setback from the drive-through aisles and the parking to the ultimate curb face. (Appeal, p. 6).

Appellants provide scant (if any) backup for their assertions. For example, they repeatedly claim that the Project will not accommodate a minimum of six cars behind each menu board, but

they provide no actual proof that this is the case. Instead, they state this assertion as if it is a fact. This does not meet the evidentiary burden required to prove their point. On the contrary, the only substantial evidence in the record demonstrates that the Project will fully comply with all applicable Municipal Code regulations. Kimley-Horn, the Project's engineering firm, has prepared a technical letter in response to Appellants' claims (the "Kimley-Horn Response Letter", attached hereto as Attachment A). The Kimley-Horn Response Letter dispels any notion that the Project is somehow inconsistent with the Municipal Code. (Kimley-Horn Response Letter, pp. 1-2).²

Appellants' principal attack on the Project's consistency with the City's Municipal Code is that the Project does not have a minimum 25-foot setback from the parking and drive-through aisle to the ultimate curb face. In so asserting, Appellants disregard the nuances of the Project's approval and City staff's efforts to ensure that the Project will be consistent with all applicable drive-through regulations prior to operating.

In its Staff Report for the March 11, 2020 Planning Commission meeting, City staff explained that the City's drive-through regulations are "generally outdated" and that it is "in the public interest" to consider updating the regulations. Specifically, staff notes that "it is unclear why a setback of 25 feet" is required. City staff point to the City's General Plan, Goal 2.0 – Business Attraction and Retention, which indicates that the City should continue providing incentives to encourage new businesses to locate in Monterey Park. City staff believes that updating the City's "outdated regulations, including setback requirements" will assist with business attraction and retention. Because of this, City staff recommends that City Council amend the drive-through regulations to allow a 15-foot setback from the ultimate curb face for parking areas and drive-through aisle instead of a 25-foot setback. (See Staff Report, March 10, 2020, p. 3).

We understand that City Council will be considering this along with several other changes to the zoning regulations in the coming weeks to bring Monterey Park in line with its peer cities and create a more business friendly environment. The Project, as approved by the Planning Commission, is specifically conditioned upon these zoning changes and once these changes are approved, the Project will be fully consistent with all requirements of the City's Municipal Code. **Out of an abundance of caution, we respectfully request that City Council defer final decision on this Appeal until after such time as City Council has fully considered and acted upon these recommended changes.**

Even without City Council's approval of proposed changes to the City's zoning regulations, the Project will ultimately be consistent with the City's Municipal Code. The Project's approval is conditioned on the successful amendment of the Municipal Code to allow a 15-foot

² In part, the Kimley-Horn Response Letter notes that even if the Project did not qualify as a "retail eating establishment," it would nonetheless qualify as a "restaurant," which is similarly permitted in the Project's zoning district. Moreover, the Kimley-Horn Response Letter notes that the Project has a dual drive-through design with double stacking, which would allow a minimum of six cars.

setback instead of 25-foot setback. Specifically, the Project's Condition of Approval Number 6 requires that the Project be consistent with the Municipal Code before the City issues a Certificate of Occupancy for the Project.

By its nature, Condition Number 6 will ensure consistency with all zoning regulations before the Project becomes operational and open to the public. Put another way, if City Council adopts the anticipated zoning regulation amendment, the Project will be consistent with the Municipal Code. If, for some reason, the City Council does not adopt the amendment, then the Project will not receive its Certificate of Occupancy, and it will not be permitted to operate. Consequently, Appellants' claim that the Project will not meet the City's zoning regulations (despite an explicit condition requiring it to do so) carries no weight.

4. The Project is properly exempt from CEQA.

Under state law, 33 classes of projects are categorically exempt from CEQA because they have been found to not have a significant effect on the environment. One such categorical exemption is for infill development projects that meet the requirements set forth in Public Resources Code section 21084 and CEQA Guidelines section 15532. If a project qualifies for a categorical exemption, no formal environmental evaluation is required. *City of Pasadena v State* (1993) 14 Cal.App.4th 810; see also *Association for Protection of Env't'l Values v City of Ukiah* (1991) 2 Cal.App.4th 720, 726 (A project that is categorically exempt from CEQA may be implemented without any CEQA compliance).

The City properly determined that the Project is exempt from CEQA because it plainly qualifies as an infill development project that meets all requisite requirements. Appellants have advanced a litany of arguments to call into question the Project's eligibility for this CEQA exemption. However, as shown below (and in the administrative record), substantial evidence supports the finding that the Project is properly exempt from CEQA.

As a threshold matter, Appellants improperly apply the "fair argument" standard throughout their Appeal. Appellants suggest that "where a fair argument exists," a categorical exemption is inappropriate. (Appeal, p. 18). This is an incorrect statement of law. On review, a court applies the **substantial evidence** test to an agency's factual determination that an exemption applies, not the less deferential fair argument standard as suggested by Appellants. *Comm. to Save the Hollywoodland Specific Plan v. City of Los Angeles* (2008) 161 Cal. App. 4th 1168, 1187. Specifically, Appellants repeatedly (and incorrectly) attack the required prongs of the CEQA exemption using the fair argument standard (e.g., "A fair argument exists as to substantial adverse impacts to traffic," Appeal, p. 18). However, an agency must only show that substantial evidence supports its finding that a project meets each prong of the CEQA exemption. It does not need to show that "no fair argument" can be made otherwise, as suggested by Appellants. Even if the less deferential fair argument standard was used to review of the CEQA exemption, Appellants' arguments would fail because they are without factual support.

Appellants present little evidence (let alone a “fair argument,” or the required “substantial evidence”) to support their attack on the categorical exemption as applied to the Project. Applying the correct standard, substantial evidence supports each prong of the exemption (set forth in CEQA Guidelines section 15332), and the City properly applied the exemption to the Project. Moreover, no evidence supports any exception to the properly applied exemption.

Class 32 CEQA Exemption Requirements

- a) *The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.*

As previously discussed, the Project, a drive-through restaurant, is a conditionally permitted use in the Shopping Center (S-C) zone. As demonstrated by the Project’s site plans and discussed herein, the Project will fully comply with all applicable zoning regulations. Further, the Project’s proposed use is fully consistent with the City’s General Plan, which designates the Property as Commercial. An overarching goal of the City’s General Plan is “to create opportunities for new commercial business growth in areas of the city well served by the circulation network.” Located in one of the City’s primary business corridors, the Project would do just this.

Appellants claim that the Project “cannot meet the Municipal Code and zoning” requirements.” As addressed herein, this argument is unsupported by the facts in the administrative record. The Project will be consistent with the Municipal Code and any applicable zoning regulations. In fact, the Project cannot legally operate until it is consistent with such regulations.

Appellants further claim that there is a fair argument that the Project will have impacts relating to the “general plan designations and policies” (Appeal, p. 4). However, they fail to provide substantial evidence that this is the case. For example, Appellants suggest that the Project “physically divides an established community” but do not explain why this is so. Appellants further claim that the Project does not have “sufficient access to streets and highways with adequate width to carry the quantity and quality of traffic generated by the proposed Project use.” Yet again, Appellants provide no evidence demonstrating that this is the case. In another example, Appellants assert that the Project is inconsistent with the General Plan’s Goals and Policies relating to noise. This is discussed further below, but again, Appellants provide no proof of the inconsistency – they simply make an assertion. Appellants demonstrate no evidence to support an attack on this prong. On the contrary, substantial evidence exists in the administrative record to support a finding in favor of this prong.

- b) *The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.*

The Property is located within the City of Monterey Park. The Property's lot totals 17,863 square feet (approximately 0.41 acres). The Property is surrounded by urban uses: uses located directly north, south, and west of the Property include other one-story commercial buildings; uses located directly east of the Property include single-family dwellings. These are all, by definition, urban uses

The Appellants do not dispute this. Instead, Appellants suggest that the Property is "not an infill development because it is on a shallow island, which has an alley at its eastern and southern boundaries and it has Atlantic Blvd. at its western boundary." Why does this disqualify the Property from being properly classified as infill development? Appellants do not explain further. Substantial evidence supports finding in favor of prong (b).

- c) *The project site has no value, as habitat for endangered, rare or threatened species.*

The Property is located on a paved, fenced vacant lot that was previously used for commercial uses. It has no value as a habitat for endangered, rare or threatened species. Appellants do not dispute that the Project meets prong (c), nor could they.

- d) *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*

Appellants make a series of arguments to suggest that a fair argument exists as to a significant impact to all of the below. As discussed, Appellants inappropriately apply the fair argument standard to these areas. Further, their contentions are without merit and unsupported by substantial evidence in the administrative record.

- Traffic

Appellants claim that a fair argument exists as to substantial adverse impacts to traffic. In support of their contention, Appellants have provided a one-and-a-half-page letter from traffic engineer Jeffrey Lau. In his letter, Mr. Lau opines that the Project's traffic report is "deficient with errors and omissions," and goes on to make several claims about supposed problems with the Project's traffic report. However, he does not support these assertions with substantial evidence. The Kimley-Horn Response Letter addresses each traffic-related claim raised by Mr. Lau. (See Kimley-Horn Response Letter, pp. 2-3).

As discussed in the Kimley-Horn Response Letter, each of Appellant's contentions is unsupported by substantial evidence in the administrative record and are without merit. On the contrary, potential traffic impacts were thoroughly and properly evaluated, and substantial evidence demonstrates that the Project will not have significant traffic impacts.

- Noise

Appellants conclude that a fair argument exists that the Project will have a significant noise impact. Appellants base this claim on the fact that “the Project will generate a minimum of 800 trips, will include two drive-through lanes adjacent to a residential area...will have two, approximately 7-foot, menu boards that face the residences, and will have at least hundreds of people in and out” on a daily basis. Appellant Gina Casillas states that her home “is located at the top of the hill and sound travels easily through the air without buffers from trees or solid walls.” She further explains that she hears “traffic traversing along Atlantic Blvd.,” “car alarms,” conversations when customers “exit Shakey’s Pizzeria,” “power tools operating from the tire shop,” and more.

Appellant Gina Casillas concludes that noise levels from the Project will exceed allowable thresholds and will conflict with the City’s noise regulations and General Plan policies related to noise. She then cites various general facts as supposed evidence of the noise that the Project will create. These facts, many of which are unsupported (e.g., “According to the Howard Company, the leader manufacture of drive through menu board systems, ‘drive thru menu board systems create noise that range between 63 and 85 dBA”), are not specific to the Project. They are generalized statements about noise. Appellants provide no actual data, nor any expert testimony, that the Project will have noise impacts. The statements from Appellant Gina Casillas does not constitute substantial evidence.

Conversely, the Kimley-Horn Response Letter details actual evidence – acoustical assessments from similar Raising Cane’s locations in Southern California, including potential impacts from the drive-through and restaurant operations (menu board systems, queueing vehicles, the order counter, and outdoor customer dining area), mechanical equipment, and the electrical transformer. As detailed in the letter, the noise concerns listed within the appeal “will not be of concern for the Project.” (Kimley-Horn Response Letter, p. 4).

Even applying the less deferential “fair argument” standard (which does not apply), Appellants have failed to show any likelihood that the Project would have a significant effect relating to noise. On the contrary, substantial evidence supports a finding that the Project would not have a significant effect relating to noise.

- Air Quality

Appellants summarily conclude that a fair argument can be made that the Project will have an adverse impact on air quality. Putting aside the fact that Appellants apply the wrong standard of review, they also cite no facts to support this assertion. Appellants appear to claim that because the Property used to be a gas station (discussed below), and because automobiles will visit the Project (it is a drive-through restaurant), that the Project will significantly and adversely affect air quality. There is no evidence whatsoever that the Project will have a significant adverse impact on air quality. Conversely, substantial evidence supports a finding that the Project would not have a significant effect relating to noise.

Specifically, the Kimley-Horn Response Letter details an air quality assessment that was conducted for a Raising Cane's location in Southern California that is similar in development size and type to the Project. As it concludes, based on the applicable Southern California Air Quality Management District methodology, "significant impacts would not occur during construction activities or long-term operation." (Kimley-Horn Response Letter, p. 8).

- Water Quality

Here too, Appellants claim that a fair argument exists that the Project will have a significant adverse impact on water quality. Like air quality, Appellants advance several explanations (e.g., the Property's previous use as a gas station, the sufficiency of water utilities given California's droughts) to suggest that there is a significant impact, but provide no evidence. There is no evidence in the record that the Project will have a significant adverse impact on water quality.

e) The site can be adequately served by all required utilities and public services.

The Property is located on a vacant lot that was previously utilized for a commercial use. It is surrounded by urban uses. The Project will be fully served by available utilities and public services. Appellants suggest that "water utilities" should be addressed given that "California has had droughts over many years." But Appellants present no factual evidence to support the notion that the Project would somehow be inadequately served by all required utilities and public services.

No Exception to the CEQA Exemption applies.

CEQA sets forth a number of exceptions to the use of a CEQA exemption. (CEQA Guidelines, § 15300.2). If it can be shown that one of these exceptions exists, then a project will not qualify for a CEQA exemption. Appellants advance numerous theories to argue that exception applies, precluding use of the CEQA exemption. However, none of their arguments are compelling, and no exception to the infill development exemption applies.

- *The Property has no "unusual circumstances" that disqualifies it from a CEQA exemption.*

The CEQA Guidelines state that if, due to unusual circumstances, there is a reasonable possibility that a project will have a significant effect on the environment, then an agency may not find a project exempt. (CEQA Guidelines § 15300.2(c)). Courts apply the substantial evidence standard to review an agency's factual determinations as to whether a project presents "unusual circumstances." *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal. 4th 1086, 1114. If a court finds that unusual circumstances exist, then it applies the "fair argument" standard to determine whether a significant environmental impact might result from the unusual circumstances. *Id.* at 15. Despite Appellants' frequent invocation of the fair argument standard,

this is the only area in which it would be properly used for purposes of the Project's CEQA exemption.

Appellants attempt to argue that unusual circumstances apply to the Project, and that due to those unusual circumstances the Project will have a significant effect on the environment. However, Appellants' proclamation that there are unusual circumstances does not make it so. When a project challenger attempts to make an "unusual circumstances" argument, "it is not alone enough that there is a reasonable possibility that the project will have a significant environmental effect." *Berkeley Hillside Preservation, supra*, at 1097-8. Instead, the challenging party must show that the project has some feature that distinguishes it from others in the exempt class, such as its size or location. *Id.* at 1105.³

Here, Appellants suggest that the Project has unusual circumstances because it is a former gas station. This is unpersuasive. The Property is located on a busy commercial street with many urban uses. In fact, several gas stations exist in close proximity to the Property – including a Shell station and a Chevron station less than half a mile away at the intersection of Avenida Cesar Chavez and Atlantic Boulevard. A former gas station on a commercial thoroughfare in an urban area is by no means "unusual circumstances." Appellants cannot meet the standard to show that any unusual circumstances apply to the Project. Because of this, Appellants cannot use the "fair argument" standard to suggest that the Project, due to its unusual circumstances, would possibly have a significant effect on the environment. And, as discussed below, even if Appellants were to use the fair argument standard, they have not (and cannot) provide factual evidence to support a "fair argument" that the Project would possibly have a significant effect on the environment.

- *The Property's former use as a gas station does not disqualify use of CEQA exemption.*

Appellants repeatedly argue that because the Property was formerly a gas station, the risk of hazardous materials at the Property should disqualify it from the CEQA exemption. However, Appellants provide very little evidence to support their claim. They have submitted a 2004 Los Angeles County Department of Public Works report suggesting the presence of certain substances in the soil, and they note that in 2004 the Property "was listed to contain hazardous substances..." (Appeal p. 7). These two pieces of information are heavily outweighed by the substantial evidence in the administrative record showing that: **1) since the 2004 County report, the Property has undergone substantial further environmental analysis, 2) the Property's case is shown on the State Water Quality Control Board list as "Closed" and "Completed," and 3) that the Property poses no significant hazardous substances risks going forward.**

Appellants cite a March 16, 2004 report by the Los Angeles County Department of Public Works which notes the presence of certain chemicals in the Property's soil. But Appellants fail to mention anything that occurred after this 2004 report. Specifically, after the 2004 report, the

³ As the *Berkeley Hillside* court noted, allowing a project opponent to defeat the use of an exemption simply on the showing of a "fair argument that the project will have significant environmental effects" would be fundamentally inconsistent with the Legislature's intent in establishing the categorical exemptions. 60 Cal. 4th at 1106.

Property underwent substantial further testing, the results of which were shared with the County. In 2007, the County reassessed the site and concluded that “no further action related to the petroleum release(s) at the site is required.” (See Closure Letter dated November 1, 2007, attached hereto as Attachment B). The further assessment and subsequent 2007 Closure Letter render the contents of the County’s 2004 report immaterial. The Property’s case with the County has been closed for over 12 years.

Similarly, although the Property does appear on the State Water Quality Control Board list as Case #253627, the case has been closed as of November 1, 2007, and the “Cleanup Status” is “Completed. (See printout from State Water Resources Control Board GeoTracker website, attached hereto as Attachment C). Suggesting that a site inherently poses a hazardous substances risk because it appears on the State Water Quality Control Board list (even though the case has been closed and completed for over a decade) is simply not compelling.

Finally, the only evidence in the administrative record regarding *current* conditions at the Property clearly demonstrates that the Property poses no hazardous materials risks. The Project’s environmental consultant, Terracon, has analyzed the Property to assess any potential hazardous substances risks. (See Terracon’s Summary of Environmental Conditions, attached hereto as Attachment D.) Terracon concludes that based on previous documented UST removal activities, regulatory closure, and the findings from Terracon’s prior subsurface investigations, **Terracon identified no significant environmental conditions that would warrant a response action.** (Summary of Environmental Conditions, p. 3.)⁴

Despite these findings, as a matter of good business practice, Raising Cane’s intends to operate pursuant to a Soil Management Plan, which would provide guidance during planned future earthwork activities in the unlikely event that petroleum hydrocarbon-impacted soils are encountered. Further, as is standard across Raising Cane’s locations, Raising Cane’s intends to install a vapor barrier below the proposed structure of the Project to provide additional assurances regarding any residual vapors that may remain at the Property.

- *Appellants cite no actual “cumulative effects” to disqualify the Project from the use of a CEQA exemption.*

Under CEQA Guidelines section 15300.2(b), if the cumulative impact of “successive projects of the same type in the same place” over time is significant, then a categorical exemption cannot be used. Because of the “same type” “same place” requirement, this “cumulative impacts” exception is narrower than the broad definition of cumulative impacts as applied elsewhere in CEQA. Appellants set forth no evidence demonstrating that the Project would have any cumulative impacts, nor do they suggest that successive projects of the same type as the Project in the same place as the Project would have cumulative impacts, as required by the exception. Appellants’ sole contention is that the “Traffic Report generally mentions two projects, but no

⁴ The Limited Site Investigation (LSI) report for the Property, which is referenced in Attachment D, is also attached hereto as Attachment E.

disclosure exists as to the past, present, and probable future projects.” (Appeal, p. 23). This does not constitute evidence of cumulative impacts.⁵ All Appellants have done is cite language from case law and add a throwaway line about the traffic report’s supposed shortcomings and the need for an EIR. This cannot constitute a basis to disqualify the use of the CEQA exemption.

In sum, Appellants have offered no evidence (let alone substantial evidence) in support of an argument that the Project is not properly exempt under CEQA. On the contrary, substantial evidence supports each required prong of the infill development project CEQA exemption, and there are no applicable exceptions.

6. Appellants’ additional assertions are similarly without factual support.

Appellants attempt to make additional arguments to challenge the Project’s approval. These arguments have no legal merit and like Appellants’ other assertions, they have no basis in fact.

- *Appellants claim that the Property’s parcels must be identified to “confirm the Project location, lot size, and the building percentage of the lot area, among other things.”* Appellants provide no legal support for this alleged requirement. On the contrary, the administrative record associated with the Project provides sufficient information about the Property to make the required CUP findings.
- *Appellants claim that residents need to know the “Project’s light intensity.”* Again, Appellants cite no legal authority for this contention. Nor do Appellants assert that the Project’s “light intensity” will create a negative impact. They simply state that such information is required. Sufficient information about the Project’s features (including the fact that the Project will be designed to screen all service areas, restrooms, and mechanical equipment) exists in the administrative record, and this assertion lacks merit.
- *Appellants assert that nearby residences have been “disregarded” through the Project approval process, and that the Property is “like an island” with two additional businesses on the island.* As the Planning Commission’s Resolution states, properties located to the north and south of the Property are other one-story commercial buildings; properties west are one-story commercial buildings; and properties east are single-family dwellings (at the top of the hillside). Appellants do not point to any facts that nearby residences have been “disregarded” in the Project’s approval process, nor does

⁵ Even if Appellants provided actual evidence of other projects in the area that might have a cumulative impact, this would not meet the requirements of the exception. *See Hines v California Coastal Comm’n* (2010) 186 Cal.App.4th 830, 857 (noting that listing other projects in the area that might cause significant cumulative impacts is not evidence that the proposed project will have adverse impacts or that the impacts are cumulatively considerable).

this argument provide a legitimate basis for challenging the Project's approval. It is simply another assertion without legal or factual merit.

Appellants also attack several of the Project CUP's Conditions of Approval. However, their attacks are unsupported any (let alone substantial) evidence. Instead, each of the Conditions of Approval is appropriate and supported by substantial evidence.

- *Condition 6. Appellants assert that the Project does not comply with the City's zoning regulations. As discussed at length herein, this condition ensures that the Project will comply with all zoning regulations. As the condition states, the Project cannot operate without being fully consistent with all zoning regulations. Appellants' criticism of this condition has no merit.*
- *Condition 11. Appellants assert that the proposed hours for the Project are "not appropriate for the surrounding residential neighborhood and other businesses in the vicinity." Appellants provide no evidence for why this is the case – they simply state their opinion. This does not constitute substantial evidence. The only facts in the administrative record demonstrate that Raising Cane's has reduced its hours to be responsive to its neighbors. Appellants' criticism of this condition has no merit.*
- *Condition 13.c. Appellants again assert that the Project does not comply with the City's zoning regulations. This contention has been addressed exhaustively throughout this letter and merits no further response.*
- *Condition 13.g. Appellants again assert that the Project does not comply with the City's zoning regulations. This contention has been addressed exhaustively throughout this letter and merits no further response.*
- *Condition 14. Appellants assert that there is no space for a curb or slough wall of sufficient height because of the adjacent alley's width. Appellants offer no evidence to demonstrate why this condition cannot be complied with. Like the others, this point of opposition has no merit and is without support.*
- *Condition 24. Appellants claim that a utility plan must exist before any Project approval. Appellants cite no relevant authority to support this position. Instead, the condition requires such a plan before the City issues grading permits. This is a permissible condition, and Appellants assert no legal basis otherwise.*
- *Condition 26. Appellants claim that traffic impacts and hazards have been inadequately addressed by the City and must be addressed before any Project approval.*

Appellants also claim that the required traffic plan must be developed before Project approval. Appellants contentions regarding traffic impacts have been thoroughly discussed herein and in the Kimley-Horn Response Letter and warrant no further response. The required traffic management plan is a permissible condition, and Appellants assert no legal basis otherwise.

- *Condition 40. Appellants claim that “location and light intensity must be addressed” before Project approval. Appellants cite no relevant authority to support this position. Instead, this condition requires that the City approve plans for location and light intensity before the City issues a certificate of occupancy. This is a permissible condition, and Appellants assert no legal basis otherwise.*
- *Condition 41. Appellants question the legal authority for requiring surveillance cameras for the common areas of the Project, and question whether the City intends to “engage in government surveillance of the citizens.” Appellants cite no relevant authority to support this position, nor do they offer any evidence to prove that the City intends to engage in “surveillance of the citizens.” On the contrary, this condition is fully within the City’s right to require as a security measure.*
- *Condition 43. Similar to Condition 11, Appellants indicate that the Project should not be allowed to operate until 1:00 a.m. Appellants suggest that this is “contrary to law.” Appellants provide no authority demonstrating that the Project’s hours of operation are contrary to law. As such, this complaint has no merit and should be disregarded.*

Consistent with Appellants’ approach throughout their Appeal, they make several contentions about the Project’s Conditions of Approval. As demonstrated above, these contentions are unsupported by legal authority and completely unsubstantiated by any facts in the administrative record. The Project’s Conditions of Approval are appropriate and fully within the City’s discretion to require.

Members of the Monterey Park City Council
June 25, 2020
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As discussed herein, each of Appellants' contentions lack merit. Their assertions are unsupported by substantial evidence and cannot constitute a basis for reversing the Planning Commission's approval of the Project CUP application. We respectfully urge you to deny the Appeal and uphold the Project CUP. Thank you for your consideration.

Sincerely,

Cox, Castle & Nicholson LLP



David P. Waite

Attachments

cc: Ron Bow, City Manager, City of Monterey Park
Mark McAvoy, Director of Public Works / City Engineer, City of Monterey Park
Vincent Chang, City Clerk, City of Monterey Park
Karl Berger, Assistant City Attorney, City of Monterey Park
Samantha Tewart, Senior Planner, City of Monterey Park

Attachment A



June 23rd, 2020

Kristen Roberts
Raising Cane’s Restaurants, LLC
6800 Bishop Road, Suite 210
Plano, TX 75024-4275

RE: *Appeal (AP-20-01) of City Planning Commission’s Approval of Raising Cane’s Conditional Use Permit (CU-19-13)*

This response letter is prepared in connection with an application for Conditional Use Permit CU-19-13 (the “CUP”) and the related appeal, AP-20-01 (the “Appeal”). The CUP, which was approved by the Planning Commission on May 12, 2020, would allow for a retail eating establishment with a drive-through aisle at 1970 South Atlantic Boulevard (the “Project”) in the City of Monterey Park.

Appellants Rafael and Gina Casillas (the “Appellants”) have raised a host of legal and factual contentions regarding the CUP. This letter addresses the concerns regarding the project having significant environmental impacts, specifically surrounding land use, traffic, noise and air quality. A summary of each concern listed by the Appellants, and our respective responses, is as follows:

PLANNING AND LAND USE

Appellants claim that the Project should not qualify as a “new retail eating establishment” because such an establishment is defined as having a gross floor area of less than 1,500 square feet. [Project is 1,790 sf]

Response: the classification of the Project as a “new retail eating establishment” with a drive-through service can be corrected to a “restaurant” with a drive-through service. However, it should be noted that both a “Retail Eating Establishment” and “Restaurant” within the Project zone are permitted uses per the Monterey Park Municipal Code, section 21.10.30 Table 21.10(A), and the drive-through is what triggers the requirement for the conditional approval. Therefore, even with the correction of the definition, it would not change the application being filed

The Project does not accommodate a minimum of 6 cars behind each menu board

Response: the section of the Monterey Park Municipal Code being referenced 21.10.040 Limitations, Special Standards, and Accessory Uses. Item (1)(5) of this code section states that “Drive-through aisles shall provide sufficient stacking area behind the menu board to accommodate a minimum of six cars”. The code does not specify that, for a dual drive-through operation, that a six-car minimum stacking is required for each menu board. To meet the code requirement, the dual drive-through design with the double stacking and menu boards was introduced so that the total stacking behind the menu board was a minimum of six cars. The dual menu-board concept allows cars to get through the ordering process much quicker than a single lane drive-through with one menu board, so therefore it was determined that the dual drive-through operation proposed satisfies this code requirement.

Appellants claim that the Project requires a wall or fence due to the parking area abutting an R-zoned property, but that the Project cannot provide such a wall or fence because the alley is too narrow.

Response: The Project is separated from the adjacent R-Zone by an existing public alley, so there is no direct connection from the commercially zone property to the adjacent residential zone that would warrant such a requirement. Additionally, there is a 40-foot grade difference between the Project and the existing residential developments. Therefore, the intended function of the wall (being to provide screening) would be rendered useless and the wall would be irrelevant.

TRAFFIC

1. Intersection of Brightwood Street and the alleyway should have been studied.

Response: The study area was determined in coordination with City of Monterey Park staff through the TIA (Traffic Impact Analysis) scoping agreement process. The project would contribute less than 5 peak hour trips to the intersection of Brightwood Street and the alleyway, which is considered nominal. Based on the Los Angeles County Congestion Management Program (CMP), an intersection Level of Service (LOS) analysis is not required if the project contributes less than 50 peak hour trips to an intersection. Therefore, an analysis at the intersection of Brightwood Street and the Alleyway is not required.

2. Re: Figure 6 - not all inbound and outbound trips for the Project Site are accounted for as shown in Table 2, Summary of Project Trip Generation

Response: A nominal amount of project trips (2 inbound, 1 outbound) are assumed to access the project site via the alleyway south of Brightwood Street.

3. Drive Thru Queueing analysis in Appendix E is flawed. Analysis used three RC locations that are outside of the region. RC should have used locations within LA County (of which there are three)

Response: As mentioned in the drive-through queuing analysis, the three RC sites were selected for data collection based on the following site characteristics that are similar to the proposed project:

1. An open Raising Cane's restaurant with a drive-through lane
2. Located in Southern California
3. Sites are located within their own parcel adjacent to street access to determine potential impacts to the adjacent streets
4. The three referenced RC sites are considered high generators in terms of traffic and sales, and therefore were selected to try and capture a worst case scenario queuing situation.

As cited in the appeal, there are three existing sites currently open within LA County:

1. Pico Rivera, CA – this site is located within a shopping center – queuing is able to be contained within the shopping center and a vehicular cross access agreement is in place – making the site non-representative

2. Lakewood, CA - this site is located within a shopping mall – queuing is able to be contained within the shopping center and a vehicular cross access agreement is in place – making the site non-representative
3. Downey, CA – the site was a conversion of an existing Jack-in-the-Box building and was one of the first to be opened in Southern California – the site circulation, queuing configuration, menu board placements, and a-typical building footprint are not representative of a typical drive thru and queuing operation for Raising Cane’s – making the site non-representative.

4. On site traffic circulation will be impacted by the drive-through queue during peak times. There is a possibility that the vehicle queue for the drive-through will spill onto Atlantic Boulevard and block the main drive aisle and prevent vehicles from backing out of parking stalls within the Project Site.

Response: The drive-through has a capacity for 15-16 vehicles. The peak observed queue at the three observed sites was 17 vehicles for one 15-minute interval. It should be noted that the three sites have one drive-through lane, and the proposed site has dual lanes with dual order boards to increase efficiency through the drive-through. In addition to the empirical data, the drive-through queuing capacity was analyzed using queuing analysis formulas published in the ITE Transportation Planning Handbook (3rd Edition). Based on the formulas, the probability of the queue exceeding 17 vehicles during the peak hour is estimated to be 5.16%. In the event of a spillover outside the drive-through lane, the project site has on-site queuing capacity for an additional 3 vehicles before spilling over onto Atlantic Boulevard. In the unlikely event of a spill out into Atlantic Boulevard, restaurant staff will be properly trained to control the site queuing as to not allow a spill-over onto Atlantic Blvd.

5. Traffic count was collected in 2018; traffic study data should not be more than 1 year old (traffic study is dated January 2020).

Response: The original traffic study was completed in 2018. Based on coordination with City staff, 2018 counts were considered sufficient for Existing conditions, provided that an additional year of growth was applied to the counts collected in 2018 for Opening Year 2020 analyses.

6. Appellants repeatedly refer to the Project’s 800 trips per day and the impact that this will have on LOS for adjacent intersections.

Response: Intersection LOS is based on peak hour volumes, as they are more critical than daily volumes to determine impacts, and therefore for the purposes of the LOS analysis the daily volumes are not relevant.

NOISE

Appellants claim that “if approved, the noise levels from this business will exceed the allowable thresholds established by code...,” referring to the menu board systems, queueing vehicles, the walk-up order counter, the outdoor customer dining area, and the mechanical equipment on the roof of the building and electrical transformer. They note that no noise study was conducted.

Response:

The City of Monterey Park Municipal Code, Section 9.53.040, establishes noise standards as set forth below:

Noise Zone	Time	Allowable Noise Level - dBA
Residential	7 a.m. – 10 p.m.	55
	10 p.m. – 7 a.m.	50
Commercial	7 a.m. – 10 p.m.	65
	10 p.m. – 7 a.m.	55
Industrial	Anytime	70

The proposed restaurant is would be open seven (7) days a week from 9 am – 1 am. Originally, the proposed hours were 9 am – 1 am Sunday through Thursday and Friday/Saturday from 9 am – 3 am, however Raising Cane’s had agreed on the Planning Commission floor to reduce those hours. The agreed upon revised conditions of approval are as follows as it relates to noise:

- 11. The business hours of operation will be from 9:00 a.m. to 1:00 a.m. Monday through Sunday.
- 12. The drive-through speaker systems must not be audible above the daytime and nighttime ambient noise levels beyond the property boundaries.
- 47. The volume of the speaker boxes are to be turned down after 10:00 P.M. each night.
- 48. A Noise Mitigation Plan, submitted by the Applicant, must be approved by the City Planner, before a certificate of occupancy will be issued.

Raising Cane’s (and its consultants) have conducted two Acoustical Assessments for other projects in Southern California within the past 2 years:

- Raising Cane’s 382, Corona, CA – conducted November 2018
- Raising Canes 373, Foothill Ranch (Lake Forest), CA – conducted March 2019

Both assessments provide factual evidence that the noise level concerns listed within the appeal will not be of concern for this project.

Drive Thru and Restaurant Operations (Menu Board Systems, Queuing Vehicles, Order Counter, and Outdoor Customer Dining Area)

The primary noise sources associated with the Raising Cane's restaurant would consist of drive-thru operations (including the ordering intercom and announcements from the public address system), outdoor dining and amplified speech, and vehicles idling/queuing, as expressed on the appeal letter.

The measured noise level associated with active drive-thru operations is 64 dBA at a distance of 20 feet. This measurement was determined from a noise sample collected by Kimley-Horn on August 17th, 2018 for an active Raising Cane's restaurant located at 26801 Aliso Creek Road, Aliso Viejo, CA. the same specification for the speakers is installed at this restaurant.

Vehicle circulation and queuing through the drive thru lane, outdoor dining, ordering at the intercoms, and public address announcements were modeled with the SoundPLAN noise modeling software. SoundPLAN allows computer simulations of noise situations, and creates noise contour maps using reference noise levels, topography, point and area noise sources, mobile noise sources, and intervening structures. SoundPLAN includes a comprehensive library of sound power and reference spectrum data based on a collection of reference noise levels and surveys. Inputs to the SoundPLAN model include ground topography and ground type, noise source locations and heights, receiver locations, and sound power level data.

Ordering at the drive thru intercoms were modeled as point sources and used the measured noise level at a representative Raising Cane's restaurant, as noted above. Vehicular circulation and queuing were modeled as line sources. Patrons dining at the outdoor patio as well as parking lot noise was modeled as area sources using SoundPLAN library data.

Distances from the respective site features having noise concerns are shown in Exhibit A. The closest sensitive receptors are located approximately 65 – 70 feet away from the project property line an approximately 99 feet away from the nearest proposed menu boards/intercoms. Additionally, a grade difference of approximately 40 feet exists between the proposed development (lower) and existing residential development (higher adjacent residential street grade).

Mechanical Equipment (Roof Mounted)

Potential stationary noise sources include mechanical equipment. Mechanical equipment (e.g., HVAC equipment) typically generates noise levels of approximately 50 dBA at 50 feet. HVAC equipment is expected to be roof mounted at a minimum distance of approximately 110 feet from the adjacent residential use with a 40-foot vertical grade differential (see Exhibit A). Typical noise levels from HVAC equipment at 110 feet are approximately 45 dBA, which is below the City's 50 dBA nighttime noise standard. Additionally, mechanical equipment would be screened behind parapet walls and other screening enclosures that would further reduce noise levels. Operation of mechanical equipment is not expected to increase ambient noise levels beyond the acceptable compatible land use noise levels. Therefore, the mechanical equipment should have no significant impact for noise.

Electrical Transformer

Potential stationary noise sources include the proposed electrical transformer. Transformers typically generate noise levels of approximately 55 dBA at 23 feet. The project transformer is expected to be at grade on a concrete slab at the parking lot elevation. The proposed transformer (per Exhibit A) is

expected to be at a minimum distance of approximately 71.4 feet from the adjacent residential use (see Exhibit A). Typical noise levels from transformers at 71.4 feet are approximately 46 dBA, which is below the City's 50 dBA nighttime noise standard. Additionally, the proposed transformer would be screen behind landscaping and facing away from the residential use that would further reduce noise levels. Operation of electrical transformers is not expected to increase ambient noise levels beyond the acceptable compatible land use noise levels. Therefore, the electrical transformer would not be noticeable and would have no significant noise impact. Note that there are existing power poles along the north side of the alley, adjacent to the residential use that are to remain, which also emit noise levels that likely exceed that of the proposed transformer.

It should be noted that Kimley-Horn has not had the opportunity to quantify the existing ambient noise levels in the project area, which may already be significantly high due to the proximity to other uses and Atlantic Boulevard.

AIR QUALITY

Appellants claim that emissions generated with the project (from vehicles and the restaurant's exhaust system) warrant an air quality evaluation.

Response:

Raising Cane's (and its consultants) have conducted an Air Quality Assessments for other projects in Southern California within the past 2 years:

- Raising Cane's 382, Corona, CA – conducted November 2018

The project is consistent with the overall development size and type as analysis that was prepared for the Corona location. Therefore, this assessment provides factual evidence that the air quality level concerns listed within the appeal will not be of concern for this project.

The California Air Resources Board (CARB) divides the state into 15 air basins that share similar meteorological and topographical features. The proposed project is located within the South Coast Air Basin (SCAB), which includes the non-desert portions of Los Angeles, Riverside, and San Bernardino Counties, as well as all of Orange County. The basin is on a coastal plain with connecting broad valleys and low hills, bounded by the Pacific Ocean on the southwest and high mountains forming the remainder of the perimeter. The air quality in this area is determined by such natural factors as topography, meteorology, and climate, in addition to the presence of existing air pollution sources and ambient conditions.

The Project site is located within the SCAB, which is under the jurisdiction of the SCAQMD. The SCAQMD is required, pursuant to the FCAA, to reduce emissions of criteria pollutants for which the SCAB is in nonattainment. To reduce such emissions, the SCAQMD drafted the 2016 AQMP. The 2016 AQMP establishes a program of rules and regulations directed at reducing air pollutant emissions and achieving state (California) and national air quality standards. The 2016 AQMP is a regional and multi-agency effort including the SCAQMD, the CARB, the SCAG, and the EPA. The plan's pollutant control strategies are based on the latest scientific and technical information and

planning assumptions, including SCAG’s 2016 RTP/SCS, updated emission inventory methodologies for various source categories, and SCAG’s latest growth forecasts. SCAG’s latest growth forecasts were defined in consultation with local governments and with reference to local general plans. The Project is subject to the SCAQMD’s AQMP.

The criteria for determining consistency with the AQMP are defined by the following indicators:

- **Consistency Criterion No. 1:** The proposed Project will not result in an increase in the frequency or severity of existing air quality violations, or cause or contribute to new violations, or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP.
- **Consistency Criterion No. 2:** The proposed Project will not exceed the assumptions in the AQMP or increments based on the years of the Project build-out phase.

The violations to which Consistency Criterion No. 1 refers are CAAQS and NAAQS. As shown in the tables below, the Project would not exceed the SCAQMD’s short-term construction or long-term operational thresholds. The SCAQMD developed the construction and operational thresholds to determine if individual projects would cause, contribute, or increase the severity of criteria air pollutant exceedances of the CAAQS and NAAQS. As the Project would not exceed the SCAQMD’s thresholds, it would therefore not violate any air quality standards. Thus, no impact is expected, and the Project would be consistent with the first criterion.

Construction Year	Reactive Organic Gases (ROG)	Nitrogen Oxide (NO _x)	Carbon Monoxide (CO)	Sulfur Dioxide (SO ₂)	Fine Particulate Matter (PM _{2.5})	Coarse Particulate Matter (PM ₁₀)
2019	4.40	23.57	16.61	0.03	1.76	2.78
<i>SCAQMD Threshold</i>	<i>75</i>	<i>100</i>	<i>550</i>	<i>150</i>	<i>55</i>	<i>150</i>
Exceed SCAQMD Threshold?	No	No	No	No	No	No
Notes: SCAQMD Rule 403 Fugitive Dust applied. The Rule 403 reduction/credits include the following: properly maintain mobile and other construction equipment; replace ground cover in disturbed areas quickly; water exposed surfaces three times daily; cover stock piles with tarps; water all haul roads twice daily; and limit speeds on unpaved roads to 15 miles per hour. Reductions percentages from the SCAQMD CEQA Handbook (Tables XI-A through XI-E) were applied. No mitigation was applied to construction equipment. Refer to Appendix A for Model Data Outputs.						
Source: CalEEMod version 2016.3.2.						

Table 2: Long-Term Operational Emissions (Maximum Pounds Per Day)						
Source	Reactive Organic Gases (ROG)	Nitrogen Oxide (NO_x)	Carbon Monoxide (CO)	Sulfur Dioxide (SO₂)	Fine Particulate Matter (PM_{2.5})	Coarse Particulate Matter (PM₁₀)
Summer Emissions						
Area Source Emissions	0.11	0.00	0.00	0.00	0.00	0.00
Energy Emissions	0.03	0.30	0.25	0.00	0.02	0.02
Mobile Emissions	2.43	15.21	15.99	0.06	0.91	3.29
Total Emissions	2.58	15.51	16.25	0.06	0.94	3.31
<i>SCAQMD Threshold</i>	<i>55</i>	<i>55</i>	<i>550</i>	<i>150</i>	<i>150</i>	<i>55</i>
Exceeds Threshold?	No	No	No	No	No	No
Winter Emissions						
Area Source Emissions	0.11	0.00	0.00	0.00	0.00	0.00
Energy Emissions	0.03	0.30	0.25	0.00	0.02	0.02
Mobile Emissions	2.01	14.93	15.27	0.05	0.91	3.29
Total Emissions	2.15	15.23	15.53	0.05	0.94	3.31
<i>SCAQMD Threshold</i>	<i>55</i>	<i>55</i>	<i>550</i>	<i>150</i>	<i>150</i>	<i>55</i>
Exceeds Threshold?	No	No	No	No	No	No
Source: CalEEMod version 2016.3.2.						

Concerning Consistency Criterion No. 2, the AQMP contains air pollutant reduction strategies based on SCAG’s latest growth forecasts, and SCAG’s growth forecasts were defined in consultation with local governments and with reference to local general plans. The proposed Project is consistent with the land use designation and development density presented in the CGP and therefore would not exceed the population or job growth projections used by the SCAQMD to develop the AQMP. Thus, no impact would occur, as the Project is also consistent with the second criterion.

The adjacent single-family residential use is considered a sensitive receptor. The residential use, at its nearest point, is approximately 65 feet away from the project property line, of which a 20-foot wide existing public alley is already in place and will remain as part of any development of the site. Additionally, an approximately 40-foot grade difference exists between the proposed development and existing residential uses. Based on SCAQMD methodology, significant impacts would not occur during construction activities or long-term operation.

Please contact us should you have any further questions regarding this response.

Sincerely,

A handwritten signature in blue ink, appearing to be 'JP', is centered below the text 'Sincerely,'.

John Pollock, Associate

P.E. (RCE 86160)

714-786-6125

John.pollock@kimley-Horn.com

Attachment B



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

DONALD L. WOLFE, Director

ADDRESS ALL CORRESPONDENCE TO
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE
REFER TO FILE

EP-1

007105-038358

007105-024707

November 1, 2007

Mr. David Harris
ConocoPhillips Company
P.O. Box 25376
Santa Ana, CA 92799-5376

Dear Mr. Harris:

**HAZARDOUS MATERIALS UNDERGROUND STORAGE
CLOSURE CERTIFICATION
CLOSURE APPLICATION NO. 385644
FACILITY LOCATED AT 1970 SOUTH ATLANTIC BOULEVARD, MONTEREY PARK**

This letter confirms the completion of a site investigation and corrective action for the underground storage tank (UST) formerly located at the above-described location. Thank you for your cooperation throughout this investigation. Your willingness and promptness in responding to our inquiries concerning the former UST are greatly appreciated.

Based on information in the above-referenced file and with the provision that the information provided to this agency was accurate and representative of site conditions, this agency finds that the site investigation and corrective action carried out at your UST site is in compliance with the requirements of subdivisions (a) and (b) of Section 25296.10 of the California Health and Safety Code (CH&SC) and with corrective action regulations adopted pursuant to Section 25299.3 of the CH&SC and that no further action related to the petroleum release(s) at the site is required.

This notice is issued pursuant to subdivision (g) of Section 25296.10 of the CH&SC.

Mr. David Harris
November 1, 2007
Page 2

If you have any questions, please contact Ms. Rani Iyer of this office at (626) 458-3560,
Monday through Thursday, 7 a.m. to 5:30 p.m.

Very truly yours,

DONALD L. WOLFE
Director of Public Works



TIM SMITH
Senior Civil Engineer
Environmental Programs Division

RI:my
P:\ec\Harris C544969

cc: California Regional Water Quality Control Board, Los Angeles Region (Yue Rong)
Delta Environmental Consultants, Inc. (Jay Badieli)
Chapman W. Lew, Peter Share Wah Lew and Shiu L. Lew

Attachment C

1970 ATLANTIC BLVD, S
MONTEREY PARK, CA 91754
LOS ANGELES COUNTY
LUST CLEANUP SITE (INFO)
[PRINTABLE CASE SUMMARY / CSM REPORT](#)

CLEANUP OVERSIGHT AGENCIES
LOS ANGELES COUNTY (LEAD) - CASE #: 038358
CASEWORKER: [MANUEL R REGALADO](#)
LOS ANGELES RWQCB (REGION 4)
CASEWORKER: [YUE RONG](#)

[Summary](#) [Cleanup](#) [Action Report](#) [Regulatory Activities](#) [Environmental Data \(ESI\)](#) [Site Maps / Documents](#) [Community Involvement](#) [Related Cases](#)

Regulatory Profile

[PRINTABLE CASE SUMMARY](#)

CLEANUP STATUS - [DEFINITIONS](#)

COMPLETED - CASE CLOSED AS OF 11/1/2007 - [CLEANUP STATUS HISTORY](#)

POTENTIAL CONTAMINANTS OF CONCERN

GASOLINE

FILE LOCATION

DWR GROUNDWATER SUB-BASIN NAME

Coastal Plain Of Los Angeles - Central (4-011.04)

POTENTIAL MEDIA OF CONCERN

UNDER INVESTIGATION

DESIGNATED GROUNDWATER BENEFICIAL USE(S) - [DEFINITIONS](#)

MUN, AGR, IND, PROC

CALWATER WATERSHED NAME

Los Angeles River - Los Angeles (412.10)

Site History

No site history available

Attachment D

June 24, 2020



Raising Cane's Restaurants, LLC
6800 Bishop Rd Ste 210
Plano, TX 75024-4275

Attn: Ms. Kristen Roberts
P: (972) 769-3348
E: KRoberts@raisingcanes.com

Re: Summary of Environmental Conditions
Proposed Raising Cane's Restaurant (RC 387) - Monterey Park
1970 South Atlantic Boulevard
Monterey Park, Los Angeles County, California
Terracon Project No. 60187218A

Dear Ms. Roberts:

Per your request, Terracon Consultants, Inc. (Terracon) is pleased to submit this Summary of Environmental Conditions letter to assist with your responses to Conditional Use Permit (CUP) appeal for the referenced project.

Terracon completed a Phase I Environmental Site Assessment (ESA) on July 2, 2018 (Terracon Project No. 60187218) and Limited Site Investigation (LSI) report on July 24, 2018. Summary of findings of the Phase I ESA and the LSI are provided in the following paragraphs:

- The site is located at 1970 South Atlantic Boulevard in Monterey Park, Los Angeles County, California, and consists of three contiguous parcels (Designated as County of Los Angeles Assessor Parcel Numbers (APNs): 5266-002-032, -033 and -034) totaling approximately 0.41-acre. The site consists of a vacant asphalt/concrete paved lot.
- Historically, the site was occupied by Ott Frank E Jr. Union Service DLR, a service station, from at least 1957 through 1969. This service station was demolished and replaced by another service station that continued to operate on the site until 2003. Subsequent to the demolition of the former service station (1957-1969), two sets of Underground Storage Tanks (USTs) were installed at the site in 1969 and in 1990. These USTs were removed under regulatory oversight by the Los Angeles Department of Public Works, Environmental Program Division (LACDPW), due to discovery of petroleum hydrocarbon releases from the USTs, in 1990 and in 2003, respectively.
- Several subsurface assessments were performed by others to evaluate the release(s) from the former UST systems and associated automotive repairing underground features (i.e. clarifier and three in-ground hydraulic lifts) were conducted in 1990, 1997, 2003, 2005, and 2006, resulting in regulatory closure with no further action requirements in 1992 and in 2007.

Terracon Consultants, Inc. 1421 Edinger Avenue, Suite C Tustin, California 92780
P (949) 261.0051 F (949) 261.6110 terracon.com

Summary of Environmental Conditions

Proposed Raising Cane's Restaurant (RC 387) - Monterey Park ■ Monterey Park, California

June 24, 2020 ■ Terracon Project No. 60187218A

- Terracon's Phase I ESA report identified significant data gaps in connection with former on-site service station facilities that occupied the site from 1957 through 1969, with no documentation of USTs. In addition, a significant data gap was identified in connection with inadequate soil assessment of a former waste oil UST at the site.
- Subsequent to the Phase I ESA and to evaluate the identified significant data gaps, Terracon completed an LSI, which included soil and soil gas sampling and analysis at the site.
- The LSI scope of work consisted of advancement of five soil borings (SB-1, SB-2, SB-3, SB-4, SB-7) to a maximum depth of 15 feet below grade surface (bgs). In addition, two borings (VP-5 and VP-6) were advanced to depths of approximately 5.0 feet bgs and converted into a vapor probe set at a depth of approximately 4.5 feet bgs. The soil samples were analyzed for TPH as gasoline range organics (GRO), diesel range organics (DRO), and Oil Range Organics (ORO) by United States Environmental Protection Agency (USEPA) Method 8015M and VOCs by USEPA Method 8260B. The soil gas samples were analyzed for VOCs by USEPA Method TO-15. The following summarizes findings of the LSI:
 - Analytical results for the soil samples collected from the site did not exhibit VOCs, TPH-GRO, and TPH-DRO at concentrations above their respective laboratory reporting limits. Concentrations of TPH-ORO were detected in soil borings SB-3, VP-6, and SB-7; however, the detected concentrations were well below the applicable screening levels.
 - The detected metals concentrations in soil samples were reported at concentrations below the applicable screening levels and/or background concentrations.
 - Analytical results for the soil gas samples exhibited VOC concentrations above their respective reporting limits (RL); however, below the applicable screening levels for residential and commercial land use at that time.
- Based on the findings of the LSI, additional investigation did not appear warranted. However, based on the historical site use, and typical redevelopment practices of the client, during site excavation activities (if needed) proper procedures will be followed with respect to worker health and safety, and potentially affected soils encountered will be properly characterized, treated, and/or disposed in accordance with applicable local, state or federal regulations.

It should be noted that regulatory screening levels are routinely evaluated and updated. Terracon compared the soil gas analytical results from the prior LSI (July 2018) to the current Environmental Screening Levels established by the San Francisco Bay Area, Regional Water Quality Control Board, also adopted by most regulatory agencies in California. The reported benzene concentration in one of the soil gas samples slightly exceeds the current ESLs for commercial

Summary of Environmental Conditions

Proposed Raising Cane's Restaurant (RC 387) - Monterey Park ■ Monterey Park, California

June 24, 2020 ■ Terracon Project No. 60187218A

land use; however, the remaining soil gas analytical results reported concentrations below the ESLs for commercial land use.

Based on the previous documented UST removal activities, regulatory closure, and the findings from Terracon's prior subsurface investigations, significant environmental conditions that warrant a response action were not identified. It should be noted that based on the findings of the Phase I ESA, the anticipated depth to groundwater in the site vicinity is greater than 150 feet below grade surface; and based on subsurface conditions is not considered threatened.

As a precautionary measure, and per typical redevelopment practices of the client for sites that have had a history of environmental impact, the on-site soils will be managed under a Soil Management Plan (SMP) to provide guidance during planned future earthwork activities in the unlikely event that petroleum hydrocarbon impacted soils are encountered.

Additionally, the client will install a voluntary Vapor Barrier below the proposed structure to provide additional assurances regarding residual vapors that may remain at the site. Based on the environmental review of the site conditions, the proposed SMP and Vapor Barrier are believed to be sufficient to mitigate potential soil and or vapor concerns.

If there are any questions regarding this letter or if we may be of further assistance, please do not hesitate to contact us.

Sincerely,

Terracon Consultants, Inc.

Islam (Sami) R. Noaman, E.I.T.
Environmental Department Manager II

For Carl A. Parten
Senior Principal

Attachment E

LIMITED SITE INVESTIGATION

Raising Cane's Restaurant (RC 387) – Monterey Park
1970 South Atlantic Boulevard
Monterey Park, Los Angeles County, California

July 24, 2018

Terracon Project No. 60187256



Prepared for:

Raising Cane's Restaurants, LLC
6800 Bishop Road
Plano, Texas

Prepared by:

Terracon Consultants, Inc.
Tustin, California

terracon.com

Terracon

July 24, 2018

Raising Cane's Restaurants, LLC
6800 Bishop Road
Plano, Texas 75024

Attn: Ms. Kristen Roberts
P: (972) 769-3348
E: KRoberts@raisingcanes.com

Re: Limited Site Investigation
Raising Cane's Restaurant (RC 387) – Monterey Park
1970 South Atlantic Boulevard
Monterey Park, Los Angeles County, California 91754
Terracon Project No. 60187256

Dear Ms. Roberts:

Terracon Consultants, Inc. (Terracon) is pleased to submit this Limited Site Investigation (LSI) report for the above referenced site. This investigation was performed in accordance with Terracon's Proposal No. P60187218A dated June 6, 2018.

We appreciate the opportunity to perform these services for Raising Cane's Restaurants, LLC. Please contact either of the undersigned at (949) 261.0051 if you have questions regarding the information provided in the report.

Sincerely,
Terracon Consultants, Inc.

Prepared by:



Mary Louise K. Mrdjenovich
Field Geologist

Reviewed by:



Fabio M. Minervini, P.G.
Environmental Department Manager



Carl A. Parten
Office Manager / Principal

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APPENDICES

APPENDIX A	Exhibits
APPENDIX B	Boring Logs
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**LIMITED SITE INVESTIGATION
 RAISING CANE’S RESTAURANT (RC 387) – MONTEREY PARK
 1970 SOUTH ATLANTIC BOULEVARD
 MONTEREY PARK, LOS ANGELES COUNTY, CALIFORNIA
 Terracon Project No. 60187256
 July 24, 2018**

1.0 INTRODUCTION

1.1 Site Description

Site Name	Raising Cane’s Restaurant (RC 387) – Monterey Park
Site Location/Address	1970 South Atlantic Boulevard, Monterey Park, Los Angeles County, California, 91754
General Site Description	The site is located at 1970 South Atlantic Boulevard in Monterey Park, Los Angeles County, California of Assessor’s Parcel Numbers (APNs) 5266-002-032, -033 and -034 totaling approximately 0.41-acre of land. During the site reconnaissance, the site consisted of grassy undeveloped land.

A topographic map and site diagram are included as Exhibits 1 and 2 of Appendix A, respectively.

1.2 Scope of Work

Terracon conducted a Limited Site Investigation (LSI) at the Raising Cane’s Restaurant (RC 387) – Monterey Park site, located at 1970 South Atlantic Boulevard, Monterey Park, Los Angeles County, California (the site). The scope of work conducted at your request, was in response to Terracon’s Phase I Environmental Site Assessment (Terracon’s ESA Project No. 60187218), dated June 6, 2018. Terracon’s Phase I ESA identified the following Recognized Environmental Condition (REC):

- n **Historical service station:** Based on a review of historical information, in the early 1950s, a service station was developed. In 1969, this service station was demolished and a new service station and associated automotive repairing was developed and remained relatively unchanged until 2003, when the underground storage tank system was removed. By 2007, the automotive repairing building located on the eastern portion of the site and associated office was demolished and the site has remained vacant and continued to be vacant through the present.

The objective of the LSI was to evaluate the presence of total petroleum hydrocarbon (TPH) and volatile organic compounds (VOCs) above relevant laboratory reporting limits in soil, and VOCs in soil gas, beneath the site as a result of potential releases from the above REC. Groundwater is assumed to be at an approximate depth of 198 feet below ground surface (bgs); therefore, an evaluation of groundwater was not included in the proposed scope. Terracon understands that the expected future use of the site includes the construction of a proposed restaurant building.

Limited Site Investigation Report

Raising Cane's Restaurant (RC 387) ■ Monterey Park, California

July 24, 2018 ■ Terracon Project No. 60187256



1.3 Standard of Care

Terracon's services were performed in a manner consistent with generally accepted practices of the profession undertaken in similar studies in the same geographical area during the same time period. Terracon makes no warranties, either express or implied, regarding the findings, conclusions, or recommendations. Please note that Terracon does not warrant the work of laboratories, regulatory agencies, or other third parties supplying information used in the preparation of the report. These LSI services were performed in accordance with the scope of work agreed with you, our client, as reflected in our proposal and were not restricted by ASTM E1903-97.

1.4 Additional Scope Limitations

Findings, conclusions, and recommendations resulting from these services are based upon information derived from the on-site activities and other services performed under this scope of work; such information is subject to change over time. Certain indicators of the presence of hazardous substances, petroleum products, or other constituents may have been latent, inaccessible, unobservable, nondetectable, or not present during these services, and we cannot represent that the site contains no hazardous substances, toxic materials, petroleum products, or other latent conditions beyond those identified during this LSI. Subsurface conditions may vary from those encountered at specific borings or wells or during other surveys, tests, assessments, investigations, or exploratory services; the data, interpretations, findings, and our recommendations are based solely upon data obtained at the time and within the scope of these services.

1.5 Reliance

This report has been prepared for the exclusive use of Raising Cane's Restaurants, LLC and any authorization for use or reliance by any other party (except a governmental entity having jurisdiction over the site) is prohibited without the express written authorization of Monterey Park, LLC and Terracon. Any unauthorized distribution or reuse is at the client's sole risk. Notwithstanding the foregoing, reliance by authorized parties will be subject to the terms, conditions, and limitations stated in the proposal, LSI report, and Terracon's Terms and Conditions. The limitation of liability defined in the terms and conditions is the aggregate limit of Terracon's liability to the client and all relying parties unless otherwise agreed in writing.

2.0 FIELD ACTIVITIES

Terracon's field activities were conducted on July 3, 2018, by a field geologist under the oversight of a California-licensed Professional Geologist with Terracon. A site-specific health and safety plan was followed by Terracon during field activities for all phases of this investigation.

Limited Site Investigation Report

Raising Cane's Restaurant (RC 387) ■ Monterey Park, California

July 24, 2018 ■ Terracon Project No. 60187256



2.1 Pre-Mobilization

Prior to drilling activities, the soil boring locations were marked and an Underground Service Alert (Dig Alert Ticket No: A181761795-00A) service was requested by Terracon personnel for clearance of public underground utilities.

2.2 Geophysical Survey

To further evaluate the underground utilities at the site, a geophysical survey was performed in the vicinity of each of the boring locations where mechanical drilling was to be performed.

2.3 Soil Borings

Per the approved scope of work, five soil borings (SB-1, SB-2, SB-3, SB-4, and SB-7) were advanced at the site using a direct-push technology (DPT) drilling rig to a maximum depth of approximately 15 feet below ground surface bgs; with the exception of soil borings SB-1 and SB-4, which were terminated at a depth of approximately 13 feet (bgs) due to drilling equipment refusal. The approximate boring locations are shown on Exhibit 2 of Appendix A.

Drilling services were performed by a State-of-California C-57 licensed driller under the supervision of a Terracon environmental professional. Soil samples were collected using four-foot acetate sleeves. Drilling and sampling equipment were cleaned using an Alconox[®] wash and potable water rinse prior to the beginning of the project and before collecting each soil sample.

Soil samples were collected continuously and observed to document soil lithology, color, moisture content, and sensory evidence of impairment. The soil samples were field-screened using a photoionization detector (PID – miniRAE) to indicate the presence of total organic vapors (TOV).

During sample collection, the materials encountered to the maximum depth of exploration of approximately 15 feet bgs consisted mostly of sand with variable amounts of clay or sandy clay. Some gravel was encountered in the sandier material. Detailed lithologic descriptions are presented on the soil boring logs included in Appendix B.

No odors were observed in the soil samples collected from each soil boring. PID readings at background concentrations of less than 1 parts per million by volume (ppmv) TOV were detected in the soil samples collected from the borings. The PID readings are recorded on the soil boring logs and included in Appendix C.

Terracon's soil sampling program involved submitting one soil sample from each of the five soil borings to the laboratory for analysis. Soil samples submitted for laboratory analysis were collected from the interval with highest PID reading or from the interval of most likely environmental impact based on the field professional's judgment. Soil sample intervals for each

Limited Site Investigation Report

Raising Cane's Restaurant (RC 387) ■ Monterey Park, California

July 24, 2018 ■ Terracon Project No. 60187256



boring are presented with the soil sample analytical results (Tables 1 and 2 of Appendix C) and are provided on the lithologic boring logs included in Appendix B.

Soil samples were collected in laboratory-provided glassware, sealed, properly labeled and placed on ice in a cooler for transportation to the laboratory. The sample cooler and completed chain-of-custody form were relinquished to Sun Star Laboratories, in Lake Forest, California, a State-of-California certified laboratory for analysis on a standard 5-day turnaround time.

After completion of soil sampling, the borings were backfilled to surface grade with hydrated bentonite chips.

2.4 Vapor Probe Installation and Soil Vapor Sampling

Two borings (VP-5 and VP-6) were advanced to depths of approximately 5.0 feet bgs and converted into a vapor probe set at a depth of approximately 4.5 feet bgs. Details of the installation and sampling procedures are provided below.

The vapor probes were constructed in general accordance with California Environmental Protection Agency (CAL-EPA), Department of Toxic Substances Control (DTSC), Los Angeles and San Francisco Regional Water Quality Control Board (LA- and SF-RWQCB) *Advisory – Active Soil Gas Investigation* guidance document, dated July 2015 (CAL-EPA/DTSC, July 2015), as follows:

- n At each vapor probe location, a ½-inch diameter probe tip approximately 1-inch long was installed at the target depth of 5.0 feet bgs. The probe tip was designed to be placed approximately half way through a 1-foot sand pack extending from ½-foot above to ½-foot below the probe tip. Therefore, approximately ½-foot of sand was added to the soil boring prior to installing the probe tip.
- n The sampling line connected to the probe tip was comprised of new dedicated 0.25-inch outer-diameter Nylaflow® tubing cut to length leaving approximately one foot of tubing extending from the surface at each probe. A gas tight three-way in-line check valve was fitted to the up-hole end of the tubing to prevent ambient air from infiltrating the probe installation through the sample line. The sample tubing was marked at the ground surface to indicate the probe location, depth, and time of installation.
- n Approximately ½-foot of sand was added after the installation of the probe tip to create a 1-foot sand pack surrounding the probe tip at the bottom of the boring. Approximately 1-foot of dry granular bentonite chips were used to fill the borehole annular space around the Nylaflow® sampling line, from the top of the sand pack to approximately 3.0 feet below grade. Hydrated granular bentonite chips were added from the top of the dry granular bentonite chips to the surface. Sufficient water was added to hydrate the bentonite to insure proper sealing, and care used in placement of the bentonite to prevent post-emplacment expansion which might compromise the probe seal.

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Following probe emplacement, soil vapor sampling was performed at least 2 hours following temporary vapor probe installation to allow the bentonite seal to cure and to allow for subsurface conditions to equilibrate. Terracon's soil vapor sampling program was conducted in general accordance with CAL-EPA, DTSC, soil vapor investigation guidance document (CAL-EPA/DTSC, July 2015), using the following procedures:

- n The temporary vapor probe was purged prior to sample collection. The purge volume of the probe was estimated as the summation of the volumes of the Nylaflo[®] sample line and the sand pack around the tip of the tubing. After waiting for at least 2 hours following probe installation, the sampling assembly was purged a standard three volumes by drawing the soil vapor from the probe using a disposable syringe and discharging it to ambient air. The flow rate during purging and sampling was 150 milliliters per minute (mL/min) to limit stripping of chemical compounds, to prevent ambient air from diluting the soil vapor samples, and to reduce the variability of purging and sampling rates.
- n A leak test was performed in conjunction with each collected soil vapor sample, to verify that ambient air was not diluting the sample or contaminating the sample with external contaminants. Prior to sample collection, the sampling train and soil vapor sampling point were tested for leaks using a shroud filled with 1,1-Difluoroethane. These locations included sample system connections and the surface bentonite seal.
- n Once the sampling assembly was purged and the leak detection test was conducted, a soil vapor sample was drawn from the sample line into a 1-Liter summa canister. The summa canister was immediately labeled and logged as described below. The soil vapor samples and the completed chain-of-custody form were relinquished to the laboratory for analysis. Samples were submitted for analysis on a standard 7-day turnaround time.

Following completion of sampling activities, the vapor probe materials were removed and the vapor probe backfilled with hydrated bentonite chips to the ground surface

2.5 Investigation Derived Waste

Following completion of the investigation activities, soil cuttings were temporarily stored in a 5-gallon plastic bucket. Due to the relatively small quantity of investigative derived waste (less than 5 gallons) and the absence of field evidence of impairment, the soil cuttings were transported offsite by ABC Drilling to be disposed at a later date under their general disposal permit.

3.0 LABORATORY ANALYTICAL METHODS

The soil and soil gas samples were analyzed by Sun Star Laboratories, in Lake Forest, California, a state-of-California certified lab. The soil and samples were analyzed for TPH as gasoline range organics (GRO), diesel range organics (DRO), and Oil Range Organics (ORO) by EPA Method

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8015M and VOCs by EPA Method 8260B. The soil gas samples were analyzed for VOCs by United States Environmental Protection Agency (USEPA) Method TO-15.

The laboratory analytical results for the soil samples are summarized in Tables 1 and 2 of Appendix C, and soil gas sample analytical results are summarized in Table 3 of Appendix C. The corresponding laboratory analytical report and executed chain-of-custody forms are provided in Appendix D.

4.0 DATA EVALUATION

4.1 Soil Samples

Analytical results for the soil samples collected from borings SB-1, SB-2, SB-3, SB-4, VP-5, VP-6, and SB-7 indicate that VOCs, TPH-GRO, and TPH-ORO were not detected above their respective laboratory reporting limits (RLs). TPH-ORO was detected in the samples collected from borings SB-3, VP-6, and SB-7 at concentrations of 180, 87, and 78 milligrams per kilogram (mg/kg), respectively.

The detected TPH-ORO concentrations were compared to the Los Angeles Regional Water Quality Control Board (LA-RWQCB, Region 4), Interim Site Assessment and Cleanup Guidebook (January 2005), Maximum Screening Levels (MSLs) for soils 20-150 feet above groundwater. The comparison revealed that the reported concentrations are significantly lower than the TPH-ORO MSL of 10,000 mg/kg.

Metals concentrations were detected in the soil samples collected at the site above their respective laboratory RLs. The detected metals concentrations were compared to the California Human Health Screening Levels (CHHSLs) and indicate that the reported concentrations do not exceed their respective CHHSLs for residential and commercial land use.

The value of the laboratory RL for arsenic of 5.0 mg/kg is higher than the CHHSLs of 0.07 and 0.24 mg/kg for residential and commercial land use, respectively. However, the Department of Toxic Substances Control (DTSC) established a regional background arsenic concentration in soil that can be used as a screening tool for sites throughout southern California. The term "background" collectively refers to both naturally occurring and anthropogenic concentrations in shallow soil. Statistical analysis of a large data set from school sites in Los Angeles County gave an upper-bound background arsenic concentration of 12 mg/kg. The analysis for 5 counties in southern California also gave an upper-bound background arsenic concentration of 12 mg/kg. The laboratory RL for arsenic is below this established background level; therefore, further evaluation of arsenic and other reported metals concentrations does not appear to be warranted at this time.

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A summary of the soil sample analytical results for VOCs, TPH, and metals is presented in Tables 1 and 2 of Appendix C. The laboratory analytical report and executed chain-of-custody forms are included in Appendix D.

4.2 Soil Vapor Samples

Analytical results for soil gas samples collected from soil vapor probes VP-5 and VP-6 indicate that various concentrations of VOCs including acetone, benzene, 2-butanone, carbon disulfide, chloroform, cyclohexane, ethylbenzene, heptane, styrene, tetrachloroethene (PCE), tetrahydrofuran, toluene, 1,2,4-trimethylbenzene and xylenes were detected above respective RLs.

The soil gas sample analytical results were compared to CAL-EPA, DTSC established Screening Levels calculated using USEPA Region 9 RSLs for residential/commercial indoor air and the CAL-EPA, DTSC Humana and Ecological Risk Office (HERO), Human Health Risk Assessment (HHRA) Note 3, Table 3 Screening Levels for Volatile Compounds in Ambient Air, dated January 2018 (CAL-EPA/DTSC, 2018) and applying attenuation factors of 0.002 and 0.001 for residential and commercial land use, respectively, for existing structures; and 0.001 and 0.0005 for residential and commercial land use, respectively, for future structures; per DTSC Vapor Intrusion Guidance, October 2011, Table 2. Comparison to the aforementioned screening levels indicate that the VOCs detected in the soil gas samples analyzed do not exceed the screening levels for residential or commercial land use, under existing or future structures scenario.

The tracer gas, 1,1-Difluoroethane (1,1-DFA), was not detected above the RL, indicating that soil gas samples were representative of subsurface conditions. A summary of the soil gas sample analytical results is presented in Table 3 of Appendix C and the laboratory analytical report is included in Appendix E.

5.0 FINDINGS AND CONCLUSIONS

The findings of the LSI are as follows:

- n Analytical results for the soil samples collected from the site did not exhibit VOCs, TPH-GRO, and TPH-DRO at concentrations above their respective laboratory reporting limits. TPH-ORO concentrations were detected in soil borings SB-3, VP-6, and SB-7 B-1; however, the detected concentrations are multiple orders of magnitude lower than the applicable screening levels.
- n The detected metals concentrations are below the applicable screening levels. The value of the arsenic RL is higher than the CHHSL but is below the established DTSC background level for southern California of 12 mg/kg. Therefore, further evaluation of arsenic and other reported metals concentrations does not appear to be warranted at this time.

Limited Site Investigation Report

Raising Cane's Restaurant (RC 387) ■ Monterey Park, California

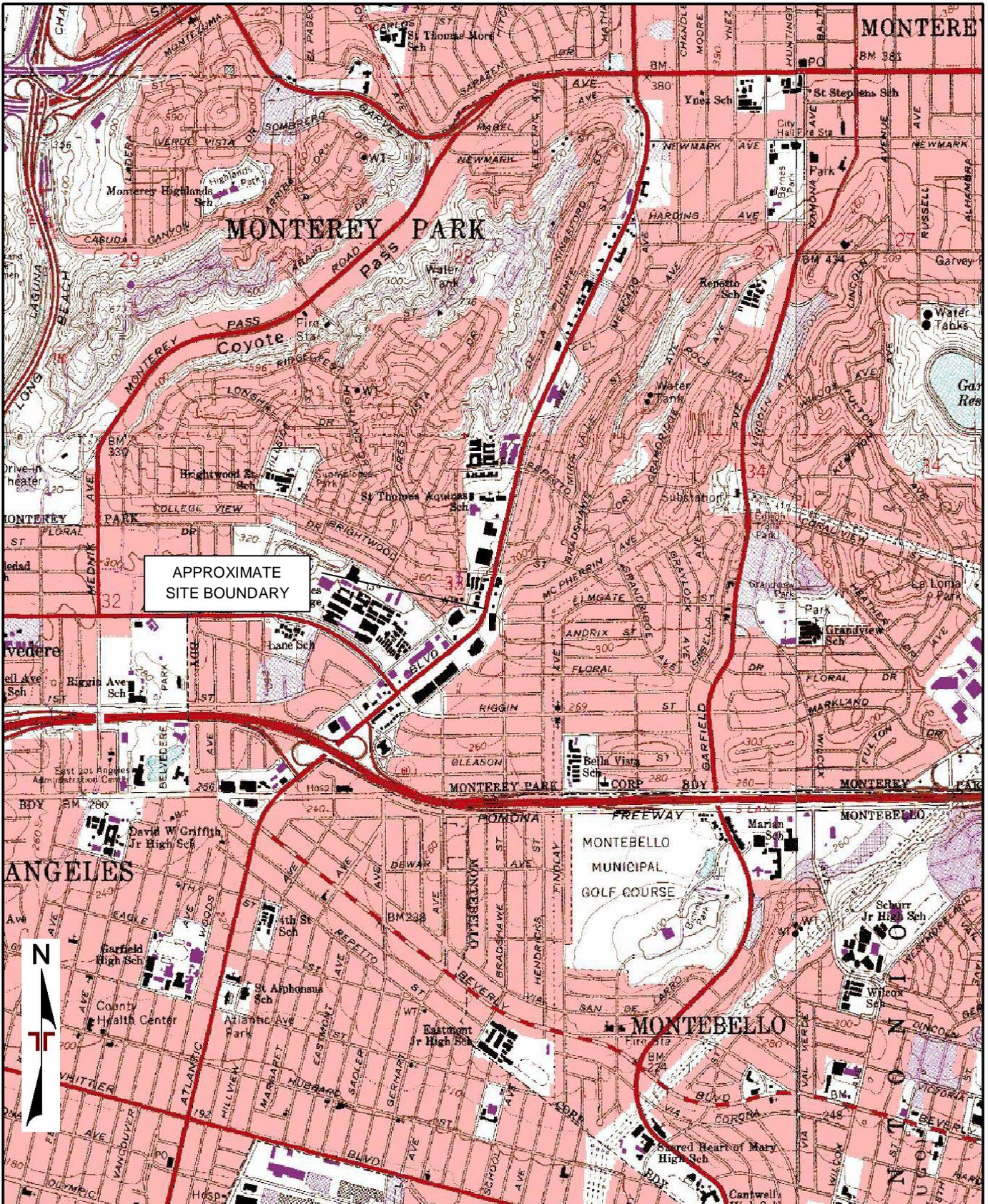
July 24, 2018 ■ Terracon Project No. 60187256



- n Analytical results for the soil gas samples collected from the site exhibited VOCs concentrations above their respective RLs; however, below the applicable screening levels for residential and commercial land use.
- n Based on the soil and soil gas sample laboratory analytical results, additional soil or soil gas investigation at the site does not appear warranted at this time.
- n Although Terracon did not identify soil impacts above applicable regulatory screening levels at the areas explored, there is the potential that other areas of the site may have impacts, as a result of the historical activities conducted at the site. In addition, historical automotive service/gasoline station activities often utilize underground structures and components which may go unnoticed until discovered during future earth work activities. Therefore if soils located on the site are to be disturbed during future excavations or construction activities, proper procedures should be followed with respect to worker health and safety, and any affected soil encountered should be properly characterized, treated, and/or disposed in accordance with applicable local, state or federal regulations.

APPENDIX A

Exhibits



APPROXIMATE
SITE BOUNDARY

TOPOGRAPHIC MAP IMAGE COURTESY OF THE U.S. GEOLOGICAL SURVEY
 QUADRANGLES INCLUDE: LOS ANGELES, CA (1/1/1994) and EL MONTE, CA (1/1/1994).

Project Manager:	FM
Drawn by:	MKM
Checked by:	FM
Approved by:	FM

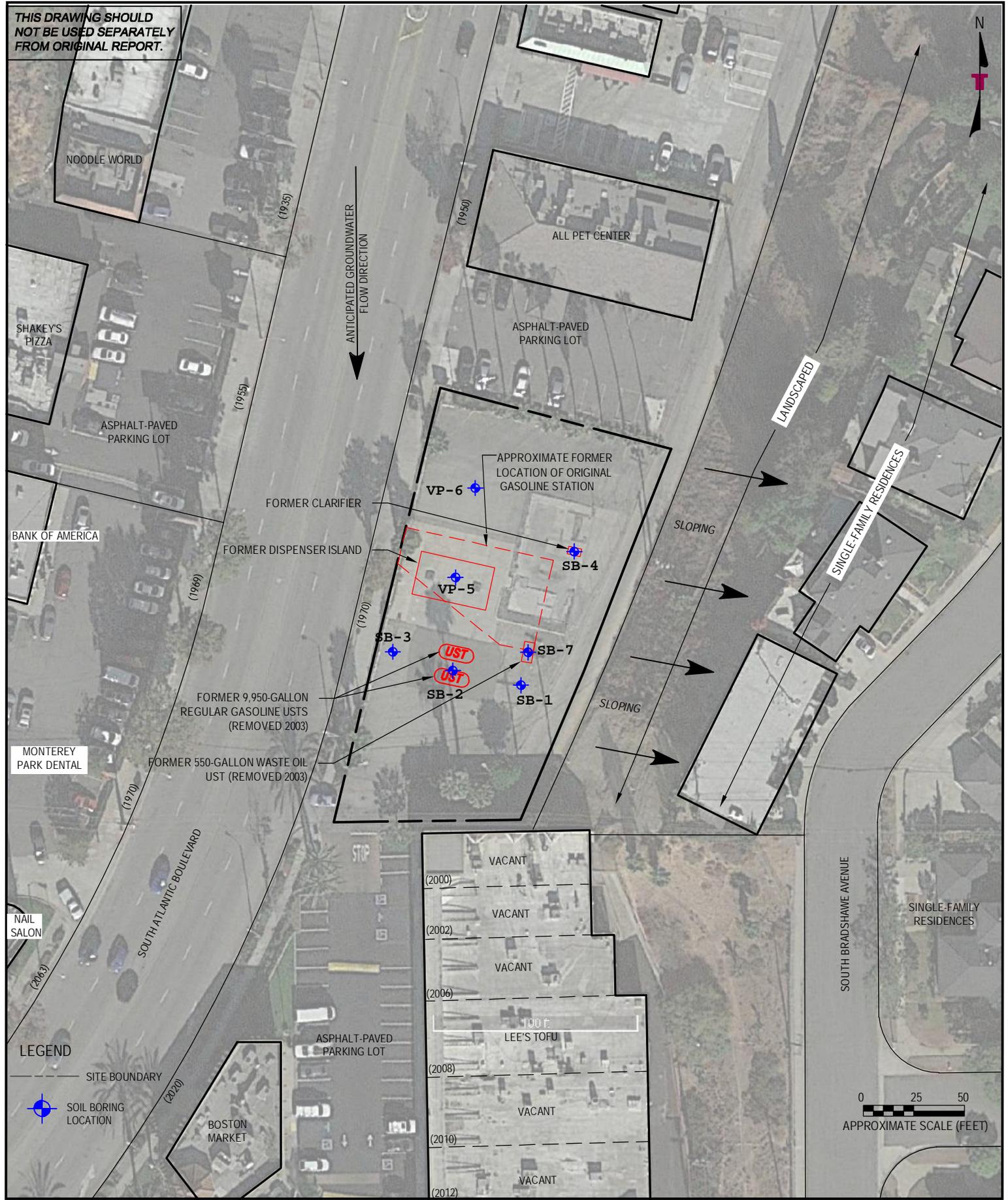
Project No.	60187256
Scale:	1"=2,000'
File Name:	Drawings.jpg
Date:	7/9/2018

Terracon
 1421 Edinger Avenue, Suite C
 Tustin, California 92780

TOPOGRAPHIC MAP
 Raising Cane's Restaurant (RC 387) – Monterey Park
 1970 South Atlantic Boulevard
 Monterey Park, California

Exhibit	1
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THIS DRAWING SHOULD NOT BE USED SEPARATELY FROM ORIGINAL REPORT.



Project Mngr:	LSG
Drawn By:	JRR
Checked By:	IRN
Approved By:	IRN

Project No.	60187218
Scale:	AS SHOWN
File No.	60187218.dwg
Date:	06-2018

Terracon
 Consulting Engineers and Scientists
 1421 EDINGER AVENUE, SUITE C TUSTIN, CALIFORNIA 92780
 PH. (949) 261-0051 FAX. (949) 261-6110

SITE DIAGRAM

RAISING CANE'S RESTAURANT (RC 387) - MONTEREY PARK
 1970 SOUTH ATLANTIC BOULEVARD
 MONTEREY PARK, LOS ANGELES COUNTY, CALIFORNIA

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EXHIBIT

2

APPENDIX B

Boring Logs

BORING LOG NO. SB-1

PROJECT: Raising Cane's Restaurant (RC 387)

CLIENT: Raising Cane's Restaurants, LLC
Plano, TX

SITE: 1970 South Atlantic Boulevard
Monterey Park, California

GRAPHIC LOG	LOCATION See Exhibit A-2	DEPTH (ft)	WATER LEVEL OBSERVATIONS	SAMPLE TYPE	RECOVERY (%)	OVA/PIID (ppm)
	DEPTH MATERIAL DESCRIPTION					
GRAPHIC LOG DEPTH MATERIAL DESCRIPTION	WELL GRADED SAND (SW) , trace gravel and clay, brown, dry, loose, no odor, no staining					<1.0
						<1.0
						<1.0
						<1.0
						<1.0
	decrease clay	5				<1.0
						<1.0
						<1.0
						<1.0
						<1.0
	9.0 LEAN CLAY WITH SILT (CL) , brown, moist, soft, no odor, no staining					<1.0
	4-inch well graded sand lens, with gravel, brown					<1.0
	12.0 POORLY GRADED SAND (SP) , trace gravel and clay, brown, dry, medium dense, no odor, no staining					<1.0
	13.0 at 13 Feet					<1.0

The stratification lines represent the approximate transition between differing soil types and/or rock types; in-situ these transitions may be gradual or may occur at different depths than shown.

Hammer Type: Automatic

Advancement Method:
Direct-Push

See Appendices for description of field procedures.

Notes:

Abandonment Method:
Boring backfilled with grout and capped with asphalt.

See Appendices for description of laboratory procedures and additional data (if any).

See Appendices for explanation of symbols and abbreviations.

WATER LEVEL OBSERVATIONS
No free water observed



Boring Started: 07-03-2018

Boring Completed: 07-03-2018

Drill Rig: Geoprobe

Driller: ABC Liovin Drilling

Project No.: 60187256

Exhibit: B-1

THIS BORING LOG IS NOT VALID IF SEPARATED FROM ORIGINAL REPORT. ENVIRONMENTAL SMART LOG 60187256.GPJ TERRACON_DATATEMPLATE.GDT 7/12/18

BORING LOG NO. SB-2

PROJECT: Raising Cane's Restaurant (RC 387)

CLIENT: Raising Cane's Restaurants, LLC
Plano, TX

SITE: 1970 South Atlantic Boulevard
Monterey Park, California

THIS BORING LOG IS NOT VALID IF SEPARATED FROM ORIGINAL REPORT. ENVIRONMENTAL SMART LOG 60187256.GPJ TERRACON_DATATEMPLATE.GDT 7/12/18

GRAPHIC LOG	LOCATION See Exhibit A-2	DEPTH (ft)	WATER LEVEL OBSERVATIONS	SAMPLE TYPE	RECOVERY (%)	OVA/PIID (ppm)
DEPTH	MATERIAL DESCRIPTION					
3.0	POORLY GRADED SAND (SP) , trace gravel and clay, brown, dry, loose, no odor, no staining			X		<1.0
9.0	POORLY GRADED SAND WITH CLAY (SP-SC) , trace gravel, brown, dry, loose, no odor, no staining grayish-brown dampness observed 7 to 9 feet	5		X		<1.0
15.0	WELL GRADED SAND WITH CLAY AND GRAVEL (SW-SC) , grayish-brown to brown, dry, medium dense, no odor, no staining	10		X		<1.0
Boring Terminated at 15 Feet		15				<1.0

The stratification lines represent the approximate transition between differing soil types and/or rock types; in-situ these transitions may be gradual or may occur at different depths than shown.

Hammer Type: Automatic

Advancement Method:
Direct-Push

See Appendices for description of field procedures.

Notes:

Abandonment Method:
Boring backfilled with grout and capped with asphalt.

See Appendices for description of laboratory procedures and additional data (if any).

See Appendices for explanation of symbols and abbreviations.

WATER LEVEL OBSERVATIONS
No free water observed



Boring Started: 07-03-2018

Boring Completed: 07-03-2018

Drill Rig: Geoprobe

Driller: ABC Liovin Drilling

Project No.: 60187256

Exhibit: B-2

PROBE LOG NO. VP-5

PROJECT: Raising Cane's Restaurant (RC 387)

CLIENT: Raising Cane's Restaurants, LLC
Plano, TX

SITE: 1970 South Atlantic Boulevard
Monterey Park, California

GRAPHIC LOG	LOCATION See Exhibit A-2	DEPTH (ft)	WATER LEVEL OBSERVATIONS	SAMPLE TYPE	RECOVERY (%)	OVA/PID (ppm)
	DEPTH MATERIAL DESCRIPTION					
5.0	SANDY LEAN CLAY (CL) , trace gravel, brown, dry, medium stiff, no odor, no staining	5		X		<1.0
	Probe Terminated at 5 Feet					<1.0

The stratification lines represent the approximate transition between differing soil types and/or rock types; in-situ these transitions may be gradual or may occur at different depths than shown.

Hammer Type: Automatic

Advancement Method: Direct-Push	See Appendices for description of field procedures. See Appendices for description of laboratory procedures and additional data (if any).	Notes:
Abandonment Method: Boring converted into vapor probe.	See Appendices for explanation of symbols and abbreviations.	
WATER LEVEL OBSERVATIONS <i>No free water observed</i>		Probe Started: 07-03-2018 Drill Rig: Geoprobe Project No.: 60187256
		Probe Completed: 07-03-2018 Driller: ABC Liovin Drilling Exhibit: B-6

THIS BORING LOG IS NOT VALID IF SEPARATED FROM ORIGINAL REPORT. ENVIRONMENTAL SMART LOG 60187256.GPJ TERRACON_DATATEMPLATE.GDT 7/12/18

PROBE LOG NO. VP-6

PROJECT: Raising Cane's Restaurant (RC 387)

CLIENT: Raising Cane's Restaurants, LLC
Plano, TX

SITE: 1970 South Atlantic Boulevard
Monterey Park, California

GRAPHIC LOG	LOCATION See Exhibit A-2	DEPTH (ft)	WATER LEVEL OBSERVATIONS	SAMPLE TYPE	RECOVERY (%)	OVA/PID (ppm)
	DEPTH MATERIAL DESCRIPTION					
2.0	LEAN CLAY WITH SAND (CL) , trace gravel, brown, dry, soft, no odor, no staining					<1.0
5.0	CLAYEY SAND (SC) , trace silt, brown, dry, loose, no odor, no staining			X		<1.0
Probe Terminated at 5 Feet		5		X		<1.0

The stratification lines represent the approximate transition between differing soil types and/or rock types; in-situ these transitions may be gradual or may occur at different depths than shown.

Hammer Type: Automatic

Advancement Method: Direct-Push	See Appendices for description of field procedures. See Appendices for description of laboratory procedures and additional data (if any).	Notes:	
Abandonment Method: Boring converted into vapor probe.	See Appendices for explanation of symbols and abbreviations.		
WATER LEVEL OBSERVATIONS <i>No free water observed</i>		Probe Started: 07-03-2018 Drill Rig: Geoprobe Project No.: 60187256	Probe Completed: 07-03-2018 Driller: ABC Liovin Drilling Exhibit: B-7

THIS BORING LOG IS NOT VALID IF SEPARATED FROM ORIGINAL REPORT. ENVIRONMENTAL SMART LOG 60187256.GPJ TERRACON_DATATEMPLATE.GDT 7/12/18

BORING LOG NO. SB-7

PROJECT: Raising Cane's Restaurant (RC 387)

CLIENT: Raising Cane's Restaurants, LLC
Plano, TX

SITE: 1970 South Atlantic Boulevard
Monterey Park, California

GRAPHIC LOG	LOCATION See Exhibit A-2	DEPTH (ft)	WATER LEVEL OBSERVATIONS	SAMPLE TYPE	RECOVERY (%)	OVA/PID (ppm)
	DEPTH MATERIAL DESCRIPTION					
	CLAYEY SAND (SC) , brown, dry, loose, no odor, no staining					<1.0
						<1.0
						<1.0
	3.0			X		<1.0
	WELL GRADED SAND WITH GRAVEL (SW) , grayish-brown to brown, dry, loose, no odor, no staining					<1.0
						<1.0
	blue wire fragment observed	5		X		<1.0
						<1.0
						<1.0
	trace clay	10		X		<1.0
						<1.0
						<1.0
	14.0					<1.0
	SANDY LEAN CLAY WITH GRAVEL (CL) , dark brown, moist, very stiff, no odor, no staining					<1.0
	15.0	15		X		<1.0
	Boring Terminated at 15 Feet					<1.0

The stratification lines represent the approximate transition between differing soil types and/or rock types; in-situ these transitions may be gradual or may occur at different depths than shown.

Hammer Type: Automatic

Advancement Method: Direct-Push	See Appendices for description of field procedures. See Appendices for description of laboratory procedures and additional data (if any). See Appendices for explanation of symbols and abbreviations.	Notes:
Abandonment Method: Boring backfilled with grout and capped with asphalt.		
WATER LEVEL OBSERVATIONS <i>No free water observed</i>		Boring Started: 07-03-2018 Drill Rig: Geoprobe Project No.: 60187256
		Boring Completed: 07-03-2018 Driller: ABC Liovin Drilling Exhibit: B-5

THIS BORING LOG IS NOT VALID IF SEPARATED FROM ORIGINAL REPORT. ENVIRONMENTAL SMART LOG 60187256.GPJ TERRACON_DATATEMPLATE.GDT 7/12/18

APPENDIX C

Tables

TABLE 1 SOIL SAMPLE ANALYTICAL RESULTS - VOCs and TPH Raising Cane's Restaurant (RC 387) - Monterey Park 1970 South Atlantic Boulevard Monterey Park, Los Angeles County, California Terracon Project No. 60187256						
Sample I.D.	Sample Date	Sample Depth (feet bgs)	VOC's	Total Petroleum Hydrocarbons		
			EPA Method 8260B	TPH GRO	TPH DRO	TPH ORO
			mg/kg			
SB-1-12'	7/3/18	11.5 to 12	ND	<10	<10	<10
SB-2-13'		12.5 to 13	ND	<10	<10	<10
SB-3-2.5'		2 to 2.5	ND	<10	<10	180
SB-4-12.5'		12 to 12.5	ND	<10	<10	<10
VP-5-2.5'		2 to 2.5	ND	<10	<10	<10
VP-6-5'		4.5 to 5	ND	<10	<10	87
SB-7-10'		9.5 to 10	ND	<10	<10	78
RSLs			NA	NE	NE	NE
MSLs			NA	500	1,000	10,000

Notes:

All units are in milligrams per kilograms (mg/kg)

bgs= below ground surface

EPA = United States Environmental Protection Agency

TPH DRO = total petroleum hydrocarbons in diesel carbon range (C13-C22)

TPH ORO = total petroleum hydrocarbons in waste oil carbon range (C23-C32)

< = not detected above laboratory reporting limit specified

ND = not detected above laboratory reporting limits

NA = not applicable

NE = not established

(1) Regional Screening Levels (RSLs) for EPA Region 9, Industrial Soil, November, 2015

(2) MSLs = Maximum Screening Levels (MSLs) for soils 20-150 feet for distance above groundwater, Sand, Region 4, Regional Water Quality Control Board-Los Angeles Region, Interim Site Assessment & Cleanup Guidebook, January 2005

TABLE 2
SOIL SAMPLE ANALYTICAL RESULTS - METALS
 Raising Cane's Restaurant (RC 387) - Monterey Park
 1970 South Atlantic Boulevard
 Monterey Park, Los Angeles County, California
 Terracon Project No. 60187256

Sample I.D.	Sample Date	Sample Depth (feet bgs)	Antimony	*Arsenic	Barium	Beryllium	Cadmium	Chromium	Cobalt	Copper	Lead	Molybdenum	Nickel	Selenium	Silver	Thallium	Vanadium	Zinc
			EPA Method 6010B															
			(mg/kg)															
SB-4-12.5'	07/03/18	12 to 12.5	<3.0	<5.0	43	<1.0	<2.0	6.4	5.4	7.8	<3.0	<5.0	5.4	<5.0	<2.0	<2.0	20	20
SB-7-10'	07/03/18	9.5 to 10	<3.0	<5.0	50	<1.0	<2.0	6.1	5.7	8.4	<3.0	<5.0	5.1	<5.0	<2.0	<2.0	25	28
CHHSLs (Residential)			30	0.07	5,200	150	1.7	100,000	660	3,000	80 (OEHHA)	380	1,600	380	380	5.0	530	23,000
CHHSLs (Commercial)			380	0.24	63,000	1,700	7.5	100,000	3,200	38,000	320 (OEHHA)	4,800	16,000	4,800	4,800	63	6,700	100,000

Notes:
 All units are in milligrams per kilograms (mg/kg)
 bgs= below ground surface
 EPA = United States Environmental Protection Agency
 < = not detected above laboratory reporting limit specified

CHHSLs = California Human Health Screening Levels (CHHSLs) for Soil and Comparison to Other Potential Environmental Concerns for Residential and Commercial land use
 OEHHA = Office of Environmental Health Hazard Assessment for Residential and Commercial land use.

* Background Metals = The Department of Toxic Substances Control (DTSC) established a regional background arsenic concentration in soil that can be used as a screening tool for sites throughout southern California. The term "background" collectively refers to both naturally occurring and anthropogenic concentrations in shallow soil. Statistical analysis of a large data set from school sites in Los Angeles County gave an upper-bound background arsenic concentration of 12 mg/kg. The analysis for 5 counties in southern California also gave an upper-bound background arsenic concentration of 12 mg/kg.

TABLE 3 SOIL GAS ANALYTICAL RESULTS - VOCs Raising Cane's Restaurant (RC 387) - Monterey Park 1970 South Atlantic Boulevard Monterey Park, Los Angeles County, California Terracon Project No. 60187256				
Sample I.D.	Sample Date	Sample Depth (feet bgs)	VOCs	1,1-Difluoroethane (Leak Check Compound)
			EPA Method TO-15 (µg/m ³)	
VP-5-SG	7/3/2018	5	Acetone - 210 2-Butanone (MEK) - 130 Heptane - 11 Styrene - 37 Tetrahydrofuran - 13 Tetrachloroethene (PCE) - 56 Trichloroethene (TCE) - 16 Benzene - 25 Ethylbenzene - 51 Toluene - 490 m,p-Xylene - 130 o-Xylene - 55 1,2,4-Trimethylbenzene - 45	<27
VP-6-SG	7/3/2018	5	Acetone - 170 2-Butanone (MEK) - 94 Carbon Disulfide - 120 Chloroform - 6.6 Cyclohexane - 110 Styrene - 11 Tetrachloroethene (PCE) - 60 Benzene - 7.4 Ethylbenzene - 24 Toluene - 1,000 m,p-Xylene - 58 o-Xylene - 20	<27
Existing Structure Soil Gas Screening Levels	Residential⁽¹⁾ / Commercial⁽²⁾		Acetone - 16,000,000 / 140,000,000 2-Butanone (MEK) - 2,600,000 / 22,000,000 Carbon Dissulfide - 365,000 / 3,100,000 Chloroform - 60 / 530 Cyclohexane - 3,300,000 / 26,000,000 Heptane - NE Styrene - 500,000 / 4,400,000 Tetrahydrofuran - 1,100,000 / 8,800,000 Tetrachloroethene (PCE) - 230 / 2,000 Trichloroethene (TCE) - 240 / 3,000 Benzene - 48.5 / 420 Ethylbenzene - 550 / 4,900 Toluene - 2,600,000 / 22,000,000 m,p-Xylene - 100,000 / 880,000 o-Xylene - 50,000 / 440,000 1,2,4-Trimethylbenzene - 3,700 / 31,000	21,000,000 / 180,000,000
Future Structure Soil Gas Screening Levels	Residential⁽³⁾ / Commercial⁽⁴⁾		Acetone - 32,000,000 / 280,000,000 2-Butanone (MEK) - 5,200,000 / 44,000,000 Carbon Dissulfide - 530,000 / 6,200,000 Chloroform - 120 / 1,060 Cyclohexane - 6,400,000 / 52,000,000 Heptane - NE Styrene - 1,000,000 / 8,800,000 Tetrahydrofuran - 2,100,000 / 18,000,000 Tetrachloroethene (PCE) - 460 / 4,000 Trichloroethene (TCE) - 480 / 6,000 Benzene - 97 / 840 Ethylbenzene - 1,100 / 9,800 Toluene - 5,200,000 / 44,000,000 m,p-Xylene - 200,000 / 1,760,000 o-Xylene - 100,000 / 880,000 1,2,4-Trimethylbenzene - 7,300 / 62,000	42,000,000 / 360,000,000

Notes:

All units are in micrograms per cubic meter (µg/m³)

bgs= below ground surface

EPA = United States Environmental Protection Agency

VOCs = volatile organic compound

NE= not established

< = not detected above laboratory reporting limit specified

(1) Screening Levels for Soil Gas (Existing Structure) - Residential Property (Calculated using RSL Indoor Air Screening Levels, HQ-1.0 with HERO HHRA Table 2 and 3, January 2018; Attenuation Factor of 0.002

(2) Screening Levels for Soil Gas (Existing Structure) - Commercial Property (Calculated using RSL Indoor Air Screening Levels, HQ-1.0 with HERO HHRA Table 2 and 3, January 2018; Attenuation Factor of 0.001

(3) Screening Levels for Soil Gas (Future Structure) - Residential Property (Calculated using RSL Indoor Air Screening Levels, HQ-1.0 with HERO HHRA Table 2 and 3, January 2018; Attenuation Factor of 0.001

(4) Screening Levels for Soil Gas (Future Structure) - Commercial Property (Calculated using RSL Indoor Air Screening Levels, HQ-1.0 with HERO HHRA Table 2 and 3, January 2018; Attenuation Factor of 0.0005

HERO=Human and Ecological Risk

HHRA=Human Health Risk Assessment

HQ=Hazard Quotient

APPENDIX D

Laboratory Data Sheets and Chain-of-Custody Forms



25712 Commercentre Drive
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12 July 2018

Fabio Minervini
Terracon - Tustin
1421 Edinger Avenue, Suite C
Tustin, CA 92780
RE: Raising Cane's RC-387

Enclosed are the results of analyses for samples received by the laboratory on 07/03/18 14:30. If you have any questions concerning this report, please feel free to contact me.

Sincerely,

Alexandra Huerta
Project Manager Assistant



25712 Commercentre Drive
 Lake Forest, California 92630
 949.297.5020 Phone
 949.297.5027 Fax

Terracon - Tustin 1421 Edinger Avenue, Suite C Tustin CA, 92780	Project: Raising Cane's RC-387 Project Number: 60187218A Project Manager: Fabio Minervini	Reported: 07/12/18 14:00
---	---	-----------------------------

ANALYTICAL REPORT FOR SAMPLES

Sample ID	Laboratory ID	Matrix	Date Sampled	Date Received
VP-5-2.5	T182159-01	Soil	07/03/18 07:35	07/03/18 14:30
VP-6-5'	T182159-04	Soil	07/03/18 08:05	07/03/18 14:30
SB-4-12.5'	T182159-07	Soil	07/03/18 08:45	07/03/18 14:30
SB-3-2.5'	T182159-08	Soil	07/03/18 09:00	07/03/18 14:30
SB-2-13'	T182159-14	Soil	07/03/18 09:35	07/03/18 14:30
SB-1-12'	T182159-17	Soil	07/03/18 10:10	07/03/18 14:30
SB-7-10'	T182159-20	Soil	07/03/18 10:20	07/03/18 14:30
VP-6 (SG)	T182159-22	Air	07/03/18 10:50	07/03/18 14:30
VP-5 (SG)	T182159-23	Air	07/03/18 10:45	07/03/18 14:30

SunStar Laboratories, Inc.

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

Alexandra Huerta, Project Manager Assistant

Terracon - Tustin
1421 Edinger Avenue, Suite C
Tustin CA, 92780

Project: Raising Cane's RC-387
Project Number: 60187218A
Project Manager: Fabio Minervini

Reported:
07/12/18 14:00

DETECTIONS SUMMARY

Sample ID: VP-5-2.5 **Laboratory ID:** T182159-01

No Results Detected

Sample ID: VP-6-5' **Laboratory ID:** T182159-04

Analyte	Result	Reporting		Units	Method	Notes
		Limit				
C23-C32 (MORO)	87	10		mg/kg	EPA 8015B	

Sample ID: SB-4-12.5' **Laboratory ID:** T182159-07

Analyte	Result	Reporting		Units	Method	Notes
		Limit				
Barium	43	1.0		mg/kg	EPA 6010b	
Chromium	6.4	2.0		mg/kg	EPA 6010b	
Cobalt	5.4	2.0		mg/kg	EPA 6010b	
Copper	7.8	1.0		mg/kg	EPA 6010b	
Nickel	5.4	2.0		mg/kg	EPA 6010b	
Vanadium	20	5.0		mg/kg	EPA 6010b	
Zinc	20	1.0		mg/kg	EPA 6010b	

Sample ID: SB-3-2.5' **Laboratory ID:** T182159-08

Analyte	Result	Reporting		Units	Method	Notes
		Limit				
C23-C32 (MORO)	180	10		mg/kg	EPA 8015B	

Sample ID: SB-2-13' **Laboratory ID:** T182159-14

No Results Detected

SunStar Laboratories, Inc.

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Alexandra Huerta, Project Manager Assistant

Terracon - Tustin
1421 Edinger Avenue, Suite C
Tustin CA, 92780

Project: Raising Cane's RC-387
Project Number: 60187218A
Project Manager: Fabio Minervini

Reported:
07/12/18 14:00

Sample ID: SB-1-12'

Laboratory ID: T182159-17

No Results Detected

Sample ID: SB-7-10'

Laboratory ID: T182159-20

Analyte	Result	Reporting		Units	Method	Notes
		Limit				
C23-C32 (MORO)	78	10		mg/kg	EPA 8015B	
Barium	50	1.0		mg/kg	EPA 6010b	
Chromium	6.1	2.0		mg/kg	EPA 6010b	
Cobalt	5.7	2.0		mg/kg	EPA 6010b	
Copper	8.4	1.0		mg/kg	EPA 6010b	
Nickel	5.1	2.0		mg/kg	EPA 6010b	
Vanadium	25	5.0		mg/kg	EPA 6010b	
Zinc	28	1.0		mg/kg	EPA 6010b	

Sample ID: VP-6 (SG)

Laboratory ID: T182159-22

Analyte	Result	Reporting		Units	Method	Notes
		Limit				
Acetone	170	12		ug/m ³ Air	TO-15	
Carbon Disulfide	120	3.2		ug/m ³ Air	TO-15	
Chloroform	6.6	5.0		ug/m ³ Air	TO-15	
Cyclohexane	110	3.5		ug/m ³ Air	TO-15	
Styrene	11	4.3		ug/m ³ Air	TO-15	
Tetrachloroethene	60	6.9		ug/m ³ Air	TO-15	
2-Butanone (MEK)	94	15		ug/m ³ Air	TO-15	
Benzene	7.4	3.3		ug/m ³ Air	TO-15	
Toluene	1000	3.8		ug/m ³ Air	TO-15	
Ethylbenzene	24	4.4		ug/m ³ Air	TO-15	
m,p-Xylene	58	8.8		ug/m ³ Air	TO-15	
o-Xylene	20	4.4		ug/m ³ Air	TO-15	

Sample ID: VP-5 (SG)

Laboratory ID: T182159-23

Analyte	Result	Reporting		Units	Method	Notes
		Limit				
Acetone	210	12		ug/m ³ Air	TO-15	

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Alexandra Huerta, Project Manager Assistant

Terracon - Tustin
1421 Edinger Avenue, Suite C
Tustin CA, 92780

Project: Raising Cane's RC-387
Project Number: 60187218A
Project Manager: Fabio Minervini

Reported:
07/12/18 14:00

Sample ID: VP-5 (SG)

Laboratory ID: T182159-23

Analyte	Result	Reporting		Units	Method	Notes
		Limit				
Heptane	11	4.2		ug/m ³ Air	TO-15	
Styrene	37	4.3		ug/m ³ Air	TO-15	
Tetrahydrofuran	13	3.0		ug/m ³ Air	TO-15	
Tetrachloroethene	56	6.9		ug/m ³ Air	TO-15	
Trichloroethene	16	5.5		ug/m ³ Air	TO-15	
1,2,4-Trimethylbenzene	45	5.0		ug/m ³ Air	TO-15	
2-Butanone (MEK)	130	15		ug/m ³ Air	TO-15	
Benzene	25	3.3		ug/m ³ Air	TO-15	
Toluene	490	3.8		ug/m ³ Air	TO-15	
Ethylbenzene	51	4.4		ug/m ³ Air	TO-15	
m,p-Xylene	130	8.8		ug/m ³ Air	TO-15	
o-Xylene	55	4.4		ug/m ³ Air	TO-15	

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Alexandra Huerta, Project Manager Assistant



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Terracon - Tustin 1421 Edinger Avenue, Suite C Tustin CA, 92780	Project: Raising Cane's RC-387 Project Number: 60187218A Project Manager: Fabio Minervini	Reported: 07/12/18 14:00
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VP-5-2.5
T182159-01 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

Extractable Petroleum Hydrocarbons by 8015B

C6-C12 (GRO)	ND	10	mg/kg	1	8070528	07/05/18	07/06/18	EPA 8015B	
C13-C22 (DRO)	ND	10	"	"	"	"	"	"	
C23-C32 (MORO)	ND	10	"	"	"	"	"	"	
Surrogate: <i>p</i> -Terphenyl		91.7 %	65-135		"	"	"	"	

Volatile Organic Compounds by EPA Method 8260B

Bromobenzene	ND	0.0050	mg/kg	1	8070501	07/05/18	07/05/18	EPA 8260B	
Bromochloromethane	ND	0.0050	"	"	"	"	"	"	
Bromodichloromethane	ND	0.0050	"	"	"	"	"	"	
Bromoform	ND	0.0050	"	"	"	"	"	"	
Bromomethane	ND	0.0050	"	"	"	"	"	"	
n-Butylbenzene	ND	0.0050	"	"	"	"	"	"	
sec-Butylbenzene	ND	0.0050	"	"	"	"	"	"	
tert-Butylbenzene	ND	0.0050	"	"	"	"	"	"	
Carbon tetrachloride	ND	0.0050	"	"	"	"	"	"	
Chlorobenzene	ND	0.0050	"	"	"	"	"	"	
Chloroethane	ND	0.0050	"	"	"	"	"	"	
Chloroform	ND	0.0050	"	"	"	"	"	"	
Chloromethane	ND	0.0050	"	"	"	"	"	"	
2-Chlorotoluene	ND	0.0050	"	"	"	"	"	"	
4-Chlorotoluene	ND	0.0050	"	"	"	"	"	"	
Dibromochloromethane	ND	0.0050	"	"	"	"	"	"	
1,2-Dibromo-3-chloropropane	ND	0.010	"	"	"	"	"	"	
1,2-Dibromoethane (EDB)	ND	0.0050	"	"	"	"	"	"	
Dibromomethane	ND	0.0050	"	"	"	"	"	"	
1,2-Dichlorobenzene	ND	0.0050	"	"	"	"	"	"	
1,3-Dichlorobenzene	ND	0.0050	"	"	"	"	"	"	
1,4-Dichlorobenzene	ND	0.0050	"	"	"	"	"	"	
Dichlorodifluoromethane	ND	0.0050	"	"	"	"	"	"	
1,1-Dichloroethane	ND	0.0050	"	"	"	"	"	"	
1,2-Dichloroethane	ND	0.0050	"	"	"	"	"	"	
1,1-Dichloroethene	ND	0.0050	"	"	"	"	"	"	

SunStar Laboratories, Inc.

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Alexandra Huerta, Project Manager Assistant

Terracon - Tustin
1421 Edinger Avenue, Suite C
Tustin CA, 92780

Project: Raising Cane's RC-387
Project Number: 60187218A
Project Manager: Fabio Minervini

Reported:
07/12/18 14:00

VP-5-2.5
T182159-01 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

Volatile Organic Compounds by EPA Method 8260B

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
cis-1,2-Dichloroethene	ND	0.0050	mg/kg	1	8070501	07/05/18	07/05/18	EPA 8260B	
trans-1,2-Dichloroethene	ND	0.0050	"	"	"	"	"	"	
1,2-Dichloropropane	ND	0.0050	"	"	"	"	"	"	
1,3-Dichloropropane	ND	0.0050	"	"	"	"	"	"	
2,2-Dichloropropane	ND	0.0050	"	"	"	"	"	"	
1,1-Dichloropropene	ND	0.0050	"	"	"	"	"	"	
cis-1,3-Dichloropropene	ND	0.0050	"	"	"	"	"	"	
trans-1,3-Dichloropropene	ND	0.0050	"	"	"	"	"	"	
Hexachlorobutadiene	ND	0.0050	"	"	"	"	"	"	
Isopropylbenzene	ND	0.0050	"	"	"	"	"	"	
p-Isopropyltoluene	ND	0.0050	"	"	"	"	"	"	
Methylene chloride	ND	0.0050	"	"	"	"	"	"	
Naphthalene	ND	0.0050	"	"	"	"	"	"	
n-Propylbenzene	ND	0.0050	"	"	"	"	"	"	
Styrene	ND	0.0050	"	"	"	"	"	"	
1,1,2,2-Tetrachloroethane	ND	0.0050	"	"	"	"	"	"	
1,1,1,2-Tetrachloroethane	ND	0.0050	"	"	"	"	"	"	
Tetrachloroethene	ND	0.0050	"	"	"	"	"	"	
1,2,3-Trichlorobenzene	ND	0.0050	"	"	"	"	"	"	
1,2,4-Trichlorobenzene	ND	0.0050	"	"	"	"	"	"	
1,1,2-Trichloroethane	ND	0.0050	"	"	"	"	"	"	
1,1,1-Trichloroethane	ND	0.0050	"	"	"	"	"	"	
Trichloroethene	ND	0.0050	"	"	"	"	"	"	
Trichlorofluoromethane	ND	0.0050	"	"	"	"	"	"	
1,2,3-Trichloropropane	ND	0.0050	"	"	"	"	"	"	
1,3,5-Trimethylbenzene	ND	0.0050	"	"	"	"	"	"	
1,2,4-Trimethylbenzene	ND	0.0050	"	"	"	"	"	"	
Vinyl chloride	ND	0.0050	"	"	"	"	"	"	
Benzene	ND	0.0050	"	"	"	"	"	"	
Toluene	ND	0.0050	"	"	"	"	"	"	
Ethylbenzene	ND	0.0050	"	"	"	"	"	"	
m,p-Xylene	ND	0.010	"	"	"	"	"	"	

SunStar Laboratories, Inc.

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Alexandra Huerta, Project Manager Assistant



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Terracon - Tustin 1421 Edinger Avenue, Suite C Tustin CA, 92780	Project: Raising Cane's RC-387 Project Number: 60187218A Project Manager: Fabio Minervini	Reported: 07/12/18 14:00
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VP-5-2.5
T182159-01 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

Volatile Organic Compounds by EPA Method 8260B

o-Xylene	ND	0.0050	mg/kg	1	8070501	07/05/18	07/05/18	EPA 8260B	
Surrogate: 4-Bromofluorobenzene		114 %	81.2-123		"	"	"	"	
Surrogate: Dibromofluoromethane		110 %	95.7-135		"	"	"	"	
Surrogate: Toluene-d8		105 %	85.5-116		"	"	"	"	

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Alexandra Huerta, Project Manager Assistant



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Terracon - Tustin 1421 Edinger Avenue, Suite C Tustin CA, 92780	Project: Raising Cane's RC-387 Project Number: 60187218A Project Manager: Fabio Minervini	Reported: 07/12/18 14:00
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VP-6-5'
T182159-04 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

Extractable Petroleum Hydrocarbons by 8015B

C6-C12 (GRO)	ND	10	mg/kg	1	8070528	07/05/18	07/06/18	EPA 8015B	
C13-C22 (DRO)	ND	10	"	"	"	"	"	"	
C23-C32 (MORO)	87	10	"	"	"	"	"	"	
Surrogate: <i>p</i> -Terphenyl		89.6 %	65-135		"	"	"	"	

Volatile Organic Compounds by EPA Method 8260B

Bromobenzene	ND	0.0050	mg/kg	1	8070501	07/05/18	07/05/18	EPA 8260B	
Bromochloromethane	ND	0.0050	"	"	"	"	"	"	
Bromodichloromethane	ND	0.0050	"	"	"	"	"	"	
Bromoform	ND	0.0050	"	"	"	"	"	"	
Bromomethane	ND	0.0050	"	"	"	"	"	"	
n-Butylbenzene	ND	0.0050	"	"	"	"	"	"	
sec-Butylbenzene	ND	0.0050	"	"	"	"	"	"	
tert-Butylbenzene	ND	0.0050	"	"	"	"	"	"	
Carbon tetrachloride	ND	0.0050	"	"	"	"	"	"	
Chlorobenzene	ND	0.0050	"	"	"	"	"	"	
Chloroethane	ND	0.0050	"	"	"	"	"	"	
Chloroform	ND	0.0050	"	"	"	"	"	"	
Chloromethane	ND	0.0050	"	"	"	"	"	"	
2-Chlorotoluene	ND	0.0050	"	"	"	"	"	"	
4-Chlorotoluene	ND	0.0050	"	"	"	"	"	"	
Dibromochloromethane	ND	0.0050	"	"	"	"	"	"	
1,2-Dibromo-3-chloropropane	ND	0.010	"	"	"	"	"	"	
1,2-Dibromoethane (EDB)	ND	0.0050	"	"	"	"	"	"	
Dibromomethane	ND	0.0050	"	"	"	"	"	"	
1,2-Dichlorobenzene	ND	0.0050	"	"	"	"	"	"	
1,3-Dichlorobenzene	ND	0.0050	"	"	"	"	"	"	
1,4-Dichlorobenzene	ND	0.0050	"	"	"	"	"	"	
Dichlorodifluoromethane	ND	0.0050	"	"	"	"	"	"	
1,1-Dichloroethane	ND	0.0050	"	"	"	"	"	"	
1,2-Dichloroethane	ND	0.0050	"	"	"	"	"	"	
1,1-Dichloroethene	ND	0.0050	"	"	"	"	"	"	

SunStar Laboratories, Inc.

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Alexandra Huerta, Project Manager Assistant



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Terracon - Tustin 1421 Edinger Avenue, Suite C Tustin CA, 92780	Project: Raising Cane's RC-387 Project Number: 60187218A Project Manager: Fabio Minervini	Reported: 07/12/18 14:00
---	---	-----------------------------

VP-6-5'
T182159-04 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

Volatile Organic Compounds by EPA Method 8260B

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
cis-1,2-Dichloroethene	ND	0.0050	mg/kg	1	8070501	07/05/18	07/05/18	EPA 8260B	
trans-1,2-Dichloroethene	ND	0.0050	"	"	"	"	"	"	
1,2-Dichloropropane	ND	0.0050	"	"	"	"	"	"	
1,3-Dichloropropane	ND	0.0050	"	"	"	"	"	"	
2,2-Dichloropropane	ND	0.0050	"	"	"	"	"	"	
1,1-Dichloropropene	ND	0.0050	"	"	"	"	"	"	
cis-1,3-Dichloropropene	ND	0.0050	"	"	"	"	"	"	
trans-1,3-Dichloropropene	ND	0.0050	"	"	"	"	"	"	
Hexachlorobutadiene	ND	0.0050	"	"	"	"	"	"	
Isopropylbenzene	ND	0.0050	"	"	"	"	"	"	
p-Isopropyltoluene	ND	0.0050	"	"	"	"	"	"	
Methylene chloride	ND	0.0050	"	"	"	"	"	"	
Naphthalene	ND	0.0050	"	"	"	"	"	"	
n-Propylbenzene	ND	0.0050	"	"	"	"	"	"	
Styrene	ND	0.0050	"	"	"	"	"	"	
1,1,2,2-Tetrachloroethane	ND	0.0050	"	"	"	"	"	"	
1,1,1,2-Tetrachloroethane	ND	0.0050	"	"	"	"	"	"	
Tetrachloroethene	ND	0.0050	"	"	"	"	"	"	
1,2,3-Trichlorobenzene	ND	0.0050	"	"	"	"	"	"	
1,2,4-Trichlorobenzene	ND	0.0050	"	"	"	"	"	"	
1,1,2-Trichloroethane	ND	0.0050	"	"	"	"	"	"	
1,1,1-Trichloroethane	ND	0.0050	"	"	"	"	"	"	
Trichloroethene	ND	0.0050	"	"	"	"	"	"	
Trichlorofluoromethane	ND	0.0050	"	"	"	"	"	"	
1,2,3-Trichloropropane	ND	0.0050	"	"	"	"	"	"	
1,3,5-Trimethylbenzene	ND	0.0050	"	"	"	"	"	"	
1,2,4-Trimethylbenzene	ND	0.0050	"	"	"	"	"	"	
Vinyl chloride	ND	0.0050	"	"	"	"	"	"	
Benzene	ND	0.0050	"	"	"	"	"	"	
Toluene	ND	0.0050	"	"	"	"	"	"	
Ethylbenzene	ND	0.0050	"	"	"	"	"	"	
m,p-Xylene	ND	0.010	"	"	"	"	"	"	

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Alexandra Huerta, Project Manager Assistant



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Terracon - Tustin 1421 Edinger Avenue, Suite C Tustin CA, 92780	Project: Raising Cane's RC-387 Project Number: 60187218A Project Manager: Fabio Minervini	Reported: 07/12/18 14:00
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VP-6-5'
T182159-04 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

Volatile Organic Compounds by EPA Method 8260B

o-Xylene	ND	0.0050	mg/kg	1	8070501	07/05/18	07/05/18	EPA 8260B	
Surrogate: 4-Bromofluorobenzene		114 %	81.2-123		"	"	"	"	
Surrogate: Dibromofluoromethane		113 %	95.7-135		"	"	"	"	
Surrogate: Toluene-d8		100 %	85.5-116		"	"	"	"	

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Terracon - Tustin 1421 Edinger Avenue, Suite C Tustin CA, 92780	Project: Raising Cane's RC-387 Project Number: 60187218A Project Manager: Fabio Minervini	Reported: 07/12/18 14:00
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SB-4-12.5'
T182159-07 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

Extractable Petroleum Hydrocarbons by 8015B

C6-C12 (GRO)	ND	10	mg/kg	1	8070528	07/05/18	07/06/18	EPA 8015B	
C13-C22 (DRO)	ND	10	"	"	"	"	"	"	
C23-C32 (MORO)	ND	10	"	"	"	"	"	"	
Surrogate: p-Terphenyl		94.4 %	65-135		"	"	"	"	

Metals by EPA 6010B

Antimony	ND	3.0	mg/kg	1	8070524	07/05/18	07/05/18	EPA 6010b	
Arsenic	ND	5.0	"	"	"	"	"	"	
Barium	43	1.0	"	"	"	"	"	"	
Beryllium	ND	1.0	"	"	"	"	07/05/18	"	
Cadmium	ND	2.0	"	"	"	"	07/05/18	"	
Chromium	6.4	2.0	"	"	"	"	"	"	
Cobalt	5.4	2.0	"	"	"	"	"	"	
Copper	7.8	1.0	"	"	"	"	"	"	
Lead	ND	3.0	"	"	"	"	"	"	
Molybdenum	ND	5.0	"	"	"	"	"	"	
Nickel	5.4	2.0	"	"	"	"	"	"	
Selenium	ND	5.0	"	"	"	"	"	"	
Silver	ND	2.0	"	"	"	"	"	"	
Thallium	ND	2.0	"	"	"	"	"	"	
Vanadium	20	5.0	"	"	"	"	"	"	
Zinc	20	1.0	"	"	"	"	"	"	

Volatile Organic Compounds by EPA Method 8260B

Bromobenzene	ND	0.0050	mg/kg	1	8070501	07/05/18	07/05/18	EPA 8260B	
Bromochloromethane	ND	0.0050	"	"	"	"	"	"	
Bromodichloromethane	ND	0.0050	"	"	"	"	"	"	
Bromoform	ND	0.0050	"	"	"	"	"	"	
Bromomethane	ND	0.0050	"	"	"	"	"	"	
n-Butylbenzene	ND	0.0050	"	"	"	"	"	"	
sec-Butylbenzene	ND	0.0050	"	"	"	"	"	"	
tert-Butylbenzene	ND	0.0050	"	"	"	"	"	"	
Carbon tetrachloride	ND	0.0050	"	"	"	"	"	"	

SunStar Laboratories, Inc.

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Alexandra Huerta, Project Manager Assistant

Terracon - Tustin
1421 Edinger Avenue, Suite C
Tustin CA, 92780

Project: Raising Cane's RC-387
Project Number: 60187218A
Project Manager: Fabio Minervini

Reported:
07/12/18 14:00

SB-4-12.5'
T182159-07 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

Volatile Organic Compounds by EPA Method 8260B

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Chlorobenzene	ND	0.0050	mg/kg	1	8070501	07/05/18	07/05/18	EPA 8260B	
Chloroethane	ND	0.0050	"	"	"	"	"	"	
Chloroform	ND	0.0050	"	"	"	"	"	"	
Chloromethane	ND	0.0050	"	"	"	"	"	"	
2-Chlorotoluene	ND	0.0050	"	"	"	"	"	"	
4-Chlorotoluene	ND	0.0050	"	"	"	"	"	"	
Dibromochloromethane	ND	0.0050	"	"	"	"	"	"	
1,2-Dibromo-3-chloropropane	ND	0.010	"	"	"	"	"	"	
1,2-Dibromoethane (EDB)	ND	0.0050	"	"	"	"	"	"	
Dibromomethane	ND	0.0050	"	"	"	"	"	"	
1,2-Dichlorobenzene	ND	0.0050	"	"	"	"	"	"	
1,3-Dichlorobenzene	ND	0.0050	"	"	"	"	"	"	
1,4-Dichlorobenzene	ND	0.0050	"	"	"	"	"	"	
Dichlorodifluoromethane	ND	0.0050	"	"	"	"	"	"	
1,1-Dichloroethane	ND	0.0050	"	"	"	"	"	"	
1,2-Dichloroethane	ND	0.0050	"	"	"	"	"	"	
1,1-Dichloroethene	ND	0.0050	"	"	"	"	"	"	
cis-1,2-Dichloroethene	ND	0.0050	"	"	"	"	"	"	
trans-1,2-Dichloroethene	ND	0.0050	"	"	"	"	"	"	
1,2-Dichloropropane	ND	0.0050	"	"	"	"	"	"	
1,3-Dichloropropane	ND	0.0050	"	"	"	"	"	"	
2,2-Dichloropropane	ND	0.0050	"	"	"	"	"	"	
1,1-Dichloropropene	ND	0.0050	"	"	"	"	"	"	
cis-1,3-Dichloropropene	ND	0.0050	"	"	"	"	"	"	
trans-1,3-Dichloropropene	ND	0.0050	"	"	"	"	"	"	
Hexachlorobutadiene	ND	0.0050	"	"	"	"	"	"	
Isopropylbenzene	ND	0.0050	"	"	"	"	"	"	
p-Isopropyltoluene	ND	0.0050	"	"	"	"	"	"	
Methylene chloride	ND	0.0050	"	"	"	"	"	"	
Naphthalene	ND	0.0050	"	"	"	"	"	"	
n-Propylbenzene	ND	0.0050	"	"	"	"	"	"	
Styrene	ND	0.0050	"	"	"	"	"	"	

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Alexandra Huerta, Project Manager Assistant



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Terracon - Tustin 1421 Edinger Avenue, Suite C Tustin CA, 92780	Project: Raising Cane's RC-387 Project Number: 60187218A Project Manager: Fabio Minervini	Reported: 07/12/18 14:00
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SB-4-12.5'
T182159-07 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

Volatile Organic Compounds by EPA Method 8260B

1,1,2,2-Tetrachloroethane	ND	0.0050	mg/kg	1	8070501	07/05/18	07/05/18	EPA 8260B	
1,1,1,2-Tetrachloroethane	ND	0.0050	"	"	"	"	"	"	
Tetrachloroethene	ND	0.0050	"	"	"	"	"	"	
1,2,3-Trichlorobenzene	ND	0.0050	"	"	"	"	"	"	
1,2,4-Trichlorobenzene	ND	0.0050	"	"	"	"	"	"	
1,1,2-Trichloroethane	ND	0.0050	"	"	"	"	"	"	
1,1,1-Trichloroethane	ND	0.0050	"	"	"	"	"	"	
Trichloroethene	ND	0.0050	"	"	"	"	"	"	
Trichlorofluoromethane	ND	0.0050	"	"	"	"	"	"	
1,2,3-Trichloropropane	ND	0.0050	"	"	"	"	"	"	
1,3,5-Trimethylbenzene	ND	0.0050	"	"	"	"	"	"	
1,2,4-Trimethylbenzene	ND	0.0050	"	"	"	"	"	"	
Vinyl chloride	ND	0.0050	"	"	"	"	"	"	
Benzene	ND	0.0050	"	"	"	"	"	"	
Toluene	ND	0.0050	"	"	"	"	"	"	
Ethylbenzene	ND	0.0050	"	"	"	"	"	"	
m,p-Xylene	ND	0.010	"	"	"	"	"	"	
o-Xylene	ND	0.0050	"	"	"	"	"	"	
Surrogate: 4-Bromofluorobenzene		111 %		81.2-123	"	"	"	"	
Surrogate: Dibromofluoromethane		106 %		95.7-135	"	"	"	"	
Surrogate: Toluene-d8		102 %		85.5-116	"	"	"	"	

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Terracon - Tustin 1421 Edinger Avenue, Suite C Tustin CA, 92780	Project: Raising Cane's RC-387 Project Number: 60187218A Project Manager: Fabio Minervini	Reported: 07/12/18 14:00
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SB-3-2.5'
T182159-08 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

Extractable Petroleum Hydrocarbons by 8015B

C6-C12 (GRO)	ND	10	mg/kg	1	8070528	07/05/18	07/06/18	EPA 8015B	
C13-C22 (DRO)	ND	10	"	"	"	"	"	"	
C23-C32 (MORO)	180	10	"	"	"	"	"	"	
<i>Surrogate: p-Terphenyl</i>		92.6 %	65-135		"	"	"	"	

Volatile Organic Compounds by EPA Method 8260B

Bromobenzene	ND	0.0050	mg/kg	1	8070501	07/05/18	07/05/18	EPA 8260B	
Bromochloromethane	ND	0.0050	"	"	"	"	"	"	
Bromodichloromethane	ND	0.0050	"	"	"	"	"	"	
Bromoform	ND	0.0050	"	"	"	"	"	"	
Bromomethane	ND	0.0050	"	"	"	"	"	"	
n-Butylbenzene	ND	0.0050	"	"	"	"	"	"	
sec-Butylbenzene	ND	0.0050	"	"	"	"	"	"	
tert-Butylbenzene	ND	0.0050	"	"	"	"	"	"	
Carbon tetrachloride	ND	0.0050	"	"	"	"	"	"	
Chlorobenzene	ND	0.0050	"	"	"	"	"	"	
Chloroethane	ND	0.0050	"	"	"	"	"	"	
Chloroform	ND	0.0050	"	"	"	"	"	"	
Chloromethane	ND	0.0050	"	"	"	"	"	"	
2-Chlorotoluene	ND	0.0050	"	"	"	"	"	"	
4-Chlorotoluene	ND	0.0050	"	"	"	"	"	"	
Dibromochloromethane	ND	0.0050	"	"	"	"	"	"	
1,2-Dibromo-3-chloropropane	ND	0.010	"	"	"	"	"	"	
1,2-Dibromoethane (EDB)	ND	0.0050	"	"	"	"	"	"	
Dibromomethane	ND	0.0050	"	"	"	"	"	"	
1,2-Dichlorobenzene	ND	0.0050	"	"	"	"	"	"	
1,3-Dichlorobenzene	ND	0.0050	"	"	"	"	"	"	
1,4-Dichlorobenzene	ND	0.0050	"	"	"	"	"	"	
Dichlorodifluoromethane	ND	0.0050	"	"	"	"	"	"	
1,1-Dichloroethane	ND	0.0050	"	"	"	"	"	"	
1,2-Dichloroethane	ND	0.0050	"	"	"	"	"	"	
1,1-Dichloroethene	ND	0.0050	"	"	"	"	"	"	

SunStar Laboratories, Inc.

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Terracon - Tustin 1421 Edinger Avenue, Suite C Tustin CA, 92780	Project: Raising Cane's RC-387 Project Number: 60187218A Project Manager: Fabio Minervini	Reported: 07/12/18 14:00
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SB-3-2.5'
T182159-08 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

Volatile Organic Compounds by EPA Method 8260B

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
cis-1,2-Dichloroethene	ND	0.0050	mg/kg	1	8070501	07/05/18	07/05/18	EPA 8260B	
trans-1,2-Dichloroethene	ND	0.0050	"	"	"	"	"	"	
1,2-Dichloropropane	ND	0.0050	"	"	"	"	"	"	
1,3-Dichloropropane	ND	0.0050	"	"	"	"	"	"	
2,2-Dichloropropane	ND	0.0050	"	"	"	"	"	"	
1,1-Dichloropropene	ND	0.0050	"	"	"	"	"	"	
cis-1,3-Dichloropropene	ND	0.0050	"	"	"	"	"	"	
trans-1,3-Dichloropropene	ND	0.0050	"	"	"	"	"	"	
Hexachlorobutadiene	ND	0.0050	"	"	"	"	"	"	
Isopropylbenzene	ND	0.0050	"	"	"	"	"	"	
p-Isopropyltoluene	ND	0.0050	"	"	"	"	"	"	
Methylene chloride	ND	0.0050	"	"	"	"	"	"	
Naphthalene	ND	0.0050	"	"	"	"	"	"	
n-Propylbenzene	ND	0.0050	"	"	"	"	"	"	
Styrene	ND	0.0050	"	"	"	"	"	"	
1,1,2,2-Tetrachloroethane	ND	0.0050	"	"	"	"	"	"	
1,1,1,2-Tetrachloroethane	ND	0.0050	"	"	"	"	"	"	
Tetrachloroethene	ND	0.0050	"	"	"	"	"	"	
1,2,3-Trichlorobenzene	ND	0.0050	"	"	"	"	"	"	
1,2,4-Trichlorobenzene	ND	0.0050	"	"	"	"	"	"	
1,1,2-Trichloroethane	ND	0.0050	"	"	"	"	"	"	
1,1,1-Trichloroethane	ND	0.0050	"	"	"	"	"	"	
Trichloroethene	ND	0.0050	"	"	"	"	"	"	
Trichlorofluoromethane	ND	0.0050	"	"	"	"	"	"	
1,2,3-Trichloropropane	ND	0.0050	"	"	"	"	"	"	
1,3,5-Trimethylbenzene	ND	0.0050	"	"	"	"	"	"	
1,2,4-Trimethylbenzene	ND	0.0050	"	"	"	"	"	"	
Vinyl chloride	ND	0.0050	"	"	"	"	"	"	
Benzene	ND	0.0050	"	"	"	"	"	"	
Toluene	ND	0.0050	"	"	"	"	"	"	
Ethylbenzene	ND	0.0050	"	"	"	"	"	"	
m,p-Xylene	ND	0.010	"	"	"	"	"	"	

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Alexandra Huerta, Project Manager Assistant



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Terracon - Tustin 1421 Edinger Avenue, Suite C Tustin CA, 92780	Project: Raising Cane's RC-387 Project Number: 60187218A Project Manager: Fabio Minervini	Reported: 07/12/18 14:00
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SB-3-2.5'
T182159-08 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

Volatile Organic Compounds by EPA Method 8260B

o-Xylene	ND	0.0050	mg/kg	1	8070501	07/05/18	07/05/18	EPA 8260B	
Surrogate: 4-Bromofluorobenzene		110 %	81.2-123		"	"	"	"	
Surrogate: Dibromofluoromethane		108 %	95.7-135		"	"	"	"	
Surrogate: Toluene-d8		102 %	85.5-116		"	"	"	"	

SunStar Laboratories, Inc.

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Alexandra Huerta, Project Manager Assistant



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Terracon - Tustin 1421 Edinger Avenue, Suite C Tustin CA, 92780	Project: Raising Cane's RC-387 Project Number: 60187218A Project Manager: Fabio Minervini	Reported: 07/12/18 14:00
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SB-2-13'
T182159-14 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

Extractable Petroleum Hydrocarbons by 8015B

C6-C12 (GRO)	ND	10	mg/kg	1	8070528	07/05/18	07/06/18	EPA 8015B	
C13-C22 (DRO)	ND	10	"	"	"	"	"	"	
C23-C32 (MORO)	ND	10	"	"	"	"	"	"	
Surrogate: <i>p</i> -Terphenyl		93.4 %	65-135		"	"	"	"	

Volatile Organic Compounds by EPA Method 8260B

Bromobenzene	ND	0.0050	mg/kg	1	8070501	07/05/18	07/05/18	EPA 8260B	
Bromochloromethane	ND	0.0050	"	"	"	"	"	"	
Bromodichloromethane	ND	0.0050	"	"	"	"	"	"	
Bromoform	ND	0.0050	"	"	"	"	"	"	
Bromomethane	ND	0.0050	"	"	"	"	"	"	
n-Butylbenzene	ND	0.0050	"	"	"	"	"	"	
sec-Butylbenzene	ND	0.0050	"	"	"	"	"	"	
tert-Butylbenzene	ND	0.0050	"	"	"	"	"	"	
Carbon tetrachloride	ND	0.0050	"	"	"	"	"	"	
Chlorobenzene	ND	0.0050	"	"	"	"	"	"	
Chloroethane	ND	0.0050	"	"	"	"	"	"	
Chloroform	ND	0.0050	"	"	"	"	"	"	
Chloromethane	ND	0.0050	"	"	"	"	"	"	
2-Chlorotoluene	ND	0.0050	"	"	"	"	"	"	
4-Chlorotoluene	ND	0.0050	"	"	"	"	"	"	
Dibromochloromethane	ND	0.0050	"	"	"	"	"	"	
1,2-Dibromo-3-chloropropane	ND	0.010	"	"	"	"	"	"	
1,2-Dibromoethane (EDB)	ND	0.0050	"	"	"	"	"	"	
Dibromomethane	ND	0.0050	"	"	"	"	"	"	
1,2-Dichlorobenzene	ND	0.0050	"	"	"	"	"	"	
1,3-Dichlorobenzene	ND	0.0050	"	"	"	"	"	"	
1,4-Dichlorobenzene	ND	0.0050	"	"	"	"	"	"	
Dichlorodifluoromethane	ND	0.0050	"	"	"	"	"	"	
1,1-Dichloroethane	ND	0.0050	"	"	"	"	"	"	
1,2-Dichloroethane	ND	0.0050	"	"	"	"	"	"	
1,1-Dichloroethene	ND	0.0050	"	"	"	"	"	"	

SunStar Laboratories, Inc.

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Alexandra Huerta, Project Manager Assistant

Terracon - Tustin
1421 Edinger Avenue, Suite C
Tustin CA, 92780

Project: Raising Cane's RC-387
Project Number: 60187218A
Project Manager: Fabio Minervini

Reported:
07/12/18 14:00

SB-2-13'
T182159-14 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

Volatile Organic Compounds by EPA Method 8260B

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
cis-1,2-Dichloroethene	ND	0.0050	mg/kg	1	8070501	07/05/18	07/05/18	EPA 8260B	
trans-1,2-Dichloroethene	ND	0.0050	"	"	"	"	"	"	
1,2-Dichloropropane	ND	0.0050	"	"	"	"	"	"	
1,3-Dichloropropane	ND	0.0050	"	"	"	"	"	"	
2,2-Dichloropropane	ND	0.0050	"	"	"	"	"	"	
1,1-Dichloropropene	ND	0.0050	"	"	"	"	"	"	
cis-1,3-Dichloropropene	ND	0.0050	"	"	"	"	"	"	
trans-1,3-Dichloropropene	ND	0.0050	"	"	"	"	"	"	
Hexachlorobutadiene	ND	0.0050	"	"	"	"	"	"	
Isopropylbenzene	ND	0.0050	"	"	"	"	"	"	
p-Isopropyltoluene	ND	0.0050	"	"	"	"	"	"	
Methylene chloride	ND	0.0050	"	"	"	"	"	"	
Naphthalene	ND	0.0050	"	"	"	"	"	"	
n-Propylbenzene	ND	0.0050	"	"	"	"	"	"	
Styrene	ND	0.0050	"	"	"	"	"	"	
1,1,2,2-Tetrachloroethane	ND	0.0050	"	"	"	"	"	"	
1,1,1,2-Tetrachloroethane	ND	0.0050	"	"	"	"	"	"	
Tetrachloroethene	ND	0.0050	"	"	"	"	"	"	
1,2,3-Trichlorobenzene	ND	0.0050	"	"	"	"	"	"	
1,2,4-Trichlorobenzene	ND	0.0050	"	"	"	"	"	"	
1,1,2-Trichloroethane	ND	0.0050	"	"	"	"	"	"	
1,1,1-Trichloroethane	ND	0.0050	"	"	"	"	"	"	
Trichloroethene	ND	0.0050	"	"	"	"	"	"	
Trichlorofluoromethane	ND	0.0050	"	"	"	"	"	"	
1,2,3-Trichloropropane	ND	0.0050	"	"	"	"	"	"	
1,3,5-Trimethylbenzene	ND	0.0050	"	"	"	"	"	"	
1,2,4-Trimethylbenzene	ND	0.0050	"	"	"	"	"	"	
Vinyl chloride	ND	0.0050	"	"	"	"	"	"	
Benzene	ND	0.0050	"	"	"	"	"	"	
Toluene	ND	0.0050	"	"	"	"	"	"	
Ethylbenzene	ND	0.0050	"	"	"	"	"	"	
m,p-Xylene	ND	0.010	"	"	"	"	"	"	

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Terracon - Tustin 1421 Edinger Avenue, Suite C Tustin CA, 92780	Project: Raising Cane's RC-387 Project Number: 60187218A Project Manager: Fabio Minervini	Reported: 07/12/18 14:00
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SB-2-13'
T182159-14 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

Volatile Organic Compounds by EPA Method 8260B

o-Xylene	ND	0.0050	mg/kg	1	8070501	07/05/18	07/05/18	EPA 8260B	
Surrogate: 4-Bromofluorobenzene		110 %	81.2-123		"	"	"	"	
Surrogate: Dibromofluoromethane		107 %	95.7-135		"	"	"	"	
Surrogate: Toluene-d8		103 %	85.5-116		"	"	"	"	

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SB-1-12'
T182159-17 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

Extractable Petroleum Hydrocarbons by 8015B

C6-C12 (GRO)	ND	10	mg/kg	1	8070528	07/05/18	07/06/18	EPA 8015B	
C13-C22 (DRO)	ND	10	"	"	"	"	"	"	
C23-C32 (MORO)	ND	10	"	"	"	"	"	"	
Surrogate: <i>p</i> -Terphenyl		85.6 %	65-135		"	"	"	"	

Volatile Organic Compounds by EPA Method 8260B

Bromobenzene	ND	0.0050	mg/kg	1	8070501	07/05/18	07/05/18	EPA 8260B	
Bromochloromethane	ND	0.0050	"	"	"	"	"	"	
Bromodichloromethane	ND	0.0050	"	"	"	"	"	"	
Bromoform	ND	0.0050	"	"	"	"	"	"	
Bromomethane	ND	0.0050	"	"	"	"	"	"	
n-Butylbenzene	ND	0.0050	"	"	"	"	"	"	
sec-Butylbenzene	ND	0.0050	"	"	"	"	"	"	
tert-Butylbenzene	ND	0.0050	"	"	"	"	"	"	
Carbon tetrachloride	ND	0.0050	"	"	"	"	"	"	
Chlorobenzene	ND	0.0050	"	"	"	"	"	"	
Chloroethane	ND	0.0050	"	"	"	"	"	"	
Chloroform	ND	0.0050	"	"	"	"	"	"	
Chloromethane	ND	0.0050	"	"	"	"	"	"	
2-Chlorotoluene	ND	0.0050	"	"	"	"	"	"	
4-Chlorotoluene	ND	0.0050	"	"	"	"	"	"	
Dibromochloromethane	ND	0.0050	"	"	"	"	"	"	
1,2-Dibromo-3-chloropropane	ND	0.010	"	"	"	"	"	"	
1,2-Dibromoethane (EDB)	ND	0.0050	"	"	"	"	"	"	
Dibromomethane	ND	0.0050	"	"	"	"	"	"	
1,2-Dichlorobenzene	ND	0.0050	"	"	"	"	"	"	
1,3-Dichlorobenzene	ND	0.0050	"	"	"	"	"	"	
1,4-Dichlorobenzene	ND	0.0050	"	"	"	"	"	"	
Dichlorodifluoromethane	ND	0.0050	"	"	"	"	"	"	
1,1-Dichloroethane	ND	0.0050	"	"	"	"	"	"	
1,2-Dichloroethane	ND	0.0050	"	"	"	"	"	"	
1,1-Dichloroethene	ND	0.0050	"	"	"	"	"	"	

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SB-1-12'
T182159-17 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

Volatile Organic Compounds by EPA Method 8260B

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
cis-1,2-Dichloroethene	ND	0.0050	mg/kg	1	8070501	07/05/18	07/05/18	EPA 8260B	
trans-1,2-Dichloroethene	ND	0.0050	"	"	"	"	"	"	
1,2-Dichloropropane	ND	0.0050	"	"	"	"	"	"	
1,3-Dichloropropane	ND	0.0050	"	"	"	"	"	"	
2,2-Dichloropropane	ND	0.0050	"	"	"	"	"	"	
1,1-Dichloropropene	ND	0.0050	"	"	"	"	"	"	
cis-1,3-Dichloropropene	ND	0.0050	"	"	"	"	"	"	
trans-1,3-Dichloropropene	ND	0.0050	"	"	"	"	"	"	
Hexachlorobutadiene	ND	0.0050	"	"	"	"	"	"	
Isopropylbenzene	ND	0.0050	"	"	"	"	"	"	
p-Isopropyltoluene	ND	0.0050	"	"	"	"	"	"	
Methylene chloride	ND	0.0050	"	"	"	"	"	"	
Naphthalene	ND	0.0050	"	"	"	"	"	"	
n-Propylbenzene	ND	0.0050	"	"	"	"	"	"	
Styrene	ND	0.0050	"	"	"	"	"	"	
1,1,2,2-Tetrachloroethane	ND	0.0050	"	"	"	"	"	"	
1,1,1,2-Tetrachloroethane	ND	0.0050	"	"	"	"	"	"	
Tetrachloroethene	ND	0.0050	"	"	"	"	"	"	
1,2,3-Trichlorobenzene	ND	0.0050	"	"	"	"	"	"	
1,2,4-Trichlorobenzene	ND	0.0050	"	"	"	"	"	"	
1,1,2-Trichloroethane	ND	0.0050	"	"	"	"	"	"	
1,1,1-Trichloroethane	ND	0.0050	"	"	"	"	"	"	
Trichloroethene	ND	0.0050	"	"	"	"	"	"	
Trichlorofluoromethane	ND	0.0050	"	"	"	"	"	"	
1,2,3-Trichloropropane	ND	0.0050	"	"	"	"	"	"	
1,3,5-Trimethylbenzene	ND	0.0050	"	"	"	"	"	"	
1,2,4-Trimethylbenzene	ND	0.0050	"	"	"	"	"	"	
Vinyl chloride	ND	0.0050	"	"	"	"	"	"	
Benzene	ND	0.0050	"	"	"	"	"	"	
Toluene	ND	0.0050	"	"	"	"	"	"	
Ethylbenzene	ND	0.0050	"	"	"	"	"	"	
m,p-Xylene	ND	0.010	"	"	"	"	"	"	

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SB-1-12'
T182159-17 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

Volatile Organic Compounds by EPA Method 8260B

o-Xylene	ND	0.0050	mg/kg	1	8070501	07/05/18	07/05/18	EPA 8260B	
Surrogate: 4-Bromofluorobenzene		108 %	81.2-123		"	"	"	"	
Surrogate: Dibromofluoromethane		106 %	95.7-135		"	"	"	"	
Surrogate: Toluene-d8		103 %	85.5-116		"	"	"	"	

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SB-7-10'
T182159-20 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

Extractable Petroleum Hydrocarbons by 8015B

C6-C12 (GRO)	ND	10	mg/kg	1	8070528	07/05/18	07/06/18	EPA 8015B	
C13-C22 (DRO)	ND	10	"	"	"	"	"	"	
C23-C32 (MORO)	78	10	"	"	"	"	"	"	
<i>Surrogate: p-Terphenyl</i>		87.5 %	65-135	"	"	"	"	"	

Metals by EPA 6010B

Antimony	ND	3.0	mg/kg	1	8070524	07/05/18	07/05/18	EPA 6010b	
Arsenic	ND	5.0	"	"	"	"	"	"	
Barium	50	1.0	"	"	"	"	"	"	
Beryllium	ND	1.0	"	"	"	"	"	"	
Cadmium	ND	2.0	"	"	"	"	"	"	
Chromium	6.1	2.0	"	"	"	"	"	"	
Cobalt	5.7	2.0	"	"	"	"	"	"	
Copper	8.4	1.0	"	"	"	"	"	"	
Lead	ND	3.0	"	"	"	"	"	"	
Molybdenum	ND	5.0	"	"	"	"	"	"	
Nickel	5.1	2.0	"	"	"	"	"	"	
Selenium	ND	5.0	"	"	"	"	"	"	
Silver	ND	2.0	"	"	"	"	"	"	
Thallium	ND	2.0	"	"	"	"	"	"	
Vanadium	25	5.0	"	"	"	"	"	"	
Zinc	28	1.0	"	"	"	"	"	"	

Volatile Organic Compounds by EPA Method 8260B

Bromobenzene	ND	0.0050	mg/kg	1	8070501	07/05/18	07/05/18	EPA 8260B	
Bromochloromethane	ND	0.0050	"	"	"	"	"	"	
Bromodichloromethane	ND	0.0050	"	"	"	"	"	"	
Bromoform	ND	0.0050	"	"	"	"	"	"	
Bromomethane	ND	0.0050	"	"	"	"	"	"	
n-Butylbenzene	ND	0.0050	"	"	"	"	"	"	
sec-Butylbenzene	ND	0.0050	"	"	"	"	"	"	
tert-Butylbenzene	ND	0.0050	"	"	"	"	"	"	
Carbon tetrachloride	ND	0.0050	"	"	"	"	"	"	

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SB-7-10'
T182159-20 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

Volatile Organic Compounds by EPA Method 8260B

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Chlorobenzene	ND	0.0050	mg/kg	1	8070501	07/05/18	07/05/18	EPA 8260B	
Chloroethane	ND	0.0050	"	"	"	"	"	"	
Chloroform	ND	0.0050	"	"	"	"	"	"	
Chloromethane	ND	0.0050	"	"	"	"	"	"	
2-Chlorotoluene	ND	0.0050	"	"	"	"	"	"	
4-Chlorotoluene	ND	0.0050	"	"	"	"	"	"	
Dibromochloromethane	ND	0.0050	"	"	"	"	"	"	
1,2-Dibromo-3-chloropropane	ND	0.010	"	"	"	"	"	"	
1,2-Dibromoethane (EDB)	ND	0.0050	"	"	"	"	"	"	
Dibromomethane	ND	0.0050	"	"	"	"	"	"	
1,2-Dichlorobenzene	ND	0.0050	"	"	"	"	"	"	
1,3-Dichlorobenzene	ND	0.0050	"	"	"	"	"	"	
1,4-Dichlorobenzene	ND	0.0050	"	"	"	"	"	"	
Dichlorodifluoromethane	ND	0.0050	"	"	"	"	"	"	
1,1-Dichloroethane	ND	0.0050	"	"	"	"	"	"	
1,2-Dichloroethane	ND	0.0050	"	"	"	"	"	"	
1,1-Dichloroethene	ND	0.0050	"	"	"	"	"	"	
cis-1,2-Dichloroethene	ND	0.0050	"	"	"	"	"	"	
trans-1,2-Dichloroethene	ND	0.0050	"	"	"	"	"	"	
1,2-Dichloropropane	ND	0.0050	"	"	"	"	"	"	
1,3-Dichloropropane	ND	0.0050	"	"	"	"	"	"	
2,2-Dichloropropane	ND	0.0050	"	"	"	"	"	"	
1,1-Dichloropropene	ND	0.0050	"	"	"	"	"	"	
cis-1,3-Dichloropropene	ND	0.0050	"	"	"	"	"	"	
trans-1,3-Dichloropropene	ND	0.0050	"	"	"	"	"	"	
Hexachlorobutadiene	ND	0.0050	"	"	"	"	"	"	
Isopropylbenzene	ND	0.0050	"	"	"	"	"	"	
p-Isopropyltoluene	ND	0.0050	"	"	"	"	"	"	
Methylene chloride	ND	0.0050	"	"	"	"	"	"	
Naphthalene	ND	0.0050	"	"	"	"	"	"	
n-Propylbenzene	ND	0.0050	"	"	"	"	"	"	
Styrene	ND	0.0050	"	"	"	"	"	"	

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SB-7-10'
T182159-20 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

Volatile Organic Compounds by EPA Method 8260B

1,1,2,2-Tetrachloroethane	ND	0.0050	mg/kg	1	8070501	07/05/18	07/05/18	EPA 8260B	
1,1,1,2-Tetrachloroethane	ND	0.0050	"	"	"	"	"	"	
Tetrachloroethene	ND	0.0050	"	"	"	"	"	"	
1,2,3-Trichlorobenzene	ND	0.0050	"	"	"	"	"	"	
1,2,4-Trichlorobenzene	ND	0.0050	"	"	"	"	"	"	
1,1,2-Trichloroethane	ND	0.0050	"	"	"	"	"	"	
1,1,1-Trichloroethane	ND	0.0050	"	"	"	"	"	"	
Trichloroethene	ND	0.0050	"	"	"	"	"	"	
Trichlorofluoromethane	ND	0.0050	"	"	"	"	"	"	
1,2,3-Trichloropropane	ND	0.0050	"	"	"	"	"	"	
1,3,5-Trimethylbenzene	ND	0.0050	"	"	"	"	"	"	
1,2,4-Trimethylbenzene	ND	0.0050	"	"	"	"	"	"	
Vinyl chloride	ND	0.0050	"	"	"	"	"	"	
Benzene	ND	0.0050	"	"	"	"	"	"	
Toluene	ND	0.0050	"	"	"	"	"	"	
Ethylbenzene	ND	0.0050	"	"	"	"	"	"	
m,p-Xylene	ND	0.010	"	"	"	"	"	"	
o-Xylene	ND	0.0050	"	"	"	"	"	"	
Surrogate: 4-Bromofluorobenzene		112 %		81.2-123	"	"	"	"	
Surrogate: Dibromofluoromethane		109 %		95.7-135	"	"	"	"	
Surrogate: Toluene-d8		101 %		85.5-116	"	"	"	"	

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VP-6 (SG)
T182159-22 (Air)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

TO-15

1,1-Difluoroethane (Freon 152)	ND	27	ug/m ³ Air	1.69	8070916	07/09/18	07/10/18	TO-15	
Acetone	170	12	"	"	"	"	"	"	
1,3-Butadiene	ND	4.5	"	"	"	"	"	"	
Carbon Disulfide	120	3.2	"	"	"	"	"	"	
1,1,2-trichloro-1,2,2-trifluoroethane (CFC 113)	ND	7.7	"	"	"	"	"	"	
Isopropyl alcohol	ND	13	"	"	"	"	"	"	
Bromodichloromethane	ND	6.8	"	"	"	"	"	"	
Bromoform	ND	11	"	"	"	"	"	"	
Bromomethane	ND	4.0	"	"	"	"	"	"	
Carbon tetrachloride	ND	6.4	"	"	"	"	"	"	
Chlorobenzene	ND	4.7	"	"	"	"	"	"	
Chloroethane	ND	2.7	"	"	"	"	"	"	
Chloroform	6.6	5.0	"	"	"	"	"	"	
Chloromethane	ND	11	"	"	"	"	"	"	
Cyclohexane	110	3.5	"	"	"	"	"	"	
Heptane	ND	4.2	"	"	"	"	"	"	
Hexane	ND	3.6	"	"	"	"	"	"	
Dibromochloromethane	ND	8.7	"	"	"	"	"	"	
1,2-Dibromoethane (EDB)	ND	7.8	"	"	"	"	"	"	
1,2-Dichlorobenzene	ND	6.1	"	"	"	"	"	"	
1,3-Dichlorobenzene	ND	6.1	"	"	"	"	"	"	
1,4-Dichlorobenzene	ND	6.1	"	"	"	"	"	"	
Dichlorodifluoromethane	ND	5.0	"	"	"	"	"	"	
1,1-Dichloroethane	ND	4.1	"	"	"	"	"	"	
1,2-Dichloroethane	ND	4.1	"	"	"	"	"	"	
1,1-Dichloroethene	ND	4.0	"	"	"	"	"	"	
cis-1,2-Dichloroethene	ND	4.0	"	"	"	"	"	"	
trans-1,2-Dichloroethene	ND	4.0	"	"	"	"	"	"	
1,2-Dichloropropane	ND	4.7	"	"	"	"	"	"	
cis-1,3-Dichloropropene	ND	4.6	"	"	"	"	"	"	
trans-1,3-Dichloropropene	ND	4.6	"	"	"	"	"	"	

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Alexandra Huerta, Project Manager Assistant

Terracon - Tustin
1421 Edinger Avenue, Suite C
Tustin CA, 92780

Project: Raising Cane's RC-387
Project Number: 60187218A
Project Manager: Fabio Minervini

Reported:
07/12/18 14:00

VP-6 (SG)
T182159-22 (Air)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

TO-15

4-Ethyltoluene	ND	5.0	ug/m ³ Air	1.69	8070916	07/09/18	07/10/18	TO-15	
Methylene chloride	ND	3.5	"	"	"	"	"	"	
Styrene	11	4.3	"	"	"	"	"	"	
1,1,2,2-Tetrachloroethane	ND	7.0	"	"	"	"	"	"	
Tetrahydrofuran	ND	3.0	"	"	"	"	"	"	
Tetrachloroethene	60	6.9	"	"	"	"	"	"	
1,1,2-Trichloroethane	ND	5.6	"	"	"	"	"	"	
1,1,1-Trichloroethane	ND	5.6	"	"	"	"	"	"	
Trichloroethene	ND	5.5	"	"	"	"	"	"	
Trichlorofluoromethane	ND	5.7	"	"	"	"	"	"	
1,3,5-Trimethylbenzene	ND	5.0	"	"	"	"	"	"	
1,2,4-Trimethylbenzene	ND	5.0	"	"	"	"	"	"	
Vinyl acetate	ND	3.6	"	"	"	"	"	"	
Vinyl chloride	ND	2.6	"	"	"	"	"	"	
1,4-Dioxane	ND	18	"	"	"	"	"	"	
2-Butanone (MEK)	94	15	"	"	"	"	"	"	
Methyl isobutyl ketone	ND	42	"	"	"	"	"	"	
Benzene	7.4	3.3	"	"	"	"	"	"	
Toluene	1000	3.8	"	"	"	"	"	"	
Ethylbenzene	24	4.4	"	"	"	"	"	"	
m,p-Xylene	58	8.8	"	"	"	"	"	"	
o-Xylene	20	4.4	"	"	"	"	"	"	
Surrogate: 4-Bromofluorobenzene		89.3 %		40-160	"	"	"	"	

SunStar Laboratories, Inc.

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Alexandra Huerta, Project Manager Assistant

Terracon - Tustin
1421 Edinger Avenue, Suite C
Tustin CA, 92780

Project: Raising Cane's RC-387
Project Number: 60187218A
Project Manager: Fabio Minervini

Reported:
07/12/18 14:00

VP-5 (SG)
T182159-23 (Air)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

TO-15

1,1-Difluoroethane (Freon 152)	ND	27	ug/m ³ Air	1.8	8070916	07/09/18	07/10/18	TO-15	
Acetone	210	12	"	"	"	"	"	"	
1,3-Butadiene	ND	4.5	"	"	"	"	"	"	
Carbon Disulfide	ND	3.2	"	"	"	"	"	"	
1,1,2-trichloro-1,2,2-trifluoroethane (CFC 113)	ND	7.7	"	"	"	"	"	"	
Isopropyl alcohol	ND	13	"	"	"	"	"	"	
Bromodichloromethane	ND	6.8	"	"	"	"	"	"	
Bromoform	ND	11	"	"	"	"	"	"	
Bromomethane	ND	4.0	"	"	"	"	"	"	
Carbon tetrachloride	ND	6.4	"	"	"	"	"	"	
Chlorobenzene	ND	4.7	"	"	"	"	"	"	
Chloroethane	ND	2.7	"	"	"	"	"	"	
Chloroform	ND	5.0	"	"	"	"	"	"	
Chloromethane	ND	11	"	"	"	"	"	"	
Cyclohexane	ND	3.5	"	"	"	"	"	"	
Heptane	11	4.2	"	"	"	"	"	"	
Hexane	ND	3.6	"	"	"	"	"	"	
Dibromochloromethane	ND	8.7	"	"	"	"	"	"	
1,2-Dibromoethane (EDB)	ND	7.8	"	"	"	"	"	"	
1,2-Dichlorobenzene	ND	6.1	"	"	"	"	"	"	
1,3-Dichlorobenzene	ND	6.1	"	"	"	"	"	"	
1,4-Dichlorobenzene	ND	6.1	"	"	"	"	"	"	
Dichlorodifluoromethane	ND	5.0	"	"	"	"	"	"	
1,1-Dichloroethane	ND	4.1	"	"	"	"	"	"	
1,2-Dichloroethane	ND	4.1	"	"	"	"	"	"	
1,1-Dichloroethene	ND	4.0	"	"	"	"	"	"	
cis-1,2-Dichloroethene	ND	4.0	"	"	"	"	"	"	
trans-1,2-Dichloroethene	ND	4.0	"	"	"	"	"	"	
1,2-Dichloropropane	ND	4.7	"	"	"	"	"	"	
cis-1,3-Dichloropropene	ND	4.6	"	"	"	"	"	"	
trans-1,3-Dichloropropene	ND	4.6	"	"	"	"	"	"	

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Alexandra Huerta, Project Manager Assistant



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Terracon - Tustin 1421 Edinger Avenue, Suite C Tustin CA, 92780	Project: Raising Cane's RC-387 Project Number: 60187218A Project Manager: Fabio Minervini	Reported: 07/12/18 14:00
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VP-5 (SG)
T182159-23 (Air)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

TO-15

4-Ethyltoluene	ND	5.0	ug/m ³ Air	1.8	8070916	07/09/18	07/10/18	TO-15	
Methylene chloride	ND	3.5	"	"	"	"	"	"	
Styrene	37	4.3	"	"	"	"	"	"	
1,1,2,2-Tetrachloroethane	ND	7.0	"	"	"	"	"	"	
Tetrahydrofuran	13	3.0	"	"	"	"	"	"	
Tetrachloroethene	56	6.9	"	"	"	"	"	"	
1,1,2-Trichloroethane	ND	5.6	"	"	"	"	"	"	
1,1,1-Trichloroethane	ND	5.6	"	"	"	"	"	"	
Trichloroethene	16	5.5	"	"	"	"	"	"	
Trichlorofluoromethane	ND	5.7	"	"	"	"	"	"	
1,3,5-Trimethylbenzene	ND	5.0	"	"	"	"	"	"	
1,2,4-Trimethylbenzene	45	5.0	"	"	"	"	"	"	
Vinyl acetate	ND	3.6	"	"	"	"	"	"	
Vinyl chloride	ND	2.6	"	"	"	"	"	"	
1,4-Dioxane	ND	18	"	"	"	"	"	"	
2-Butanone (MEK)	130	15	"	"	"	"	"	"	
Methyl isobutyl ketone	ND	42	"	"	"	"	"	"	
Benzene	25	3.3	"	"	"	"	"	"	
Toluene	490	3.8	"	"	"	"	"	"	
Ethylbenzene	51	4.4	"	"	"	"	"	"	
m,p-Xylene	130	8.8	"	"	"	"	"	"	
o-Xylene	55	4.4	"	"	"	"	"	"	
Surrogate: 4-Bromofluorobenzene		97.8 %		40-160	"	"	"	"	

SunStar Laboratories, Inc.

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TO-15 - Quality Control
SunStar Laboratories, Inc.

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
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Batch 8070916 - Canister Analysis

Blank (8070916-BLK1)

Prepared: 07/09/18 Analyzed: 07/10/18

1,1-Difluoroethane (Freon 152)	ND	27	ug/m ³ Air							
Acetone	ND	12	"							
1,3-Butadiene	ND	4.5	"							
Carbon Disulfide	ND	3.2	"							
1,1,2-trichloro-1,2,2-trifluoroethane (CFC 113)	ND	7.7	"							
Isopropyl alcohol	ND	13	"							
Bromodichloromethane	ND	6.8	"							
Bromoform	ND	11	"							
Bromomethane	ND	4.0	"							
Carbon tetrachloride	ND	6.4	"							
Chlorobenzene	ND	4.7	"							
Chloroethane	ND	2.7	"							
Chloroform	ND	5.0	"							
Chloromethane	ND	11	"							
Cyclohexane	ND	3.5	"							
Heptane	ND	4.2	"							
Hexane	ND	3.6	"							
Dibromochloromethane	ND	8.7	"							
1,2-Dibromoethane (EDB)	ND	7.8	"							
1,2-Dichlorobenzene	ND	6.1	"							
1,3-Dichlorobenzene	ND	6.1	"							
1,4-Dichlorobenzene	ND	6.1	"							
Dichlorodifluoromethane	ND	5.0	"							
1,1-Dichloroethane	ND	4.1	"							
1,2-Dichloroethane	ND	4.1	"							
1,1-Dichloroethene	ND	4.0	"							
cis-1,2-Dichloroethene	ND	4.0	"							
trans-1,2-Dichloroethene	ND	4.0	"							
1,2-Dichloropropane	ND	4.7	"							
cis-1,3-Dichloropropene	ND	4.6	"							
trans-1,3-Dichloropropene	ND	4.6	"							
4-Ethyltoluene	ND	5.0	"							
Methylene chloride	ND	3.5	"							
Styrene	ND	4.3	"							
1,1,2,2-Tetrachloroethane	ND	7.0	"							

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TO-15 - Quality Control
SunStar Laboratories, Inc.

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
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Batch 8070916 - Canister Analysis

Blank (8070916-BLK1)

Prepared: 07/09/18 Analyzed: 07/10/18

Tetrahydrofuran	ND	3.0	ug/m ³ Air							
Tetrachloroethene	ND	6.9	"							
1,1,2-Trichloroethane	ND	5.6	"							
1,1,1-Trichloroethane	ND	5.6	"							
Trichloroethene	ND	5.5	"							
Trichlorofluoromethane	ND	5.7	"							
1,3,5-Trimethylbenzene	ND	5.0	"							
1,2,4-Trimethylbenzene	ND	5.0	"							
Vinyl acetate	ND	3.6	"							
Vinyl chloride	ND	2.6	"							
1,4-Dioxane	ND	18	"							
2-Butanone (MEK)	ND	15	"							
Methyl isobutyl ketone	ND	42	"							
Benzene	ND	3.3	"							
Toluene	ND	3.8	"							
Ethylbenzene	ND	4.4	"							
m,p-Xylene	ND	8.8	"							
o-Xylene	ND	4.4	"							
Surrogate: 4-Bromofluorobenzene	36.5		"	45.3		80.6	40-160			

Duplicate (8070916-DUP1)

Source: T182117-01

Prepared: 07/09/18 Analyzed: 07/10/18

1,1-Difluoroethane (Freon 152)	ND	27	ug/m ³ Air		ND					
Acetone	ND	12	"		ND				30	
1,3-Butadiene	ND	4.5	"		ND				30	
Carbon Disulfide	ND	3.2	"		ND				30	
1,1,2-trichloro-1,2,2-trifluoroethane (CFC 113)	ND	7.7	"		ND				30	
Isopropyl alcohol	ND	13	"		ND				30	
Bromodichloromethane	ND	6.8	"		ND				30	
Bromoform	ND	11	"		ND				30	
Bromomethane	ND	4.0	"		ND				30	
Carbon tetrachloride	ND	6.4	"		ND				30	
Chlorobenzene	ND	4.7	"		ND				30	
Chloroethane	ND	2.7	"		ND				30	
Chloroform	ND	5.0	"		ND				30	
Chloromethane	ND	11	"		ND				30	

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Alexandra Huerta, Project Manager Assistant



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TO-15 - Quality Control
SunStar Laboratories, Inc.

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
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Batch 8070916 - Canister Analysis

Duplicate (8070916-DUP1)	Source: T182117-01			Prepared: 07/09/18 Analyzed: 07/10/18	
Cyclohexane	ND	3.5	ug/m ³ Air	ND	30
Heptane	ND	4.2	"	ND	30
Hexane	ND	3.6	"	ND	30
Dibromochloromethane	ND	8.7	"	ND	30
1,2-Dibromoethane (EDB)	ND	7.8	"	ND	30
1,2-Dichlorobenzene	ND	6.1	"	ND	30
1,3-Dichlorobenzene	ND	6.1	"	ND	30
1,4-Dichlorobenzene	ND	6.1	"	ND	30
Dichlorodifluoromethane	ND	5.0	"	ND	30
1,1-Dichloroethane	ND	4.1	"	ND	30
1,2-Dichloroethane	ND	4.1	"	ND	30
1,1-Dichloroethene	ND	4.0	"	ND	30
cis-1,2-Dichloroethene	ND	4.0	"	ND	30
trans-1,2-Dichloroethene	ND	4.0	"	ND	30
1,2-Dichloropropane	ND	4.7	"	ND	30
cis-1,3-Dichloropropene	ND	4.6	"	ND	30
trans-1,3-Dichloropropene	ND	4.6	"	ND	30
4-Ethyltoluene	ND	5.0	"	ND	30
Methylene chloride	ND	3.5	"	ND	30
Styrene	ND	4.3	"	ND	30
1,1,2,2-Tetrachloroethane	ND	7.0	"	ND	30
Tetrahydrofuran	ND	3.0	"	ND	30
Tetrachloroethene	31.1	6.9	"	31.1	0.00 30
1,1,2-Trichloroethane	ND	5.6	"	ND	30
1,1,1-Trichloroethane	ND	5.6	"	ND	30
Trichloroethene	277	5.5	"	278	0.345 30
Trichlorofluoromethane	ND	5.7	"	ND	30
1,3,5-Trimethylbenzene	ND	5.0	"	ND	30
1,2,4-Trimethylbenzene	ND	5.0	"	ND	30
Vinyl acetate	ND	3.6	"	ND	30
Vinyl chloride	ND	2.6	"	ND	30
1,4-Dioxane	ND	18	"	ND	30
2-Butanone (MEK)	ND	15	"	ND	30
Methyl isobutyl ketone	ND	42	"	ND	30
Benzene	ND	3.3	"	ND	30
Toluene	ND	3.8	"	ND	30

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Alexandra Huerta, Project Manager Assistant

Terracon - Tustin
1421 Edinger Avenue, Suite C
Tustin CA, 92780

Project: Raising Cane's RC-387
Project Number: 60187218A
Project Manager: Fabio Minervini

Reported:
07/12/18 14:00

TO-15 - Quality Control
SunStar Laboratories, Inc.

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
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Batch 8070916 - Canister Analysis

Duplicate (8070916-DUP1)

Source: T182117-01

Prepared: 07/09/18 Analyzed: 07/10/18

Ethylbenzene	ND	4.4	ug/m ³ Air		ND				30	
m,p-Xylene	ND	8.8	"		ND				30	
o-Xylene	ND	4.4	"		ND				30	
Surrogate: 4-Bromofluorobenzene	35.8		"	45.3		79.0	40-160			

SunStar Laboratories, Inc.

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Alexandra Huerta, Project Manager Assistant

Terracon - Tustin
1421 Edinger Avenue, Suite C
Tustin CA, 92780

Project: Raising Cane's RC-387
Project Number: 60187218A
Project Manager: Fabio Minervini

Reported:
07/12/18 14:00

Extractable Petroleum Hydrocarbons by 8015B - Quality Control
SunStar Laboratories, Inc.

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
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Batch 8070528 - EPA 3550B GC

Blank (8070528-BLK1)

Prepared & Analyzed: 07/05/18

C6-C12 (GRO)	ND	10	mg/kg							
C13-C22 (DRO)	ND	10	"							
C23-C32 (MORO)	ND	10	"							
Surrogate: <i>p</i> -Terphenyl	91.5		"	99.0		92.4	65-135			

LCS (8070528-BS1)

Prepared & Analyzed: 07/05/18

C13-C22 (DRO)	400	10	mg/kg	495		81.3	75-125			
Surrogate: <i>p</i> -Terphenyl	88.1		"	99.0		89.0	65-135			

LCS Dup (8070528-BSD1)

Prepared & Analyzed: 07/05/18

C13-C22 (DRO)	400	10	mg/kg	495		80.9	75-125	0.488	20	
Surrogate: <i>p</i> -Terphenyl	90.2		"	99.0		91.1	65-135			





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Metals by EPA 6010B - Quality Control

SunStar Laboratories, Inc.

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
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Batch 8070524 - EPA 3050B

Blank (8070524-BLK1)

Prepared & Analyzed: 07/05/18

Antimony	ND	3.0	mg/kg							
Arsenic	ND	5.0	"							
Barium	ND	1.0	"							
Beryllium	ND	1.0	"							
Cadmium	ND	2.0	"							
Chromium	ND	2.0	"							
Cobalt	ND	2.0	"							
Copper	ND	1.0	"							
Lead	ND	3.0	"							
Molybdenum	ND	5.0	"							
Nickel	ND	2.0	"							
Selenium	ND	5.0	"							
Silver	ND	2.0	"							
Thallium	ND	2.0	"							
Vanadium	ND	5.0	"							
Zinc	ND	1.0	"							

LCS (8070524-BS1)

Prepared & Analyzed: 07/05/18

Arsenic	114	5.0	mg/kg	100		114	75-125			
Barium	114	1.0	"	100		114	75-125			
Cadmium	112	2.0	"	100		112	75-125			
Chromium	109	2.0	"	100		109	75-125			
Lead	113	3.0	"	100		113	75-125			

Matrix Spike (8070524-MS1)

Source: T182127-41

Prepared & Analyzed: 07/05/18

Arsenic	107	5.0	mg/kg	95.2	3.14	109	75-125			
Barium	174	1.0	"	95.2	54.4	126	75-125			QM-05
Cadmium	106	2.0	"	95.2	2.35	109	75-125			
Chromium	124	2.0	"	95.2	16.4	113	75-125			
Lead	102	3.0	"	95.2	1.14	106	75-125			

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Metals by EPA 6010B - Quality Control
SunStar Laboratories, Inc.

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
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Batch 8070524 - EPA 3050B

Matrix Spike Dup (8070524-MSD1)	Source: T182127-41			Prepared & Analyzed: 07/05/18						
Arsenic	112	5.0	mg/kg	98.0	3.14	111	75-125	4.16	20	
Barium	191	1.0	"	98.0	54.4	139	75-125	8.92	20	QM-05
Cadmium	107	2.0	"	98.0	2.35	107	75-125	0.974	20	
Chromium	123	2.0	"	98.0	16.4	108	75-125	0.719	20	
Lead	105	3.0	"	98.0	1.14	106	75-125	2.99	20	

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Project: Raising Cane's RC-387
 Project Number: 60187218A
 Project Manager: Fabio Minervini

Reported:
 07/12/18 14:00

Volatile Organic Compounds by EPA Method 8260B - Quality Control

SunStar Laboratories, Inc.

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
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Batch 8070501 - EPA 5030 GCMS

Blank (8070501-BLK1)

Prepared & Analyzed: 07/05/18

Bromobenzene	ND	0.0050	mg/kg							
Bromochloromethane	ND	0.0050	"							
Bromodichloromethane	ND	0.0050	"							
Bromoform	ND	0.0050	"							
Bromomethane	ND	0.0050	"							
n-Butylbenzene	ND	0.0050	"							
sec-Butylbenzene	ND	0.0050	"							
tert-Butylbenzene	ND	0.0050	"							
Carbon tetrachloride	ND	0.0050	"							
Chlorobenzene	ND	0.0050	"							
Chloroethane	ND	0.0050	"							
Chloroform	ND	0.0050	"							
Chloromethane	ND	0.0050	"							
2-Chlorotoluene	ND	0.0050	"							
4-Chlorotoluene	ND	0.0050	"							
Dibromochloromethane	ND	0.0050	"							
1,2-Dibromo-3-chloropropane	ND	0.010	"							
1,2-Dibromoethane (EDB)	ND	0.0050	"							
Dibromomethane	ND	0.0050	"							
1,2-Dichlorobenzene	ND	0.0050	"							
1,3-Dichlorobenzene	ND	0.0050	"							
1,4-Dichlorobenzene	ND	0.0050	"							
Dichlorodifluoromethane	ND	0.0050	"							
1,1-Dichloroethane	ND	0.0050	"							
1,2-Dichloroethane	ND	0.0050	"							
1,1-Dichloroethene	ND	0.0050	"							
cis-1,2-Dichloroethene	ND	0.0050	"							
trans-1,2-Dichloroethene	ND	0.0050	"							
1,2-Dichloropropane	ND	0.0050	"							
1,3-Dichloropropane	ND	0.0050	"							
2,2-Dichloropropane	ND	0.0050	"							
1,1-Dichloropropene	ND	0.0050	"							
cis-1,3-Dichloropropene	ND	0.0050	"							
trans-1,3-Dichloropropene	ND	0.0050	"							
Hexachlorobutadiene	ND	0.0050	"							
Isopropylbenzene	ND	0.0050	"							

SunStar Laboratories, Inc.

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

Alexandra Huerta, Project Manager Assistant



25712 Commercentre Drive
 Lake Forest, California 92630
 949.297.5020 Phone
 949.297.5027 Fax

Terracon - Tustin
 1421 Edinger Avenue, Suite C
 Tustin CA, 92780

Project: Raising Cane's RC-387
 Project Number: 60187218A
 Project Manager: Fabio Minervini

Reported:
 07/12/18 14:00

Volatile Organic Compounds by EPA Method 8260B - Quality Control

SunStar Laboratories, Inc.

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
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Batch 8070501 - EPA 5030 GCMS

Blank (8070501-BLK1)

Prepared & Analyzed: 07/05/18

p-Isopropyltoluene	ND	0.0050	mg/kg							
Methylene chloride	ND	0.0050	"							
Naphthalene	ND	0.0050	"							
n-Propylbenzene	ND	0.0050	"							
Styrene	ND	0.0050	"							
1,1,2,2-Tetrachloroethane	ND	0.0050	"							
1,1,1,2-Tetrachloroethane	ND	0.0050	"							
Tetrachloroethene	ND	0.0050	"							
1,2,3-Trichlorobenzene	ND	0.0050	"							
1,2,4-Trichlorobenzene	ND	0.0050	"							
1,1,2-Trichloroethane	ND	0.0050	"							
1,1,1-Trichloroethane	ND	0.0050	"							
Trichloroethene	ND	0.0050	"							
Trichlorofluoromethane	ND	0.0050	"							
1,2,3-Trichloropropane	ND	0.0050	"							
1,3,5-Trimethylbenzene	ND	0.0050	"							
1,2,4-Trimethylbenzene	ND	0.0050	"							
Vinyl chloride	ND	0.0050	"							
Benzene	ND	0.0050	"							
Toluene	ND	0.0050	"							
Ethylbenzene	ND	0.0050	"							
m,p-Xylene	ND	0.010	"							
o-Xylene	ND	0.0050	"							
Surrogate: 4-Bromofluorobenzene	0.0443		"	0.0396		112	81.2-123			
Surrogate: Dibromofluoromethane	0.0411		"	0.0396		104	95.7-135			
Surrogate: Toluene-d8	0.0417		"	0.0396		105	85.5-116			

LCS (8070501-BS1)

Prepared & Analyzed: 07/05/18

Chlorobenzene	0.0497	0.0050	mg/kg	0.0400		124	75-125			
1,1-Dichloroethene	0.0441	0.0050	"	0.0400		110	75-125			
Trichloroethene	0.0458	0.0050	"	0.0400		115	75-125			
Benzene	0.0491	0.0050	"	0.0400		123	75-125			
Toluene	0.0483	0.0050	"	0.0400		121	75-125			
Surrogate: 4-Bromofluorobenzene	0.0432		"	0.0400		108	81.2-123			
Surrogate: Dibromofluoromethane	0.0413		"	0.0400		103	95.7-135			
Surrogate: Toluene-d8	0.0419		"	0.0400		105	85.5-116			

SunStar Laboratories, Inc.

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Alexandra Huerta, Project Manager Assistant

Terracon - Tustin
1421 Edinger Avenue, Suite C
Tustin CA, 92780

Project: Raising Cane's RC-387
Project Number: 60187218A
Project Manager: Fabio Minervini

Reported:
07/12/18 14:00

Volatile Organic Compounds by EPA Method 8260B - Quality Control

SunStar Laboratories, Inc.

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
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Batch 8070501 - EPA 5030 GCMS

Matrix Spike (8070501-MS1)

Source: T182159-01

Prepared & Analyzed: 07/05/18

Chlorobenzene	0.0401	0.0050	mg/kg	0.0398	ND	101	75-125			
1,1-Dichloroethene	0.0382	0.0050	"	0.0398	ND	95.9	75-125			
Trichloroethene	0.0383	0.0050	"	0.0398	ND	96.3	75-125			
Benzene	0.0398	0.0050	"	0.0398	ND	99.9	75-125			
Toluene	0.0394	0.0050	"	0.0398	ND	99.0	75-125			
Surrogate: 4-Bromofluorobenzene	0.0434		"	0.0398		109	81.2-123			
Surrogate: Dibromofluoromethane	0.0425		"	0.0398		107	95.7-135			
Surrogate: Toluene-d8	0.0417		"	0.0398		105	85.5-116			

Matrix Spike Dup (8070501-MSD1)

Source: T182159-01

Prepared & Analyzed: 07/05/18

Chlorobenzene	0.0414	0.0050	mg/kg	0.0396	ND	104	75-125	3.06	20	
1,1-Dichloroethene	0.0384	0.0050	"	0.0396	ND	97.0	75-125	0.545	20	
Trichloroethene	0.0385	0.0050	"	0.0396	ND	97.2	75-125	0.386	20	
Benzene	0.0416	0.0050	"	0.0396	ND	105	75-125	4.33	20	
Toluene	0.0402	0.0050	"	0.0396	ND	102	75-125	1.95	20	
Surrogate: 4-Bromofluorobenzene	0.0420		"	0.0396		106	81.2-123			
Surrogate: Dibromofluoromethane	0.0430		"	0.0396		108	95.7-135			
Surrogate: Toluene-d8	0.0407		"	0.0396		103	85.5-116			

SunStar Laboratories, Inc.



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Alexandra Huerta, Project Manager Assistant



25712 Commercentre Drive
Lake Forest, California 92630
949.297.5020 Phone
949.297.5027 Fax

Terracon - Tustin
1421 Edinger Avenue, Suite C
Tustin CA, 92780

Project: Raising Cane's RC-387
Project Number: 60187218A
Project Manager: Fabio Minervini

Reported:
07/12/18 14:00

Notes and Definitions

- QM-05 The spike recovery was outside acceptance limits for the MS and/or MSD due to possible matrix interference. The LCS was within acceptance criteria. The data is acceptable as no negative impact on data is expected.
- DET Analyte DETECTED
- ND Analyte NOT DETECTED at or above the reporting limit
- NR Not Reported
- dry Sample results reported on a dry weight basis
- RPD Relative Percent Difference

SunStar Laboratories, Inc.

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

Alexandra Huerta, Project Manager Assistant

Terracon

Consulting Engineers & Scientists

Office Location 421 Edinger Ave. Irvine, CA
 Project Manager Fabio Marinelli

Laboratory: Son Star Lab.
 Address: Lake Forest, CA
 Contact: Alexandra Huerta
 Phone: 949-297-5020
 PO/SO #:

Sampler's Name: Mary Medjenouch
 Sampler's Signature: Mary Medjenouch

Proj. No. 60187218A
 Project Name: Raisins Care's - RC-387
 No/Type of Containers: 21/8oz. 2 Minicams

Matrix	Date	Time	Compend	Identifying Marks of Sample(s)	Start Depth	End Depth	VOA	AG 1L	250 ml	P/O	ANALYSIS REQUESTED	Lab Sample ID (Lab Use Only)
S	7/3/18	7:35	X	VP-5-2.5'	2'	2.5'					VOC's-EPA 8260B TPH- 8015M Metals- 6010B Hold- VOCs - TO-15	01
		7:40		VP-5-5'	4.5'	5'						02
		8:00		VP-6-2.5'	2'	2.5'						03
		8:05		VP-6-5'	4.5'	5'						04
		8:30		SB-4- 2.5 5.5'	5'	5.5'						05
		8:35		SB-4-10'	9.5'	10'						06
		8:45		SB-4-12.5'	12'	12.5'						07
		9:00		SB-3-2.5'	2'	2.5'						08
		9:05		SB-3-5.5'	5'	5.5'						09
		9:10		SB-3-10'	9.5'	10'						10

Turn around time Normal 25% Rush 50% Rush 100% Rush

Relinquished by (Signature): Mary Medjenouch Date: 7/3/18 Time: 14:20 Received by (Signature): _____ Date: 7-3-18 Time: 14:30

Relinquished by (Signature): _____ Date: _____ Time: _____ Received by (Signature): _____ Date: _____ Time: _____

Relinquished by (Signature): _____ Date: _____ Time: _____ Received by (Signature): _____ Date: _____ Time: _____

Relinquished by (Signature): _____ Date: _____ Time: _____ Received by (Signature): _____ Date: _____ Time: _____

NOTES: _____

Lab use only
 Due Date: _____
 Temp. of coolers when received (C°): 4.5
 Page 1 of 3

Matrix Container: WW - Wastewater VOA - 40 ml vial W - Water AG - Amber / Or Glass 1 Liter S - Soil SD - Solid 250 ml - Glass wide mouth L - Liquid A - Air Bag P/O - Plastic or other C - Charcoal tube SL - sludge O - Oil

Orange County Office
 2817 McGaw Avenue
 Irvine, California 92614
 Office (949) 261-0051
 Fax (949) 261-6110

Terracon

Consulting Engineers & Scientists

Office Location: 1421 Edinger Ave. Irvine, CA
 Project Manager: Fabio Marinini

Laboratory: Sun Star Lab.
 Address: Lake Forest, CA

Contact: _____
 Phone: _____
 PO/SO #: _____

Sampler's Name: Mary Mendenich

Sampler's Signature: Mary Mendenich

Proj. No.: 60187218A Project Name: Raising Cane's - RC-387 No/Type of Containers: 21/8 OZ. PETE BOTTLES

Matrix	Date	Time	Compliance	Identifying Marks of Sample(s)	Start Depth	End Depth	VOA	AG 1L	250 ml	PIO	ANALYSIS REQUESTED
S	7/31/18	9:15	X	SB-3-15'	14.5'	15.1'					VOC's - 8260B TPH - 8015M Metals - 6010B Hold VOC - TD-15
		9:25		SB-2-3'	2.5'	3'					X
		9:30		SB-2-8'	7.5'	8'					X
		9:35		SB-2-13'	12.5'	13'					X
		9:45		SB-1-3'	2.5'	3'					X
		9:50		SB-1-7.5'	7'	7.5'					X
		9:55		SB-1-12'	11.5'	12'					X
		D:10		SB-7-3'	2.5'	3'					X
		10:15		SB-7-5.5'	5'	5.5'					X
		10:20		SB-7-10'	9.5'	10'					X
Turn around time			<input checked="" type="checkbox"/> Normal								
Relinquished by (Signature)	Date: <u>7/31/18</u>	Time: <u>11:20</u>		Received by (Signature)	Date: <u>7-3-18</u>	Time: <u>1430</u>	NOTES:				
Relinquished by (Signature)	Date:	Time:		Received by (Signature)	Date:	Time:					
Relinquished by (Signature)	Date:	Time:		Received by (Signature)	Date:	Time:					

Lab use only	Due Date:	Temp. of coolers when received (C°):
		<u>4.5</u>
1	2	3
4	5	

Page 2 of 3

Lab Sample ID (Lab Use Only)

Matrix: WW - Wastewater VOA - 40 ml Vial
 Container: W - Water A/G - Amber / Or Glass 1 Liter
S - Soil SD - Solid L - Liquid A - Air Bag
C - Charcoal tube P/O - Plastic or other
SL - sludge O - Oil

Orange County Office

2817 McGaw Avenue
 Irvine, California 92614

Office (949) 864-2064
 Fax (949) 261-6110

Terracon

Consulting Engineers & Scientists

Office Location 421 Edinger Ave.
Tustin, CA
 Project Manager Fabrizio Marinovic

Laboratory: Sun Star Lab
 Address: Lake Forest, CA

Contact: _____
 Phone: _____
 PO/SO #: _____

Project No. 60187218A Project Name Hazing Cans - RC-387
 Sampler's Name Mary M. Jendrich Sampler's Signature Mary M. Jendrich

No/Type of Containers
21/862/10/19
2/1/2/wh/cans

Matrix	Date	Time	C o n t a i n e r	G r a b	Identifying Marks of Sample(s)	Start Depth	End Depth	VOA	AG 1L	250 ml	P/O	ANALYSIS REQUESTED
S	7/3/18	10:25	X		SB-7-15 -	4.5'	15'					
P/O		10:50	X		VP-6 (SG)	5'						
P/O		10:45	X		VP-5 (SG)	5'						
NFS												
[Large diagonal line across the table]												

Lab Sample ID (Lab Use Only)

Lab use only
 Due Date: _____
 Temp. of coolers when received (C°): 4.5
 Page 3 of 3

Turn around time Normal 25% Rush 50% Rush 100% Rush

Relinquished by (Signature) Mary M. Jendrich Date: 7/3/18 Time: 14:20 Received by (Signature) _____ Date: _____ Time: _____
 Relinquished by (Signature) _____ Date: _____ Time: _____ Received by (Signature) _____ Date: _____ Time: _____
 Relinquished by (Signature) _____ Date: _____ Time: _____ Received by (Signature) _____ Date: _____ Time: _____

NOTES:

Matrix: WW - Wastewater W - Water S - Soil SD - Solid L - Liquid A - Air Bag
 Container: VOA - 40 ml vial AG - Amber / Or Glass 1 Liter AG - Amber / Or Glass 1 Liter 250 ml - Glass wide mouth P/O - Charcoal tube SL - sludge O - Oil

Orange County Office

2817 McGaw Avenue
 Irvine, California 92614

Office (949) 864-2064
 Fax (949) 261-6110

SAMPLE RECEIVING REVIEW SHEET

Batch/Work Order #: T182159

Client Name: TEO. BACON Project: RAISING CANES - RC 387

Delivered by: Client SunStar Courier GSO FedEx Other

If Courier, Received by: _____ Date/Time Courier Received: _____

Lab Received by: DAN Date/Time Lab Received: 7/3/18 1930

Total number of coolers received: 1

Temperature: Cooler #1	<u>3.3</u> <u>RC</u>	°C +/- the CF (1.2°C) = <u>4.5</u>	°C corrected temperature
Temperature: Cooler #2		°C +/- the CF (1.2°C) =	°C corrected temperature
Temperature: Cooler #3		°C +/- the CF (1.2°C) =	°C corrected temperature
Temperature criteria = ≤ 6°C (no frozen containers)		Within criteria?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If NO:			
Samples received on ice?	<input type="checkbox"/> Yes		<input type="checkbox"/> No → Complete Non-Conformance Sheet
If on ice, samples received same day collected?	<input type="checkbox"/> Yes → Acceptable		<input type="checkbox"/> No → Complete Non-Conformance Sheet

Custody seals intact on cooler/sample Yes No* N/A

Sample containers intact Yes No*

Sample labels match Chain of Custody IDs Yes No*

Total number of containers received match COC Yes No*

Proper containers received for analyses requested on COC Yes No*

Proper preservative indicated on COC/containers for analyses requested Yes No* N/A

Complete shipment received in good condition with correct temperatures, containers, labels, volumes preservatives and within method specified holding times Yes No*

* Complete Non-Conformance Receiving Sheet if checked Cooler/Sample Review - Initials and date: BC 7/3/18

Comments: _____

Asset Check-In Receipt

SunStar Laboratories Inc.

Check-In Date: 7/3/2018

User Name: Marteski, Dan

Asset Tag	Asset Type	Serial No	Location	Customer No.	Customer Name
0252 - unused	1000cc: 1000cc Summa	0252	Sunstar Labs, Lake Forest Air Lab	Terracon-Joe	Joe Yang
0299	1000cc: 1000cc Summa	0299	Sunstar Labs, Lake Forest Air Lab	Terracon-Joe	Joe Yang
0397	1000cc: 1000cc Summa	0397	Sunstar Labs, Lake Forest Air Lab	Terracon-Joe	Joe Yang
2037	Vapor Manifold: Vapor Manifold	2037	Sunstar Labs, Lake Forest Air Lab	Terracon-Joe	Joe Yang
2078	Vapor Manifold: Vapor Manifold	2078	Sunstar Labs, SunStar Labs - South	Terracon-Joe	Joe Yang
3038	Vapor Manifold: Vapor Manifold	3038	Sunstar Labs, SunStar Labs - South	Terracon-Joe	Joe Yang

+ 3 Nuts / Ferrules

Project Name: MONTERY PARK LSI			KATHERINE	
Company: TERRACON				
Name: JOE YANG				
Item	Quantity	Unit		
2 oz Jars 24/CS				
4 oz Jars 24/CS				
8 oz Jars 12/CS	24	EA		
40 ml unpreserved VOAs 100/box				
40 ml HCL-preserved VOAs 72/box				
250 ml Poly 24/CS				
1 Liter Poly 12/CS				
500 ml Poly 16/CS				
500 ml Amber Bottle Wide 12/CS				
1 Liter Amber Bottle 12/CS				
1 Gallon Poly 4/box				
5035 kits:(2)Sodium Bisulfate VOAs 72/box				
	(1) Methanol VOA 72/box			
	(1)Syringe 50/pack			
Lock-N-Load Handle 1/pack				
Tedlar Bags 10/pack				
Sub Slab Insert w/ washer & N/F				
Soil Gas SS 16" Drop Tubes				
Gas Extraction Fittings				
Soil Gas Filters				
	# Sent	Used	Unused	Unreturned
Batch Certified Summa Canisters	400cc			
	1L	3	2	1
	3L			0
	6L			
Individually Certified Summa Canisters	400cc			
	1L			
	3L			
	6L			
150/63 Manifolds, Var. Sampler, etc. Calibrated Correctly - Gauge Reads at 0				
Manifolds: Inst. Sampler, Variable Sampler	3-MANIFOLDS (150) CHARGE 2			
Swagelok Fittings: Nuts/Ferrules, Ts	3 - NUTS/FERRULES 3- RETURNED			
Cooler (Sm, Med, Lrg) Number & Quantity	1-LRG 1 RETURNED			
Other: Poly Tube, Valves, Silicon Tape, etc.				
Prepared By: DF	Date: 6/29/18			
Reviewed By:	Date:			



WORK ORDER

T182159

Client: Terracon - Tustin	Project Manager: Alexandra Huerta
Project: Raising Cane's RC-387	Project Number: 60187218A

Report To:

Terracon - Tustin
 Fabio Minervini
 1421 Edinger Avenue, Suite C
 Tustin, CA 92780

Date Due:	07/11/18 17:00 (5 day TAT)	Date Received:	07/03/18 14:30
Received By:	Dan Marteski	Date Logged In:	07/03/18 15:19
Logged In By:	Brian Charon		

Samples Received at:	4.5°C		
Custody Seals	No	Received On Ice	Yes
Containers Intact	Yes		
COC/Labels Agree	Yes		
Preservation Confirmed	No		

Analysis	Due	TAT	Expires	Comments
T182159-01 VP-5-2.5 [Soil] Sampled 07/03/18 07:35 (GMT-08:00) Pacific Time (US &				
8015 CC (6-12)(13-22)(23-32)	07/11/18 15:00	5	07/17/18 07:35	
8260	07/11/18 15:00	5	07/17/18 07:35	
T182159-02 VP-5-5' [Soil] Sampled 07/03/18 07:40 (GMT-08:00) Pacific Time (US &				
[NO ANALYSES]				
T182159-03 VP-6-2.5' [Soil] Sampled 07/03/18 08:00 (GMT-08:00) Pacific Time (US &				
[NO ANALYSES]				
T182159-04 VP-6-5' [Soil] Sampled 07/03/18 08:05 (GMT-08:00) Pacific Time (US &				
8015 CC (6-12)(13-22)(23-32)	07/11/18 15:00	5	07/17/18 08:05	
8260	07/11/18 15:00	5	07/17/18 08:05	
T182159-05 SB-4-5.5' [Soil] Sampled 07/03/18 08:30 (GMT-08:00) Pacific Time (US &				
[NO ANALYSES]				
T182159-06 SB-4-10' [Soil] Sampled 07/03/18 08:35 (GMT-08:00) Pacific Time (US &				
[NO ANALYSES]				

WORK ORDER

T182159

Client: Terracon - Tustin	Project Manager: Alexandra Huerta
Project: Raising Cane's RC-387	Project Number: 60187218A

Analysis	Due	TAT	Expires	Comments
T182159-07 SB-4-12.5' [Soil] Sampled 07/03/18 08:45 (GMT-08:00) Pacific Time (US &				
6010 Individual Metals	07/11/18 15:00	5	12/30/18 08:45	
8015 CC (6-12)(13-22)(23-32)	07/11/18 15:00	5	07/17/18 08:45	
8260	07/11/18 15:00	5	07/17/18 08:45	
T182159-08 SB-3-2.5' [Soil] Sampled 07/03/18 09:00 (GMT-08:00) Pacific Time (US &				
8015 CC (6-12)(13-22)(23-32)	07/11/18 15:00	5	07/17/18 09:00	
8260	07/11/18 15:00	5	07/17/18 09:00	
T182159-09 SB-3-5.5' [Soil] Sampled 07/03/18 09:05 (GMT-08:00) Pacific Time (US &				
[NO ANALYSES]				
T182159-10 SB-3-10' [Soil] Sampled 07/03/18 09:10 (GMT-08:00) Pacific Time (US &				
[NO ANALYSES]				
T182159-11 SB-3-15' [Soil] Sampled 07/03/18 09:15 (GMT-08:00) Pacific Time (US &				
[NO ANALYSES]				
T182159-12 SB-2-3' [Soil] Sampled 07/03/18 09:25 (GMT-08:00) Pacific Time (US &				
[NO ANALYSES]				
T182159-13 SB-2-8' [Soil] Sampled 07/03/18 09:30 (GMT-08:00) Pacific Time (US &				
[NO ANALYSES]				
T182159-14 SB-2-13' [Soil] Sampled 07/03/18 09:35 (GMT-08:00) Pacific Time (US &				
8015 CC (6-12)(13-22)(23-32)	07/11/18 15:00	5	07/17/18 09:35	
8260	07/11/18 15:00	5	07/17/18 09:35	
T182159-15 SB-1-3' [Soil] Sampled 07/03/18 09:45 (GMT-08:00) Pacific Time (US &				
[NO ANALYSES]				



WORK ORDER

T182159

Client: Terracon - Tustin	Project Manager: Alexandra Huerta
Project: Raising Cane's RC-387	Project Number: 60187218A

Analysis	Due	TAT	Expires	Comments
T182159-16 SB-1-7.5' [Soil] Sampled 07/03/18 09:50 (GMT-08:00) Pacific Time				
(US &				
[NO ANALYSES]				
T182159-17 SB-1-12' [Soil] Sampled 07/03/18 10:10 (GMT-08:00) Pacific Time				
(US &				
8015 CC (6-12)(13-22)(23-32)	07/11/18 15:00	5	07/17/18 10:10	
8260	07/11/18 15:00	5	07/17/18 10:10	
T182159-18 SB-7-3' [Soil] Sampled 07/03/18 10:15 (GMT-08:00) Pacific Time				
(US &				
[NO ANALYSES]				
T182159-19 SB-7-5.5' [Soil] Sampled 07/03/18 10:15 (GMT-08:00) Pacific Time				
(US &				
[NO ANALYSES]				
T182159-20 SB-7-10' [Soil] Sampled 07/03/18 10:20 (GMT-08:00) Pacific Time				
(US &				
6010 Individual Metals	07/11/18 15:00	5	12/30/18 10:20	
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T182159-21 SB-7-15' [Soil] Sampled 07/03/18 10:25 (GMT-08:00) Pacific Time				
(US &				
[NO ANALYSES]				
T182159-22 VP-6 (SG) [Air] Sampled 07/03/18 10:50 (GMT-08:00) Pacific Time				
(US &				
TO-15	07/11/18 15:00	5	08/02/18 10:50	
T182159-23 VP-5 (SG) [Air] Sampled 07/03/18 10:45 (GMT-08:00) Pacific Time				
(US &				
TO-15	07/11/18 15:00	5	08/02/18 10:45	

June 24, 2020



Raising Cane's Restaurants, LLC
6800 Bishop Rd Ste 210
Plano, TX 75024-4275

Attn: Ms. Kristen Roberts
P: (972) 769-3348
E: KRoberts@raisingcanes.com

Re: Summary of Environmental Conditions
Proposed Raising Cane's Restaurant (RC 387) - Monterey Park
1970 South Atlantic Boulevard
Monterey Park, Los Angeles County, California
Terracon Project No. 60187218A

Dear Ms. Roberts:

Per your request, Terracon Consultants, Inc. (Terracon) is pleased to submit this Summary of Environmental Conditions letter to assist with your responses to Conditional Use Permit (CUP) appeal for the referenced project.

Terracon completed a Phase I Environmental Site Assessment (ESA) on July 2, 2018 (Terracon Project No. 60187218) and Limited Site Investigation (LSI) report on July 24, 2018. Summary of findings of the Phase I ESA and the LSI are provided in the following paragraphs:

- The site is located at 1970 South Atlantic Boulevard in Monterey Park, Los Angeles County, California, and consists of three contiguous parcels (Designated as County of Los Angeles Assessor Parcel Numbers (APNs): 5266-002-032, -033 and -034) totaling approximately 0.41-acre. The site consists of a vacant asphalt/concrete paved lot.
- Historically, the site was occupied by Ott Frank E Jr. Union Service DLR, a service station, from at least 1957 through 1969. This service station was demolished and replaced by another service station that continued to operate on the site until 2003. Subsequent to the demolition of the former service station (1957-1969), two sets of Underground Storage Tanks (USTs) were installed at the site in 1969 and in 1990. These USTs were removed under regulatory oversight by the Los Angeles Department of Public Works, Environmental Program Division (LACDPW), due to discovery of petroleum hydrocarbon releases from the USTs, in 1990 and in 2003, respectively.
- Several subsurface assessments were performed by others to evaluate the release(s) from the former UST systems and associated automotive repairing underground features (i.e. clarifier and three in-ground hydraulic lifts) were conducted in 1990, 1997, 2003, 2005, and 2006, resulting in regulatory closure with no further action requirements in 1992 and in 2007.

Terracon Consultants, Inc. 1421 Edinger Avenue, Suite C Tustin, California 92780
P (949) 261.0051 F (949) 261.6110 terracon.com

Summary of Environmental Conditions

Proposed Raising Cane's Restaurant (RC 387) - Monterey Park ■ Monterey Park, California

June 24, 2020 ■ Terracon Project No. 60187218A

- Terracon's Phase I ESA report identified significant data gaps in connection with former on-site service station facilities that occupied the site from 1957 through 1969, with no documentation of USTs. In addition, a significant data gap was identified in connection with inadequate soil assessment of a former waste oil UST at the site.
- Subsequent to the Phase I ESA and to evaluate the identified significant data gaps, Terracon completed an LSI, which included soil and soil gas sampling and analysis at the site.
- The LSI scope of work consisted of advancement of five soil borings (SB-1, SB-2, SB-3, SB-4, SB-7) to a maximum depth of 15 feet below grade surface (bgs). In addition, two borings (VP-5 and VP-6) were advanced to depths of approximately 5.0 feet bgs and converted into a vapor probe set at a depth of approximately 4.5 feet bgs. The soil samples were analyzed for TPH as gasoline range organics (GRO), diesel range organics (DRO), and Oil Range Organics (ORO) by United States Environmental Protection Agency (USEPA) Method 8015M and VOCs by USEPA Method 8260B. The soil gas samples were analyzed for VOCs by USEPA Method TO-15. The following summarizes findings of the LSI:
 - Analytical results for the soil samples collected from the site did not exhibit VOCs, TPH-GRO, and TPH-DRO at concentrations above their respective laboratory reporting limits. Concentrations of TPH-ORO were detected in soil borings SB-3, VP-6, and SB-7; however, the detected concentrations were well below the applicable screening levels.
 - The detected metals concentrations in soil samples were reported at concentrations below the applicable screening levels and/or background concentrations.
 - Analytical results for the soil gas samples exhibited VOC concentrations above their respective reporting limits (RL); however, below the applicable screening levels for residential and commercial land use at that time.
- Based on the findings of the LSI, additional investigation did not appear warranted. However, based on the historical site use, and typical redevelopment practices of the client, during site excavation activities (if needed) proper procedures will be followed with respect to worker health and safety, and potentially affected soils encountered will be properly characterized, treated, and/or disposed in accordance with applicable local, state or federal regulations.

It should be noted that regulatory screening levels are routinely evaluated and updated. Terracon compared the soil gas analytical results from the prior LSI (July 2018) to the current Environmental Screening Levels established by the San Francisco Bay Area, Regional Water Quality Control Board, also adopted by most regulatory agencies in California. The reported benzene concentration in one of the soil gas samples slightly exceeds the current ESLs for commercial

Summary of Environmental Conditions

Proposed Raising Cane's Restaurant (RC 387) - Monterey Park ■ Monterey Park, California

June 24, 2020 ■ Terracon Project No. 60187218A

land use; however, the remaining soil gas analytical results reported concentrations below the ESLs for commercial land use.

Based on the previous documented UST removal activities, regulatory closure, and the findings from Terracon's prior subsurface investigations, significant environmental conditions that warrant a response action were not identified. It should be noted that based on the findings of the Phase I ESA, the anticipated depth to groundwater in the site vicinity is greater than 150 feet below grade surface; and based on subsurface conditions is not considered threatened.

As a precautionary measure, and per typical redevelopment practices of the client for sites that have had a history of environmental impact, the on-site soils will be managed under a Soil Management Plan (SMP) to provide guidance during planned future earthwork activities in the unlikely event that petroleum hydrocarbon impacted soils are encountered.

Additionally, the client will install a voluntary Vapor Barrier below the proposed structure to provide additional assurances regarding residual vapors that may remain at the site. Based on the environmental review of the site conditions, the proposed SMP and Vapor Barrier are believed to be sufficient to mitigate potential soil and or vapor concerns.

If there are any questions regarding this letter or if we may be of further assistance, please do not hesitate to contact us.

Sincerely,

Terracon Consultants, Inc.

Islam (Sami) R. Noaman, E.I.T.
Environmental Department Manager II

Carl A. Parten
Senior Principal

ATTACHMENT C

Written correspondence received from appellants on July 1, 2020 and available at the following url:

<https://www.montereypark.ca.gov/1328/1970-South-Atlantic>



City Council Staff Report

DATE: September 2, 2020
Public Hearing

AGENDA ITEM NO: Agenda Item 2-B

TO: The Honorable Mayor and City Council
FROM: Mark A. McAvoy, Director of Public Works/City Engineer/City Planner
SUBJECT: Consideration and possible action to introduce and waive first reading of an Ordinance adding a new Chapter 21.50 entitled "Accessory Dwelling Units" to the Monterey Park Municipal Code pursuant to Government Code §§ 65852.2 and 65852.22

RECOMMENDATION:

It is recommended that the City Council:

1. Open the public hearing, take testimonial and documentary evidence and, after considering the evidence, introduce and waive first reading of the Ordinance; and/or
2. Take such additional, related action that may be desirable.

CEQA (California Environmental Quality Act):

The Ordinance was revised for compliance with the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA regulations (14 California Code of Regulations §§ 15000, et seq.; "CEQA Guidelines"). The Ordinance is exempt from additional environmental review pursuant to CEQA Guidelines § 15282(h) because it is an Ordinance implementing the provisions of Government Code §§ 65852.1 and 65852.2 (as set forth in Public Resources Code § 21080.17) regarding accessory dwelling units in a single-family or multifamily residential zone.

EXECUTIVE SUMMARY:

On July 1, 2020, the City Council opted to act as the City's Planning Agency. Government Code §§ 65852.2 and 65852.22 requires the City to amend the Monterey Park Municipal Code ("MPMC") regulations governing accessory dwelling units ("ADUs") and add regulations governing Junior Accessory Dwelling Units ("JADUs"). The draft Ordinance would implement those regulations.

DISCUSSION:

The proposed Ordinance amends the City's existing zoning regulations as follows:

- Adds new definitions for “Efficiency Unit,” “Multifamily Dwelling,” “Primary Dwelling” and “Tandem parking.”
- Development standards:
 - Explains that zones designated for ADUs may be altered based on impacts to water, sewer traffic flow, and public safety;
 - Clarifies that when ADUs are created by converting a garage, carport or covered parking structure, new off-street parking spaces are not required;
 - Removes requirements regarding minimum lot size;
 - Decreases setback requirements, as follows:
 - Rear yard setback is decreased from a minimum 15 feet to not more than four feet; and
 - Side yard setback is decreased from five feet to not more than four feet.
 - Adjusts the allowable maximum and minimum square footage for ADUs;
 - Adjusts the allowable total number of ADUs and JADUs per lot; and
 - Provides standards and clarification regarding the physical location of ADUs and JADUs within existing structures, versus development standards for newly constructed units.
- Creates regulations for JADUs – including a prohibition on any rentals that would violate the MPMC;
- Creates an ADU use-permit application process, which, among other things:
 - Eliminates owner-occupancy requirements for ADUs (until January 1, 2025);
 - Reduces the maximum application review time from 120 days to 60 days;
 - Establishes impact fee exemptions or limitations based on the size of the ADU. ADUs up to 750 square feet are exempt from impact fees and impact fees for an ADU of 750 square feet or larger must be proportional to the relationship of the ADU to the primary dwelling unit; and
 - Authorizes a reasonable construction fee (if applicable) and inspection fee.

This Ordinance would be scheduled for second reading and adoption on September 16, 2020.

FISCAL IMPACT:

None.

Respectfully submitted by:



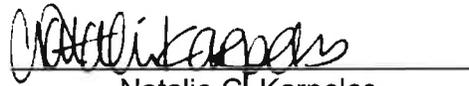
Mark A. McAvoy
Director of Public Works/City
Engineer/City Planner

Approved by:

Reviewed by:



Ron Bow
City Manager



Natalie C. Karpeles,
Deputy City Attorney

Attachments:

1. Draft Ordinance
2. Current Accessory Dwelling Unit Provisions (MPMC § 21.08.040)
3. New State Law on Accessory Dwelling Units (Government Code Sections)

ATTACHMENT - 1
Draft Ordinance

ORDINANCE NO. _____

AN ORDINANCE ADDING A NEW CHAPTER 21.50 ENTITLED “ACCESSORY DWELLING UNITS” TO THE MONTEREY PARK MUNICIPAL CODE PURSUANT TO GOVERNMENT CODE §§ 65852.2 AND 65852.22.

THE COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1. *Findings.* The City Council finds, determines and declares as follows:

- A. On October 9, 2019, the Governor signed Assembly Bills 68 and 881, and Senate Bill 13 which impose requirements upon local agencies governing affordable housing units (“ADUs”). These Bills, among other things, amended Government Code §§ 65852.2 and 65852.22 and took effect on January 1, 2020. This Ordinance (the “Project”) implements the mandates imposed by California law as to ADUs.
- B. The City reviewed the Project’s environmental impacts under the California Environmental Quality Act (Pub. Res. Code §§ 21000, *et seq.*, “CEQA”) and the regulations promulgated thereunder (14 Cal. Code of Reg. §§ 15000-15387; “CEQA Guidelines”).
- C. Notice of a Public Hearing before the City Council was duly given and published in the time, form and manner as required by law.
- D. The City Council opened the public hearing at the September 2, 2020 meeting to receive testimonial and written evidence regarding the Project.
- E. The City Council considered the information provided by the City Planner, and public testimony. This Resolution, and its findings, are made based upon the evidence presented to the City Council at its September 2, 2020 hearing including, without limitation, the staff report submitted by the City Planner.

SECTION 2. *Monterey Park Planning Agency.* Pursuant to Ordinance No. 2177 adopted July 1, 2020, the City Council will act as the Monterey Park Planning Agency.

SECTION 3. *Zoning Ordinance Text Amendment Findings.* Pursuant to Monterey Park Municipal Code (“MPMC”) § 21.38.050, the City Council finds that the public necessity, convenience and general welfare require the changes recommended by this Ordinance. These amendments will promote public health, safety and general welfare by, among other things, providing greater flexibility for the development of ADUs and JADUs (as defined below), and bringing the MPMC into compliance with applicable law.

SECTION 4. *General Plan Findings.* Pursuant to Government Code § 65860, the changes implemented by this Ordinance are consistent with the General Plan. Among other things, this

Ordinance will help implement the following 2014-2021 General Plan Housing Element goals, including:

- A. Goal 2 Remove or reduce governmental constraints on affordable housing development.
- B. Goal 3 Provide adequate housing by location, type of unit, and price to meet existing and future needs of City residents.
- C. Goal 4 Assist in the provision of housing that meets the needs of all economic segments of the community.
- D. Goal 5 Promote equal housing opportunities for all residents.
- E. As well as, the 2040 General Plan Land Use Element goals, including Goal 6 Accommodating all household sizes and income levels with a variety of housing types.

SECTION 5. The MPMC amendments are intended to eliminate or rectify those regulations that may be inconsistent with Government Code §§ 65852.2 and 65852.22. Ensuring that the City’s regulations for ADUs and JADUs are consistent with California law will not frustrate any goal or policy set forth in the General Plan.

SECTION 6. A new Chapter 21.50 entitled “Accessory Dwelling Units” is added to the Monterey Park Municipal Code (“MPMC”) to read as follows:

“Chapter 21.50

ACCESSORY DWELLING UNITS

21.50.010 **Purpose.** This Chapter is adopted to comply with Government Code §§ 65852.2 and 65852.22 which impose a state mandate that the City implement regulations governing accessory dwelling units (“ADU”) and junior accessory dwelling units (“JADU”) in accordance with California law. This Chapter will be automatically repealed on December 31, 2029. At that time, all previous regulations governing ADUs will be effective for all purposes.

21.50.020 **Applicability.** An ADU or JADU complying with this chapter meets the lot density requirements of this code and constitute a residential use consistent with applicable land use designations. Any ordinance, policy, or program limiting residential growth is inapplicable to ADUs and JADUs complying with this chapter.

21.50.030 **Definitions.** Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this section. Undefined words and phrases and have the same meaning as set forth in this code or Government Code §§ 65852.2 and 65852.22.

“Carshare vehicle” means is a motor vehicle that is operated as part of a regional fleet by a public or private car sharing company or organization providing hourly or daily service, and where users, who are members that have been preapproved to drive, can rent vehicles for short periods of time.

“Efficiency unit” means a dwelling unit that complies with all of the following:

- A. A living area of not less than 150 square feet for at most two persons, or a living room of at least 220 square feet (with an additional 100 square feet for each occupant in excess of two);
- B. Additional space for a separate bathroom containing a water closet, lavatory, and bathtub or shower;
- C. A separate closet;
- D. A kitchen sink, cooking appliance and refrigeration facilities, each having a clear work area of at least 30 inches in front; and
- E. Light and ventilation complying with this code.

“Hearing Officer” means the City Manager, or designee who will hear all timely requests for delayed enforcement from a notice of violation.

“Multifamily dwelling” means a building containing two or more dwelling units where each unit is for the use of individual households, and includes an apartment building, townhouse complex, condominium complex, duplex or housing development, but not hotels, motels, boarding houses or public or quasi-public institutions.

“Primary dwelling” means a residential structure on a single parcel with provisions for living, sleeping, eating, a single kitchen for cooking, and sanitation facilities. Where more than one residential structure exists on a lot, the “primary dwelling” will either be the residential structure that was first issued a valid certificate of occupancy, or, when applicable, the largest residential structure on the lot.

“Tandem parking” means two or more automobiles parked in a line, one behind the other.

21.50.040 Development Standards for ADUs.

- A. The ADU must comply with all additional development standards listed in this Code which are applicable to the zone in which the subject lot is located. Should there be a conflict between the zone development standards and the standards set forth in this section, then the more restrictive applies.
- B. One parking space is required per ADU and may be located as tandem parking on a driveway or required setback areas.

- C. No replacement off-street parking will be required when a garage or covered parking structure is demolished to create, or is converted into, an ADU.
- D. No parking standards will be imposed upon an ADU that is:
 - 1. Within a half mile walking distance of public transit;
 - 2. Located within an architecturally and historically significant district;
 - 3. Part of a proposed or existing primary dwelling or an accessory structure;
 - 4. Located in an area where parking permits are required but not offered to the occupant of the ADU; or
 - 5. Located within one block of a carshare vehicle.
- E. No additional curb cuts may be required for the ADU.
- F. An ADU must share the driveway with the existing primary unit on the site, provided, however, that a second driveway to serve the accessory dwelling may be allowed from an alley, if there is an alley that serves the subject site.
- G. An ADU cannot exceed one story and may not be greater than 18 feet in height, unless additional height is necessary to match the roof pitch of the primary structure.
- H. Setbacks.
 - 1. When an ADU is constructed within the following parameters it is exempt from minimum setback requirements within this code: (a) within the existing living area of a primary dwelling; (b) within an existing accessory structure; or (c) within the same location and same dimensions as an existing structure. The existing structure may be converted into an ADU or may be demolished and rebuilt as an ADU.
 - 2. If an ADU is not exempt from minimum setback requirements, a setback of at least four feet is required from the side and rear parcel lines. Where a parcel line is located in the center of a public right-of-way, setbacks will be calculated from the edge of the right-of-way.
- I. ADUs must be compatible in exterior appearance with the primary dwelling and harmonious with neighboring properties within the vicinity of the lot or parcel on which it is proposed to be constructed.
- J. The maximum allowable size for an ADU is:

1. For an ADU attached and/or within the primary single-family dwelling, a maximum of 50 percent of the total floor area of the primary single-family dwelling or 1,200 square feet, whichever is less;
 2. Detached ADUs cannot exceed 1,200 square feet;
 3. Nothing in this section is meant to prohibit an ADU up to 850 square feet, or 1,000 square feet for a two-bedroom unit.
 4. An ADU cannot be smaller than the dimensions required to accommodate an Efficiency Unit.
- K. Number of Units Per Lot.
1. A total of one ADU or one JADU is permitted per lot with an existing or proposed primary single-family dwelling, subject to the requirements of this chapter.
 2. One ADU or 25 percent of the existing multifamily dwelling units, whichever is greater, within an existing multifamily dwelling. Not more than two detached ADUs per lot with an existing multifamily dwelling if the ADUs are new construction, detached, more than 16 feet in height, and set back from the rear and side yards by four feet.
- L. Location. ADUs are permitted as follows:
1. Except as otherwise provided, by right in any zone where residential uses are permitted. ADUs are not, however, permitted in any area of the City identified by ordinance as being significantly impacted by insufficient capacity for sewers, traffic circulation, parking, public utilities or similar infrastructure needs.
 2. Contained within the existing or proposed space of a primary single-family dwelling or attached to a primary single-family dwelling.
 3. Within the space of an existing accessory structure.
 4. Detached from the primary single-family dwelling, subject to the requirements and development standards in this code and California law.
 5. ADUs must be located behind the rear building line of the primary dwelling, unless the ADU is within the existing space of a single-family residence or accessory structure.

6. If the ADU is new construction, a minimum of 10 feet (eave to eave) must be provided between a detached ADU and the primary dwelling and a minimum building separation of five feet (eave to eave) must be maintained between the detached ADU and any other non-habitable building or structure.

21.50.050 Certificate of Occupancy. ADUs may only be constructed in conjunction with either an existing or proposed single-family dwelling or an existing multifamily dwelling. A certificate of occupancy will not be issued for an ADU before a certificate of occupancy is issued for the primary dwelling(s). Before a certificate of occupancy for an ADU is issued, the property owner must record with the County Recorder a covenant running with the land stating that the ADU may not be used in violation of this section, and any rental of the ADU must be for a term of 30 days or longer. The covenant must be approved as to form by the City Attorney.

21.50.060 Owner Occupancy. Owner occupancy is required for any ADU constructed subject to a building permit issued after January 1, 2025. Subject to this subsection, property owners must either occupy the primary dwelling or the ADU as their permanent home and principal residence. A violation of this subsection will result in revocation of the ADU permit.

21.50.070 Uniform Codes. All ADUs and JADUs must comply with all applicable building and fire codes, state habitability requirements, and health and safety codes, unless where explicitly exempted by Government Code §§ 65852.2 or 65852.22.

21.50.080 Standards for JADUs.

A. Number of Units Per Lot.

1. A total of one JADU is permitted per lot in residential zones improved with only one existing or proposed primary single-family dwelling, subject to the requirements of this section.
2. A JADU is not allowed on any lot with an existing or proposed multifamily dwelling.

B. Additional requirements.

1. JADUs must include a separate entrance from the main entrance of the primary single-family dwelling.
2. JADUs must include an efficiency kitchen with a cooking facility, appliances, a food preparation counter and storage cabinets that are reasonably sized with relation to the JADU.
3. The JADU must include separate sanitation facilities or must share sanitation facilities with the primary single-family dwelling.

4. Owner occupancy is required for all JADUs unless the property owner is another government agency, land trust or housing organization. For the purposes of this requirement, the owner must occupy either the JADU or the primary single-family dwelling as their permanent home and principal residence.
5. No additional parking is required for a JADU.
6. The maximum size for any JADU is 500 square feet.

21.50.090 **Permit Application.** An application for an ADU or JADU use must comply with the following:

- A. Unless the application otherwise requires a conditional use permit, variance or other discretionary approval, the City Planner will review the application. Applications must be accompanied by an application-review fee as established by City Council resolution.
- B. After receiving a complete application, the City Planner must approve, approve with conditions, or deny the application within 60 days. The City Planner's review of the application may be extended upon written request from the applicant. For all such requests, the City Planner will have 60 days from the tolling date to act on the application. Any denial of an application will require that a new application be filed.
- C. For ADU or JADU applications submitted with an application to construct a new primary dwelling, the City Planner has 60 days from the date the City acts on primary dwelling unit application to act on the permit application for an ADU or JADU.
- D. Approval of an ADU or JADU cannot be conditioned on a requirement that the applicant correct a legal nonconforming condition on the property.
- E. Fire sprinklers for ADUs are required only when they are required for the primary dwelling on the lot.
- F. Before obtaining a JADU permit, the property owner must file with the county recorder a covenant and agreement, approved by the City Attorney as to form, containing a reference to the deed under which the property was acquired by the owner and stating that:
 1. The JADU cannot be sold separately from the primary dwelling;
 2. The JADU is restricted to the maximum size allowed per the development standards in this chapter;

3. The JADU is legal so long as either the primary dwelling or the JADU is occupied by the owner of record of the property;
4. The restrictions are binding upon any successor in ownership of the property and lack of compliance may result in legal action against the property owner; and
5. The JADU cannot be rented for any period less than 30 days.

21.50.100 Building Permit Approval. Subject to the requirements of this chapter, the Building Official may issue a building permit to create any of the following within any lot permitted to be developed with a residential dwelling unit:

- A. One ADU per lot with a proposed or existing primary single-family dwelling, if the ADU:
 1. Will be located within the primary single-family dwelling. For the purposes of this subsection, "located within" includes an expansion of not more than 150 square feet beyond the physical dimensions of the existing primary single-family dwelling to accommodate egress and ingress;
 2. Has exterior access; and
 3. Will be sufficiently set back from the side and rear for fire safety.
- B. One JADU per lot with a proposed or existing primary single-family dwelling, if the JADU:
 1. Will be located within the primary single-family dwelling. For the purposes of this subsection, "located within" includes an expansion of not more than 150 square feet beyond the physical dimensions of the existing primary single-family dwelling to accommodate egress and ingress;
 2. Has exterior access;
 3. Will be sufficiently set back from the side and rear for fire safety; and
 4. Complies with the provisions outlined in this section for JADUs.
- C. One new detached ADU on a lot with an existing primary single-family dwelling, where the ADU is set back at least four feet.
- D. Multiple ADUs on a lot with an existing multifamily dwelling, where the ADUs are proposed within areas not currently used as living space (including, without limitation, boiler rooms, storage rooms, passageways, attics, basements and garages) provided that each unit complies with state building standards for

habitability.

- E. For ADUs and JADUs that do not meet the criteria set forth in subsections (A) and (B) above, the City may require a new or separate utility connection directly between the unit and the utility. This connection may be subject to a connection fee or capacity charge, in an amount proportionate to the burden of the proposed unit on the water or sewer system, based upon either its square footage or number of drainage fixture unit values (as defined in the Uniform Plumbing Code). In no event may this fee or charge exceed the reasonable cost of providing the service.

21.50.110 **Income Reporting.** In order to facilitate the City's obligation to identify adequate sites for housing in accordance with Government Code §§ 65583.1 and 65852.2, the following requirements must be satisfied:

- A. With the building permit application, the applicant must provide the City with an estimate of the projected annualized rent that will be charged for the ADU or JADU.
- B. Within 90 days after each yearly anniversary of issuance of the building permit, the owner must report the actual rent charged for the ADU or JADU during the prior year. If the City does not receive the report within the 90-day period, the City may send the owner a notice of violation and allow the owner another 30 days to submit the report. If the owner fails to submit the report within the 30-day period, the City may enforce this provision in accordance with applicable law.

21.50.120 **Application for Address Number.** Any ADU or JADU which includes a separate entrance from the main entrance of the primary dwelling, or which will be improved with a new or separate utility connection directly between the unit and the utility, must submit an application for an address number. Address numbers will be allocated by the Building Official pursuant to the procedures outlined in this Code. Address numbers must be placed over the entrance to the ADU or JADU or on some other place where the number can be visible from the street. When required by the Fire Chief, address identification must be provided in additional approved locations to facilitate emergency response. Additionally, address numbers must also be permanently added to the side of the curb or on a public sidewalk located immediately in front of the main building on a site, pursuant to the California Residential Code and to the satisfaction of the Building Official.

21.50.130 **Fees.**

- A. For all ADUs larger than 750 square feet, the applicant must pay development impact fees proportional to the square footage of the primary dwelling. These fees will be established by resolution of the City Council.
- B. A reasonable inspection fee may be charged for the inspection of a JADU by the city. The inspection fee will be assessed to the property owner. The fee for inspection will be established by resolution of the City Council.

- C. A reasonable construction fee may be charged for any construction permits required. The construction fee will be assessed to the property owner. These fees will be established by resolution of the City Council.
- D. An ADU will not be considered a new residential use for purposes of calculating connection fees or capacity charges for utilities, unless the ADU is constructed simultaneously with a new primary single-family dwelling.

21.50.140 **Prohibited Conduct.**

- A. Unless permitted as an ADU or JADU pursuant to this section, it is unlawful for any accessory building(s) (either attached or detached), room(s), space(s), structure(s) or building(s) to be rented or used as a separate dwelling unit.
- B. No ADUs or JADUs may be rented in violation of this code.
- C. It is unlawful for an ADU or JADU to exist without an address issued in accordance with this code or other City Council resolution.

21.50.150 **Enforcement.** Before any enforcement action may occur to correct a violation of this chapter, the City Planner must take the following action:

- A. Serve written notice on the responsible person that includes a statement that the owner of the unit has a right to request delay in enforcement pursuant to Health and Safety Code § 17980.12.
- B. If a responsible makes such a request, it must be in writing, filed with the City Clerk within 10 days after service of the notice of violation, and include the following information:
 - 1. Name, address and telephone number of each responsible party who is making the request for delayed enforcement;
 - 2. The address and description of the real property upon which the ADU is located;
 - 3. Grounds for the request in sufficient detail to enable the Hearing Officer to understand the basis why correcting the violation is not necessary to protect health and safety;
 - 4. The length of the delay requested (not more than five years);
 - 5. The date the ADU was built; and

6. The signature of at least one responsible party.
- C. The Hearing Officer must grant the request for delayed enforcement if:
1. He or she determines that, after consulting with the entity responsible for enforcement of building standards and other regulations of the State Fire Marshal pursuant to Health and Safety Code §13146, correcting the violation is not necessary to protect health and safety; and
 2. The ADU was built before the effective date of this section.”

SECTION 7. A new subsection “8” is added to MPMC § 21.08.040 to read as follows:

“8. This Section is superseded by Chapter 21.50 until December 31, 2024. On January 1, 2025, this Section will be effective.”

SECTION 8. *Conflicts.* In the event of a conflict between the provisions of this Ordinance and the provisions the MPMC, any other ordinance, or any resolution, the provisions of this Ordinance and the Program govern. The Director is authorized to resolve any ambiguities in the manner set forth in the MPMC. Any such determination must be forwarded to the City Council as an informational item when practicable.

SECTION 9. *Environmental Review.* This Ordinance was reviewed for compliance with the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., “CEQA”) and CEQA regulations (14 California Code of Regulations §§ 15000, et seq.; “CEQA Guidelines”). The Ordinance is exempt from additional environmental review pursuant to Public Resources Code § 21080.17 and CEQA Guidelines § 15282(h) because it is an Ordinance implementing the provisions of Government Code §§ 65852.1 and 65852.2 regarding accessory dwelling units in a single-family or multifamily residential zone.

SECTION 10. *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 11. *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 12. *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 13. *Recordation.* The City Clerk, or his duly appointed deputy, 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 14. *Effective Date.* This Ordinance will become effective 30 days after second reading and adoption.

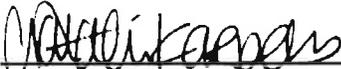
ORDINANCE NO. _____ WAS DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MONTEREY PARK AT ITS REGULAR MEETING OF SEPTEMBER 2, 2020.

Peter Chan, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Natalie C. Karpeles, Deputy City Attorney

ATTACHMENT - 2
Current Accessory Dwelling Unit Provisions
(MPMC § 21.08.040)

21.08.040 Limitations and Special Standards.

The land uses listed in Table 21.08(A) and Table 21.08(B) designated with the letter “L” are explained below.

(A) **Accessory Dwelling Unit.** In the R-1 (Single-Family Residential) Zone developed as a single-family dwelling, a maximum of one accessory dwelling unit is permitted, subject to the following limitations:

(1) The design and incorporation of an accessory dwelling unit on a single-family residential property must meet the following requirements:

(a) The accessory dwelling unit must comply with all development standards of the R-1 Zone, including front, rear, and side yard setbacks, except as modified in this section;

(b) No setback is required for an existing accessory building or structure that is converted to an accessory dwelling unit or an existing space within a primary dwelling. For purposes of this subdivision, “existing” means a structure or space that was lawfully constructed as of January 1, 2017;

(c) The accessory dwelling unit may be either attached or detached from the existing primary dwelling and must be located on the same lot as the existing primary dwelling. If detached, the accessory dwelling unit must be located within the rear portion of the parcel. If attached to or within the primary residence, a separate entrance must be provided and said entrance cannot be located on the front of the primary residence or facing the street on which the primary residence fronts;

(d) The increased floor area of an attached accessory dwelling unit cannot exceed fifty (50) percent of the existing single-family dwelling gross floor area, with a maximum increase in floor area of one thousand two hundred (1,200) square feet;

(e) The total gross floor area for a detached accessory dwelling unit cannot exceed one thousand two hundred (1,200) square feet;

(f) The accessory dwelling unit must contain no more than two bedrooms and the number of bathrooms cannot exceed the number of bedrooms;

(g) The accessory dwelling unit may not cause the floor area ratio or lot coverage limitations of the property to exceed the limits prescribed by the zone;

(h) The accessory dwelling unit is limited to one story and an overall height of fifteen (15) feet if detached from the primary dwelling;

(i) The accessory dwelling unit must be constructed such that the finished floor elevation of the accessory dwelling unit is not more than two feet above or below the finish floor elevation of the primary unit at the front of the lot;

(j) The accessory dwelling unit must maintain architectural compatibility with the primary dwelling unit, including, without limitation, architectural style, roof type, paint color, finish, details, and other qualities subject to the approval of the City Planner;

(k) The accessory dwelling unit must provide one off-street parking space per bedroom. These spaces may be provided as tandem parking on an existing driveway. Parking designated for the accessory dwelling unit must be provided in addition to the minimum parking required for the primary unit. All off-street parking areas and automobile areas for an accessory dwelling unit must be finished with a permeable surface including, without limitation, gravel, permeable pavers, and turf block. Notwithstanding the foregoing, such parking standards are not required in the following instances:

(i) The accessory dwelling unit is located within one-half mile of public transit,

(ii) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure,

(iii) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(2) An accessory dwelling unit may not be sold or transferred separately from the primary dwelling.

(3) The applicant for an accessory dwelling unit must be the owner/occupant of the primary unit, but may reside in the accessory dwelling unit once completed.

(4) A covenant, in a form approved by the City Attorney, must be signed by the property owner, and must be submitted to the City Planner. The covenant must be recorded with the County Recorder’s office and a certified copy of said recorded covenant must be filed with the City Planner before the City issues a building permit to build an accessory dwelling unit. The covenant will require owner occupancy of either the primary unit or accessory dwelling unit, prohibit the separate sale of the accessory dwelling unit, and prohibit rentals for less than thirty (30) days. Said covenant may not be altered, revoked or canceled without the written consent of the City Planner.

(5) In the event a covenant was previously recorded for a permitted accessory structure restricting the structure as non-habitable pursuant to this Code, before the city issues a building permit for an accessory dwelling unit, the property owner must record a release of such covenant with the county recorder, in a form approved by the City Planner and the City Attorney.

(6) The application must be accompanied by a filing and processing fee in the amount set by city council resolution.

(7) The applicant must pay all required fees, including without limitation, development impact fees pursuant to Chapter 3.110 of this Code.

(B) Auto Dismantling, Repairing, Assembling. In all residential zones, subject to the following limitations:

(1) Work cannot be performed within public view.

(2) Work must be performed within an enclosed building or in an area which is completely enclosed by view-obscuring walls, not less than six feet in height, or by the exterior walls of a building or buildings.

(3) Work cannot be performed for commercial purposes.

(4) The vehicle must be owned by a resident of the lot on which the work is being done.

(5) The resident must complete work on one vehicle before beginning on another so that no more than one vehicle for each family living on the lot is in a state of disassembly or dismantlement or is being repaired at one time.

(6) Work must be performed in a manner that will not interfere with the quiet and comfortable enjoyment of adjacent properties by their occupants.

(C) Child Day Care, Licensed for Eight to Fourteen (14) Children. In all residential zones, child day care for eight to fourteen (14) children is subject to State and City regulations, including a home occupation business license and the following requirements:

(1) The residence must comply with all property development standards.

(2) The child day care facility cannot be located within three hundred (300) feet of another child day care facility, except when:

(a) The applicant can demonstrate that an existing child day care located within three hundred (300) feet is at capacity; or

(b) The need exists for a particular or unique service not provided by an existing child day care location within three hundred (300) feet.

(3) The outdoor play area of not less than seventy-five (75) square feet per child, but in no case less than four hundred fifty (450) square feet in area, and which includes play equipment, must be provided and secured with proper fencing. The outdoor play area must be located in the rear area. Stationary play equipment cannot be located in required side and front yards.

(4) A six-foot high solid decorative fence or wall must be constructed on all side and rear property lines except in the front yard. Materials, textures, colors and design of the fence or wall must be compatible with on-site development and adjacent properties. All fences or walls must provide for safety with controlled points of entry.

(5) The garage cannot be used as an extension of the family day care facility and cannot be used as part of the outdoor play area.

(6) The facility may operate up to fourteen (14) hours per day. Outdoor activities are restricted to the hours of 8:00 a.m. to 8:00 p.m. per day.

(7) The facility requires an initial on-site inspection and annual inspection thereafter by the City Planner.

(8) On-site landscaping must be consistent with that prevailing in the neighborhood and be installed and maintained.

(9) All on-site parking must be provided pursuant to the provisions of this code. On-site vehicle turnaround or separate entrance and exit points, and adequate passenger loading spaces must be provided.

(10) All on-site lighting must be stationary, directed away from adjacent properties and public rights-of-way, and of intensity appropriate to the use it is serving.

(11) All on-site signage must comply with this code.

(12) The facility must contain a fire extinguisher and smoke detector devices and meet all standards set forth in the California Fire Code, as adopted by this code.

(D) Home Occupation Permits.

(1) **Purpose.** The purpose of this section is to allow for home occupations which are compatible with the residential character of the neighborhood in which they are located.

(2) **Procedure.** Home occupations are permitted in the R-1, R-2, and R-3 Zones subject to obtaining a home occupation permit as follows:

(a) **Application.** Application for a home occupation permit must be made on an application form provided by the City Planner and be accompanied by a filing fee established by City Council resolution.

(b) **Conditions of Approval.** In approving a home occupation, the City Planner may include decision reasonable conditions deemed necessary to protect the health, safety and welfare of the community and to ensure the intent of the Code.

(c) **Review and Inspection.** Home occupations may be periodically reviewed and an inspection made of the property by the City Planner to verify continued compliance with the necessary criteria and conditions of approval.

(d) **Revocation of Permits.** The City Planner may revoke any home occupation permit for noncompliance with the conditions set forth in approving the permit or inconsistency with this section.

(e) **Appeal Procedure.** Appeals may be taken to the Planning Commission by the applicant or any other person aggrieved by the City Planner's decision pursuant to Chapter 1.10.

(3) **Permitted Home Occupations.** The following businesses are permitted with a valid home occupation permit:

- (a) Office use;
- (b) Mail ordering;
- (c) Home crafts such as model making, basket weaving.

(4) **Home Occupations Prohibited.** Permitted home occupations may not in any event be deemed to include the following:

- (a) Auto repair;
- (b) Barber shop or beauty salon;
- (c) Carpentry work;
- (d) Dance instructions;
- (e) Funeral chapel or funeral home;
- (f) Gift shop;
- (g) Medical or dental offices, labs, clinics, or hospitals;
- (h) Auto, boat and trailer painting;
- (i) Photo studio;
- (j) Private schools;
- (k) Renting of equipment and/or trailers;
- (l) Appliance repairs;
- (m) Eating establishment;
- (n) Kennel;
- (o) Tailors, dressmakers, upholstery;
- (p) Service uses, personal and professional;

(q) Such other uses that may generate excessive pedestrian or vehicle traffic and that may be obnoxious or a nuisance to adjacent residents such as noise, odor, or appearance as determined by the City Planner, or that violate the use limitations provided in subsection (5) of this section.

(5) **Use Limitations.** In addition to the limitations applicable in the zone in which the use is located, all home occupations are subject to the following use limitations:

- (a) One home occupation per address.
- (b) In the primary residence of the applicant proposing to conduct the business.
- (c) A home occupation is limited to paperwork only, conducted entirely within the designated room of the home, and may not have a need for any type of vehicle to transport materials or equipment used in conjunction with the business other than a private automobile.
- (d) No employment of help other than members of the resident family.
- (e) The home occupation use must be incidental to the primary use of the structure as a residential use and cannot detract from the residential character of the neighborhood. Not more than two hundred (200) square feet or ten (10) percent of the floor area, whichever is less, may be used in connection with a home occupation or for storage purposes in connection with a home occupation.
- (f) No direct sales of product or merchandise from the home.
- (g) No traffic can be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation must be met off the street. Visitor, customers, or deliveries cannot exceed that normally and reasonably occurring for a residence as determined by the City Planner and this code.
- (h) No home occupation can be conducted in any accessory building or space outside of the main building such as the accessory dwelling unit, garage or storage building.

- (i) There may not be any on-site storage of materials other than samples.
- (j) The home occupation may not involve use of advertising signs on the premises or any other external on-site advertising media which calls attention to the fact that the house is being used for a business purpose.
- (k) There may not be any alteration of utilities or installment of special equipment for the purpose of accommodating the proposed home occupation.
- (l) A maximum of one three-quarter ton vehicle may be kept in conjunction with an approved home occupation use if approved by the City Planner.
- (m) Under no circumstances may the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character whether by the use of colors, materials, construction, lighting, signs, or the emission of sound, noise, or vibration.
- (n) The street address of the residence may not be used for advertisements.
- (o) All respects of the home occupation must be conducted entirely within an enclosed structure. Supplies, tools, equipment, goods, samples and other items relating to a home occupation cannot be stored or displayed outside or at any location within a structure where they will be visible to passing pedestrian or vehicular traffic.
- (p) There may not be any use of any equipment which may cause radio or television interference or fluctuation in line voltage off the property.
- (q) There may not be any process, procedure, substance, or chemical used which is hazardous to public health, safety, morals or welfare.

(E) Household Pets.

(1) In the R-1 Zone, not in excess of three household pets, which includes, without limitation, dogs, cats, pigs, canaries, parrots, and other similar animals and birds usually and ordinarily kept as household pets.

(2) In the R-2 and R-3 Zones, not in excess of two household pets for each dwelling unit.

(F) Mixed Use Development. In the R-2 and R-3 Zones, mixed-use projects are limited to the Mixed-Use Overlay Zone and are subject to the restrictions and development standards of that Overlay Zone. See Chapter 21.14.

(G) Mobile Home. In all residential zones developed as single-family dwelling unit, subject to the following limitations:

(1) One mobile home on a permanent foundation.

(2) Such unit was issued an insignia of approval from the California Department of Housing and Community Development or the U.S. Department of Housing and Urban Development pursuant to Health and Safety Code Section 18550(b).

(3) Such unit has a roof with a pitch of not less than two-inch vertical rise for each twelve (12) inches of horizontal run and consisting of roofing material customarily used for conventional single-family residences and is consistent with the primary unit on the lot and compatible with other dwelling units in the area as approved by the City Planner.

(4) Such unit must have porches and eaves, or roof with eaves when, in the opinion of the City Planner, they are necessary to make the unit compatible with other dwellings in the area.

(5) Such unit is covered with an exterior siding material customarily used on conventional dwellings and approved by the City Planner. The exterior material must extend to the ground except that when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation.

(H) Portable Canopy. In all residential zones, subject to the following limitations:

(1) There is no limit on the number of portable canopies permitted on a residential zoned property, except that any and all canopies must comply with the maximum square footage specified below.

(2) A portable canopy is allowed only adjacent to the side or at the rear of a residential unit.

(3) A portable canopy must be constructed with a durable material, such as, without limitation, a canvas or vinyl material, which is securely anchored in place and properly maintained to present a neat and orderly appearance. The canopy is required to be replaced if they become torn, tattered or in disrepair.

(4) A portable canopy cannot exceed a height of fifteen (15) feet at the highest point and is limited to a maximum square footage of two hundred forty (240) square feet total for all portable canopies.

(I) Recreational Vehicle Parking. See Chapter 21.22, Off-Street Parking Regulations.

(J) Storage of Construction Materials. In all residential zones, the storage of building materials is permitted during construction of any building or part thereof.

(K) Wireless Communication Facility. Subject to regulations set forth in Chapter 21.34.

(L) Yard Sales. In all residential zones, subject to the following limitations:

- (1) Not more than two sales per address may be conducted per calendar year;
 - (2) No such sale can continue more than two consecutive days or three days on extended national holidays. Inclement weather may extend the period of time equal to the days lost;
 - (3) Such sales can be conducted only during the hours of 8:00 a.m. and 6:00 p.m.;
 - (4) The merchandise for sale may consist of the property owner's or occupant's personal goods. Outside consignments, lot purchases, and the like, for the purpose of resale is prohibited;
 - (5) The sales area may be conducted on any portion of the ground area of the property outside of the residential dwelling unit. No merchandise may be placed on any public property or right-of-way;
 - (6) Only one sign may be placed on the premises. The sign cannot exceed six square feet. No signs shall be placed on any public property (i.e., utility pole, traffic sign), right-of-way or vehicle parked on a public street, alley or private easement;
 - (7) Such applicant must pay a fee for each permit in the amount set forth by resolution of the council adopted pursuant to applicable law. A copy of a validly issued permit must be displayed at the site of the sale at all times during such sale.
- (M) **Renting.** For purposes of this subsection, "renting" means occupying a dwelling unit in exchange for remuneration; each person giving remuneration in exchange for occupying a dwelling unit is a tenant. Renting not more than three sleeping rooms per dwelling unit for occupancy is allowed within all residential zones subject to the following limitations:
- (1) Sleeping rooms cannot be rented for a period of less than thirty (30) days.
 - (2) Not more than two persons are permitted to occupy one sleeping room.
 - (3) Meals may be provided in connection with such renting, or the dwelling's kitchen facilities may be shared with tenants.
 - (4) These regulations do not apply to the following uses if otherwise permitted by this code: boarding houses, licensed community care facilities, rehabilitation facilities, licensed home care facilities, or sober living facilities, congregate care facilities, fraternity/sorority house, senior housing facilities, supportive housing or transitional housing. (Ord. 2147 § 6, 2018; Ord. 2132 § 1, 2016; Ord. 2131 § 2, 2016; Ord. 2118 § 11, 2015; Ord. 2097 § 3, 2013)

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ATTACHMENT - 3
New State Law on Accessory Dwelling Units
(Government Code Sections)



GOVERNMENT CODE - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] (*Heading of Title 7 amended by Stats. 1974, Ch. 1536.*)

DIVISION 1. PLANNING AND ZONING [65000 - 66301] (*Heading of Division 1 added by Stats. 1974, Ch. 1536.*)

CHAPTER 4. Zoning Regulations [65800 - 65912] (*Chapter 4 repealed and added by Stats. 1965, Ch. 1880.*)

ARTICLE 2. Adoption of Regulations [65850 - 65863.13] (*Article 2 added by Stats. 1965, Ch. 1880.*)

(a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

65852.2.

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. These standards shall not include requirements on minimum lot size.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.

(iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.

(v) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to an accessory dwelling unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.

(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or imposed, including any owner-occupant requirement, except that a local agency may require that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be

tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.

(c) (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

(C) Any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile walking distance of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit or junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A).

(A) A local agency may impose the following conditions on the accessory dwelling unit:

(i) A total floor area limitation of not more than 800 square feet.

(ii) A height limitation of 16 feet.

(C) (i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.

(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

(4) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

(5) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite water treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

(6) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(B) For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family home.

(5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) (1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.

(2) (A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.

(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.

(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(3) (A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(j) As used in this section, the following terms mean:

(1) "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

(3) "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

(4) "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

(5) "Local agency" means a city, county, or city and county, whether general law or chartered.

(6) "Neighborhood" has the same meaning as set forth in Section 65589.5.

(7) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

(8) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(9) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(10) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

(11) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

(l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.

(n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:

(1) The accessory dwelling unit was built before January 1, 2020.

(2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(o) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

(Amended by Stats. 2019, Ch. 659, Sec. 1.5. (AB 881) Effective January 1, 2020. Repealed as of January 1, 2025, by its own provisions. See later operative version added by Sec. 2.5 of Stats. 2019, Ch. 659.)



GOVERNMENT CODE - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] (*Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

DIVISION 1. PLANNING AND ZONING [65000 - 66301] (*Heading of Division 1 added by Stats. 1974, Ch. 1536.)*

CHAPTER 4. Zoning Regulations [65800 - 65912] (*Chapter 4 repealed and added by Stats. 1965, Ch. 1880.)*

ARTICLE 2. Adoption of Regulations [65850 - 65863.13] (*Article 2 added by Stats. 1965, Ch. 1880.)*

65852.22. (a) Notwithstanding Section 65852.2, a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:

- (1) Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.
 - (2) Require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
 - (3) Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:
 - (A) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.
 - (B) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.
 - (4) Require a permitted junior accessory dwelling unit to be constructed within the walls of the proposed or existing single-family residence.
 - (5) Require a permitted junior accessory dwelling to include a separate entrance from the main entrance to the proposed or existing single-family residence.
 - (6) Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:
 - (A) A cooking facility with appliances.
 - (B) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
- (b) (1) An ordinance shall not require additional parking as a condition to grant a permit.
- (2) This subdivision shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine if the junior accessory dwelling unit complies with applicable building standards.
- (c) An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. The permitting agency shall act on the application to create a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family dwelling on the lot. If the permit application to create a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.

(d) For purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit a city, county, city and county, or other local public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.

(e) For purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

(f) This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.

(g) If a local agency has not adopted a local ordinance pursuant to this section, the local agency shall ministerially approve a permit to construct a junior accessory dwelling unit that satisfies the requirements set forth in subparagraph (A) of paragraph (1) of subdivision (e) of Section 65852.2 and the requirements of this section.

(h) For purposes of this section, the following terms have the following meanings:

(1) “Junior accessory dwelling unit” means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

(2) “Local agency” means a city, county, or city and county, whether general law or chartered.

(Amended by Stats. 2019, Ch. 655, Sec. 2. (AB 68) Effective January 1, 2020.)



City Council Staff Report

DATE: September 2, 2020

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-A

TO: The Honorable Mayor and City Council

FROM: Vincent D. Chang, City Clerk

SUBJECT: Minutes

RECOMMENDATION:

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

- (1) Approve the minutes from the Joint regular and special meeting of June 3, 2020 and June 17, 2020 and the special meeting of June 11, 2020 and June 17, 2020; and
- (2) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

None.

BACKGROUND:

None.

FISCAL IMPACT:

None.

Respectfully submitted,

Prepared by:



 Vincent D. Chang
 City Clerk



 Henry Lu
 Minutes Clerk

Approved By:



 Ron Bow
 City Manager

Attachments: Minutes

ATTACHMENT 1
Minutes

**MINUTES
MONTEREY PARK CITY COUNCIL
SUCCESSOR AGENCY (SA)
JOINT SPECIAL AND REGULAR MEETING
JUNE 3, 2020**

The City Council of the City of Monterey Park held a Joint Special and Regular Teleconference Meeting on Wednesday, June 3, 2020 at 6:00 p.m. The joint special and regular meetings were conducted pursuant to Section 3 of Executive Order No. N-29-20 issued on March 17, 2020. Accordingly, Council Members were provided a meeting login number and conference call number and were not physically present at Council Chambers.

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

PUBLIC PARTICIPATION

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

Participants are encouraged to join the meeting 30 minutes before the start of the meeting.

Public comment will be accepted via email to mpclerk@montereypark.ca.gov during the meeting, before the close of public comment, and read into the record during public comment, when feasible. We request that written communications be limited to not more than 50 words.

Public comment may be submitted via telephone during the meeting, before the close of public comment, by calling (888) 788-0099 or (877) 853-5247 and entering Zoom Meeting ID: 935 3190 3044 then press pound (#). When prompted to enter participation ID number press pound (#) again. If participants would like to make a public comment they will enter "*9" then the Clerk's office will be notified and you will be in the rotation to make a public comment.

The public may also watch the meeting live on the city's cable channel MPKTV (AT&T U-verse, channel 99 or Charter Communications, channel 182) or by visiting the city's website at <http://www.montereypark.ca.gov/133/City-Council-Meeting-Videos>.

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

MISSION STATEMENT

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

CALL TO ORDER:

Mayor Liang called the meeting to order at 6:00 p.m.

ROLL CALL:

City Clerk Vincent Chang called the roll:

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

Council Members Absent: None

ALSO PRESENT: City Manager Ron Bow, Assistant City Attorney Karl Berger, Fire Chief Matt Hallock, Police Chief Kelly Gordon, Director of Public Works Mark McAvoy, Director of Management Services Martha Garcia, Director of Recreation & Community Services Inez Alvarez, Interim Director of Human Resources Danielle Tellez, City Librarian Diana Garcia, Deputy Fire Marshall Chris Gomez, Deputy City Clerk Cindy Trang, Assistant Deputy City Clerk Helena Cho

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

The City Council requested Agenda Items Nos. 1A, 5B, and 6A be heard after Public Communications.

PUBLIC COMMUNICATIONS

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

- Caller ending 557 stated that she does not speak English and provided her comment in Chinese.
- Manqin He spoke about Project Room Key and stated that it may have unintended consequences. He stated that the rising homeless populations are congregating around 127 Garvey Ave and the other side of Bank of America and leaving trash behind.
- Marco Suego spoke about inoperative vehicle in driveways and referenced Monterey Park Municipal Code (MPMC) 9.03.010 stating that this code section needs to be enforced.
- John Yong stated that a plan is needed to react to and stop a potential acquisition of hotels and motels, within the City's jurisdiction, by State and County for the purpose of opening a permanent homeless shelter. He stated that Monterey Park does not have a homeless problem and that those shelters would transplant the homeless problems from the City of Los Angeles and surrounding communities to Monterey Park.

- Caller ending 664 voiced their disapproval regarding the use of Lincoln Hotel and Garvey Inn as permanent homeless shelters. She declared that they are deeply concerned and inquired if the County can require the City to convert the hotels into permanent housing and asked if the City has a mitigation plan to address this issue.
- Justine Wang spoke about Project Room Key and conveyed that a petition was signed by a thousand people opposing the continuation of Project Room Key and implored the Council to think of an exit plan and communicate it with the Monterey Park residents. She encouraged the City to provide more counseling, job training, and job education to the homeless.
- Jenny Wong Luo declared that she does not like the idea of using Lincoln Hotel and Garvey Inn as permanent homeless shelters. She stated that it is too close to schools, businesses and residents.
- Maychelle requested clarification on which agenda items were combined and whether residents were allowed to speak on each item or if the public was limited to one comment.
- Amy stated that she supports Project Room Key and the changes to the Land Use Element to allow for permanent supportive housing and density bonuses for low and affordable housing.
- Teresa Real Sebastian voiced her support of Project Room Key but expressed her concerns about providing permanent homeless housing. She asked if Council could get a letter from the State and County stating that they do not intend to use any hotels in the City of Monterey Park as permanent homeless shelters. She requested documents regarding the Starbucks project located on Garfield. She asked for clarification on the start time for City Council Meeting and mentioned that the Land Use Element should include a residential zoning on Sybil Brand and to designate it as veteran and senior housing. She inquired about Agenda Item No. 5A and requested clarification.
- Jei Hua stated that there are more homeless individuals on the street and communicated her concerns regarding the safety of her children. She stated that Lincoln Hotel and Garvey Inn are too close to schools and should not be used as permanent homeless shelters.
- James Song expressed his strong opposition regarding the proposed option by the Los Angeles County to purchase hotels in Monterey Park as permanent homeless shelters. He stated that there is a petition from the residents requiring that the City add an injunction to the Municipal Code to prohibit setting permanent homeless shelter within ½ mile from public schools and requested that the City Council instruct the City Attorney to develop a mitigation action plan to protect the City from

any plans that the Los Angeles County has to change hotels to permanent shelters and present the plan at the next City Council meeting on June 17, 2020.

- Ling Lee conveyed her disapproval of Project Room Key and communicated her point of view that when homeless people come, drug use and crime will follow.
- Serena Chan asserted that she does not want Lincoln Hotel and Garvey Inn to become a permanent homeless shelter. She requested that the City Council make a public statement on whether they support the change of use from a hotel to permanent homeless shelter and demanded that the City Council instruct the City Attorney to develop a mitigation action plan and present it at the next City Council meeting on June 17, 2020.
- Juntao Lee requested that the City Council state their opinion on converting the Lincoln Hotel to a permanent homeless shelter. He voiced his opposition against the proposal and hopes the City Council can support the residents and find a better solution.
- Sylvia inquired about where on the Agenda they are currently on and if Agenda Item No. 4B has been presented.
- Alan Leung indicated his support of a temporary shelter and voiced his concerns regarding Lincoln Hotel and Garvey Inn. He stated that he opposes permanent shelters in Monterey Park and made a public request to obtain all document and material regarding or related to Project Room Key.
- Thomas Wong spoke about Project Room Key and stated that he believes there is misinformation in the community. He commended the City Council for supporting Project Room Key and applauded the community for helping others during the pandemic.
- James Q Public declared that it is everyone's responsibilities to help ensure every person receives the support they deserve as a fellow human being. He implored the City Council to not allow fear dictate their decision making process but they do their job as elective representative to offer solutions to real problems.
- John Velasco revealed that he is a resident of Project Room Key. He thanked Monterey Park for what they are doing for the homeless population.
- Wei conveyed that she does not feel safe due to the use of Lincoln Hotel and Garvey Inn as a homeless shelter. She requested that the City Council, City Attorney, City Manager or any City Officials state if they have any personal relations with the hotel owners or businesses.
- Kevin Chang expressed his support of Project Room Key however he does not support converting hotels to permanent supportive housing. He implored the

Council to consider Sybil Brand, the vacant land on Atlantic Boulevard and Garvey Avenue, and converting some of Atlantic Square to mixed-use to fill the housing requirements.

- City Clerk Chang received, filed, and read into the record a written communication from David Barron. Mr. Barron inquired when churches, City Hall, and restaurants are allowed open. He asked why City Halls phone are not covered by a designated person during break or when staff are away.

1. **PRESENTATION**

1A. **INDIVIDUALS EXPERIENCING HOMELESSNESS WITHIN THE CITY OF MONTEREY PARK**

Police Chief Gordon presented an update on individuals experiencing homelessness in Monterey Park.

Public Speakers:

- Hao Ling spoke about homelessness and stated that she does not like the idea of providing individuals with permanent shelter. Instead, she recommended that homeless individuals be taught how to live on their own.
- Maychelle proposed that the Police Chief consider the increase in contact with homeless population occurred after the City started accepting homeless individuals.

2. **OLD BUSINESS**

2A. **CONSIDERATION AND POSSIBLE ACTION TO WAIVE FIRST READING AND INTRODUCE AN ORDINANCE AMENDING THE MONTEREY PARK MUNICIPAL CODE GOVERNING HOTEL/MOTEL GUEST REGISTRIES**

The proposed amendments to the MPMC (specifically those regulating the inspection of guest registers) are intended to address an issue identified by the federal court in *Patel v. City of Long Beach* (DC No. 2:08-cv-02806-ABC-VBK) and *Patel v. City of Los Angeles* (9th Cir., 2013) 738 F.3d 1058.

Recommendation: (1) Waive first reading and introduce a draft Ordinance amending the Monterey Park Municipal Code (“MPMC”) regulating guest registries; or (2) Alternatively, discussing and taking such additional, related, action that may be desirable.

Draft Ordinance, entitled:

AN ORDINANCE ADDING CHAPTER 5.88 TO THE MONTEREY PARK MUNICIPAL CODE TO CLARIFY WHEN HOTEL OPERATORS MUST DISCLOSE GUEST REGISTRIES TO LAW ENFORCEMENT OFFICIALS

Public Speakers:

- City Clerk's Office received and filed a written communication from Maychelle Yee that was disseminated to the City Council but was not read into the record.

Action Taken: The City Council continued the agenda item to the June 17, 2020 City Council meeting.

2B. CONSIDERATION OF AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE ("MPMC") BY ADDING CHAPTER 16.37 ENTITLED "PERMIT PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS"

This item was continued from the May 20, 2020 City Council meeting. See Attachment 1 attached to the staff report for the completed agenda packet from the May 20th meeting.

This item was heard after Agenda Item No. 4B.

Action Taken: The City Council introduced and waived first reading of an Ordinance adding Chapter 16.37 entitled "Permit Process for Electric Vehicle Charging Stations".

Motion: Moved by Mayor Pro Tem Chan and seconded by Council Member Lo

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

Ordinance, 1st Reading, entitled:

AN ORDINANCE AMENDING THE MONTEREY PARK MUNICIPAL CODE ("MPMC") BY ADDING CHAPTER 16.37 ENTITLED "PERMIT PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS."

2C. ELECTRONIC COMMUNICATIONS RETENTION AND PURGING POLICY; SOCIAL MEDIA POLICY

This item was continued from the May 20, 2020 City Council meeting. See Attachment 1 attached to the staff report for the completed agenda packet from the May 20th meeting.

Recommendation: (1) Adopt a resolution establishing a Social Media Policy and a Resolution amending the City's retention policy as to electronic communications; (2) Authorize the City Manager to execute an agreement with a social media archiving service vendor, in a form approved by the City Attorney; and (3) Take such additional, related, action that may be desirable.

Draft Resolution, entitled:

A RESOLUTION ESTABLISHING POLICIES AND PROCEDURES FOR UTILIZING SOCIAL MEDIA (THE "SOCIAL MEDIA POLICY")

Action Taken: The City Council continued the agenda item to the June 17, 2020 City Council meeting.

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

3A. CONSIDERATION AND POSSIBLE ACTION TO DIRECT THE CITY CLERK TO PERFORM THE BIENNIAL REVIEW OF THE CITY'S CONFLICT OF INTEREST CODE

Under the Political Reform Act (Government Code § 8100, *et seq.*), every local agency must review its Conflict of Interest code ("COI") on a biennial basis. If positions or titles changed in the local agency's organization, then the legislative body must amend the COI before October 1, 2020.

Recommendation: (1) Directing the City Clerk to perform the biennial review of the City's Conflict of Interest Code and report back before October 1, 2020; and (2) Take such additional, related, action that may be desirable.

Public Speakers:

- City Clerk's office received and filed a written communication from Maychelle Yee that was disseminated to the City Council but was not read into the record.

Action Taken: The City Council continued the agenda item to the June 17, 2020 City Council Meeting.

3B. WAIVE FURTHER READING AND ADOPT AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE §14.12.185 TO PROVIDE A FORMULA FOR CALCULATING EITHER THE ELIGIBLE CEILING, INCOME THRESHOLD OR THE DISCOUNT RATE FOR THE LIFELINE PROGRAM

The ordinance was introduced at the May 20, 2020 City Council meeting. At that meeting, the City Council conducted the first reading. The staff report from the May 20, 2020 meeting is attached to the staff report for reference. Second reading and adoption of this ordinance is recommended; the ordinance takes effect in 30 days.

This item was heard after Agenda Item No. 5C.

Action Taken: The City Council waived second reading and adopted Ordinance No. 2174 amending Monterey Park Municipal Code § 14.12.185 to establish the discount rate and eligibility criteria for participation in the City's Lifeline Program.

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

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

Ordinance No. 2174, entitled:

AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE § 14.12.185 TO ESTABLISH THE DISCOUNT RATE AND ELIGIBILITY CRITERIA FOR PARTICIPATION IN THE CITY'S LIFELINE PROGRAM

3C. WAIVE FURTHER READING AND ADOPT AN ORDINANCE AMENDING THE MONTEREY PARK MUNICIPAL CODE RELATING TO DELINQUENT WATER BILLS AND CREATING A POLICY ON THE DISCONTINUATION OF RESIDENTIAL WATER SERVICE FOR NONPAYMENT IN COMPLIANCE WITH THE WATER SHUTOFF PROTECTION ACT (HEALTH & SAFETY CODE §§ 116900-116926)

The ordinance was introduced at the May 20, 2020 City Council meeting. At that meeting, the City Council conducted the first reading. The staff report from the May 20, 2020 meeting is attached to the staff report of reference. Second reading and adoption of this ordinance is recommended; the ordinance takes effect in 30 days.

Action Taken: The City Council waived second reading and adopted Ordinance No. 2175 amending the Monterey Park Municipal Code ("MPMC") in compliance with Health and Safety Code §§ 116900-116926 regarding residential potable water shutoff procedures.

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

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

Ordinance No. 2175, entitled:

AN ORDINANCE AMENDING THE MONTEREY PARK MUNICIPAL CODE ("MPMC") IN COMPLIANCE WITH HEALTH AND SAFETY CODE §§ 116900-116926 REGARDING RESIDENTIAL POTABLE WATER SHUTOFF PROCEDURES

4. PUBLIC HEARING

4A. CONSIDER ASSESSMENTS FOR THE CITYWIDE MAINTENANCE DISTRICT NO. 93-1 FOR FISCAL YEAR 2020-21 PURSUANT TO STREETS AND HIGHWAYS CODE §§ 22500, ET SEQ.

In 1993 the City formed a citywide benefit assessment district to finance the operation and maintenance of public street lighting and landscaping. The district was renewed each of the past 27 years and must be renewed for 2020-21 in order for the City to continue the collection of assessments. The City started the process to renew its Citywide Maintenance District No. 93-1 for the 2020-21 fiscal year at its April 15, 2020 meeting. At that time, the City Council approved the Engineer's Report; adopted the Resolution of Intention (Resolution No. 12144) and scheduled the required public hearing for June 3, 2020. The district renewal will follow the City Council's action at the conclusion of the June 3rd public hearing.

CEQA (California Environmental Quality Act):

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

Action Taken: The City Council opened the public hearing at 10:51 p.m. and received documentary and testimonial evidence; there being no speakers closed the public hearing at 10:54 p.m. and adopted Resolution No. 12163 authorizing the Levy and Collection of Assessments for Fiscal Year 2020-21 in Citywide Maintenance District No. 93-1 pursuant to Streets and Highways Code § 22587.

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

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

Resolution No. 12163, entitled:

A RESOLUTION AUTHORIZING THE LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2020-21 IN CITYWIDE MAINTENANCE DISTRICT NO. 93-1 PURSUANT TO STREETS AND HIGHWAYS CODE § 22587

4B. ANNUAL WEED ABATEMENT PROTEST HEARING

The County of Los Angeles Department of Agriculture Commissioner and Weights and Measures submitted to the City the annual Weed Abatement Declaration List and resolution declaring that weeds, brush, rubbish, refuse, and dirt maintained on certain private properties in the City, are a public nuisance. At the regular City Council meeting on February 5, 2020, the Council adopted Resolution No. 12138 approving the 2020 Weed Abatement Declaration List as posted by the County. By adopting the Resolution, the Council declared its intention to provide for the abatement of said public nuisances. To complete the process, the Council must hold a protest hearing to allow parcel owners identified on the Declaration List an opportunity to object to their inclusion thereon.

This item was heard after Agenda Item No. 6A.

Public Speakers:

- Sylvia stated that she sent an email to Fire Chief Matt Hallock and requested for clarification regarding the inspection fee.
- Deputy City Clerk Trang received, filed, and read into the record four written communications. Three written communications from Damia Joa, Khin Saw Nyein, and Donald Toy who requested to be removed from the weed abatement declaration list and one written communication from David Truong who inquired on how resident's parcels get placed on the Declaration List and how could resident's be removed from the list.

Action Taken: The City Council opened the public hearing at 10:03 p.m., received public comments and closed the public hearing at 10:22 p.m.; and adopted Resolution No. 12162 declaring that weeds, brush, rubbish and refuse upon or in front of property in the city are a public nuisance, and declaring its intention to provide for abatement.

Motion: Moved by Mayor Pro Tem Chan and seconded by Mayor Liang motion carried by the following vote:

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

Resolution No. 12162, entitled:

A RESOLUTION ADOPTED PURSUANT TO GOVERNMENT CODE § 39561 DECLARING THAT WEEDS, BRUSH, RUBBISH AND REFUSE UPON OR IN FRONT OF SPECIFIED PROPERTY IN THE CITY ARE A SEASONAL AND RECURRENT PUBLIC NUISANCE, AND DECLARING ITS INTENTION TO PROVIDE FOR ABATEMENT

5. NEW BUSINESS

5A. ADOPT A RESOLUTION RATIFYING CERTAIN ACTIONS COMPLETED BY THE CITY MANAGER REGARDING COVID-19 PANDEMIC AND CONTINUE TO EXTEND THE EXISTENCE OF A LOCAL EMERGENCY

On March 18, 2020, the City Council adopted Resolution No. 12142 which declared a local emergency resulting from the COVID-19 Pandemic (the "COVID-19 Pandemic"). Pursuant to Resolution No. 12142 and Monterey Park Municipal Code ("MPMC"), the City Manager implemented certain emergency policies and procedures ("EP&P") to protect public health and safety. Generally, these relate to designation of quarantine sites; protection of public employees; and continuity of government.

On April 15, the City Council adopted Resolution No.12151 ratifying certain actions completed by the City Manager and extending the existence of a local emergency.

CEQA (California Environmental Quality Act):

The Resolution itself and the actions anticipated by the Resolution were reviewed 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"). Based upon that review, this action is exempt from further review pursuant to CEQA Guidelines § 15269(a) because the protection of public and private property is necessary to maintain service essential to the public, health and welfare.¹

This item was heard after Agenda Item No. 4A.

Action Taken: The City Council adopted Resolution No. 12164 ratifying certain actions completed by the City Manager.

¹ CEQA findings regarding an anticipated imminent emergency are valid (*see CalBeach Advocates v. City of Solana Beach* (2002) 103 Cal.App.4th 529).

Motion: Moved by Mayor Pro Tem Chan and seconded by Mayor Liang motion carried by the following vote:

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

Resolution No. 12164, entitled:

A RESOLUTION ADOPTED BY THE CITY COUNCIL FOR THE CITY OF MONTEREY PARK RATIFYING CERTAIN ACTIONS COMPLETED BY THE CITY MANAGER AND EXTENDING THE EXISTENCE OF A LOCAL EMERGENCY

EXTENSION OF COUNCIL MEETING

Action Taken: The City Council extended the council meeting to 11:15 p.m.

Motion: Moved by Mayor Liang and seconded by Mayor Pro Tem Chan

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

5B. OVERVIEW OF PROJECT ROOMKEY BY MONTEREY PARK POLICE DEPARTMENT

At the direction of the Governor, the County of Los Angeles and City of Los Angeles implemented an unprecedented effort to establish temporary housing for at-risk homeless individuals at hotels and motels in local communities. Utilizing the Los Angeles Homeless Services Authority (LAHSA), the County is procuring hotel and motel rooms to shelter these individuals. The operation is identified as Project Room Key. Two hotels in the City of Monterey Park were selected as Project Room Key sites.

This item was heard after Agenda Item No. 1A.

Public Speakers:

- Caller ending 804 reiterated on a statement made by a previous speaker who stated that this is an issue of misinformation and lies. She expressed her opinion that this issue is not about homelessness but about elected officials, city staff, and commissioners abusing their power.

- Teresa Eisler stated that being homeless is a temporary condition and that the people placed in Project Room Key are from Monterey Park and the surrounding cities. She stated that there are many misconceptions and fears regarding homeless people.
- Caller ending 688 inquired about the City Council opinion on the Los Angeles County's potential purchase of the hotels as permanent shelters in the future. She also spoke about ensuring the safety of children from homeless individuals with mental issues.
- Gavin requested for more information on the County's RV exit plan. He mentioned that he had a conversation with the City Manager regarding a potential homeless shelter at University of Southern California (USC) and inquired why the information he was provided was not presented.
- Qua implored the Council to direct the City Attorney to develop a mitigation plan to protect the residents and to discuss the plan at the June 17, 2020 City Council meeting. She requested Council to publically state whether they support the conversion of the hotel's use to a permanent homeless shelter.
- Andrew Ying requested that the Mayor, City Council and City Manager state if they support the change of use from a temporary to permanent homeless shelter. He inquired if the Los Angeles County or State could force the City to change the use of the hotel. He implored the City Council to direct the City Attorney to develop a mitigation action plan and present it at the June 17, 2020 City Council meeting.
- Margaret Leung stated that she would like to hear from City Council and City Manager if they are in favor of a permanent homeless shelter in Monterey Park. She demanded that the City Council direct the City Attorney to develop a mitigation plan and to present the item at the next meeting.
- Caller ending 585 conveyed that written data she had, indicated an increased number of hospitalized COVID-19 patients. She implored the City Council to contact Los Angeles County on why there was an increase. She requested that the Council state their opinion on whether they support a permanent shelter.
- Edith Gonzalez thanked Pastor Velasco for sharing his experience and thanked the City Mayor, Council, and Police Chief for sharing accurate information on Project Room Key.
- Deputy City Clerk Trang received, filed, and read into the record eleven written communications from: Felix Huang, Bethany Chow, Allison Henry, Hovey Yu, Enoch Chow, Emily Van Ostran, Sonya Berndt, Christopher Yee, Thomas Wong, Eric Sunada, Patrick Mangto who all expressed their support of Project Room Key.

- City Clerk Chang received, filed, and read into the record thirty written communications. Twenty communications in support of Project Room Key: Asian Pacific Policy and Planning Council, Asian Youth Center, Central City Community Health Center, Buddhist Tzu Chi Foundation, East San Gabriel Valley Coalition for the Homeless, San Gabriel Valley Entrepreneur Lions Club, United Way of Greater Los Angeles, Vet Hunters Project, Shower of Hope, San Gabriel Valley Civic Alliance, Maryvale, Chinatown Service Center, Volunteers of America, Boys & Girls Club of the West San Gabriel Valley, El Monte Union High School District, Monterey Park Democratic Club, San Gabriel Valley Consortium on Homelessness, United Democrats of the San Gabriel Valley, Former Monterey Park Mayor Anthony Wong, Monterey Park Resident Ryan Kigawa, and ten written communications in opposition: Lucy Zheng, Serena Chen, Ray Lu, Lillian Ying, Jun Shi, Hui Gao, Jun Shi, Man Qin He, Wendy Wang, and Justine Wang.

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

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

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

5C. CONSIDERATION OF AMENDMENTS TO THE MONTEREY PARK LAND USE ELEMENT (LUE) OF THE GENERAL PLAN

The City Council adopted a new land use element (“LUE”) on December 5, 2019. That LUE was placed on the March 2020 ballot as Measure II for voter approval. Measure II, however, was not adopted by voters and, accordingly, did not become effective.

It is recommended that the City Council consider amending the LUE and placing that version of the LUE on the November 2020 ballot for voter consideration. As explained more fully below, the recommended LUE would reflect the original version that was recommended by the Planning Commission and first considered by the City Council on October 28, 2019. It would not include provisions added by the City Council between October and December 2019 that included various housing overlays to the LUE in reaction to new California law taking effect in January 2020.

Staff reports from the City Council meetings of October 28, 2019; November 20, 2019; and December 5, 2019 are attached to the staff report (without exhibits) for a comprehensive review of the City’s drafting and ultimate adoption of the LUE. Since Measure II was not approved by the voters, however, the City Council

should consider amending the LUE as described below. A public hearing to consider such an amendment is noticed for June 17, 2020.

This item was heard after Agenda Item No. 2B.

Public Speakers:

- Qua requested that the City Planner, City Manager and City Council indicate in simple clear wording for residents to understand the amendment to the Monterey Park Land Use Element.
- Andrew Ying stated that based on voter rejection of Measure II, City Council and the Planning Department should clearly state no added new housing overlay to Corporate Center Drive and to indicate in simple wording the revision.
- Deputy City Clerk Trang received, filed, and read into the record three written communications from Kevin Cheng, Charly Wang, and Matt Williams voicing their suggestions for the LUE.

Action Taken: The City Council received and filed this report and directed staff to follow the recommendation to revert the Land Use Element to the October 28, 2019 version with the consideration of maintaining the Market Place height limit of 80 feet and adding no homeless shelter within half a mile from schools.

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

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

5D. DECLARATION OF EMERGENCY: LOS ANGELES COUNTY CIVIL UNREST

Following May 25, 2020, protests throughout Los Angeles County have resulted in widespread arson, looting, assaults, vandalism and rioting, which continue to the present. On May 30, 2020, the Governor issued a Proclamation of Emergency for Los Angeles County. On May 31, 2020, the County of Los Angeles Board of Supervisors imposed a curfew for the protection of public order and safety.

In order to safeguard the rights of peaceful assembly and protest, to protect the safety of Monterey Park residents, property and businesses as well as emergency and law enforcement providers, it was necessary to establish a curfew to quell anticipated violence and destruction of property during hours of darkness – when it is especially difficult to preserve public peace and safety. The dangers presented by the widespread civil unrest in Los Angeles County caused the City Manager to proclaim the existence of a local emergency beginning on May 31, 2020.

CEQA (California Environmental Quality Act):

The Resolution itself and the actions anticipated by the Resolution were reviewed 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”). Based upon that review, this action is exempt from further review pursuant to CEQA Guidelines § 15269(a) because the protection of public and private property is necessary to maintain service essential to the public, health and welfare.¹

This item was heard after Agenda Item No. 5A.

Action Taken: The City Council adopted Resolution No. 12165 declaring a local emergency resulting from the civil unrest in Los Angeles County and ratifying the City Manager’s Administrative Declaration of Emergency dated May 31, 2020.

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

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

6. COUNCIL COMMUNICATIONS AND MAYOR/COUNCIL AND AGENCY MATTERS

6A. CONSIDERATION OF HOTEL/MOTEL ACQUISITIONS BY STATE AND COUNTY AUTHORITIES (REQUESTED BY COUNCIL MEMBER YIU)

This item was for discussion only.

Public Speakers:

- Maychelle clarified that she did not state that the Senior Planner was involved with Project Room Key.
- Siri spoke about homelessness and inquired from Council Member Yiu where in Monterey Park would be an ideal location for a homeless shelter.
- Gavin requested that Council Member Henry Lo provide a clear statement on whether he supports a permanent shelter.

¹ CEQA findings regarding an anticipated imminent emergency are valid (*see CalBeach Advocates v. City of Solana Beach* (2002) 103 Cal.App.4th 529).

Action Taken: The City Council moved to file an injunction to stop State and County from acquiring Lincoln Hotel and Garvey Inn to use as a permanent homeless shelter.

Motion: Moved by Council Member Yiu with a lack of a second. Motion failed.

- Margaret Leung communicated that the County of Los Angeles has stated after 90 days there is an option to purchase the hotel. She urged the Council to direct the City Attorney to develop a mitigation action plan and to agendaize it for discussion at the next council meeting.
- Deputy City Clerk Trang received, filed, and read into the record five written communications. Two communications in support of Project Room Key from Calvin Truong and Ashley Molina and three in opposition of a permanent homeless shelter from Antonio Ng, Vincent M, and Elysian Design Inc.
- City Clerk Chang received, filed, and read into the record a written communication from Jennifer Tang voicing her support of Project Room Key and that converting hotels into permanent housing is not currently on the table.
- Deputy City Clerk Trang received, filed, and read into the record forty-four written communications. Forty-three written communications were in opposition of permanent homeless shelters in Monterey Park: Helen (Simei) He, Alan He, Amber Yu, Dell Zhang, Brian Zhang, April Xu, Reginald Shum, Joyce, Sarah Lui, Larry Wong, William Deth, Eric Tsai, Linda Liu, Throw Away, Ray Lu, Kwok Cheung, Simon Luo, Margaret Cheng, Bill Chen, Carol, Jeannie, Jade Hu, Jenny Wong Luo, Zhiqi Chen, Rosa Tang, Yunxian Yan, Connie Liu, Shiping Song, Ting Xu, Minsi Zeng, Kewen Zeng, Nathan Wong, Dell Zhang, Tiffany Wong, Julie Ngo, Tom Tan, Yvonne Wong, Michelle Wang, Bin Li, Vincent M., Antonio Ng, Calvin Truong, and Ashley Molina. One written communication from Jasmine White who thanked Council Member Yiu and Sornoso for placing this item on the agenda.

Action Taken: The City Council moved to direct the City Attorney to prepare a mitigation action plan to present at the June 17, 2020 City Council meeting as a New Business Item.

Motion: Moved by Council Member Yiu with a lack of second. Motion failed.

6B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK RECOGNIZING THE MONTH OF JUNE AS LESBIAN, GAY, BISEXUAL, AND TRANSGENDER (LGBT) PRIDE MONTH (REQUESTED BY COUNCIL MEMBER LO)

This item was heard after Agenda Item No. 5D.

Public Speakers:

- Deputy City Clerk Trang received, filed, and read into the record eighteen written communications. All eighteen communications from Calvin Truong, Ashley Molina, Chris Olson, Barbara Ngai, Pranett Chhunpen, Rose Scobie, Michael Chavez, Jennifer Tang, Jeshow Yang, Travis Kaya, Thomas Wong, Jason Hicks, Kali Ghazali, Sam Ritchie, Patrick Mangto, Aaron Saenz, Angela Shen, and Maria Elena Diaz were in support of the resolution recognizing the month of June as LGBT Pride Month.

Action Taken: The City Council adopted Resolution No. 12166 recognizing the month of June as Lesbian, Gay, Bisexual, and Transgender (LGBT) Pride Month.

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

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

Resolution No. 12166, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK
RECOGNIZING THE MONTH OF JUNE AS LESBIAN, GAY, BISEXUAL, AND
TRANSGENDER (LGBT) PRIDE MONTH

COUNCIL COMMUNICATIONS

Council Member Yiu thanked the Monterey Park American Legion Post 397 for 90 years supporting veterans and those in needs. She inquired if the City has any funding to help non-profit organizations during the pandemic.

Council Member Lo thanked American Legion Post 397 for helping the community during the Pandemic and thanked City Staff and Public Safety Officers for being vigilant and looking out for the safety of the community.

Council Member Sornoso had nothing to report.

Mayor Pro Tem Chan thanked the police officers, fire fighters, and city staff for doing their job during these circumstances. He wished a Happy Fathers Day to all the fathers in the world.

Mayor Liang declared on behalf of the City of Monterey Park that our hearts and prayer goes out to the family of George Floyd and also to the protester that are peacefully protesting against racism in our society today.

7. **CLOSED SESSION (IF REQUIRED; CITY ATTORNEY TO ANNOUNCE)**
None.

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 11:15 p.m.

Vincent D. Chang
City Clerk

**MINUTES
MONTEREY PARK CITY COUNCIL
SUCCESSOR AGENCY (SA)
SPECIAL MEETING
JUNE 11, 2020**

The City Council of the City of Monterey Park held a Special Teleconference Meeting on Thursday, June 11, 2020 at 5:30 p.m. The special meeting was conducted pursuant to Section 3 of Executive Order No. N-29-20 issued on March 17, 2020. Accordingly, Council Members were provided a meeting login number and conference call number and were not physically present at Council Chambers.

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

PUBLIC PARTICIPATION

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

Participants were encouraged to join the meeting 30 minutes before the start of the meeting.

Public comment was accepted via email to mpclerk@montereypark.ca.gov during the meeting, before the close of public comment, and read into the record during public comment, when feasible. We request that written communications be limited to not more than 50 words.

Public comment may be submitted via telephone during the meeting, before the close of public comment, by calling (888) 788-0099 or (877) 853-5247 and entering Zoom Meeting ID: 99723992320 then press pound (#). When prompted to enter participation ID number press pound (#) again. If participants would like to make a public comment they will enter “*9” then the Clerk’s office will be notified and you will be in the rotation to make a public comment.

The public may also watch the meeting live on the city’s cable channel MPKTV (AT&T U-verse, channel 99 or Charter Communications, channel 182) or by visiting the city’s website at <http://www.montereypark.ca.gov/133/City-Council-Meeting-Videos>.

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

MISSION STATEMENT

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

CALL TO ORDER:

Mayor Liang called the meeting to order at 5:31 p.m.

ROLL CALL:

City Clerk Vincent Chang called the roll:

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

Council Members Absent: None

ALSO PRESENT: City Manager Ron Bow, City Librarian Diana Garcia, Assistant Deputy City Clerk Helena Cho

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

None.

ORAL AND WRITTEN COMMUNICATIONS

- City Clerk Chang received, filed, read into the record five written communications from Patrick Mangto, Irma Gorrocino, Barbara Ngai, Tara Kwan, and Danny Woo voicing their support for Jennifer Tang for the Library Board of Trustees.

1. NEW BUSINESS

1. APPOINTMENT TO THE LIBRARY BOARD OF TRUSTEES

Membership on the City's Public Library Board of Trustees ("Library Board") are by appointment of the City Council. Members appointed to the City's Library Board serve a term of three years¹; at the end of each term, the City Council may opt to either replace or reappoint members. Members cannot serve more than two consecutive terms². It is recommended that the City Council consider appointing one individual to fill the vacancy on the Library Board.

Action Taken: The City Council appointed Jennifer Tang to fill the vacancy on the Library Board of Trustees.

Motion: Moved by Council Member Yiu and seconded by Council Member Lo

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

¹ Pursuant to Education Code § 18911

² Ordinance Nos. 2156 and 1880

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 6:30 p.m.

Vincent D. Chang
City Clerk

**MINUTES
MONTEREY PARK CITY COUNCIL
SUCCESSOR AGENCY (SA)
SPECIAL MEETING
JUNE 17, 2020**

The City Council of the City of Monterey Park held a Special Teleconference Meeting on Wednesday, June 17, 2020 at 5:30 p.m. The special meeting was conducted pursuant to Section 3 of Executive Order No. N-29-20 issued on March 17, 2020. Accordingly, Council Members were provided a meeting login number and conference call number and were not physically present at Council Chambers.

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

PUBLIC PARTICIPATION

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

Participants were encouraged to join the meeting 15 minutes before the start of the meeting.

Public comment was accepted via email to mpclerk@montereypark.ca.gov during the meeting, before the close of public comment, and read into the record during public comment, when feasible. We request that written communications be limited to not more than 50 words.

Public comment may be submitted via telephone during the meeting, before the close of public comment, by calling (888) 788-0099 or (877) 853-5247 and entering Zoom Meeting ID: 955 6307 6707 then press pound (#). When prompted to enter participation ID number press pound (#) again. If participants would like to make a public comment they will enter "*9" then the Clerk's office will be notified and you will be in the rotation to make a public comment.

The Special Meeting will not be televised on the city's cable channel MPKTV (AT&T U-verse, channel 99 or Charter Communications, channel 182) or on the city's website at <http://www.montereypark.ca.gov/133/City-Council-Meeting-Videos>.

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

MISSION STATEMENT

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

CALL TO ORDER:

Mayor Liang called the meeting to order at 5:30 p.m.

ROLL CALL:

City Manager Ron Bow called the roll:

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

Council Members Absent: None

ALSO PRESENT: City Manager Ron Bow, Assistant City Attorney Karl Berger, Deputy City Clerk Cindy Trang, Assistant Deputy City Clerk Helena Cho

ORAL AND WRITTEN COMMUNICATIONS

None.

CLOSED SESSION

The City Council adjourned to Closed Session at 5:39 p.m.

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – GOV. CODE § 54956.9(D)(

Susan Rivers v. City of Monterey Park (filed April 4, 2017) LASC Case No. BC656622.

RECONVENE & ADJOURNMENT

The City Council reconvened from Closed Session with all Council Members present. The meeting was adjourned at 5:53 p.m.

Action Taken: No reportable action taken in Closed Session.

Vincent D. Chang
City Clerk

**MINUTES
MONTEREY PARK CITY COUNCIL
SUCCESSOR AGENCY (SA)
JOINT SPECIAL AND REGULAR MEETING
JUNE 17, 2020**

The City Council of the City of Monterey Park held a Joint Special and Regular Teleconference Meeting on Wednesday, June 17, 2020 at 6:00 p.m. The joint special and regular meetings were conducted pursuant to Section 3 of Executive Order No. N-29-20 issued on March 17, 2020. Accordingly, Council Members were provided a meeting login number and conference call number and were not physically present at Council Chambers.

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

PUBLIC PARTICIPATION

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

Participants were encouraged to join the meeting 15 minutes before the start of the meeting.

Public comment was accepted via email to mpclerk@montereypark.ca.gov during the meeting, before the close of public comment, and read into the record during public comment, when feasible. We request that written communications be limited to not more than 50 words.

Public comment may be submitted via telephone during the meeting, before the close of public comment, by calling (888) 788-0099 or (877) 853-5247 and entering Zoom Meeting ID: 940 5177 5117 then press pound (#). When prompted to enter participation ID number press pound (#) again. If participants would like to make a public comment they will enter "*9" then the Clerk's office will be notified and you will be in the rotation to make a public comment.

The public may also watch the meeting live on the city's cable channel MPKTV (AT&T U-verse, channel 99 or Charter Communications, channel 182) or by visiting the city's website at <http://www.montereypark.ca.gov/133/City-Council-Meeting-Videos>.

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

MISSION STATEMENT

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

CALL TO ORDER:

Mayor Liang called the meeting to order at 6:01 p.m.

ROLL CALL:

City Clerk Vincent Chang called the roll:

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

Council Members Absent: None

ALSO PRESENT: City Manager Ron Bow, Assistant City Attorney Karl Berger, City Treasurer Joseph Leon, Fire Chief Matt Hallock, Police Chief Kelly Gordon, Director of Public Works Mark McAvoy, Director of Management Services Martha Garcia, Director of Recreation & Community Services Inez Alvarez, Interim Director of Human Resources Danielle Tellez, City Librarian Diana Garcia, Senior Planner Samantha Tewasart, Deputy City Clerk Cindy Trang, Assistant Deputy City Clerk Helena Cho

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

Assistant City Attorney Berger announced there were no reportable actions taken in Closed Session.

PUBLIC COMMUNICATIONS

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

- City Clerk Chang received filed and read into the record eight written communications. A communication from David Barron inquired about the sales of Safe and Sane fireworks in Monterey Park. Seven written communications regarding the Raising Canes project. Three in support: Amy Wu, Gina Rodriguez, and Tad A Kato; two neutral: Anthony Gallego and Sam Cheung; and two in opposition: Shannon Ahern and Brite Wu.
- Deputy City Clerk Trang received, filed, and read into the record a written communication from Renee Dutreaux. Mr. Dutreaux implored Council to disallow 5G installations throughout the city.
- Teresa Real Sebastian expressed her gratitude to the Monterey Park Police Officers and shared a story about the kindness and compassion of Monterey Park residents.
- Ben Wong, Board Member of the Monterey Park Manta Ray swim teams, asked for support regarding funding the maintenance of Barnes Park Pool.

- Andrew requested that the City Council publish the contents of the Land Use Element into the City newspaper and clearly state the removal of a housing overlay on Corporate Center Drive.
- City Manger Bow read into the record a letter from the County of Los Angeles Chief Executive Office regarding Project Room Key.

1. PRESENTATION

1A. DISTANCE AND DIGITAL LIBRARY SERVICES

City Librarian Garcia presented Distance and Digital Library Services.

2. OLD BUSINESS

2A. CONSIDERATION AND POSSIBLE ACTION TO WAIVE FIRST READING AND INTRODUCE AN ORDINANCE AMENDING THE MONTEREY PARK MUNICIPAL CODE GOVERNING HOTEL/MOTEL GUEST REGISTRIES

At its June 3, 2020 joint Special and Regular Meeting, the City Council continued its consideration of an Ordinance amending the MPMC regarding hotel/motel guest registries, to June 17, 2020. Attachment 1 in the staff report is the June 3, 2020 staff report for this item.

Public Speakers:

- Deputy City Clerk Trang received, filed and read into the record a written communication from Maychelle Yee. Ms. Yee implored the Council to keep the 30 day limit and remove only the portion that the agenda item is addressing.

Action Taken: The City Council waived first reading and introduced a draft Ordinance amending the Monterey Park Municipal Code ("MPMC") regarding guest registries.

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

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

Ordinance, 1st Reading, entitled:

AN ORDINANCE ADDING CHAPTER 5.88 TO THE MONTEREY PARK MUNICIPAL CODE TO CLARIFY WHEN HOTEL OPERATORS MUST DISCLOSE GUEST REGISTRIES TO LAW ENFORCEMENT OFFICIALS

**2B. ELECTRONIC COMMUNICATIONS RETENTION AND PURGING POLICY;
SOCIAL MEDIA POLICY**

This item was continued from the June 3 (Agenda Item 2-C) and May 20 (Agenda Item 5-E) City Council meetings. See Attachment 1 attached to the staff report for the completed agenda packet from the May 20th meeting.

Public Speakers:

- Deputy City Clerk Trang received, filed, and read into the record a written communication from Maychelle Yee. Ms. Yee stated that the agenda item is comprised of two entirely different subject matters and that they should be heard separately.

Action Taken: The City Council adopted Resolution No. 12167 establishing a Social Media Policy and Resolution No. 12168 amending the City's retention policy as to electronic communications and authorized the City Manager to execute an agreement with a social media archiving service vendor, in a form approved by the City Attorney.

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

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

Resolution No. 12167, entitled:

A RESOLUTION ESTABLISHING POLICIES AND PROCEDURES FOR UTILIZING SOCIAL MEDIA (THE "SOCIAL MEDIA POLICY")

Resolution No. 12168, entitled:

A RESOLUTION REGARDING RETAINING AND PURGING PUBLIC RECORDS IN ELECTRONIC FORM

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

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

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

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

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

3A. ADOPTION OF FISCAL YEAR 2020-2021 ANNUAL BUDGET

The City Council conducted public budget hearings on May 26 and May 27, 2020 regarding the city's current finances, projected revenues, and financial obligations. The budget for 2020-2021 presents a spending plan that anticipates \$108.1 million in estimated operating revenues and transfers-in from all funds combined and \$108.4 million in operating, capital improvement expenditures and transfers-out. Financial matters, including the potential impact from the pension cost increases, the State mandate minimum wage requirement, staffing realignment and changes, mitigation strategies for pension and retiree medical unfunded liabilities, economic development projects, and goals and objectives associated with the City budget, were presented and discussed at the hearing.

Public Speakers:

- Maychelle expressed her opinion that the City Council is in violation of the Brown Act due to improperly posting the agenda. She stated that the only item allowed to be heard is Agenda Item No. 5C. She demanded that the meeting be stopped until the Agenda is properly posted.
- Assistant City Attorney Berger stated that the Agenda was properly posted. Attached Exhibit "A" is a screenshot taken at 7:50 p.m.
- City Clerk Chang received, filed, and read into the record five written communications regarding the Annual Budget. Four written communications from Jessica Zwaal, Lisa Moreno, Maria Gomez and Barbara Chavira who requested that Council reconsider the Recreation and Parks budget. One written communication from Anna Van who requested that Council defund the Police Department to fund more city services.
- Deputy City Clerk Trang received, filed, and read into the record a written communication from Daniel Serrano. Mr. Serrano voiced his concern on the increased Police Department budget.

Action Taken: The City Council adopted by Resolution No. 12169 the City's and Successor Agency's Fiscal Year 2020-2021 Annual Budget as presented on May 26 and May 27, 2020, as amended by applying a 5% credit onto the General Fund.

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

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

Resolution No. 12169, entitled:

A RESOLUTION ADOPTING THE FISCAL YEAR 2020-2021 FINAL OPERATING BUDGET FOR THE CITY OF MONTEREY PARK AND THE SUCCESSOR AGENCY TO THE MONTEREY PARK REDEVELOPMENT AGENCY; AND ADOPTING THE 2020-2021 CAPITAL IMPROVEMENT BUDGET

3B. MONTHLY INVESTMENT REPORT – MAY 2020

As of May 31, 2020 invested funds for the City of Monterey Park is \$94,538,906.18.

Action Taken: The City Council received and filed the monthly investment report on Consent Calendar.

3C. MINUTES

Approve the minutes from the regular meeting of May 6, 2020 and the special meeting of May 6, 2020.

Action Taken: The City Council approved the minutes from the regular meeting of May 6, 2020 and the special meeting of May 6, 2020 on Consent Calendar.

3D. CONSIDERATION AND POSSIBLE ACTION TO DIRECT THE CITY CLERK TO PERFORM THE BIENNIAL REVIEW OF THE CITY'S CONFLICT OF INTEREST CODE

At its June 3, 2020 joint Special and Regular Meeting, the City Council continued its consideration of whether to direct the City Clerk to perform the biennial review of the City's Conflict of Interest Code, to June 17, 2020. Enclosed as Attachment 1 attached to the staff report is the June 3, 2020 staff report for this item.

Action Taken: The City Council directed the City Clerk to perform the biennial review of the City's Conflict of Interest Code and report back before October 1, 2020.

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

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

3E. WAIVE FURTHER READING AND ADOPT AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE (“MPMC”) BY ADDING CHAPTER 16.37 ENTITLED “PERMIT PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS”

The Ordinance was introduced at the June 3, 2020 City Council meeting. On June 3, 2020, the City Council conducted the first reading. The original staff report (from May 20, 2020) is attached to the staff report for reference. Second reading and adoption of this Ordinance is recommended; it will take effect in 30 days.

Action Taken: The City Council waived second reading and adopted Ordinance No. 2176 on Consent Calendar.

Ordinance No. 2176, entitled:
AN ORDINANCE AMENDING THE MONTEREY PARK MUNICIPAL CODE (“MPMC”) BY ADDING CHAPTER 16.37 ENTITLED “PERMIT PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS.”

3F. SECOND AMENDMENT TO AGREEMENT NO. 1841-A WITH JOHN L. HUNTER & ASSOCIATES FOR STORM WATER PROGRAM IMPLEMENTATION

Agreement No. 1841-A with John L. Hunter & Associates (JLHA) for the City’s Storm Water Program implementation is set to expire on June 30, 2020. Staff is requesting that the City council extend the contract term with JLHA for two years from July 1, 2020 to June 30, 2022. JLHA has provided consultant services to the City since 1995. The total annual contract cost is \$144,970. There is no impact to General Fund.

Action Taken: The City Council authorized the City Manager to execute a second amendment, in a form approved by the City Attorney, to Agreement No. 1841-A with John L. Hunter & Associates for the implementation of the City’s Storm Water Program on Consent Calendar.

3G. GARFIELD AND GRAVES TRAFFIC SIGNAL IMPROVEMENTS – AUTHORIZATION TO ADVERTISE

Staff has prepared bid specifications for the Garfield and Graves Traffic Signal Improvements project and is requesting the City Council's authorization to advertise the project for construction bids.

Action Taken: The City Council adopted Resolution No. 12170 approving the design and plans for the Garfield and Graves Traffic Signal Improvements and authorizing solicitation of bids.

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

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

Resolution No. 12170, entitled:

A RESOLUTION APPROVING THE DESIGN AND PLANS FOR THE GARFIELD AND GRAVES TRAFFIC SIGNAL IMPROVEMENT PROJECT PURSUANT TO GOVERNMENT CODE § 830.6 AND ESTABLISHING A PROJECT PAYMENT ACCOUNT

3H. PARCEL MAP NO. 82024 (217 N NICHOLSON AVENUE) – APPROVAL OF PARCEL MAP

Tentative Map No. 82024 was approved by the Planning Commission on March 13, 2018 (via Resolution No. 04-18); the tentative map was due to expire on March 13, 2020. On March 2, 2020, the applicant timely filed a one-year time extension to record the parcel map – this request was approved by the City Council on April 15, 2020 (via Resolution No. 12148). The parcel map was reviewed by the City's consultant surveyor, Boghossian & Associates, for mathematical accuracy; survey analysis; title information; and compliance with the Subdivision Map Act, Conditions of Approval and applicable Monterey Park Municipal Code provisions. Because not all public improvements are complete, the developer, Bai Qi Du and Jian Li, trustees of the Du Living Trust, must enter into a Subdivision Improvement Agreement (secured with appropriate bonds) in order for the Parcel Map to be approved.

CEQA (California Environmental Quality Act):

On March 13, 2018, the Planning Commission found that the Project was categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines §§ 15315 and 15332 as a Class 32 categorical exemption (Infill Development). The findings and conclusions made by the Planning Commission are incorporated into the Resolution attached to the staff report by reference.

Action Taken: The City Council adopted Resolution No. 12171 approving Parcel Map No. 82024 and authorized the City Manager to execute Subdivision Improvement Agreement for Parcel Map No. 82024 in a form approved by the City Attorney on Consent Calendar.

Resolution No. 12171, entitled:

A RESOLUTION APPROVING PARCEL MAP NO. 82024 FOR A THREE-UNIT RESIDENTIAL CONDOMINIUM PROJECT AT 217 NORTH NICHOLSON AVENUE

4. PUBLIC HEARING

4A. CONSIDER DRAFT LAND USE ELEMENT (LUE) OF THE GENERAL PLAN

On June 3, 2020, the draft Land Use Element (“LUE”) from the October 28, 2019 meeting was presented to the City Council for review. Along with the draft LUE, the June 3rd staff report summarized the events and reasons that caused the draft LUE to be brought back to the City Council for consideration. The June 3rd staff report also provided a list of the items discussed by the City Council between the October 28, 2019 and December 5, 2019 meetings. Those items were incorporated for voter consideration as Measure II in the March 2020 elections. However, Measure II was not adopted by the voters.

The draft LUE attached to the staff report does not include the changes requested by the City Council between October 28, 2019 and December 5, 2019, such as the Housing Overlay to Corporate Center.

On June 3rd, the City Council asked for additional discussion on two items: (1) the height limitations for the Market Place; and (2) distance requirements regarding emergency shelters (aka homeless shelters).

Regarding the former, draft Figure LUE-4 (attached to the staff report) could be added to the draft LUE to show a height allowance of 80 feet on buildings within the Market Place. This was something that the previous City Council considered and added to the LUE on December 5, 2019. It was also part of Measure II.

As to emergency shelters, it is recommended that the City Council consider simply adding a policy to the LUE which is substantially worded like this:

“It is the City’s objective to ensure that those who are in need can access emergency shelters within the City of Monterey Park that are developed in accordance with applicable law and in a manner that protects public health and safety including, without limitation, sensitive receptors such as K-12 schools.”

If approved by the City Council, it would be added to the LUE as Policy 6.5. The reason for this recommendation is: (A) California law requires the Housing Element, not the LUE, to address emergency shelters. The City Council has not

yet considered the Housing Element; it is scheduled to be considered on or about 2021. Considering the placement of emergency shelters now, rather than as part of the Housing Element, could create conflict between these two elements in the General Plan; and (B) because the LUE, not the Housing Element, requires voter approval, it seems best (considering the defeat of Measure II) to only use the LUE that was vetted by the GPAC, Planning Commission and City Council in the Fall of 2019. Making potentially controversial changes to that version of the LUE (based upon the March 2020 election experience) could create another opportunity for voters to reject a ballot measure in November 2020. A voter approved LUE is crucial to the City's efforts to implement its Business Recovery Program and help restart the local economy.

To avoid any potential complications, the City Council should consider the question of placing emergency shelters after an assessment of available locations for emergency shelters in relationship to their proximity to schools and residences. At that point, the City Council could make necessary amendments to the Monterey Park Municipal Code to implement the Housing Code with reference to the LUE's objectives.

At this time, staff is seeking further direction on the draft LUE and whether to place it on the November 2020 ballot for voter consideration. All ballot propositions should be placed onto the ballot by the end of July 2020.

CEQA (California Environmental Quality Act):

On December 5, 2019, the City Council certified the Final Focused Environmental Impact Report and adopted Mitigation Measures, Findings of Facts and Statement of Overriding Consideration for the Land Use Element. Since no substantive changes have been made to the Land Use Element since December 5, 2019 no additional CEQA analysis or recirculation is required for the attached draft Land Use Element. An environmental review statement that the Certified Environmental Impact Report's project description includes the Planning Commission recommended document is attached to the staff report.

Public Speakers:

- Matt Williams voiced his suggestions for the Land Use Element (LUE) and implored City Council for no housing overlay in the entire Corporate Center District; any new developments to be built to the same density, intensity, heights, purposes of the professional offices now and nothing over 125 ft; anything new should be built below the current limit of 100 ft; and no new hotel hospitality industry, retail, restaurants, entertainment or medical services or care facilities. He urged Council to explore the Sybil Brand site.
- Teresa Real Sebastian spoke about RHNA (Regional Housing Needs Assessment) and advised the Council to look at the Sybil Brand site for a housing overlay.

- Laura Stetson, MIG Consultant, was present and available for questions.
- Kevin Cheng requested that the Council not place the same housing overlay from the previous Land Use Element onto the November 2020 Ballot. He suggested that Council look into the Sybil Brand prison site as a primary location to plan for housing and requested that no new development tower over established residents; no new developments should be approved without extensive feedback from the community; and no new development should be approved without extensive research done on construction impacts.
- Deputy City Clerk Trang received, filed, and read three written communications from Bill Lam, Matt Williams, Tina & Jose Ching. They conveyed their suggestions for the Land Use Element.
- City Clerk Chang received, filed, and read into the record two written communications from John F. Williams and Cindy Yee. They requested no housing overlay at Corporate Center Drive.

Action Taken: The City Council (1) opened the public hearing at 8:17 p.m.; (2) received documentary and testimonial evidence; (3) closed the public hearing at 9:06 p.m.; (4) adopted Resolution No. 12172 amending the Land Use Element as amended to note no housing overlay on Corporate Center Drive and retain 80 feet height for the Marketplace; and (5) Directed the City Attorney, or designee, to prepare appropriate documents to place a proposition on the ballot for the November 2020 election seeking voter ratification of the City Council's actions.

Motion: Moved by Mayor Pro Tem Chan and seconded by Mayor Liang motion carried by the following vote:

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

Resolution No. 12172, entitled
A RESOLUTION AMENDING THE PREVIOUSLY ADOPTED MONTEREY PARK
LAND USE ELEMENT TO THE GENERAL PLAN SUBJECT TO VOTER
RATIFICATION

RECESSED AND RECONVENED

The City Council recessed at 9:09 p.m. and reconvened with all council members present at 9:15 p.m.

5. NEW BUSINESS

5A. CONSIDERATION OF AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE (“MPMC”) 2.04.010 TO CHANGE THE REGULAR MEETING TIME

If adopted, the Ordinance would amend the Monterey Park Municipal Code (“MPMC”) establishing a new regular City Council meeting time to the first and third Wednesday of each month beginning at 6:00 p.m.

Action Taken: The City Council introduced and waived first reading of an Ordinance amending Monterey Park Municipal Code § 2.04.010 to change the regular meeting time.

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

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

Ordinance 1st Reading, entitled:

AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE (“MPMC”) § TO CHANGE THE REGULAR MEETING DAY AND TIME

5B. CONSIDERATION AND POSSIBLE ACTION REGARDING IMPLEMENTING A BUSINESS RECOVERY PROGRAM FOR RESTARTING THE LOCAL ECONOMY

On March 11, 2020, the City of Monterey Park declared a local emergency because of the COVID-19 Pandemic. It also declared a local emergency on May 31, 2020 because of the community unrest resulting from the death of George Floyd. These national, state, and local emergencies resulted in devastating impacts to the economy including, without limitation, unemployment rates unmatched since the Great Depression. Many economic forecasts predict that the United States already entered into recession. To help assist the restart of the City’s local economy, the City Council may wish to consider implementing the proposed Business Recovery Program.

CEQA (California Environmental Quality Act):

These Ordinances were reviewed 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”). Based upon that review, these Ordinances are exempt from

further review pursuant to CEQA Guidelines § 15269(a) because the protection of public and private property is necessary to maintain service essential to the public, health and welfare.¹ Additionally, these Ordinances are exempt pursuant to CEQA Guidelines §15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinances may have a significant effect on the environment.

Public Speakers:

- Maychelle stated that there are 2 contentious planning projects before the City which are Starbucks and Raising Cane. She said that this would allow the Council the authorization of the sale of the Lincoln Hotel and Garvey Inn.
- Gina Casillas voiced her concerns about the Ordinance and stated that there are other things that can help the businesses. She implored Council to table the discussion and direct city staff to come back with more options.

Recommendation: It is recommended that the City Council consider: (1) Adopting an uncodified Urgency Ordinance upon 4/5s vote implementing a Business Recovery Program; (2) Introducing and waiving first reading of an uncodified Ordinance implementing a Business Recovery Program; and (3) Taking such additional related action that may be desirable.

Action Taken: The City Council continued the agenda item to the July 1, 2020 regular City Council Meeting and directed staff to prepare additional recommendations for consideration.

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

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

5C. A RESOLUTION OF THE MONTEREY PARK CITY COUNCIL AUTHORIZING THE CITY MANAGER TO PROVIDE WRITTEN NOTICE OF INTENT TO WITHDRAW MEMBERSHIP FROM THE INDEPENDENT CITIES RISK MANAGEMENT AUTHORITY (ICRMA)

The City of Monterey Park is a member of the Independent Cities Risk Management Authority (ICRMA), a Joint Powers Authority (JPA), with 15 other member cities. The City participates in both the general liability and workers' compensation programs. The purpose of membership is to assist the City with

¹ CEQA findings regarding an anticipated imminent emergency are valid (*see CalBeach Advocates v. City of Solana Beach* (2002) 103 Cal.App.4th 529).

program administration for liability, workers' compensation and risk management. The City also purchases insurance through the JPA.

Staff believes that it is prudent for the City to periodically evaluate the insurance market to ensure that rates we pay through the JPA are the most cost effective and provide comprehensive insurance coverage as well as to ensure that the services available meet the City's needs.

This Report seeks City Council consideration and adoption of a resolution that provides the ICRMA notification of the City's intent to withdraw from membership in this JPA so that the City may begin canvassing the insurance market. The notice does not require the City of Monterey Park to withdraw from ICRMA and has until December 1, 2020, to rescind the withdrawal notice.

Action Taken: The City Council adopted Resolution No. 12173 authorizing the City Manager to notify the Independent Cities Risk Management Authority (ICRMA) of the City's intent to withdraw from the JPA on or before July 1, 2021.

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

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

Resolution No. 12173, entitled:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO TO PROVIDE WRITTEN NOTICE OF INTENT TO WITHDRAW FROM THE INDEPENDENT CITIES RISK MANAGEMENT AUTHORITY (ICRMA)

6. **COUNCIL COMMUNICATIONS AND MAYOR/COUNCIL AND AGENCY MATTERS**

6A. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK STATING THE CITY'S COMMITMENT TO STAND IN SOLIDARITY FOR RACIAL EQUALITY & FAIR TREATMENT (REQUESTED BY MAYOR PRO TEM CHAN)**

Action Taken: The City Council adopted Resolution No. 12174 stating the City's Commitment to stand in solidarity for racial equality & fair treatment as amended to add the words "and ethnic" after racial.

Motion: Moved by Mayor Pro Tem Chan and seconded by Mayor Liang motion carried by the following vote:

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

Resolution No. 12174, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK STATING THE CITY'S COMMITMENT TO STAND IN SOLIDARITY FOR RACIAL AND ETHNIC EQUALITY & FAIR TREATMENT

6B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK DECLARING THE FIRST SUNDAY OF JUNE AS NATIONAL CANCER SURVIVORS DAY AND THE MONTH OF JUNE AS NATIONAL CANCER SURVIVORS MONTH (REQUESTED BY COUNCIL MEMBER SORNOSO)

Action Taken: The City Council adopted Resolution No. 12175 declaring the first Sunday of June as National Cancer Survivors Day and the month of June as National Cancer Survivors Month.

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

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

Resolution No. 12175, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK DECLARING THE FIRST SUNDAY OF JUNE AS NATIONAL CANCER SURVIVORS DAY AND THE MONTH OF JUNE AS NATIONAL CANCER SURVIVORS MONTH

COUNCIL COMMUNICATIONS

Council Member Yiu inquired how much funding would be available to Non-profit organizations.

Council Member Lo stated that he participated in the BLM (Black Lives Matter) & LGBTQ+ (Lesbian, Gay, Bisexual, Queer, Transgender+) march in Hollywood.

Council Member Sornoso stated that he is working on a bulk item drop off location in the City and will publicize it in the near future.

Mayor Pro Tem Chan stated that he attended the San Gabriel Valley (SGV) Metro Service Council meeting regarding public transportation. He reported that the SGV Metro Service Council passed a resolution for a feasibility study in the SGV for a short and long term transit system. He wished everyone a Happy Fathers Days.

Mayor Liang stated that he participated in a gathering by the faith base community in response to the protests and wished everyone a Happy Fathers Day.

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

None.

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 10:31 p.m.

Vincent D. Chang
City Clerk

Attachments: Exhibit A

68-XX
June 17, 2020

EXHIBIT A

The screenshot shows the Monterey Park website with a prominent 'CORONAVIRUS ALERTS' banner at the top. Below the banner, there is a navigation menu with categories like Government, Services, Residents, Visitors, Business, and How Do I... A central message states: 'Council agendas and staff reports prior to 2012 can be obtained on the Document Center located under the Agenda Center menu. Teleconference procedures are also found in the Agenda Center menu.' Below this is a search bar for agendas with filters for Time Period, Date Range, and Year on Filter. The main content area displays a list of agendas for the City Council, with a filter for '2020'. The list includes:

- Jun 17, 2020 - Probed Jun 12, 2020 5:33 PM
City Council Special Meeting - 5:30 p.m.
- Jun 17, 2020 - Probed Jun 12, 2020 4:21 PM
City Council Joint Special and Regular Teleconference Meeting - 6:00 p.m.
- Jun 17, 2020 - Probed Jun 16, 2020 3:01 PM
REVISED - City Council Joint Special and Regular Teleconference Meeting - 6:00 p.m.
- Jun 11, 2020 - Probed Jun 10, 2020 6:12 AM
City Council Special Meeting Agenda - Appointment to the Library Board 5:30 p.m.
- Jun 3, 2020 - Probed May 29, 2020 5:31 PM
City Council Joint Special and Regular Teleconference Meeting - 5:00 p.m.

The website also features a left sidebar with various links like Cascades Newspaper, City Council Meeting Videos, and a right sidebar with utility icons. The Windows taskbar at the bottom shows the date as 6/17/2020 and the time as 7:30 PM.



City Council Staff Report

DATE: September 2, 2020

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-B

TO: The Honorable Mayor and City Council
FROM: Vincent D. Chang, City Clerk
SUBJECT: AMENDING RESOLUTION NO. 12155 GOVERNING PROCEDURES FOR CITY COUNCIL REORGANIZATION AND ROTATING MAYORAL RESPONSIBILITIES

RECOMMENDATION:

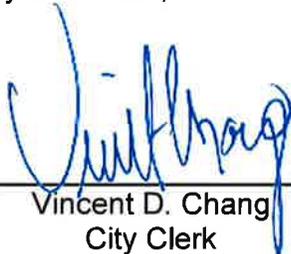
It is recommended that the City Council consider:

- (1) Adopting a resolution amending Resolution No. 12155 governing procedures for city council reorganization and rotating mayoral responsibilities; and
- (2) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

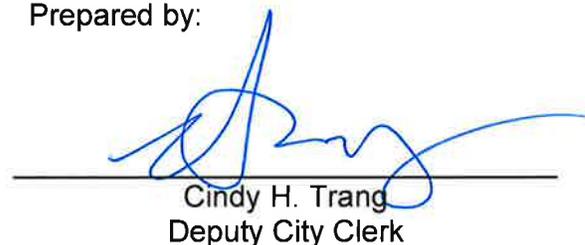
On May 6, 2020, the City Council adopted Resolution No. 12155 establishing procedures for City Council reorganization and rotating mayoral responsibilities. As mentioned during the August 19, 2020 meeting, this resolution amends Resolution No. 12155 to memorialize the actions taken by the City Council regarding mayoral rotation. No other changes are proposed.

Respectfully submitted,



Vincent D. Chang
City Clerk

Prepared by:



Cindy H. Trang
Deputy City Clerk

Attachments:

1. Draft Resolution

ATTACHMENT 1

Draft Resolution

RESOLUTION NO. __

A RESOLUTION AMENDING RESOLUTION NO. 12155 GOVERNING PROCEDURES FOR CITY COUNCIL REORGANIZATION AND ROTATING MAYORAL RESPONSIBILITIES.

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

SECTION 1: Findings. The City Council finds as follows:

- A. On May 6, 2020, the City Council adopted Resolution No. 12155 establishing procedures for reorganizing the City Council and designating mayoral rotation.
- B. Among other things, Resolution No. 12155 establishes the following succession for mayors:
 - 1. Councilmember Fred Sornoso (District 3);
 - 2. Councilmember Henry Lo (District 4); and
 - 3. Councilmember Yvonne Yiu (District 2).
- C. During the City Council meeting of August 19, 2020, Councilmember Fred Sornoso requested that he switch places with Councilmember Yvonne Yiu for the mayoral rotation. Councilmember Yiu agreed to that change. This Resolution memorializes this agreement by amending Resolution No. 12155.

SECTION 2: Amendment. Section 4 of Resolution No. 12155 is amended to read as follows:

SECTION 4: Current Organization.

- A. To help ensure stability and transition on the City Council, it is in the public interest to temporarily change the mayoral rotation time period established by Resolution No. 11507. Accordingly, the Mayoral Schedule will determine the temporary terms for Mayor Hans Liang and Mayor Pro Tempore Peter Chan including, without limitation, the term for Mayor Pro Tempore's service as Mayor. When the mayoral term for Mayor Hans Liang expires, Mayor Pro Tempore Peter Chan will be appointed Mayor and Councilmember ~~Fred Yvonne Yiu Sornoso~~ will be appointed Mayor Pro Tempore. No further action from the City Council is necessary for such appointments; they will become effective in accordance with this Resolution.

B. The Mayoral Schedule will determine the subsequent appointments of mayor and mayor pro tempore in this order:

1. Councilmember Henry Lo (District 4);
2. Councilmember ~~Yvonne Yiu~~ Fred Sornoso (District ~~23~~);
3. District 5 Councilmember; and
4. District 1 Councilmember.”

SECTION 3: Ongoing Effect. Nothing in this Resolution amends any other section of Resolution No. 12155 which, as amended, remains in full force and effect.

SECTION 4: Validity. 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 provisions or applications and, to this end, the provisions of this Resolution are severable.

SECTION 5: Electronic Signatures. This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 6: Effectiveness. This Resolution will take effect immediately upon adoption.

PASSED AND ADOPTED this _____ day of _____, 2020.

Peter Chan, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:

Karl H. Berger, City Attorney



City Council Staff Report

DATE: September 2, 2020

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-C

TO: The Honorable Mayor and City Council

FROM: Vincent D. Chang, City Clerk
Cindy Trang, Deputy City Clerk

SUBJECT: Continue waiving the second reading and adoption of an Ordinance Amending Title 20 (Subdivisions) of the Monterey Park Municipal Code in its entirety in accordance with the Subdivision Map Act (Government Code §§ 66410, *et seq.*)

RECOMMENDATION:

It is recommended that the City Council consider:

1. Continue waiving the second reading and adoption of the proposed ordinance to the September 16, 2020 City Council meeting; and/or
2. Taking such additional, related, action that may be desirable.

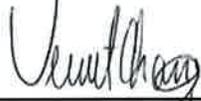
EXECUTIVE SUMMARY:

The first reading and introduction of this Ordinance took place at the August 19, 2020 City Council meeting; the staff report from the August 19, 2020 meeting is attached for reference.

In order for an ordinance approved by the City Council to be enacted, a copy of the ordinance must be published at least five days before the city council meeting at which the ordinance is to be adopted. This requirement may be satisfied by publishing in a newspaper of general circulation either an entire copy of the ordinance, or publishing a summary ordinance. Per City Council Ordinance No. 2043, a summary ordinance is recommended for any ordinance which is more than six pages in length – as a cost-saving mechanism for the City.

The proposed Ordinance is 43 pages long and would cost the City thousands of dollars to publish it in its entirety. The City Clerk's office inadvertently did not publish a summary for this ordinance and is recommending the continuance of the final adoption to September 16, 2020 to provide the City with adequate time to publish a summary ordinance.

Respectfully submitted and prepared by:



Vincent D. Chang
City Clerk



Cindy Trang
Deputy City Clerk

Approved by:



for Ron Bow
City Manager

Reviewed by:



Natalie C. Karpeles
Deputy City Attorney

Attachments:

1. Draft Ordinance
2. August 19, 2020 Staff Report

ATTACHMENT 1
Draft Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 20 OF THE MONTEREY PARK MUNICIPAL CODE IN ITS ENTIRETY REGULATING SUBDIVISIONS IN ACCORDANCE WITH THE SUBDIVISION MAP ACT (GOVERNMENT CODE §§ 66410, *ET SEQ.*).

The City Council does ordain as follows:

SECTION 1: Monterey Park Municipal Code (“MPMC”) Title 20, entitled “*Subdivisions*,” is amended in its entirety to read as follows:

“Title 20

SUBDIVISIONS

Chapter 20.02 GENERAL PROVISIONS

20.02.010 Purpose and Intent.

This Title is adopted pursuant to the provisions of the Subdivision Map Act set forth in Government Code §§ 66410, *et seq.* for the purpose of regulating and controlling the design and improvement of subdivisions within the city of Monterey Park. Such regulation is required to promote the public health, safety, and welfare; to ensure orderly growth and development; encourage appropriate land use; and assist with preserving property value. The regulations set forth in this Title are intended to supplement the Act and must be used in conjunction with the regulations set forth in the Act for all activities associated with subdividing land within the city’s jurisdiction. Nothing in this Title is intended to supersede the Act and the Act prevails over any conflicting part of this Title.

20.02.020 Definitions.

Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this Title. Words and phrases not given a meaning by this Title have the meaning set forth in this Title and the Act.

- A. “Act” means the Subdivision Map Act as set forth in Government Code §§ 66510, *et seq.* and any subsequently adopted amendments or successor statutes. Unless specified otherwise, all citations in this Title to an unspecified code are to the Government Code.
- B. “Airspace subdivision” means the three-dimensional subdivision of space

above or below a lot, or partially above and below a lot, having finite width, length, and upper and lower elevations, occupied by a building or portion thereof. An airspace subdivision differs from a common interest development in that owners of the airspace lots are not required to share interest in a common area within the map boundaries.

- C. "Building Official" means the Building Official, or designee.
- D. "CEQA" means, collectively, the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*) and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the "CEQA Guidelines").
- E. "Code" means the Monterey Park Municipal Code.
- F. "Condominium conversion project" means the division of real property into common interest, the establishment of a community apartment project, or the conversion of five or more existing dwelling units to a stock cooperative as set forth in Civil Code § 1351.
- G. "Construction," means the building of any facility or structure or any portion thereof and includes, without limitation, design, acquisition of right-of-way, and the administration of construction contracts.
- H. "Director" means the City Engineer, or designee.
- I. "Lot line adjustment" means an adjustment of an existing lot line between four or fewer adjoining parcels where the land taken from one parcel is added to an adjoining parcel and a greater number of parcels than originally existed is not created.
- J. "Planning Commission" may be used interchangeably with "Advisory Agency" as defined in the Act.

20.02.030 Exemptions.

In accordance with § 66412, this Title does not apply to the following:

- A. Leases of agricultural land for agricultural purposes.
- B. Leases of land exclusively for the placement and operation of cellular radio transmission facilities. Establishing such facilities is subject to the city's discretionary approval.

- C. Leases of land or granting of easements in conjunction with financing, erecting, and selling or leasing wind-powered electrical generation devices. Establishing such facilities is subject to the city's discretionary approval.
- D. Financing or leasing of apartments, offices, stores, or similar spaces within apartment buildings, industrial buildings, commercial buildings, or mobile-home parks.
- E. Financing or leasing any parcel of land, or portion thereof, in conjunction with construction of commercial or industrial buildings on a single parcel, or the financing or leasing of existing separate commercial or industrial buildings on a single parcel.
- F. Mineral, oil, or gas leases.
- G. Land dedicated for cemetery purposes under the Health and Safety Code.
- H. Any separate assessment under Revenue and Taxation Code § 2188.7.
- I. Conversion of a community apartment project or stock cooperative, as defined, respectively, in Civil Code §§ 4105, 4190 and 6566, to a condominium, as defined in Civil Code § 783, unless a parcel map or final map was approved by the City Council, and only if the requirements specified in § 66412(g) and (h) are met.
- J. Subdivisions of four or fewer parcels for constructing removable commercial buildings having a floor area of less than one hundred square feet.
- K. Construction, financing, or leasing of second dwelling units as authorized by §§ 65852.1 and 65852.2.

20.02.040 Modification of Requirements.

- A. The Planning Commission may modify the requirements of this Title for a specific application when, in its opinion, the land involved in the subdivision is of such size and shape, or is subject to such title limitations, or is affected by such topographical location or conditions, or is to be devoted to such use that it is impossible or impractical for the subdivider to fully conform to the regulations contained in this Title.
- B. Such modification may be made only as reasonably necessary or expedient, provided modification ensures conformity with the spirit and purpose of the Act and this Title.

- C. Any request for a modification must be made in conjunction with a subdivision application and be reviewed by the planning division before a recommendation is made to the Planning Commission.

20.02.050 Maps Required.

- A. A tentative and final map is required for all subdivisions creating five or more parcels, five or more condominiums, a community apartment project containing five or more parcels, or for conversion of a dwelling to a stock cooperative containing five or more dwelling units, unless otherwise exempt under § 66426 or other applicable law.
- B. Except as otherwise provided, a tentative and final parcel map are required for subdivisions that create four or fewer parcels.

20.02.060 Fees and Deposits.

All persons submitting maps required by this Title must pay all fees and deposits pursuant to City Council resolution. The fees must be fully paid before the maps are processed.

20.02.070 Plan Checking and Inspection Costs for Revisions.

Costs incurred by the city for the checking of plans, calculations or inspections as a result of revisions to the approved plans must be borne by the subdivider at actual cost. The city may require a deposit for these revisions, which can be applied toward the subdivider's actual costs.

Chapter 20.04 TENTATIVE MAPS

20.04.010 Application Requirements.

At a minimum, each tentative map submitted to the city must contain all the following information, as applicable:

- A. The tract or parcel number of a subdivision.
- B. The submittal date, north arrow, and scale.
- C. A sufficient legal description of the land to define the boundaries of the proposed division of land.
- D. A legend indicating the location of the proposed division of land in relation to the surrounding area.

- E. The name and address of the record owner, the subdivider, and the civil engineer or licensed surveyor under whose direction the map was prepared, including the registration number of the engineer or surveyor and the names and addresses of all operators of the utility systems of the subdivision.
- F. The existing topography of land proposed to be divided using contour intervals as follows:
 - 1. One foot when the slope of the ground is less than 5%;
 - 2. Two feet when the slope of the ground ranges from 5% to 10%;
 - 3. Five feet when the slope of the ground exceeds 10% but is less than 25%; and
 - 4. Ten feet when the slope of the ground is 25% or greater.
- G. At least every fifth contour of topography described above must be clearly and distinctively labeled and indicated. Contours of adjacent land must also be shown whenever the surface features of such land affect the design and/or improvement of the proposed division. The tentative map must contain a statement by the person preparing the map stating the source of information used to develop the contours shown on the map.
- H. The approximate location and outline to scale of each building or structure on the property proposed for division. Buildings or structures on adjacent property must also be shown if such buildings or structures affect the design of the proposed subdivision. Each building shown must be identified by house number or other identifying feature, including a notation on each building, structure, fence, wall, tree row, and land use to be retained.
- I. The approximate location of all areas subject to inundation or storm water overflow and the location, width, and direction of flow of each watercourse and existing flood control district channels within 1/2 a mile of the exterior boundaries of the subdivision.
- J. Descriptions of the proposed source of water supply and the proposed method of sewage disposal.
- K. A proposed method and plan for storm water treatment and conveyance in accordance with the Los Angeles Regional Water Quality Control Board's Low Impact Development ("LID") requirements.

- L. The approximate location of each area covered by trees, with a statement of the nature of the cover and the kind and approximate location of all trees standing within the boundaries of proposed public rights-of-way.
- M. The location, width, approximate grade, and curb radii of all existing and proposed streets and highways within and adjacent to the proposed subdivision.
- N. The width, purpose, and approximate location of all existing and proposed easements or rights-of-way, whether public or private, within and adjacent to the proposed subdivision, as well as the approximate radius and arc length of each centerline curve.
- O. The approximate lot layout and the approximate dimensions and net area of each lot and building site. Engineering data must show the approximate finished grading of each lot, the preliminary design of all grading, the elevation of proposed building pads, the top and toe of cut and fill slopes to scale, and the number of each lot. All lot lines must be located at the top of the slopes.
- P. The proposed areas for public use.
- Q. The angle of intersecting streets or highways if such angle deviates from a right angle by more than four degrees.
- R. The location of all cut-and-fill slopes, or a separate grading plan.
- S. Each street shown by its actual street name or by a temporary name or letter for purpose of identification until the proper name of such street is determined.
- T. The name(s) of any geologist or soils engineer whose services were utilized in preparing the design of the tentative map.
- U. A geologic soils report based on adequate test borings or excavations prepared by a civil or geotechnical engineer, registered by the state of California, unless the Director or Building Official determines that, due to information the City has regarding the qualities of the soil of such subdivision or lot, no preliminary analysis is necessary. If stormwater infiltration is proposed as part of the project, liquefaction and percolation tests must also be included.
 - 1. If the preliminary soil report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would

lead to structural defects, the person filing the tentative map must submit a soils investigation of each lot within the subdivision, prepared by a California-registered civil or geotechnical engineer, who must recommend corrective action likely to prevent structural damage to each dwelling proposed to be constructed on the expansive soil.

2. The Building Official, or designee, must approve the preliminary soils report when a report proposes mitigation measures that would prevent structural damage to proposed structures. Additionally, the Building Official must ensure that proposed mitigation measures are incorporated into the conditions for issuing a building permit.
- V. A geologic hazards report, if the Director finds that a written geological hazards report is necessary to determine whether the property to be subdivided is subject to an existing or potential geological hazard. Such report must be prepared by a registered engineering geologist and must state:
1. Whether the proposed plan is feasible;
 2. Proposed solutions for all known hazardous conditions or problems;
 3. The location and lot numbers of any test borings;
 4. The effect of the geology on the proposed development and on adjacent properties; and
 5. A description of specific locations in which development may create hazardous conditions.
- W. Any additional information or necessary disclosures required by the Director or City Planner to be included on the tentative map and which may arise during the application review process.
- X. All tentative maps for airspace subdivisions that create airspace lots must provide cross-sectional drawings showing how the proposed building or buildings are to be divided into ownership boundaries, and record a deed restriction that ensures the following:
1. Airspace lots must have access to appropriate public rights-of-way, common spaces, ingress, egress, parking and other areas available for common use by means of CC&Rs, management documents, one or more easements, or other entitlements to use, in a form

satisfactory to the City Attorney, Director, and Building Official.

2. Inclusionary housing requirements, Building Code requirements, all other applicable property development standards required by the Municipal Code and any other technical code requirements affecting the development of the property, will be determined for the airspace lots as if all lots in the airspace subdivision were merged into the same lot.
3. Individual buildings that are subdivided by an airspace map will be reviewed as a single building for purposes of applying the Building Code, Municipal Code, and General Plan policies. Property development standards including, but not limited to, density, lot coverage, floor area ratio, parking, height, and setbacks will be calculated as if the subdivided building were one building within one lot.

20.04.020 Filing and Initial Review.

- A. Tentative maps must be filed with the Director on forms provided by the Planning Department and in accordance with procedures established by that Department.
- B. The City Planner will preliminarily review the tentative map application for completeness and required compliance with CEQA. Within thirty calendar days after receiving a tentative map application, the Director must inform the applicant in writing whether the application is deemed complete.
- C. If the application and submitted materials are determined not to be complete, the City's determination must specify those parts of the application which are incomplete and must indicate how they can be made complete. Such decision may be appealed to the Planning Commission in accordance with Title 21. The City must make a final written determination on the appeal within 60 days of receipt of the applicant's written appeal.
- D. Pursuant to § 65943, the applicant and City may mutually agree to extend any of the time limits provided by this section.

20.04.030 Notifying Other Agencies.

The Director must send notice of the tentative map application to other city departments, the fire department, schools, utility companies, and other agencies that may have an interest in the tentative map application for the purpose of receiving comment from those departments, companies, and agencies.

20.04.040 School District Notification.

Within five days after a tentative map is filed, the Director must send notice to the governing board of any school district within the boundaries of which the subdivision is proposed to be located. Such notice must contain information about the location of the proposed subdivision, the number of units, density and any other information which would be relevant to the affected school district. Failure of the school district to respond within fifteen days after receiving notice is deemed approval of the proposed subdivision by the school district.

20.04.050 Planning Commission Review and Action.

- A. The Planning Commission must hold a public hearing in accordance with this chapter to consider the tentative map application.
- B. At the conclusion of the public hearing, the Planning Commission must determine the extent to which the tentative map complies with the Code and decide whether to approve, conditionally approve, or deny the tentative map application. The decision of the planning commission is final.

20.04.060 Time Limit for Taking Action.

All actions by the Director and Planning Commission must occur within the time limits specified in §§ 66452.1 and 66452.2 and Public Resources Code § 21151.5.

20.04.070 Required Findings.

- A. In acting to approve or conditionally approve a tentative map, together with the provisions for its design and improvement, the City Council must find that the proposed subdivision is:
 - 1. Consistent with the Monterey Park General Plan;
 - 2. Consistent with any applicable Specific Plan or Planned Development;
 - 3. Consistent with the provisions of this Code;
 - 4. In the interest of public health and safety; and
 - 5. A necessary prerequisite to the orderly development of the surrounding area.

- B. The findings apply to the entire subdivision; to each proposed parcel within the subdivision; and any designated remainder parcel.
- C. For condominium conversions, the City Council must make the additional findings as set forth in § 66427.1.

20.04.080 Mandatory Denial.

A tentative map application must be denied if the Planning Commission finds any of the following findings consistent with § 66474:

1. The proposed map is not consistent with the General Plan or Specific Plans as specified by § 65451;
2. The design or improvement of the proposed subdivision is not consistent with an applicable General Plan or Specific Plan;
3. The site is not physically suitable for the type of development proposed;
4. The site is not physically suitable for the proposed density of development proposed;
5. The design of the subdivision or the proposed improvements will likely cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat;
6. The design of the subdivision or type of improvements will likely cause serious public health or safety problems; or
7. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. The City Council may approve a tentative map, however, if it finds that alternate easements will be provided, and that these will be substantially equivalent to the ones previously acquired by the public. All easements must be recorded or established by court order.

20.04.090 Alternative Findings for Denial.

The Planning Commission may also deny a proposed tentative map based on any of the following findings:

- A. The proposed subdivision is inconsistent with all applicable provisions of

this Code;

- B. The proposed subdivision is not compatible with surrounding developments in terms of density, patterns of development, access, or other considerations; or
- C. The city's cost of providing infrastructure support or services outweigh any benefits associated with the subdivision.

20.04.100 Conditions of Approval.

In acting to approve a tentative map, the Planning Commission may impose conditions on map approval in accordance with the Act, this code to, among other things, achieve the objectives of the General Plan, ensure consistency with the provisions of this Code, and mitigate against adverse environmental impact.

20.04.110 Modifications to an Approved Tentative Map or Conditions.

- A. A subdivider may request changes to an approved tentative map or its conditions of approval before the City Clerk records the map. Such a request must be made on forms provided by the Director and be accompanied with payment of required fees. Requested changes to an approved tentative map include:
 - 1. Adjustments to the locations of lot lines and improvements, provided no new lots are created.
 - 2. Reduction in the number of approved lots.
 - 3. Any changes to the conditions of approval.
- B. Changes other than as set forth in this Section requires a new tentative map application.
- C. The application for a change to an approved tentative map or map conditions is processed in the same manner as the tentative map.
- D. The Planning Commission must make either of the following findings, as applicable, to make any proposed changes to a previously approved tentative map:
 - 1. A material mistake of facts was made in the deliberations leading to the original approval; or

2. A change of circumstances has occurred which affects conditions related to the original approval.
- E. Modification of an approved tentative map or its conditions of approval does not extend the time limits applicable to the filing of a final map.

20.04.120 Expiration and Extensions of Time.

- A. Except as otherwise specified by a development agreement or pursuant to § 66452.6(a)(1), a tentative map expires twenty-four months after the date the map was approved.
- B. The person filing the tentative map may file a written request for an extension (§ 66452.6(e)) or stay (§ 66452.6(c)) of an approved tentative map with the Director before the map's expiration date. The request must state the reasons for the extension or stay. The written request must be filed at least 15 days before the tentative map's expiration date. The ultimate length of an extension or stay must be consistent with the Act.
- C. The City Council will either approve, conditionally approve or deny extension requests. Each extension of tentative map approval or conditional approval may be allowed for a period not exceeding one year from the anniversary date of the map's original approval. The total time of extensions cannot exceed six years from the initial expiration date.
- D. Within 40 days after receiving an application for a stay, the City Council must either approve the requested stay for a period not exceeding five years or deny the application. A stay may be for the period of time during which a lawsuit involving the tentative map is or was pending in a court of competent jurisdiction, not to exceed at total of five years.
- E. Modification of an approved tentative map or its conditions of approval does not extend the time limits imposed by this Section, unless an extension or stay is specifically granted.

Chapter 20.06 VESTING TENTATIVE MAPS

20.06.010 Applicability.

A vesting tentative map may be filed for either a residential or nonresidential development project. Whenever a provision of this Title or the Act requires the filing of a tentative map or parcel map, a vesting tentative map may be filed in accordance with the provisions of this Title.

20.06.020 Application Requirements.

- A. A vesting tentative map is filed using the same form, accompanying reports, and data as a tentative map, with all of the following additional requirements, as applicable:
1. *Identification.* At the time a Vesting tentative map is filed, it must have printed conspicuously on its face the words "Vesting Tentative Map."
 2. *Right-of-way.* The map must show proposed street widenings and extensions; existing and proposed sidewalks and curb cuts; existing and proposed fire hydrants within 300 feet of the project perimeter; and existing utility poles.
 3. *Site and Buildings.* Information must be provided regarding the type and use of all buildings, both existing and proposed; location of buildings to be removed; square footage of each floor, building, lot, and total project; all facilities and accessory structures related to underground utilities and street lighting; all mechanical equipment on the buildings or on the site; appropriate screening methods and materials; and the location and screening of outdoor trash and storage areas.
 4. *Parking and Circulation.* Information must be provided regarding the parking spaces to be provided, with total number of spaces given; wheel stops or curb substitute; parking space striping; handicap parking; ingress and egress to include all private drives; and pedestrian walkways.
 5. *Landscaping.* Diagrams must be provided showing and identifying all existing trees; existing and proposed landscaped areas in terms of proposed plants by type, size, spacing, and number; screening of adjacent properties, if required; and square footage of common usable and private open space (patio) areas, where such is required by this code.
 6. *Floor Plans.* Dimensioned preliminary floor plans must be provided for each proposed use.
 7. *Building Elevations, with Grading.* Diagrams must be provided to show two cross-section lines that clearly portray buildings and grading concepts; natural grade (dotted lines) and finished grade (solid lines); preliminary renderings of front, right side, left side, and rear elevations of all buildings; building height in feet and stories;

proposed construction materials; and the proposed colors of all buildings.

- B. Through the application review process, the Director may require that additional information be included with the vesting tentative map to provide important or necessary disclosures or other information.
- C. All development permit fees required subsequent to the approval of the vesting tentative map must be paid.

20.06.030 Processing Vesting Tentative Maps.

Except as they specifically differ in this Title, procedures for processing a vesting tentative map are the same as for processing a tentative map including, without limitation, filing, review, notification, Planning Commission approval, final decisions, changes after approval, expiration, and renewal.

20.06.040 Development Rights Vested.

- A. The approval of a vesting tentative map confers a vested right to proceed with development on recorded lots in substantial compliance with the ordinances, policies, and standards in effect on the date that the map is approved.
- B. The city may condition or deny a permit, approval, extension, or entitlement pursuant to the approved vesting map if the City Council determines any of the following:
 - 1. Failure to take such action would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health and safety, or both.
 - 2. The condition or denial is required to comply with state or federal law.

20.06.050 Expiration of Vested Rights on Recorded Map.

- A. The rights conferred upon a vesting tentative map are vested for an initial time period of twenty-four months from the date a final map is recorded. Where several final maps are recorded on various phases of a project, approved by a single vesting tentative map, the time period for each phase will begin when the final map for that phase is recorded.
- B. In the event that the city takes longer than 30 days to process a completed and filed application for a grading permit, design review or architectural

review, the initial time period will automatically be extended. The length of the extension will be calculated by the number of days required for the city to complete processing the application, in excess of thirty days.

- C. The conditions under which an extension of time or stay is granted for a vesting tentative map must be consistent with that established for tentative maps.

20.06.060 Construction Permit Applications and Vested Rights.

If a developer submits a complete application for a construction permit during the initial time period, or any granted extension, the rights conferred by the vesting map continue until the expiration of that construction permit or any extension to that construction permit that the city may issue.

Chapter 20.08 PARCEL MAP

20.08.010 When Required.

A parcel map is required for subdivisions (to which this Title applies) that create four or fewer parcels; and those subdivisions exempt from tentative and final maps by the Act or this Code. No parcel map is required for a land division of four or fewer parcels where such land is conveyed to a public utility for a public use.

20.08.020 Waiver of Parcel Map.

Pursuant to § 66428, a subdivider may request the waiver of a parcel map if the following conditions apply:

1. Each parcel created by the subdivision has a gross area not less than 40 acres or not less than a quarter of a quarter section.
2. The land consists of a parcel or parcels of land having approved access to a public street or highway, comprises part of a tract of land zoned exclusively for commercial or industrial development, and has City Council approval as to street widths and alignments.

20.08.030 Parcel Map Waivers – Application and Processing.

- A. A request to waive a parcel map must be filed on forms provided by the Director, together with required filing fees.
- B. The Director will review the application for compliance with the provisions of this code and the Act. The Director will report to the Planning Commission

and identify the extent to which the waiver request complies with the required findings in this Code, and recommend to the Commission to approve or deny the waiver request.

- C. The Planning Commission will consider the application for a waiver of the parcel map at a public hearing.
- D. At the conclusion of the public hearing, the Planning Commission must determine whether to approve or deny the waiver request. The action of the Planning Commission is final unless an appeal is filed in accordance with Title 21.

20.08.040 Parcel Map Waivers – Required Findings.

To grant a request for waiving a Parcel Map requirement, the Planning Commission must find that the proposed subdivision complies with this code with regard to area, improvement, and design; floodwater drainage control; appropriate improved public roadways; sanitary disposal facilities; water supply availability; environmental protection; and other applicable regulations.

20.08.050 Parcel Map Waivers – Certificate of Compliance.

If the Planning Commission waives a parcel map requirement, the city must issue a Certificate of Compliance required to complete the subdivision of property to the subdivider.

20.08.060 Parcel Map Waivers – Time Expirations and Extensions.

- A. A Parcel Map Waiver expires twenty-four months from the date it was approved.
- B. The subdivider may request an extension for a Parcel Map Waiver. Such requests must be made to the Director on forms provided by the Director, with the payment of any required fees, at least fifteen days before the Parcel Map Waiver expires.
- C. The Director can approve, conditionally approve, or deny an extension request pursuant to this Title. Any Director's decision may be appealed to the Planning Commission in accordance with Title 21. Any such extension is limited to a total of eighteen months.

20.08.070 Parcel Map Filing Requirements.

At a minimum, each parcel map submitted to the city must comply with the following:

- A. The parcel map must meet the requirements of the Act and be in the form and contain the required data set forth in this Section.
- B. The parcel map must be prepared by or under the direction of a licensed land surveyor or a civil engineer registered as such prior to January 1, 1982, and be based upon a property survey, and all statements on the map must comply with §§ 66449 and 66450.
- C. The scale of the map must be large enough (not smaller than the equivalent of 1 inch for every 100 feet) to show details clearly and contain sufficient sheets of paper for accomplishing these requirements.
- D. The title of each parcel map must include a name and a map number, as secured from the county surveyor, conspicuously placed at the top of the sheet, followed by the words "consisting of _____ sheets" (showing the number thereof), followed by the words "in the City of Monterey Park" or "partly in the City of Monterey Park and partly in unincorporated territory."
- E. Every sheet of the map must bear the title (but not subtitle), scale, north arrow, sheet number, and the number of each adjoining sheet in its proper location.
- F. Below the title, a subtitle must appear consisting of a description of all the property being subdivided. The subtitle must reference any such map or maps of the property which were previously recorded or filed in the County Recorder's office; or which were previously filed with the County Clerk pursuant to a final judgment in any action in partition; or which have been previously filed in the office of the County Recorder under authority of § 66499.55; or by reference to the plat of any United States survey.
- G. Each reference in such description to any tract or subdivision must be spelled out and worded identically with the original record thereof and show a complete reference to the book and page of records of such county.
- H. The description must also include reference to any vacated area, with the number of the ordinance of vacation included.
- I. The name of the surveyor or engineer, survey date, and map scale must be stated on the title sheet, below the subtitle. The map must also show the

basis of bearings by referencing to some recorded subdivision map, county surveyor's map, or other record acceptable to such county surveyor, or to a solar or polaris observation. The basis of bearings must not be in close proximity to the north arrow.

- J. Lots must be numbered consecutively, commencing with the number "1," with no omissions or duplications.
- K. Each lot must be shown entirely on one sheet.
- L. Names of proposed streets must conform to a street name list approved by the City Council. The names of all proposed streets must be shown without abbreviations.
- M. All streets, highways, easements (except easements indicated for privately owned public utility companies), and parcels of land shown on the parcel map and intended for any public use must be offered for dedication for public use.
- N. Where easements for conveyance to privately owned public utility companies are reserved, a certificate to that effect must be shown on the parcel map. In no event may this certificate show the erection of any dwelling house, building or other structure (excluding all, or portions, of a fence) upon, over or across any public utility easement without the express permission of the public utility companies occupying such easement.
- O. All of the following certificates and acknowledgments must appear on the title sheet of a parcel map:
 - 1. Owner's certificate and acknowledgment and offer of dedication, if any;
 - 2. Certificate of the City Clerk of approval by the City Council and acceptance of offer of dedication;
 - 3. Certificate of approval of the Director or City Surveyor if the Director is registered after January 1, 1982;
 - 4. Certificate of the subdivision engineer with that engineer's state registered engineer's number or of the subdivision surveyor with that surveyor's state licensed land surveyor's number; and
 - 5. Such other affidavits, certificates, acknowledgments, endorsements, and notarial seals as are required by law.

- P. The parcel map must particularly define, delineate, and designate all lots intended for sale or reserved for private purposes; all lots offered for dedication for any purpose; and any private streets with all dimensions, minimum lot sizes, boundaries and courses clearly shown and defined in every case.
- Q. Lots offered for dedication other than for streets or easements must be designated by number.
- R. Private streets must be designated by name and include the words "not a public street."
- S. Sufficient linear, angular and curve data must be shown to readily determine the bearing and length of the boundary lines of the subdivision and of the boundary lines of every block, lot, and parcel which is a part thereof. Wherever practicable, all lots and blocks must be shown in their entirety on one sheet.
- T. Arc lengths, radii, and central angle and radial bearing of each curve at intersection with a line not tangent to such curve must be shown.
- U. The parcel map must fully describe and show the location of any stakes, monuments, or other evidence to determine the boundaries of the subdivision. Each adjacent corner of each adjoining subdivision or portion thereof by lot and block numbers, tract names and place of record, or by section, township and range or other proper designation must be shown and identified on the map.
- V. The location, size, and depth of all monuments placed in making the survey must be shown, and if any points were reset by ties, that fact must be noted.
- W. The boundary of the subdivision must be indicated by a distinctive symbol applied on the front side of the tracing and inside such boundary line. This symbol must be capable of transfer to a blue-line print of the map and must not to obliterate any line, figure or other data appearing on the map.
- X. All lines shown on the map that do not constitute a part of the subdivision itself must be clearly distinguishable from those lines which are a part of the subdivision, and any area enclosed by such lines is labeled "not a part of this subdivision."
- Y. City boundaries that cross or adjoin the subdivision must be clearly designated and located in relation to adjacent lot or block lines.

- Z. The parcel map must show the line of high water in instances where the subdivision is adjacent to a stream, channel, or any body of water. The parcel map must also show any area subject to periodic inundation by water, as required by the Engineer.

20.08.080 Review of Parcel Map.

- A. All parcel maps, together with any required reports or other relevant information, must be filed with the Director on forms provided by the Director.
- B. Upon deeming a parcel map application to be complete, the City Planner will forward the application to other appropriate city departments for review and comment. The Director is responsible for checking the parcel map as to correctness of surveying data, plans and specifications of improvements, certificates of dedication, acceptances of dedication and acknowledgments, and such other matters that require checking to ensure compliance with the provisions of law and this code. The Director must review the parcel map for consistency with this code, the General Plan, any applicable Specific Plan, and the city's development policies.
- C. If the Director determines that the parcel map conforms to all the requirements of this code and the Act, and provided the subdivider has posted all bonds or deposited money in a form acceptable to the City or negotiable bonds as required by this Title, the Director must approve the parcel map and forward it to the County Recorder for filing in compliance with § 66540. Otherwise, the subdivider will be notified and given the opportunity to make necessary changes and resubmit the parcel map, along with any other required information.

20.08.090 Parcel Maps – City Council Action.

The City Council must act on a parcel map in either of the following circumstances:

- A. When a dedication or offer of dedication is required. In this instance, the Director must forward the parcel map to the City Clerk who must then place the item on the next City Council agenda for acceptance of dedications; or
- B. When improvements are required pursuant to this Title or other regulations remain incomplete and the subdivider is requesting deferred completion. The Director cannot approve the map unless the subdivider enters into a subdivision improvement agreement with the city and agrees to post

security in the form of faithful performance and labor and materials bonds to guarantee the improvements, and the City Council approves of the agreement and the security.

20.08.100 Recordation of Parcel Map – Effect.

Recordation of a parcel map has the effect of eliminating any lot lines within the boundaries of the subdivision that existed before recordation of the parcel map.

20.08.110 Circumstances under which Corrections and Amendments Can Be Made.

After a parcel map is filed in the office of the County Recorder, such map may be amended pursuant to the Act and Sections 20.10.070 and 20.10.080 of this code.

Chapter 20.10 FINAL MAPS

20.10.010 Final Map – Time for Filing.

- A. Within 24 months after the date the City Council approves a tentative map, or any later date that may be authorized by an extension granted pursuant to this Title, the subdivider must cause the subject property to be accurately surveyed and a final map to be prepared in conformance with the tentative map and any and all applicable conditions.
- B. The final map must be submitted to the Director for review and action within the time period specified by this Title.

20.10.020 Survey Required.

- A. An accurate and complete field survey of the land to be subdivided must be made by a registered civil engineer or licensed land surveyor authorized to practice land surveying in the state of California. All monuments, property lines, centerlines of streets, alleys and easements adjoining or within the subdivision must be tied into the survey. The allowable error of closure on any portion of the final map must not exceed 1/10,000 for field closures and 1/20,000 for calculated closures.
- B. At the time of making the survey for the final map, the engineer or surveyor must set sufficient durable monuments to conform with the standards described in Business and Professions Code § 8771 so that another engineer or surveyor may readily retrace the survey. Monuments must be set as required by the Director, and the Director must be contacted for

monument inspection.

20.10.030 Final Map – Form and Content.

The original final map and one duplicate reproducible copy must be submitted to the Director, accompanied by the following:

- A. In the event any dedication is to be made for public use, a certificate of title, a subdivision guarantee, or a dedication letter must be furnished to the city. In the event a dedication is submitted, the letter must (1) be from a title company authorized by California law to write such letter and be in the name of the owner of the land issued to or for the benefit and protection of the city; and (2) show all parties whose consent is necessary to pass clear title to the land being subdivided, together with the nature of their interests therein. Where the land contained in such subdivision is registered under the Land Registration Act ("Torrens Act"), a certified copy of the certificate of title must be furnished.
- B. A white print of the final map showing the contemplated location of installations of facilities or all public utilities, whether publicly or privately owned, with a statement of the proposed work, with such statement to be filed by the Director.
- C. A grading plan as required by the Director or Building Official.
- D. The final map as submitted must be accompanied by:
 - 1. Traverse sheets and work sheets showing the closure, within the allowable limits of error, of the exterior boundaries and of each block and lot of the subdivision;
 - 2. Plans and specifications of all proposed improvements, together with the security, in a form approved by the City Attorney, to ensure completion of any public improvements;
 - 3. A copy of any protective covenants to be recorded;
 - 4. Plan checking fee; and
 - 5. A soils report prepared by a registered civil engineer pursuant to the Subdivision Map Act. If such report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, a soils investigation of each lot in the subdivision is required. The engineer will sign the final map indicating

that a soils report has been prepared.

- E. The subdivider may file multiple final maps on the approved tentative map, subject to the Director's approval.
- F. The final map must comply with the form, contain the data and meet all other requirements of the Act, Parcel Map Filing Requirements, and this Section.
- G. The lots must be numbered consecutively, commencing with the number "1," with no omissions or duplications; provided, that where the subdivision is a continuation of or an addition to an existing subdivision, the lot numbers may commence with the number immediately following the last or highest number of each existing subdivision and in all other respects must conform with the preceding requirements.

20.10.040 Approval by City Council.

- A. The City Council must act on a final map whenever any of the following circumstances apply:
 - 1. If a dedication or offer of dedication is required, the Director must forward the final map to the City Clerk. The Clerk must place the item on the next City Council agenda for acceptance of dedications.
 - 2. If improvements required pursuant to this Title or other regulations were not completed, the Director cannot approve the map unless the subdivider enters into a subdivision improvement agreement, in a form approved by the City Attorney, with the city and agrees to post security in the form of faithful performance and labor and materials bonds to guarantee the improvements, and the City Council approves of the agreement and the security.
- B. If City Council approval is required, the City Council must consider the final map for approval at the next available meeting after the Director has reviewed and approved the map.
- C. The City Council must approve the final map if it has previously approved a tentative map for the proposed subdivision, and if it finds that the final map is in substantial compliance with the previously approved tentative map, and if it conforms to all applicable requirements of this code and the Act.
- D. If the final map is unacceptable, the Council must make its recommended corrections, instruct the subdivider to revise the final map and defer

approval until the final map is resubmitted.

- E. The City Council must deny approval of the final map only for failure to meet or perform requirements or conditions which were applicable to the subdivision at the time of approval of the tentative map. Where the council denies approval of the final map, such disapproval must be accompanied by a finding identifying the requirements or conditions which have not been met or performed. The City Council may waive the requirements of this section upon a finding that the failure of the map to meet the conditions set forth in the tentative map is the result of a technical and inadvertent error which does not materially affect the validity of the map.

20.10.050 Approval by Director.

- A. The Director may approve all other final maps not specified in this Chapter, pursuant to § 66458(d) and this Section.
- B. The Director's action may be appealed to the City Council in accordance with this code.
- C. The City Council must periodically review the delegation of authority to the Director as recommended by the City Manager.

20.10.060 Final Map Recordation.

Following action by the Director, and after the required signatures and seals are affixed, the City Clerk must transmit the final map to the County Recorder for recordation.

20.10.070 Circumstances under which Corrections and Amendments Can Be Made.

- A. After a final map or parcel map is filed in the office of the County Recorder, such map may be amended by a Certificate of Correction filed pursuant to Chapter 20.12 or an amending map for any of the following purposes:
 - 1. To correct an error in any course or distance shown thereon.
 - 2. To correct an error in the description of real property shown on the map.
 - 3. To indicate monuments set after the death, disability, retirement from practice, or replacement of the engineer or surveyor charged with the responsibilities for setting the monuments.

4. To show the proper location or character of any monument which has been changed in location or character and originally shown at the wrong location or incorrectly as to its character.
 5. To correct any additional information filed or recorded with the map, as required by the city, if the correction does not impose additional burden on the present fee owner of the property and does not alter the right, title, or interest in the real property reflected on the recorded map.
 6. To correct any other type of map error or omission as approved by the Director or County Surveyor that does not affect any property right and does not otherwise violate this code. Such errors and omissions may include, but are not limited to, lot numbers, acreage, street names, and identification of adjacent record maps.
- B. As used in this Section, "error" does not include changes in courses or distances that cannot be proven from the data shown on the final map.

20.10.080 Additional Circumstances.

1. In addition to the circumstances specified above, changes or modifications may be made to a final map or parcel map if the City Council finds that:
 1. There are changes in circumstances which make any or all of the conditions of such a map no longer appropriate or necessary;
 2. The modifications do not impose any additional burden on the present fee owner of the property;
 3. The modifications do not alter any right, title, or interest in the real property reflected on the recorded map; and
 4. The map, as modified, meets the findings for approval.
- B. A request for a change to or modification of a final map pursuant to this Section must be made on forms provided by the Director. Such change or modification is processed in accordance with the procedures established for a tentative map of this Title. The public hearings for such application are confined to the consideration of and action on the proposed change or modification.

Chapter 20.12 CERTIFICATES OF COMPLIANCE

20.12.010 Filing.

Upon determination by the Director that a Certificate of Compliance is required, the property owner or authorized representative must file a Certificate of Compliance application on forms provided by the Director, together with required filing fees, a chain of title, and other information that may be required by the Director to establish the status of the parcel.

20.12.020 Review of Application and Decision.

- A. The Director must forward the application for review by any other city or governmental agency that may have jurisdiction over any aspect of the application.
- B. The Director must review all available information, including information provided by other cities and governmental agencies, and make a determination whether the real property was divided in accordance with the Act and this Title or any city subdivision regulations.
- C. Upon making a determination that the real property complies with applicable provisions of the Act and this code, the Director must issue a Certificate of Compliance and cause such Certificate of Compliance to be recorded with the Los Angeles County Recorder.
- D. Upon making a determination that the real property does not comply with applicable provisions of the Act and this code, the Director may deny the application, or impose conditions on the granting of a Certificate of Compliance, in accordance with this Title.

20.12.030 Conditional Certificate of Compliance.

- A. The Director may impose conditions upon the granting of a Certificate of Compliance in the event that the real property does not comply with applicable provisions of the Act and this code. Such conditions are limited to those requirements that would have been applicable to the division of the property at the time the applicant acquired interest therein. However, if the current owners were responsible for the division, then current requirements of this Title may be imposed.
- B. Related information must include references to state law and city ordinances that were in effect at the time the property was subdivided.

- C. The Director may impose conditions on the approval of the Conditional Certificate of Compliance. Any decision of the Director regarding imposition of conditions may be appealed to the Planning Commission.
- D. If no appeals are filed within the designated appeal period, the Director must issue a Conditional Certificate of Compliance and cause such Conditional Certificate of Compliance to be recorded with the Los Angeles County Recorder.

20.12.040 Effect of Conditional Certificate of Compliance.

The Conditional Certificate of Compliance serves as notice to the property owner who has applied for the certificate or any subsequent owner or developer that the fulfillment and implementation of conditions is required before the subsequent issuance of a permit or other grant of approval for development of the property.

20.12.050 Information Required on Certificate of Compliance.

A recorded Certificate of Compliance or Conditional Certificate of Compliance must include all information specified in § 66499.35(f).

20.12.060 Certificates of Compliance for Multiple Parcels.

A single Certificate of Compliance or Conditional Certificate of Compliance application may be processed and recorded for multiple parcels, provided that such single Certificate of Compliance or Conditional Certificate of Compliance clearly identifies and distinguishes between the descriptions of each parcel.

Chapter 20.14 LOT LINE ADJUSTMENTS

20.14.010 Filing.

Lot line adjustment applications must be filed on forms provided by the Director, together with required filing fees and other information required by the Director to allow for review of the application.

20.14.020 Review and Processing.

- A. Upon receiving a completed lot line adjustment application, the Director must forward the application for review by any other city or governmental agency that may have jurisdiction over any aspect of the application.
- B. The Director must review all available information, including information provided by other city and governmental agencies, and make a

determination whether the proposed lot line adjustment conforms with the provisions of this Title, Title 21 and any applicable Specific Plan or Planned Development.

20.14.030 Action.

- A. The Director may approve or conditionally approve a request for a lot line adjustment in writing after investigating and receiving reports from other departments, if the Director finds that the proposed lot line adjustment conforms to all of the following requirements:
 - 1. The lots adjoin one another;
 - 2. The lot line adjustment will not create a greater number of lots than originally existed;
 - 3. The lot line adjustment conforms with the city's general plan; and
 - 4. The lot line adjustment conforms with the city's zoning and building regulations set forth in this Code.
- B. Any conditions the Director may impose on the approval of a lot line adjustment are limited to those conditions necessary to:
 - 1. Ensure conformance with the city's general plan;
 - 2. To conform with the city's zoning and building regulations;
 - 3. Require the prepayment of real property taxes before approval of the adjustment; or
 - 4. Facilitate the relocation of existing utilities, infrastructure, or easements.
- C. Should the lot line adjustment application fail to meet any of the criteria set forth above, the Director may deny the application.

20.14.040 Finalization of Adjustment.

Within twenty-four months after the Director approves a lot line adjustment, all record owners must cause to be recorded with the office of the Los Angeles County Recorder either a grant deed or quit claim deed reflecting the adjustment. No record of survey is required for a lot line adjustment. However, the legal

descriptions provided on the deed or deeds must be prepared by a licensed surveyor, licensed in the State of California, or qualified registered civil engineer.

Chapter 20.16 REVERSION TO ACREAGE

20.16.010 Initiation.

Either the City Council, on its own motion, or all owners of record of the real property within the subdivision, by formal application, may initiate proceedings for a Reversion to Acreage.

20.16.020 Filing.

- A. Reversion to Acreage applications initiated by owners of record of the real property within the subdivision must be filed on forms provided by the Director, together with required filing fees and other information required by the Director to allow for review of the application. At a minimum, information provided must include:
1. Adequate evidence of title of the real property within the subdivision;
 2. Sufficient data to enable the City Council to make all of the findings and determinations required by this Title; and
 3. A final map that delineates dedications that will not be vacated and dedications that are a condition of reversion.
- B. Where the City Council initiates a Reversion to Acreage, the City Council will direct the Director to obtain the information necessary to initiate and conduct the proceedings.

20.16.030 Processing.

The Director must review the application for conformance with the provisions of this code and report to the City Council identifying the extent to which the Reversion to Acreage complies with this code and the findings set forth below.

20.16.040 City Council Action.

- A. The City Council must hold a public hearing to consider the application and any related, relevant, information.
- B. Following the public hearing, the City Council must act to approve, conditionally approve, or deny the Reversion to Acreage.

- C. In acting to approve or conditionally approve a Reversion to Acreage, the City Council must require all of the following:
 - 1. Dedications or offers of dedications necessary for purposes specified by city regulations;
 - 2. Retention of all previously paid fees, if necessary to accomplish the purposes of this Title; and
 - 3. Retention of any portion of required improvement security or deposits, if necessary to accomplish the purpose of this Title.

20.16.050 Required Findings.

As part of its action to approve or conditionally approve a Reversion to Acreage, the City Council must make the following findings:

- A. That dedications or offers of dedication to be vacated or abandoned by the Reversion to Acreage are unnecessary for present or prospective public purposes; and
- B. Any one of the following:
 - 1. All owners of interest in the real property within the subdivision consented to the reversion;
 - 2. None of the improvements required to be made were made within two years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or
 - 3. No lots on the final map or parcel map were sold within five years from the date such map was filed for record.

20.16.060 Finality of Action.

In order for a Reversion to Acreage to become effective, a final map must be recorded.

Chapter 20.18 MERGERS

20.18.010 Conditions Under Which a Merger Can Be Required.

Whenever two or more contiguous parcels are under common ownership and any one of the parcels does not conform to the standards for minimum parcel size set forth in this code, the city can require the merger of parcels before it issues a development permit, provided all of the requirements specified in § 66451.11 are satisfied.

20.18.020 Notice of Intention to Merge Parcels.

- A. Before initiating a merger, the city must mail to the owner of the affected parcels a Notice of Intention to Determine Status. The same notice is filed with the Los Angeles County Recorder on the same date that notice is mailed to the property owner. Such notice must inform the property owner that the affected parcels may be merged and advise the owner of the opportunity to request a hearing on determination of status.
- B. At any time within 30 days of the recording of the Notice of Intention to Determine Status, the property owner may file with the Director a request for a hearing.

20.18.030 Planning Commission Review and Action.

- A. Upon receiving a request for a hearing, the Director must schedule a public hearing before the Planning Commission in accordance with Title 21. The hearing should be conducted not later than sixty days after the Director receives the hearing request.
- B. The Planning Commission must hold a public hearing in accordance with Title 21 to consider the parcel merger application.
- C. At the conclusion of the public hearing, the Planning Commission must determine whether the parcels should or should not be merged.
- D. The decision of the Planning Commission is final unless an appeal is filed in accordance with Title 21.

20.18.040 Determination When No Hearing Is Requested.

If the Director does not receive a timely filed request for hearing, the Director may decide whether or not the parcels may be merged. Decisions allowing a merger must be recorded not later than ninety days after notice of the decision.

20.18.050 Finality of Action.

- A. A Notice of Merger must be filed with the Los Angeles County Recorder's

Office after a decision allowing a parcel merger. The notice must identify the names of the record owners and describe the property being merged.

- B. A release of the Notice of Intention to Determine Status must be filed with the Los Angeles County Recorder's Office after a decision that disallows a parcel merger.

Chapter 20.20 CONDOMINIUM CONVERSIONS

20.20.010 Applicability.

A condominium conversion requires the approval of a tentative map and final map, or a parcel map, unless the exemptions specified in §§ 66412(g) and (h) apply, or unless the city waives the requirement for conversion of a mobile-home park to resident ownership pursuant to § 66428.1.

20.20.020 Filing and Processing.

- A. Filing a condominium conversion application is the same as that established for a tentative map with the following exceptions and additional requirements:
 1. The tentative map for a condominium conversion project need not show the buildings or the manner in which the buildings or the airspace above the property are to be divided. However, the city may require that an exhibit be provided showing the manner in which buildings are to be arranged on the property.
 2. Addresses of all tenants of the property proposed for conversion must be provided with other required notice materials. The subdivider must also provide the city with notarized verification of provision of the Notice of Intent to Convert required by §§ 66452.8 and 66452.9
 3. Pursuant to § 66427.4, if a mobile-home park is proposed for conversion to another use, the applicant must submit a report on the impact of the conversion upon the displaced residents of the mobile-home park. Such report must be prepared in accordance with §§ 66427.4 and 66427.5.
 4. Pursuant to § 66452.10, if the proposed condominium conversion project involves a stock cooperative or community apartment project, the applicant must submit notarized verification of the vote.

- B. The processing of a condominium conversion project is the same as that established for a tentative map except that, pursuant to § 66451.3, notice of the public hearing must be provided to all tenants of the subject property.
- C. In acting to approve a condominium conversion project, the City Council must make the same findings as for a tentative map and the additional findings set forth in § 66427.1.

20.20.030 Completion of Conversion.

Filing of final map or parcel map is required for completion of the condominium conversion project, except when waived for a mobile-home park.

Chapter 20.22 SUBDIVISION IMPROVEMENTS

20.22.010 Conformance with City Plans and Standards.

All subdivision plans and associated street plans must conform to the Circulation Element of the Monterey Park General Plan Element and street standards adopted by the City Council.

20.22.020 Connections to Existing Streets.

All new streets must connect to existing streets and must provide street gap closures to the maximum extent feasible and practical to facilitate traffic circulation and ensure implementation of the General Plan Circulation Element.

20.22.030 Subdivision Access to Public Street.

Every subdivision must be designed to provide access to a public street as follows:

- A. Direct access to a public street where the property abuts an existing public street or a planned public street for which the right-of-way was defined and improvements to the planned street are provided pursuant to this chapter; or
- B. Via a non-exclusive easement for street, utility, drainage, or similar purposes, provided the easement is:
 - 1. Offered for dedication;
 - 2. Unencumbered by any rights that would restrict the proposed use; and

3. Of a width, grade, location, and configuration which, in the opinion of the Director, will allow it to serve its intended function.

20.22.040 Parcel Access.

- A. New parcels created by a subdivision must provide access to either a public street or a private street, if a private street is allowed by this Chapter.
- B. Direct parcel access to a state highway or a city Major Arterial, Arterial, Minor Arterial, Major Commercial/Industrial, or Commercial/Industrial may be denied to ensure traffic safety. Alternatively, the city may require construction of a frontage road between the parcel and the abutting highway or city street.

20.22.050 Private Streets.

Private streets may be permitted by the City Council when all of the following requirements are met:

- A. The street design provides a width, configuration, slope, and other design characteristics satisfactory to the Director and the Fire Department;
- B. Streets do not prevent the orderly development of adjacent properties, prevent future connections to planned public streets, or interfere with local circulation;
- C. Streets meet the circulation needs of the property they serve; and
- D. The owners, association of owners, or organization responsible for the private streets provides the city with written assurance, approved as to form by the City Attorney, that the street or streets will be adequately maintained.

20.22.060 Street Design and Improvement.

All new public streets proposed or required within or adjacent to a subdivision must be designed in accordance with adopted city street standards and all of the following requirements:

- A. Where a property for which a tentative or parcel map was filed is adjacent to a property which may be subject to a future subdivision, the review authority may require streets to be extended to the boundary of the adjacent property to allow for future access and street connections;
- B. Street intersections must be as near to right angles as practicable;

- C. Street grades between 6% and 10% are allowed only for limited distances in which, in the judgment of the review authority, topographical conditions make a lesser grade impractical. A grade exceeding 10% will be approved only when the review authority determines that a lesser grade is physically impractical based on substantial evidence;
- D. Where an existing city street adjoins, passes through, or otherwise provides access to a proposed subdivision, the review authority may require dedication of additional right-of-ways and/or improvements consistent with the General Plan Circulation Element;
- E. Cul-de-sacs must not exceed 660 feet in length; and
- F. All streets within a subdivision must be named in accordance with City Council resolution.

20.22.070 Alleys.

All new alleys must have a minimum width of 26 feet and is designed per adopted city standards.

20.22.080 Drainage.

- A. All subdivisions must be designed to accommodate storm drainage tributary to and originating within the subject subdivision and such storm water drainage must comply with the requirements of the most current Municipal Separate Storm Sewer System Permit (MS4 Permit) and the applicable Watershed Management Plan, including Standard Urban Storm water Mitigation Plan and Low Impact Development (Green Streets) requirements.
- B. All on grade storm water conveyance facilities, including ditches, channels, catch basins, and road improvements must be designed and constructed for flood frequency of ten years minimum or other threshold determined by the Director to be appropriate and necessary to provide adequate flood protection. All facilities serving sump locations must be designed for a flood frequency of fifty years or other threshold determined by the Director to be appropriate and necessary to provide adequate flood protection. The design of such facilities and systems is based upon information provided by a registered engineer and approved by the Director.
- C. To the maximum extent feasible, existing natural drainage courses must be retained.

- D. Facilities and systems must be designed to avoid concentrations of runoff and to avoid the creation of facilities that could pose a risk or hazard to public health and safety.
- E. Publicly-maintained drainage facilities must be located within street rights-of-way or public easements.

20.22.090 Lot Patterns.

- A. Every lot must be designed to conform to the minimum area and dimension requirements applicable to the zoning in which the lot is located or, in the case of a change of zone, proposed to be located.
- B. Each new lot created by a subdivision must have a physical shape and configuration that allows subsequent buildings and other improvements to be constructed in conformance with the development standards for the zone in which such lot is located, to ensure that safe driveways and other accesses can be provided, and to ensure that any required landscaping can be provided.
- C. The creation of flag lot configurations in any new subdivision is discouraged and may be cause for disapproval of a tentative map.
- D. The creation of lots with double street frontage is discouraged and may be cause for disapproval of a tentative map.
- E. Blocks longer than 1,200 feet in length are discouraged and may be cause for disapproval of a tentative map.

20.22.100 Sidewalks, Parkways and Trails.

- A. Sidewalks must be provided in new subdivisions, and be designed and installed in accordance with adopted city standards.
- B. Parkway must be provided where such parkways will contribute positively to overall subdivision design, will better integrate the subdivision with surrounding land uses, and will implement General Plan policies. Parkway must have a minimum width of four feet or a width as may be required by the responsible review authority. Parkway planting may be required through subdivision conditions of approval.
- C. Bikeways and trails must be provided in new subdivisions. Such bikeways and trails must be designed to eventually connect to a citywide system.

- D. Sidewalks, parkways and trails will comply with all Low Impact Development (Green Streets) requirements, to the maximum extent feasible.

20.22.110 Street Lighting.

Streetlight fixtures must be provided pursuant to city policies regarding street lighting, or as determined to be necessary by the Director.

20.22.120 Improvements – General.

- A. As a condition for approving any final map, the subdivider must improve or agree to make all improvements for all land designated for streets, highways, public ways, and easements. Such improvements include streets, sidewalks, curbs, gutters, culverts, bridges, storm drains, sanitary sewers, permanent subdivision monuments, and other structures or improvements set forth in this Title or as recommended by the Planning Commission and/or deemed by the City Council to be necessary for the general use of the lot owners in the subdivision and for traffic and drainage needs.
- B. All improvements must be installed to grades approved by the Director or Building Official, as applicable. Plans and specifications of proposed improvements must be furnished to the Director in conjunction with the final map. These plans and profiles must show full details of the proposed improvements in accordance with the most current city standards.
- C. The minimum improvements which the subdivider will be required to make at the subdivider's own cost in the subdivision before the acceptance and approval of the final map is as described generally below and in detail in this Title:
 - 1. Fire hydrants and adequate distribution lines to provide adequate domestic water supply to each lot and sufficient fire protection to meet local neighborhood needs, as determined by the Fire Department;
 - 2. City wastewater disposal system to each lot;
 - 3. Adequate drainage of the subdivision streets, highways, ways and alleys;
 - 4. Adequate grading and surfacing of streets, highways, ways and alleys;

5. Curbs, gutters and sidewalks; and
6. Permanent subdivision monuments.

20.22.130 Streets.

All required public and private streets must be installed in accordance with plans approved by the Director.

20.22.140 Drainage Facilities.

All required drainage and flood control facilities must be installed in accordance with plans approved by the Director.

20.22.150 Undergrounding of Utilities.

- A. Utility lines including, without limitation, electrical, telephonic, street, and cable television must be placed underground within all new subdivisions.
- B. All underground construction must be installed before the streets are paved if such construction occurs within streets and requires open excavation of the street surface. All construction must be performed to the satisfaction of the Director and in accordance with all applicable city standards.

20.22.160 Water and Sewer Service.

- A. Water mains and other required facilities must be installed to serve each lot within a proposed subdivision per the requirements of the water service provider. All such facilities must be installed consistent with applicable master plans. Where water facilities are to be installed in a public street, all improvement plans are subject to review by the Director, and fire hydrant locations and specifications are approved by the Fire Department.
- B. All new subdivisions and each lot within a proposed subdivision are required to connect to the city's sewer system. All sewer facilities must be installed consistent with applicable master plans. Where sewer facilities are to be installed in a public street, all improvement plans are subject to review by the Director and the Los Angeles County Sanitation District.

20.22.170 Landscaping.

Landscaping and associated automatic irrigation systems must be installed as required for erosion control and slope stabilization. Landscape designs must

emphasize water-efficient and/or drought tolerant plants and must comply with the most current Model Efficient Landscape Ordinance and any other applicable laws and regulations.

20.22.180 Utility Easements.

- A. When necessary, the subdivider must reserve and grant right-of-way easements, either overhead or underground, to public utility companies.
- B. Such right-of-way easements are delineated on the subdivision map and identified as "Public Utility Easement" or as an easement to a specific utility.

20.22.190 Cable Access.

As a condition of approval of a final map or parcel map, the subdivider must provide access to all cable operators within the city.

20.22.200 Monuments.

Monuments must be provided as required by the Act.

20.22.210 Supplemental Improvements.

- A. At the City Council's direction, the subdivider may be required to install improvements for the benefit of the subdivision which may be of such supplemental size, capacity, number, or length as will benefit property not within the subdivision. Such improvements may be a condition precedent to the approval of a subdivision or parcel map.
- B. The subdivider will be reimbursed for that portion of the costs of those improvements, including an amount attributable to interest, in excess of the construction required for the subdivision.

20.22.220 Security and Subdivision Improvement Agreement.

- A. A subdivider may record a final or parcel map pursuant to this Title before completing required improvements, provided the City Council approves a subdivision improvement agreement and the subdivider provides security in the form of a labor and materials bond and a faithful performance bond, as approved by the City Council in accordance with § 66499(a). The improvement agreement and security must be in a form approved by the City Attorney.

- B. The amount of security must be based upon 100% of the estimated cost of the required improvement or improvements. Such cost estimate is provided by the subdivider, based upon information provided by a qualified engineer, and is approved by the City Engineer or designee.
- C. Release of the security may be accomplished in accordance with §§ 66499.7 and 66499.8.

20.22.230 Securities and Special Assessments.

Should the required subdivision improvements be financed and installed pursuant to special assessment proceedings, the subdivider may apply to the City Council for a reduction in the amount of the improvement security required, up to an amount corresponding to the amount of faithful performance and labor and material bonds required by the special assessment act being used. The City Council may grant such reduction if it finds that such bonds have been in fact provided and that the obligations secured thereby are substantially equivalent to those required by this code.

20.22.240 Right-of-way Dedication.

- A. As a condition of approval of a map, the subdivider must dedicate or make an irrevocable offer of dedication of all adjacent or abutting parcels of land within the subdivision that are needed for streets and alleys (including access rights and abutters' rights), drainage, public utility easements, and other public easements.
- B. The subdivider must improve or agree to improve all streets and alleys (including access rights and abutters' rights), drainage, public utility easements, and other public easements offered for dedication. Such improvements must be performed in accordance with the requirements of this code or as may otherwise be approved by the City Council.

20.22.250 Bicycle Paths and Trails.

- A. For any residential subdivision containing 40 or more parcels, and where the dedication of roadways is required, the subdivider may be required to dedicate such additional land as may be necessary and feasible to provide bicycle paths for the use and safety of residents of the subdivision, as well as bicycle paths included as part of the General Plan Circulation Element Bicycle and Trail Plan.
- B. The subdivider may be required to dedicate additional land as may be necessary and feasible to accommodate trails included in the General Plan

Circulation Element Bicycle and Trail Plan.

20.22.260 Supplemental Size, Capacity or Number Required.

Improvements installed by the subdivider for the benefit of the subdivision must contain supplemental size, capacity, number, or length for the benefit of property not within the subdivision, and such improvements must be dedicated to the public. Supplemental length may include minimum sized off-site sewer lines necessary to reach a sewer outlet in existence at that time.

20.22.270 Payment of Fees Required.

Pursuant to the provisions of this Title, as a condition of approval of a final map, parcel map, lot line adjustment or lot merger, or as a condition of issuing a construction permit, and before a final map is filed or a construction permit issued, every subdivider must pay any applicable fees established and apportioned to the property pursuant to this code.

20.22.280 In-Lieu Considerations.

The City Council may accept consideration in lieu of fees required pursuant to this Title, provided:

- A. The City Council finds, upon recommendation of the Director or Building Official, that the substitute consideration has a value equal to or greater than the fee; and
- B. The substitute consideration is in a form acceptable to the City Council.

Chapter 20.24 ENFORCEMENT

20.24.010 Compliance

No person may sell, lease or finance any parcel or parcels of real property or commence construction of any building or allow final occupancy until the final map fully complies with the Act and this code as determined by the Director.”

SECTION 2: All instances of the phrase “subdivision ordinance” within the MPMC are amended to read “subdivision map act regulations.”

SECTION 3: Repeal of any provision of the MPMC will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance’s effective date. Any such repealed part will

remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 4: Conflicts. In the event of a conflict between the provisions of this Ordinance and the provisions the MPMC, any other ordinance, or any resolution, the provisions of this Ordinance and the Program govern. The Director is authorized to resolve any ambiguities in the manner set forth in the MPMC. Any such determination must be forwarded to the City Council as an informational item when practicable.

SECTION 5: Electronic Signatures. This Ordinance may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 6: Construction. This Ordinance must be broadly construed 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 7: Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 8: Recordation. The City Clerk, or his duly appointed deputy, is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within 15 days after the passage and adoption of this Ordinance, and cause it to be published or posted in accordance with California law.

SECTION 9: This Ordinance will become effective on the 30th day following its passage and adoption.

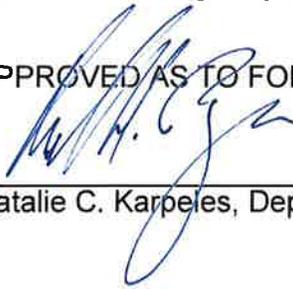
PASSED AND ADOPTED this ____ day of _____, 2020.

Peter Chan, Mayor

Attest:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Natalie C. Karpeles, Deputy City Attorney

ATTACHMENT 2
August 19, 2020 Staff Report



City Council Staff Report

DATE: August 19, 2020

AGENDA ITEM NO: New Business
Agenda Item 5-C

TO: Honorable Mayor and Members of the City Council
FROM: Mark A. McAvoy, Director of Public Works/City Engineer/City Planner
SUBJECT: Consideration and possible action to introduce and waive first reading of an Ordinance Amending Title 20 (Subdivisions) of the Monterey Park Municipal Code in its entirety in accordance with the Subdivision Map Act (Government Code §§ 66410, *et seq.*)

RECOMMENDATION:

It is recommended that the City Council consider:

1. Introducing and waiving first reading of the draft Ordinance; or
2. Alternatively, take such additional related action that may be desirable.

EXECUTIVE SUMMARY:

The City's Subdivision Ordinance (Ordinance No. 1444) was adopted in 1977.¹ The draft Ordinance is intended to update the Monterey Park Municipal Code ("MPMC") to implement various changes in California law and codify some of the City's current practices.

BACKGROUND & DISCUSSION:

The Subdivision Map Act (Government Code §§ 66410 *et seq.*) regulates the subdivision of real property throughout California. The City may adopt local regulations to help facilitate the review and consideration of various maps and other documents regulating the subdivision of real property.

If adopted, the Ordinance would not only implement changes in California law, but also codifies the City's current practices.

The Ordinance would be scheduled for second reading and adoption on September 2, 2020.

FISCAL IMPACT

None.

¹ While some sections of MPMC Title 20 were amended as recently as 2007 (see Ordinance No. 2051), a large majority of Title 20 has remained unchanged since 1977.

Respectfully submitted and prepared by:

By:



Mark A. McAvoy
Director of Public Works/City
Engineer/City Planner

Approved by:



for Ron Bow, City Manager

Reviewed by:



Natalie C. Karpeles, Deputy City
Attorney

ATTACHMENTS:

1. Draft Ordinance



City Council Staff Report

DATE: September 2, 2020

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-D

TO: The Honorable Mayor and City Council
FROM: Mark A. McAvoy, Director of Public Works/City Engineer
SUBJECT: N Atlantic Water & Sewer Improvement Project – Rejection of All Bids and Authorization to Re-Advertise

RECOMMENDATION:

It is recommended that the City Council:

1. Reject all bids received for the North Atlantic Water & Sewer Improvement Project (Bid Spec 2020-02); and
2. Authorize staff to re-advertise the North Atlantic Water & Sewer Improvement Project as two separate projects, one for water improvements only and the other for sewer improvements only; and
3. Take such additional, related action that may be desirable.

EXECUTIVE SUMMARY:

Upon reviewing the three bids received for the North Atlantic Water & Sewer Improvement Project, staff recommends that all bids be rejected due to an insufficient number of bids received, the apparent non-competitiveness among the bids, and feedback received from prospective bidders. Staff recommends re-advertisement as two separate projects.

BACKGROUND:

On June 20, 2018, the City Council awarded a professional services agreement to SA Associates to prepare plans, specifications, and estimates for the North Atlantic Blvd. Water and Sewer Improvements project. Improvements were planned to include replacement of the water and sewer mains, primarily along North Atlantic Blvd., from north of Newmark Avenue to Hellman Avenue. During the design of the project, it was determined that additional sewer improvements were necessary along Garvey Ave, from Atlantic Blvd. to Ynez Ave., due to lack of sewer capacity along Garvey Ave. Without improvement to the sewer lines along Garvey Ave., the system would not be able to handle the master plan flows from Atlantic Blvd. Final design included over 2,000 feet of 12-in water main along N. Atlantic Blvd, and 2,450 feet of 12-in sewer main, 670 feet of 16-in sewer main, and 900 feet of 18-in sewer main along N. Atlantic Blvd. and Garvey Avenue.

The improvements required to increase sewer capacity along Garvey Ave. add significant costs to the project, and are planned to be funded from existing carryover sewer capital project funds. Staff estimated that prices for this work would potentially decrease during the current COVID-19 pandemic, based on industry feedback. However, this savings was not observed during the bidding phase. While typically benefitting from economies of scale, staff received feedback from bidders and potential bidders that there was no benefit (and consequently, a negative impact) to having both sewer and water improvements of this magnitude on the same project. This is due to the specialization of work on the contractor's side – contractors typically specialize in either sewer pipeline work or water pipeline work, not both. While some contractors are able to perform both, it is more common that a sewer contractor bidding on the project would subcontract the waterline work, and vice versa, causing large portions of the work to be “marked up” in price. In addition, the project would look less attractive to many contractors who prefer to bid in their areas of specialization.

The public bid opening was held on August 6, 2020. Staff received three responsive bids, as follows:

GRFCO, Inc.	\$ 2,974,142.00
GRBCon, Inc.	\$ 4,024,779.57
TE Roberts, Inc.	\$ 5,652,483.00

Based on staff analysis, the difference among bids was too great and did not seem competitive with only three bids received for such a large project. The prior analysis referenced in the preceding paragraphs provides explanation for the variance and lack of response.

Staff therefore recommends re-advertising the project as two separate projects, one focusing on water improvements and one on sewer improvements. Design of the overall project will not be modified; the plans and specifications will be modified only to the extent to separate the improvements for bidding purposes.

FISCAL IMPACT:

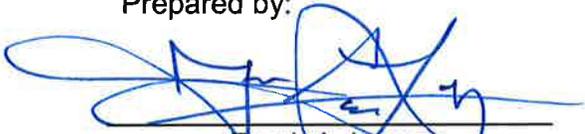
The project was funded in the FY 2018-19 Adopted Budget and included \$1,100,000 Water Operation Funds (0092) and \$1,000,000 Sewer Funds (0042) for a total project budget of \$2,100,000. In addition, carryover Sewer Funds will be utilized to fund a portion of the work along Garvey Ave.

Respectfully submitted by:



Mark A. McAvoy
Director of Public Works/
City Engineer

Prepared by:



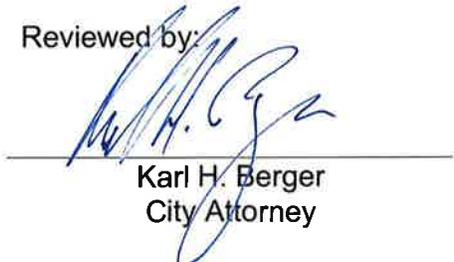
Frank A. Lopez
Assistant City Engineer

Approved by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney



City Council Staff Report

DATE: September 2, 2020

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-E

TO: The Honorable Mayor and City Council
FROM: Mark A. McAvoy, Director of Public Works / City Engineer
SUBJECT: Barnes Park Playground and Fitness Court Project - Authorization to Advertise

RECOMMENDATION:

It is recommended that the City Council:

1. Adopt a resolution approving the design and plans for the Barnes Park Playground and Fitness Court Project, authorizing solicitation of bids for construction, and identifying a cooperative purchasing agreement executed by and between the City of Bell and Playcore Wisconsin, Inc. dba Gametime, as a cooperative competitive bidding procedure utilized within the last twenty-four months prepared by and processed through another local, state, or federal governmental agency upon which the city can piggy-back to procure playground equipment;
2. Approve a purchase order for Playcore Wisconsin, Inc. dba Gametime, to procure playground equipment for Barnes Park in the amount of \$248,016.58, and
3. Take such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

Pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code §§ 21000, *et seq.*) and CEQA Guidelines (California Code of Regulations, Title 14, §§ 15000, i.), the City conducted an environmental assessment. Based on the environmental assessment, the project was determined to be categorically exempt pursuant to CEQA Guidelines § 15301 (Existing Facilities).

EXECUTIVE SUMMARY:

Staff has prepared plans and bid specifications for the Barnes Park Playground and Fitness Court project and is requesting the City Council's authorization to advertise the project for construction bids. Additionally, staff is requesting Council to identify a cooperative purchasing agreement executed by and between the City of Bell and Playcore Wisconsin, Inc. dba Gametime, as a cooperative competitive bidding procedure utilized within the last twenty-four months prepared by and processed

through another local, state, or federal governmental agency upon which the City can piggy-back to procure playground equipment.

BACKGROUND:

The Barnes Park Playground and Fitness Court project includes removing the old playground equipment; site preparation; concrete work; drainage improvements; installation of playground and fitness court equipment; and installation of a specialized rubberized surfacing. The new playground equipment will be installed in the existing playground location and the fitness court will be placed in the grass area near the playground between the amphitheater and ball field.

Staff has identified a cooperative purchasing agreement executed by and between the City of Bell and Playcore Wisconsin, Inc. dba Gametime, as a cooperative competitive bidding procedure. This agreement was executed within the last 24 months between the subject parties, and would allow the City to piggyback on the agreement to procure similar equipment for this project at reduced costs due to pre-negotiated costs included in the agreement. Staff is recommending that the City Council concur and officially identify the cooperative purchasing agreement upon which the City can piggy-back to procure the playground equipment as described.

The request to piggyback is for playground equipment procurement only, and it includes procurement of two playground structures for Barnes Park (two separate playground structures for 2-5 year old age category and 5-12 year old age category, swing, and pour-in-place rubberized safety surfacing). The pour-in-place surfacing is included as part of the playground equipment purchase as a sole source item due to the very specialized installation requirements as well as the expertise required dealing with fall zone specifications and drainage associated with the specific material used. Staff will separately advertise a public works contract for site preparation, which includes grading, concrete work, drainage improvement, and installation of the playground and fitness court equipment.

The cooperative competitive bidding procedure method is permitted per Monterey Park Municipal Code § 3.20.050(5). This method allows the City to identify competitive bidding procedures used by other local agencies within the last 24 months, and use such procedures to piggy-back. The prices established via such procedures are competitively bid, and publicly advertised, which meets public contract code requirement. Furthermore, this method will help the City save time and cost.

FISCAL IMPACT:

The project is included in FY 2020-21 adopted budget and will be funded with Development Impact Fee (DIF) funds for parks, library, public & aquatics facilities in the amount of \$550,100. This amount includes the purchase and installation of the playground and fitness court equipment. The cost of the playground equipment for

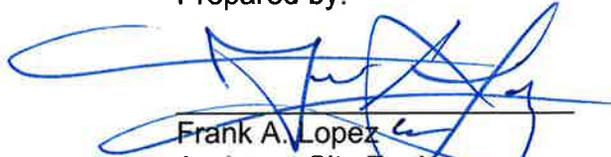
Barnes Park, including two structures, swing, and pour-in-place rubberized safety surfacing, is \$248,016.58. Staff will come back to Council after equipment installation bids are finalized to request authorization to award construction contract, and establish final project cost including installation.

Respectfully submitted by:



Mark A. McAvoy
Public Works Director/City Engineer

Prepared by:



Frank A. Lopez
Assistant City Engineer

Reviewed by:



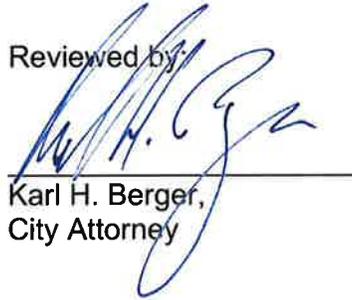
Inez Alvarez
Director of Recreation
& Community Services

Approved by:



Ron Bow, City Manager

Reviewed by:



Karl H. Berger,
City Attorney

ATTACHMENT:

1. Resolution

ATTACHMENT 1
Resolution

RESOLUTION NO. _____

A RESOLUTION APPROVING THE DESIGN AND PLANS FOR THE BARNES PARK PLAYGROUND AND FITNESS COURT PROJECT PURSUANT TO GOVERNMENT CODE § 830.6 AND ESTABLISHING A PROJECT PAYMENT ACCOUNT

THE CITY COUNCIL RESOLVES AS FOLLOWS:

SECTION 1. The City Council finds and declares as follows:

- A. The Public Works Department prepared bid specifications for the Barnes Park Playground and Fitness Court Project ("Project").
- B. The City Engineer reviewed the completed design and plans for the Project and finds that the plans are complete and the Project may be constructed.
- C. The City Council wishes to obtain the immunities set forth in Government Code § 830.6 with regard to the plans and construction of the Project.

SECTION 2. *Environmental Assessment.* The proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15301 as a Class 2 categorical exemption (Existing Facilities). The project results in replacement of existing public facilities involving no significant expansion of the existing use. The project is not anticipated to have any significant impacts with regard to traffic, noise, air quality, or water quality. There are adequate utilities and public services to serve the project.

SECTION 3. *Design Immunity; Authorization.*

- A. The design and plans for the Project are determined to be consistent with the City's standards and are approved.
- B. The design approval set forth in this Resolution occurred before actual work on the Project construction commenced.
- C. The approval granted by this Resolution conforms to the City's General Plan.
- D. The City Engineer, or designee, is authorized to act on the City's behalf in approving any alterations or modifications of the design and plans approved by this Resolution.
- E. The approval and authorization granted by this Resolution is intended to

**City of Monterey Park
Resolution No. XXXX
Page 2 of 2**

avail the City of the immunities set forth in Government Code § 830.6.

- F. The City Manager, or designee, may solicit bids for the Project in accordance with applicable law.

SECTION 4. *Project Payment Account.* For purposes of the Contract Documents administering the Project, the City Council directs the City Manager, or designee, to establish an account allocating Development Impact Fee Funds from the appropriate fiscal year budget to pay for the Project (“Project Payment Account”). The Project Payment Account is the sole source of funds available for the Contract Sum, as defined in the Contract Document administering the Project.

SECTION 5. The City Clerk is directed to certify the adoption of this Resolution.

SECTION 6. This Resolution takes effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED this 2nd of September 2020.

Peter Chan, Mayor
City of Monterey Park

ATTEST:

Vincent D. Chang, City Clerk
City of Monterey Park

APPROVED AS TO FORM:



Karl H. Berger
City Attorney



City Council Staff Report

DATE: September 2, 2020

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-F

TO: The Honorable Mayor and City Council
FROM: Martha Garcia, Director of Management Services
SUBJECT: Waive further reading and adopt an Ordinance amending Monterey Park Municipal Code § 3.90.050 regarding signature authority for the City Manager and Department Directors when executing contracts on the City's behalf.

RECOMMENDATION:

It is recommended that the City Council consider:

1. Waive second reading and adopt the proposed ordinance; or
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The Ordinance was introduced at the August 19, 2020 City Council meeting. On August 19, 2020, the City Council conducted the first reading. The original staff report (from August 19, 2020) is attached for reference. Second reading and adoption of this Ordinance amendment is recommended; it will take effect in 30 days.

Respectfully submitted and prepared by:

By:

A blue ink signature of Martha Garcia, consisting of stylized initials and a long horizontal line.

Martha Garcia,
Management Services Director

Approved by:

A blue ink signature of Ron Bow, consisting of stylized initials and a long horizontal line.

Ron Bow
City Manager

Reviewed by:

A blue ink signature of Natalie C. Karpeles, consisting of stylized initials and a long horizontal line.

Natalie C. Karpeles,
Deputy City Attorney

Attachments:

1. Draft Ordinance
2. August 19, 2020 Staff Report

ATTACHMENT 1
Draft Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 3.90.050 OF THE MONTEREY PARK MUNICIPAL CODE (“MPMC”) REGARDING SIGNATURE AUTHORITY FOR THE CITY MANAGER AND DEPARTMENT DIRECTORS WHEN EXECUTING CONTRACTS ON THE CITY’S BEHALF.

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

SECTION 1: Section 3.90.050 of the Monterey Park Municipal Code (“MPMC”) is amended to read as follows:

“3.90.050. Signature Authority. In accordance with Government Code § 40602, the following officers are authorized to sign contracts on the city’s behalf:

- (a) The mayor or, in the mayor’s absence, the mayor pro tem;
- (b) The city manager when directed to do so by the city council, resolution, ordinance, or any provision of this code;
- (c) The city manager for contracts not to exceed \$60,000;
- (d) Department directors for contracts not to exceed \$25,000.”

SECTION 2: 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 3: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the city of Monterey park’s book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within 15 days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 4: *Electronic Signatures.* This Ordinance may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 5: This Ordinance will take effect on the 31st day following its final passage and adoption.

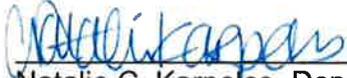
PASSED AND ADOPTED this ____ day of _____, 2020.

Peter Chan, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:

By: _____
Natalie C. Karpeles, Deputy City Attorney

Staff Report
September 2, 2020
Page 3 of 3

ATTACHMENT 2
August 19, 2020 Staff Report



City Council Staff Report

DATE: August 19, 2020

AGENDA ITEM NO: New Business
Agenda Item 5-A

TO: Honorable Mayor and Members of the City Council
FROM: Martha Garcia, Director of Management Services
SUBJECT: Consideration and possible action to introduce and waive first reading of an ordinance amending section 3.90.050 of the Monterey Park Municipal Code ("MPMC") regarding signature authority for the City Manager and Department Directors when executing contracts on the City's behalf.

RECOMMENDATION:

It is recommended that the City Council:

1. Introduce and waive first reading of the attached Ordinance; or
2. Alternatively, take such additional related action that may be desirable.

EXECUTIVE SUMMARY:

Government Code § 40602 generally requires that the City's contracts be signed by the Mayor in order to become binding. It also provides, however, that the City Council may, by ordinance, authorize a city officer to sign contracts on behalf of the City. Monterey Park Municipal Code § 3.90.050 currently authorizes the City Manager and Department Directors to sign contracts for purchasing services and supplies under specified dollar amounts; \$25,000 and \$2,500, respectively. By increasing the signature authority thresholds, Purchasing and Contracts Administration staff will be able to focus on improving turn-around performance, training, strategic procurement, and other valued areas, while improving project-management oversight. Additionally, staff will be able to shift time to the larger, more complex contracts in an effort to further reduce turn-around time.

BACKGROUND & DISCUSSION:

Unless otherwise provided by ordinance, there is a two-step process by which Monterey Park may enter into a contract: (1) the contract must be approved by the City Council; and (2) the Mayor must sign the contract. Monterey Park Municipal Code § 3.90.050 provides authority to the City Manager and Department Directors to sign contracts on the City's behalf. Specifically, the authority for the City Manager is limited to contracts less than \$25,000, and the authority for Department Directors is limited to \$2,500.

All workflow and signature authorities will be documented for auditing via the City's new Financial System, Tyler Munis; any purchases over-budget will be flagged by this

System and disallowed. It is anticipated that increasing the signature authority limit will have the following benefits:

- Bring the City of Monterey Park up to par with neighboring cities. (The surrounding cities of Alhambra, El Monte, and Montebello each have signature thresholds for their city managers in excess of \$25,000; for instance, Alhambra and Montebello each have a signature threshold of \$50,000, while El Monte has a signature threshold of \$30,000);
- Provide continuity for all purchases authorized by the City Manager for Public Projects (which is currently approved at \$60,000);
- Allow staff to shift time and attention to larger, more complex contracts; and
- Obviate the need for Council involvement in smaller and low dollar amount contracts. Pursuant to the current process, purchases are delayed because these contracts must be presented to Council for consideration.

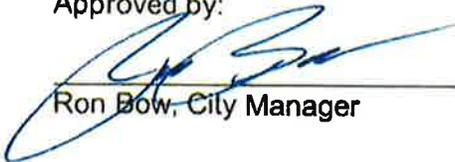
FISCAL IMPACT

No fiscal impact is anticipated.

Respectfully submitted and prepared by:

By: 
Martha Garcia,
Management Services Director

Approved by:


Ron Bow, City Manager

Reviewed by:


Natalie C. Karpeles, Deputy City
Attorney

ATTACHMENT:

1. Draft Ordinance



City Council Staff Report

DATE: September 2, 2020

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-G.

TO: Honorable Mayor and Members of the City Council

FROM: Martha Garcia, Director of Management Services

SUBJECT: Hinderliter De Llamas and Associates/Hinderliter Software, LLC Master Services Agreement Amendment for Sales Tax and Transient Occupancy Tax Consulting Services

RECOMMENDATION:

It is recommended that the City Council:

- (1) Authorize the City Manager to execute an Amendment, in a form approved by the City Attorney, to a master service agreement with Hinderliter De Llamas and Associates/Hinderliter Software, LLC; and
- (2) Take such additional, related action that may be desirable.

EXECUTIVE SUMMARY:

The City has an existing contract with Hinderliter De Llamas and Associates/Hinderliter Software, LLC (HdL) for Sales Tax, Transient Occupancy Tax (TOT), and auditing services. The proposed amendment would extend the term of the Agreement for five years, to September 26, 2025; with the new term limits, the total amount for this agreement would not exceed \$94,994.

BACKGROUND:

HdL has been providing the City with sales tax and TOT consulting services since September 25, 2015. Specifically, HdL's services include: sales tax and economic analysis services; sales tax allocation audit and recovery services; and TOT operations management and audit services. The proposed amendment would extend the term of the City's existing agreement with HdL for an additional five years, to September 26, 2025.

If the proposed amendment is approved, the projected yearly cost for the agreement will be as follows for the next five years:

	FY20-21	FY21-22	FY22-23	FY23-24	FY24-25	Total
Sales Tax	6,300	6,426	6,555	6,686	6,819	32,785
TOT	7,150	7,293	7,439	7,588	7,739	37,209
Contingency	5,000	5,000	5,000	5,000	5,000	25,000
TOTAL	18,450	18,719	18,993	19,273	19,559	94,994

Per HdL, the actual costs to the City per year will not exceed these amounts.

FISCAL IMPACT:

The cost of the HdL contract will span over five years; the total amount for the first year will be \$18,450 (the total contract amount for all five years will be \$94,994). Funds for this contract have been budgeted in the appropriate operating department budget.

Respectfully Submitted and prepared by:



Martha Garcia
Director of Management Services



Ron Bow
City Manager



Natalie C. Karpeles
Deputy City Attorney

Attachments:

- Attachment 1: Agreement No. 1704-AA
- Attachment 2: First Amendment to Agreement No. 1704-AA

ATTACHMENT 1

Agreement No. 1704-AA

**PROFESSIONAL SERVICES AGREEMENT
BETWEEN
THE CITY OF MONTEREY PARK AND
HINDERLITER, DE LLAMAS & ASSOCIATES**

This AGREEMENT is entered into this 25th day of September, 2015, by and between the CITY OF MONTEREY PARK, a municipal corporation and general law city ("CITY") and Hinderliter, de Llamas & Associates, a California Company, ("CONSULTANT").

1. CONSIDERATION.

- A. As partial consideration, CONSULTANT agrees to perform the work listed in the SCOPE OF SERVICES, below;
- B. As additional consideration, CONSULTANT and CITY agree to abide by the terms and conditions contained in this Agreement;
- C. As additional consideration, CITY agrees to pay CONSULTANT a sum not to exceed Five Thousand Four Hundred dollars (\$5,400) for CONSULTANT's services. CITY may modify this amount as set forth below. Unless otherwise specified by written amendment to this Agreement, CITY will pay this sum as specified in the attached Exhibit "A," which is incorporated by reference.

2. SCOPE OF SERVICES.

- A. CONSULTANT will perform services listed in the attached Exhibit "A," which is incorporated by reference.
- B. CONSULTANT will, in a professional manner, furnish all of the labor, technical, administrative, professional and other personnel, all supplies and materials, equipment, printing, vehicles, transportation, office space and facilities, and all tests, testing and analyses, calculation, and all other means whatsoever, except as herein otherwise expressly specified to be furnished by CITY, necessary or proper to perform and complete the work and provide the professional services required of CONSULTANT by this Agreement.

3. PERFORMANCE STANDARDS. While performing this Agreement, CONSULTANT will use the appropriate generally accepted professional standards of practice existing at the time of performance utilized by persons engaged in providing similar services. CITY will continuously monitor CONSULTANT's services. CITY will notify CONSULTANT of any deficiencies and CONSULTANT will have fifteen (15) days after such notification to cure any shortcomings to CITY's satisfaction. Costs associated with curing the deficiencies will be borne by CONSULTANT.

4. **PAYMENTS.** For CITY to pay CONSULTANT as specified by this Agreement, CONSULTANT must submit a detailed invoice to CITY which lists the hours worked and hourly rates for each personnel category and reimbursable costs (all as set forth in Exhibit "B") the tasks performed, the percentage of the task completed during the billing period, the cumulative percentage completed for each task, the total cost of that work during the preceding billing month and a cumulative cash flow curve showing projected and actual expenditures versus time to date.

5. **NON-APPROPRIATION OF FUNDS.** Payments due and payable to CONSULTANT for current services are within the current budget and within an available, unexhausted and unencumbered appropriation of the CITY. In the event the CITY has not appropriated sufficient funds for payment of CONSULTANT services beyond the current fiscal year, this Agreement will cover only those costs incurred up to the conclusion of the current fiscal year.

6. **ADDITIONAL WORK.**

- A. CITY's city manager ("Manager") may determine, at the Manager's sole discretion, that CONSULTANT must perform additional work ("Additional Work") to complete the Scope of Work. If Additional Work is needed, the Manager will give written authorization to CONSULTANT to perform such Additional Work.
- B. If CONSULTANT believes Additional Work is needed to complete the Scope of Work, CONSULTANT will provide the Manager with written notification that contains a specific description of the proposed Additional Work, reasons for such Additional Work, and a detailed proposal regarding cost.
- C. Payments over \$5,000 for Additional Work must be approved by CITY's City Council. All Additional Work will be subject to all other terms and provisions of this Agreement.

7. **FAMILIARITY WITH WORK.**

- A. By executing this Agreement, CONSULTANT agrees that it has:
 - i. Carefully investigated and considered the scope of services to be performed;
 - ii. Carefully considered how the services should be performed; and
 - iii. Understands the facilities, difficulties, and restrictions attending performance of the services under this Agreement.
- B. If services involve work upon any site, CONSULTANT agrees that CONSULTANT has or will investigate the site and is or will be fully acquainted with the conditions there existing, before commencing the services hereunder.

Should CONSULTANT discover any latent or unknown conditions that may materially affect the performance of the services, CONSULTANT will immediately inform CITY of such fact and will not proceed except at CONSULTANT's own risk until written instructions are received from CITY.

8. **TERM.** The term of this Agreement will be from September 25, 2015 to September 25, 2020. Unless otherwise determined by written amendment between the parties, this Agreement will terminate in the following instances:

- A. Completion of the work specified in Exhibit "A";
- B. Termination as stated in Section 16.

9. **TIME FOR PERFORMANCE.**

- A. CONSULTANT will not perform any work under this Agreement until:
 - i. CONSULTANT furnishes proof of insurance as required under Section 23 of this Agreement; and
 - ii. CITY gives CONSULTANT a written notice to proceed.
- B. Should CONSULTANT begin work on any phase in advance of receiving written authorization to proceed, any such professional services are at CONSULTANT's own risk.

10. **TIME EXTENSIONS.** Should CONSULTANT be delayed by causes beyond CONSULTANT's control, CITY may grant a time extension for the completion of the contracted services. If delay occurs, CONSULTANT must notify the Manager within forty-eight hours (48 hours), in writing, of the cause and the extent of the delay and how such delay interferes with the Agreement's schedule. The Manager will extend the completion time, when appropriate, for the completion of the contracted services.

11. **CONSISTENCY.** In interpreting this Agreement and resolving any ambiguities, the main body of this Agreement takes precedence over the attached Exhibits; this Agreement supersedes any conflicting provisions. Any inconsistency between the Exhibits will be resolved in the order in which the Exhibits appear below:

- A. Exhibit A: Scope of Work;
- B. Exhibit B: Budget; and
- C. Exhibit C: Proposal for Services.

12. **CHANGES.** CITY may order changes in the services within the general scope of this Agreement, consisting of additions, deletions, or other revisions, and the contract sum and the

contract time will be adjusted accordingly. All such changes must be authorized in writing, executed by CONSULTANT and CITY. The cost or credit to CITY resulting from changes in the services will be determined in accordance with written agreement between the parties.

13. TAXPAYER IDENTIFICATION NUMBER. CONSULTANT will provide CITY with a Taxpayer Identification Number.

14. PERMITS AND LICENSES. CONSULTANT, at its sole expense, will obtain and maintain during the term of this Agreement, all necessary permits, licenses, and certificates that may be required in connection with the performance of services under this Agreement.

15. WAIVER. CITY's review or acceptance of, or payment for, work product prepared by CONSULTANT under this Agreement will not be construed to operate as a waiver of any rights CITY may have under this Agreement or of any cause of action arising from CONSULTANT's performance. A waiver by CITY of any breach of any term, covenant, or condition contained in this Agreement will not be deemed to be a waiver of any subsequent breach of the same or any other term, covenant, or condition contained in this Agreement, whether of the same or different character.

16. TERMINATION.

- A. Except as otherwise provided, CITY may terminate this Agreement at any time with or without cause.
- B. CONSULTANT may terminate this Agreement at any time with CITY's mutual consent. Notice will be in writing at least thirty (30) days before the effective termination date.
- C. Upon receiving a termination notice, CONSULTANT will immediately cease performance under this Agreement unless otherwise provided in the termination notice. Except as otherwise provided in the termination notice, any additional work performed by CONSULTANT after receiving a termination notice will be performed at CONSULTANT's own cost; CITY will not be obligated to compensate CONSULTANT for such work.
- D. Should termination occur, all finished or unfinished documents, data, studies, surveys, drawings, maps, reports and other materials prepared by CONSULTANT will, at CITY's option, become CITY's property, and CONSULTANT will receive just and equitable compensation for any work satisfactorily completed up to the effective date of notice of termination, not to exceed the total costs under Section 1(C).
- E. Should the Agreement be terminated pursuant to this Section, CITY may procure on its own terms services similar to those terminated.
- F. By executing this document, CONSULTANT waives any and all claims for damages that might otherwise arise from CITY's termination under this Section.

17. OWNERSHIP OF DOCUMENTS. All documents, data, studies, drawings, maps, models, photographs and reports prepared by CONSULTANT under this Agreement are CITY's property. CONSULTANT may retain copies of said documents and materials as desired, but will deliver all original materials to CITY upon CITY's written notice. CITY agrees that use of CONSULTANT's completed work product, for purposes other than identified in this Agreement, or use of incomplete work product, is at CITY's own risk.

18. PUBLICATION OF DOCUMENTS. Except as necessary for performance of service under this Agreement, no copies, sketches, or graphs of materials, including graphic art work, prepared pursuant to this Agreement, will be released by CONSULTANT to any other person or public CITY without CITY's prior written approval. All press releases, including graphic display information to be published in newspapers or magazines, will be approved and distributed solely by CITY, unless otherwise provided by written agreement between the parties.

19. INDEMNIFICATION.

A. CONSULTANT agrees to the following:

i. *Indemnification for Professional Services.* CONSULTANT will save harmless and indemnify and at CITY's request reimburse defense costs for CITY and all its officers, volunteers, employees and representatives from and against any and all suits, actions, or claims, of any character whatever, brought for, or on account of, any injuries or damages sustained by any person or property resulting or arising from any negligent or wrongful act, error or omission by CONSULTANT or any of CONSULTANT's officers, agents, employees, or representatives, in the performance of this Agreement, except for such loss or damage arising from CITY's sole negligence or willful misconduct.

ii. *Indemnification for other Damages.* CONSULTANT indemnifies and holds CITY harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising out of this Agreement, or its performance, except for such loss or damage arising from CITY's sole negligence or willful misconduct. Should CITY be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of this Agreement, or its performance, CONSULTANT will 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.

B. For purposes of this section "CITY" includes CITY's officers, officials, employees, agents, representatives, and certified volunteers.

C. It is expressly understood and agreed that the foregoing provisions will survive termination of this Agreement.

- D. The requirements as to the types and limits of insurance coverage to be maintained by CONSULTANT as required by Section 23, and any approval of said insurance by CITY, are not intended to and will not in any manner limit or qualify the liabilities and obligations otherwise assumed by CONSULTANT pursuant to this Agreement, including, without limitation, to the provisions concerning indemnification.

20. **ASSIGNABILITY.** This Agreement is for CONSULTANT's professional services. CONSULTANT's attempts to assign the benefits or burdens of this Agreement without CITY's written approval are prohibited and will be null and void.

21. **INDEPENDENT CONTRACTOR.** CITY and CONSULTANT agree that CONSULTANT will act as an independent contractor and will have control of all work and the manner in which is it performed. CONSULTANT will be free to contract for similar service to be performed for other employers while under contract with CITY. CONSULTANT is not an agent or employee of CITY and is not entitled to participate in any pension plan, insurance, bonus or similar benefits CITY provides for its employees. Any provision in this Agreement that may appear to give CITY the right to direct CONSULTANT as to the details of doing the work or to exercise a measure of control over the work means that CONSULTANT will follow the direction of the CITY as to end results of the work only.

22. **AUDIT OF RECORDS.** CONSULTANT will maintain full and accurate records with respect to all services and matters covered under this Agreement. CITY will have free access at all reasonable times to such records, and the right to examine and audit the same and to make transcript therefrom, and to inspect all program data, documents, proceedings and activities. CONSULTANT will retain such financial and program service records for at least three (3) years after termination or final payment under this Agreement.

23. **INSURANCE.**

- A. Before commencing performance under this Agreement, and at all other times this Agreement is effective, CONSULTANT will procure and maintain the following types of insurance with coverage limits complying, at a minimum, with the limits set forth below:

<u>Type of Insurance</u>	<u>Limits</u>
Commercial general liability:	\$2,000,000
Professional Liability	\$1,000,000
Business automobile liability	\$1,000,000
Workers compensation	Statutory requirement

- B. Commercial general liability insurance will meet or exceed the requirements of

the most recent ISO-CGL Form. The amount of insurance set forth above will be a combined single limit per occurrence for bodily injury, personal injury, and property damage for the policy coverage. Liability policies will be endorsed to name CITY, its officials, and employees as "additional insureds" under said insurance coverage and to state that such insurance will be deemed "primary" such that any other insurance that may be carried by CITY will be excess thereto. Such endorsement must be reflected on ISO Form No. CG 20 10 11 85 or 88, or equivalent. Such insurance will be on an "occurrence," not a "claims made," basis and will not be cancelable or subject to reduction except upon thirty (30) days prior written notice to CITY.

- C. Professional liability coverage will be on an "occurrence basis" if such coverage is available, or on a "claims made" basis if not available. When coverage is provided on a "claims made basis," CONSULTANT will continue to renew the insurance for a period of three (3) years after this Agreement expires or is terminated. Such insurance will have the same coverage and limits as the policy that was in effect during the term of this Agreement, and will cover CONSULTANT for all claims made by CITY arising out of any errors or omissions of CONSULTANT, or its officers, employees or agents during the time this Agreement was in effect.
- D. Automobile coverage will be written on ISO Business Auto Coverage Form CA 00 01 06 92, including symbol 1 (Any Auto).
- E. CONSULTANT will furnish to CITY duly authenticated Certificates of Insurance evidencing maintenance of the insurance required under this Agreement and such other evidence of insurance or copies of policies as may be reasonably required by CITY from time to time. Insurance must be placed with insurers with a current A.M. Best Company Rating equivalent to at least a Rating of "A:VII."
- F. Should CONSULTANT, for any reason, fail to obtain and maintain the insurance required by this Agreement, CITY may obtain such coverage at CONSULTANT's expense and deduct the cost of such insurance from payments due to CONSULTANT under this Agreement or terminate pursuant to Section 16.
- G. Self-Insured Retention/Deductibles. All policies required by this Agreement must allow CITY, as additional insured, to satisfy the self-insured retention ("SIR") and deductible of the policy in lieu of CONSULTANT (as the named insured) should CONSULTANT fail to pay the SIR or deductible requirements. The amount of the SIR or deductible is subject to the approval of the City Attorney and the Finance Director. CONSULTANT understands and agrees that satisfaction of this requirement is an express condition precedent to the effectiveness of this Agreement. Failure by CONSULTANT as primary insured to pay its SIR or deductible constitutes a material breach of this Agreement. Should CITY pay the SIR or deductible on CITY's behalf upon the CONSULTANT'S failure or refusal to do so in order to secure defense and indemnification as an

additional insured under the policy, CITY may include such amounts as damages in any action against CONSULTANT for breach of this Agreement in addition to any other damages incurred by CITY due to the breach.

24. USE OF SUBCONTRACTORS. CONSULTANT must obtain CITY's prior written approval to use any consultants while performing any portion of this Agreement. Such approval must approve of the proposed consultant and the terms of compensation.

25. INCIDENTAL TASKS. CONSULTANT will meet with CITY monthly to provide the status on the project, which will include a schedule update and a short narrative description of progress during the past month for each major task, a description of the work remaining and a description of the work to be done before the next schedule update.

26. NOTICES. All communications to either party by the other party will be deemed made when received by such party at its respective name and address as follows:

If to CONSULTANT:

Hinderliter, de Llamas & Associates
1340 Valley Vista Drive, Suite 200
Diamond Bar, CA 91765
Attn: Andrew Nickerson, President

If to CITY:

City of Monterey Park
320 West Newmark Avenue
Monterey Park, CA 91754
Attn: Paul Talbot, City Manager

Any such written communications by mail will be conclusively deemed to have been received by the addressee upon deposit thereof in the United States Mail, postage prepaid and properly addressed as noted above. In all other instances, notices will be deemed given at the time of actual delivery. Changes may be made in the names or addresses of persons to whom notices are to be given by giving notice in the manner prescribed in this paragraph.

27. CONFLICT OF INTEREST. CONSULTANT will comply with all conflict of interest laws and regulations including, without limitation, CITY's conflict of interest regulations.

28. SOLICITATION. CONSULTANT maintains and warrants that it has not employed nor retained any company or person, other than CONSULTANT's bona fide employee, to solicit or secure this Agreement. Further, CONSULTANT warrants that it has not paid nor has it agreed to pay any company or person, other than CONSULTANT's bona fide employee, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. Should CONSULTANT breach or violate this warranty, CITY may rescind this Agreement without liability.

29. THIRD PARTY BENEFICIARIES. This Agreement and every provision herein is generally for the exclusive benefit of CONSULTANT and CITY and not for the benefit of any other party. There will be no incidental or other beneficiaries of any of CONSULTANT's or CITY's obligations under this Agreement.

30. INTERPRETATION. This Agreement was drafted in, and will be construed in accordance with the laws of the State of California, and exclusive venue for any action involving this agreement will be in Los Angeles County.

31. COMPLIANCE WITH LAW. CONSULTANT agrees to comply with all federal, state, and local laws applicable to this Agreement.

32. ENTIRE AGREEMENT. This Agreement, and its Attachments, sets forth the entire understanding of the parties. There are no other understandings, terms or other agreements expressed or implied, oral or written. There are one (1) Attachment to this Agreement. This Agreement will bind and inure to the benefit of the parties to this Agreement and any subsequent successors and assigns.

33. RULES OF CONSTRUCTION. Each Party had the opportunity to independently review this Agreement with legal counsel. Accordingly, this Agreement will be construed simply, as a whole, and in accordance with its fair meaning; it will not be interpreted strictly for or against either Party.

34. SEVERABILITY. If any portion of this Agreement is declared by a court of competent jurisdiction to be invalid or unenforceable, then such portion will be deemed modified to the extent necessary in the opinion of the court to render such portion enforceable and, as so modified, such portion and the balance of this Agreement will continue in full force and effect.

35. AUTHORITY/MODIFICATION. The Parties represent and warrant that all necessary action has been taken by the Parties to authorize the undersigned to execute this Agreement and to engage in the actions described herein. This Agreement may be modified by written amendment. CITY's executive manager, or designee, may execute any such amendment on behalf of CITY.

36. ACCEPTANCE OF FACSIMILE SIGNATURES. The Parties agree that this Agreement, agreements ancillary to this Agreement, and related documents to be entered into in connection with this Agreement will be considered signed when the signature of a party is delivered by facsimile transmission. Such facsimile signature will be treated in all respects as having the same effect as an original signature.

37. CAPTIONS. The captions of the paragraphs of this Agreement are for convenience of reference only and will not affect the interpretation of this Agreement.

38. TIME IS OF ESSENCE. Time is of the essence for each and every provision of this Agreement.

39. FORCE MAJEURE. Should performance of this Agreement be prevented due to fire, flood, explosion, acts of terrorism, war, embargo, government action, civil or military authority, the natural elements, or other similar causes beyond the Parties' reasonable control, then the Agreement will immediately terminate without obligation of either party to the other.

40. STATEMENT OF EXPERIENCE. By executing this Agreement, CONSULTANT represents that it has demonstrated trustworthiness and possesses the quality, fitness and capacity to perform the Agreement in a manner satisfactory to CITY. CONSULTANT represents that its

financial resources, surety and insurance experience, service experience, completion ability, personnel, current workload, experience in dealing with private consultants, and experience in dealing with public agencies all suggest that CONSULTANT is capable of performing the proposed contract and has a demonstrated capacity to deal fairly and effectively with and to satisfy a public CITY.

IN WITNESS WHEREOF the parties hereto have executed this contract the day and year first hereinabove written.

CITY OF MONTEREY PARK



Paul Talbot,
City Manager



Andrew Nickerson
President

ATTEST:

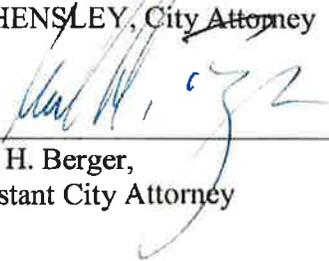


Vincent D. Chang,
City Clerk

Taxpayer ID No. 33-0008507
Business License No. 11104

APPROVED AS TO FORM:
MARK D. HENSLEY, City Attorney

By:


Karl H. Berger,
Assistant City Attorney

Insurance reviewed by: _____

EXHIBIT A - SCOPE OF SERVICES

A. SALES TAX AND ECONOMIC ANALYSIS SERVICES

1. CONTRACTOR shall establish a special database that identifies the name, address and quarterly allocations of all sales tax producers within the CITY for the most current and all quarters back to fiscal year 1983-84 or earlier, if the CITY has prior historical sales tax data available on computer readable magnetic media. This database will be utilized to generate special reports to the CITY on: major sales tax producers by rank and category, sales tax activity by categories, or business districts, identification of reporting aberrations, and per capita and outlet comparisons with regional and statewide sales.
2. CONTRACTOR shall provide up-dated reports following each calendar quarter identifying changes in sales by individual businesses, business groups and categories and by geographic area. These reports may include, without limitation, quarterly aberrations due to State audits, fund transfers, and receivables along with late or double payments, and quarterly reconciliation worksheets to assist with budget forecasting.
3. CONTRACTOR shall additionally provide following each calendar quarter a summary analysis for the CITY to share with Chambers of Commerce, other economic development interest groups and the public that analyze CITY'S sales tax trends by major groups, and geographic areas without disclosing confidential information.
4. CONTRACTOR shall make available to CITY staff CONTRACTOR's web-based sales tax computer software program containing sellers permit and quarterly allocation information for all in-city business outlets registered with the Board of Equalization and updated quarterly. This software shall allow CITY staff to search businesses by street address, account number, business name, business type and keyword, arrange data by geographic area, and print out a variety of reports.

B. ALLOCATION AUDIT AND RECOVERY SERVICES

1. CONTRACTOR shall conduct initial and on-going sales, use, and transactions tax audits to identify and correct distribution and allocation errors, and to proactively affect favorable registration, reporting, or formula changes thereby generating previously unrealized sales, use, and transactions tax income for the CITY and/or recovering misallocated tax from previously properly registered taxpayers. Common errors that will be monitored and corrected include, but are not limited to: transposition errors resulting in misallocations; erroneous consolidation of multiple

outlets; formula errors, misreporting of “point of sale” to the wrong location; delays in reporting new outlets; misallocating use tax payments to the allocation pools or wrong jurisdiction; and erroneous fund transfers and adjustments.

2. CONTRACTOR shall initiate contacts with state agencies, and sales management and accounting officials in companies that have businesses where a probability of error exists to verify whether current tax receipts accurately reflect the local sales activity. Such contacts will be conducted in a professional and courteous manner.
3. Equalization information for the purpose of correcting allocation errors that are identified and (ii) follow-up with individual businesses and the State Board of Equalization to promote recovery by the CITY of back or prospective quarterly payments that may be owing.
4. If during the course of its audit, CONTRACTOR finds businesses located in the CITY that are properly reporting sales and use tax but have the potential for modifying their operation to provide an even greater share to the CITY, CONTRACTOR may so advise CITY and work with those businesses and the CITY to encourage such changes.

COMPENSATION

- A. CONTRACTOR shall provide the sales tax and economic analysis Services described above for a fee of **\$450.00** per month, commencing with the month of the Effective Date (hereafter referred to as “monthly fee”). The monthly fee shall be invoiced quarterly in arrears, and shall be paid by CITY no later than 30 days after the invoice date. The monthly fee shall increase annually following the month of the Effective Date by the percentage increase in the “CPI” for the preceding twelve month period. In no event shall the monthly fee be reduced by this calculation. For purposes of this Agreement, the “CPI” shall mean the Consumer Price Index - All Urban Consumers for the surrounding statistical metropolitan area nearest CITY, All Items (1982-84 = 100), as published by the U.S. Department of Labor, Bureau of Labor Statistics, or, if such index should ceased to be published, any reasonably comparable index selected by CONTRACTOR.
- B. 1. CONTRACTOR shall be further paid 15% of all new and recovered sales, use, and transactions tax revenue received by the CITY as a result, in whole or in part, of the allocation audit and recovery services described above (hereafter referred to as “audit fee”), including without limitation, any reimbursement or other payment from any state fund and any point of sale misallocations. CONTRACTOR shall provide CITY with an itemized quarterly invoice showing all formula calculations and amounts due for the audit fee (including, without limitation, a detailed listing of any corrected misallocations), which shall be paid by CITY no later than 30 days following the invoice date.

2. The audit fee shall be paid even if CITY assists, works in parallel with, and/or incurs attorneys' fees or other costs or expenses in connection with any of the relevant Services. Among other things, the audit fee applies to state fund transfers received for back quarter reallocations and monies received in the first eight consecutive reporting quarters following completion of the allocation audit by CONTRACTOR and confirmation of corrections by the State Board of Equalization. CITY shall pay audit fees upon CONTRACTOR'S submittal of evidence of CONTRACTOR'S work in support of recovery of subject revenue, including, without limitation, copies of BOE 549-S petition forms of any other correspondence between CONTRACTOR and the Board of Equalization or the taxpayer.
3. For any increase in the tax reported by businesses already properly making tax payments to CITY, it shall be CONTRACTOR's responsibility to support in its invoices the audit fee attributable, in whole or in part, to CONTRACTOR's Services.

C. CONTRACTOR shall invoice CITY for any consulting and other optional Services rendered to CITY in accordance with Section II-C above based on the following hourly rates on a monthly or a quarterly basis, at CONTRACTOR's option. All such invoices shall be payable by CITY no later than 30 days following the invoice date. CITY shall not be invoiced for any consulting Services totaling less than an hour in any month. The hourly rates in effect as of the Effective Date are as follows:

Principal	\$225 per hour
Programmer	\$195 per hour
Senior Analyst	\$150 per hour
Analyst	\$ 75 per hour

CONTRACTOR may change such hourly rates from time to time upon not less than 30 days' prior written notice to CITY.

- D. Any invoices not paid on a due and timely basis shall accrue monthly interest at a rate equivalent to ten percent (10%) per annum until paid.

CONFIDENTIALITY; OWNERSHIP/USE OF INFORMATION

Section 7056 of the State of California Revenue and Taxation Code specifically limits the disclosure of confidential taxpayer information contained in the records of the State Board of Equalization. Section 7056 specifies the conditions under which a CITY may authorize persons other than CITY officers and employees to examine State Sales and Use Tax records.

The following conditions specified in Section 7056-(b), (1) of the State of California Revenue and Taxation Code are hereby made part of this Agreement:

- A. CONTRACTOR is authorized by this Agreement to examine sales, use or transactions and use tax records of the Board of Equalization provided to CITY pursuant to contract under the Bradley-Burns Uniform Sales and Use Tax Law Revenue and Taxation Code section 7200 et.seq.
- B. CONTRACTOR is required to disclose information contained in, or derived from, those sales, use or transactions and use tax records only to an officer or employee of the CITY who is authorized by resolution to examine the information.
- C. CONTRACTOR is prohibited from performing consulting services for a retailer, as defined in California Revenue & Taxation Code Section 6015, during the term of this Agreement.
- D. CONTRACTOR is prohibited from retaining the information contained in, or derived from those sales, use or transactions and use tax records, after this Agreement has expired. Information obtained by examination of Board of Equalization records shall be used only for purposes related to collection of local sales and use tax or for other governmental functions of the CITY as set forth by resolution adopted pursuant to Section 7056 (b) of the Revenue and Taxation Code. The resolution shall designate the CONTRACTOR as a person authorized to examine sales and use tax records and certify that this Agreement meets the requirements set forth above and in Section 7056 (b), (1) of the Revenue and Taxation Code.

Software Use. CONTRACTOR hereby provides authorization to CITY to access CONTRACTOR'S Sales Tax website if CITY chooses to subscribe to the software and reports option. The website shall only be used by authorized CITY staff. No access will be granted to any third party without explicit written authorization by CONTRACTOR. CITY shall not sublet, duplicate, modify, decompile, reverse engineer, disassemble, or attempt to derive the source code of said software. The software use granted hereunder shall not imply ownership by CITY of said software, or any right of CITY to sell said software or the use of same, or any right to use said software for the benefit of others. This software use authorization is not transferable. Upon termination or expiration of this Agreement, the software use authorization shall expire, and all CITY staff website logins shall be de-activated.

Proprietary Information. As used herein, the term "proprietary information" means all information or material that has or could have commercial value or other utility in CONTRACTOR's business, including without limitation: CONTRACTOR'S (i) computer or data processing programs; (ii) data processing applications, routines, subroutines, techniques or systems; desktop or web-based software; (iii) business processes; (iv) marketing plans, analysis and strategies; and (v) materials and techniques used; as well as the terms and conditions of this Agreement. Except as otherwise required by law, CITY shall hold in confidence and shall not use (except as expressly authorized by this Agreement) or disclose to any other party any proprietary information provided, learned of or obtained by CITY in connection with this Agreement.

ATTACHMENT 2

First Amendment to Agreement No. 1704-AA

**FIRST AMENDMENT TO
AGREEMENT NO. 1704-AA BETWEEN
THE CITY OF MONTEREY PARK AND
HINDERLITER DE LLAMAS AND ASSOCIATES/HINDERLITER DE LLAMAS
SOFTWARE, LLC (“HDL”)**

THIS FIRST AMENDMENT (“Amendment”) is made and entered into this 2nd day of September 2020, by and between the CITY OF MONTEREY PARK, a general law city and municipal corporation (“CITY”), and Hinderliter De Llamas and Associates (formerly Hinderliter De Llamas Software, LLC) (“HdL”) a California corporation (“CONSULTANT”). Pursuant to Sections 12 and 35 of Agreement No. 1704-AA (the “Agreement”), the Parties agree to the following amendments:

1. Exhibit A to the Agreement is amended to add attached Exhibit 1, which is incorporated by reference.

2. Section 8 of the Agreement is amended in its entirety to read as follows:

“The term of this Second Amendment will be from September 26, 2020 to September 26, 2025. Unless otherwise determined by written amendment between the parties, this Second Amendment will terminate in the following instances:

- A. Completion of the work specified in Exhibit “A”;
- B. Termination as stated in Section 16.”

3. Section 33 of the Agreement is amended in its entirety to read as follows:

“ENTIRE AGREEMENT. This Agreement, and its Attachments, sets forth the entire understanding of the parties. There are no other understandings, terms or other agreements expressed or implied, oral or written. There are three Attachments to this Agreement. This Agreement will bind and inure to the benefit of the parties to this Agreement and any subsequent successors and assigns.”

4. This Amendment may be executed in any number or counterparts, each of which will be an original, but all of which together constitutes one instrument executed on the same date.

5. Except as modified by this Amendment, all other terms and conditions of Agreement No. 1704-AA remain the same.

IN WITNESS WHEREOF the parties hereto have executed this contract the day and year first hereinabove written.

CITY OF MONTEREY PARK

Hinderliter De Llamas and Associates
(formerly Hinderliter De Llamas Software,
LLC)(HdL)

Ron Bow,
City Manager

Andrew Nickerson
President

ATTEST:

Vincent D. Chang,
City Clerk

Taxpayer ID No. 33-0008507

APPROVED AS TO FORM:

By: _____
Natalie C. Karpeles, Deputy City Attorney



City Council Staff Report

DATE: September 2, 2020

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-H.

TO: Honorable Mayor and Members of the City Council

FROM: Martha Garcia, Director of Management Services

SUBJECT: Hinderliter De Llamas and Associates/Hinderliter Software, LLC Master Services Agreement Amendment for Revenue Audit and Consulting Services

RECOMMENDATION:

It is recommended that the City Council:

(1) Authorize the City Manager to execute an Amendment, in a form approved by the City Attorney, to a master service agreement with Hinderliter De Llamas and Associates/Hinderliter Software, LLC; and

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

EXECUTIVE SUMMARY:

The City has an existing contract with Hinderliter De Llamas and Associates/Hinderliter Software, LLC (HdL) for auditing services. The proposed amendment would add business license processing services to the existing scope of services HdL performs for the City.

BACKGROUND:

There are approximately 4,723 business licenses issued in the City. During the annual renewal process, approximately 70% of business licenses are received either online or in the mail; the other 30% (approximately 1,400) walk into City Hall to apply and pay for their business license. The City currently processes document verifications, payments, follow-up document requests and owner/license data manually, by having staff input this information from paper applications into the City's existing licensing system. This requires a significant amount of staff time.

HdL currently provides the City with revenue auditing and consulting services. The proposed amendment would expand HdL's current scope of services to provide for business license processing services. These services would include business license tax collection, auditing services for both existing and under-reporting businesses, and online and telephonic services (including 24/7 application processing and customer service). HdL would also be able to link the databases it already utilizes for the City's sales and property tax administration to ensure that all businesses in the City possess a business license.

Other cities that utilized HdL services experienced a deduction in foot traffic by up to 90% once an online service was provided. It is anticipated that the City may realize a 10-15% revenue increase during the first two years with this enhanced audit service.

FISCAL IMPACT:

The cost of the HdL contract will be offset from the revenue generated through audit recovering.

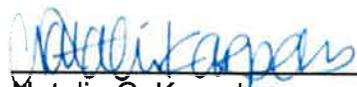
Respectfully Submitted and prepared by:



Martha Garcia
Director of Management Services



Ron Bow
City Manager



Natalie C. Karpeles
Deputy City Attorney

Attachments:

- Attachment 1: Agreement No. 2048-A
- Attachment 2: First Amendment to Agreement No. 2048-A

ATTACHMENT 1

Agreement No. 2048-A

**PROFESSIONAL SERVICES AGREEMENT
FOR BUSINESS TAX AUDIT SERVICES
BETWEEN
THE CITY OF MONTEREY PARK AND
HDL SOFTWARE, LLC**

This AGREEMENT is entered into this 28th day of August, 2017, by and between the CITY OF MONTEREY PARK, a municipal corporation and general law city ("CITY") and HDL Software, LLC, a California limited liability corporation ("CONSULTANT").

1. CONSIDERATION.

- A. As partial consideration, CONSULTANT agrees to perform the work listed in the SCOPE OF SERVICES, below;
- B. As additional consideration, CONSULTANT and CITY agree to abide by the terms and conditions contained in this Agreement;
- C. As additional consideration, CITY agrees to pay CONSULTANT a fee of 35% of all fees received as a result of discovery and audit work performed by CONSULTANT's services. CITY may modify this amount as set forth below. Unless otherwise specified by written amendment to this Agreement, CITY will pay this sum as specified in the attached Exhibit "A," which is incorporated by reference.

2. SCOPE OF SERVICES.

- A. CONSULTANT will perform services listed in the attached Exhibit "A," which is incorporated by reference.
- B. CONSULTANT will, in a professional manner, furnish all of the labor, technical, administrative, professional and other personnel, all supplies and materials, equipment, printing, vehicles, transportation, office space and facilities, and all tests, testing and analyses, calculation, and all other means whatsoever, except as herein otherwise expressly specified to be furnished by CITY, necessary or proper to perform and complete the work and provide the professional services required of CONSULTANT by this Agreement.

3. PERFORMANCE STANDARDS. While performing this Agreement, CONSULTANT will use the appropriate generally accepted professional standards of practice existing at the time of performance utilized by persons engaged in providing similar services. CITY will continuously monitor CONSULTANT's services. CITY will notify CONSULTANT of any deficiencies and CONSULTANT will have fifteen (15) days after such notification to cure any shortcomings to CITY's satisfaction. Costs associated with curing the deficiencies will be borne by CONSULTANT.

4. **PAYMENTS.** For CITY to pay CONSULTANT as specified by this Agreement, CONSULTANT must submit a detailed invoice to CITY which lists the reimbursable costs (all as set forth in Exhibit "A") the tasks performed during the billing period and the total cost of that work during the preceding billing month.

5. **NON-APPROPRIATION OF FUNDS.** Payments due and payable to CONSULTANT for current services are within the current budget and within an available, unexhausted and unencumbered appropriation of the CITY. In the event the CITY has not appropriated sufficient funds for payment of CONSULTANT services beyond the current fiscal year, this Agreement will cover only those costs incurred up to the conclusion of the current fiscal year.

6. **ADDITIONAL WORK.**

- A. CITY's city manager ("Manager") may determine, at the Manager's sole discretion, that CONSULTANT must perform additional work ("Additional Work") to complete the Scope of Work. If Additional Work is needed, the Manager will give written authorization to CONSULTANT to perform such Additional Work.
- B. If CONSULTANT believes Additional Work is needed to complete the Scope of Work, CONSULTANT will provide the Manager with written notification that contains a specific description of the proposed Additional Work, reasons for such Additional Work, and a detailed proposal regarding cost.

7. **FAMILIARITY WITH WORK.**

- A. By executing this Agreement, CONSULTANT agrees that it has:
 - i. Carefully investigated and considered the scope of services to be performed;
 - ii. Carefully considered how the services should be performed; and
 - iii. Understands the facilities, difficulties, and restrictions attending performance of the services under this Agreement.
- B. If services involve work upon any site, CONSULTANT agrees that CONSULTANT has or will investigate the site and is or will be fully acquainted with the conditions there existing, before commencing the services hereunder. Should CONSULTANT discover any latent or unknown conditions that may materially affect the performance of the services, CONSULTANT will immediately inform CITY of such fact and will not proceed except at CONSULTANT's own risk until written instructions are received from CITY.

8. **TERM.** The term of this Agreement will be three years, from August 28, 2017 to August 28, 2020 with two optional one year extensions. Unless otherwise determined by written amendment between the parties, this Agreement will terminate in the following instances:

- A. Completion of the work specified in Exhibit "A";
- B. Termination as stated in Section 16.

9. **TIME FOR PERFORMANCE.**

- A. CONSULTANT will not perform any work under this Agreement until:
 - i. CONSULTANT furnishes proof of insurance as required under Section 23 of this Agreement; and
 - ii. CITY gives CONSULTANT a written notice to proceed.
- B. Should CONSULTANT begin work on any phase in advance of receiving written authorization to proceed, any such professional services are at CONSULTANT's own risk.

10. **TIME EXTENSIONS.** Should CONSULTANT be delayed by causes beyond CONSULTANT's control, CITY may grant a time extension for the completion of the contracted services. If delay occurs, CONSULTANT must notify the Manager within forty-eight hours (48 hours), in writing, of the cause and the extent of the delay and how such delay interferes with the Agreement's schedule. The Manager will extend the completion time, when appropriate, for the completion of the contracted services.

11. **CONSISTENCY.** In interpreting this Agreement and resolving any ambiguities, the main body of this Agreement takes precedence over the attached Exhibits; this Agreement supersedes any conflicting provisions. Any inconsistency between the Exhibits will be resolved in the order in which the Exhibits appear below:

- A. Exhibit A: Proposal for Services;

12. **CHANGES.** CITY may order changes in the services within the general scope of this Agreement, consisting of additions, deletions, or other revisions, and the contract sum and the contract time will be adjusted accordingly. All such changes must be authorized in writing, executed by CONSULTANT and CITY. The cost or credit to CITY resulting from changes in the services will be determined in accordance with written agreement between the parties.

13. **TAXPAYER IDENTIFICATION NUMBER.** CONSULTANT will provide CITY with a Taxpayer Identification Number.

14. **PERMITS AND LICENSES.** CONSULTANT, at its sole expense, will obtain and maintain during the term of this Agreement, all necessary permits, licenses, and certificates that may be required in connection with the performance of services under this Agreement.

15. **WAIVER.** CITY's review or acceptance of, or payment for, work product prepared by CONSULTANT under this Agreement will not be construed to operate as a waiver of any rights CITY may have under this Agreement or of any cause of action arising from CONSULTANT's performance. A waiver by CITY of any breach of any term, covenant, or condition contained in this Agreement will not be deemed to be a waiver of any subsequent breach of the same or any other term, covenant, or condition contained in this Agreement, whether of the same or different character.

16. TERMINATION.

- A. Except as otherwise provided, CITY may terminate this Agreement at any time with or without cause.
- B. CONSULTANT may terminate this Agreement at any time with CITY's mutual consent. Notice will be in writing at least thirty (30) days before the effective termination date.
- C. Upon receiving a termination notice, CONSULTANT will immediately cease performance under this Agreement unless otherwise provided in the termination notice. Except as otherwise provided in the termination notice, any additional work performed by CONSULTANT after receiving a termination notice will be performed at CONSULTANT's own cost; CITY will not be obligated to compensate CONSULTANT for such work.
- D. Should termination occur, all finished or unfinished documents, data, studies, surveys, drawings, maps, reports and other materials prepared by CONSULTANT will, at CITY's option, become CITY's property, and CONSULTANT will receive just and equitable compensation for any work satisfactorily completed up to the effective date of notice of termination, not to exceed the total costs under Section 1(C).
- E. Should the Agreement be terminated pursuant to this Section, CITY may procure on its own terms services similar to those terminated.
- F. By executing this document, CONSULTANT waives any and all claims for damages that might otherwise arise from CITY's termination under this Section.

17. OWNERSHIP OF DOCUMENTS. All documents, data, studies, drawings, maps, models, photographs and reports prepared by CONSULTANT under this Agreement are CITY's property. CONSULTANT may retain copies of said documents and materials as desired, but will deliver all original materials to CITY upon CITY's written notice. CITY agrees that use of CONSULTANT's completed work product, for purposes other than identified in this Agreement, or use of incomplete work product, is at CITY's own risk.

18. NONDISCLOSURE.

- A. "Information," as used in this Section, includes information considered to be confidential, valuable and proprietary by CONSULTANT whether communicated or contained in oral, written, electronic or any other form or medium. Information includes, without limitation, compilations of data, methodologies, formulae, processes designed and developed by CONSULTANT and other technical information; employee information; software programs; and like information of, or provided by, CONSULTANT. Information does not include:
- i. Any information subject to disclosure by the California Public Records Act;
 - ii. Any information CONSULTANT in writing authorizes CITY to disclose without restriction;
 - iii. Any information CITY already lawfully knows at the time it is disclosed by CONSULTANT, without an obligation to keep it confidential;
 - iv. Any information CITY lawfully obtains from any source other than CONSULTANT, provided that such source lawfully disclosed such information; or
 - v. Any information CITY independently develops without use of or reference to CONSULTANT's Information.
- B. CITY will protect Information provided to CITY by or on behalf of CONSULTANT from any use, distribution or disclosure except as permitted herein. CITY will use the same standard of care to protect Information as CITY uses to protect its own similar confidential and proprietary information, but not less than a reasonable standard of care.
- C. CITY agrees to use Information solely in connection with this Agreement and for no other purpose. CITY may provide Information only to CITY's employees who: (a) have a substantive need to know such Information in connection with this Agreement; and (b) have been advised of the confidential and proprietary nature of such Information;
- D. If CITY is required to provide Information to any court or government agency pursuant to written court order, subpoena, regulation or process of law, CITY must first provide CONSULTANT with prompt written notice of such requirement and cooperate with CONSULTANT to appropriately protect against or limit the scope of such disclosure.
- E. CITY may make tangible or electronic copies, notes, summaries or extracts of Information only as necessary for use as authorized herein and such copies, notes, summaries and extracts must also be deemed Information for purposes of this Agreement.

19. PUBLICATION OF DOCUMENTS. Except as necessary for performance of service under this Agreement, no copies, sketches, or graphs of materials, including graphic art work, prepared pursuant to this Agreement, will be released by CONSULTANT to any other person or public CITY without CITY's prior written approval. All press releases, including graphic display information to be published in newspapers or magazines, will be approved and distributed solely by CITY, unless otherwise provided by written agreement between the parties.

20. INDEMNIFICATION.

- A. CONSULTANT agrees to the following:
- i. *Indemnification for Professional Services.* CONSULTANT will save harmless and indemnify and at CITY's request reimburse defense costs for CITY and all its officers, volunteers, employees and representatives from and against any and all suits, actions, or claims, of any character whatever, brought for, or on account of, any injuries or damages sustained by any person or property resulting or arising from any negligent or wrongful act, error or omission by CONSULTANT or any of CONSULTANT's officers, agents, employees, or representatives, in the performance of this Agreement, except for such loss or damage arising from CITY's sole negligence or willful misconduct.
 - ii. *Indemnification for other Damages.* CONSULTANT indemnifies and holds CITY harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising out of this Agreement, or its performance, except for such loss or damage arising from CITY's sole negligence or willful misconduct. Should CITY be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of this Agreement, or its performance, CONSULTANT will 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.
- B. For purposes of this section "CITY" includes CITY's officers, officials, employees, agents, representatives, and certified volunteers.
- C. It is expressly understood and agreed that the foregoing provisions are intended to be as broad and inclusive as is permitted by the law of the State of California and will survive termination of this Agreement.
- D. The requirements as to the types and limits of insurance coverage to be maintained by CONSULTANT as required by Section 24, and any approval of said insurance by CITY, are not intended to and will not in any manner limit or qualify the liabilities and obligations otherwise assumed by CONSULTANT pursuant to this Agreement, including, without limitation, to the provisions

concerning indemnification.

21. **ASSIGNABILITY.** This Agreement is for CONSULTANT's professional services. CONSULTANT's attempts to assign the benefits or burdens of this Agreement without CITY's written approval are prohibited and will be null and void.

22. **INDEPENDENT CONTRACTOR.** CITY and CONSULTANT agree that CONSULTANT will act as an independent contractor and will have control of all work and the manner in which is it performed. CONSULTANT will be free to contract for similar service to be performed for other employers while under contract with CITY. CONSULTANT is not an agent or employee of CITY and is not entitled to participate in any pension plan, insurance, bonus or similar benefits CITY provides for its employees. Any provision in this Agreement that may appear to give CITY the right to direct CONSULTANT as to the details of doing the work or to exercise a measure of control over the work means that CONSULTANT will follow the direction of the CITY as to end results of the work only.

23. **AUDIT OF RECORDS.** CONSULTANT will maintain full and accurate records with respect to all services and matters covered under this Agreement. CITY will have free access at all reasonable times to such records, and the right to examine and audit the same and to make transcript therefrom, and to inspect all program data, documents, proceedings and activities. CONSULTANT will retain such financial and program service records for at least three (3) years after termination or final payment under this Agreement.

24. **INSURANCE.**

- A. Before commencing performance under this Agreement, and at all other times this Agreement is effective, CONSULTANT will procure and maintain the following types of insurance with coverage limits complying, at a minimum, with the limits set forth below:

<u>Type of Insurance</u>	<u>Limits</u>
Commercial general liability:	\$2,000,000
Professional Liability	\$1,000,000
Business automobile liability	\$1,000,000
Workers compensation	Statutory requirement

- B. Commercial general liability insurance will meet or exceed the requirements of the most recent ISO-CGL Form. The amount of insurance set forth above will be a combined single limit per occurrence for bodily injury, personal injury, and property damage for the policy coverage. Liability policies will be endorsed to name CITY, its officials, and employees as "additional insureds" under said insurance coverage and to state that such insurance will be deemed "primary"

such that any other insurance that may be carried by CITY will be excess thereto. Such endorsement must be reflected on ISO Form No. CG 20 10 11 85 or 88, or equivalent. Such insurance will be on an "occurrence," not a "claims made," basis and will not be cancelable or subject to reduction except upon thirty (30) days prior written notice to CITY.

- C. Professional liability coverage will be on an "occurrence basis" if such coverage is available, or on a "claims made" basis if not available. When coverage is provided on a "claims made basis," CONSULTANT will continue to renew the insurance for a period of three (3) years after this Agreement expires or is terminated. Such insurance will have the same coverage and limits as the policy that was in effect during the term of this Agreement, and will cover CONSULTANT for all claims made by CITY arising out of any errors or omissions of CONSULTANT, or its officers, employees or agents during the time this Agreement was in effect.
- D. Automobile coverage will be written on ISO Business Auto Coverage Form CA 00 01 06 92, including symbol 1 (Any Auto).
- E. CONSULTANT will furnish to CITY duly authenticated Certificates of Insurance evidencing maintenance of the insurance required under this Agreement and such other evidence of insurance or copies of policies as may be reasonably required by CITY from time to time. Insurance must be placed with insurers with a current A.M. Best Company Rating equivalent to at least a Rating of "A:VII."
- F. Should CONSULTANT, for any reason, fail to obtain and maintain the insurance required by this Agreement, CITY may obtain such coverage at CONSULTANT's expense and deduct the cost of such insurance from payments due to CONSULTANT under this Agreement or terminate pursuant to Section 16.
- G. Self-Insured Retention/Deductibles. All policies required by this Agreement must allow CITY, as additional insured, to satisfy the self-insured retention ("SIR") and deductible of the policy in lieu of CONSULTANT (as the named insured) should CONSULTANT fail to pay the SIR or deductible requirements. The amount of the SIR or deductible is subject to the approval of the City Attorney and the Finance Director. CONSULTANT understands and agrees that satisfaction of this requirement is an express condition precedent to the effectiveness of this Agreement. Failure by CONSULTANT as primary insured to pay its SIR or deductible constitutes a material breach of this Agreement. Should CITY pay the SIR or deductible on CITY's behalf upon the CONSULTANT'S failure or refusal to do so in order to secure defense and indemnification as an additional insured under the policy, CITY may include such amounts as damages in any action against CONSULTANT for breach of this Agreement in addition to any other damages incurred by CITY due to the breach.

25. **USE OF SUBCONTRACTORS.** CONSULTANT must obtain CITY's prior written approval to use any consultants while performing any portion of this Agreement. Such approval must approve of the proposed consultant and the terms of compensation.

26. **INCIDENTAL TASKS.** Unless otherwise agreed to by the Parties, CONSULTANT will meet with CITY monthly to provide the status on the project, which will include a schedule update and a short narrative description of progress during the past month for each major task, a description of the work remaining and a description of the work to be done before the next schedule update.

27. **NOTICES.** All communications to either party by the other party will be deemed made when received by such party at its respective name and address as follows:

CITY

City of Monterey Park
320 W Newmark Ave
Monterey Park, CA 91754
Attn: Ron Bow, City Manager

CONSULTANT

HdL Software, LLC
160 Via Verde Drive, Suite 150
San Dimas, CA 91773
Attn: Robert Gray, President

Any such written communications by mail will be conclusively deemed to have been received by the addressee upon deposit thereof in the United States Mail, postage prepaid and properly addressed as noted above. In all other instances, notices will be deemed given at the time of actual delivery. Changes may be made in the names or addresses of persons to whom notices are to be given by giving notice in the manner prescribed in this paragraph.

28. **CONFLICT OF INTEREST.** CONSULTANT will comply with all conflict of interest laws and regulations including, without limitation, CITY's conflict of interest regulations.

29. **SOLICITATION.** CONSULTANT maintains and warrants that it has not employed nor retained any company or person, other than CONSULTANT's bona fide employee, to solicit or secure this Agreement. Further, CONSULTANT warrants that it has not paid nor has it agreed to pay any company or person, other than CONSULTANT's bona fide employee, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. Should CONSULTANT breach or violate this warranty, CITY may rescind this Agreement without liability.

30. **THIRD PARTY BENEFICIARIES.** This Agreement and every provision herein is generally for the exclusive benefit of CONSULTANT and CITY and not for the benefit of any other party. There will be no incidental or other beneficiaries of any of CONSULTANT's or CITY's obligations under this Agreement.

31. **INTERPRETATION.** This Agreement was drafted in, and will be construed in accordance with the laws of the State of California, and exclusive venue for any action involving this agreement will be in Los Angeles County.

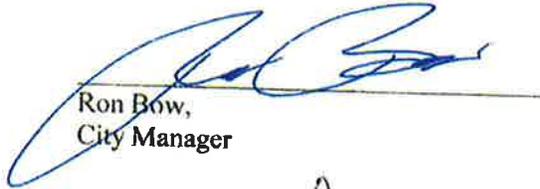
32. **COMPLIANCE WITH LAW.** CONSULTANT agrees to comply with all federal, state, and local laws applicable to this Agreement.
33. **ENTIRE AGREEMENT.** This Agreement, and its Attachments, sets forth the entire understanding of the parties. There are no other understandings, terms or other agreements expressed or implied, oral or written. There is one (1) Attachment to this Agreement. This Agreement will bind and inure to the benefit of the parties to this Agreement and any subsequent successors and assigns.
34. **RULES OF CONSTRUCTION.** Each Party had the opportunity to independently review this Agreement with legal counsel. Accordingly, this Agreement will be construed simply, as a whole, and in accordance with its fair meaning; it will not be interpreted strictly for or against either Party.
35. **SEVERABILITY.** If any portion of this Agreement is declared by a court of competent jurisdiction to be invalid or unenforceable, then such portion will be deemed modified to the extent necessary in the opinion of the court to render such portion enforceable and, as so modified, such portion and the balance of this Agreement will continue in full force and effect.
36. **AUTHORITY/MODIFICATION.** The Parties represent and warrant that all necessary action has been taken by the Parties to authorize the undersigned to execute this Agreement and to engage in the actions described herein. This Agreement may be modified by written amendment. CITY's executive manager, or designee, may execute any such amendment on behalf of CITY.
37. **ELECTRONIC SIGNATURES.** This Agreement may be executed by the Parties on any number of separate counterparts, and all such counterparts so executed constitute one agreement binding on all the Parties notwithstanding that all the Parties are not signatories to the same counterpart. In accordance with Government Code §16.5, the Parties agree that this Agreement, agreements ancillary to this Agreement, and related documents to be entered into in connection with this Agreement will be considered signed when the signature of a party is delivered by electronic transmission. Such electronic signature will be treated in all respects as having the same effect as an original signature.
38. **CAPTIONS.** The captions of the paragraphs of this Agreement are for convenience of reference only and will not affect the interpretation of this Agreement.
39. **TIME IS OF ESSENCE.** Time is of the essence for each and every provision of this Agreement.
40. **FORCE MAJEURE.** Should performance of this Agreement be prevented due to fire, flood, explosion, acts of terrorism, war, embargo, government action, civil or military authority, the natural elements, or other similar causes beyond the Parties' reasonable control, then the Agreement will immediately terminate without obligation of either party to the other.
41. **STATEMENT OF EXPERIENCE.** By executing this Agreement, CONSULTANT represents that it has demonstrated trustworthiness and possesses the quality, fitness and capacity to perform the Agreement in a manner satisfactory to CITY. CONSULTANT represents that its financial resources, surety and insurance experience, service experience, completion ability, personnel, current workload, experience in dealing with private consultants, and experience in

dealing with public agencies all suggest that CONSULTANT is capable of performing the proposed contract and has a demonstrated capacity to deal fairly and effectively with and to satisfy a public CITY.

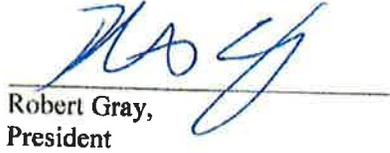
IN WITNESS WHEREOF the parties hereto have executed this contract the day and year first hereinabove written.

CITY OF MONTEREY PARK

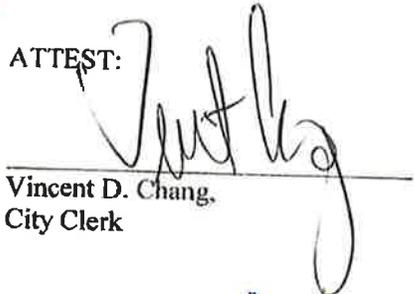
HDL Software, LLC



Ron Bow,
City Manager



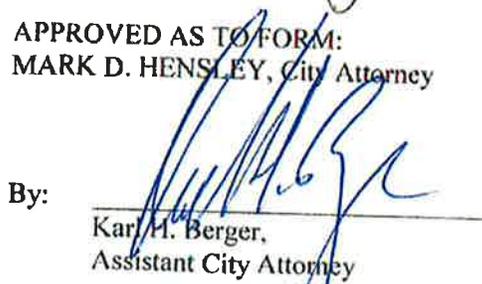
Robert Gray,
President

ATTEST:


Vincent D. Chang,
City Clerk

Taxpayer ID No. 954627548
Business License No. _____

APPROVED AS TO FORM:
MARK D. HENSLEY, City Attorney

By: 

Karl M. Berger,
Assistant City Attorney

Insurance reviewed by: _____

ATTACHMENT 2

First Amendment to Agreement No. 2048-A

**FIRST AMENDMENT TO
AGREEMENT NO. 2048-A BETWEEN
THE CITY OF MONTEREY PARK AND
HINDERLITER DE LLAMAS AND ASSOCIATES/HINDERLITER DE LLAMAS
SOFTWARE, LLC (“HDL”)**

THIS FIRST AMENDMENT (“Amendment”) is made and entered into this 2nd day of September 2020 by and between the CITY OF MONTEREY PARK, a general law city and municipal corporation (“CITY”), and Hinderliter De Llamas and Associates (formerly Hinderliter De Llamas Software, LLC) (“HdL”) a California corporation (“CONSULTANT”). Pursuant to Sections 12 and 36 of Agreement No. 2048-A (the “Agreement”), the Parties agree to the following amendments:

1. The attached Exhibit B, which is incorporated by reference, is incorporated into the Agreement as “Exhibit B” as if fully set forth.
2. The attached Exhibit C, which is incorporated by reference, is incorporated into the Agreement as “Exhibit C” as if fully set forth.
3. Section 1(C) of the Agreement is amended in its entirety to read as follows:

“As additional consideration, CITY agrees to pay CONSULTANT a fee of 35% of all fees received as a result of discovery and audit work performed by CONSULTANT’s services, as presented in Exhibit “A.” CITY agrees to pay CONSULTANT for services performed under Exhibit “B,” including the processing of Business Licenses, as presented in Exhibit “C.” CITY may modify this amount as set forth below.”

4. Section 2(A) of the Agreement is amended in its entirety to read as follows:

“CONSULTANT will perform services listed in the attached Exhibits “A” and “B,” which are incorporated by reference.”

5. Section 8 of the Agreement is amended in its entirety to read as follows:

“The term of this Second Amendment will be from September 26, 2020 to September 26, 2025. Unless otherwise determined by written amendment between the parties, this Second Amendment will terminate in the following instances:

- A. Completion of the work specified in Exhibits “A” and “B”;
- B. Termination as stated in Section 16.”

6. Section 11 of the Agreement is amended in its entirety to read as follows:

“**CONSISTENCY.** In interpreting this Agreement and resolving any ambiguities, the main body of this Agreement takes precedence over

the attached Exhibits; this Agreement supersedes any conflicting provisions. Any inconsistency between the Exhibits will be resolved in the order in which the Exhibits appear below:

- A. Exhibit A: Proposal for Services;
- B. Exhibit B: Scope of Work; and
- C. Exhibit C: Compensation.”

7. Section 33 of the Agreement is amended in its entirety to read as follows:

“**ENTIRE AGREEMENT.** This Agreement, and its Attachments, sets forth the entire understanding of the parties. There are no other understandings, terms or other agreements expressed or implied, oral or written. There are three (3) Attachments to this Agreement. This Agreement will bind and inure to the benefit of the parties to this Agreement and any subsequent successors and assigns.”

- 8. This Amendment may be executed in any number or counterparts, each of which will be an original, but all of which together constitutes one instrument executed on the same date.
- 9. Except as modified by this Amendment, all other terms and conditions of Agreement No. 2048-A remain the same.

IN WITNESS WHEREOF the parties hereto have executed this contract the day and year first hereinabove written.

CITY OF MONTEREY PARK

Hinderliter De Llamas and Associates
(formerly Hinderliter De Llamas Software,
LLC)(HdL)

Ron Bow,
City Manager

Robert Gray
Chief Information Officer

ATTEST:

Vincent D. Chang,
City Clerk

Taxpayer ID No. _____

APPROVED AS TO FORM:

By: _____
Natalie C. Karpeles, Deputy City Attorney

EXHIBIT B - SCOPE OF WORK

In addition to continuing to provide Transient Occupancy Tax Operations Management services to City, HdL will provide the additional Business License Tax Operations Management services as follows:

1. **Business License Tax Operations Management**
 - 1.1. **Tax Registration Database Management** – HdL will transfer the City’s existing databases, as they relate to business license tax, into HdL’s internal administration tools. HdL will maintain the data and provide copies of data or reports upon the City’s request. City will not be required to use or maintain any software in-house for managing the business license registry.
 - 1.2. **Renewal Processing** – HdL will send active business license tax accounts a renewal notice within 30 days of the renewal period end date. Accounts will receive all applicable forms necessary to complete the renewal process.
 - 1.3. **New Account Processing** – HdL will process any new business license tax applications and complete the new account registration process in a timely fashion.
 - 1.4. **Payment Posting/Processing** – HdL will process all payments for new and renewal business license tax accounts. Business license tax accounts will be updated with payment information and revenues will be remitted to the City net banking and related processing fees. The remittance of revenue to City net banking and other related processing fees will be performed on no less than a monthly basis.
 - 1.5. **Business Support Center** – HdL will provide businesses with multiple support options for registering, renewing, making payments and for general inquiries. Businesses will have access to HdL’s license specialists Monday through Friday, 8:00am to 5:00pm Pacific, via phone, mail, e-mail, fax, and the Business Support Center On-Line.
 - 1.6. **On-Line Filing & Payment Processing** – HdL will make available options for businesses to visit a website, linked to the City’s website, to submit online transactions.
2. **Local Tax Compliance Services** – HdL will ensure a level playing field for the business community and maximize revenues to the City. Discovery services will be conducted to identify and register businesses which are subject to licensure or taxation. Audit services will identify under reported tax liability for business and lodging providers. Collections Services will collect known debt from businesses that did not pay in-full during the registration or renewal process. The scope of work to be performed will be mutually agreed upon by HdL and City prior to implementation.
 - 2.1. **Discovery** – Discovery services are designed to identify entities subject to licensure/taxation that are not currently registered or otherwise non-compliant.
 - 2.1.1. **Lead Identification** – Develop a list of entities subject to licensure/taxation within the City.
 - 2.1.2. **Exception Resolution** – Compare the list to City registration databases to remove properly registered businesses and identify and remove other potential exceptions.
 - 2.1.3. **Compliance Communication Process** – Initiate contact with confirmed entities through a series of City approved communication methods. HdL will make every effort to simplify the process for taxpayers, utilizing a variety of mediums for communication including mail, telephone, email, and web-site access. Potential non-compliant entities are notified of their options to comply or dispute their non-compliant status. HdL offers extended office hours for support via our Business Support Center available to taxpayers 8:00am – 5:00pm Monday - Friday.
 - 2.1.4. **Document Submission / Processing** – Review Taxpayer submissions such as applications for completion and accuracy prior to processing. Collect additional documentation such as a home occupation permit and forward to other City departments either as a pre-requisite or as a courtesy for the taxpayer and other departments. All submissions are filed and stored electronically and made available to the City upon request.
 - 2.1.5. **Invoicing** – Once the business license tax application has been approved, invoice entity indicating detailed tax calculations and balances owed. Taxpayers are given the opportunity to pay their balances via mail, online, and other methods. HdL will provide Taxpayers continued access to the Business Support Center for any questions or disputes arising from the invoice process.
 - 2.1.6. **Remittance** – Upon collection of all requirements including payment, application and other prerequisites, HdL will prepare a remittance package including payment documentation as well as copies of all taxpayer correspondence and relevant information. Remittances are done on no less

than a monthly basis. Remittances packages done electronically via the HdL electronic remittance process will include Applications and other relevant information in an electronic format. Revenues received are deposited into an HdL trust account and funds are distributed to the City in one payment, net HdL's fees.

- 2.2. **Audit** – Audit services are designed to identify businesses that are registered but not properly reporting or paying the correct amounts. Services to be performed may include:
 - 2.2.1. Identify potential underreporting and/or misclassified businesses by comparing City records with HdL business inventories.
 - 2.2.2. Review/audit entities mutually agreed upon by City and HdL that are identified as potential underreporting businesses or other entities requiring review.
 - 2.2.3. Submit audit summaries to City staff and meet with staff to review and discuss further actions.
 - 2.2.4. Educate businesses on proper reporting practices.
 - 2.2.5. Invoice and collect identified deficiencies.
- 2.3. **City's responsibilities**
 - 2.3.1. Data – City will provide its relevant business databases, such as the business license registry (registrations and payments), and any other information necessary for the compliance process or to facilitate HdL's invoicing of services, to HdL according to a schedule acceptable to both HdL and the City. City agrees to provide the data so long as this Agreement is active, and thereafter for so long as HdL's right to invoice for services rendered continues.
 - 2.3.2. City agrees to use reasonable and diligent efforts to collect, or to assist HdL in the collection of, deficiencies identified by HdL pursuant to this Agreement.

EXHIBIT C - COMPENSATION

HdL will provide Transient Occupancy Tax Operations Management services as per the rate last invoiced City, with applicable CPI increases. The compensation for the additional Business License Tax Operations Management services as described in Exhibit A – Scope of Services is as follows:

1. Business License Tax Operations Management Services

- 1.1. **Compensation** - HdL's compensation for performing Operations Management Services related to business license is a fee of \$15 per new registration or processed account. City will be invoiced monthly or quarterly for activity during the prior period. For the purpose of compensation calculation, "processed account" means any account for which renewals/returns are processed or which were sent a renewal notice.
- 1.2. **CPI Adjustment** – Fees for Operations Management Services are adjusted at the beginning of each calendar year by the change in the Consumer Price Index – West Urban (CPI-WU) as reported by the Bureau of Labor Statistics. Each annual adjustment will not be less than two percent (2%) or greater than ten percent (10%).
- 1.3. **Travel Expenses** – Travel and lodging expenses, if any, are billed at cost and apply to all meetings, including process, pre-installation, installation, training, and support. HdL is dedicated to conserving public funds and ensures any travel costs are indeed required and reasonable.

2. Local Tax Compliance Services

- 2.1. **Discovery** – HdL's fee for performing discovery services is a contingency fee of 35% of the revenues received as a result of the service. This fee applies to monies received for the current tax/license period and any other prior period collected, including monies received for taxes, penalties, interest, and fees.
 - 2.1.1. **City Discovery Discount** – HdL's fee for following up on accounts that are identified and confirmed as non-compliant by the City is a contingency fee of 25% of the revenues received as a result of the service. This fee also applies to delinquent business license tax accounts referred by the City as failing to make payment or properly renew an existing license.
- 2.2. **Audit** – HdL's fee for performing Audit services is a contingency fee of 40% of the revenues received as a result of the service. This fee applies to monies received for the current tax/license period and any other prior period collected, including monies received for taxes, penalties, interest, and fees.
- 2.3. **Collection** – HdL's fee for performing collections services is a contingency fee of 25% of the revenues received as a result of the service. This fee applies to monies received for the current tax/license period and any other prior period collected, including monies received for taxes, penalties, interest, and fees.
- 2.4. **Option to waive tax recovery** – City may, at its discretion, elect to waive or reduce the tax recovery for a business. Should the City elect to waive all or a portion of the deficiency identified by HdL, HdL will be entitled to compensation in the amount of one half (1/2) of the compensation HdL would have otherwise earned on the waived/reduced amount. Deficiencies which are uncollectable due to insolvency or dissolution of the customer, or for deficiencies which are otherwise incapable of collection (e.g. statute of limitations or other legal defense) will not be considered a voluntary election to waive by the City, and HdL would not be entitled to compensation for these amounts.
- 2.5. **Travel Expenses** – Travel and lodging expenses are billed at cost and apply to all meetings, including process, pre-installation, installation, training, and support. HdL is dedicated to conserving public funds and ensures any travel costs are indeed required and reasonable.

3. Payment

HdL will provide detailed invoices for all work completed. City will submit payment to HdL within 30 days of receiving the invoice.



City Council Staff Report

DATE: September 2, 2020

AGENDA ITEM NO: New Business
Agenda Item 5-A

TO: Honorable Mayor and Members of the City Council

FROM: Martha Garcia, Director of Management Services

SUBJECT: Review and discuss the appointment of the financing team and pension obligation bond basics.

RECOMMENDATION:

It is recommended that the City Council:

- (1) Consider a Financing Team for the proposed financing:
 - a. Ramirez & Co., Inc. to serve as Senior Managing Underwriter;
 - b. Stifel, to serve as Co-Managing Underwriter;
 - c. Urban Futures, Inc., to serve as Municipal Advisor;
 - d. Stradling Yocca Carlson & Rauth to serve as Bond and Disclosure Counsel;
 - e. Bartel and Associates to serve as consulting actuary; and
 - f. HdL Companies to serve as property tax consultant.
2. That the City Council approve the proposed Financing Team for issuing Pension Obligation Bonds and authorize the City Manager to execute agreements, in a form approved by the City Attorney, with the consultants; and
- (3) Take such additional, related action that may be desirable.

EXECUTIVE SUMMARY:

The City of Monterey Park's unfunded accrued liability (UAL) for its CalPERS Miscellaneous and Safety Plans is approximately \$110 million. Annual payments to CalPERS have grown rapidly: from \$5.7 million in FY 2019 to \$7.5 million in FY 2021 and are projected to be over \$10 million by FY 2024. Pension cost increases are the largest financial challenge facing most cities throughout the state and are primarily due to factors outside of the cities' control, namely assumption changes made by CalPERS and below average investment returns. The City is eager to address this issue and has reached out to a team of financial experts to assist with a solution.

BACKGROUND:

On December 21, 2016 the California Public Employee Retirement System (CalPERS) voted to enact two substantial changes to more accurately reflect investment return earnings and help address the significant funding shortfall. Approved changes include:

1. Discount Rate Reduction: The CalPERS discount rate will be lowered from 7.5% to 7.0% over a 3-year period beginning with the June 30, 2016 valuation.
2. Unfunded Actuarial Liability (UAL) Payment Acceleration: The approved policy changes shorten the period over which actuarial gains and losses are amortized from 30 years to 20 years, the 5-year ramp-up and ramp-down on UAL bases attributable to assumption changes and non-investment gains/losses will be removed, and the 5-year ramp-down on investment gains/losses will also be removed. These changes will apply to new UAL bases established on or after June 30, 2019.

Changes have already started and are expected to continue having a dramatic impact on nearly every government agency in California.

Current Net Pension Liability and CalPERS UAL Amortization: The City has two employee retirement plans with UALs of \$42.4 million for the CalPERS Miscellaneous Plan and \$68.2 million for the CalPERS Safety Plan. UALs for the two retirement plans total \$110.6 million reported on the Actuarial Valuation as of June 30, 2018 report. In addition to this, the City's June 30, 2019 audit reports a net other post-employment benefits ("OPEB") liability of \$30.3 million.

Each plan's UAL is comprised of multiple "bases" which consist of the unfunded portion resulting from the fund's performance and changes to the actuarial assumptions. Each of these amortization "bases" have a separate payment schedule over a fixed period of years. The tables below detail the UAL "bases" that constitute the CalPERS Miscellaneous Plan and CalPERS Safety Plan's UAL as reported in CalPERS most recent actuarial valuation report dated July 2018.

The table and graph below provides a snapshot of the CalPERS projected amortization of the "bases" listed above as of the most recent report dated July 2018:

SCHEDULE OF AMORTIZATION BASES (MISCELLANEOUS)						SCHEDULE OF AMORTIZATION BASES (SAFETY)					
Year	Reason	Ramp Up	Period	Balance	Payment 2020-2021	Year	Reason	Ramp Up	Period	Balance	Payment 2020-2021
6/30/2006	Fresh Start	No Ramp	18	(\$274,216)	(\$21,756)	6/30/2007	Fresh Start	No Ramp	19	(\$2,078,097)	(\$158,991)
6/30/2007	Benefit Change	No Ramp	8	\$1,404,346	\$208,359	6/30/2008	Benefit Change	No Ramp	9	\$2,452,772	\$329,715
6/30/2008	Benefit Change	No Ramp	9	\$2,865,557	\$385,204	6/30/2009	Assumption Change	No Ramp	11	\$2,099,866	\$239,850
6/30/2009	Assumption Change	No Ramp	11	\$4,295,034	\$490,585	6/30/2009	Special (Gain)/Loss	No Ramp	21	\$5,400,667	\$387,203
6/30/2009	Special (Gain)/Loss	No Ramp	21	\$2,546,285	\$182,557	6/30/2010	Special (Gain)/Loss	No Ramp	22	\$1,714,903	\$119,417
6/30/2010	Special (Gain)/Loss	No Ramp	22	\$1,542,900	\$107,440	6/30/2011	Assumption Change	No Ramp	13	\$2,831,164	\$284,013
6/30/2011	Assumption Change	No Ramp	13	\$1,960,954	\$196,719	6/30/2011	Special (Gain)/Loss	No Ramp	23	(\$3,053,599)	(\$206,923)
6/30/2011	Special (Gain)/Loss	No Ramp	23	\$2,583,707	\$175,084	6/30/2012	Payment (Gain)/Loss	No Ramp	24	(\$18,581,113)	(\$1,227,484)
6/30/2011	Golden Handshake	No Ramp	13	\$455,054	\$45,650	6/30/2012	(Gain)/Loss	No Ramp	24	\$29,581,148	\$1,954,155
6/30/2012	Payment (Gain)/Loss	No Ramp	24	\$59,965	\$9,961	6/30/2013	(Gain)/Loss	100%	25	\$22,838,945	\$1,549,325
6/30/2012	(Gain)/Loss	No Ramp	24	\$291,592	\$19,263	6/30/2014	Assumption Change	100%	16	\$11,846,020	\$1,126,429
6/30/2013	(Gain)/Loss	100%	25	\$13,560,657	\$919,914	6/30/2014	(Gain)/Loss	100%	26	(\$17,700,534)	(\$1,170,481)
6/30/2014	Assumption Change	100%	16	\$7,446,605	\$708,092	6/30/2015	(Gain)/Loss	80%	27	\$8,634,901	\$451,641
6/30/2014	(Gain)/Loss	100%	26	(\$11,280,653)	(\$745,954)	6/30/2016	Assumption Change	60%	18	\$3,810,914	\$207,485
6/30/2015	(Gain)/Loss	80%	27	\$4,475,079	\$234,065	6/30/2016	(Gain)/Loss	60%	28	\$9,063,004	\$356,164
6/30/2016	Assumption Change	60%	18	\$2,411,557	\$131,297	6/30/2017	Assumption Change	40%	19	\$4,922,832	\$179,513
6/30/2016	(Gain)/Loss	60%	28	\$4,600,423	\$180,790	6/30/2017	(Gain)/Loss	40%	29	(\$3,998,950)	(\$106,299)
6/30/2017	Assumption Change	40%	19	\$2,883,132	\$105,135	6/30/2018	Method Change	20%	20	\$1,369,305	\$25,530
6/30/2017	(Gain)/Loss	40%	29	(\$4,898,457)	(\$130,209)	6/30/2018	Assumption Change	20%	20	\$7,326,329	\$136,597
6/30/2018	Method Change	20%	20	\$1,247,944	\$23,267	6/30/2018	(Gain)/Loss	20%	30	(\$233,817)	(\$3,193)
6/30/2018	Assumption Change	20%	20	\$4,486,339	\$83,646					\$68,246,660	\$4,473,666
6/30/2018	(Gain)/Loss	20%	30	(\$237,495)	(\$3,244)						
				\$42,426,309	\$3,299,865						

City Strengths and Tools: The City is one of several California agencies with a special property tax dedicated to paying for CalPERS retirement costs. The City's retirement tax was established in 1946 and 1952 and is currently set at 0.09% of the City's assessed valuation. These revenues have been used to fund CalPERS retirement benefits and successfully build up reserves as retirement tax revenues were higher than actual costs in some years. Due to retirement cost increases and residual impacts from the Great Recession, however, the City's Retirement Tax Fund is projected to be depleted as actual costs have risen above revenues. The City's retirement tax may facilitate access to financing options with a lower borrowing cost than traditional pension obligation bonds due to the security of the retirement tax revenues.

The City posted a Request for Information (RFI) on the City website in search for bond underwriters. The RFI was posted on August 3, 2020 with a closing date of August 24, 2020. The City also reached out verbally and in written form to three underwriting agencies for RFI. Agencies included: RBC Capital Markets, Stifel, and Ramirez & Co, Inc. The results included the receipt of three qualifications submitted to the City: Ramirez & Co., Inc, RBC Capital Markets, LLC, and Stifel. Both Ramirez & Co, Inc and Stifel were selected to serve as the underwriters for the City. Both companies are well qualified, have experience in POBs and have an excellent reputation with neighboring cities.

The City also reached out to three financial advisors both verbally and in written form. The three financial advisory agencies included Hilltop Securities, Acacia Financial Group, Inc. and Urban Futures, Inc. Urban Futures, Inc (UFI) was the only respondent that provided a written Proposal. UFI is well qualified, has a previous working relationship with the City, and has an excellent reputation with neighboring cities.

Bond Basics:

At the most fundamental level, a bond is a loan not unlike a traditional mortgage where the "borrower" is the issuer (City) and the investors who purchase the bonds are the "lender." The mechanism for obtaining the loan is the conversion/pledge of expected future revenue stream monies into currently available funds for capital projects and in this circumstance to reduce pension obligations liabilities. Once the bonds are issued, the City is responsible for semi-annual principal and interest payments to investors.

Due to support from the Federal Reserve, interest rates are currently at all-time lows making it a great time to refinance debt. Many cities and public agencies throughout the country are taking advantage of this opportunity to reduce their borrowing cost by replacing outstanding obligations with lower cost bonds. Preliminary estimates show the City's proposed Pension Obligation Bonds (POBs) can secure an interest rate of approximately 3.5% to 4.00% in the current market. The proposed financing will refinance the City's CalPERS pension liability from the current 7.00% to the borrowing rate of the bonds (approximately 3.5% to 4.00%). The final interest rate will be locked-in at the time the bonds are sold to investors. Savings generated from the refinancing will significantly reduce the City's pension cost and provide cash flow relief to the City.

Interest Rates vary for many reasons including:

- General market level of comps
- Market supply and demand
- Taxable versus tax-exempt
- Time period for pay back
- Type of security pledged
- Rating (level of risk)
- Credit enhancements

Ratings vary based security type: Liquidity, Debt Load, Bond Provisions, Economic Base, Finances, and Management & Governance. The City currently does not have a “true” credit rating but is expected to receive a credit rating of AA if POBs are issued.

LONG-TERM CREDIT RATING SCALE					RISK	GRADE		
								
Aaa		AAA		AAA		Highest quality	Investment	
Aa	1	AA	+	AA	+	High quality		
	2							
	3		-		-			
A	1	A	+	A	+	High quality		
	2							
	3		-		-			
Baa	1	BBB	+	BBB	+	High quality		
	2							
	3		-		-			
Ba, B		BB, B		BB, B		Speculative	Junk	
Caa, Ca		CCC, CC, C		CCC, CC, C		Highly speculative		
C		D		D		Default		

Depending on the specific transaction, bonds can take several months to issue. Notably, POBs require a judicial validation action to confirm the City’s “obligation imposed by law” to pay the Unfunded Liability. The City’s proposed financing will take 5-6 months with the bond sale expected to occur in the first quarter of 2021. The first step is to engage the underwriting/financing team that will guide the City through the process of entering the market and selling bonds to investors. Key highlights of this process include but are not limited to the following:

1. Drafting and filing of validation action documents, approximately a four-month process.
2. Drafting of all bond documents and the City’s Preliminary Official Statement.
3. Analyze and develop the bond financing structure and strategy (including collaboration with an actuary to assess the City’s pension tax).

4. Develop credit story and presentation for the rating agencies and secure the best possible rating.
5. Create marketing materials for investors and execute marketing strategy.
6. Underwrite the transaction and sell the bonds to investors.
7. Successfully close transaction and ensure all legal documents are completed.

Staff and the City's Financing Team will return to City Council two more times before entering the market. The City is not obligated to complete the transaction until the day the bonds are sold to investors, and the financing team is not paid unless the financing successfully closes.

1. City Staff will request approval from City Council to 1) initiate the validation process and 2) approve the issuance of POBs in a not-to-exceed amount.
2. Once the validation has been completed and all legal documents are drafted, City Staff will return to City Council to request approval of the Preliminary Official Statement.

FISCAL IMPACT:

Retirement costs have become increasingly unpredictable due to rising pension costs and the proposed CalPERS changes listed above. As a result, predictable debt service of a pension obligation bond would help the City manage its future cash flows while taking advantage of an improved credit profile, the City's unique retirement tax and a favorable interest rate environment.

In addition to this, the finance team will work with staff to identify financing options that bring savings to the City's general fund, finance new capital projects and fund City services more efficiently.

Generally, fees for the Financing Team will be paid through the financing process and only upon successful completion of each financing. However, given the unique nature of a pension obligation bond issuance, there are certain, legal, actuarial and due diligence costs that will not be contingent upon a successful closing of the transaction. These costs will be set out in each engagement agreement with the individual financing team members.

Respectfully Submitted and prepared by:



Martha Garcia
Director of Management Services



Ron Bow
City Manager



Karl H. Berger
City Attorney



City Council Staff Report

DATE: September 2, 2020

AGENDA ITEM NO: **New Business**
Agenda Item 5-B

TO: Honorable Mayor and Members of the City Council
FROM: Mark A. McAvoy, Director of Public Works/City Engineer/City Planner
SUBJECT: Creating the Monterey Park Homeowners' Association Monitoring Program considering an Ordinance amending Monterey Park Municipal Code §§ 4.10.080 and 21.04.475, and Chapters 21.32 and 4.30 to regulate Homeowners' Associations within the City.

RECOMMENDATION:

It is recommended that the City Council:

1. Introduce and waive first reading of the draft Ordinance;
2. Adopt a Resolution creating the Monterey Park Homeowners' Association Program; or
3. Alternatively, take such additional related action that may be desirable.

ENVIRONMENTAL REVIEW:

The proposed actions are exempt from additional review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA regulations (14 California Code of Regulations ("CCR") §§ 15000, *et seq.*) because they establish rules and procedures to clarify existing policies and practices related to discretionary permitting; do not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitute an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, these actions do not constitute a "project" that requires environmental review (see specifically 14 CCR § 15378(b)(4-5)).

EXECUTIVE SUMMARY:

During the past two years, the City Council undertook a number of actions to help beautify the City of Monterey Park. Among other things, the City Council established the Neighborhood Improvement and Community Enhancement ("NICE") Task Force to combine the services of several different City Departments when responding to scofflaw properties throughout the City's jurisdiction. These proposed actions would help bolster those efforts. Specifically, these actions would strengthen the City's ability to ensure homeowner and owner associations (collectively, "HOA") enforce conditions of approval

issued for planned residential and commercial developments. Responsive HOAs will help maintain common areas within planned developments to reduce the burden on the City's code enforcement officers to enforce the Monterey Park Municipal Code ("MPMC").

BACKGROUND & DISCUSSION:

During the past several years, the City placed an emphasis on code enforcement activities throughout the City. From regulating boarding homes to authorizing the Fire Department to oversee code enforcement, the City's dedication to cleaning and maintaining the City is apparent.

Approximately two years ago, Mayor Peter Chan suggested that the City Manager review the City's regulations regarding HOAs. Specifically, there are many planned communities – whether residential or commercial – within the City that regularly fail to maintain common areas in accordance with the MPMC. By holding HOAs accountable for these failures, the burden on the City's code enforcement could be reduced at the same time that property maintenance improved. For various reasons, this matter was postponed until this time.

The proposed ordinance and resolution would help implement the City's overall goal of requiring HOAs to comply with the MPMC and discretionary permits. Various amendments to the MPMC are required to (a) expand the enforcement authority of the City Attorney; (b) identify which developments require a HOA; (c) add enforcement mechanisms (e.g., clauses within CC&Rs) allowing the City enforce discretionary permitting; (d) clarifying when the City can revoke or suspend discretionary permitting; (e) establish standard conditions of approval; and (f) authorize the City Manager to undertake immediate abatement activities to resolve public nuisances more rapidly. The latter two items would be incorporated into a newly established Monterey Park Homeowners Association Monitoring Program (the "Program").

Among other things, the Program would require the City Manager, or designee, to compile a city-wide list identifying developments that are required to have an active HOA. Using that list, the City can then take action to ensure that HOAs are implementing the MPMC and discretionary permitting. Where that did not occur, the City Manager and City Attorney would be authorized to take enforcement action.

Respectfully submitted and prepared by:



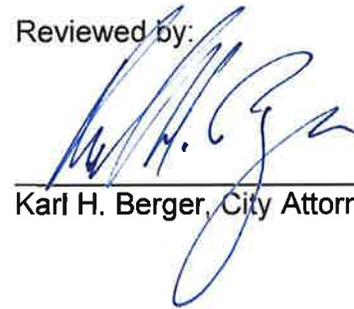
Mark A. McAvoy
Director of Public Works/City Engineer/City Planner

Approved by:



Ron Bow, City Manager

Reviewed by:



Karl H. Berger, City Attorney

ATTACHMENTS:

1. Resolution
2. Ordinance

ATTACHMENT 1
Draft Resolution

RESOLUTION NO. _____

A RESOLUTION CREATING THE MONTEREY PARK HOMEOWNERS ASSOCIATION MONITORING PROGRAM FOR THE PURPOSE OF PREVENTING NUISANCE CONDITIONS BY ENSURING THAT HOMEOWNERS ASSOCIATIONS ARE ADEQUATELY RESPONSIVE TO THEIR RESPECTIVE PROJECTS.

THE CITY COUNCIL RESOLVES AS FOLLOWS:

SECTION 1: The City Council finds and declares as follows:

- A. The City Council appreciates the importance of Homeowners' Associations ("HOAs") in overseeing the maintenance and upkeep of planned residential developments, townhouses and condominiums in order to protect property values and ensure that the community is a pleasant place to live;
- B. The City Council believes it is in the public interest to discourage nuisance conditions and violations of the Monterey Park Municipal Code which result from the lack of, or poorly managed, HOAs; and
- C. The purpose of this resolution is to create a program for the purposes of ensuring that HOAs within the City are adequately responsive to their respective communities.

SECTION 2: *Authorizations.* A Monterey Park Homeowners Association Monitoring Program (the "Program") is established. The City Manager is authorized to promulgate administrative policies and procedures ("AP&P") to implement the Program in accordance with this Resolution. The City Attorney is authorized to initiate civil actions in accordance with the MPMC to enforce the Program.

SECTION 3: *Standard Conditions of Approval.* Pursuant to MPMC § 21.32.170(C), standard conditions of approval are attached as Exhibit "A," and incorporated by reference ("Standard Conditions"). All conditions of approval for residential or commercial projects that consist of five or more units and require a conditional use permit ("CUP") for development are required to include the Standard Conditions in substantially the form of Exhibit A.

SECTION 4: *Regulation & Enforcement of Existing HOAs.* For HOAs that were required to be formed, or are formed, the City Manager is directed to take the following actions:

- A. Create a list of all the communities within the City that are required to have an HOA. This list must be monitored to ensure that the HOA is active and has a current business license with the City.
- B. Encourage owner association members to compel their HOAs to enforce the CC&Rs for their respective projects through any legal means available. Similarly, homeowners are encouraged to enforce their CC&Rs to create and maintain sufficient HOAs for their respective communities.

- C. Where HOAs fail, for whatever reason, to enforce conditions of approval issued by the City, the City Manager and City Attorney are directed to take appropriate action to both abate any public nuisance and help ensure future compliance with the MPMC.

SECTION 5: Contracting Authority. To implement the Program, the City Manager is also authorized to solicit bids, award contracts, and execute on-call contracts for amounts in accordance with the MPMC for the following services needed to implement the MPK-HOA program:

- A. Tree and landscaping maintenance;
- B. Roofing maintenance; and
- C. Nuisance abatement vendors.

SECTION 6: Environmental Review. This ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, “CEQA”) and CEQA regulations (14 California Code of Regulations (“CCR”) §§ 15000, *et seq.*) because it establishes rules and procedures to clarify existing policies and practices related to discretionary permitting; does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this Ordinance does not constitute a “project” that requires environmental review (see specifically 14 CCR § 15378(b)(4-5)).

SECTION 7: This Resolution does not affect any penalty, forfeiture, or liability incurred before, or preclude 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 8: If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Resolution are severable.

SECTION 9: 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 10: The Mayor, or presiding officer, is hereby authorized to affix his 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 thereto.

SECTION 11: This Resolution will become effective immediately upon adoption.

**PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY
OF MONTEREY PARK ON THIS __ DAY OF SEPTEMBER, 2020.**

Peter Chan, Mayor

Attest:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney

EXHIBIT A

STANDARD CONDITIONS OF APPROVAL FOR PROJECTS REQUIRING OWNER ASSOCIATIONS

General Conditions

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

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

Planning

A. Before the City issues Building Permits:

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

**MPK-HOA Program
Standard Conditions
Page 3 of 6**

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

B. Post-Finalization Requirements:

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

E. Homeowners Association Requirements:

19. To ensure all common areas (e.g., driveway, hardscape, landscape) are properly maintained, a Homeowners' Association (HOA) and Covenants, Conditions and Restrictions (CC&R's) are required for the proposed Project. The developer(s) must hire a management company for the HOA. During sales of the units, the sales managers must sit on the HOA board. The developer(s) representatives can remove themselves from the HOA board only when 1) a new HOA board is selected from the new home owners; 2) the new home owners are trained on how to run the HOA; and 3) the units are fully occupied. The documents related to the HOA and CC&R's must be reviewed and approved by the City Attorney before the City approves a final map. In addition, the Applicant/Property Owner(s) must pay for all attorneys' fees associated with the review of the document.
20. The final approved floor plan for the residential units must be incorporated into CC&R's.

21. The Homeowners Association must maintain a current and active business license with the City for the life of the project. Association dues may not be collected unless the Association has a current and active business license with the City.
22. Draft covenants, conditions and restrictions (“CC&Rs”), in a form approved by the City Attorney, must obtain approval from the City Planner, or designee, and include the following clauses:
 - a. *Payment of Municipal Charges.* The amount of the assessments levied by the Association must include sums sufficient to cover the cost of all municipal charges imposed against the Property including, without limitation, sums sufficient to ensure the payment of invoices from the City of Monterey Park (“City”) for water, wastewater, and solid waste charges. In addition, the Association and the Owners, and the management agent, if any, must continuously guarantee payment to the City of all such municipal charges.
 - b. *Access and Entry.* The Association and each Owner covenants, in favor of the City, to provide access and entry to all common areas of the Property, and all buildings, structures and units situated thereon, to any authorized Fire Inspector, Building Official and any other official charged with carrying out the laws of the City, the State of California, or the United States of America.
 - c. *Signs.* Except as otherwise allowed by applicable law, the Association and each Owner covenant, in favor of the City, that no sign of any kind of advertising any service, business or other commercial project or venture can be displayed on the Property.
 - d. *Parking.*
 - i. The Association and each Owner covenants, in favor of the City, that all automobiles used by an Owner or an Owner’s invitees must be identified to a representative of the Association and subject to tow if parked in an area not designated for parking automobiles or in a guest parking space.
 - ii. All driveways and garages must be maintained in a neat and orderly condition and garage doors must be maintained in closed condition except as necessary to permit ingress and egress of authorized vehicles or to clean or work in the garage. The garages are to be used for the parking of standard authorized vehicles and may not be converted to living quarters or workshops or used for the storage of boats,

trailers, campers or recreation vehicles in a way which will preclude the parking of the Owner's or occupant's authorized vehicles within the garage.

- iii. Designated guest parking areas within the Common Areas are to remain open for use by guests only and are not to be used by Owners or other residents, either permanently or temporarily, for the parking of their authorized vehicles or the storage of boats, trailers or similar items of personal property, unless expressly authorized by the Association.
 - iv. No motor vehicle can be constructed, reconstructed or repaired within the Property and no dilapidated or inoperable vehicle, including vehicles without wheel(s) or an engine, can be stored on the Property; provided, however, that the provisions of this Section does not apply to emergency vehicle repairs.
 - v. Campers, boats, trailers, motorcycles, commercial vehicles and trucks in excess of three-quarter tons cannot be parked within the Property, other than within enclosed garages except for periods not to exceed two hours for the purpose of loading and unloading.
 - vi. Personal property other than authorized vehicles cannot be stored in garages if such storage will necessitate or result in the parking of vehicles on streets within or adjacent to the Property. Parking by commercial vehicles for the purpose of making deliveries or service calls must be permitted in accordance with the Association Rules.
 - vii. Each Owner must maintain their garage or parking spaces in a manner which ensures that it is capable of accommodating not less than the number of vehicles the space was designed to contain.
- e. *Graffiti.* The Association and each Owner covenants and agrees to maintain, or to cause to be maintained, all buildings and structures within the Property free of graffiti. In an event that the Association or an Owner fails to remove or to cause the removal of any graffiti within 24 hours of its receipt of written notice from the City requesting such removal, the City has the right and authority to enter upon the Property and remove or mask said graffiti. Any and all costs incurred by the City in connection with the removal or masking of such graffiti must be reimbursed to the City by the Association and/or the Owner, if any, of affected building or structure.

- f. *Maintenance of Property.* The maintenance of all common wastewater and storm drainage facilities, and all landscaping, irrigation systems, slopes, drainage facilities and retaining walls, if any, located within the Common Area are Association's responsibility, and the maintenance of all irrigation systems, slopes, drainage, facilities and retaining walls, if any, situated within an Exclusive Use Common Area are the responsibility of the Association in the event the applicable Owner fails to provide such maintenance.
- g. *Filing of Information.*
 - i. Filing (Unincorporated Associations Only). The Association must cause the names and addresses of the officers and members of the Association to be filed annually with the City Clerk of the City of Monterey Park during the month of July.
 - ii. Filing (Incorporated Associations Only). The Association must cause the names and address of the officers and members of the Board of Directors of the Association to be filed annually with the City Clerk of the City of Monterey Park during the month of July.
- h. *Amendment of CC&Rs.* Notwithstanding any other provision of this Declaration the contrary, the statements and covenants set forth herein in favor of the City of Monterey Park cannot be modified and rescinded without the prior written consent of the City of Monterey Park.
- i. *Third-Party Beneficiary; Enforcement Rights.* City Enforcement of Declaration. Notwithstanding any other provision of this Declaration to the contrary, the city of Monterey Park has the power and the right, but not the obligation, to enforce any or all provisions of this Declaration as a third party beneficiary to the extent this Declaration contains provisions implementing the Monterey Park Municipal Code ("MPMC") or any condition of approval adopted by City Council resolution or ordinance. Failure by the City to enforce any restriction, covenant, condition, limitation or reservation imposed by the provisions of this Declaration does not constitute a waiver of the City's right to do so. The Association agrees to pay all costs associated with such enforcement including, without limitation, reasonable attorney's fees. The City may exercise its rights of enforcement without regard to any alternative dispute resolution provision in the CC&Rs or any other restriction on enforcement otherwise applicable to owners, tenants, other residents, or the Association including, without limitation, provisions with regard to notice.

ATTACHMENT 2
Draft Ordinance

ORDINANCE NO.

AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE §§ 4.10.080 & 21.04.475, AND CHAPTERS 21.32 AND 4.30 TO REGULATE HOMEOWNERS ASSOCIATIONS WITHIN THE CITY.

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

SECTION 1: Monterey Park Municipal Code (“MPMC”) § 4.10.080 is amended to read as follows:

“4.10.080 ~~Prosecutorial duties of the city attorney~~City Attorney Enforcement Authority.

- (a) In addition to any other general functions, powers, and duties given to the city attorney by this code or California law, the city attorney ~~willis authorized to:~~
- (1) Prosecute on behalf of the people all criminal and civil cases for violations of this code; any franchises or permits issued pursuant to this code; city ordinances; ~~and~~ any state misdemeanors that the city council elects to enforce; and, without limitation, administrative or judicial nuisance abatement, suits for injunctive relief, and petitions for receivership.
 - (2) Draft complaints for such cases and prosecute all recognizances and bail bonds forfeited arising from or resulting from the commission of such offenses.
 - (3) Prosecute all actions for the recovery of fines, penalties, forfeitures, and other money accruing to the city under this code or otherwise.
 - (4) Represent the city in all appeals arising as a consequence of the city attorney’s prosecutions.
- (b) Notwithstanding any other provision of this code, the city attorney is the only officer that may file misdemeanor charges in accordance with this code. The city attorney may, in his or her discretion, prosecute misdemeanor violations of this code as infractions.
- (c) Nothing contained in this section will interfere with the authority of public safety officials to arrest persons pursuant to any applicable provision of this code and/or the California Penal Code.”

SECTION 2: MPMC § 4.30.020 is amended to read as follows:

“4.30.020 Purpose.

* * *

- (e) Except when acting as a third-party beneficiary to enforce conditions of approval, This chapter is not intended to enforce conditions, covenants, and restrictions (CC&Rs) on property, nor to supersede them. This chapter will be enforced uniformly within the city regardless of CC&Rs. Therefore, this chapter does not abrogate the right of any homeowner’s association or private citizen to take action, legal or as otherwise provided in the CC&Rs, to force compliance with the CC&Rs applicable to their tract or association even though the CC&R provisions may be the same, more restrictive, or may not be covered by this chapter.

* * *

SECTION 3: MPMC § 4.30.050 is amended to read as follows:

“4.30.050 Public nuisances—Designated.

* * *

- (ii) Any failure by a person or owner’s association, as defined by this code, to enforce conditions of approval that are part of a permit issued in accordance with this code.

* * *

SECTION 4: MPMC § 21.04.475 is amended to read as follows:

“21.04.475 Homeowner’s Association.

“Homeowner’s association” or “owner’s association” means a community association which is organized within a development in which individual owners share common interests and responsibilities for open space, landscaping, and/or facilities.”

SECTION 5: MPMC § 21.32.150 is amended to read as follows:

“21.32.150 Revocation or Suspension.

- (A) Revocation or Suspension. Upon recommendation by the City Planner, Planning Commission, or the City Council, by motion, carried by at least three votes, the body which granted a variance or conditional use permit ~~shall may~~ conduct a noticed public hearing to determine whether such should be revoked. This revocation procedure ~~shall apply~~ applies to conditional use permits or variances granted ~~prior to before as well as and~~ after the adoption of these

regulations. If the granting body finds, upon substantial evidence, any of the following facts to be present, it may revoke the variance or conditional use permit:

- (1) That the variance or permit was obtained by fraud;
- (2) That the use for which such approval was granted has ceased to exist or has not operated for a period of one year, as determined by records from either City business license records, the California Department of Alcoholic Beverage Control or City Planner, or designee, observation;
- (3) That the permit or variance granted is being, or has been, exercised contrary to any conditions imposed upon such permit or variance, or in violation of any law; ~~or~~
- (4) That an owner's association required by a conditional use permit was never formed, was dissolved, regularly fails to enforce covenants, conditions or restrictions ("CC&Rs") recorded on the property, or fails to enforce conditions of approval imposed upon the development; or
- (5) That the use for which the approval was granted is being exercised so as to be detrimental to the public health or safety, or as to constitute a nuisance.

(B) If the granting body determines that facts of either subsection (A)(3) or (45) are present, and that such facts can be corrected and are not likely to recur, it may suspend, rather than revoke, a conditional use permit or variance for a period of time that it deems appropriate for the implementation of corrective measures.

(C) If the granting body determines that facts of (A)(4) are present, it may, revoke or suspend the conditional use permit. It may also refer the matter to the City Attorney for enforcement pursuant to Chapter 4.10 of this code.

(D) If the revocation hearing is conducted by the Planning Commission, its decision shall be subject to review on appeal, taken in the time and manner set forth in Chapter 1.10 as provided by this code."

SECTION 6: MPMC § 21.32.170 is amended to read as follows:

"21.32.170 Conditions of Approval.

(A) Whenever the City Council or Planning Commission grants a variance or conditional use permit, the granting authority may ~~attach~~ impose conditions ~~thereto~~, as follows:

(1) In the case of a variance, the granting authority ~~shall may attach impose~~ such conditions as will assure to ensure that the ~~adjustment variance thereby authorized will does~~ not constitute a grant of special privileges inconsistent with the limitations upon other properties in the zone in which such property is situated.

(2) In any case, the granting authority may ~~apply impose~~ such conditions as are necessary to protect the public health, safety and general welfare, including, without limitation, conditions relating to yards, fences and walls, dedications, improvements, landscaping, regulation of nuisance factors, regulation of signs and such other matters as will make the development compatible with the neighborhood.

(B) For conditional use permits regulating residential or commercial developments with five or more units, the granting authority must include a condition requiring creation of an owner's association to maintain the common areas within a development.

(C) The city council may adopt a resolution identifying standard conditions of approval needed to implement this section."

SECTION 7: Environmental Review. This ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA regulations (14 California Code of Regulations ("CCR") §§ 15000, *et seq.*) because it establishes rules and procedures to clarify existing policies and practices related to discretionary permitting; does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this Ordinance does not constitute a "project" that requires environmental review (see specifically 14 CCR § 15378(b)(4-5)).

SECTION 8: Ongoing Effectiveness. Repeal of any provision of the MPMC will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 9: Conflicts. In the event of a conflict between the provisions of this Ordinance and the provisions the MPMC, any other ordinance, or any resolution, the provisions of this Ordinance and the Program govern. The Director is authorized to resolve any ambiguities in the manner set forth in the MPMC. Any such determination must be forwarded to the City Council as an informational item when practicable.

SECTION 10: *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 11: *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 12: *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 13: *Recordation.* The City Clerk, or his duly appointed deputy, 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 14: *Effective Date.* This Ordinance will take effect on the 30th day following its final passage and adoption.

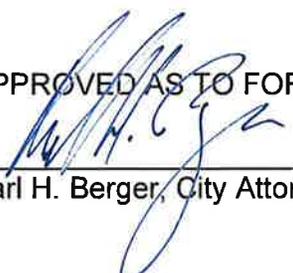
PASSED AND ADOPTED this _____ day of _____, 2020.

Peter Chan, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM



Karl H. Berger, City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK FINALIZING AN AGREEMENT OF FRIENDLY COOPERATION BETWEEN THE CITY OF MONTEREY PARK AND DAVAO CITY, PHILIPPINES

The City Council does resolve as follows:

- Section 1. The City Council finds and declares that:
- A. Davao City, Philippines agreed to establish a mutual friendship relationship with the City of Monterey Park, California, United States of America.
 - B. On November 12, 2019, Mayor Hans Liang and Mayor Sara Z. Duterte signed an agreement of such to foster further responsive relations and cooperation in promoting mutual understanding and friendship.
 - C. Monterey Park has historically signed other Friendly Cooperation Agreements with several cities in the People's Republic of China to establish better relations and understanding with the culture, foster better communication and exchanges of economic benefits and growth, and to improve development and education.
 - D. The friendship relationship will encourage representative of both cities to visit each other at regular intervals and seek cooperation in the fields of economy, trade, science, technology, finance, culture, education and tourism on the basis of friendship.
 - E. An agreement establishing the friendship relationship has been signed by both parties, with one executed copy for each entity.
- Section 2. The City Council further declares:
- A. The City of Monterey Park has established a friendship city relationship with Davao City, Philippines.
- Section 3. This Resolution takes effect immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED this 2nd day of September 2020.

Peter Chan
Mayor
Monterey Park, California

ATTEST:

Vincent D. Chang, City Clerk
Monterey Park, California

State of California)
County of Los Angeles) ss.
City of Monterey Park)

I, Vincent D. Chang, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Resolution No. was duly and regularly adopted by the City Council of the City of Monterey Park at a meeting held on the 2nd day of September 2020, by the following vote:

Ayes:
Noyes:
Absent:
Abstain:

Dated this 2nd day of September 2020.

Vincent D. Chang, City Clerk
Monterey Park, California

**AGREEMENT ON THE INTENT TO FORM
FRIENDLY COOPERATION BETWEEN
THE CITY OF MONTEREY PARK
UNITED STATES OF AMERICA
AND
DAVAO CITY, PHILIPPINES**

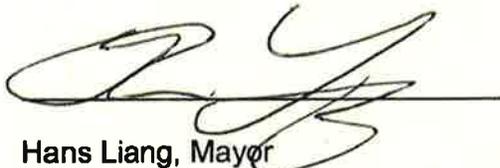
In order to promote friendship and understanding between the people of the City of Monterey Park and Davao City, Philippines, and on the basis of diplomatic communication between the United States of America and the Philippines, this agreement was achieved through friendly negotiation.

On the basis of this expressed intention to establish good-will relationship, the City of Monterey Park and Davao City will follow the principles of equality and mutual benefit to promote dynamic and effective exchanges and cooperation in various forms in fields such as: economy, trade, science, technology, finance, culture, education, and tourism with a common view to achieving universal prosperity and development.

The two cities will make great effort to keep close communication with each other, exchange information continually to increase mutual understanding, carry out regular discussions and consultations on specific exchange and cooperation programs and make unceasing efforts to develop the friendship cooperation.

The recognition of friendship cooperation between the City of Monterey Park and Davao City shall become effective upon the complete execution of the agreement.

Dated: 11/12/19



Hans Liang, Mayor
City of Monterey Park
The United States of America



Sara Z. Duterte, Mayor
Davao City
Philippines



City Council Staff Report

DATE: September 2, 2020

AGENDA ITEM NO: Council Communications
Agenda Item 6-B

TO: Members of the City Council

FROM: Mayor Peter Chan

SUBJECT: Consideration and possible action to introduce and waive first reading of an Ordinance amending Monterey Park Municipal Code (MPMC) §§ 6.20.020 and 9.100.020 to include cannabis and its derivatives as part of the prohibition on smoking in outdoor public areas and regulation of tobacco retailer licensing

RECOMMENDATION:

It is recommended that the City Council:

1. Introduce and waive first reading of the draft Ordinance; or
2. Alternatively, take such additional related action that may be desirable.

BACKGROUND & DISCUSSION:

As you know, the City prohibits cannabis sales, etc. We made that decision to help preserve our constituent's health and safety. While I know that the State of California partially legalized cannabis use, it is still illegal under federal law. While we cannot completely prohibit people's use of cannabis under California law, we can regulate smoking cannabis in public places – just like tobacco products and e-cigarettes.

The Monterey Park Municipal Code currently regulates smoking of tobacco and tobacco retailer licenses. The definition of "tobacco," however, does not include "cannabis" (as that term is defined by California law). I am now asking my colleagues to consider adopting an Ordinance that would amend the City's existing tobacco prohibitions and regulations to include cannabis.

The proposed Ordinance amends MPMC § 6.20.020 to expand the definitions of the City's smoking prohibitions to include cannabis in order to place the same restrictions on all types of smoke – not just smoke produced by tobacco products; as well as MPMC § 9.100.020 to explain that the City's tobacco retailer license is also meant to regulate the sale and use of cannabis products.

Respectfully submitted and prepared by:

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

Mayor Peter Chan

ATTACHMENTS:

1. Ordinance

ATTACHMENT 1
Draft Ordinance

ORDINANCE NO.

AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE §§ 6.20.020 AND 9.100.020 TO INCLUDE CANNABIS AND ITS DERIVATIVES AS PART OF THE PROHIBITION ON SMOKING IN OUTDOOR PUBLIC AREAS AND REGULATION OF TOBACCO RETAILER LICENSING.

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

SECTION 1: Monterey Park Municipal Code (“MPMC”) § 6.20.020 is amended to add the following definitions:

“6.20.020 Definitions.

* * *

“Cannabis” has the same meaning as defined in Health and Safety Code § 11018.

“Cannabis product” means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, without limitation, concentrated cannabis.

* * *

“Smoke or smoking” means (1) carrying or holding of a lighted pipe, cigar or cigarette of any kind, or any other lighted smoking equipment or the lighting or emitting or exhaling the smoke of a pipe, cigar or cigarette of any kind; and (2) operating or using an electronic cigarette. “Smoke” includes, without limitation, use of cannabis or a cannabis product in any pipe, cigar, cigarette, or electronic cigarette of any kind.”

SECTION 2: MPMC § 9.100.020 is amended to read as follows:

“9.10.020 Definitions.

* * *

“Cannabis” has the same meaning as defined in Health and Safety Code § 11018.

“Cannabis product” means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, without limitation, concentrated cannabis.

* * *

“~~Tobacco Smoking~~ paraphernalia” means cigarette papers or wrappers; pipes; holders of smoking materials of all types including, without limitation, electronic cigarettes; cigarette rolling machines; and any other item designed for smoking or ingestion of cannabis, cannabis products, tobacco, or tobacco products;

* * *

SECTION 3: Ongoing Effectiveness. Repeal of any provision of the MPMC will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance’s effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 4: Conflicts. In the event of a conflict between the provisions of this Ordinance and the provisions the MPMC, any other ordinance, or any resolution, the provisions of this Ordinance and the Program govern. The Director is authorized to resolve any ambiguities in the manner set forth in the MPMC. Any such determination must be forwarded to the City Council as an informational item when practicable.

SECTION 5: Electronic Signatures. This Ordinance may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 6: Construction. This Ordinance must be broadly construed 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 7: Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 8: Recordation. The City Clerk, or his duly appointed deputy, is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park’s book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within 15 days after the passage and adoption of this Ordinance, and cause it to be published or posted in accordance with California law.

SECTION 9: Effective Date. This Ordinance will take effect on the 30th day following its final passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2020.

Peter Chan, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM

Karl H. Berger, City Attorney