

**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 16, 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 24 hours before the meeting via email to [mpclerk@montereypark.ca.gov](mailto: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: 943 3669 2099 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. LEGISLATIVE UPDATE FROM SENATOR SUSAN RUBIO**

**1-B. MPK COUNTS CENSUS 2020 – INFORMATIONAL UPDATE**

**1-C. CDBG POST-COVID ASSISTANCE PROGRAM – INFORMATIONAL UPDATE**

**1-D. BUSINESS RECOVERY PROGRAM UPDATE**

**[2.] OLD BUSINESS – NONE.**

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

**3-A. MONTHLY INVESTMENT REPORT – AUGUST 2020**

It is recommended that the City Council:

- (1) Receive and file the monthly investment report; and
- (2) Take such additional, related, action that may be desirable.

**3-B. 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 meetings of July 1, 2020 and July 15, 2020 and the Special Meeting of July 11, 2020, July 14, 2020 and July 15, 2020
- (2) Take such additional, related, action that may be desirable.

**3-C. CONSIDERATION AND POSSIBLE ACTION TO ADOPT THE 2020 CONFLICT OF INTEREST CODE FOR THE CITY OF MONTEREY PARK IN ACCORDANCE WITH THE POLITICAL REFORM ACT**

It is recommended that the City Council:

- (1) Adopt the resolution amending the City's Conflict of Interest Code; and
- (2) Take such additional, related, action that may be desirable.

**3-D. AUTHORIZE THE CITY MANAGER TO EXECUTE A LICENSE AGREEMENT FOR THE YWCA SAN GABRIEL VALLEY TO CONDUCT THE ELDERLY NUTRITION PROGRAM AT LANGLEY SENIOR CENTER**

It is recommended that the City Council consider:

- (1) Authorizing the City Manager, or designee, to execute a license agreement, in a form approved by the City Attorney for the YWCA San Gabriel Valley to conduct the Elderly Nutrition Program at Langley Senior Center; and/or
- (2) Taking such additional, related action that may be desirable.

**3-E. NOTIFICATION OF FINAL MAP REVIEW PURSUANT TO MONTEREY PARK MUNICIPAL CODE § 20.20.050 AND SUBDIVISION MAP ACT (GOVERNMENT CODE § 66448(D)) – TENTATIVE MAP NO. 78209 (772 BARNUM WAY)**

It is recommended that the City Council:

- (1) Receive and file report; and
- (2) Take such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The City Planner found that the Project was categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines §§ 15315 as a Class 15 categorical exemption (Minor Land Division).

**3-F. GARVEY RESERVOIR AREAS 2, 3, & 4 DRAINAGE IMPROVEMENTS - AWARD OF CONTRACT**

It is recommended that the City Council:

- (1) Authorize the City Manager to execute a public works contract, in a form approved by the City Attorney, with FS Contractors, Inc., in the amount of \$192,221 for the Garvey Reservoir Areas 2, 3, & 4 Drainage Improvements, Specification No. 2020-03;
- (2) Authorize the Director of Public Works to approve change orders and contingency up to \$28,833 (15%) of the contract amount, for a total project cost of \$221,054; and
- (3) Take such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

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 1 categorical exemption (Existing Facilities). The project results in minor alterations to existing public facilities involving no significant expansion of the existing use. The project is not anticipated to have any significant

**3-G. WAIVE FURTHER READING AND ADOPT 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**

It is recommended that the City Council consider:

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

**3-H. WAIVE FURTHER READING AND ADOPT 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) Waiving second reading and adopting the proposed ordinance; or
- (2) Taking such additional, related, action that may be desirable.

**[4.] PUBLIC HEARING**

**4-A. 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 continued 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.

**[5.] NEW BUSINESS**

**5-A. CONSIDERATION AND POSSIBLE ACTION REGARDING LOCAL CAMPAIGN CONTRIBUTION LIMITS**

It is recommended that the City Council:

- (1) Receive and file report;
- (2) Provide direction regarding imposing campaign contribution limits and
  - a. Direct that a resolution or an ordinance imposing no limits (default contribution limit amount will be the same amount as for state elected officials) be brought for adoption; or
  - b. Direct that a resolution or an ordinance memorializing the City Council’s determination on limiting campaign contributions to a specific amount be brought for adoption; and
- (2) Take such additional, related, action that may be desirable.

**5-B. CONSIDERATION AND POSSIBLE ACTION TO INTRODUCE AND WAIVE FIRST READING OF AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE (“MPMC”) CHAPTER 21.44 REGULATING DEVELOPMENT AGREEMENTS AND CODIFYING THE BUSINESS RECOVERY DEVELOPMENT AGREEMENT ZONE (“BRDZ”) INTO MPMC CHAPTER 21.45**

It is recommended that the City Council:

- (1) Introduce and waive first reading of an Ordinance amending MPMC Chapter 21.44, regulating development agreements, and codifying the BRDZ at MPMC Chapter 21.45; or
- (2) Take such additional, related, action that may be desirable.

**5-C. 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 (CONTINUED FROM SEPTEMBER 2<sup>ND</sup>)**

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)).

**5-D. CONSIDERATION AND POSSIBLE ACTION TO INTRODUCE AN OMNIBUS ORDINANCE AMENDING VARIOUS CHAPTERS AND SECTIONS OF THE MONTEREY PARK MUNICIPAL CODE AND ADOPT AN ADMINISTRATIVE CODE ESTABLISHING CITY DEPARTMENTS**

It is recommended that the City Council consider:

- (1) Introducing and waiving first reading of a draft Ordinance amending and repealing various chapters and sections of the Monterey Park Municipal Code;
- (2) Adopting a Resolution approving an Administrative Code establishing City departments; or
- (3) Alternatively, taking such additional, related, action that may be desirable.

**5-E. CONSIDERATION AND POSSIBLE ACTION TO AUTHORIZE THE MAYOR TO EXECUTE A THREE-YEAR EMPLOYMENT AGREEMENT WITH CITY MANAGER RON BOW IN A FORM APPROVED BY THE CITY ATTORNEY. FISCAL IMPACTS INCLUDE (1) AN APPROVED 1% INCREASE IN BASE COMPENSATION FOR A TOTAL OF \$220,180 BEGINNING JANUARY 1, 2021; (2) AN ANTICIPATED, BUT CONTINGENT, INCREASE IN COMPENSATION OF 1.5% FOR A TOTAL OF \$222,382 BEGINNING AUGUST 1, 2021; AND (3) AN ANTICIPATED, BUT CONTINGENT, INCREASE IN COMPENSATION OF 2% FOR A TOTAL OF \$226,830 BEGINNING AUGUST 1, 2022. IF THE CONTINGENCY IN NO. 2, ABOVE, IS NOT IMPLEMENTED, THEN THE TOTAL BASE SALARY COMPENSATION BEGINNING AUGUST 1, 2022 IS \$225,685. THESE BASE SALARIES ARE IN ADDITION TO VARIOUS FRINGE BENEFITS INCLUDING, WITHOUT LIMITATION, RETIREE MEDICAL BENEFITS**

It is recommended that the City Council:

- (1) Authorize the Mayor to execute a contract with Mr. Ron Bow in a form approved by the City Attorney; and
- (2) Take such additional, related, action that may be desirable.

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

**6-A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK FINALIZING A MEMORANDUM OF UNDERSTANDING ON PROMOTING EXCHANGES AND COOPERATION BETWEEN THE CITY OF MONTEREY PARK AND FOSHAN CITY, PEOPLE'S REPUBLIC OF CHINA - REQUESTED BY MAYOR CHAN**

It is recommended that the City Council consider:

- (1) Adopting a Resolution finalizing a Memorandum of Understanding on promoting exchanges and cooperation between the City of Monterey Park and Foshan City, People's Republic of China; and
- (2) Taking such additional, related, action that may be desirable

**6-B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK FINALIZING AN AGREEMENT TO ESTABLISH FRIENDSHIP CITY RELATIONSHIP BETWEEN THE CITY OF MONTEREY PARK AND WEI COUNTY, HEBEI PROVINCE, PEOPLE'S REPUBLIC OF CHINA - REQUESTED BY MAYOR CHAN**

It is recommended that the City Council consider:

- (1) Adopting a Resolution finalizing an agreement to establish Friendship City relationship between the City of Monterey Park and Wei County, Hebei Province, People's Republic of China
- (2) Taking such additional, related, action that may be desirable

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

**ADJOURN**



# City Council Staff Report

**DATE:** September 16, 2020

**AGENDA ITEM NO:** Consent Calendar  
Agenda Item 3-A

**TO:** The Honorable Mayor and City Council  
**FROM:** Joseph Leon, City Treasurer  
**SUBJECT:** Monthly Investment Report – August 2020

**RECOMMENDATION:** It is recommended that the City Council:  
(1) Receive and file the monthly investment report; and  
(2) Take such additional, related, action that may be desirable.

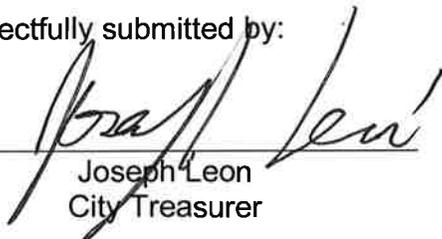
**EXECUTIVE SUMMARY:**

As of August 31, 2020 invested funds for the City of Monterey Park is \$84,882,167.50.

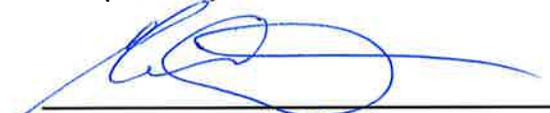
**BACKGROUND:**

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

Respectfully submitted by:

  
\_\_\_\_\_  
Joseph Leon  
City Treasurer

Prepared by:

  
\_\_\_\_\_  
Martha Garcia  
Director of Management Services

Approved by:

  
\_\_\_\_\_  
for Ron Bow  
City Manager

**CITY OF MONTEREY PARK  
INVESTMENT REPORT  
AS OF AUGUST 31, 2020**

**INVESTMENTS PORTFOLIO PROFILE:**

**TOTAL BALANCE AT 8/31/2020** **\$ 84,882,167.50**

**INVESTMENT COMPOSITION**

(1) **LA COUNTY POOLED INVESTMENT FUND** ON DEMAND 0.710% **\$ 4,738,626.14**  
*(See Schedule A for LA County Pool Composition)*

(2) **LOCAL AGENCY INVESTMENT FUND** ON DEMAND 0.710% **\$ 76,328,541.36**

(3) <b><u>CERTIFICATES OF DEPOSIT</u></b>	Purchase Date	Maturity Date	Interest Rate	
1 PREFERRED BANK	09/30/19	09/03/20	2.00%	140,000
2 ALLY BANK MIDVALE	10/06/17	10/05/20	1.95%	245,000
3 AMERICAN FIRST CREDIT UNION	03/06/20	03/07/22	1.60%	245,000
4 CAPITAL ONE NATL BANK	10/25/17	10/26/20	2.00%	245,000
5 CITIBANK NATIONAL BANK	02/07/19	02/08/21	2.65%	245,000
6 DIRECT CFED CREDIT UNION	11/22/17	11/23/20	2.00%	245,000
7 DISCOVER BANK	09/01/17	09/01/20	1.90%	245,000
8 ENVISION CREDIT UNION	06/07/19	06/07/21	2.50%	245,000
9 FIRST SOURCE FED CREDIT UNION	10/08/19	03/26/21	1.95%	245,000
10 GOLDMAN SACHS BANK	10/18/17	10/19/20	1.95%	245,000
11 GUARANTY BANK	03/15/18	09/15/20	2.40%	245,000
12 IBERIABANK	05/30/18	11/30/20	2.70%	245,000
13 MORGAN STANLEY PRIVATE BANK	02/27/20	02/28/22	1.70%	245,000
14 THIRD FED SAVINGS & LOAN	12/21/17	12/21/20	2.10%	245,000
15 UNIVERSITY IOWA CMNTY	04/30/18	04/30/21	2.75%	245,000
16 WELLS FARGO BANK	02/13/19	02/16/21	2.65%	245,000
<i>Total CDs (16)</i>			2.175%	<b><u>\$ 3,815,000.00</u></b>

**OTHER INFORMATION:**

**BANK BALANCE:** <sup>(1)</sup> \$ 8,631,118.10

AVERAGE MATURITY DAYS 9

AVERAGE INTEREST RATE FOR THE MONTH 0.776%

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

**ESTIMATED INTEREST EARNINGS FOR 2019-2020** \$ 1,501,026.00

**THERE HAVE BEEN NO VARIANCES TO THE INVESTMENT POLICY.**

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

POOLED SURPLUS AND SPECIFIC PURPOSE INVESTMENTS  
AS OF JULY 31, 2020

SCHEDULE A

<u>PORTFOLIO PROFILE</u>	<u>Pooled Surplus Investments</u>	<u>Specific Purpose Investments</u>
Inventory Balance at 07/31/20		
At Cost	\$ 31,791,672,755	\$ 115,656,817
At Market	\$ 31,886,001,576	\$ 119,969,505
Repurchase Agreements	\$ -	\$ -
Reverse Repurchase Agreements	\$ -	\$ -
Composition by Security Type:		
Certificates of Deposit	4.88%	0.00%
United States Government and Agency Obligations	70.40%	59.59%
Bankers Acceptances	0.00%	0.00%
Commercial Paper	24.31%	0.00%
Municipal Obligations	0.09%	3.03%
Corporate and Deposit Notes	0.32%	0.00%
Repurchase Agreements	0.00%	0.00%
Asset-Backed	0.00%	0.00%
Other	0.00%	37.38%
1-60 days	39.21%	0.00%
61 days-1 year	27.78%	37.38%
Over 1 year	33.01%	62.62%
Weighted Average Days to Maturity	614	



# City Council Staff Report

**DATE:** September 16, 2020

**AGENDA ITEM NO:** Consent Calendar  
Agenda Item 3-B

**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 meetings of July 1, 2020 and July 15, 2020 and the special meetings of July 11, 2020, July 14, 2020, and July 15, 2020; and
- (2) Take such additional, related, action that may be desirable.

**EXECUTIVE SUMMARY:**

None.

**BACKGROUND:**

None.

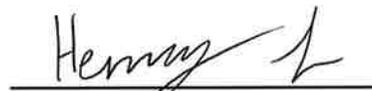
**FISCAL IMPACT:**

None.

Respectfully submitted,

Prepared by:

  
 \_\_\_\_\_  
 Vincent D. Chang  
 City Clerk

  
 \_\_\_\_\_  
 Henry Lu  
 Minutes Clerk

Approved By:

  
 \_\_\_\_\_  
 for Ron Bow  
 City Manager

**Attachments:** Minutes

# **ATTACHMENT 1**

## **Minutes**

**MINUTES  
MONTEREY PARK CITY COUNCIL  
SUCCESSOR AGENCY (SA)  
JOINT SPECIAL AND REGULAR MEETING  
JULY 1, 2020**

The City Council of the City of Monterey Park held a Joint Special and Regular Teleconference Meeting on Wednesday, July 1, 2020 at 6:30 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:

Via Email

Public comment were accepted up to an hour before the meeting via email to [mpclerk@montereypark.ca.gov](mailto:mpclerk@montereypark.ca.gov) and read into the record during public comment, when feasible. We request that written communications be 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: 972 7712 7559 then press pound (#). When prompted to enter participation ID number press pound (#) again. If participants would like to make a public comment they will enter "\*9" then the Clerk's office will be notified and you will be in the rotation to make a public comment. Participants are encouraged to join the meeting 15 minutes before the start of the meeting. You may speak up to 5 minutes on Agenda item. Speakers will not be allowed to combine time. The Mayor and City Council may change the amount of time allowed for speakers. As part of the virtual meeting protocols, anonymous persons will not be allowed to provide public comment.

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

**MISSION STATEMENT**

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

**CALL TO ORDER:**

Mayor Liang called the meeting to order at 6:30 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, Senior Planner Samantha Tewasart, Deputy City Clerk Cindy Trang, Assistant Deputy City Clerk Helena Cho

**AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS**

- City Manager Bow reported that the City received a voluminous amount of documents from the appellants and their attorney for Agenda Item No. 4A and requested that the City Council continue the item to the September 2, 2020 City Council meeting.

**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.

- Sarah Withers voiced her support for Agenda Item 2A and suggested that restaurants permitted under the city's zoning code and exempt from drive-throughs be given the same consideration under Policy 3, Administrative Use Permit.
- Allison Martinez expressed her support for Agenda Item No. 2A.
- City Clerk Chang received, filed, and read into the record four written communications. Three written communications from Patrick Petre, Lily & Ernest Contreras, and Mike Thammavongsa who voiced their support and appreciation for the Monterey Park Police Department. One written communication from Darren C Chavira who stated that more diverse restaurants are needed in the city.

1. **PRESENTATION**

1A. **FIREWORKS UPDATE**

This item was heard after Agenda Item No. 4A.

Fire Chief Hallock presented the City of Monterey Park Fireworks Update

**Public Speakers:**

- Teresa Real Sebastian inquired if Governor Gavin Newsom's executive order can only be enforced by the state police. She implored the City Council to make masks mandatory when out in public during the pandemic.
- David Barron announced that the Greater Monterey Park Chamber of Commerce will be hosting a non-contact barbeque on July 2, 2020 at El Encanto and invited the public.

2. **OLD BUSINESS**

2A. **CONSIDERATION AND POSSIBLE ACTION REGARDING IMPLEMENTING A BUSINESS RECOVERY PROGRAM FOR RESTARTING THE LOCAL ECONOMY (CONTINUED FROM JUNE 17, 2020)**

On June 17, 2020, the City Council considered a Monterey Park Business Recovery Program (staff report, without attachments, included for reference) attached to the staff report. During the course of the meeting, individual City Councilmembers expressed concern regarding the length of the temporary Business Recovery Program (approximately one year) and having the City Council act as the Planning Agency for all matters. Ultimately, the City Council continued the matter until July 1st to further consider the matter during an anticipated public hearing to be held on that date. As explained below, staff reconvened after that meeting to provide the City Council with some alternative policy decisions regarding the Monterey Park Planning Agency; temporary permitting for outdoor dining and retail sales; and options for land use regulations that could be adopted following a public hearing on July 15, 2020.

CEQA (California Environmental Quality Act):

The proposed Planning Agency and Business Recovery Program Phase I 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.<sup>1</sup> 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:**

- David Barron stated that he supports the Business Recovery Program and implored the City Council to provide more marketing for the businesses.
- Rafael Casillas advised removing Design Review Board (DRB) and Planning Commission items from the Business Recovery Plan and proposed the Council get two members from each DRB and Planning Commission and a member from the chamber of Commerce to come up with ideas to help businesses.
- City Clerk Chang received, filed, and read into the record two written communications in support of the Business Recovery Program from Alfred Fraijo Jr. and Nancy Arcuri.
- Teresa Real Sebastian proposed various ideas for the Business Recovery Program.
- Boris Macias spoke about the Monterey Park Police Department and stated that they need the public supports.
- Tammy Sam stated that Self Certification should still involve plan checkers.

**Discussion:** City Manager Bow informed the City Council that there was a typographical error in the staff report. He stated that the numbering of the policies listed was incorrectly showing eight (8) policies, however, there are only seven (7) policies to be considered for the Business Recovery Program Phase II.

**Action Taken:** The City Council adopted an uncodified Urgency Ordinance No. 2177 upon 4/5ths vote implementing the Planning Agency restructure.

**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

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<sup>1</sup> CEQA findings regarding an anticipated imminent emergency are valid (see *CalBeach Advocates v. City of Solana Beach* (2002) 103 Cal.App.4th 529).

**Urgency Ordinance No. 2177**, entitled:

AN URGENCY ORDINANCE AMENDING THE MONTEREY PARK MUNICIPAL CODE TO REVISE THE DUTIES AND RESPONSIBILITIES OF THE PLANNING COMMISSION AND DESIGN REVIEW BOARD

**Action Taken:** The City Council adopted an uncodified Urgency Ordinance No. 2178 upon 4/5ths vote for the Business Recovery Program Phase I.

**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

**Urgency Ordinance No. 2178**, entitled:

AN UNCODIFIED URGENCY ORDINANCE ADOPTING NON-LAND USE REGULATIONS FOR IMPLEMENTING THE MONTEREY PARK BUSINESS RECOVERY PROGRAM

**Action Taken:** The City Council introduced and waived the first reading of an uncodified Ordinance implementing the Planning Agency restructure.

**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

**Ordinance 1<sup>st</sup> reading**, entitled:

AN ORDINANCE AMENDING THE MONTEREY PARK MUNICIPAL CODE TO REVISE THE DUTIES AND RESPONSIBILITIES OF THE PLANNING COMMISSION AND DESIGN REVIEW BOARD

**Action Taken:** The City Council introduced and waived first reading of an uncodified Ordinance implementing the Business Recovery Program Phase I.

**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

**Ordinance 1<sup>st</sup> reading**, entitled:

AN UNCODIFIED ORDINANCE ADOPTING NON-LAND USE REGULATIONS FOR IMPLEMENTING THE MONTEREY PARK BUSINESS RECOVERY PROGRAM

**Action Taken:** The City Council approved the Business Recovery Program Phase II: choosing temporary land use regulations to be considered during a July 15, 2020 public hearing based upon this staff report and City Council direction.

**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

### **RECESSED AND RECONVENED**

The City Council recessed at 8:44 p.m. and reconvened with all council members present at 8:55 p.m.

### **3. CONSENT CALENDAR ITEMS NOS. 3A-3C**

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

**Action Taken:** The City Council and the City Council, acting on behalf of the Successor Agency, approved and adopted Agenda Items Nos. 3A-3C on Consent Calendar.

**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. WAIVE FURTHER READING AND ADOPT AN ORDINANCE AMENDING THE MONTEREY PARK MUNICIPAL CODE GOVERNING HOTEL/MOTEL GUEST REGISTRIES**

Consideration of this ordinance was continued from the June 3, 2020 City Council meeting to June 17, 2020. On June 17, 2020, the ordinance was introduced, and the City Council conducted the first reading. The staff report from the June 17, 2020 meeting is attached to the staff report for reference. Second reading and adoption of this ordinance is recommended; if adopted, the ordinance will take effect in 30 days.

**Action Taken:** The City Council waived second reading and adopted Ordinance No. 2179 amending the Monterey Park Municipal Code governing hotel/motel guest registries on Consent Calendar.

**Ordinance No. 2179**, 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

**3B. WAIVE FURTHER READING AND ADOPT AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE (“MPMC”)**

The ordinance was introduced on June 17, 2020. At that meeting, the City Council conducted the first reading. The staff report from the June 17, 2020 meeting is attached to the staff report for reference. Second reading and adoption of this ordinance is recommended; if adopted, the ordinance will take effect in 30 days.

**Action Taken:** The City Council waived second reading and adopted Ordinance No. 2180 amending Monterey Park Municipal Code (“MPMC”) 2.04.010 to change the regular meeting time on Consent Calendar.

**Ordinance No. 2180**, entitled:

AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE (“MPMC”) § 2.04.010 TO CHANGE THE REGULAR MEETING DAY AND TIME

**3C. AUTHORIZING THE DIRECTOR OF PUBLIC WORKS / CITY ENGINEER OR DESIGNEE TO EXECUTE ALL DOCUMENTS AND AGREEMENTS FOR PROJECTS FUNDED THROUGH THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) ON BEHALF OF THE CITY OF MONTEREY PARK**

The City of Monterey Park is eligible to receive federal funding for various transportation projects through State of California Department of Transportation (Caltrans). To ensure receipt of federal funding for these projects, the City Council must adopt a resolution designating the Director of Public Works or his designee

as the authorized official to execute documents and agreements for projects funded through Caltrans.

**Action Taken:** The City Council adopted Resolution No. 12176 authorizing the Director of Public Works / City Engineer or designee to sign all documents related to federally funded grants for capital improvement projects on behalf of the City of Monterey Park on Consent Calendar.

**Resolution No. 12176**, entitled:

A RESOLUTION AUTHORIZING THE PUBLIC WORKS DIRECTOR/CITY ENGINEER, OR DESIGNEE, TO EXECUTE ALL DOCUMENTS AND AGREEMENTS FOR PROJECTS FUNDED THROUGH THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)

#### 4. PUBLIC HEARING

##### 4A. **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**

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.

This item was heard after Public Communications.

#### **Public Speakers:**

- Rafael Casillas stated that the project was denied by the planning commission on May 12, 2019 failing to obtain majority vote.
- The City Clerk’s Office received fourteen written communications regarding Agenda Item 4A. Two written communications were in support: Byron de Arakal and Nancy Arcuri. Twelve written communications were in opposition: Rodger Tanaka, Diane Beltoya, Barbara Diaz, Yvonne Wong, Carlos & Teresa Lozano, Terree Walton, Scott Dumke, Dulce Moran, Chris & Eileen Romero, and Mr. & Ms. Sakae.

**Recommendation:** (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.

**Action Taken:** The City Council continued the agenda item to the September 2, 2020 regular City Council meeting.

**Motion:** Moved by Council Member Sornoso 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

## 5. NEW BUSINESS

### 5A. CONSIDERATION AND DIRECTION REGARDING PLACING A PROPOSITION ON THE NOVEMBER 3, 2020 BALLOT TO ADOPT THE LAND USE ELEMENT TO THE MONTEREY PARK GENERAL PLAN

On June 17, 2020, the City Council amended the Land Use Element (the "LUE") to conform with a version of the LUE originally vetted by the General Plan Advisory Committee ("GPAC") and recommended by the Planning Commission in 2019. As discussed during that meeting, the LUE is subject to voter ratification.

#### **Public Speakers:**

- Andrew implored the City Council to remove Exhibit A section 3B from the Land Use Element.
- Kevin voiced his concerns regarding the Land Use Element and requested for clarification on the language of Exhibit A Section 3B at the next City Council meeting.
- Armando expressed his concerns regarding the Land Use Element. He requested that the City Council remove Exhibit A Section 3B from the Land Use Element.
- City Clerk Chang received, filed, and read into the record a written communication from Bill Lam. Mr. Lam who requested that the City Council place the Land Use Element onto the March 2022 Election.

**Action Taken:** The City Council (1A) adopted Resolution No. 12177 calling for a special election on November 3, 2020 for consideration of a ballot proposition; (1B) adopted Resolution No. 12178 requesting that Los Angeles County consolidate the special election with the general presidential election scheduled for the same date; (1C) adopted Resolution No. 12179 adding a proposition entitled the “Revised Monterey Park 2040 Land Use Element Proposition” to the previously called November 3, 2020 ballot as amended to revise the website address on Exhibit A, Section 2 to [www.montereypark.ca.gov/MPKLUE/Nov2020](http://www.montereypark.ca.gov/MPKLUE/Nov2020) and to remove Section 3B, State Imposed Land Use Legislation from Exhibit A; (1D) adopted Resolution No. 12180 requesting that the City Attorney prepare an impartial analysis for the Revised Monterey Park 2040 Land Use Element Proposition; and (1E) adopted Resolution No. 12181 authorizing ballot arguments regarding the Revised Monterey Park 2040 Land Use Element Proposition.

**Motion:** Moved by Council Member Yiu 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. 12177**, entitled:  
A RESOLUTION CALLING A SPECIAL ELECTION ON NOVEMBER 3, 2020 PURSUANT TO ELECTIONS CODE § 9222

**Resolution No. 12178**, entitled:  
A RESOLUTION REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE THE CITY OF MONTEREY PARK’S SPECIAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020, WITH THE GENERAL ELECTIONS CODE SECTION 10403

**Resolution No. 12179**, entitled:  
A RESOLUTION ADDING A PROPOSITION TO THE BALLOT FOR THE PREVIOUSLY CALLED NOVEMBER 3, 2020, SPECIAL ELECTION PURSUANT TO ELECTIONS CODE § 9222

**Resolution No. 12180**, entitled:  
A RESOLUTION ESTABLISHING REQUIREMENTS FOR BALLOT ARGUMENTS FILED WITH THE CITY CLERK TO BE INCLUDED WITH VOTER INFORMATION FOR THE GENERAL ELECTION ON NOVEMBER 3, 2020

**Resolution No. 12181**, entitled:  
A RESOLUTION DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE PROPOSITION CAPTIONED THE “REVISED MONTEREY PARK 2040 LAND USE ELEMENT PROPOSITION.”

**Action Taken:** The City Council designated Mayor Pro Tem Chan to draft an argument in favor of the Monterey Park 2040 Land Use Element Proposition and directed that the City Manager draft a Resolution for City Council consideration at a future meeting agenda supporting the Revised Monterey Park 2040 Land Use Element Proposition.

**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

**5B. CONSIDERATION AND POSSIBLE ACTION REGARDING ADOPTION OF A RESOLUTION ELECTING TO BECOME SUBJECT TO THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT AND AMENDING CHAPTER 3.100 “PUBLIC WORKS CONTRACTS” OF THE MONTEREY PARK MUNICIPAL CODE**

If adopted, the resolution will allow the City of Monterey Park to become subject to the Uniform Public Construction Cost Accounting Act. If enacted, the Ordinance will amend Chapter 3.100 of the Monterey Park Municipal Code (MPMC) to increase the thresholds for City Manager spending authority and ability to use informal bidding procedure on “public projects” as defined in Public Contract Code section 22002(c).

CEQA (California Environmental Quality Act):

The proposed Ordinance is exempt from additional review under the California Environmental Quality Act (Public Resources Code §§ 21000, et seq., “CEQA” and CEQA Guidelines (14 California Code of Regulations §§ 15000, et seq.) because it establishes rules and procedures in compliance with State law; 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, the Ordinance does not constitute a “project” that requires environmental review (see specifically CEQA Guidelines § 15378(b)(2, 5).

**Action Taken:** The City Council adopted Resolution No. 12182 declaring the City’s intent to become subject to the Uniform Public Construction Cost Accounting Act and introduced and waived first reading of an Ordinance amending Chapter 3.100 to Title 3 of the Monterey Park Municipal Code (“MPMC”) to extend the City’s election under the Uniform Public Construction Cost Accounting Act to all forms of “public projects” as defined in Public Contract Code section 22002(c).

**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. 12182**, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK ELECTING TO BECOME SUBJECT TO THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT

**Ordinance 1<sup>st</sup> reading**, entitled:

AN ORDINANCE AMENDING CHAPTER 3.100 TO TITLE 3 OF THE MONTEREY PARK MUNICIPAL CODE ENTITLED "PUBLIC WORKS CONTRACTS."

6. **COUNCIL COMMUNICATIONS AND MAYOR/COUNCIL AND AGENCY MATTERS**

Council Member Yiu introduced her Planning Commissioner Kevin Lo and Design Review Board Member Lincoln Lee.

Council Member Lo wished everyone a Happy 4th of July and acknowledged his Planning Commissioner appointment Tammy Sam.

Council Member Sornoso stated that he invited the public out for a Bike Ride on Saturday and that he hopes to make this a weekly event.

Mayor Pro Tem Chan stated that he attended a zoom meeting hosted by the City of Alhambra regarding the Interstate 710 Freeway. He wished everyone a Happy 4th of July.

Mayor Liang wished everyone a Happy and safe 4th of July.

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

None.

**ADJOURNMENT**

There being no further business for consideration, the meeting was adjourned at 9:55 p.m.

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Vincent D. Chang  
City Clerk

**MINUTES  
MONTEREY PARK CITY COUNCIL  
SUCCESSOR AGENCY (SA)  
SPECIAL MEETING  
JULY 11, 2020**

The City Council of the City of Monterey Park held a Special Meeting of the Council at Lincoln Plaza Hotel, Breakfast Room, located at 123 S. Lincoln Avenue in the City of Monterey Park, Saturday, July 11, 2020 at 8:00 a.m.

**CALL TO ORDER:**

Mayor Liang called the meeting to order at 8:05 a.m.

**ROLL CALL:**

City Manager Ron Bow called the roll:

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

Council Members Absent: None

**ALSO PRESENT:** City Manager Ron Bow, Director of Recreation and Community Services Inez Alvarez, and Moderator, Patrick Ibarra of the Mejorando Group.

**AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS**

None.

**ORAL AND WRITTEN COMMUNICATIONS**

None.

**NEW BUSINESS****1. STRATEGIC PLANNING SESSION**

A strategic session for the City Council to collaborate on ideas and suggestions towards the future vision of the City

- Overview
- Identify and Discuss benefits from Good Government
- Enhance Credibility as a governing Body
- Refresher on Form of Government
- Review Work to Date for 2020, Explore Plans for remainder of 2020 and into 2021
- Headwinds: Change as Process, not an Event
- Hot Topics
- Strategic Plan
- Next Steps

**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

**Discussion:** Patrick Ibarra of the Mejorando Group facilitated a strategic session for the City Council to discuss ideas and suggestions towards the future vision of the City. The City Council ensued in discussions regarding the Benefits of Good Government; Enhancing Credibility as a Governing Body; Strategies for Creating a More Credible, Effective Governing Body; Refresher on the Form of Government; Review Work to Date for 2020, Explore Plans and Goals for 2020/21; “Headwinds: Change as a Process, not an Event”; Hot Topics; Goal-Setting/Strategic Plan; and Next Steps.

**Action Taken:** No reportable action taken.

**ADJOURNMENT**

There being no further business for consideration, the meeting was adjourned at 3:03 p.m.

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Vincent D. Chang  
City Clerk

**MINUTES  
MONTEREY PARK CITY COUNCIL  
SUCCESSOR AGENCY (SA)  
SPECIAL MEETING  
JULY 14, 2020**

The City Council of the City of Monterey Park held a Special Teleconference Meeting on Tuesday, July 14, 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:

Via Email

Public comment will be accepted up to an hour before the meeting via email to [mpclerk@montereypark.ca.gov](mailto:mpclerk@montereypark.ca.gov) and read into the record during public comment, when feasible. We request that written communications be 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: 95379580660 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 Liang called the meeting to order at 5:34 p.m.

MISSION STATEMENT

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

**ROLL CALL:**

Deputy City Clerk Trang 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, Director of Recreation and Community Services Inez Alvarez, Deputy City Clerk Cindy Trang, Assistant Deputy City Clerk Helena Cho

**ORAL AND WRITTEN COMMUNICATIONS**

None.

**1. DISCUSSION AND APPROVAL OF ARGUMENT IN FAVOR OF THE MONTEREY PARK 2040 LAND USE ELEMENT PROPOSITION FOR THE NOVEMBER 3, 2020 SPECIAL ELECTION**

**Discussion:** The City Council discussed the Argument in favor of the Monterey Park 2040 Land Use Element Proposition for the November 3, 2020 Special Election.

**Action Taken:** The City Council approved the Argument in favor of the Monterey Park 2040 Land Use Element Proposition for the November 3, 2020 Special Election as amended to include the changes discussed by the Council and to affix the digital signature of all council Members as authors of the Argument. The amendments made to the argument are attached as Exhibit A.

**Motion:** Moved by Mayor Pro Tem Chan and seconded by Council Member Yiu

Ayes: Council Members: Yiu, Lo, Sornoso, Chan, Liang

Noes: Council Members: None

Absent: Council Members: None

Abstain: Council Members: None

**ADJOURNMENT**

There being no further business for consideration, the meeting was adjourned at 6:20 p.m.

---

Vincent D. Chang  
City Clerk

**Attachment:** Exhibit A

# Exhibit A

Every 20 years the City of Monterey Park prepares a General Plan Land Use Element Update for voter approval. This General Plan Update serves as a guide for the future of the City and is required by State and Federal agencies for grants and funding.

This ballot measure proposed by the City of Monterey Park strives to provide quality and appropriate services to all its residents. This proposal supports a strong community atmosphere where residents are safe and a quality of life prevails in raising healthy families.

Monterey Park's General Plan Update was developed by a panel of residents assigned to the General Plan Advisory Committee (GPAC). During this 1-year process, 11 GPAC members met regularly in public meetings, received input from the community, and were instructed to provide recommendations that considered public interest, health, safety, environment and convenience, and supportive business measures to the extent possible. After completing this process, the GPAC presented its recommendations to the City Council for approval and adoption for the ballot.

Since then, the City of Monterey Park has revised the General Plan Update with additional resident input and is presently seeking voter approval for this Revised General Plan Update.

This revised Plan will remove all housing overlays on Corporate Center Dr. ~~and remove language regarding state mandates which were included in the previous plan and which were rejected by voters in the March, 2020 election, vote.~~

This plan will improve the vibrancy and diversity of the City and will result in quality economic developments and will also strongly contribute to the fiscal health of the City.

This plan was approved by the City Planning Commission.

This revised General Plan will ensure that residents will have a voice in maintaining and safeguarding the integrity of our neighborhoods.

We encourage you to vote "YES" on this Revised General Plan Update and support the residents' vision for the next 20 years here in Monterey Park.

CITY CLERK OFFICE  
2020 JUL 14 P 6:33  
CITY OF MONTEREY PARK

**MINUTES  
MONTEREY PARK CITY COUNCIL  
SUCCESSOR AGENCY (SA)  
SPECIAL MEETING  
JULY 15, 2020**

The City Council of the City of Monterey Park held a Special Teleconference Meeting on Wednesday, July 15, 2020 at 5:00 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:

Via Email

Public comment was accepted up to an hour before the meeting via email to [mpclerk@montereypark.ca.gov](mailto:mpclerk@montereypark.ca.gov) and read into the record during public comment, when feasible. We request that written communications be 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: 957 0157 9211 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 Liang called the meeting to order at 5:01 p.m.

MISSION STATEMENT

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

**ROLL CALL:**

Deputy City Clerk Trang 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, Director of Recreation & Community Services Inez Alvarez, Deputy City Clerk Cindy Trang, Assistant Deputy City Clerk Helena Cho

**ORAL AND WRITTEN COMMUNICATIONS**

None.

**OPEN SESSION**

**1. APPOINT LABOR NEGOTIATORS:**

Appoint the City Manager; Danielle Tellez, Interim Director of Human Resources; and Kristi Recchia, Liebert, Cassidy, Whitmore; as the City's Labor Negotiators for the General Employees Confidential Employee Association and Mid-Management Association.

**Action Taken:** The City Council appointed the City Manager; Danielle Tellez, Interim Director of Human Resources; and Kristi Recchia, Liebert, Cassidy, Whitmore; as the City's Labor Negotiators for General Employees Confidential Employee Association and Mid-Management Association.

**Motion:** Moved by Council Member Sornoso 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

**CLOSED SESSION**

The City Council adjourned to closed session at 5:16 p.m.

**2. CONFERENCE WITH LABOR NEGOTIATORS, PURSUANT TO CALIFORNIA GOVERNMENT CODE § 54957.6**

City Negotiators: Ron Bow, City Manager; Danielle Tellez, Interim Human Resources Director; Kristi Recchia, Leibert, Cassidy, Whitmore

Employee Organizations: Bargaining Units General Employees Confidential Employee Association and Mid-Management Association

**3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION –  
GOVERNMENT CODE § 54956.9(d). Number of Case(s): One.**

*Gerado Viadas v. City of Monterey Park, et al* (October 28, 2019) LASC Case No.  
19STCV33709

**RECONVENE & ADJOURNMENT**

The City Council reconvened from Closed Session with all Council Members present.  
The meeting was adjourned at 6:20 p.m.

**Action Taken:** No reportable action taken in Closed Session.

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Vincent D. Chang  
City Clerk

**MINUTES  
MONTEREY PARK CITY COUNCIL  
SUCCESSOR AGENCY (SA)  
JOINT SPECIAL AND REGULAR MEETING  
JULY 15, 2020**

The City Council of the City of Monterey Park held a Joint Special and Regular Teleconference Meeting on Wednesday, July 15, 2020 at 6:30 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:

#### Via Email

Public comment were accepted up to an hour before the meeting via email to [mpclerk@montereypark.ca.gov](mailto:mpclerk@montereypark.ca.gov) and read into the record during public comment, when feasible. We request that written communications be 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: 985 8980 9672 then press pound (#). When prompted to enter participation ID number press pound (#) again. If participants would like to make a public comment they will enter "\*9" then the Clerk's office will be notified and you will be in the rotation to make a public comment. Participants are encouraged to join the meeting 15 minutes before the start of the meeting. You may speak up to 5 minutes on Agenda item. Speakers will not be allowed to combine time. The Mayor and City Council may change the amount of time allowed for speakers. As part of the virtual meeting protocols, anonymous persons will not be allowed to provide public comment.

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

#### MISSION STATEMENT

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

**CALL TO ORDER:**

Mayor Liang called the meeting to order at 6:31 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, 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, Economic Development Manager Joseph Torres, Recreation and Communication Services Manager Robert Aguirre, Deputy Fire Marshall Chris Gomez, Deputy City Clerk Cindy Trang, Assistant Deputy City Clerk Helena Cho

**AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS**

None.

**PUBLIC COMMUNICATIONS**

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

- Robert Aguirre, Recreation and Communication Services Manager, announced that the Recreation and Community Services Department will be hosting a Community Scavenger Hunt between the days of July 13, 2020 to July 31, 2020.
- City Clerk Chang received, filed, and read a written communication from Irma Gorrocino. Ms. Gorrocino spoke about a tragic bicycle incident along Crest Vista Drive and stated that she submitted a request to City Staff for a traffic study analysis to help minimize the risk of future incidents.

**1. PRESENTATION**

**1A. INTRODUCTION OF ECONOMIC DEVELOPMENT MANAGER – JOSEPH TORRES**

City Manager Bow introduced Joseph Torres, the new Economic Development Manager. Economic Development Manager Torres briefly introduced himself along with his experience and goals for the city.

2. **OLD BUSINESS**

None.

3. **CONSENT CALENDAR ITEMS NOS. 3A-3C**

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. 3A-3C on Consent Calendar.

**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

3A. **MONTHLY INVESTMENT REPORT – JUNE 2020**

As of June 30, 2020 invested funds for the City of Monterey Park is \$96,818,906.18

**Action Taken:** The City Council received and filed the monthly investment report on Consent Calendar.

3B. **WAIVE FURTHER READING AND ADOPT ORDINANCES REGARDING IMPLEMENTING A BUSINESS RECOVERY PROGRAM FOR RESTARTING THE LOCAL ECONOMY**

The Ordinance was introduced at the July 1, 2020 City Council meeting. On July 1, 2020, the City Council conducted the first reading. The original staff report (from July 1, 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. 2181 to restructure the Monterey Park Planning Agency and Ordinance No. 2182 implementing Phase I of the Monterey Park Business Recovery Program on Consent Calendar.

**Ordinance No. 2181**, entitled:

AN ORDINANCE AMENDING THE MONTEREY PARK MUNICIPAL CODE TO REVISE THE DUTIES AND RESPONSIBILITIES OF THE PLANNING COMMISSION AND DESIGN REVIEW BOARD

**Ordinance No. 2182**, entitled:

AN UNCODIFIED ORDINANCE ADOPTING NON-LAND USE REGULATIONS FOR IMPLEMENTING THE MONTEREY PARK BUSINESS RECOVERY PROGRAM

**3C. WAIVE FURTHER READING AND ADOPT AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE (“MPMC”) BY AMENDING CHAPTER 3.100 “PUBLIC WORKS CONTRACTS”**

The Ordinance was introduced at the July 1, 2020 City Council meeting. On July 1, 2020, the City Council conducted the first reading. The original staff report (from July 1, 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. 2183 amending Chapter 3.100 of the Monterey Park Municipal Code governing informal bidding of public works contracts on Consent Calendar.

**Ordinance No. 2183**, entitled:

AN ORDINANCE AMENDING CHAPTER 3.100 TO TITLE 3 OF THE MONTEREY PARK MUNICIPAL CODE ENTITLED “PUBLIC WORKS CONTRACTS”

**4. PUBLIC HEARING**

**4A. CONSIDERATION OF COSTS RESULTING FROM ABATING WEED NUISANCES AND AUTHORIZING COLLECTION VIA SPECIAL ASSESSMENT (PUBLIC HEARING)**

On February 5, 2020, the City Council determined that weeds, brush, rubbish, refuse and dirt maintained on certain private properties in the City constitute a public nuisance. The Los Angeles County Department of Agriculture Commissioner/Weights and Measures (“County”) is contracted to provide weed abatement services to the City. The County compiled its annual list of properties within the City which contain, or have the potential to contain, weeds, brush or other flammable materials sufficient to be considered a fire hazard (the “Weed Abatement Declaration List”). Persons identified as owning property on the Weed Abatement Declaration List were provided sufficient notice to either protest their inclusion thereon, or voluntarily remove the nuisance conditions identified on their property. The deadlines for voluntary compliance or protest have passed, and the County has abated the noncompliant properties on the Weed Abatement Declaration List.

The final step in the City’s Weed-Abatement process is for the Council to consider approving the County’s costs related to abatement and directing that these costs be collected via special assessment.

**Action Taken:** The City Council opened the public hearing at 6:54 p.m. to receive public comment and noting that there are no public speakers closed the public hearing at 7:02 p.m.; and adopted Resolution No. 12183 approving the Weed Abatement Clearance Charge List and authorizing collection of such costs through special assessment as amended to update page 34 of Exhibit A to read 3 improved parcels with a cost of \$2981.63 and 1 unimproved parcel with a cost of \$2462.85.

**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. 12183**, entitled:

A RESOLUTION CONFIRMING THE ITEMIZED WEED ABATEMENT CHARGE LIST OF WEED ABATEMENT COSTS AND DIRECTING THE LOS ANGELES COUNTY AGRICULTURAL COMMISSIONER TO COLLECT THESE COSTS THROUGH PROPERTY TAX BILLINGS

#### **4B. CONSIDERATION AND POSSIBLE ACTION REGARDING IMPLEMENTING PHASE II OF THE 2020 MONTEREY PARK BUSINESS RECOVERY PROGRAM FOR RESTARTING THE LOCAL ECONOMY**

On July 1, 2020, the City Council implemented Phase I of the 2020 Monterey Park Business Recovery Program. It also directed that seven different policies be considered during a public hearing scheduled for July 15, 2020. Those policies are integrated into the proposed ordinances which, if adopted, would implement Phase II of the 2020 Monterey Park Business Recovery Program.

#### California Environmental Quality Act (CEQA):

The proposed Program was 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.<sup>1</sup> 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, by themselves, may have a

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<sup>1</sup> CEQA findings regarding an anticipated imminent emergency are valid (*see CalBeach Advocates v. City of Solana Beach* (2002) 103 Cal.App.4th 529).

significant effect on the environment. Any project utilizing the Program will undergo separate CEQA review.

**Public Speakers:**

- Sarah Withers expressed her support for the Business Recovery Program Phase II and proposed that restaurants currently exempt from drive-throughs be given the same considerations under this policy.
- City Clerk Chang received, filed, and read into the record five written communications. Two written communications from Max A. Ordonez and Sarah Withers, who requested that City Council include restaurants permitted under the zoning code, which are currently exempt from drive-throughs be given the same consideration under the policy. One communication from SoCalGas that requested a meeting with the City Manager to discuss options for parking requirements. Two written communications from Nancy Arcuri and Dora Leung who voiced their support of the Business Recovery Program Phase II.
- Nicole Sun requested the status of the Design Review Board Meetings.

**Action Taken:** The City Council (1) opened the public hearing at 7:03 p.m. regarding Phase II of the 2020 Monterey Park Business Recovery Program (the "Program"); (2) after receiving verbal and written testimony, closed the public hearing at 7:21 p.m.; (3) after discussing the evidence, adopted an Urgency Ordinance No. 2184 implementing the program immediately upon a 4/5ths vote.

**Motion:** Moved by Mayor Liang 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

**Urgency Ordinance No. 2184**, entitled:

AN URGENCY ORDINANCE ADOPTING THE 2020 MONTEREY PARK BUSINESS RECOVERY PROGRAM AND IMPLEMENTING VARIOUS TEMPORARY LAND USE REGULATIONS INCLUDING, WITHOUT LIMITATION, A NEW BUSINESS RECOVERY DEVELOPMENT AGREEMENT ZONE PURSUANT TO CITY COUNCIL DIRECTION ON JULY 1, 2020

**Action Taken:** The City Council introduced and waived first reading of an Ordinance implementing the program. Second reading and adoption would occur on August 5, 2020.

**Motion:** Moved by Council Member Sornoso 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

**Ordinance 1<sup>st</sup> reading**, entitled:

AN ORDINANCE ADOPTING THE 2020 MONTEREY PARK BUSINESS RECOVERY PROGRAM AND IMPLEMENTING VARIOUS TEMPORARY LAND USE REGULATIONS INCLUDING, WITHOUT LIMITATION, A NEW BUSINESS RECOVERY DEVELOPMENT AGREEMENT ZONE PURSUANT TO CITY COUNCIL DIRECTION ON JULY 1, 2020

**Discussion:** The City Council did not provide direction to the City Manager for placing additional items to be integrated into the program on a future City Council meeting agenda as noted in the staff report recommendations.

5. **NEW BUSINESS**

None.

6. **COUNCIL COMMUNICATIONS AND MAYOR/COUNCIL AND AGENCY MATTERS**

6A. **MANTA RAYS POSSIBLE LEASE OF GEORGE ELDER POOL (REQUESTED BY MAYOR PRO TEM CHAN)**

This item was for discussion only.

**Public Speakers:**

- Ben Wong voiced his support for the lease of George Elder Pool.
- Laura Sosa voiced her support for the lease of George Elder Pool.

**Action Taken:** By consensus the City Council directed staff to bring back a report at the next City Council meeting for consideration.

**COUNCIL COMMUNICATIONS**

Council Member Yiu briefly introduced her Economic Development Commissioner Amy Newman and Environmental Commissioner Alice L. Chan.

Council Member Lo reported that the Los Angeles International Airport/Community Noise Roundtable amended their by-laws regarding the noise burden in the region.

Council Member Sornoso announced Community Clean Up day on July 18, 2020. He wished a Happy Birthday to William Sanchez for his 102<sup>nd</sup> birthday.

Mayor Pro Tem Chan spoke about the strategic session and reported that the Metro Service Council are discussing service route changes and will go out for approval on August 24, 2020.

Mayor Liang announced that it was his mother's birthday and wished William Sanchez a Happy Birthday.

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

None.

**ADJOURNMENT**

There being no further business for consideration, the meeting was adjourned at 8:21 p.m.

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Vincent D. Chang  
City Clerk



# City Council Staff Report

**DATE:** September 16, 2020

**AGENDA ITEM NO:** Consent Calendar  
Agenda Item 3-C

**TO:** The Honorable Mayor and City Council  
**FROM:** Vincent D. Chang, City Clerk  
**SUBJECT:** Consideration and possible action to adopt the 2020 Conflict of Interest Code for the City of Monterey Park in accordance with the Political Reform Act

## **RECOMMENDATION:**

It is recommended that the City Council:

1. Adopt the resolution amending the City's Conflict of Interest Code; and
2. Take such additional, related, action that may be desirable.

## **EXECUTIVE SUMMARY:**

Pursuant to the Political Reform Act, Government Code Section 81000, et seq., every local agency is required to review its Conflict of Interest Code disclosure biennially to determine if the Code is accurate or in need of amendment. City staff has reviewed its previous determinations relating to disclosure levels and determined that Resolution No. 12036 should be amended to include revisions consistent with existing positions in the City.

## **BACKGROUND:**

In developing a disclosure list for the conflict of interest code, a designated employee or commissioner is an officer, employee, member or consultant of an agency whose position is designated in the code because the position entails the making or participation in the making of governmental decisions, which may foreseeably have a material effect on any financial interest (Government Code Section 82019).

Making a governmental decision, means the person: (1) votes on a matter; (2) appoints a person; (3) obligates or commits his or her agency to any course of action; or (4) enters into any contractual agreement on behalf of his or her agency.

Participating in the making of a decision, means the person: (1) negotiates, without significant substantive review, with a governmental entity or private person regarding the decision; or (2) advises or makes recommendations to the decision-maker by conducting research or an investigation, preparing or presenting a report, analysis or opinion which requires the exercise of judgment on the part of the employee and the employee is attempting to influence the decision.

It should be stressed that this action does not relieve any public official, employee, or designated consultant following any and all regulations promulgated in state statute concerning conflict of interest or regulations promulgated by the Fair Political Practices Commission. This action is only an attempt by the City to appropriately notify the public of potential areas where a conflict may foreseeably arise in the course of these individuals carrying out their normal duties through public disclosure.

The following amendments are recommended:

- Adding new positions:
  - Personnel Board
  - Civil Engineer Assistant
  - Senior Accountant
  
- Deleting positions:
  - Design Review Board
  - Traffic Commission
  - Director of Community and Economic Development
  - Community & Economic Development Department
  - Public Works Inspector
  - Associate Planner
  - Park Superintendent
  - Housing and Community Development Coordinator Rehabilitation Specialist (contractual services, not a City's designated position)
  - Computer Services Manager (contractual services, not a City's designated position)
  - Fleet Manager
  
- Revising titles of existing positions:
  - Literacy Administrator to Literacy Coordinator
  - Recreation Superintendent to Recreation Manager
  - Public Works Maintenance Manager to Public Works Manager
  - Community Services Bureau Commander to Community Services Bureau Sergeant
  - Traffic Bureau Commander to Traffic Bureau Sergeant
  - Deputy Fire Marshal to Fire Marshal
  - Battalion Chief to Division Chief
  - Fire Inspector to Fire Safety Specialist
  
- Moving positions to different departments:
  - Move Economic Development Manager/Economic Development Project Manager and Economic Development Specialist from Community & Economic Development Department to Office of the City Manager

- Move Senior Planner, Assistant Planner, Building Inspector, Building Official, Code Enforcement Officer, Plan Checker from Community & Economic Development Department to Public Works Department
- Move Code Enforcement Officer from Community & Economic Development Department to Fire Department

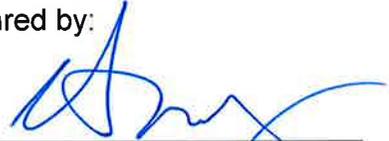
**FISCAL IMPACT:**

Administrative costs associated with staff review and recommendations to the City Council.

Respectfully submitted by:

  
\_\_\_\_\_  
Vincent D. Chang  
City Clerk

Prepared by:

  
\_\_\_\_\_  
Cindy H. Trang  
Deputy City Clerk

Approved by:

  
\_\_\_\_\_  
Ron Bow  
City Manager

Reviewed by:

  
\_\_\_\_\_  
Natalie C. Karpeles  
Deputy City Attorney

**ATTACHMENT:**

1. Draft Resolution

**ATTACHMENT 1**  
Draft Resolution

**RESOLUTION NO.**

**A RESOLUTION ADOPTING THE 2020 CONFLICT OF INTEREST CODE FOR THE CITY OF MONTEREY PARK IN ACCORDANCE WITH THE POLITICAL REFORM ACT.**

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

**SECTION 1:** The City Council finds and declares as follows:

- A. The Political Reform Act (Government Code §§ 81000, *et seq.*; the "PRA") and regulations adopted pursuant to the PRA (2 Cal. Code of Regs. §§ 18700, *et seq.*; "FPPC Regs.") require local government to adopt conflict of interest codes ("COI").
- B. The Fair Political Practices Commission promulgated FPPC Regs. § 18730, which contains the terms of a standard conflict of interest code that can be incorporated by reference as the City's COI.
- C. The City Council previously directed the City Clerk's office to review the COI pursuant to the PRA (Government Code § 87306.5).
- D. The City Clerk finished that review and made recommendations which the City Council incorporated into this Resolution.
- E. To fulfill its obligations under the PRA and FPPC Regs., the City Council adopts this 2020 Monterey Park COI as set forth in this Resolution.

**SECTION 2:** *2020 Monterey Park COI – Generally.* FPPC Regs. § 18730 is adopted by reference as the City of Monterey Park's 2020 COI. Except as modified in this Resolution, all requirements of FPPC Regs. § 18730 apply as if fully set forth in this Resolution.

**SECTION 3:** *Monterey Park 2020 COI - Changes.* The 2020 Monterey Park COI includes the following changes:

- A. The term "investment" applies to financial interests in non-profit organizations as well as business entities;
- B. The term "Appendix" refers to Section 4 of this Resolution.

**SECTION 4:** *Designated Officials, Employees and Consultants.* For purposes of FPPC Regs. § 18730, designated employees and consultants are set forth below:

**A. Designated Officials and Employees:**

The positions listed below are designated positions. Officers and employees holding those positions are designated employees and are deemed to make or participate in making decisions which may foreseeably have a material effect on a financial interest. Disclosure includes specific types of investments, business positions, interests in real property, and sources of income which may foreseeably be materially affected by any decision made or participated in by the designated employee. Such disclosures must be made at the times and circumstances described by the City's Conflict of Interest Code.

Designated employees must disclose all interests as required by the Political Reform Act and regulations promulgated thereto. When a new position classification is created by the Administrative Services Department for City Council approval, the Administrative Services Department will recommend that the City Council decide whether the new position will be required to file a Statement of Economic Interest and be included as a designated position in the Conflict of Interest Code.

When the City Council establishes a Commission, Committee, or Board, the City Council will decide whether the members of the Commission, Committee or Boards be included as a designated position in the Conflict of Interest Code and the members of the Commission, Committee or Board so designated by the City Council, will be required to file a Statement of Economic Interest.

#### COUNCIL, COMMISSIONS, COMMITTEES & BOARDS:

- \* Members of the City Council
- \* Members of the Planning Commission
- Members of the Business Improvement District Advisory Committee
- Members of the Board of Library Trustees
- Members of the Successor Agency to the Former Monterey Park  
Redevelopment Agency
- Members of the Personnel Board

#### OFFICE OF THE CITY MANAGER:

- \* City Manager
- Assistant City Manager
- Economic Development Manager/Economic Development Project  
Manager
- Economic Development Specialist

#### OFFICE OF THE CITY ATTORNEY:

- \* City Attorney
- Assistant City Attorney
- Deputy City Attorney

OFFICE OF THE CITY CLERK:

City Clerk  
Deputy City Clerk

OFFICE OF THE CITY TREASURER:

\* City Treasurer

FIRE DEPARTMENT:

Fire Chief  
Apprentice Fire Inspector  
Division Chief  
Captain  
Fire Marshal  
Fire Inspector Fire Safety Specialist  
Code Enforcement Officer

HUMAN RESOURCES & RISK MANAGEMENT DEPARTMENT:

Director of Human Resources and Risk Management  
Senior Management Analyst  
Human Resource Analyst

LIBRARY:

City Librarian  
Senior Librarian  
Literacy Coordinator

MANAGEMENT SERVICES DEPARTMENT:

Director of Management Services  
Financial Services Manager  
Support Services Manager  
Support Services Supervisor  
Information Systems Specialist  
Senior Accountant

POLICE DEPARTMENT:

Police Chief  
Community Services Bureau Sergeant  
Police Captain  
Police Lieutenant  
Range Master

Technical Services Manager  
Traffic Bureau Sergeant

**PUBLIC WORKS DEPARTMENT:**

Director of Public Works/City Engineer  
Assistant City Engineer  
Public Works Manager  
Water Utility Manager  
Civil Engineering Associate  
Civil Engineer Assistant  
Civil Engineer Technician  
Senior Planner  
Assistant Planner  
Building Official  
Building Inspector  
Plan Checker

**RECREATION & COMMUNITY SERVICES DEPARTMENT**

Director of Recreation and Community Services  
Recreation Manager  
Recreation Supervisor

\* Listed in the code for information purposes only. These positions file under Government Code Section 87200 with the Fair Political Practices Commission.

**B. Consultants:**

The City Manager may determine in writing that a particular consultant is hired to perform a range of duties that requires the consultant to fully comply with the disclosure requirements described in this section. Such written determination must include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager determination is a public record and must be retained for public inspection in the same manner and location as this conflict of interest code."

**SECTION 5: *Statement of Economic Interests: Place of Filing.***

Designated employees must file Statements of Economic Interests with the City of Monterey Park, on forms created by the Fair Political Practices Commission, in conformance with the individual disclosure categories and state guidelines, when requested by the City Clerk. The City Clerk will retain custody of the Statements and make them available for public inspection and reproduction. Designated

employees listed in the Code with an asterisk (\*) must either file their Statements directly with the Fair Political Practices Commission in conformance with state guidelines, or file one original copy of their Statement of Economic Interest with the City Clerk, who must make and retain a copy and forward the original to the California Fair Political Practices Commission. All other designated employees must file one original copy of their Statement of Economic Interest with the City Clerk.

**SECTION 6:** *Disclosure and Disqualification:*

- A. Interest and Positions in Non-Profit Organizations.** Whenever a disclosure category requires disclosure of specific financial interests or positions in business entities, disclosure of equivalent financial interests or positions in non-profit organizations is required. Disqualification must be required as to a disclosed interest or position in a non-profit organization whenever disqualification would have been required as a result of an equivalent financial interest or position in a business entity.
- B. Proximity of Officials – Financial Interest Presumed.** It is the responsibility of the City Clerk, or designee, to prepare and maintain conflict maps for each elected and appointed public official serving on the City Council, boards, commissions, or committees. Such conflict maps must graphically depict radii lines measuring (1) 500 feet from an official's interests in real property; and (2) 1,000 feet from an official's interests in real property. Such radial lines must be measured from the parcel lines in accordance with FPPC Regs. Before each meeting, the City Clerk's designee must inform public officials regarding potential conflicts based upon real property interests based upon such conflict maps.

**SECTION 7:** *Travel Payments, Advances and Reimbursements.* If a payment, including an advance or reimbursement, for travel is required to be reported pursuant to Government Code § 87207, it may be reported on a separate travel reimbursement schedule which shall be included in the filer's statement of economic interests. A filer who chooses not to use the travel schedule shall disclose payments for travel as a gift, unless it is clear from all surrounding circumstances that the services provided were equal to or greater in value than the payments for the travel, in which case the travel may be reported as income.

**SECTION 8:** Resolution No. 12036 (adopted September 19, 2018) and any other resolution or policy purporting to establish a conflict of interest code, are superseded by this Resolution.

**SECTION 9:** Repeal of any provision of any resolution or policy herein will 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 repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Resolution.

**SECTION 10:** A late fine of \$10 per day up to a maximum of \$100 will be assessed, commencing on the day after the form is due to the City Clerk's office. In addition, if a matter is referred to the FPPC's Enforcement Division for failure to file or failure to include all required economic interests, the fine may be substantially higher. If an individual does not pay a fine, the matter may be referred to the Finance Tax Board for collection.

**SECTION 8:** *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 11:** The City Clerk will certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

**SECTION 12:** This Resolution will become effective immediately upon adoption.

PASSED AND ADOPTED this 16<sup>th</sup> day of September, 2020

\_\_\_\_\_  
Peter Chan, Mayor

ATTEST:

\_\_\_\_\_  
Vincent D. Chang, City Clerk

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

By:   
\_\_\_\_\_  
Natalie C. Karpeles, Deputy City Attorney

**CERTIFICATION**

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

I, Vincent D. Chang, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Resolution No. \_\_\_\_\_ was duly adopted by the City Council of the City of Monterey Park, at a regular meeting held on the 16<sup>th</sup> day of September, 2020 by the following vote:

Ayes:           Council Members:  
Noes:           Council Members:  
Absent:         Council Members:  
Abstain:        Council Members:

Dated this 16<sup>th</sup> day of September, 2020.

\_\_\_\_\_  
Vincent D. Chang, City Clerk  
City of Monterey Park, California



## City Council Staff Report

**DATE:** September 16, 2020

**AGENDA ITEM NO:** Consent Calendar  
Agenda Item 3-D

**TO:** The Honorable Mayor and City Council  
**FROM:** Inez Alvarez, Director of Recreation and Community Services  
Robert Aguirre, Recreation Manager  
**SUBJECT:** Authorize the City Manager to execute a license agreement for the YWCA San Gabriel Valley to conduct the Elderly Nutrition Program at Langley Senior Center

### **RECOMMENDATION:**

It is recommended that the City Council consider:

1. Authorizing the City Manager, or designee, to execute a license agreement, in a form approved by the City Attorney for the YWCA San Gabriel Valley to conduct the Elderly Nutrition Program at Langley Senior Center; and/or
2. Take such additional, related, action that may be desirable.

### **EXECUTIVE SUMMARY:**

Langley Senior Center provides daily hot meals to Monterey Park residents and neighboring seniors citizens 60 years and older, Monday through Friday between the hours of 11:00 am to 12:30 pm. The Langley Senior Center has many amenities such as a fully equipped commercial kitchen and a large banquet style dining room making this an ideal location to service approximately 150 seniors with lunch daily. Seniors interested in the lunch program are required to register with County of Los Angeles Workforce Development, Aging and Community Services Division. Once registered, seniors are eligible for the lunch program and though not required, a \$3.00 donation is suggested. Currently due to the COVID-19 pandemic, staff are delivering 755 meals (5 meals per person serving 151 seniors) once a week to registered senior residents.

This program is possible primarily due to the Langley Senior Center's long standing partnership with the YWCA San Gabriel Valley (SGV) Elderly Nutrition Program. Working together, the YWCA SGV supports the Los Angeles County Area Agency on Aging's mission and it's Elderly Nutrition Program providing Congregate Meal Services intended to maintain or improve the physical and social well-being of mobile older adults in a group setting and at strategically located sites. Therefore, staff recommends City Council authorize a license agreement with the YWCA SGV to continue providing this program for the Monterey Park community.

**BACKGROUND:**

The YWCA San Gabriel Valley is an independent 501(c) (3) nonprofit and an affiliate of the YWCA USA and a member of the World YWCA movement. The YWCA SGV is committed to providing women, girls, seniors and their families with the information they need to manage the critical issues in their lives. Although, women continue to be a primary target for the YWCA SGV, today, many of the services and programs are gender neutral and are open to all regardless of race, sex or gender identity. The YWCA SGV provides multi-lingual community education, residential and service programs in the San Gabriel and Pomona Valleys.

The YWCA SGV Senior Services began in 1986, providing community-based nutrition and social services for older and disabled adults. The YWCA SGV is one of the largest providers of the Elderly Nutrition Program in Los Angeles County, reaching over 24 communities and more than 10,000 people annually. Their goal is to provide high quality, cost-effective and custom-tailored services that enable and empower seniors of diverse cultural and economic backgrounds to enrich their lives and remain in their own homes with independence and dignity. The services provided help prevent isolation, neglect, abuse, malnutrition and forced institutionalization.

The Elderly Nutrition Program provides congregate meals which meet all USDA dietary guidelines which are offered to mobile older adults at meal sites such as senior centers or parks throughout Los Angeles County. The meals are provided by contracted service providers. In many cases, these lunches provide the only social outlet for those in attendance and an avenue where valuable relationships are formed. Though not required, a donation per meal is appreciated to help subsidize this program.

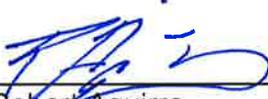
**FISCAL IMPACT:**

None

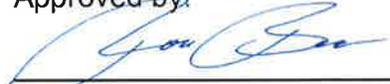
Respectfully submitted by:

  
\_\_\_\_\_  
Inez Alvarez  
Director of Recreation and Community Services

Prepared by:

  
\_\_\_\_\_  
Robert Aguirre  
Recreation Manager

Approved by:

  
\_\_\_\_\_  
Ron Bow  
City Manager

Reviewed by:

  
\_\_\_\_\_  
Karl H. Berger  
City Attorney

**ATTACHMENTS:**

- 1. Draft License Agreement

# **ATTACHMENT 1**

## **Draft License Agreement**

**LICENSE AGREEMENT BETWEEN THE  
CITY OF MONTEREY PARK AND YWCA OF SAN GABRIEL VALLEY**

THIS LICENSE is made and executed this \_\_\_ day of September, 2020, between the CITY OF MONTEREY PARK, a general law city and municipal corporation (“CITY”), and YWCA OF SAN GABRIEL VALLEY, a California Non-Profit Corporation (“LICENSEE”). The Parties agree as follows:

1. **LICENSE; DESCRIPTION OF PROPERTY.** CITY licenses LICENSEE to use, on the terms and conditions in this License, real property located at 400 W. Emerson Avenue as graphically depicted in attached Exhibit “A,” which is incorporated by reference (the “Property”). CITY’s action is not, and should not be construed to be, a conveyance of a property interest or a lease; it is a license to use property only.

2. **USE OF PROPERTY.**

- A. LICENSEE may temporarily use the Property subject to the Scope of Services set forth in attached Exhibit “B,” which is incorporated by this reference.
- B. CITY may change, amend, or terminate LICENSEE’s use of Property at any time, and in its sole discretion, verbally or in writing.

3. **TERM.** Except as provided in Section 4, the term of this license will begin on July 1, 2020 and end on June 30, 2023. Upon mutual written agreement between the parties, this License may be renewed for additional time of twelve or eighteen months.

4. **TERMINATION.**

- A. As stated above, CITY may terminate this License at any time with or without cause, upon written or verbal notification. Termination will be effective upon notification, unless CITY specifies otherwise.
- B. LICENSEE may terminate this License at any time in writing at least five (5) days before the effective termination date.
- C. By executing this document, LICENSEE waives any and all claims for damages that might otherwise arise from CITY’s termination under this Section.
- D. Upon termination, LICENSEE will remove all personal property and improvements from Property within two (2) days. Property will be left in a clean and orderly fashion.

5. **COMPENSATION.** CITY is providing in-kind services rendered in the attached Exhibit “C.” LICENSEE is allowed and is responsible for collecting all donations directly from participants of the Elderly Nutrition Program.

6. **CONDEMNATION.** If all or part of Property is acquired by eminent domain or purchase in lieu thereof, LICENSEE acknowledges that it will have no claim to any compensation awarded for the taking of Property or any portion thereof or for loss of or damage to LICENSEE's improvements.

7. **RELOCATION BENEFITS.** LICENSEE acknowledges that it has been informed that CITY is a public entity and that Property was previously acquired by CITY for a public purpose. LICENSEE further acknowledges that any rights acquired under this License arose after the date of acquisition of Property and that said rights are subject to termination when Property is needed by CITY. LICENSEE hereby acknowledges that at the time of said termination of this License by CITY, it will not be a "displaced person" entitled to any of the relocation assistance or benefits offered to displaced persons under State or Federal law.

8. **ALTERATIONS.** LICENSEE will not make, or cause to be made, any alterations to Property, or any part thereof, without CITY's prior written consent.

9. **HAZARDOUS/TOXIC WASTE.** CITY has not, nor, to CITY's knowledge, has any third party used, generated, stored or disposed of, or permitted the use, generation, storage or disposal of, any Hazardous Material (as defined below) on, under, about or within Property in violation of any law or regulation. LICENSEE agrees that it will not use, generate, store or dispose of any Hazardous Material (as defined below) on, under, about or within Property in violation of any law or regulation. LICENSEE agrees to defend and indemnify CITY, to the extent stated in Section 12, against any and all losses, liabilities, claims or costs arising from any breach of any warranty or agreement contained in this Section. As used in this Section, "Hazardous Material" means any substance, chemical or waste that is identified as hazardous, toxic or dangerous in any applicable federal, state or local law or regulation (including petroleum and asbestos).

10. **SIGNS.** LICENSEE will not place any sign upon Property without CITY's prior written consent. LICENSEE will pay for all costs of any approved signage and comply with all applicable sign codes and ordinances.

11. **ASSIGNMENT.** LICENSEE will not be permitted to assign this License or any interest therein.

12. **INDEMNIFICATION.**

- A. **LICENSEE will hold CITY harmless and free from any and all liability arising out of this License, 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 against it, by suit or otherwise, whether the same be groundless or not, arising out of this License, or its performance, pursuant to this License, LICENSEE will defend CITY (at CITY's request and with counsel satisfactory to CITY) and will indemnify it 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. LICENSEE expressly agrees that this release, waiver, and indemnity agreement is intended to be as broad and inclusive as is permitted by the law of the State of California and that if any portion is held invalid, it is agreed that the balance will, notwithstanding, continue in full legal force and effect.
- D. It is expressly understood and agreed that the foregoing provisions will survive termination of this License.
- E. The requirements as to the types and limits of insurance coverage to be maintained by LICENSEE as required by Section 13 below, 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 LICENSEE pursuant to this License, including but not limited to the provisions concerning indemnification.

**13. INSURANCE.**

- A. Before commencing performance under this License, and at all other times this License is effective, LICENSEE 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 (combined single)</u>
Commercial general liability:	\$2,000,000
Workers compensation	Statutory limits

- B. Commercial general liability insurance will meet or exceed the requirements of the most current ISO Forms. 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 must 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 insurance will be on an “occurrence,” not a “claims made,” basis and will not be cancelable except upon thirty (30) days prior written notice to CITY except for nonpayment of premiums which may be cancelable upon ten (10) day notice.
- C. LICENSEE will furnish to CITY duly authenticated Certificates of Insurance and

Endorsements evidencing maintenance of the insurance required under this License 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." Certificate(s) must reflect that the insurer will provide thirty (30) day notice of any cancellation of coverage. CONTRACTOR will require its insurer to modify such certificates to delete any exculpatory wording stating that failure of the insurer to mail written notice of cancellation imposes no obligation, and to delete the word "endeavor" with regard to any notice provisions.

- D. Should LICENSEE, for any reason, fail to obtain and maintain the insurance required by this License, CITY may obtain such coverage at LICENSEE's expense and charge the cost of such insurance to LICENSEE under this License or terminate pursuant to Section 4.
- E. 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 LICENSEE (as the named insured) should LICENSEE 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. LICENSEE understands and agrees that satisfaction of this requirement is an express condition precedent to the effectiveness of this Agreement. Failure by LICENSEE as primary insured to pay its SIR or deductible constitutes a material breach of this Agreement. Should CITY pay the SIR or deductible on LICENSEE's behalf upon the LICENSEE'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 LICENSEE for breach of this Agreement in addition to any other damages incurred by CITY due to the breach.

**14. COMPLIANCE WITH LAW.** LICENSEE will, at its sole cost and expense, comply with all of the requirements of all federal, state, and local authorities now in force, or which may hereafter be in force, pertaining to Property and will faithfully observe in the use of Property all applicable laws. The judgment of any court of competent jurisdiction, or the admission of LICENSEE in any action or proceeding against LICENSEE, whether CITY be a party thereto or not, that LICENSEE has violated any such ordinance or statute in the use of Property will be conclusive of that fact as between CITY and LICENSEE.

**15. BREACH OF AGREEMENT.** The violation of any of the provisions of this License will constitute a breach of this License by LICENSEE, and in such event said License will automatically cease and terminate.

**16. WAIVER OF BREACH.** Any express or implied waiver of a breach of any term of this License will not constitute a waiver of any further breach of the same or other term of this License.

**17. ENTRY BY CITY AND PUBLIC.** This License does not convey any property interest to LICENSEE. Except for areas restricted because of safety concerns, CITY and the general public will have unrestricted access upon Property for all lawful acts.

**18. INSOLVENCY; RECEIVER.** Either the appointment of a receiver to take possession of all or substantially all of the assets of LICENSEE, or a general assignment by the LICENSEE for the benefit of creditors, or any action taken or offered by LICENSEE under any insolvency or bankruptcy action, will constitute a breach of this License by LICENSEE, and in such event said License will automatically cease and terminate.

**19. NOTICES.** Except as otherwise expressly provided by law, all notices or other communications required or permitted by this License or by law to be served on or given to either party to this License by the other party will be in writing and will be deemed served when personally delivered to the party to whom they are directed, or in lieu of the personal service, upon deposit in the United States Mail, certified or registered mail, return receipt requested, postage prepaid, addressed to LICENSEE at:

YWCA of San Gabriel Valley  
Attn: Chief Executive Director  
943 N. Grand Ave.  
Covina, CA 91724

or to CITY at:

City of Monterey Park  
Attn: Director of Recreation and Community Services  
320 West Newmark Ave.  
Monterey Park, CA 91754

Either party may change its address for the purpose of this Section by giving written notice of the change to the other party.

**20. ACCEPTANCE OF ELECTRONIC SIGNATURES.** 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.

**21. GOVERNING LAW.** This License has been made in and will be construed in accordance with the laws of the State of California and exclusive venue for any action involving this License will be in Los Angeles County.

**22. PARTIAL INVALIDITY.** Should any provision of this License be held by a court of competent jurisdiction to be either invalid or unenforceable, the remaining provisions of this License will remain in effect, unimpaired by the holding.

23. **ENTIRE AGREEMENT.** In addition to the Service Agreement, this instrument and its Attachments constitute the sole agreement between CITY and LICENSEE respecting Property, the use of Property by LICENSEE, and the specified License term, and correctly sets forth the obligations of CITY and LICENSEE. Any agreement or representations respecting Property or its licensing by CITY to LICENSEE not expressly set forth in this instrument are void.

24. **CONSTRUCTION.** The language of each part of this License will be construed simply and according to its fair meaning, and this License will never be construed either for or against either party.

25. **AUTHORITY/MODIFICATION.** The Parties represent and warrant that all necessary action has been taken by the Parties to authorize the undersigned to execute this License and to engage in the actions described herein. This License may be modified by written agreement. CITY's city manager, or designee, may execute any such amendment on behalf of CITY.

26. **COUNTERPARTS.** This License may be executed in any number or counterparts, each of which will be an original, but all of which together will constitute one instrument executed on the same date.

IN WITNESS WHEREOF the parties hereto have executed this contract the day and year first hereinabove written.

CITY OF MONTEREY PARK

LICENSEE

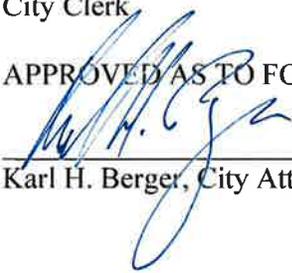
\_\_\_\_\_  
Inez Alvarez,  
Recreation and Community Services Director

\_\_\_\_\_  
Debra Ward  
Chief Executive Officer

ATTEST:

\_\_\_\_\_  
Vincent D. Chang,  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Karl H. Berger, City Attorney

**EXHIBIT A**  
**SITE LOCATION**

**Exhibit A  
Site Location**

**Langley Center**  
400 W. Emerson Avenue, Monterey Park, CA 91754



**EXHIBIT B**  
**SCOPE OF SERVICES**

## **Exhibit B**

### **SCOPE OF SERVICES**

YWCA of San Gabriel Valley will provide congregate meals at the Monterey Park – Langley Senior Center through their County of Los Angeles Workforce Development Aging and Community Services Elderly Nutrition Program contract. YWCA shall perform all services under this agreement in a skillful and competent manner. YWCA warrants that all employees and sub-consultants shall have sufficient skill and experience to perform the services assigned to them. Finally, YWCA represents that it, its employees and sub consultants have all licenses, permits and qualifications that are legally required to perform services and that such licenses and permits shall be maintained throughout the term of this Agreement.

YWCA will provide a daily nutrition program of both **American and Asian style meals** for all eligible participants Monday through Friday, between the hours of 9:30 am to 1:30 pm at the City's designated Senior Center located at: 400 W. Emerson Ave., Monterey Park, CA 91754.

#### **Eligibility for Congregate Meal Services**

1. An Older individual (age sixty (60) or older).
2. The spouse of any older individual who accompanies the older individual (who participates in the program) to the Congregate Meal site.
3. A disabled individual who resides at home with and accompanies an Older Individual (who participates in the program,) to the congregate meal site. Disability is a condition attributable to mental or physical impairments that result in substantial functional limitations in one (1) or more of the following areas of major life activity:
  - Self – care
  - Receptive and expressive language
  - Learning
  - Mobility
  - Self-Direction
  - Capacity for independent living
  - Economic self-sufficiency
  - Cognitive functioning
  - Emotional adjustment

**A. YWCA of San Gabriel Valley** will be responsible for the following:

1. Providing a site manager who is ServSafe certified (Attachment 1 - Certification) and will be responsible for the overall management of the food service system including daily clean up (Attachment 2 - cleaning schedule) and a kitchen aide.
2. Site Manger will also be responsible for supervision of volunteers working in the following areas:
  - Kitchen (Receiving, Portioning and Serving of food)
  - Daily Donation counting
  - Preparation of wrapping silverware
  - Clean up of Caterer pans and Kitchen area
3. In case the site manager is ill, Contractor will provide a substitute site manager to ensure that the site manager's responsibilities listed above are continued.
4. Providing all nutrition program paper goods and plastic silverware.
5. Providing the City the Universal Intake forms along with the Standard of Conduct form that each participant is required to complete annually at the beginning of July of the new fiscal year or when attending the program for the first time (Attachment 3 - Program Memo on Standard of Conduct form).
6. Lunch serving time will start at 11:15 am.
7. YWCA will communicate by email regarding findings when the project dietitian - CNS (Consulting Nutrition Services) conducts their monthly Nutrition Site Facility Audit to work together on a corrective action plan.
8. YWCA will provide training to the kitchen volunteers thru in-service trainings conducted by the site manager and YWCA Nutrition Services Coordinator and Supervisor.
9. YWCA will provide a copy of the agency's Public Health permit.
10. YWCA will provide monthly copies of the congregate menu to be distributed to the senior participants.
11. YWCA will provide their agency's Holiday Closure List (Attachment 4).

**B. City of Monterey Park** will be responsible for the following:

1. Providing a telephone for Contractor to contact YWCA office and/or caterer.
2. Providing facility building maintenance and repairs including daily janitorial services.
3. Providing paper goods/towels and hand soap for restrooms/kitchen area.
4. In case of a pest incident working with the YWCA of San Gabriel Valley to resolve the incident as outlined in the County of Los Angeles Pest Control Policies and Procedures Program memo (Attachment 5).
5. Providing monthly pest control service and sending a copy of the monthly pest control inspection report to YWCA of San Gabriel Valley and providing a copy to the site manger.
6. Providing all necessary equipment for the operation of program, including refrigerator, sinks, serving trays, steam table, oven and storage.
7. Providing Contractor with observed/closed Holiday Schedule by end of December of each year.
8. Providing room space to have a YWCA case worker meet once a month with participants for case management services if appointments are scheduled and providing a translator if needed.
9. Providing YWCA with an annual fire inspection report.



THIS PERMIT MUST BE CONSPICUOUSLY DISPLAYED ON THE PREMISES

**PUBLIC HEALTH PERMIT**  
**FY 2020/2021**  
**Valid Until 6/30/2021**



**PR Number:** PR0030689  
**Program ID:** MONTEREY PARK LANGLEY SENIOR  
**Description:** RESTAURANT (31-60) SEATS LOW RISK

**Facility Owner - Mail Address**  
YWCA OF SAN GABRIEL VALLEY  
943 N GRAND AVE  
COVINA, CA 91724

**Facility Location**  
MONTEREY PARK LANGLEY  
SENIOR  
400 W EMERSON AVE  
MONTEREY PARK, CA 91754

584

**CALIFORNIA HEALTH AND SAFETY CODE  
CALIFORNIA RETAIL FOOD CODE**

SECTION 114405 (a) . . . A permit may be suspended or revoked by a local enforcement officer for a violation of this part. Any food facility for which the permit has been suspended shall close and remain closed until the permit has been reinstated. Any food facility for which the permit has been revoked shall close and remain closed until a new permit has been issued.

Please notify the Public Health Permits & Licensing Program of any change of ownership or address at once:

County of Los Angeles  
Department of Public Health Environmental Health  
Public Health Permits and Licensing Program  
5050 Commerce Drive, First Floor  
Baldwin Park, CA 91706  
(626) 430-5350  
EHPermits @ph.lacounty.gov  
[www.publichealth.lacounty.gov](http://www.publichealth.lacounty.gov)

06/2015



584

5050 Commerce Drive, Room 117  
Baldwin Park, CA 91706-1423

EDT0720A  
2000001453 28/11

YWCA OF SAN GABRIEL VALLEY  
943 N GRAND AVE  
COVINA, CA 91724

**YWCA SAN GABRIEL VALLEY – SENIOR SERVICES**

REVISED 1-17-2008

Dates: \_\_\_\_\_ 20\_\_ to \_\_\_\_\_ 20\_\_

**CONGREGATE SITE – DAILY AND WEEKLY CLEANING SCHEDULE**

SITE \_\_\_\_\_

**DAILY CLEANING SCHEDULE**

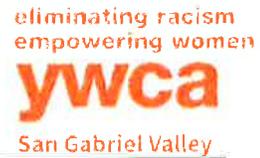
ITEM	WHAT TO DO	WHEN	WHO	M	T	W	Th	F
<b>Kitchen Work Tables</b>	Clean, rinse and sanitize	As needed and at closing	Site Mgr / Vols.					
<b>Dining Tables</b>	Clean, rinse and sanitize	Before and after meal service	City					
<b>Serving Utensils</b>	Wash and sanitize in 3-compartment sink or dishmachine	Before end of day	Site Mgr / Vols.					
<b>Trays</b>	Wash and sanitize in 3-compartment sink or dishmachine	Before end of day	Site Mgr / Vols.					
<b>Tray Carts</b>	Clean, rinse and sanitize	Before and after use	City					
<b>Kitchen Sinks</b>	Scrub, rinse and sanitize	As needed and at closing	Site Mgr / Vols.					
<b>Steam Tables</b>	Clean, rinse and sanitize	Before end of day	Daily: Site Mgr Monthly: City					
<b>Microwave Ovens</b>	Clean up spills and clean thoroughly once per week	Before end of day	City					
<b>Refrigerator</b>	Discard outdated products. Clean exterior surfaces. Clean and sanitize interior surfaces.	Before end of day	Daily: Site Mgr Monthly: City					
<b>Cabinets, Drawers and Shelves</b>	Empty, clean and sanitize, including frame	Before end of day on Tuesday	Daily: Site Mgr Monthly: City					
<b>Mops, Wiping Cloths, etc.</b>	Clean, rinse, sanitize and air dry	Before end of day	City					
<b>Floors</b>	Sweep, damp mop, and scrub when necessary	As needed and at closing	City					
<b>Floor Coving</b>	Scrub and mop	As needed	City					
<b>Walls</b>	Wipe up splashes	As needed	SiteMgr/ Vols/City					
<b>Garbage Containers</b>	Hose down and thoroughly clean interior/exterior surfaces	Before end of day	City					
<b>Restrooms &amp; Hand Sinks</b>	Clean sinks and toilets-Re-supply soap, paper towels, toilet paper.	As needed and before closing	City					

**IF YOU HAVE / USE:**

<b>Ovens</b>	Clean inside and outside surfaces with detergent and degreaser solutions.	After use and has cooled down	N/A					
<b>Range</b>	Clean all removable parts, outside and inside surfaces	After use / as needed	N/A					
<b>Dish Machine</b>	Clean surfaces and scrap trays	Before end of day	N/A					
<b>Caterer's Pans</b>	Thoroughly rinse if from caterer off premises.	Before pick-up at end of day	Site Mgr / Vols.					

**WEEKLY CLEANING SCHEDULE**

<b>Utensil Container</b>	Wash and sanitize in 3-compartment sink or dishmachine	Before end of day: _____	Site Mgr / Vols.					
<b>Freezer</b>	Discard outdated products. Clean exterior surfaces. Clean and sanitize shelves and interior surfaces.	Before end of day: _____	Daily: Site Mgr Monthly: City					
<b>Dry Storeroom</b>	Check that all stored items are 2 inches from the wall and 6 inches off the floor. Sweep floor under shelves. Clean tips of containers.	Before end of day: _____	SiteMgr/ Vols/City					
<b>Office</b>	Clean and organize material	Before end of day: _____	Site Mgr / Vols.					
<b>Warming Units</b>	Clean, rinse, and sanitize all surfaces	Before end of day: _____	N/A					
<b>Filters and Hoods</b>	Empty grease receptacles. Clean filters and surface of hood	Before end of day: _____	N/A					
<b>Floor Drains</b>	Wash surfaces and scrub with brush. Flush with sanitizer solution.	Before end of day: _____	Monthly: City					
<b>Ice Machine</b>	Clean according to manufacturer's instructions.	Before end of day: _____	Monthly: City					
<b>Other Equipment</b>	Clean according to manufacturer's instructions.	Before end of day: _____	City					



YWCA San Gabriel Valley  
943 North Grand Avenue, Covina, CA 91724  
Tel: 626.960.2995 • Fax: 626.814.0447  
www.ywcasgv.org

SENIOR SERVICES  
24-Hour Message Line  
626.214.9465

DOMESTIC VIOLENCE  
WINGS -24-Hour Help Line  
626.967.0658

**MEMORANDUM OF UNDERSTANDING / COLLABORATION AGREEMENT**

**FOR Elderly Nutrition Program (ENP) Services**  
**Including Congregate Meal Services, Home Delivered Meal/Telephone**  
**Reassurance Services and all Related Services between Monterey Park Langley**  
**Senior Center, Monterey Park, CA and**  
**YWCA San Gabriel Valley - Senior Services Collaborative**

This agreement will serve to confirm the understanding between the undersigned to maximize resources, to ensure comprehensive and coordinated service delivery and to prevent unnecessary duplication of services. The undersigned agree to develop linkages with other community-based service providers, particularly those that work with elders, and agree to share vital assessment information with other agencies providing services to elderly clients; however, in sharing information, the undersigned must respect client confidentiality rights, adhere to applicable confidentiality regulations, and follow appropriate protocols.

This relationship will support the Los Angeles County Area Agency on Aging's mission and the Elderly Nutrition Program (ENP) under the administration of the County of Los Angeles Workforce Development, Aging and Community Services. Congregate Meal Services are intended to maintain or improve the physical and social well-being of mobile older adults in a group setting at strategically located sites to persons age 60 or older and other eligible individuals. Home Delivered Meal/Telephone Reassurance Services are intended to maintain and/or improve the physical and social well-being of homebound older adults. Delivering/providing nutritious meals in home environments/settings to persons age 60 or older who are homebound by reason of illness, disability or who are otherwise isolated as determined to be eligible under the California Code of Regulations and as provided in the ENP Statement of Work. ENP Services include, but are not limited to, procurement, preparation, transportation and serving of meals. Emphasis will be made to address the needs of special populations; low-income, minority and functionally impaired Older Individuals. The ENP contractor will provide services to clients with limited or no English speaking capabilities in the primary/native language of the client and agrees to be committed and sensitive to the delivery of services that are culturally and linguistically appropriate.

Services supported by this MOU include, but are not limited to, all elements contained in the ENP statement of work, including specific tasks, client eligibility, staffing requirements, quality control, training, mandatory DASS & ENHANCE coordination, customer satisfaction, outcome measures, teamwork and performance requirements.

Signature: \_\_\_\_\_

Debra Ward, Chief Executive Officer  
YWCA San Gabriel Valley -  
Senior Services Collaborative  
943 N. Grand Avenue, Covina, CA 91724

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name:  
Agency: Monterey Park Senior Center  
400 W. Emerson Ave  
Monterey Park, CA 91754

Date: \_\_\_\_\_

# eliminating racism • empowering women



**YWCA SAN GABRIEL VALLEY**  
943 North Grand Avenue, Covina, CA 91724  
Tel: 626.960.2995 • Fax: 626.814.0447 • [www.ywcasgv.org](http://www.ywcasgv.org)

**SENIOR SERVICES**  
YWCA Intervale  
24-Hour Message Line: 626.214.9465

**DOMESTIC VIOLENCE**  
YWCA WINGS  
24-Hour Help Line: 626.967.0658

## 2020 YWCA Paid Holidays

**New Year's Day – Wednesday, January 1st**

**Martin Luther King Day – Monday, January 20th**

**Presidents' Day – Monday, February 17th**

**Cesar Chavez Day – Monday, March 30th**

**Memorial Day – Monday, May 25th**

**Independence Day – Friday, July 3rd**

**Labor Day – Monday, September 7th**

**Indigenous People Day (Columbus Day) – Monday, October 12th**

**Veterans Day – Wednesday, November 11th**

**Thanksgiving Day – Thursday, November 26th**

**Friday After Thanksgiving – Friday, November 27<sup>th</sup>**

**Day Before Christmas – Thursday, December 24th**

**Christmas Day – Friday, December 25th**

**Exhibit B - Attachment 5**

**CONGREGATE MEAL SITE: PEST CONTROL**

<b>Subject:</b> PEST CONTROL	<b>Page:</b> 1 of 4
<b>Issued by:</b> AAA	<b>Date:</b> June 2020

**PURPOSE:** To provide clarification on timeframes for pest control policies and procedures regarding the Congregate Meal, Central Kitchen, and Caterer sites in order to ensure a pest free environment.

**BACKGROUND:** Workforce Development, Aging and Community Services (WDACS) has a zero tolerance for pests (cockroaches, rodents, etc.) at all Congregate Meal, Central Kitchen, and Caterer sites. Pests that come in contact with food or food areas that are used for human consumption can cause an adverse health effect. Problems associated with pests, like cockroaches, include contamination of food and utensils used to handle food, production of unpleasant odors, and transmission of bacteria (e.g., Salmonella and Shigella) which can lead to food poisoning. In response to the occurrences of pests at our Congregate Meal sites, WDACS has implemented the following policies and procedures in an effort to proactively address this matter.

**POLICY:** All Congregate Meal, Central Kitchen, and Caterer sites shall be operated and maintained at all times to prevent the entrance and harborage of animals, birds, vermin, rodents, and insects.

All Congregate Meal, Central Kitchen, and Caterer sites are required to perform monthly pest control activities as mandated in the Elderly Nutrition Program (ENP) Foodservice Standard Operating Procedures (SOP) manual and Statement of Work. Congregate Meal, Central Kitchen, and Caterer sites shall have an approved Weekly Pest Control Waiver (CS-82) on file in order to continue monthly pest control activities. A licensed Pest Control Operator is the only person that can use products or chemicals in the facility that are deemed acceptable for a commercial kitchen or foodservice facility. Staff without a pest control license cannot use any types of pesticides, traps, bait, or other unauthorized methods in the facility for pest control.

If a Congregate Meal, Central Kitchen, or Caterer site has a pest control issue, the Service Provider will be responsible and required to ensure that weekly pest control activities are performed until a Weekly Pest Control Waiver is granted by WDACS. To eliminate pest issues, the Los Angeles County Department of Public Health states that Integrated Pest Management (IPM) is the most effective means of controlling infestation and preventing reoccurrence.

**PROCEDURES:**

**A. General IPM practices shall be done to ensure a pest free environment:**

- Keep garbage tightly covered and remove it from kitchen and dining area quickly and properly.
- Properly store all food and supplies.

CS-78

- Check all food and supplies entering the building.
- Eliminate plumbing leaks and correct other sources of moisture.
- Increase ventilation where condensation is a problem.
- Seal cracks and other openings to the outside.
- Remove trash, large debris, and stored items outside of the building, such as stacks of lumber or firewood that provide hiding places for cockroaches and rodents.
- Vacuum cracks and crevices to remove food and debris.
- Be sure surfaces where food or beverages have been spilled are cleaned up immediately.
- Keep cleaning equipment (mops, sponges, and cloths) dry and properly stored.
- Keep toilets and restrooms clean and sanitized.
- Keep break areas clean and store personal food in closed containers.
- Report building maintenance issues such as holes in walls, torn window screens, or openings in door jams to management or Project Director for repair.
- Use traps and baits to monitor the pest population.

**B. General procedures when pests are discovered:**

- All Congregate Meal, Central Kitchen, or Caterer sites that currently have pest issues shall ensure that the site is fumigated upon notification of the pest sighting to resolve the issue and shall conduct regular IPM practices and weekly pest control activities thereafter. Weekly pest control activities are to be completed on Friday after meal service, or Saturday to ensure that regular meal services resume on Monday with no disruption in meal services.
- Immediately inform the Project Manager if a pest or pest infestation is found.
- The Project Manager, or their designee, will contact the Congregate Meal, Central Kitchen, or Caterer site staff (park supervisor, site manager, etc.) and request that they contact a certified (licensed) pest control company for fumigation services.
- All Congregate Meal, Central Kitchen, or Caterer staff shall work with the certified (licensed) pest control company to determine the best fumigation method to use for each Congregate Meal, Central Kitchen or Caterer site based upon the products or chemicals used and severity of the infestation.
- The Project Manager, or their designee, will notify their Contract Compliance Monitor, Contract Analyst, Program Analyst, and designated Registered Dietitian (RD) of the Dietary Administrative Support Services (DASS) program.
- The kitchen will be immediately closed and pre-packaged meals will be served to participants until the Congregate Meal, Central Kitchen or Caterer site is fumigated, cleaned, sanitized, and re-inspected by the DASS RD. Regular meal service cannot resume until the DASS RD has granted clearance.
- All Congregate Meal, Central Kitchen, or Caterer sites that have pest control issues shall keep a weekly log of their pest control activities using the IPM approach until a waiver is granted to reinstate monthly fumigation and pest control services.

- The Service Provider shall keep Pest Control Reports and weekly pest control activity logs on file in their ENP Foodservice SOP manual located at each Congregate Meal, Central Kitchen, and Caterer site. Copies shall also be kept on file at the Service Provider's Administrative Office. All Pest Control Reports and Weekly Pest Control Activity Logs shall be available for review by WDACS and the DASS RD upon request.

**C. Timeframes for Weekly IPM Activities and Requests for Waivers:**

To request a waiver to reinstate monthly fumigation and pest control activities, Service Providers shall submit a Congregate Meal, Central Kitchen, and Caterer site Weekly Pest Control Waiver to the WDACS Area Agency on Aging (AAA) Program Analyst based upon the requirements listed below:

- If no pest is found during the re-inspection, all repairs and conditions are met, and the Congregate Meal, Central Kitchen, or Caterer site is approved by the DASS RD to resume regular meal service, the Service Provider may request a waiver to reinstate monthly fumigation and pest control activities.
- If a pest is observed by the DASS RD during the re-inspection, and/or requested repairs have not been made, the Service Provider shall ensure that the Congregate Meal, Central Kitchen, or Caterer site is re-fumigated and weekly pest control activities are conducted for a period of three (3) months or 90 days. The 90-day period begins the date the site is successfully re-inspected and approved by the DASS RD to resume regular meal service. The Service Provider may ask for a waiver to reinstate monthly fumigation and pest control activities after the 90-day waiting period if there are no additional pest sightings and all other IPM activities are met.
- If a pest is observed at any time for a period of three (3) months or 90 days after a successful re-inspection and approval by the DASS RD, the Service Provider shall resume weekly pest control activities for a period of three (3) months or 90 days. The 90-day period begins the date the Congregate Meal, Central Kitchen, or Caterer site is successfully re-inspected and approved to resume regular meal service. The Service Provider may ask for a waiver to reinstate monthly fumigation and pest control activities after the 90-day waiting period if there are no additional pest sightings and all other IPM activities are met.
- Congregate Meal, Central Kitchen, or Caterer sites that fail multiple inspections are considered to have severe infestations if they continue to have pest sightings after weekly IPM activities and three (3) or more fumigations. The Service Provider shall ensure that these sites continue weekly pest control activities for a period of six (6) months or 180 days after the site has been re-inspected and approved by a DASS RD to resume regular meal service. The Service Provider may ask for a waiver to reinstate monthly fumigation and pest control activities after the 180-day waiting period if there are no additional pest sightings and all other IPM activities are met.

**D. DASS RD Inspection Scores and WDACS Sanctions:**

- The DASS RD will deduct twenty (20) points from the DASS site audit inspection score and immediately close the kitchen if evidence of pests is observed during monthly site inspections. The DASS RD will provide recommendations for necessary repairs and other remedies to resolve pest issues.
- The DASS RD, as part of their monthly Congregate Meal, Central Kitchen, or Caterer site audit inspections, will review pest control reports to confirm that pest control fumigations or related repairs are completed as required. If reports for pest control activities are not completed, six (6) points will be deducted from the monthly DASS site audit inspection score.
- Timely completion of the repairs identified by the DASS Registered Dietitian to walls, doors, window screens, etc., that may be entry points for pests shall be remedied within thirty (30) days. If repairs are not completed within thirty (30) days, deducted points will be doubled.
- Double points will be deducted on the DASS site audit inspection score for repeated offenses or findings. If the audit inspection score falls below the acceptable level outlined in the ENP Foodservice SOP manual, financial sanctions or suspension of payments may be imposed until the related findings are resolved.
- In cases of continued inability or unwillingness to comply with these requirements, WDACS will impose financial sanctions, which may include but are not limited to suspension of payments or termination.

**EXHIBIT C**  
**IN-KIND CONTRIBUTION**

**Exhibit C**

YWCA of San Gabriel Valley  
Annual In-Kind Contribution

In-kind Services Rendered:

PROGRAM CATEGORY	TYPE OF SERVICE PROVIDED	RATE PER MONTH	SQ/FOOTAGE (OR TIME/MO.)	TOTAL ANNUAL \$ VALUE
All Services	Kitchen	\$2.00 sq. ft./mo.	780.0 sq. ft.	\$ 18,720.00
Funded by OAA	Storage	\$2.00 sq. ft./mo.	130.0 sq. ft.	\$ 3,120.00
Title IIIB,	Main Dining area	\$2.00 sq. ft./mo.	4322.5 sq. ft.	\$ 103,740.00
Title IIIC-1, C-2	Dining Annex/Serving	\$2.00 sq. ft./mo.	675.0 sq. ft.	\$ 16,200.00
Care Mgt. & Supportive Services	Outside Services	\$ 202.00/mo.		2,419.00
	Equipment: Refrigerator, Storage, Steam Table, Ice Machine, Warming Cabinets			4,447.00
			<b>TOTAL</b>	<b>\$ 148,646.00</b>



## City Council Staff Report

**DATE:** September 16, 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:** Notification of Final Map Review Pursuant to Monterey Park Municipal Code § 20.20.050 and Subdivision Map Act (Government Code § 66448(d)) – Tentative Map No. 78209 (772 Barnum Way)

### **RECOMMENDATION:**

It is recommended that the City Council:

1. Receive and file report; and
2. Take such additional, related action that may be desirable.

### **CEQA (California Environmental Quality Act):**

The City Planner found that the Project was categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines §§ 15315 as a Class 15 categorical exemption (Minor Land Division).

### **EXECUTIVE SUMMARY:**

Monterey Park Municipal Code (MPMC) § 20.20.050, in accordance with Government Code § 66458(d), requires that City Engineer advise the City Council when a final map is being reviewed.

### **BACKGROUND:**

772 Barnum Way is zoned R-1 (single-family residential); the project consists of the division of property from one lot into two lots. Lot 1 is currently developed with an existing 2,634 square foot two-story single-family dwelling with an attached 533 square foot three-car garage (constructed in 1980). Lot 2 is currently vacant, and no development is currently proposed. Tentative Map No. 78209 was approved following the March 26, 2019 Planning Commission meeting.

The applicant submitted the Final Map to the City on October 15, 2019. The Final Map was reviewed by the City's consultant surveyor, RKA Consulting Group, for mathematical accuracy; survey analysis; title information; and compliance with the

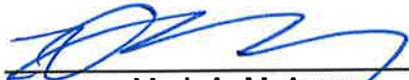
Subdivision Map Act, Conditions of Approval and applicable Monterey Park Municipal Code provisions. Pursuant to the satisfaction of the City Engineer, the Final Map may be approved within ten days following this meeting. The Final Map must then be recorded with the County before the Tentative Map expires on March 26, 2021. Note that the City Council will consider adopting an Ordinance tonight which, when it becomes effective, updates the MPMC regarding maps. Part of these updates include eliminating the requirement that all final map review processes be reported to the City Council. The City Council will still consider final maps if, for example, dedications are offered or a subdivision improvement agreement is required.

**FISCAL IMPACT:**

The approval of this map has no fiscal impact on the City beyond the additional property tax and sales tax this development will generate.

Respectfully submitted by:

Prepared by:

  
\_\_\_\_\_  
Mark A. McAvoy  
Director of Public Works /  
City Engineer

  
\_\_\_\_\_  
Vivian Chen  
Civil Engineering Associate

Approved by:

Reviewed by:

  
\_\_\_\_\_  
for Ron Bow  
City Manager

  
\_\_\_\_\_  
Natalie C. Karpeles  
Deputy City Attorney

Attachments:

1. Tentative Map

**ATTACHMENT 1**  
Parcel Map No. 78209

2 PARCELS  
7.59 ACRES

SHEET 1 OF 2 SHEETS

# PARCEL MAP NO. 78209

IN THE CITY OF MONTEREY PARK

BEING A SUBDIVISION OF LOT 55 OF TRACT NO. 33425 IN THE CITY OF MONTEREY PARK,  
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 885,  
PAGES 67 THROUGH 70, INCLUSIVE, OF MAPS, IN THE OFFICE OF THE COUNTY  
RECORDER OF SAID COUNTY

FOR SUBDIVISION PURPOSES

NARITH LAO, R.C.E., P.L.S.

NL ENGINEERING & SURVEYING, INC

JUNE 1, 2019

### SUBDIVIDER'S STATEMENT:

WE HEREBY STATE THAT WE ARE THE SUBDIVIDERS OF THE LANDS INCLUDED WITHIN THE  
SUBDIVISION SHOWN ON THIS MAP WITHIN THE DISTINCTIVE BORDER LINES, AND WE CONSENT  
TO THE PREPARATION AND FILING OF SAID MAP AND SUBDIVISION

*[Signatures]*  
SONNY HO TRUSTEE SUBDIVIDER      SANDRA WOO TRUSTEE SUBDIVIDER  
SONNY HO AND SANDRA WOO, TRUSTEES OF THE REVOCABLE LIVING TRUST AS OWNERS

### SURVEYOR'S STATEMENT:

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY  
IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL  
ORDINANCE AT THE REQUEST OF SONNY HO ON JUNE 1, 2019

I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY  
APPROVED TENTATIVE MAP, IF ANY, THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND  
OCCUPY THE POSITIONS INDICATED OR THAT THEY WILL BE SET IN THOSE POSITIONS BEFORE  
APRIL 15, 2020, AND THAT THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE  
SURVEY TO BE RE-TRACKED

DATE: *June 8* 20 *19*  
*[Signature]*  
NARITH LAO - P.L.S. 8046 - EXPIRES 12/31/21



### NOTARY ACKNOWLEDGEMENT:

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY  
OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED AND  
NOT THE TRUTHFULNESS, ACCURACY OR VALIDITY OF THAT DOCUMENT

STATE OF CALIFORNIA }  
COUNTY OF LOS ANGELES }

ON *June 7*, 2020 BEFORE ME, *[Signature]*  
PERSONALLY APPEARED *[Signature]*  
WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE  
NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE  
EXECUTED THE SAME IN HIS/HER AUTHORIZED CAPACITY AND THAT BY HIS/HER SIGNATURE ON THE  
INSTRUMENT, THE PERSON OR ENTITY ON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE  
INSTRUMENT

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THE LAWS OF THE STATE OF CALIFORNIA THAT THE  
FOREGOING PARAGRAPH IS TRUE AND CORRECT  
WITNESS MY HAND AND OFFICIAL SEAL

*[Signature]*  
PRINTED NAME: *[Signature]*  
MY PRINCIPAL PLACE OF BUSINESS  
IS IN LOS ANGELES COUNTY  
MY COMMISSION NUMBER: *[Signature]*  
MY COMMISSION EXPIRES: *[Signature]*



### CITY ENGINEER'S STATEMENT:

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP, THAT THE SUBDIVISION AS SHOWN IS  
SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, AND ANY APPROVED  
ALTERATIONS THEREOF. ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND OF ANY LOCAL  
SUBDIVISION ORDINANCES OF THE CITY OF MONTEREY PARK APPLICABLE AT THE TIME OF  
APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH

MARK A. MCAVOY, P.E.      DATE  
CITY ENGINEER OF THE CITY OF MONTEREY PARK  
R.C.E. NO. 86361      EXPIRES: *SEPTEMBER 30, 2021*



### CITY SURVEYOR'S STATEMENT:

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND THAT I AM SATISFIED THAT  
THIS MAP IS TECHNICALLY CORRECT

ACTING CITY SURVEYOR  
BY *[Signature]*      DATE: *7/22/20*  
DAVID G. GILBERTSON  
L.S. NO. 8941



### CITY CLERK'S CERTIFICATE:

I HEREBY CERTIFY THAT THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, BY RESOLUTION  
NO. \_\_\_\_\_ C.C.S. AT A MEETING HELD ON \_\_\_\_\_ APPROVED THE  
ATTACHED SUBDIVISION MAP, SUBJECT TO THE CONDITION THAT ALL LAWS LEGALLY APPLICABLE  
TO FINAL SUBDIVISION MAPS ARE TO BE COMPLIED WITH:

VINCENT D. CHANG      DATE  
CITY CLERK

### SIGNATURE OMISSIONS NOTE:

THE SIGNATURE OF SOUTHERN CALIFORNIA Edison COMPANY, HOLDER OF AN EASEMENT FOR  
PUBLIC UTILITIES RECORDED DECEMBER 15, 1978 AS INSTRUMENT NO. 78-1386575, OF OFFICIAL  
RECORDS HAS BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66438(a) 3A (i-vii) OF THE  
SUBDIVISION MAP ACT, AS THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE AND SAID  
SIGNATURE(S) IS (ARE) NOT REQUIRED BY THE LOCAL AGENCY

THE SIGNATURE(S) OF THE PARTY(IES) NAMED HEREINAFTER AS OWNER(S) OF THE INTEREST  
SET FORTH, MAY BE OMITTED UNDER PROVISIONS OF SECTION 66438(a) (3C) OF THE SUBDIVISION  
MAP ACT. THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE AS SAID SIGNATURE(S) IS  
(ARE) NOT REQUIRED BY THE LOCAL AGENCY

SEQUOIA INVESTMENT CORPORATION, HOLDER OF AN INTEREST IN, OR RIGHTS TO, MINERALS,  
WHICH MAY INCLUDE BUT WHICH MAY NOT BE LIMITED TO OIL, GAS, OR OTHER HYDROCARBON  
SUBSTANCES AS DISCLOSED BY DOCUMENT RECORDED SEPTEMBER 11, 1984 AS INSTRUMENT  
NO. 1789 IN BOOK D 2622, PAGE 584 OF OFFICIAL RECORDS, RECORDS OF LOS ANGELES COUNTY

AMERICAN SAVINGS AND LOAN ASSOCIATION, HOLDER OF AN INTEREST IN, OR RIGHTS TO,  
MINERALS, WHICH MAY INCLUDE BUT WHICH MAY NOT BE LIMITED TO OIL, GAS, OR OTHER  
HYDROCARBON SUBSTANCES AS DISCLOSED BY DOCUMENT RECORDED SEPTEMBER 11, 1974 AS  
INSTRUMENT NO. 724 IN BOOK D-6409, PAGE 124 OF OFFICIAL RECORDS, RECORDS OF LOS  
ANGELES COUNTY

### BASIS OF BEARINGS:

THE BEARINGS SHOWN HEREON ARE BASED ON THE BEARING  
N 48°13'45"E OF THE CENTERLINE OF BARNUM WAY AS SHOWN ON MAP OF  
TRACT MAP NO. 33425 FILED IN BOOK 086, PAGES 67 THROUGH 70,  
INCLUSIVE, OF MAPS, RECORDS OF LOS ANGELES COUNTY

### LOS ANGELES COUNTY TAX CERTIFICATES:

I HEREBY CERTIFY THAT ALL CERTIFICATES HAVE BEEN FILED AND  
DEPOSITS HAVE BEEN MADE THAT ARE REQUIRED UNDER THE  
PROVISIONS OF SECTIONS 66432 AND 66403 OF THE SUBDIVISION MAP  
ACT

EXECUTIVE OFFICER, BOARD OF SUPERVISORS OF THE COUNTY OF LOS  
ANGELES, STATE OF CALIFORNIA

BY: \_\_\_\_\_ DEPUTY      DATE

I HEREBY CERTIFY THAT SECURITY IN THE AMOUNT OF \$ \_\_\_\_\_  
HAS BEEN FILED WITH THE EXECUTIVE OFFICER, BOARD OF  
SUPERVISORS OF THE COUNTY OF LOS ANGELES AS SECURITY FOR THE  
PAYMENT OF TAXES AND SPECIAL ASSESSMENTS COLLECTED AS TAXES  
ON THE LAND SHOWN ON MAP OF PARCEL MAP NO. 73829 AS REQUIRED  
BY LAW

EXECUTIVE OFFICER, BOARD OF SUPERVISORS OF THE COUNTY OF LOS  
ANGELES, STATE OF CALIFORNIA

BY: \_\_\_\_\_ DEPUTY      DATE

# PARCEL MAP NO. 78209

IN THE CITY OF MONTEREY PARK, COUNTY OF LOS ANGELES

FOR SUBDIVISION PURPOSES

N.I. ENGINEERING & SURVEYING, INC

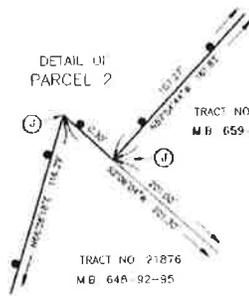
NARITH LAO, R.C.E., P.L.S

JUNE 1, 2019



## LEGEND

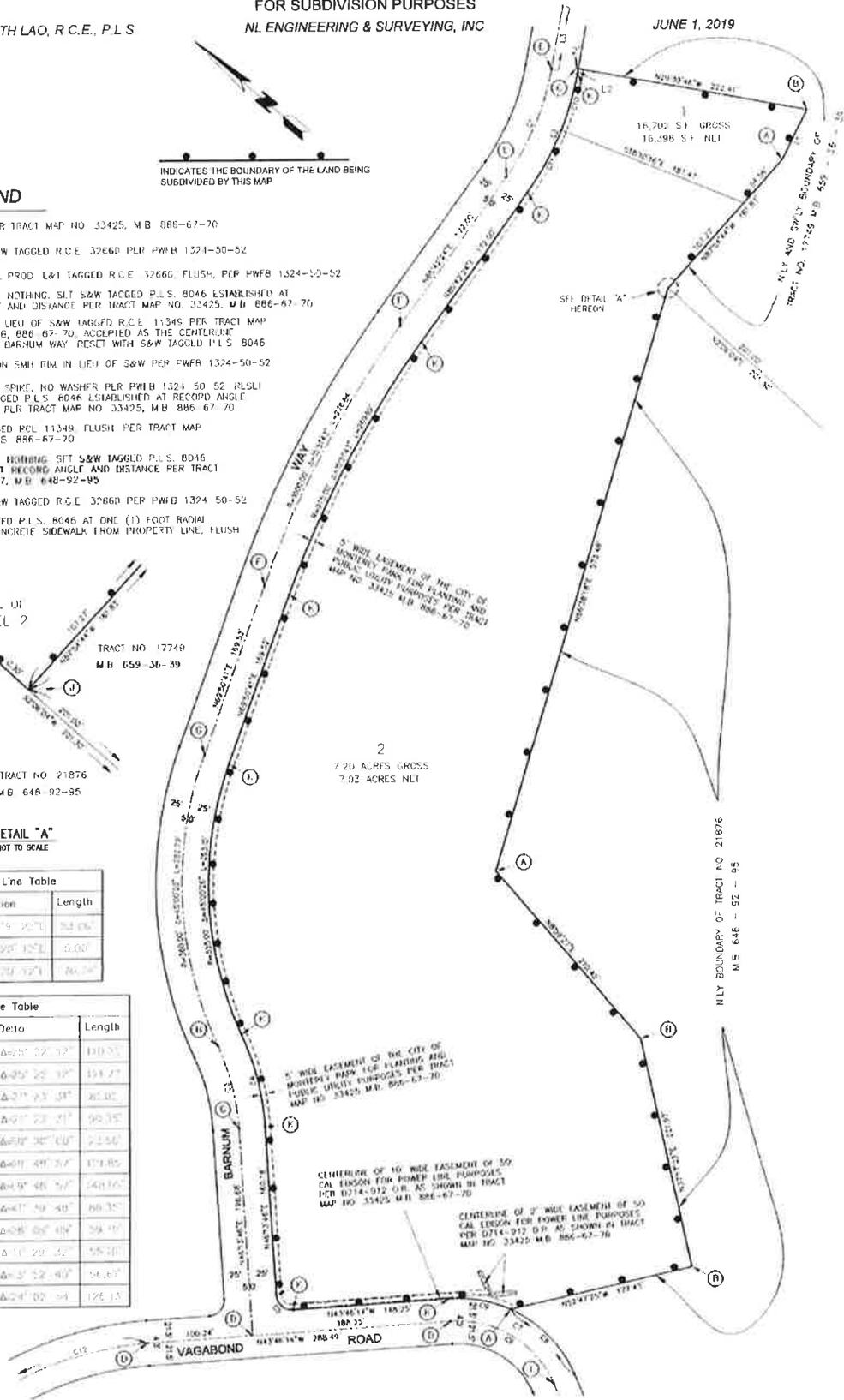
- (A) FD 2" IP PER TRACT MAP NO. 33425, M.B. 886-67-70
- (B) FD 1" IP S&W TAGGED R.C.E. 32660 PLR PWFH 1324-50-52
- (C) FD 2" O/S PL PROD L&I TAGGED R.C.E. 32660, FLUSH PER PWFH 1324-50-52
- (D) SEARCHED, I.D. NOTHING, S/LT S&W TAGGED P.L.S. 8046 ESTABLISHED AT RECORD ANGLE AND DISTANCE PER TRACT MAP NO. 33425, M.B. 886-67-70
- (E) FD C-MAIL IN LIEU OF S&W TAGGED R.C.E. 11345 PER TRACT MAP NO. 33425, M.B. 886-67-70, ACCEPTED AS THE CENTRUM MONUMENT OF BARNUM WAY RESET WITH S&W TAGGED P.L.S. 8046
- (F) FD 4" P.M.S. ON SMH RIM IN LIEU OF S&W PER PWFH 1324-50-52
- (G) I.D. DISTURBED SPIKE, NO WASHER PLR PWFH 1324-50-52 PLSI WITH S&W TAGGED P.L.S. 8046 ESTABLISHED AT RECORD ANGLE AND DISTANCE PER TRACT MAP NO. 33425, M.B. 886-67-70
- (H) FD S&W, TAGGED P.L.S. 11349, FLUSH PER TRACT MAP NO. 33425, M.S. 886-67-70
- (I) SEARCHED, I.D. NOTHING, S/LT S&W TAGGED P.L.S. 8046 ESTABLISHED AT RECORD ANGLE AND DISTANCE PER TRACT MAP NO. 21877, M.B. 648-92-95
- (J) FD 2" IP S&W TAGGED R.C.E. 32660 PER PWFH 1324-50-52
- (K) SET S&W TAGGED P.L.S. 8046 AT ONE (1) FOOT RADIAL OFFSET ON CONCRETE SIDEWALK FROM PROPERTY LINE, FLUSH



DETAIL "A"  
NOT TO SCALE

Line #	Direction	Length
1	N 77° 19' 30" E	84.05
2	S 80° 50' 32" E	0.00
3	N 61° 03' 12" E	84.05

Curve #	Radius	Delta	Length
C1	250.00	Δ=117° 22' 12"	110.73
C2	40.00	Δ=95° 20' 30"	154.77
C3	110.00	Δ=27° 23' 38"	25.00
C4	262.40	Δ=97° 22' 21"	90.35
C5	15.00	Δ=88° 30' 00"	2.150
C6	100.00	Δ=61° 49' 36"	171.85
C7	121.50	Δ=43° 46' 50"	141.90
C8	70.00	Δ=67° 58' 48"	80.35
C9	21.00	Δ=88° 05' 48"	39.45
C10	275.00	Δ=117° 22' 12"	110.73
C11	275.00	Δ=67° 58' 48"	80.35
C12	200.00	Δ=24° 02' 54"	126.13



NLY BOUNDARY OF TRACT NO. 21876  
M.S. 648-92-95



## City Council Staff Report

**DATE:** September 16, 2020

**AGENDA ITEM NO:** Consent Calendar  
Agenda Item 3-F

**TO:** The Honorable Mayor and City Council  
**FROM:** Mark A. McAvoy, Director of Public Works/City Engineer  
**SUBJECT:** Garvey Reservoir Areas 2, 3, & 4 Drainage Improvements - Award of Contract

### **RECOMMENDATION:**

It is recommended that the City Council:

1. Authorize the City Manager to execute a public works contract, in a form approved by the City Attorney, with FS Contractors, Inc., in the amount of \$192,221 for the Garvey Reservoir Areas 2, 3, & 4 Drainage Improvements, Specification No. 2020-03;
2. Authorize the Director of Public Works to approve change orders and contingency up to \$28,833 (15%) of the contract amount, for a total project cost of \$221,054; and
3. Take such additional, related action that may be desirable.

### **CEQA (California Environmental Quality Act):**

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 1 categorical exemption (Existing Facilities). The project results in minor alterations to existing public facilities involving no significant expansion of the existing use. The project is not anticipated to have any significant

### **EXECUTIVE SUMMARY:**

On August 5, 2020 the City Council adopted a resolution approving the design and plans for the Garvey Reservoir Areas 2, 3, & 4 Drainage Improvements project and authorized the solicitation of bids. The deadline for the submittal of bids was September 3, 2020. Staff completed the review of the bids and recommends that the contract be awarded to FS Contractors, Inc. in the amount of \$192,221. A 15% contingency is requested for a total project cost of \$221,054.

**BACKGROUND:**

While storms bring much needed water to Southern California, the inundation of storm water can result in conditions leading to potential damage to private and public property. In 2015 MWD and City representatives discussed actions that can be taken to protect public health, safety and property from strong winter storm events. The recommendation was for both public entities to cooperatively undertake immediate, actions to prepare for winter storms.

On November 18, 2015 the City Council adopted a resolution declaring an emergency and authorizing the City Manager to enter into an agreement with the Metropolitan Water District of Southern California (MWD) to cooperate and coordinate emergency preparedness efforts to help protect public health and property, located around the Garvey Reservoir slopes, from potential impacts of El Niño storm events.

In continuing those efforts and to complete additional projects identified through previous efforts, City staff and MWD staff recommended that the two parties enter into three additional Memoranda of Understanding (MOUs), which were approved by City Council on June 19, 2019 and extended by City Council on December 18, 2019.

This project involves drainage improvements to three existing areas near Garvey Reservoir known as Areas 2, 3, and 4. These improvements will remediate possible storm water damage impacts from El Nino storm events.

Staff opened the bids on September 3, 2020 and has completed the review of all bids submitted. The bids are listed in the table below:

<b>RANK</b>	<b>BIDDER</b>	<b>BASE BID AMOUNT</b>
1	FS Contractors, Inc.	\$192,221
2	GRFCO, Inc.	\$270,000
3	Engineering & Environmental Construction	\$420,560.77
4	Grbcon, Inc.	\$699,444

The bid submitted by FS Contractors, Inc. is the lowest responsive bid from a responsible bidder. FS Contractors, Inc.'s license was verified with the California State Contractor's License Board to be current, active and in good standing. Registration with the California Department of Industrial Relations (DIR) was verified. Staff also contacted references to confirm that the contractor provides good quality work.

**FISCAL IMPACT:**

Funding for this project was budgeted in the 2018-19 Fiscal Year as the Garvey Reservoir Drainage Improvements in the amount of \$280,000 from Sewer funding source (account number 0042-5001-91962).

Respectfully submitted by:

  
Mark A. McAvoy  
Director of Public Works /  
City Engineer

Prepared by:

  
*For* Frank A. Lopez  
Assistant City Engineer

Reviewed by:

  
*for* Ron Bow  
City Manager

Reviewed by:

  
Karl H. Berger  
City Attorney

**ATTACHMENT(S):**

1. FS Contractors, Inc. Bid Proposal

**ATTACHMENT - 1**  
FS Contractors, Inc. Bid Proposal

**SECTION C. BIDDERS PROPOSAL**  
**(Entire section C shall be submitted with the bid)**

**BIDDER'S NAME:** FS Contractors, Inc.

In accordance with the City's Notice Inviting Sealed Bids, the undersigned BIDDER, hereby proposes to furnish all materials, equipment, tools, labor, and incidentals required for the above stated project as set forth in the Plans, Specifications, and contract documents therefore, and to perform all work in the manner and time prescribed therein.

BIDDER declares that this proposal is based upon careful examination of the work site, Plans, Specifications, Instructions to Bidders, and all other contract documents. If this proposal is accepted for award, BIDDER understands that failure to enter into a contract in the manner and time prescribed will result in forfeiture to the City of Monterey Park of the guarantee accompanying this proposal.

BIDDER understands that a bid is required for the entire work. The contract will be awarded on the prices shown on the bid schedule. It is agreed that the unit and/or lump sum prices bid include all appurtenant expenses, taxes, royalties and fees. In the case of discrepancies in the amounts of bid, unit prices shall govern over extended amount, and words shall govern over figures.

If awarded the Contract, the undersigned further agrees that in the event of the BIDDER'S default in executing the required contract and filing the necessary bonds and insurance certificates within ten working days after the date of the City's notice of award of contract to the BIDDER, the proceeds of the guarantee accompanying this bid shall become the property of the City and this bid and the acceptance hereof may, at the City's option, be considered null and void.

**BID SCHEDULE**

To the Monterey Park's City Council, herein called the "Council".

Pursuant to and in compliance with your Notice Inviting Bids and the other documents relating thereto, the undersigned bidder, having familiarized himself with the work, and with the terms of the contract, the local conditions affecting the performance of the contract, and the cost of the work at the place where the work is done, and with the drawings and specifications and other contract documents, hereby proposes and agrees to perform, within the time stipulated, the contract, including all of its component parts, and everything required to be performed, and to provide and furnish any and all of the labor, materials, tools, expendable equipment, and all applicable taxes, utility and transportation services necessary to perform the contract and complete in a workmanlike manner, all in strict conformity with the Contract Documents on file at the office of the City Clerk of said City, per the following bid schedule:

Base Bid Schedule					
For Garvey Reservoir Area 2, 3, & 4 Drainage Improvements, Specification No. 2020-003					
No.	Bid Item Description	Quantity	Unit	Unit Bid	Total Bid
1	Mobilization and Demobilization	1	LS	\$ -	\$ -
2	Area 2 (1104 Kempton Avenue) Per plan (Sheets C-200, 201) and specifications furnish all labor, material, and equipment as required to construct/install approx. 95LF of 18" & 4" ID Corrugated (smooth interior) HDPE drain pipe, including connections, concrete encasements, removal of existing drainage pipe system; reconstruction of parkway drain structure, concrete swale, concrete block wall, concrete slab and other restoration call outs per plan.	1	LS	\$ -	\$ -
3	Area 3 (1266 Kempton Avenue) Per plan (Sheets C-202, 203) and specifications furnish all labor, material, and equipment as required to construct/install approx. 122 LF of 18" ID Corrugated (smooth interior) HDPE drain pipe, including connections, concrete encasements, slurry anchors, 18" tee outlet, removal of existing drainage pipe system; reconstruction of concrete slab, regrading slope, installation of fiber roll, jute netting and hydroseeding, and other restoration call outs per plan.	1	LS	\$ -	\$ -
4	Area 5 (1590 Fulton Avenue) Per plan (Sheet C-204) and specifications furnish all labor, material, and equipment as required to construct/install approx. 99 LF of 24" & 5 LF of 12" ID Corrugated (smooth interior) HDPE drain pipe, including connections, reconnection of existing 4" drain pipe, removal of existing drainage pipe system; reconstruction of inlet structure, catch basin, parkway drain concrete sidewalk, curb and gutter, concrete patio and other restoration call outs per plan.	1	LS	\$ -	\$ -
<b>Total Base Bid Amount</b>					<b>\$ -</b>



**DESIGNATION OF SUBCONTRACTORS**

BIDDER proposes to subcontract certain portions of the work which are in excess of one-half of one percent of the bid and to procure materials and equipment from suppliers and vendors as follows:

Subcontractor Information	Work to be Performed	Dollar Amount
Name: <u>N/A</u>		\$ _____
Address:		
Tel:		
Name:		\$ _____
Address:		
Tel:		
Name:		\$ _____
Address:		
Tel:		
Name:		\$ _____
Address:		
Tel:		
Name:		\$ _____
Address:		
Tel:		
Name:		\$ _____
Address:		
Tel:		
Name:		\$ _____
Address:		
Tel:		

**REFERENCES**

References shall be for projects constructed by the bidding company; references for other projects performed by principals or other individuals of the bidding company may not be included. References shall be either minimum from 3 Public Agencies; or minimum from 2 Public Agencies plus 2 Private Entities for which BIDDER has performed similar work within the past three years.

Reference 1		
Agency Name City of Walnut	Project Name and Brief Description Drainage Improvements	
Contact Name and Title Michael Lee		
Tel: (909) 595-7543 E-mail: Drainage Improvements-20852 Apache Dr.	Contract Value: \$ 17,600	Year Completed: 2017

Reference 2		
Agency Name City of Orange	Project Name and Brief Description Parkway Drain Improvements	
Contact Name and Title Eduardo Lopez		
Tel: (714) 744-5567 E-mail: edlopez@cityoforange.org	Contract Value: \$ 33,202	Year Completed: 2019

Reference 3		
Agency Name City of La Cañada Flintridge	Project Name and Brief Description Miscellaneous Drainage Improvements	
Contact Name and Title Nasser Shoushtarian		
Tel: (818) 790-8880 E-mail: nasser.sh@lcf.ca.gov	Contract Value: \$ 173,837	Year Completed: 2020

Reference 4		
Agency Name City of El Segundo	Project Name and Brief Description Storm Drain Improvements	
Contact Name and Title Arianne Bola		
Tel: (310) 524-2364 E-mail: ABola@elsegundo.org	Contract Value: \$ 18,800	Year Completed: 2017

**SITE INSPECTION**

The Bidder declares that he/she has carefully read and examined the plans, specifications, bid documents, and he/she has made a personal examination of the site (indicate name of the person, representing the bidder, who inspected the site and date below) and that he/she understands the exact scope of the Project without question.

Name of Person who inspected the site: Angel Fierros

Date of Inspection: 9/1/20

**ADDENDA ACKNOWLEDGMENT**

The Bidder acknowledges receipt of the following Addenda and has included their provisions in this Proposal:

Addendum No. N/A Dated \_\_\_\_\_

Addendum No. \_\_\_\_\_ Dated \_\_\_\_\_

#### **EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE**

BIDDER certifies that all previous contracts or subcontracts, all reports which may have been due under the requirements of any Agency, Site, or Federal equal employment opportunity orders have been satisfactorily filed, and that no such reports are currently outstanding.

#### **AFFIRMATIVE ACTION CERTIFICATION**

BIDDER certifies that affirmative action has been taken to seek out and consider minority business enterprises for those portions of work to be subcontracted, and that such affirmative actions have been fully documented, that said documentation is open to inspection, and that said affirmative action will remain in effect for the life of any contract awarded hereunder. Furthermore, BIDDER certifies that affirmative action will be taken to meet all equal employment opportunity requirements of the contract documents.

**INSURANCE REQUIREMENTS**

To be awarded this contract, the successful bidder shall procure and maintain the following types of insurance with coverage limits complying, at a minimum, with the limits set forth below:

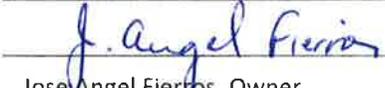
<u>Type of Insurance</u>	<u>Limits</u>
Commercial general liability:	\$2,000,000
Business automobile liability	\$2,000,000
Workers compensation	Statutory requirement.

Commercial general liability insurance shall meet or exceed the requirements of ISO-CGL Form No. CG 00 01 11 85 or 88. The amount of insurance set forth above shall be a combined single limit per occurrence for bodily injury, personal injury, and property damage for the policy coverage. Liability policies shall be endorsed to name the City, its officials, and employees as "additional insureds" under said insurance coverage and to state that such insurance will be deemed "primary" such that any other insurance that may be carried by the City will be excess thereto. Such endorsement shall be reflected on ISO Form No. CG 20 10 11 85 or 88, or equivalent. Such insurance shall be on an "occurrence," not a "claims made," basis and will not be cancelable or subject to reduction except upon thirty (30) days prior written notice to the City.

Automobile coverage shall be written on ISO Business Auto Coverage Form CA 00 01 06 92, including symbol 1 (Any Auto).

The Contractor shall furnish to the City duly authenticated Certificates of Insurance evidencing maintenance of the insurance required under this Agreement, endorsements as required herein, and such other evidence of insurance or copies of policies as may be reasonably required by the City from time to time. Insurance shall be placed with admitted insurers with a current A.M. Best Company Rating equivalent to at least a Rating of "A:VII." Certificate(s) shall reflect that the insurer will provide thirty (30) day notice of any cancellation of coverage. The Contractor shall require its insurer to modify such certificates to delete any exculpatory wording stating that failure of the insurer to mail written notice of cancellation imposes no obligation, and to delete the word "endeavor" with regard to any notice provisions.

By signing this form, the bidder certifies that it has read, understands, and will comply with these insurance requirements if it is selected as the City's Contractor. Failure to provide this insurance will render the bidder's proposal "nonresponsive."

Bidder's Name: FS Contractors, Inc.  
Authorized Signature:   
Name and Title: Jose Angel Fierros, Owner  
Date: 9/3/20

**PUBLIC CONTRACT CODE SECTION 7106**

**Noncollusion Declaration by Bidder**

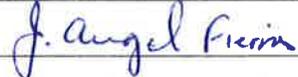
The undersigned declares:

I am the President of FS Contractors, Inc., the party making the foregoing bid.

The bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The bid is genuine and not collusive or sham. The bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid. The bidder has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or to refrain from bidding. The bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder. All statements contained in the bid are true. The bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, to effectuate a collusive or sham bid, and has not paid, and will not pay, any person or entity for such purpose.

Any person executing this declaration on behalf of a bidder that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the bidder.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Bidder's Name: FS Contractors, Inc.  
Authorized Signature:   
Name and Title: Jose Angel Fierros, President  
Date: 9/3/20

**PUBLIC CONTRACT CODE SECTION 10162**

In conformance with the above Public Contract Code Section, the bidder hereby declares under penalty of perjury under the laws of the State of California that the bidder any officer of such bidder, or any employee of such bidder who has a proprietary interest in such bidder

has never been X has been \_\_\_\_\_ (indicate YES or NO after applicable answer)

disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of law or a safety regulation, and if so to explain the circumstances.

If the answer is **has been YES** explain the circumstances below:

Bidder's Name: FS Contractors, Inc.  
Authorized Signature: *J. Angel Fierros*  
Name and Title: Jose Angel Fierros, President  
Date: 9/1/20

**PUBLIC CONTRACT CODE SECTION 10232**

In conformance with above Public Contract Code Section, the bidder hereby declares under penalty of perjury under the laws of the State of California that no more than one final, unappealable finding of contempt of court by a federal court

has not been  X  has been \_\_\_\_\_ (indicate YES or NO after applicable answer)

issued against the bidder within the immediately preceding two-year period because of the contractor's failure to comply with an order of a federal court which orders the contractor to comply with an order of the National Labor Relations Board. For purposes of this section, a finding of contempt does not include any finding which has been vacated, dismissed, or otherwise removed by the court because the contractor has complied with the order which was the basis for the finding.

Bidder's Name: FS Contractors, Inc.  
Authorized Signature: *J. Angel Fierros*  
Name and Title: Jose Angel Fierros  
Date: 9/3/20

**PUBLIC CONTRACT CODE SECTION 10285.1**

In conformance with above Public Contract Code Section, the bidder hereby declares under penalty of perjury under the laws of the State of California that the bidder or any partner, member, officer, director, responsible managing officer, or responsible managing employee thereof

has never been  X  has been \_\_\_\_\_ (indicate YES or NO after applicable answer)

convicted within the preceding three years by a court of competent jurisdiction of any charge of fraud, bribery, collusion, conspiracy, or any other act in violation of any state or federal antitrust law in connection with the bidding upon, award of, or performance of, any public works contract, as defined in Public Contract Code Section 1101, with any public entity, as defined in Public Contract Code Section 1100, including, for the purposes of this article, the Regents of the University of California or the Trustees of the California State University.

Bidder's Name: FS Contractors, Inc.  
Authorized Signature:   
Name and Title: Jose Angel Fierros  
Date: 9/3/20

**BIDDER INFORMATION**

Bidder's Name: FS Contractors, Inc.

Address: 14838 Bledsoe St. Sylmar, CA 91342

Form of Legal Entity: Corporation

If a Corporation, State of Incorporation: California

State Contractor's Class and License No.: 1005940 A-C8-C27

Contact Person Information:

Name: Jose Angel Fierros Title: President

E-mail: angel@fscontractorsinc.com Tel: (818) 974-0895

The following are the names, titles, addresses, and phone numbers of all individuals, firm members, partners, joint venturers, and/or corporate officers having a principal interest in this proposal:

Jose Angel Fierros-President 13368 Aldergrove St. Sylmar, CA 91342

Salomon Fierros-VicePresident 12862 Maclay Ave. Sylmar, CA 91342

Jose E Fierros-Corporate Secretary 28470 Santa Catarina Ave. Saugus, CA 91350

The date(s) of any voluntary or involuntary bankruptcy judgements against any principal having an interest in this proposal are as follows:

N/A

All current and prior DBA'S, alias, and/or fictitious business names for any principal having an interest in this proposal are as follows:

N/A

Previous contract performance history:

Was any contract terminated previously: No

*If the answer to the above is "yes", provide the following information:*

Contract/project name and number: \_\_\_\_\_

Date of termination: \_\_\_\_\_

Reason for termination: \_\_\_\_\_

Owner's name: \_\_\_\_\_

Owner contact person and tel. no.: \_\_\_\_\_

IN WITNESS WHEREOF, BIDDER executes and submits this proposal with the names, titles, hands, and seals of all aforementioned principals this 3 day of September, 2020

BIDDER FS Contractors, Inc.  
J. Angel Ferris  
\_\_\_\_\_  
\_\_\_\_\_

Subscribed and sworn to this 3 day of September, 2020

NOTARY PUBLIC See Attachment

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of Los Angeles )

On September 3, 2020 before me, Martha Isabel Lopez Riubi, Notary Public  
*Date Here Insert Name and Title of the Officer*  
personally appeared Jose Angel Fierros  
*Name(s) of Signer(s)*

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Martha Lopez  
*Signature of Notary Public*

Place Notary Seal Above

**OPTIONAL**

*Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.*

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_ Document Date: \_\_\_\_\_  
Number of Pages: \_\_\_\_\_ Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_ Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  Partner —  Limited  General  
 Individual  Attorney in Fact  Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_  Other: \_\_\_\_\_  
Signer Is Representing: \_\_\_\_\_ Signer Is Representing: \_\_\_\_\_

**PROPOSAL GUARANTEE**

**BID BOND**

Bond No.: NA

KNOW ALL MEN BY THESE PRESENTS that FS Contractors, Inc., as BIDDER, AND RLI Insurance Company, as SURETY, are held and firmly bound unto the City of Monterey Park, in the penal sum of Ten Percent Of The Total Amount Of The Bid (\$ 10% ) dollars, lawful money of the United States, which is 10 percent of the total amount bid by BIDDER to the City of Monterey Park for the **GARVEY RESERVOIR AREA 2, 3, & 4 DRAINAGE IMPROVEMENTS, SPECIFICATION NO. 2020-003** ("Public Project"), for the payment of which sum, BIDDER and SURETY agree to be bound, jointly and severally, firm by these presents.

THE CONDITIONS OF THIS OBLIGATION ARE SUCH that, whereas BIDDER is about to submit a bid to the City of Monterey Park for the above stated project, if said bid is rejected, or if said bid is accepted and a contract is awarded and entered into by BIDDER in the manner and time specified, then this obligation shall be null and void, otherwise it shall remain in full force and effect in favor of the City of Monterey Park.

IN WITNESS WHEREOF the parties hereto have set their names, titles, hands, and seals this 3rd day of September, 2020.

SIGNED AND SEALED this 3rd day of September, 2020.

FS Contractors, Inc.

RLI Insurance Company

PRINCIPAL

J. Angel Ferris

SURETY

Peter Micciche  
Peter Micciche, Attorney-In-Fact

**PRINCIPAL'S MAILING ADDRESS:**

**SURETY'S MAILING ADDRESS:**

14838 Bledsoe Street

9025 N. Lindbergh Drive

Sylmar, CA 91342

Peoria, IL 61615

NOTE: All signatures shall be acknowledged by a notary public.

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of Los Angeles )

On September 3, 2020 before me, Martha Isabel Lopez Riubi, Notary Public  
*Date Here Insert Name and Title of the Officer*

personally appeared Jose Angel Fierros  
*Name(s) of Signer(s)*

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Martha Lopez Riubi  
*Signature of Notary Public*

*Place Notary Seal Above*

**OPTIONAL**

*Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.*

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_ Document Date: \_\_\_\_\_  
Number of Pages: \_\_\_\_\_ Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_  
Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_  
Signer Is Representing: \_\_\_\_\_

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of Los Angeles )  
On SEP 03 2020 before me, Angel Nunez, Notary Public  
Date Here Insert Name and Title of the Officer  
personally appeared Peter Micciche  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Handwritten Signature]  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_ Document Date: \_\_\_\_\_  
Number of Pages: \_\_\_\_\_ Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_ Signer's Name: \_\_\_\_\_  
 Corporate Officer -- Title(s): \_\_\_\_\_  Corporate Officer -- Title(s): \_\_\_\_\_  
 Partner --  Limited  General  Partner --  Limited  General  
 Individual  Attorney in Fact  Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_  Other: \_\_\_\_\_  
Signer Is Representing: \_\_\_\_\_ Signer Is Representing: \_\_\_\_\_

# POWER OF ATTORNEY

## RLI Insurance Company Contractors Bonding and Insurance Company

9025 N. Lindbergh Dr. Peoria, IL 61615  
Phone: 800-645-2402

*Know All Men by These Presents:*

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired.

That **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, each an Illinois corporation, (separately and together, the "Company") do hereby make, constitute and appoint:

Patricia Zenizo, Peter Micciche, Angel Nunez, Elsa Escobar, jointly or severally

in the City of Glendale, State of California its true and lawful Agent(s) and Attorney(s) in Fact, with full power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf as Surety, in general, any and all bonds and undertakings in an amount not to exceed Twenty Five Million Dollars (\$25,000,000.00) for any single obligation.

The acknowledgment and execution of such bond by the said Attorney in Fact shall be as binding upon the Company as if such bond had been executed and acknowledged by the regularly elected officers of the Company.

**RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, as applicable, have each further certified that the following is a true and exact copy of a Resolution adopted by the Board of Directors of each such corporation, and is now in force, to-wit:

"All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

IN WITNESS WHEREOF, the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, as applicable, have caused these presents to be executed by its respective Vice President with its corporate seal affixed this 30th day of July, 2019.



**RLI Insurance Company  
Contractors Bonding and Insurance Company**

By: B. W. Davis  
Barton W. Davis Vice President

State of Illinois }  
County of Peoria } SS

### CERTIFICATE

On this 30th day of July, 2019, before me, a Notary Public, personally appeared Barton W. Davis, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** and acknowledged said instrument to be the voluntary act and deed of said corporation.

I, the undersigned officer of **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** this 30th day of September, 2019.

By: Gretchen L. Johnigk  
Gretchen L. Johnigk Notary Public

**RLI Insurance Company  
Contractors Bonding and Insurance Company**

By: Jean M. Stephenson  
Jean M. Stephenson Corporate Secretary



**PROPOSAL GUARANTEE**

**CERTIFIED CHECK or CASHIER'S CHECK**

**As an Alternative to Bid Bond, Bidder can provide Certified Check or Cashier's Check as follows**

Accompanying this proposal is a certified check or a cashier's check payable to the order of the City of Monterey Park, in the amount of \_\_\_\_\_ (\$ \_\_\_\_\_) dollars, lawful money of the United States, which is 10 percent of the total amount bid by BIDDER to the City of Monterey Park for the **GARVEY RESERVOIR AREA 2, 3, & 4 DRAINAGE IMPROVEMENTS, SPECIFICATION NO. 2020-003** ("Public Project").

The proceeds of the same shall become the property of said City if, in case this proposal shall be accepted by said City through the City Council, the undersigned shall fail to execute a contract, with and furnish the insurance and bonds required by the City of Monterey Park within the specified time; otherwise, the same is to be returned to the undersigned as set forth in the Instructions to Bidders.

Bidder's Name: FS Contractors, Inc.  
Authorized Signature: *J. Angel Fierros*  
Name and Title: Jose Angel Fierros, President  
Date: 9/3/20

--END OF SECTION--



# City Council Staff Report

**DATE:** September 16, 2020

**AGENDA ITEM NO:** Consent Calendar  
Agenda Item 3-G.

**TO:** The Honorable Mayor and City Council  
**FROM:** Ron Bow, City Manager  
**SUBJECT:** Waive further reading and adopt 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

## **RECOMMENDATION:**

It is recommended that the City Council consider:

1. Waiving second reading and adopting the proposed ordinance; and
2. Taking such additional, related, action that may be desirable.

## **EXECUTIVE SUMMARY:**

The first reading and introduction of the Ordinance took place at the September 2, 2020 City Council meeting. The original staff report (from September 2, 2020) is attached for reference. Second reading and adoption of this Ordinance is recommended; it will take effect in 30 days.

Respectfully submitted and prepared by:

A handwritten signature in blue ink, appearing to read "Ron Bow", written over a horizontal line.

Ron Bow  
City Manager

Attachments:

1. Draft Ordinance
2. September 2, 2020 Staff Report

**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.

\* \* \*

“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

## **ATTACHMENT 2**

September 2, 2020 Staff Report



## 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:

  
\_\_\_\_\_  
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



# City Council Staff Report

**DATE:** September 16, 2020

**AGENDA ITEM NO:** Consent Calendar  
Agenda Item 3-H.

**TO:** The Honorable Mayor and City Council  
**FROM:** Vincent Chang, City Clerk  
Cindy Trang, Deputy City Clerk  
**SUBJECT:** Waive further reading and adopt 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. Waive second reading and adopt the proposed ordinance; or
2. Taking such additional, related, action that may be desirable.

## EXECUTIVE SUMMARY:

The first reading and introduction of the Ordinance took place at the August 19, 2020 City Council meeting. The original staff report (from August 19, 2020) is attached for reference. Second reading of the Ordinance was continued from the September 2, 2020 City Council meeting, to provide the City Clerk's office adequate time to publish the summary ordinance. Second reading and adoption of this Ordinance amendment is recommended; it will take effect in 30 days.

Respectfully submitted by:

Handwritten signature of Vincent Chang in blue ink.

Vincent Chang  
City Clerk

Prepared by:

Handwritten signature of Cindy Trang in blue ink.

Cindy Trang  
Deputy City Clerk

Approved by:

Handwritten signature of Ron Bow in blue ink.

Ron Bow  
City Manager

Reviewed by:

Handwritten signature of Natalie C. Karpeles in blue ink.

Natalie C. Karpeles,  
Deputy City Attorney

Staff Report  
September 16, 2020  
Page 2

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 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 30<sup>th</sup> day following its passage and adoption.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2020.

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Peter Chan, Mayor

Attest:

\_\_\_\_\_  
Vincent D. Chang, City Clerk

APPROVED AS TO FORM:  
KARL H. BERGER, City Attorney

  
\_\_\_\_\_  
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.<sup>1</sup> 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.

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<sup>1</sup> 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.

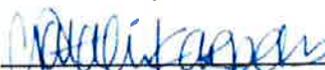
Respectfully submitted and prepared by:

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

**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: 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 3: 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 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: 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 6: 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 7: 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 8:** This Ordinance will become effective on the 30<sup>th</sup> day following its passage and adoption.

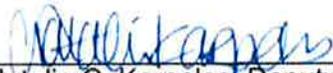
PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Peter Chan, Mayor

Attest:

\_\_\_\_\_  
Vincent D. Chang, City Clerk

APPROVED AS TO FORM:

By:   
Natalie C. Karpeles, Deputy City Attorney



# City Council Staff Report

**DATE:** September 16, 2020

**AGENDA ITEM NO:**

**Public Hearing  
Agenda Item 4-A**

**TO:** Honorable Mayor and Members of the City Council

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

**SUBJECT:** 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 continued 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.

**EXECUTIVE SUMMARY:**

At the September 2, 2020 meeting, the City Council continued this public hearing to September 16, 2020. The original staff report and accompanying documents are attached hereto (September 2, 2020 City Council Agenda Item 2B and its attachments nos. 1-3).

Respectfully submitted and prepared 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**

- A. September 2, 2020 Staff Report and Attachments

# ATTACHMENT A

September 2, 2020 Staff Report and Attachments  
(Item No. 2B and its attachments Nos. 1-3)



## 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:

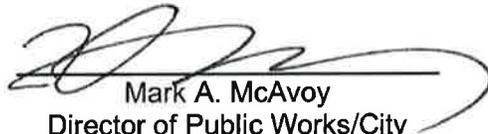
- Adds new definitions for “Efficiency Unit,” “Multifamily Dwelling,” “Primary Dwelling” and “Tandem parking.”
- Development standards:
  - Explains that zones designated for ADUs may be altered based on impacts to water, sewer traffic flow, and public safety;
  - Clarifies that when ADUs are created 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:



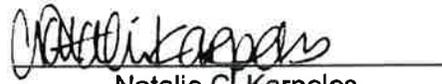
Mark A. McAvoy  
Director of Public Works/City  
Engineer/City Planner

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 this section.

(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 16, 2020

**AGENDA ITEM NO:** New Business  
Agenda Item 5-A

**TO:** The Honorable Mayor and City Council  
**FROM:** Vincent D. Chang, City Clerk  
**SUBJECT:** Consideration and possible action regarding local Campaign Contribution Limits

## **RECOMMENDATION:**

It is recommended that the City Council:

1. Receive and file report;
2. Provide direction regarding imposing campaign contribution limits and
  - a. Direct that a resolution or an ordinance imposing no limits (default contribution limit amount will be the same amount as for state elected officials) be brought for adoption or
  - b. Direct that a resolution or an ordinance memorializing the City Council's determination on limiting campaign contributions to a specific amount be brought for adoption; and
3. Take such additional, related, action that may be desirable.

## **EXECUTIVE SUMMARY:**

Beginning January 1, 2021, Government Code § 85702.5 (added by AB 571) provides that (1) the default campaign contribution limits for elective county and city offices will be those established by the Fair Political Practices Commission (FPPC) for identical elective state offices; and (2) violations will be punishable as a misdemeanor and subject to specified penalties. The City may, however, impose its own campaign contribution limitation standards by ordinance or resolution; these may differ from the FPPC.

## **BACKGROUND:**

Government Code § 85702.5 takes effect January 1, 2021. It will limit campaign contributions to a candidate for elective city office to not more than \$3,000 from an individual person per election. These contribution limits may be adjusted by the FPPC in January of odd-numbered years to reflect increases or decreases in the Consumer Price Index, rounded to the nearest \$100.

The new law also extends contribution restrictions for elective city office regarding personal loans and for committees created to oppose recall measures; and allows a

candidate for city office to carry over campaign expenditures in connection with a subsequent election for that same office. The law does limit how much a local candidate may lend to their own campaign from their personal funds; the restrictions placed on small contributor or political party committee contribution limits; any existing local contribution limits; or how the City would set its own contribution limits in the future – should it so choose.

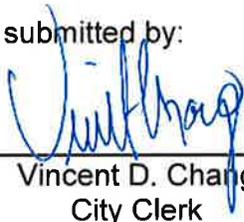
The City of Monterey Park currently does not have campaign contribution limits. Consequently, it will be subject to the FPPC limits – unless the City Council adopts local regulations. A resolution or ordinance adopted by the City Council would establish local campaign contribution limits and set enforcement standards. The contribution limits will be in place until superseded by another resolution or ordinance adopted by the City Council.

Staff is requesting direction from the City Council whether to prepare a resolution or ordinance setting specific contribution limits; what those limits should be; and how violations should be enforced. The resolution or ordinance would be placed on a future City Council agenda for consideration and possible adoption.

**FISCAL IMPACT:**

None.

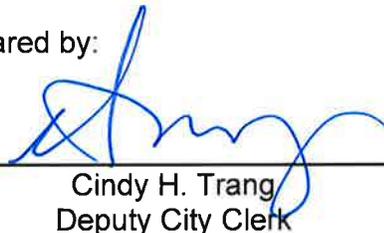
Respectfully submitted by:



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Vincent D. Chang  
City Clerk

Prepared by:



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Cindy H. Trang  
Deputy City Clerk

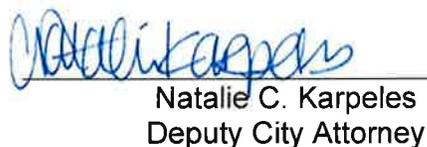
Approved by:



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Ron Bow  
City Manager

Reviewed by:



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Natalie C. Karpeles  
Deputy City Attorney

**ATTACHMENT(S):**

1. Assembly Bill No. 571 (AB 571)

# **ATTACHMENT 1**

Assembly Bill No. 571 (AB 571)



**AB-571 Political Reform Act of 1974: contribution limits.** (2019-2020)

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Date Published: 10/09/2019 09:00 PM

## Assembly Bill No. 571

### CHAPTER 556

An act to amend and repeal Sections 10003 and 10202 of the Elections Code, and to amend Section 85301 of, to amend, repeal, and add Sections 85305, 85306, 85307, 85315, 85316, 85317, and 85318 of, and to add Section 85702.5 to, the Government Code, relating to the Political Reform Act of 1974.

[ Approved by Governor October 08, 2019. Filed with Secretary of State  
October 08, 2019. ]

### LEGISLATIVE COUNSEL'S DIGEST

AB 571, Mullin. Political Reform Act of 1974: contribution limits.

The Political Reform Act of 1974 prohibits a person, other than a small contributor committee or political party committee, from making to a candidate for elective state office, for statewide elective office, or for the office of Governor, and prohibits those candidates from accepting from a person, a contribution totaling more than a specified amount per election. For a candidate for elective state office other than a candidate for statewide elective office, the limitation on contributions is \$3,000 per election, as that amount is adjusted by the Fair Political Practices Commission in January of every odd-numbered year.

Existing law authorizes a county, city, or district to limit campaign contributions in local elections. Existing law authorizes the governing board of a school district or of a community college district to limit campaign expenditures or contributions in elections to district offices. The act specifies that it does not prevent the Legislature or any other state or local agency from imposing additional requirements on a person if the requirements do not prevent the person from complying with the act, and that the act does not nullify contribution limitations or prohibitions by any local jurisdiction that apply to elections for local elective office, as specified.

This bill, commencing January 1, 2021, instead would prohibit a person from making to a candidate for elective county or city office, and would prohibit a candidate for elective county or city office from accepting from a person, a contribution totaling more than the amount set forth in the act for limitations on contributions to a candidate for elective state office. This bill would also authorize a county or city to impose a limitation that is different from the limitation imposed by this bill. This bill would make specified provisions of the act relating to contribution limitations applicable to a candidate for a elective county or city office, except as specified.

The act makes a violation of its provisions punishable as a misdemeanor and subject to specified penalties.

This bill would add the contribution limitation imposed by the bill to the act's provisions, thereby making a violation of the limitation punishable as a misdemeanor and subject to specified penalties. However, the bill would specify that a violation of a limitation imposed by a local government is not subject to the act's enforcement provisions. The bill would authorize a local government that imposes a limitation that is different from the limitation imposed by this bill to adopt enforcement standards for a violation of the limitation imposed

by the local government agency, including administrative, civil, or criminal penalties. By expanding the scope of an existing crime with regard to a violation of a contribution limitation imposed by the bill, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a  $\frac{2}{3}$  vote of each house of the Legislature and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: yes

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** The Legislature finds and declares all of the following:

(a) Most states impose limitations on contributions to candidates for elective county and city offices. California is among the minority of states without these contribution limitations.

(b) Most counties and cities in this state have not independently imposed limitations on contributions to candidates for elective offices in those jurisdictions.

(c) In counties and cities in this state that have not imposed limitations on contributions, candidates for elective offices in those jurisdictions often receive contributions that would exceed the limitations for a state Senate campaign, even though most counties and cities contain far fewer people than the average state Senate district.

(d) In counties and cities in this state that have not imposed limitations on contributions, candidates for elective office in those jurisdictions sometimes raise 40 percent or more of their total campaign funds from a single contributor.

(e) A system allowing unlimited contributions to a candidate for elective county or city office creates the risk and the perception that elected officials in those jurisdictions are beholden to their contributors and will act in the best interest of those contributors at the expense of the people.

(f) This state has a statewide interest in preventing actual corruption and the appearance of corruption at all levels of government.

(g) This act establishes a limitation on contributions to a candidate for elective office in a city or county in which the local government has not established a limitation. However, a local government may establish a different limitation that is more precisely tailored to the needs of its communities.

**SEC. 2.** Section 10003 of the Elections Code is amended to read:

**10003.** (a) A county may by ordinance or resolution limit campaign contributions in county elections.

(b) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

**SEC. 3.** Section 10202 of the Elections Code is amended to read:

**10202.** (a) A city may, by ordinance or resolution, limit campaign contributions in municipal elections.

(b) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

**SEC. 4.** Section 85301 of the Government Code is amended to read:

**85301.** (a) A person, other than a small contributor committee or political party committee, shall not make to a candidate for elective state office other than a candidate for statewide elective office, and a candidate for elective

state office other than a candidate for statewide elective office shall not accept from a person, a contribution totaling more than three thousand dollars (\$3,000) per election.

(b) Except to a candidate for Governor, a person, other than a small contributor committee or political party committee, shall not make to a candidate for statewide elective office, and except a candidate for Governor, a candidate for statewide elective office shall not accept from a person other than a small contributor committee or a political party committee, a contribution totaling more than five thousand dollars (\$5,000) per election.

(c) A person, other than a small contributor committee or political party committee, shall not make to a candidate for Governor, and a candidate for Governor shall not accept from any person other than a small contributor committee or political party committee, a contribution totaling more than twenty thousand dollars (\$20,000) per election.

(d) (1) A person shall not make to a candidate for elective county or city office, and a candidate for elective county or city office shall not accept from a person, a contribution totaling more than the amount set forth in subdivision (a) per election, as that amount is adjusted by the Commission pursuant to Section 83124. This subdivision does not apply in a jurisdiction in which the county or city imposes a limit on contributions pursuant to Section 85702.5.

(2) This subdivision shall become operative on January 1, 2021.

(e) The provisions of this section do not apply to a candidate's contributions of the candidate's personal funds to the candidate's own campaign.

**SEC. 5.** Section 85305 of the Government Code is amended to read:

**85305.** (a) A candidate for elective state office or committee controlled by that candidate shall not make any contribution to any other candidate for elective state office in excess of the limits set forth in subdivision (a) of Section 85301.

(b) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

**SEC. 6.** Section 85305 is added to the Government Code, to read:

**85305.** (a) A candidate for elective state, county, or city office or committee controlled by that candidate shall not make a contribution to any other candidate for elective state, county, or city office in excess of the limits set forth in subdivision (a) of Section 85301. This section does not apply in a jurisdiction in which the county or city imposes a limit on contributions pursuant to Section 85702.5.

(b) This section shall become operative on January 1, 2021.

**SEC. 7.** Section 85306 of the Government Code is amended to read:

**85306.** (a) A candidate may transfer campaign funds from one controlled committee to a controlled committee for elective state office of the same candidate. Contributions transferred shall be attributed to specific contributors using a "last in, first out" or "first in, first out" accounting method, and these attributed contributions when aggregated with all other contributions from the same contributor may not exceed the limits set forth in Section 85301 or 85302.

(b) Notwithstanding subdivision (a), a candidate for elective state office, other than a candidate for statewide elective office, who possesses campaign funds on January 1, 2001, may use those funds to seek elective office without attributing the funds to specific contributors.

(c) Notwithstanding subdivision (a), a candidate for statewide elective office who possesses campaign funds on November 6, 2002, may use those funds to seek elective office without attributing the funds to specific contributors.

(d) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

**SEC. 8.** Section 85306 is added to the Government Code, to read:

**85306.** (a) A candidate may transfer campaign funds from one controlled committee to a controlled committee for elective state, county, or city office of the same candidate. Contributions transferred shall be attributed to specific contributors using a "last in, first out" or "first in, first out" accounting method, and these attributed contributions when aggregated with all other contributions from the same contributor shall not exceed the limits set forth in Section 85301 or 85302.

(b) Notwithstanding subdivision (a), a candidate for elective state office, other than a candidate for statewide elective office, who possesses campaign funds on January 1, 2001, may use those funds to seek elective office without attributing the funds to specific contributors.

(c) Notwithstanding subdivision (a), a candidate for statewide elective office who possesses campaign funds on November 6, 2002, may use those funds to seek elective office without attributing the funds to specific contributors.

(d) This section does not apply in a jurisdiction in which the county or city imposes a limit on contributions pursuant to Section 85702.5.

(e) This section shall become operative on January 1, 2021.

**SEC. 9.** Section 85307 of the Government Code is amended to read:

**85307.** (a) The provisions of this article regarding loans apply to extensions of credit, but do not apply to loans made to a candidate by a commercial lending institution in the lender's regular course of business on terms available to members of the general public for which the candidate is personally liable.

(b) Notwithstanding subdivision (a), a candidate for elective state office shall not personally loan to the candidate's campaign, including the proceeds of a loan obtained by the candidate from a commercial lending institution, an amount, the outstanding balance of which exceeds one hundred thousand dollars (\$100,000). A candidate shall not charge interest on any loan the candidate made to the candidate's campaign.

(c) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

**SEC. 10.** Section 85307 is added to the Government Code, to read:

**85307.** (a) The provisions of this article regarding loans apply to extensions of credit, but do not apply to loans made to a candidate by a commercial lending institution in the lender's regular course of business on terms available to members of the general public for which the candidate is personally liable.

(b) Notwithstanding subdivision (a), a candidate for elective state, county, or city office shall not personally loan to the candidate's campaign, including the proceeds of a loan obtained by the candidate from a commercial lending institution, an amount, the outstanding balance of which exceeds one hundred thousand dollars (\$100,000). A candidate shall not charge interest on any loan the candidate made to the candidate's campaign. This subdivision does not apply to a jurisdiction in which the county or city imposes a limit on contributions pursuant to Section 85702.5.

(c) This section shall become operative on January 1, 2021.

**SEC. 11.** Section 85315 of the Government Code is amended to read:

**85315.** (a) Notwithstanding any other provision of this chapter, an elected state officer may establish a committee to oppose the qualification of a recall measure, and the recall election. This committee may be established when the elected state officer receives a notice of intent to recall pursuant to Section 11021 of the Elections Code. An elected state officer may accept campaign contributions to oppose the qualification of a recall measure, and if qualification is successful, the recall election, without regard to the campaign contributions limits set forth in this chapter. The voluntary expenditure limits do not apply to expenditures made to oppose the qualification of a recall measure or to oppose the recall election.

(b) After the failure of a recall petition or after the recall election, the committee formed by the elected state officer shall wind down its activities and dissolve. Any remaining funds shall be treated as surplus funds and shall be expended within 30 days after the failure of the recall petition or after the recall election for a purpose specified in subdivision (b) of Section 89519.

(c) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

**SEC. 12.** Section 85315 is added to the Government Code, to read:

**85315.** (a) Notwithstanding any other provision of this chapter, an elected state, county, or city officer may establish a committee to oppose the qualification of a recall measure, and the recall election. This committee may be established when the elected state, county, or city officer receives a notice of intent to recall pursuant to Section 11021 of the Elections Code. An elected state, county, or city officer may accept campaign contributions to oppose the qualification of a recall measure, and if qualification is successful, the recall election, without regard to the campaign contribution limits set forth in this chapter. The voluntary expenditure limits do not apply to expenditures made to oppose the qualification of a recall measure or to oppose the recall election.

(b) After the failure of a recall petition or after the recall election, the committee formed by the elected state, county, or city officer shall wind down its activities and dissolve. Any remaining funds shall be treated as surplus funds and shall be expended within 30 days after the failure of the recall petition or after the recall election for a purpose specified in subdivision (b) of Section 89519.

(c) This section does not apply in a jurisdiction in which the county or city imposes a limit on contributions pursuant to Section 85702.5.

(d) This section shall become operative on January 1, 2021.

**SEC. 13.** Section 85316 of the Government Code is amended to read:

**85316.** (a) Except as provided in subdivision (b), a contribution for an election may be accepted by a candidate for elective state office after the date of the election only to the extent that the contribution does not exceed net debts outstanding from the election, and the contribution does not otherwise exceed the applicable contribution limit for that election.

(b) Notwithstanding subdivision (a), an elected state officer may accept contributions after the date of the election for the purpose of paying expenses associated with holding the office provided that the contributions are not expended for any contribution to any state or local committee. Contributions received pursuant to this subdivision shall be deposited into a bank account established solely for the purposes specified in this subdivision.

(1) A person shall not make, and an elected state officer shall not receive from a person, a contribution pursuant to this subdivision totaling more than the following amounts per calendar year:

(A) Three thousand dollars (\$3,000) in the case of an elected state officer of the Assembly or Senate.

(B) Five thousand dollars (\$5,000) in the case of a statewide elected state officer other than the Governor.

(C) Twenty thousand dollars (\$20,000) in the case of the Governor.

(2) An elected state officer shall not receive contributions pursuant to paragraph (1) that, in the aggregate, total more than the following amounts per calendar year:

(A) Fifty thousand dollars (\$50,000) in the case of an elected state officer of the Assembly or Senate.

(B) One hundred thousand dollars (\$100,000) in the case of a statewide elected state officer other than the Governor.

(C) Two hundred thousand dollars (\$200,000) in the case of the Governor.

(3) Any contribution received pursuant to this subdivision shall be deemed to be a contribution to that candidate for election to any state office that the candidate may seek during the term of office to which the candidate is currently elected, including, but not limited to, reelection to the office the candidate currently holds, and shall be subject to any applicable contribution limit provided in this title. If a contribution received pursuant to this subdivision exceeds the allowable contribution limit for the office sought, the candidate shall return the amount exceeding the limit to the contributor on a basis to be determined by the Commission. None of the expenditures made by elected state officers pursuant to this subdivision shall be subject to the voluntary expenditure limitations in Section 85400.

(4) The Commission shall adjust the calendar year contribution limitations and aggregate contribution limitations set forth in this subdivision in January of every odd-numbered year to reflect any increase or decrease in the Consumer Price Index. Those adjustments shall be rounded to the nearest one hundred dollars (\$100).

(c) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

**SEC. 14.** Section 85316 is added to the Government Code, to read:

**85316.** (a) Except as provided in subdivision (b), a contribution for an election may be accepted by a candidate for elective state, county, or city office after the date of the election only to the extent that the contribution does not exceed net debts outstanding from the election, and the contribution does not otherwise exceed the applicable contribution limit for that election.

(b) Notwithstanding subdivision (a), an elected state officer may accept contributions after the date of the election for the purpose of paying expenses associated with holding the office provided that the contributions are not expended for any contribution to any state or local committee. Contributions received pursuant to this subdivision shall be deposited into a bank account established solely for the purposes specified in this subdivision.

(1) A person shall not make, and an elected state officer shall not receive from a person, a contribution pursuant to this subdivision totaling more than the following amounts per calendar year:

(A) Three thousand dollars (\$3,000) in the case of an elected state officer of the Assembly or Senate.

(B) Five thousand dollars (\$5,000) in the case of a statewide elected state officer other than the Governor.

(C) Twenty thousand dollars (\$20,000) in the case of the Governor.

(2) An elected state officer shall not receive contributions pursuant to paragraph (1) that, in the aggregate, total more than the following amounts per calendar year:

(A) Fifty thousand dollars (\$50,000) in the case of an elected state officer of the Assembly or Senate.

(B) One hundred thousand dollars (\$100,000) in the case of a statewide elected state officer other than the Governor.

(C) Two hundred thousand dollars (\$200,000) in the case of the Governor.

(3) Any contribution received pursuant to this subdivision shall be deemed to be a contribution to that candidate for election to any state office that the candidate may seek during the term of office to which the candidate is currently elected, including, but not limited to, reelection to the office the candidate currently holds, and shall be subject to any applicable contribution limit provided in this title. If a contribution received pursuant to this subdivision exceeds the allowable contribution limit for the office sought, the candidate shall return the amount exceeding the limit to the contributor on a basis to be determined by the Commission. The expenditures made by elected state officers pursuant to this subdivision shall not be subject to the voluntary expenditure limitations in Section 85400.

(4) The Commission shall adjust the calendar year contribution limitations and aggregate contribution limitations set forth in this subdivision in January of every odd-numbered year to reflect any increase or decrease in the Consumer Price Index. Those adjustments shall be rounded to the nearest one hundred dollars (\$100).

(c) This section does not apply in a jurisdiction in which the county or city imposes a limit on contributions pursuant to Section 85702.5.

(d) This section shall become operative on January 1, 2021.

**SEC. 15.** Section 85317 of the Government Code is amended to read:

**85317.** (a) Notwithstanding subdivision (a) of Section 85306, a candidate for elective state office may carry over contributions raised in connection with one election for elective state office to pay campaign expenditures incurred in connection with a subsequent election for the same elective state office.

(b) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

**SEC. 16.** Section 85317 is added to the Government Code, to read:

**85317.** (a) Notwithstanding subdivision (a) of Section 85306, a candidate for elective state, county, or city office may carry over contributions raised in connection with one election for elective state, county, or city office to pay campaign expenditures incurred in connection with a subsequent election for the same elective state, county, or city office. This section does not apply in a jurisdiction in which the county or city imposes a limit on contributions pursuant to Section 85702.5.

(b) This section shall become operative on January 1, 2021.

**SEC. 17.** Section 85318 of the Government Code is amended to read:

**85318.** (a) A candidate for elective state office may raise contributions for a general election before the primary election, and for a special general election before a special primary election, for the same elective state office if the candidate sets aside these contributions and uses these contributions for the general election or special general election. If the candidate for elective state office is defeated in the primary election or special primary election, or otherwise withdraws from the general election or special general election, the general election or special general election funds shall be refunded to the contributors on a pro rata basis less any expenses associated with the raising and administration of general election or special general election contributions. Notwithstanding Section 85201, candidates for elective state office may establish separate campaign contribution accounts for the primary and general elections or special primary and special general elections.

(b) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

**SEC. 18.** Section 85318 is added to the Government Code, to read:

**85318.** (a) A candidate for elective state, county, or city office may raise contributions for a general election before the primary election, and for a special general election before a special primary election, for the same elective state, county, or city office if the candidate sets aside these contributions and uses these contributions for the general election or special general election. If the candidate for elective state, county, or city office is defeated in the primary election or special primary election, or otherwise withdraws from the general election or special general election, the general election or special general election funds shall be refunded to the contributors on a pro rata basis less any expenses associated with the raising and administration of general election or special general election contributions. Notwithstanding Section 85201, candidates for elective state, county, or city office may establish separate campaign contribution accounts for the primary and general elections or special primary and special general elections.

(b) This section does not apply in a jurisdiction in which the county or city imposes a limit on contributions pursuant to Section 85702.5.

(c) This section shall become operative on January 1, 2021.

**SEC. 19.** Section 85702.5 is added to the Government Code, to read:

**85702.5.** (a) A county or city may, by ordinance or resolution, impose a limit on contributions to a candidate for elective county or city office that is different from the limit set forth in subdivision (d) of Section 85301. The limitation may also be imposed by means of a county or city initiative measure.

(b) A county or city that establishes a contribution limit pursuant to subdivision (a) may adopt enforcement standards for a violation of that limit, which may include administrative, civil, or criminal penalties.

(c) The Commission is not responsible for the administration or enforcement of a contribution limit adopted pursuant to subdivision (a).

(d) This section shall become operative on January 1, 2021. A county or city's limit on contributions to a candidate for elective county or city office that is in effect on the operative date of this section shall be deemed to be a limit imposed pursuant to subdivision (a).

**SEC. 20.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

**SEC. 21.** The Legislature finds and declares that this bill furthers the purposes of the Political Reform Act of 1974 within the meaning of subdivision (a) of Section 81012 of the Government Code.



## City Council Staff Report

**DATE:** September 16, 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:** Consideration and possible action to introduce and waive first reading of an Ordinance amending Monterey Park Municipal Code ("MPMC") Chapter 21.44 regulating development agreements and codifying the Business Recovery Development Agreement Zone ("BRDZ") into MPMC Chapter 21.45

### **RECOMMENDATION:**

It is recommended that the City Council:

1. Introduce and waive first reading of an Ordinance amending MPMC Chapter 21.44, regulating development agreements, and codifying the BRDZ at MPMC Chapter 21.45; or
2. Take such additional, related action that may be desirable.

### **BACKGROUND:**

If adopted, the draft ordinance would amend MPMC Chapter 21.44 which regulates development agreements ("DA") within the City. It would also codify the previously adopted BRDZ into MPMC Chapter 21.45.

DAs provide an important tool for land use planning within the City. Proposed changes to Chapter 21.44 would include updating the MPMC to both reflect current California law and remove duplicative regulation (i.e., regulations preempted by California law). It would also require a DA for "large-scale developments" as defined in the ordinance. Among other things, this would allow the City to ensure that residential or commercial projects with 10 or more units be required to establish and maintain an owner's association. This will assist the City with code enforcement efforts as reflected in the newly established Monterey Park Homeowners Association Monitoring Program.

The City Council established the BRDZ as part of the 2020 Monterey Park Business Recovery Program. This ordinance would codify the BRDZ into the MPMC as a permanent overlay zone that could be activated with a development agreement.

Overall, the most substantive portion of the proposed ordinance are the regulations helping implement the Monterey Park Homeowners Association Monitoring Program. It is hoped that these will help with the City's overall effort to improve the various multi-unit properties found throughout the community.

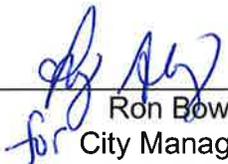
**FISCAL IMPACT:**

There are no identifiable fiscal impacts associated with this action.

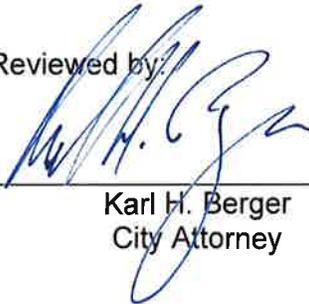
Respectfully submitted and prepared by:

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

Approved by:

  
\_\_\_\_\_  
for Ron Bow  
City Manager

Reviewed by:

  
\_\_\_\_\_  
Karl H. Berger  
City Attorney

**ATTACHMENT(S):**

1. Draft Ordinance

**ATTACHMENT 1**  
Draft Ordinance

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 21.44 REGULATING DEVELOPMENT AGREEMENTS AND CODIFYING THE BUSINESS RECOVERY DEVELOPMENT AGREEMENT ZONE (“BRDZ”) ESTABLISHED BY ORDINANCE NOS. 2184 AND 2185 INTO CHAPTER 21.45 OF THE MONTEREY PARK MUNICIPAL CODE.**

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

SECTION 1: *Development Agreement Regulations.* Chapter 21.44 of the Monterey Park Municipal Code (“MPMC”) is amended to read as set forth in attached Exhibit “A,” which is incorporated by reference.

SECTION 2: *BRDZ.* Exhibit C (entitled the Business Recovery Development Agreement Zone) to Ordinance Nos. 2184 (adopted July 15, 2020) and 2185 (adopted on August 5, 2020), is codified into a new Chapter 21.45 of the MPMC with appropriate numbering commencing with Section 21.45.010. A copy of the BRDZ is attached as Exhibit “B” for reference. The findings set forth in Sections 3 and 4 of Ordinance Nos. 2184 and 2185 are reaffirmed. Codification of Exhibit C to Ordinance Nos. 2184 and 2185 constitutes an administrative action only; no further findings are required.

SECTION 3: *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 development agreements; 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 4: *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 5: *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 6: *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 7: 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 8: Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 9: 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 10: Effective Date. This Ordinance will take effect on the 30<sup>th</sup> 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

## EXHIBIT A

### "Chapter 21.44

#### DEVELOPMENT AGREEMENT

##### 21.44.010. Purpose and Intent.

The purpose of this chapter is to establish procedures and requirements for the review and approval of development agreements. ~~The City is hereby authorized to enter into development agreements with the following statements of intent~~The City Council finds that:

- A. Large scale developments are typically phased projects extending over a period of several years, requiring multiple entitlements and long-term commitment of both public and private resources.
- B. Large-scale developments often require integration between public and capital facilities planning, financing and construction phasing of private projects.
- C. Large-scale developments often incorporate mixed-use design opportunities while maintaining land use consistency with surrounding land uses.
- D. Large-scale developments have long-term structuring and development management that requires flexibility in development and entitlement negotiations.

##### 21.44.020. Applicability, Application Filing, Processing, and Review.

- A. Consideration of a development agreement may be initiated by:
  - 1. The City Council; or
  - 2. Any person having a legal or equitable interest in the real property which will be the subject of the proposed development agreement.

B. While any person proposing a project may request a development agreement, all projects proposing a large-scale development must enter into a development agreement with the City. A "large-scale development" is one with 10 or more residential or commercial units; hotels or motels with more than 25 guest rooms; shopping centers with five or more structures; or industrial projects consisting of either 50,000 or more square feet of building space or on lots greater than 1 acre. Large-scale developments may utilize the BRDZ set forth in chapter 21.45 of this code.

~~B-C.~~ The applicant may request and apply through the Community Development Department file an application with the City Planner to enter into a

development agreement provided that:

1. For applicants other than the City Council, the status of the applicant as having legal or equitable interest in the subject real property is established to the satisfaction of the City Planner; and
2. The application is accompanied by all documents, information, and materials pursuant to the site plan submittal requirements provided in ~~Chapter 21.36, Design Review, by this code, an application fee established by city council resolution,~~ and any additional requirements established by the ~~Community Development Department~~City Planner.

~~C-D.~~ D. Planner Review. The City Planner ~~shall~~is authorized to receive, review, process, and prepare recommendations for ~~Planning Commission and City Council~~ consideration on all applications for development agreements. ~~As part of the review, the City Planner shall review whether the development demonstrates phasing and participation.~~

~~D-E.~~ E. Concurrent Processing and Public Hearings. All development-related applications ~~shall~~will be processed and scheduled for public hearing ~~concurrently in conjunction~~ with the application for a development agreement. ~~The City Council shall be the final review authority for the development agreement and all associated applications. All project entitlements approved with the development agreement shall expire concurrently.~~ Unless otherwise specifically approved by the City Council in connection with the initial approval of a development agreement, the maximum term for a development agreement ~~shall be~~is five years.

~~A.~~ A. ~~The application for approval of a development agreement shall include the processing fee established by the City's fee resolution. Additionally, appropriate fees shall be established and City collected for periodic reviews conducted by the City Planner in compliance with Section 21.44.070(A).~~

#### ~~21.44.030 Public Hearings:~~

~~A.~~ A. ~~Planning Commission Hearing. The City Planner, upon finding the application for a development agreement is complete, shall set the date for a public hearing before the Planning Commission. Following conclusion of a public hearing, the Planning Commission shall adopt a resolution and make a written recommendation to the City Council that it approve, conditionally approve, or deny the application.~~

~~B.~~ B. ~~City Council Hearing. Upon receipt of the Planning Commission's recommendation, the City Clerk shall set a date for a public hearing before the City Council. Following conclusion of the public hearing, the City Council shall approve, conditionally approve, or deny the application with appropriate findings~~

~~in compliance with subsection (E) of this section.~~

~~If the City Council proposes to adopt a substantial modification to the development agreement not previously considered by the Planning Commission during its hearings, the proposed modification shall be first referred back to the Planning Commission for its recommendation, in compliance with State law (Government Code Section 65857, as amended). Failure of the Planning Commission to report back to the City Council within forty (40) days after the referral, or within a longer time set by the City Council, shall be deemed a recommendation for approval of the proposed modification.~~

~~A. — Notice of the Hearings. Notice of the hearings outlined in subsections (A) and (B) of this section, shall be given in the form of a notice of intention to consider approval of a development agreement in compliance with State law (Government Code Section 65867, as amended).~~

~~B. — Adopting Ordinance. Should the City Council approve or conditionally approve the application, it shall, as a part of the action of approval, direct the preparation of a development agreement embodying the conditions and terms of the application as approved or conditionally approved by it, as well as an ordinance authorizing execution of the development agreement by the Council, in compliance with State law (Government Code Section 65867.5, as amended).~~

~~C. — Required Findings. An ordinance authorizing execution of a development agreement shall contain the following findings and the facts supporting them. It is the responsibility of the applicant to establish the evidence in support of the required findings.~~

~~1. — The development agreement is in the best interests of the City and good land use practices;~~

~~2. — The development agreement is consistent with the actions, goals, objectives and policies of the General Plan, any applicable specific plan, and this Zoning Code;~~

~~3. — The development agreement would promote the public convenience, health, interest, safety, or welfare of the City, and will not adversely affect the orderly development of property or the preservation of property values; and~~

~~4. — The development agreement is in compliance with the conditions, requirements, restrictions, and terms of Section 21.44.040.~~

~~D. — Referendum. The ordinance approving the development agreement is subject to referendum in compliance with State law (Government Code Section 65867.5, as amended).~~

#### **21.44.030. Content of Development Agreement.**

- ~~E.A.~~ Mandatory Contents. A development agreement entered into in compliance with this chapter ~~shall~~must contain the mandatory provisions (e.g., conditions, requirements, restrictions, and terms) ~~specified~~required by ~~State~~California law (Government Code Section 65865.2, as amended) ~~including, without limitation, identification of the public benefit.~~
- ~~B.~~ For development agreements governing projects with 10 or more residential or commercial units, the development agreement must contain clauses requiring the applicant to establish an owner's association in accordance with the Monterey Park Homeowners Association Monitoring Program established by city council resolution.
- ~~A.C.~~ Permissive Contents. A development agreement ~~entered into in compliance with this chapter may contain the permissive provisions (e.g., conditions, requirements, restrictions, and terms) specified by State law (Government Code Section 65865.2, as amended), and may include~~ any other terms determined to be appropriate and necessary by the City Council, including provisions for the payment to the City of monetary consideration for public benefit.

21.44.040. **Execution and Recordation.**

- ~~A.~~ Effective Date. ~~The City shall not execute any development agreement until on or after the date on which the ordinance approving the development agreement becomes effective, and until it has been executed by the applicant.~~
- ~~A.A.~~ Agreement Deemed Withdrawn. ~~The City Council may authorize the Mayor or City Manager to execute a development agreement.~~ If the applicant has not executed the development agreement and returned the executed agreement to the City Clerk within ~~thirty (30) days~~ of after the effective date of ~~the~~ City Council's approval, the development agreement application ~~shall be is~~ deemed withdrawn and any signature by the Mayor or City Manager is void. ~~If this occurs, the mayor shall not execute the development agreement.~~ The Council may extend the ~~thirty (30) day period~~ for good cause shown if a written request is filed before the expiration.
- ~~A.B.~~ Other Permits or Entitlements. ~~Nothing in this chapter limits conditions of approval for any other discretionary permit in this code. The provisions of this chapter shall not be construed to prohibit the City Planner, Planning Commission or City Council from conditioning approval of a discretionary permit or entitlement on the execution of a development agreement where the condition is otherwise authorized by law.~~
- ~~A.C.~~ Recordation. A development agreement ~~shall~~must be recorded with the County Recorder ~~not later than ten (10) days after it is executed, in compliance with State law (Government Code Section 65868.5, as~~

amended).

~~21.44.060 Environmental Review.~~

~~The approval or conditional approval of a development agreement in compliance with this chapter shall be deemed a discretionary act for purposes of the California Environmental Quality Act (CEQA).~~

21.44.050. **Periodic Review.**

~~A.-A.~~ A. Periodic Review. Every development agreement approved and executed in compliance with this chapter ~~shall be is~~ subject to annual review by the City Planner, or designee, during the full term of the agreement. Appropriate fees to cover the City's costs to conduct the periodic reviews ~~shall will~~ be collected ~~from the contracting party in compliance with Section 21.44.020(E) in accordance with city council resolution.~~

~~A.-B.~~ B. Purpose of Periodic Review. The purpose of the periodic review ~~shall be is~~ to determine whether the contracting party or the successor-in-interest has complied in good faith with the terms and conditions of the development agreement. The burden of proof ~~shall be is~~ on the applicant or contracting party or the successor to demonstrate compliance to the full satisfaction of, and in a manner prescribed by, the City.

~~A.-C.~~ C. Result of Periodic Review. If, as a result of a periodic review in compliance with this chapter, the City Planner finds and determines, on the basis of substantial evidence, that the contracting party or the successor-in-interest has not complied in good faith with the terms or conditions of the development agreement, the City Planner ~~shall notify the Planning Commission which may recommend to will notify~~ the City Council that the development agreement be terminated or modified.

~~The procedures for the termination or modification hearing shall comply with Section 21.44.030.~~

21.44.060. **Amendment or Cancellation of Development Agreement.**

A development agreement may be amended or canceled, in whole or in part, by mutual consent of all parties to the agreement, or their successor-in-interest, in compliance with ~~State law (Government Code Section 65868, as amended)~~, or as set forth in the agreement. The requested amendment or cancellation ~~shall will~~ be processed in the same manner specified by this chapter for the adoption of a development agreement.

~~21.44.090 Effect of Development Agreement.~~

~~Unless otherwise provided by the development agreement, the rules, regulations, and official policies governing allowed uses of the land, governing density, and governing design, improvement, and construction standards and specifications applicable to development of the property subject to a development agreement, are the rules, regulations, and official policies in force at the time of execution of the development agreement.~~

~~A development agreement does not prevent the City, in subsequent actions applicable to the property, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies applicable to the property under the development agreement. Further, a development agreement does not prevent the City from conditionally approving or denying any subsequent development project application on the basis of existing or new rules, regulations, and policies.~~

#### ~~21.44.100 Public Record.~~

~~A copy of any relevant proposed or existing development agreement shall be made available for public review at the City Clerk's office prior to the date of each hearing thereon. Development agreements approved by the City Council shall be on file with the City Clerk.~~

#### **21.44.070. Failure to Receive Notice.**

The failure of any person entitled to notice required by law or this chapter to receive such notice ~~shall~~ does not affect the authority of the City to enter into nor invalidate a development agreement entered into by the City or other action taken under this chapter.

#### ~~21.44.120 Subsequently Adopted State and Federal Laws.~~

~~All development agreements shall be subject to the regulations and requirements of the laws of the State, the Constitution of the United States and any codes, statutes or executive mandates and any court decisions, State or Federal, thereunder. In the event that any such law, code, statute, or decision made or enacted after a development agreement has been entered into prevents or precludes compliance with one or more provisions of the development agreement then such provisions of the development agreement shall be modified or suspended as may be necessary to comply with such law, code, statute, mandate or decision, and every such development agreement shall so provide.~~

#### **21.44.080. Enforcement of Development Agreements.**

Except as provided in this chapter or in the development agreement itself, a development agreement ~~shall~~ may be ~~enforceable~~ enforced by any party ~~thereto~~ notwithstanding any change in any applicable general or specific plan,

zoning, subdivision, or building regulation adopted by the City which alters or amends the rules, regulations, or policies ~~specified in Section 21.44.090.~~

~~21.44.140 Judicial Review—Time Limitation:~~

~~Any action or proceeding to attack, review, set aside, void, or annul any decision of the City taken pursuant to this chapter shall not be maintained by any person unless the action or proceeding is commenced within ninety (90) days after the date of the decision.~~

~~21.44.150 Condemnation:~~

~~All and every part of the development agreements are subject to condemnation proceedings and entering into such agreements are not intended to restrict the exercise of eminent domain.”~~

## EXHIBIT B

### PHASE II

#### BUSINESS RECOVERY PROGRAM

##### BUSINESS RECOVERY DEVELOPMENT AGREEMENT ZONE ("BRDZ")

###### BRP2BRDZ. 010. **Purpose.**

- A. The purpose of the Business Recovery Development Agreement Zone (BRDZ) is used to identify sites and areas within the city that are subject to the requirements of adopted development agreements in compliance with this code.
- B. The BRDZ constitutes a "floating zone" in that once a need is identified, this zone can be activated. This floating zone for the BRDZ area provides flexibility for otherwise strict development or sign regulations that would generally be applicable to the underlying zone.
- C. In effect, this zone is not a true "floating zone" in that it does not add more regulations to an underlying zone. Rather, it is a "holding zone" which can be activated and used in place of the underlying zone when combined with a development agreement adopted by the city council in accordance with applicable law including this code.

###### BRP2BRDZ. 020. **General Requirements.**

- A. **Underlying Zones.** The BRDZ may be combined with any commercial zone established by this code.
- B. **Allowed Land Uses.** The land uses that may be allowed on a site within the BRDZ are limited to those specified in the applicable development agreement.
- C. **Parking standards** may be included in a development agreement regulated by the BRDZ. Without limitation, such standards may regulate whether on-site parking may be transferred to designated off-site parking locations; tandem parking; or vehicle lift stations.
- D. **Permit Requirements.** The land use permit requirements of the primary zoning district apply to all proposed development and land uses within the BRDZ, except as otherwise provided by the terms of the applicable development agreement.



# City Council Staff Report

**DATE:** September 16, 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:** 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.

## **EXECUTIVE SUMMARY:**

At the September 2, 2020 meeting, the City Council continued this item to September 16, 2020. The original staff report and accompanying documents are attached hereto (September 2, 2020 City Council Agenda Item 5B and its attachments nos. 1-2).

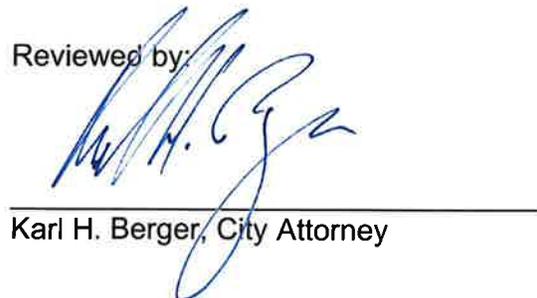
Respectfully submitted and prepared by:

  
for 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**

- A. September 2, 2020 Staff Report and Attachments

# ATTACHMENT A

September 2, 2020 Staff Report and Attachments  
(Item No. 5B and its attachments Nos. 1-2)



## City Council Staff Report

**DATE:** September 2, 2020

**New Business**

**AGENDA ITEM NO:** 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").

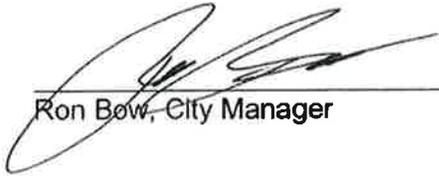
Among other things, the Program would require the City Manager, or designee, to compile a city-wide list identifying developments that are required to have an active HOA. Using that list, the City can then take action to ensure that HOAs are implementing the MPMC and discretionary permitting. Where that 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

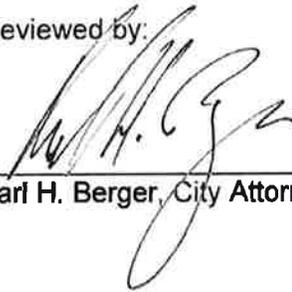
Approved by:



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Ron Bow, City Manager

Reviewed by:



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Karl H. Berger, City Attorney

**ATTACHMENTS:**

1. Resolution
2. Ordinance

Staff Report  
September 2, 2020

# **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.

**City of Monterey Park**  
**Resolution No. \_\_\_\_**  
**Page 3 of 3**

SECTION 11: This Resolution will become effective immediately upon adoption.

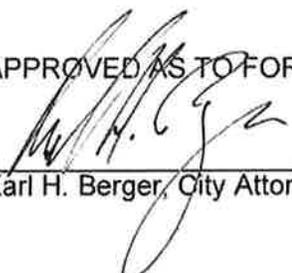
**PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MONTEREY PARK ON THIS \_\_ DAY OF SEPTEMBER, 2020.**

\_\_\_\_\_  
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 be required to effect compliance. All such costs including, without limitation, attorney's fees, must be reimbursed by the applicant or current property owners in accordance with applicable law.
8. This permit is subject to an ongoing review. If at any time valid, substantiated complaints are received, a public hearing may be held in accordance with the MPMC, at the sole discretion of the City but in accordance with applicable law, to determine if any condition or the permit should be modified, amended or revoked.
9. The permit is granted for the subject Property only and is not transferable.

### **Planning**

#### **A. Before the City issues Building Permits:**

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

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

**B. Post-Finalization Requirements:**

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

**E. Homeowners Association Requirements:**

19. To ensure all common areas (e.g., driveway, hardscape, landscape) are properly maintained, a Homeowners' Association (HOA) and Covenants, Conditions and Restrictions (CC&R's) are required for the proposed Project. The developer(s) must hire a management company for the HOA. During sales of the units, the sales managers must sit on the HOA board. The developer(s) representatives can remove themselves from the HOA board only when 1) a new HOA board is selected from the new home owners; 2) the new home owners are trained on how to run the HOA; and 3) the units are fully occupied. The documents related to the HOA and CC&R's must be reviewed and approved by the City Attorney before the City approves a final map. In addition, the Applicant/Property Owner(s) must pay for all attorneys' fees associated with the review of the document.
20. The final approved floor plan for the residential units must be incorporated into CC&R's.

21. The Homeowners Association must maintain a current and active business license with the City for the life of the project. Association dues may not be collected unless the Association has a current and active business license with the City.
22. Draft covenants, conditions and restrictions ("CC&Rs"), in a form approved by the City Attorney, must obtain approval from the City Planner, or designee, and include the following clauses:
  - a. *Payment of Municipal Charges.* The amount of the assessments levied by the Association must include sums sufficient to cover the cost of all municipal charges imposed against the Property including, without limitation, sums sufficient to ensure the payment of invoices from the City of Monterey Park ("City") for water, wastewater, and solid waste charges. In addition, the Association and the Owners, and the management agent, if any, must continuously guarantee payment to the City of all such municipal charges.
  - b. *Access and Entry.* The Association and each Owner covenants, in favor of the City, to provide access and entry to all common areas of the Property, and all buildings, structures and units situated thereon, to any authorized Fire Inspector, Building Official and any other official charged with carrying out the laws of the City, the State of California, or the United States of America.
  - c. *Signs.* Except as otherwise allowed by applicable law, the Association and each Owner covenant, in favor of the City, that no sign of any kind of advertising any service, business or other commercial project or venture can be displayed on the Property.
  - d. *Parking.*
    - i. The Association and each Owner covenants, in favor of the City, that all automobiles used by an Owner or an Owner's invitees must be identified to a representative of the Association and subject to tow if parked in an area not designated for parking automobiles or in a guest parking space.
    - ii. All driveways and garages must be maintained in a neat and orderly condition and garage doors must be maintained in closed condition except as necessary to permit ingress and egress of authorized vehicles or to clean or work in the garage. The garages are to be used for the parking of standard authorized vehicles and may not be converted to living quarters or workshops or used for the storage of boats,

trailers, campers or recreation vehicles in a way which will preclude the parking of the Owner's or occupant's authorized vehicles within the garage.

- iii. Designated guest parking areas within the Common Areas are to remain open for use by guests only and are not to be used by Owners or other residents, either permanently or temporarily, for the parking of their authorized vehicles or the storage of boats, trailers or similar items of personal property, unless expressly authorized by the Association.
  - iv. No motor vehicle can be constructed, reconstructed or repaired within the Property and no dilapidated or inoperable vehicle, including vehicles without wheel(s) or an engine, can be stored on the Property; provided, however, that the provisions of this Section does not apply to emergency vehicle repairs.
  - v. Campers, boats, trailers, motorcycles, commercial vehicles and trucks in excess of three-quarter tons cannot be parked within the Property, other than within enclosed garages except for periods not to exceed two hours for the purpose of loading and unloading.
  - vi. Personal property other than authorized vehicles cannot be stored in garages if such storage will necessitate or result in the parking of vehicles on streets within or adjacent to the Property. Parking by commercial vehicles for the purpose of making deliveries or service calls must be permitted in accordance with the Association Rules.
  - vii. Each Owner must maintain their garage or parking spaces in a manner which ensures that it is capable of accommodating not less than the number of vehicles the space was designed to contain.
- e. *Graffiti.* The Association and each Owner covenants and agrees to maintain, or to cause to be maintained, all buildings and structures within the Property free of graffiti. In an event that the Association or an Owner fails to remove or to cause the removal of any graffiti within 24 hours of its receipt of written notice from the City requesting such removal, the City has the right and authority to enter upon the Property and remove or mask said graffiti. Any and all costs incurred by the City in connection with the removal or masking of such graffiti must be reimbursed to the City by the Association and/or the Owner, if any, of affected building or structure.

- f. *Maintenance of Property.* The maintenance of all common wastewater and storm drainage facilities, and all landscaping, irrigation systems, slopes, drainage facilities and retaining walls, if any, located within the Common Area are Association's responsibility, and the maintenance of all irrigation systems, slopes, drainage, facilities and retaining walls, if any, situated within an Exclusive Use Common Area are the responsibility of the Association in the event the applicable Owner fails to provide such maintenance.
- g. *Filing of Information.*
  - i. Filing (Unincorporated Associations Only). The Association must cause the names and addresses of the officers and members of the Association to be filed annually with the City Clerk of the City of Monterey Park during the month of July.
  - ii. Filing (Incorporated Associations Only). The Association must cause the names and address of the officers and members of the Board of Directors of the Association to be filed annually with the City Clerk of the City of Monterey Park during the month of July.
- h. *Amendment of CC&Rs.* Notwithstanding any other provision of this Declaration the contrary, the statements and covenants set forth herein in favor of the City of Monterey Park cannot be modified and rescinded without the prior written consent of the City of Monterey Park.
- i. *Third-Party Beneficiary; Enforcement Rights.* City Enforcement of Declaration. Notwithstanding any other provision of this Declaration to the contrary, the city of Monterey Park has the power and the right, but not the obligation, to enforce any or all provisions of this Declaration as a third party beneficiary to the extent this Declaration contains provisions implementing the Monterey Park Municipal Code ("MPMC") or any condition of approval adopted by City Council resolution or ordinance. Failure by the City to enforce any restriction, covenant, condition, limitation or reservation imposed by the provisions of this Declaration does not constitute a waiver of the City's right to do so. The Association agrees to pay all costs associated with such enforcement including, without limitation, reasonable attorney's fees. The City may exercise its rights of enforcement without regard to any alternative dispute resolution provision in the CC&Rs or any other restriction on enforcement otherwise applicable to owners, tenants, other residents, or the Association including, without limitation, provisions with regard to notice.

Staff Report  
September 2, 2020

## **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 ~~will~~ is 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
- (54) 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.

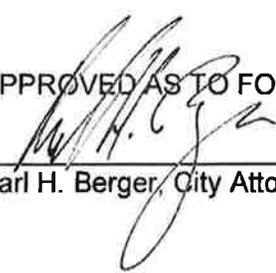
PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Peter Chan, Mayor

ATTEST:

\_\_\_\_\_  
Vincent D. Chang, City Clerk

APPROVED AS TO FORM

  
\_\_\_\_\_  
Karl H. Berger, City Attorney



# City Council Staff Report

**DATE:** September 16, 2020

**AGENDA ITEM NO:**

**New Business  
Agenda Item 5-D**

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Karl H. Berger, City Attorney

**SUBJECT:** Consideration and possible action to introduce an Omnibus Ordinance amending various chapters and sections of the Monterey Park Municipal Code and adopt an Administrative Code establishing City departments.

## **RECOMMENDATION:**

It is recommended that the City Council consider:

1. Introducing and waiving first reading of a draft Ordinance amending and repealing various chapters and sections of the Monterey Park Municipal Code;
2. Adopting a Resolution approving an Administrative Code establishing City departments; or
3. Alternatively, taking such additional related action that may be desirable.

## **EXECUTIVE SUMMARY:**

Over a period of time, the City Attorney's office identified various provisions of the Monterey Park Municipal Code ("MPMC") that are now preempted, superfluous, or in need of amendment. To be thorough, we requested all City Departments to submit requests for changes to the MPMC. The proposed ordinance constitutes a "Fall Cleaning" of the MPMC to reflect changes in City government, California law, and the City's practices and procedures.

Accompanying the ordinance is a resolution which, if adopted, would create the City's Administrative Code to organize the City's departments. Historically, the City's departments were listed in an organizational chart included with the City Budget. There is no record, however, of the City Council actually approving the number, names, or functions of the City's various departments. The Administrative Code would resolve that issue, authorize the City Manager to make appropriate changes on a day-to-day basis, and cause the City Council to review the structure of City government every two years (in conjunction with the conflict of interest code).

## **BACKGROUND**

The proposed ordinance would amend and repeal various chapters and sections of the MPMC to reflect changes in California law and implement the City's current policies and procedures. None of the proposed changes would make fundamental changes; these are

a simply a cleanup of the MPMC. Among other things, the proposed ordinance would clarify the City's zoning regulations as to voter approved regulations versus those adopted by the City Council by its own authority. This distinction was unfortunately muddled since 2001. What follows is a brief summary of each section of the ordinance:

➤ Section 1: Amending MPMC Chapter 2.24.

As may be read, the proposed changes would clarify existing language; remove City "offices" that no longer exist; authorize adoption of an Administrative Code by resolution; and change regulatory language to allow greater flexibility for when the City is open (which would reflect current practices).

➤ Section 2: Amending MPMC § 2.90.030 regulating responsibilities of the Traffic Commission.

The proposed changes clarify the responsibilities of the Traffic Commission (without substantive change) and the policies currently implemented by the Public Works Department.

➤ Section 3: Amending MPMC § 12.06.010 regulating park reservations.

The proposed changes authorize the City Manager, or designee, to promulgate policies and procedures to allow persons to reserve locations at the identified City parks.

➤ Section 4: Amending MPMC § 14.08.010 (part of the water regulations).

The proposed changes remove positions and departments that no longer exist within the City.

➤ Section 5: Repealing various chapters and sections in the MPMC as specified.

An overview of the MPMC chapters and sections that would be repealed are attached as an Exhibit to this Staff Report. A summary of reasons for these changes follows:

- Chapter 2.12 ("Superintendent of Streets"): This position and function no longer exists within the City. As a practical matter, the Public Works Director and City Engineer (currently combined in one position) undertake all responsibilities related to the design, maintenance, and construction of public right-of-ways.
- Chapter 2.16 ("Building Inspector"): This position was originally created in the 1950s. But it is now superseded by the position of Building Official which is created by State law through the California Building Codes.

- Chapter 9.07 (“Formation Flying”): These regulations are preempted by the federal government, via the Federal Aviation Administration. While MPMC Chapter 9.06 does purport to regulate aircraft, the City Council adopted that Chapter for mainly symbolic reasons; it was made clear in the record (and in the MPMC) that the City would not be enforcing those regulations in light of federal preemption.
- Chapter 9.33 (“Flag and Emblem Display”): These regulations are unconstitutional. If enforced (which they are not), they would constitute a content-based regulation violating Free Speech rights protected under the United States and California Constitutions.
- Chapter 9.45 (“Impersonating Officer”): These regulations are preempted by Penal Code § 538d.
- Chapter 9.48 (“Inhalation of Certain Substances”): This Chapter is preempted by Penal Code § 381.
- Chapter 10.08 (“Traffic Engineer”): Like the “Superintendent of Streets,” the position and function of an official City “Traffic Engineer” no longer exists within the City. As a practical matter, the Public Works Director and City Engineer (currently combined in one position) undertake all responsibilities related to a traffic engineer.
- Chapter 10.49 (“Administrative Civil Review Procedure”): The procedures for challenging tickets issued under the California Vehicle Code are now completely regulated by the Vehicle Code. This Chapter is therefore preempted.
- § 1.04.110 (“Definitions”): As a practical matter, this section is not used for implementing the MPMC. Nearly every chapter within the MPMC contains its own set of definitions for ease of use.
- § 5.20.020 (“Possession Unlawful”) and § 9.39.010 (“Gambling”): These regulations are preempted by the California Gambling Control Act (Business and Professions Code §§ 19800, *et seq.*).
- § 10.12.020 (“Compliance Required”), § 10.20.030 (“Unauthorized traffic direction – Prohibited”), § 10.20.050 (“Exemptions to certain vehicles”), and § 10.56.020 (“Crosswalk – Use Required”): These regulations are preempted by the California Vehicle Code.

➤ Section 6: Changes in terms.

This Section will make uniform changes in the MPMC to remove outdated positions and correct references to current positions/City Departments.

➤ Section 7: Codification of Measure D (1998).

Measure D was approved by voters in 1998. Measure D adopted Ordinance No. 1933 which added Chapter 21.14 to the MPMC. These regulations, however, were not identified in the MPMC as being “voter approved.” As a result, in 2013 the City Council adopted new zoning regulations which inadvertently amended the voter regulations in MPMC Chapter 21.14. The draft Ordinance would restore Measure D’s regulations in the MPMC and identify them as being “voter approved.”

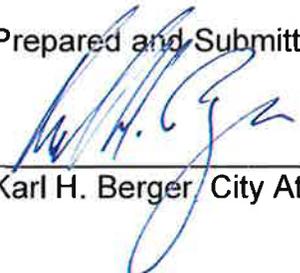
➤ Section 8: Codification of Measure D (1987).

A separate Measure D was approved by voters in 1987. That Measure adopted Ordinance No. 1731D which limits the City’s ability to grant variances for building heights. This also was not identified as voter approved within the MPMC. Consequently, it too was inadvertently amended in 2013 by the City Council. The proposed ordinance would properly identify the regulation as being “voter approved” and codify it within the MPMC.

All of the proposed changes are administrative and ministerial, i.e., if adopted they would simply implement current policies and practices. As to the voter approved regulations, the ordinance would only codify already existing regulations that were adopted in 1987 and 1998; there are no new substantive changes.

Accompanying the proposed ordinance is a resolution that, if adopted, would establish an Administrative Code to reflect the current structure of City government. Historically, the City’s budget packet includes an organization chart showing how the City’s administration is organized. There is no record, however, showing that the City Council previously approved this organization via ordinance, resolution, or minute order. Adopting the Administrative Code would reflect the City Council’s approval for the organization of the City government and also provide unambiguous authority to the City Manager to make appropriate changes as needed. Any such changes would be reviewed by the City Council every two years (coinciding with consideration of the conflict of interest code).

Prepared and Submitted by:

  
Karl H. Berger, City Attorney

Reviewed by:

  
for Ron Bow, City Manager

Attachments:

1. Exhibit A to Staff Report - MPMC Chapters and Sections Repealed
2. Draft Ordinance
3. Draft Resolution

Staff Report  
September 16, 2020

# Attachment 1

Exhibit A to Staff Report  
MPMC Chapters and Sections Repealed

## EXHIBIT A TO STAFF REPORT

### MPMC CHAPTERS AND SECTIONS REPEALED BY OMNIBUS ORDINANCE

#### 1.04.110 Definitions.

~~—As used in this code:~~

~~—“Administrative officer” or “city manager” means the appointed official of the city who occupies the position as the chief administrative officer of the city.~~

~~—“City” is the city of Monterey Park.~~

~~—“City engineer” includes street superintendent.~~

~~—“Council” is the city council of this city.~~

~~—“County” is the county of Los Angeles.~~

~~—“Goods” includes wares or merchandise.~~

~~—“Oath” includes affirmation.~~

~~—The use of the title of any officer, employee, office or ordinance means such officer, employee, office or ordinance of the city.~~

~~—“Operate” includes carry on, keep, conduct or maintain.~~

~~—“Owner” applied to a building or land, includes any part owner, joint owner, tenant, tenant in common, or joint tenant, of the whole or a part of such building or land.~~

~~—“Person” includes any person, firm, association, organization, partnership, business trust, company, or corporation and any municipal, political or governmental corporation, district, body or agency, other than this city.~~

~~—“Sale” includes any sale, exchange, barter or offer for sale.~~

~~—“Shall” is mandatory and “may” is permissive.~~

~~—“State” is the state of California.~~

~~—“Street” includes all public thoroughfares, highways, avenues, lanes, alleys, courts, places, squares and other public ways which have been dedicated or are open to public~~

~~use, including the sidewalks, parkways and curbs, and such other public property so designated by state law.~~

~~—“Tenant” or “occupant” applied to a building or land includes any person who occupies the whole or part of such building or land, whether alone or with others.~~

~~\* \* \*~~

## ~~Chapter 2.12 SUPERINTENDENT OF STREETS~~

### ~~2.12.010 Bond—Required.~~

~~—The superintendent of streets shall, within ten days of his or her appointment, file with the city clerk a good and sufficient surety bond approved by the city council binding him or her to the faithful performance of his or her duties, and to the care of and the accountability for all tools, implements and materials belonging to the street department of the city.~~

### ~~2.12.020 Bond—Filing—Oath.~~

~~—The superintendent of streets must qualify within ten days from the time of his or her appointment by filing said bond, and by taking and subscribing to the constitutional oath of office and filing the same with the city clerk.~~

### ~~2.12.030 Duties.~~

~~—The superintendent of streets shall take and have, subject to the control of the city council, general supervision and care of all streets, parks and passways in the city, and of all work thereon. He or she shall recommend to the city manager the employ of all necessary assistance and labor and purchase all material necessary for the care, repair and maintenance of the streets, parks, or passways of the city. He or she shall have care and custody of all tools, implements and materials belonging to the street department of the city and he or she shall report to the city council, and attend the meetings thereof whenever required of him or her to be done and performed by the laws of the state, or ordinances of the city, or by the city council.~~

~~\* \* \*~~

## ~~Chapter 2.16 BUILDING INSPECTOR~~

### ~~2.16.010 Office establishment.~~

~~—The office of city building inspector is created.~~

### ~~2.16.020 Duties.~~

~~—The duties of the city building inspector shall be the administration and enforcement of the building code.~~

~~\* \* \*~~

### ~~Chapter 9.07 FORMATION FLYING~~

#### ~~9.07.010 Formation flying prohibited.~~

~~—It is unlawful to engage in formation flying at altitudes of seven hundred feet or less within the boundaries of the city between one-half hour after sunset and one-half hour before sunrise without the prior written consent of the city council after a public hearing on such issue duly noticed and conducted by the council.~~

~~\* \* \*~~

### ~~Chapter 9.33 FLAG AND EMBLEM DISPLAY~~

#### ~~9.33.010 Flag—Insignia—Display.~~

~~—No flag, insignia, emblem or device of any nature whatsoever, representative of any nation, sovereignty, society, association or organized body or group whatsoever, which, in its purposes, practices, official or other declarations or by its constitutions, bylaws or regulations, espouses practices or theories of government antagonistic to, inconsistent with or violative of the Constitution or laws of The United States of America or the form of government thereof as now constituted, shall be publicly or privately displayed in any form whatsoever, by any person within the city.~~

~~\* \* \*~~

### ~~Chapter 9.45 IMPERSONATING OFFICER~~

#### ~~9.45.010 Prohibitions.~~

~~—No person shall receive, display, or have in his possession any police or fire department insignia, badge, star or shield, having thereon the name or seal of the city, unless such person shall be a regular member of the police or fire department of the city, or other special police officer of the city holding a position created by ordinance.~~

~~\* \* \*~~

### ~~Chapter 9.48 INHALATION OF CERTAIN SUBSTANCES~~

#### ~~9.48.010 Prohibited.~~

~~—No person shall inhale, breathe or drink any compound, liquid, chemical, or any substance known as glue, adhesive cement, mucilage, dope, or any other material or~~

~~substance or combination thereof, with the intent of becoming intoxicated, elated, dazed, paralyzed, irrational or in any manner changing, distorting or disturbing the eyesight, thinking process, balance or coordination of such person. For the purpose of this chapter, any such condition so induced shall be deemed to be an intoxicated condition. The provisions of this section shall not pertain to any person who inhales, breathes or drinks such material or substance pursuant to the direction or prescription of any doctor, physician, surgeon, dentist, or podiatrist authorized to so direct or prescribe.~~

~~\* \* \*~~

## ~~Chapter 10.08 TRAFFIC ENGINEER~~

### ~~10.08.010 Office establishment.~~

~~—The office of city traffic engineer is established. The city engineer shall serve as city traffic engineer in addition to his other functions, and shall exercise the powers and duties with respect to traffic as provided in this title.~~

### ~~10.08.020 Duties.~~

~~—It is the general duty of the city traffic engineer to determine the proper timing and maintenance of traffic control devices and signals, to conduct engineering analysis of traffic accidents and to devise remedial measures, to conduct engineering investigation of traffic conditions and to cooperate with other city officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by this code or ordinances of the city.~~

~~\* \* \*~~

## ~~Chapter 10.49 ADMINISTRATIVE CIVIL REVIEW PROCEDURE~~

### ~~10.49.010 Purpose.~~

~~—The purpose of this chapter is to establish a uniform administrative civil review procedure for each violation within the jurisdictional limits of the city of any regulation set forth in this code and/or the California Vehicle Code governing the standing or parking of vehicles.~~

### ~~10.49.020 Initial investigation.~~

~~—For a period of twenty-one days from the issuance of the notice of parking violation or ten days from the mailing of the notice of delinquent parking violation, a person may request investigation by the police department by written request, telephone or in person.~~

### ~~10.49.030 Contest procedure.~~

~~—If the person is dissatisfied with the results of the investigation, the person may contest through an administrative review process the notice of parking violation or notice of delinquent parking violation by depositing by the tenth day following the mailing to that person of the results of the investigation, the full amount of the parking penalty and a written explanation of the reason for contesting the parking violation.~~

#### ~~10.49.040 Administrative review procedure.~~

~~—(a) The person requesting an administrative review shall indicate to the city his or her election for a review by mail of personal conference hearing.~~

~~—(b) If the person requesting a hearing is a minor, that person shall be permitted to appear at the hearing or admit responsibility for a parking violation without the necessity of the appointment of a guardian. The city may proceed against that person in the same manner as if that person were an adult.~~

~~—(c) The administrative review shall be conducted before an examiner designated to conduct the review by the city manager.~~

~~—(d) The officer or person authorized to issue a notice of parking violation shall not be required to participate in an administrative review. The city shall not be required to produce any evidence other than the notice of parking violation, or copy thereof, and information received from the Department of Motor Vehicles identifying the registered owner of the vehicle. The documentation in proper form shall be considered prima facie evidence of the violation.~~

~~—(e) The review shall be conducted in accordance with administrative policy established by the city which shall ensure fair and impartial review of contested parking violations. The city's final decision may be delivered personally to the person by the examiner or to the person by first class mail.~~

#### ~~10.49.050 Appeal procedure.~~

~~—(a) Within twenty days after the delivery of the final decision, the contestant may seek review by filing an appeal to the justice or municipal court, where the same shall be heard de novo, except that the contents of the city's file in the case shall be received in evidence. A copy of the notice of parking violation shall be admitted into evidence as prima facie evidence of the facts stated therein. A copy of the notice of appeal shall be served in person or by first class mail upon the city by the contestant. For purposes of computing the twenty-day period, Section 1013 of the Code of Civil Procedure shall be applicable.~~

~~—(b) The fee for filing the notice of appeal shall be twenty-five dollars. If the appellant prevails, this fee, together with any deposit of parking penalty, shall be promptly refunded by the city in accordance with the judgment of the court.~~

~~—(c)—The conduct of the hearing or appeal under this section are subordinate judicial duties which may be performed by traffic trial commissioners and other subordinate judicial officials at the direction of the presiding judge of the court.~~

~~—(d)—If no notice of appeal of the decision is filed within the period set forth in subsection (a), the decision shall be deemed final.~~

~~—(e)—If the parking penalty has not been deposited and the decision is adverse to the contestant, the city may, promptly after the decision becomes final, proceed to collect the penalty.~~

#### ~~10.49.060 Administrative review officer-examiner.~~

~~—(a)—An examiner shall demonstrate qualifications, training and objectivity which are consistent with the duties and responsibilities set forth in this chapter.~~

~~—(b)—The examiner's performance evaluation, compensation and benefits shall not be directly or indirectly linked to the amount of fines collected by the examiner.~~

#### ~~10.49.070 Parking violation fees and penalties.~~

~~—(a)—The schedule of parking penalties for parking violations, late payment penalties, administrative fees and other related charges for parking violations shall be established by city council resolution.~~

~~—(b)—If the payment of the parking penalty is not received by the person authorized to receive a deposit of the parking penalty by the date fixed on the notice of parking violation, the city shall deliver to the registered owner a notice of delinquent parking violation.~~

~~—(c)—Delivery of a notice of delinquent parking violation under this section may be made by personal service or by first class mail addressed to the registered owner, as shown on the records of the Department of Motor Vehicles.~~

~~—(d)—Parking penalties under this chapter shall be collected as civil penalties.~~

~~\* \* \*~~

#### ~~5.20.020 Possession unlawful.~~

~~—It is unlawful for any person to keep, maintain, install, place or possess in any place of business or in any place of public resort:~~

~~—(1)—Any pin game, any marble game or any game similar to a marble game, any claw, hook or grab machine or any horse race machine, the operation of which game or~~

~~machine is controlled, permitted or made available by placing therein a coin, plug, disk, key or token, or which is let for use, operation or play upon the payment or delivery of anything of value therefor, or upon the making of any purchase;~~

~~—(2)—Any mechanical device or mechanically operated contrivance for the playing of any game of chance, the use or operation of which is controlled, permitted or made available by placing therein any coin, plug, disk, key, or token, or which is let for use, operation or play upon the payment or delivery of anything of value therefor, or upon the making of any purchase;~~

~~—(3)—Any machine, contrivance, appliance device, game, ticket, chance, share, interest, instrument or article operated, used, kept, possessed, placed or maintained in violation of the provisions of:~~

~~—(A)—Section 330a of the State Penal Code;~~

~~—(B)—Any section enumerated in Part I, Title 9, Chapter 9 of the State Penal Code;~~

~~—(4)—The provisions of this section shall not apply to the keeping, possessing or exhibiting of any such mechanical contrivance not permitted or allowed to operate, manipulate or play except as incident to a demonstration for the purpose of sale.~~

~~\* \* \*~~

#### ~~9.39.010 Gambling.~~

~~—No person shall deal, play, carry on, open or conduct, or bet at any game played with cards, dice or any device, for money, checks, credits or other thing or representative of value within the city.~~

~~—Provided, however, that no provision of this chapter shall be deemed or construed as prohibiting any act made unlawful by the provisions of Sections 320, 320a, 330, or 337a of the Penal Code, or of any other code section or general law of the state, it being the intent of the city council to prohibit by this chapter all games, operations or transactions therein described whether of chance or skill, not prohibited by the provisions of any general law of this state.~~

~~\* \* \*~~

#### ~~10.12.020 Compliance required.~~

~~—No person shall wilfully fail or refuse to comply with any lawful order of a police officer or fire department official when directing traffic.~~

#### ~~10.12.030 Unauthorized traffic direction—Prohibited.~~

~~—No person other than an officer of the police department or a person deputized by the chief of police or person authorized by law shall direct or attempt to direct traffic by voice, hand or other signal (except that persons may operate when and as herein provided any mechanical pushbutton signal erected by the city traffic engineer).~~

~~\* \* \*~~

~~10.12.050 Exemptions to certain vehicles.~~

~~—(a)—The provisions of this title regulating the operation, parking and standing of vehicles shall not apply to any vehicle of the police or fire department, any public ambulance or any public utility vehicle or private ambulance which has qualified as an authorized emergency vehicle, when any such vehicle is operated in the manner specified in the Vehicle Code in response to an emergency call.~~

~~—(b)—The foregoing exemptions shall not, however, protect the driver of any such vehicle from the consequences of his wilful disregard of the safety of others.~~

~~—(c)—The provisions of this title regulating the parking or standing of vehicles shall not apply to any vehicle of a city department or public utility while necessarily in use for construction or repair work or any vehicle owned by the United States while in use for the collection, transportation or delivery of United States mail.~~

~~\* \* \*~~

~~10.56.020 Crosswalk—Use required.~~

~~—No pedestrian shall cross a roadway other than by a crosswalk in any business district.~~

# Attachment 2

Draft Ordinance

ORDINANCE NO. \_\_\_\_

**AN OMNIBUS ORDINANCE AMENDING AND REPEALING VARIOUS CHAPTERS AND SECTIONS OF THE MONTEREY PARK MUNICIPAL CODE AS SPECIFIED.**

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

SECTION 1. MPMC Chapter 2.24, entitled "CITY OFFICES," is amended to read as follows:

"Chapter 2.24 CITY ~~OFFICES~~ADMINISTRATION

2.24.010 Council chambers.

The ~~city council chambers are room designated as the council chambers located in the building located city hall~~ at 320 West Newmark Avenue, ~~shall be the council chamber of the city council and a~~Unless otherwise provided in accordance with applicable law, all meetings of the city council shall will be held therein within the city council chambers.

2.24.020 City clerk—City treasurer.

The offices of the city clerk and of the city treasurer ~~shall be~~are located ~~and maintained~~ at 320 West Newmark Avenue ~~in the city.~~

2.24.030 ~~Other city offices~~Administrative Code.

The ~~City Council may, upon recommendation by the City Manager, adopt a resolution establishing various City departments and divisions. Such resolution will constitute the City's Administrative Code and should be reviewed at least every two years.~~ ~~offices of the city engineer, the street department, the street superintendent, the building department, the building official, the water department, the water superintendent, the sewer department, the sewer inspector, the park department, the park superintendent, and the city manager shall be located and maintained at 320 West Newmark Avenue in the city.~~

2.24.040 Hours and holidays.

~~Unless otherwise provided by city council resolution action, The city offices mentioned in this chapter shall will be closed on Saturdays, Sundays and on all holidays, as defined in Section 7 of Rule XI of the Personnel System Rules and Regulations. Except as otherwise provided by city council resolution or direction by the city manager, The city offices~~

~~shall be are~~ open to the public for business from eight a.m. to five p.m. on all ~~business days other days of the year.~~"

SECTION 2. MPMC § 2.90.030, establishing responsibilities of the Traffic Commission, is amended to read as follows:

"2.90.030 Responsibilities.

A. The duty of the commission will be to review ~~each~~ request for changes in traffic control conditions as ~~submitted by the city engineer. they now exist or may exist in the future in this city. All requests received by the city regarding traffic conditions will be transmitted to t~~The city engineer who ~~shall will~~ maintain the files and records of the commission. The actions taken by the commission will be reflected in written recommendations to the city ~~traffic~~ engineer, with copies to the city manager. Implementation ~~shall may~~ be accomplished ~~by the city council~~ in accordance with ~~the procedures specified in Title 10 of this code applicable law including, without limitation, this code.~~

B. The commission may also make recommendations to the city council for amendments to this code to ~~depart from established policy or to establish new policies,~~ which may ease traffic congestion and help facilitate transportation throughout the city."

SECTION 3. MPMC § 12.06.010, authorizing reservations at City parks, is amended to read as follows:

"12.06.010 Reservations.

The ~~city manager, or designee, will~~ ~~director of parks and recreation shall~~ develop a written policy and procedure to provide for advance reservations for park bench picnic facilities located at Barnes Park, Elder Park, Garvey Ranch Park, ~~Highlands Parks, and Sierra Vista Park.~~ The reservation policy ~~shall should~~ provide that reservations ~~shall may~~ be taken no earlier than ~~ninety 90~~ days ~~prior to before~~ the requested date. ~~Persons who receive an advance reservation shall have the exclusive right to use such bench picnic facilities subject to all the terms and conditions set forth in the reservation policy. The reservation policy shall be approved by the parks and recreation commission and the city council. This policy shall be effective April 1, 1996."~~

SECTION 4. MPMC § 14.08.010 is amended to read as follows:

"14.08.010 Definitions.

For the purpose of this chapter, and Chapter 14.12, certain words and phrases are defined and certain provisions ~~shall will~~ be construed as set

forth in this section, unless it is apparent from the context that a different meaning is intended.

“Water department” means the ~~water department of the city~~public works department.

~~“Water superintendent” means the city of Monterey Park water utility manager.~~

“Within the city” or “within the city limits,” means within the corporate limits of the city as they now exist, or may hereafter be made to exist, by subsequent exclusion or addition.”

SECTION 5. MPMC Chapters 2.12 (“Superintendent of Streets”); 2.16 (“Building Inspector”); 9.07 (“Formation Flying”); 9.33 (“Flag and Emblem Display”); 9.45 (“Impersonating Officer”); 9.48 (“Inhalation of Certain Substances”); 10.08 (“Traffic Engineer”); 10.49 (“Administrative Civil Review Procedure”) are repealed. MPMC §§ 1.04.110 (“Definitions”); 5.20.020 (“Possession Unlawful”); 9.39.010 (“Gambling”); 10.12.020 (“Compliance Required”); 10.20.030 (“Unauthorized traffic direction – Prohibited”); 10.20.050 (“Exemptions to certain vehicles”); and 10.56.020 (“Crosswalk – Use Required”) are repealed.

SECTION 6. Existing terms within the MPMC are changed throughout the MPMC as follows:

- A. “City traffic engineer” to “city engineer.”
- B. “Building inspector” to “building official.”
- C. “Superintendent of streets,” “street superintendent,” “superintendent of water,” “water superintendent,” “water utility manager,” and “parks superintendent” to “Public Works Director, or designee.”
- D. “Parks and recreation director” or “director of parks and recreation” to read “Director of Recreation and Community Services.”
- E. “Parks and Recreation Commission” to “Recreation and Parks Commission.”

SECTION 7. To codify Ordinance No. 1933 (adopted by voters on April 14, 1998), existing Chapter 21.14, entitled “Overlay Zones-P-D-Planned Development District Zone,” of the MPMC is renumbered as Chapter 21.15. Additionally, Chapter 21.12, entitled “O-P Office Professional Zone,” is renamed “O-P Office Professional Non-McCaslin Business Park Zone.” Chapter 21.14 is amended in its entirety as set forth in attached Exhibit “A,” which is incorporated by reference. The City’s Zoning Map is

amended to reflect the zone name changes implemented by this Section. Finally, a new Section 21.14.200 is added to the MPMC to read as follows:

“21.14.200 [Conditional Uses].<sup>1</sup>

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

**SECTION 8.** To codify Ordinance No. 1731D (adopted by voters on October 20, 1987), Section 21.32.015 is added to the MPMC to read as follows:

“21.32.015 Height Variances (Voter Enacted).

No height variance shall be granted within the City of Monterey Park which would permit the construction of an additional story above the number of stories which is permitted by the Monterey Park Zoning Code or would allow construction to exceed the maximum heights permitted by the Monterey Park Zoning Code by more than six (6) feet.”

**SECTION 9. *Environmental Review.*** This Ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, “CEQA”) and CEQA Guidelines (14 California Code of Regulations (“CCR”) §§

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<sup>1</sup> Ordinance No. 1933 codified these conditional uses at MPMC § 21.70.030. That section was superseded by MPMC Chapter 21.32 which contains general regulations governing conditional use permits. All conditional uses for various zones are now codified within the MPMC for those zones (rather than being listed in one section).

15000, *et seq.*) because it establishes rules and procedures to clarify existing policies and practices related to government organization; does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this Resolution does not constitute a “project” that requires environmental review (see specifically 14 CCR § 15378(b)(4-5)).

SECTION 10.        *Technical Changes.* The City Manager, or designee, is authorized to make technical corrections, in a form approved by the City Attorney, to the MPMC, maps, diagrams, tables, and other, similar, documents that may be required to implement the changes made by this Ordinance and other, unrelated, City Council action.

SECTION 11.        *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 12.        *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 governs. The City Manager 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 13.        *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 14.        *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 15.        *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 16.        *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 17. *Effective Date.* This Ordinance will take effect on the 30<sup>th</sup> 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

EXHIBIT A

**Chapter 21.14 (Voter Enacted)**

O-P – Office Professional Zone  
Sections:

- 21.14.010 Purpose
- 21.14.020 Permitted uses
- 21.14.030 Prohibited uses
- 21.14.040 Principal uses
- 21.14.050 Conditional uses
- 21.14.060 Standards of development generally
- 21.14.070 Lots
- 21.14.080 Yards
- 21.14.090 Building height
- 21.14.100 Floor area ratio (FAR)
- 21.14.110 Off-street Parking
- 21.14.120 Required walls
- 21.14.130 Trash facilities
- 21.14.140 Buffering and maintenance of landscaping and easements
- 21.14.150 Compressors, air-conditioning units or similar mechanical equipment
- 21.14.160 Lighting
- 21.14.170 Exceptions
- 21.14.180 Site development plan approval
- 21.14.190 Limitations on permitted uses

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

21.14.020 **Permitted uses.** No person shall use, nor shall any property owner permit the use of any lot classified in any

O-P zone for any use, other than the following as set out in Section 21.14.040 and 21.14.050.

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

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

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

EXHIBIT A

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

each lot shall be fifty feet.

- 2. Lot depth. The minimum depth of each lot shall be one hundred feet.

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

- 1. Front yard. No minimum front yard is required.
- 2. Side and rear yards. Every lot shall have and maintain minimum side and rear yards as follows:
  - a. When the side yard is adjacent to a street, the yard shall be at least fifteen feet in depth.

21.14.050 **Conditional uses.** Conditional uses shall be uses specifically enumerated in Section 21.70.030.<sup>1</sup>

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

21.14.070 **Lots.**

- 1. Lot area. The minimum lot area of each lot shall be five thousand square feet.
  - a. Lot width. The minimum width of

- 3. When adjacent to a R-zone, the yard shall be no less than fifty feet, plus five feet in depth for each story above one story of building or each ten-foot increment above fifteen feet in height of building on the O-P zoned lot. Where there is an opening, including but not limited to windows, pedestrian doors and roll-up doors, in any building on the O-P zone facing a yard adjacent to a R-zone, the yard shall be no less than one hundred feet from any opening to the R-zoned lot. The yard may be used for parking,

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<sup>1</sup> Now § 21.14.200.

## EXHIBIT A

excepting a minimum fifteen foot wide area abutting the R-zone which shall be landscaped and maintained in such a condition so as not to violate Section 9.54.010.<sup>2</sup> The required landscaping shall also conform to the standards set forth in Section 21.14.140. When the O-P zoned lot is separated from a R-zone by an alley, a rear yard setback of forty feet shall be provided, as measured from the centerline of the alley. A minimum three-foot wide landscaped planter shall be installed and maintained along the alley, excepting at any vehicular access driveway.

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

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

**21.14.100 Floor area ratio (FAR).** The floor area ratio shall not exceed 0.5 when the lot is less than ten thousand square feet in area. When the lot is between ten thousand and twenty thousand square feet in area, the floor area ratio shall not exceed 0.65. When the lot is more than twenty thousand square feet in area, the

floor area ratio shall not exceed 0.8. The floor area ratio may be increased to a maximum of 1.0 for all lots, upon approval of a conditional use permit.

**21.14.110 Off-street parking and loading.** Each O-P zoned lot shall have and maintain offstreet parking and loading facilities as required by Chapter 21.40.<sup>3</sup>

**21.14.120 Required walls.** Except as otherwise provided in Chapter 21.48,<sup>4</sup> the following standards shall apply:

1. Where any part of the front yard or street side yard of a O-P zoned lot is used for parking or loading, a masonry wall compatible in color with the commercial building and/or sight-obscuring hedge a minimum of three feet in height shall be erected and maintained within a landscaped area a minimum of three feet in width adjacent to the sidewalk at the front or side yard property line as required by Section 21.40.180.<sup>5</sup>
2. When any O-P zoned lot has a common side or rear lot line with any R-zoned property, a six-foot solid decorative masonry or concrete block wall compatible in color with the commercial building shall be constructed and maintained along all such

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<sup>2</sup> Now see § 4.30.050.

<sup>3</sup> Now see Chapter 21.22.

<sup>4</sup> Now § 21.08.080.

<sup>5</sup> Now see Chapter 21.22.

## EXHIBIT A

common side or rear lot lines. Where an easement exists, abutting the common property line, the said decorative wall may be constructed along the boundary of the easement on the commercial lot. A minimum three-foot wide landscaped planter with automatic irrigation system shall be placed adjacent to the wall, planted with trees, shrubs, ground cover and vines. Where a parking lot on the O-P zoned lot abuts a R-zoned lot, the additional parking lot landscaping requirements of Section 21.40.1806 shall apply.

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

1. Any outdoor trash facility shall be enclosed by a minimum five-foot high solid masonry, brick or concrete wall except for the access way which shall be enclosed with solid decorative gates of the same height.
2. Location and size shall be subject to approval by the planner. When any O-P zoned lot has a common property line with a R-zoned lot, no trash facility shall be located within the required building setback.

3. Open vehicular and pedestrian access to and from such trash facility shall be provided. No parking spaces shall block such access to the trash facility.
4. Trash facilities shall be maintained in a closed manner at all times to prohibit visibility from public rights-of-way or adjacent property.

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

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

1. Landscaping, irrigation and maintenance plans shall be required and the plans shall be subject to approval of the design review board under the provisions of Chapter 21.72.<sup>7</sup> The plans shall incorporate, but not be limited to, fifteen-gallon minimum trees at time of planting, interspersed

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<sup>6</sup> *Ibid.*

<sup>7</sup> Now Chapter 21.36, as amended in 2020.

EXHIBIT A

shrubs, ground cover, raised earthen berms and automatic sprinkler systems. The City may require the maintenance plan to include a bonafide service agreement with a City licensed landscaping service business. Maintaining an active service agreement on file with the Community Development Department<sup>8</sup> shall be the responsibility of the owner of the subject property or by his authorized agent.

- 2. All landscaped areas and easements shall be maintained in good condition, weed and disease free, and in compliance with Chapter 9.54. Notwithstanding any other provision of this title, all O-P zoned lots that abut a R zone and do not have landscaping, irrigation and maintenance plans that have been approved by the design review board pursuant to requirements of Chapter 21.729 shall submit a landscaping, irrigation and maintenance plan for design review board approval within six months of the effective date of this ordinance.

**21.14.150 Compressors, air-conditioning units or similar**

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

- 1. All such equipment shall be installed with permanent sound proofing measures, including but not limited to, enclosures, parapet and sound attenuating walls and screens. All such equipment shall comply with noise standards set forth in Chapter 9.53. The location, type and scope of soundproofing measures for such equipment shall be subject to the approval of the Community Development Department.<sup>10</sup>
- 2. All such equipment shall be maintained in a clean and proper condition to prevent collection of litter and filth, emissions of dust or fumes, vibration or electrical disturbances.

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

**21.14.170 Exceptions.** Except as otherwise provided in this section, any use, building or structure which is in existence or for which a permit has been

<sup>8</sup> Now City Planner.

<sup>9</sup> Now Chapter 21.36, as amended 2020.

<sup>10</sup> Now City Planner.

## EXHIBIT A

issued, as of the effective date hereof, and which conformed to all zoning regulations of the city then in effect at such time, shall not be rendered nonconforming within the meaning of Chapter 21.68,<sup>11</sup> solely by reason of the application of the development standards as set forth in this chapter; provided that any such existing use, building or structure shall comply with the provisions hereof upon a change in use, or upon use, building or structure expansion or reconstruction, in whole or in part.

**21.14.180 Site development plan approval.** Prior to the issuance of a building permit or business license for any use, building or structure to be located on any lot, as to which the provisions of this chapter apply, the provisions of Chapter 21.72,<sup>12</sup> with regard to site development plans shall be complied with.

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

1. All uses shall be conducted totally within a completely enclosed building, except for those uses which are customarily conducted in the open, as determined pursuant to Section 21.06.06013 or Section 21.74.030.14 Those uses conducted in the open shall be no closer than one hundred feet to any R zoned lot, except for parking.

2. No outdoor storage shall be allowed unless the same is enclosed by a view-obscuring fence or wall, provided that no stored material is visible above the fence or wall, that the fence or wall is approved by the Department of Community Development,<sup>15</sup> and that such storage shall be limited to the accessory storage of items sold or utilized in the conduct of a permitted use on the premises. Where the O-P zoned lot is adjacent to a R zoned lot, no outdoor storage shall be permitted within one hundred feet of a R zoned lot.
3. No loading and unloading shall be permitted in any required side or rear yard.
4. Where the O-P zoned lot is adjacent to a R zoned lot, no deliveries of goods and commodities nor loading or unloading shall be conducted during the hours from 10:00 p.m. to 7:00 a.m.
5. There shall be no overnight parking of vehicles, except those vehicles used in conjunction with a permitted use.
6. Driveways may not exceed

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<sup>11</sup> Now Chapter 21.30.

<sup>12</sup> Now Chapter 21.36, as amended in 2020.

<sup>13</sup> Now repealed. But, see § 21.02.090.

<sup>14</sup> Now Chapter 21.32.

<sup>15</sup> Now City Planner.

## EXHIBIT A

thirty feet in width or sixty percent of the lot frontage.

7. No use shall be permitted which produces or causes or emits any dust, gas, smoke, glare, noise, fumes, odors, electromagnetic emanations or vibrations which are or may be detrimental to the health, safety, welfare and peace of the city and its residents and businesses.
8. No use shall be permitted which uses or stores a hazardous material that has a degree of hazard rating in health, flammability or reactivity of Class 4 as ranked by U.F.C. Standard 79-3 or succeeding standard. A business materials usage and operations form shall be filed with the Community Development Department<sup>16</sup> prior to the approval of a certificate of occupancy. Notwithstanding any other provision of this title, all O-P zoned businesses that do not have a business materials usage and operations form on file shall submit a form within six months of the effective date of this ordinance.
9. No person shall, at any location within the O-P zone, create nor allow the

creation of noise which causes the noise level to exceed the applicable noise standards set forth in Chapter 9.53. Where the O-P zoned lot is adjacent to a R zoned lot, the noise level at the property line of the R zoned lot shall not exceed the allowable noise level for residential properties.

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<sup>16</sup> Now Public Works Department.

Staff Report  
September 16, 2020

# Attachment 3

Draft Resolution

RESOLUTION NO. \_\_

**A RESOLUTION ADOPTING AN ADMINISTRATIVE CODE TO ESTABLISH CITY DEPARTMENTS, IDENTIFY DEPARTMENT DIRECTORS, AND IMPLEMENT DEPARTMENT RESPONSIBILITIES.**

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

**SECTION 1:**            *Purpose.* This Resolution adopts an Administrative Code for the City of Monterey Park which is intended to implement the following:

- A.     Organization, conduct and operation of the offices and departments established by this Resolution and as authorized by the general laws of the State of California.
- B.     Creation of additional departments, divisions, offices and agencies, and for their alteration, consolidation or abolition after recommendation by the City Manager.
- C.     Assignment or reassignment of functions, duties, offices and agencies to other offices and departments, after recommendation by the City Manager.
- D.     Policy statements of the Council concerning personnel administration, salary and wage administration, hours of work, conditions of employment, employee benefits, centralized purchasing and other administrative procedures.

**SECTION 2:**            *Definitions.* As used in this Resolution, unless a different meaning is apparent from the context:

- A.     “City” means the City of Monterey Park.
- B.     “City Manager” means the City Manager of the City of Monterey Park.
- C.     “Code” means this Resolution, as it now exists or is amended, implementing an Administrative Code.
- D.     “Council” means the City Council of the City of Monterey Park.

**SECTION 3:**            *Construction.* The following rules apply in construing this Code:

- A.     The masculine gender includes the feminine.

- B. The singular number includes the plural, and the plural the singular.
- C. The present tense includes the past and future tenses. The future tense includes the present.
- D. Any article, section or other headings contained in this Code does not in any manner affect the scope, meaning, or intent of the provisions of this Code.
- E. Whenever, by the provisions of this Code, a power is granted to or duty imposed upon, a particular City officer or employee, the power may be exercised or duty performed by a designee of the officer or employee, unless it is expressly provided otherwise.
- F. Whenever any reference is made to any provision of this Code, the Monterey Park Municipal Code or other City ordinances, or to any applicable law, the reference also applies to its amendments and additions.

**SECTION 4:** *Administrative Regulations.* Except as otherwise provided in this Code or the MPMC, the City Manager is authorized to issue Administrative Policies and Procedures (“AP&P”), in a form approved by the City Attorney, for the operation and administration of the City government and its offices, departments and agencies.

**SECTION 5:** *Creation of Additional Departments, Divisions, Offices and Agencies.* Upon recommendation by the City Manager, the City Council may create new offices and agencies by amending this Code or the MPMC. The City Manager is authorized to create additional departments and divisions and may delegate authority, in writing, to department heads to create new divisions within their respective departments. Any such administrative changes must be memorialized via an AP&P and, thereafter, by amending this Code at least every two years, coinciding with updates to the City’s Conflict of Interest Code.

**SECTION 6:** *Organization and Operation.* In addition to any powers delegated by applicable law including the MPMC, the City Manager is the City officer responsible for directing and supervising the administration of all departments, offices and agencies of the City, and is responsible for the general overall administration of City government. This office is also responsible for coordinating intergovernmental relations and promoting community relations and economic vitality.

**SECTION 7:** *Management Resources Department.*

- A. **Organization.** The Management Resources Department is established all of which are under the direction and administration

of the Management Resources Director. These areas are:

1. Finance;
2. Data Processing;
3. Revenue Collection;
4. Central Support Services;
5. Communication/Duplication; and
6. Community Housing Assistance.

**B. Establishment of Funds and Accounts.** The following City funds are established:

1. General Fund - The General Fund is established as a medium of control of and accounting for municipal activities other than activities authorized or contemplated by special funds or other governmental funds. All revenues and receipts which are not by law or otherwise pledged or encumbered for special purposes will be credited to the General Fund.
2. Special Revenue Funds - Special Revenue Funds will be established to account for revenues designated for particular purposes under the governmental funds group.
3. Capital Projects Funds - Capital Projects Funds will be established to account for all revenues designated for the acquisition of capital facilities except those facilities financed by special assessment.
4. Debt Service Fund - A Debt Service Fund within the governmental fund group and in each proprietary fund, as appropriate, will be established to service the revenue and expense accounts devoted to the payment of interest and principal on long-term revenues and general obligation debt other than that payable from special assessments.
5. Trust Funds - Trust Funds will be established to account for revenues held by the City as a trustee.
6. Internal Service Funds - Internal Service Funds may be established to provide services efficiently and economically

to other funds or departments and be accounted for under proprietary fund rules.

7. Special Assessment Funds - Special Assessment Funds will be established to account for the construction of public improvements that are financed by special levies against properties adjudged to receive benefits different than those received by the city residents, and for the maintenance and upkeep of such assets.
8. Enterprise Funds - Enterprise Funds will be established as proprietary funds with full accrual accounting that specialize in providing for utility or other fee-supported services to the public. These funds include water, wastewater, and solid waste.
9. Petty Cash Account - A Petty Cash Account will be established as an interest cash account in an amount to be fixed by finance departmental policy. These funds are set aside for the purpose of making change or paying small obligations for which the issuance of a formal voucher and check could be too expensive and time consuming. The annual audit of City funds provides for a review of these disbursements.
10. Groups of Accounts - The City may employ self-balancing groups of accounts. These groups are general fixed assets group and general long-term debt group for governmental funds.

**SECTION 8:**                    ***Department of Recreation and Community Services.***

A Department of Recreation and Community Services is established under the direction and administration of the Recreation and Community Services Director. These areas are:

- A. Facilities Supervision;
- B. Aquatics;
- C. Langley Center;
- D. Youth Activities;
- E. Recreational Activities;
- F. Community Participation;

- G. Media Production; and
- H. Community Transportation.

**SECTION 9:**                    ***Police Department.*** The Police Department is established under the direction and administration of the Chief of Police. These areas include:

- A. Administration;
- B. Community Services;
- C. Traffic Bureau;
- D. Field Services;
- E. Investigations;
- F. Animal Services;
- G. Communications;
- H. Jail;
- I. Records; and
- J. Computer Services.

**SECTION 10:**                    ***Fire Department.*** The Fire Department is established under the direction and administration of the Fire Chief. These areas include:

- A. Administration;
- B. Prevention. Prevention is responsible for the implementation of a Building and Safety program, Fire Prevention program, Hazardous and Toxic Materials regulatory program;
- C. Emergency Operations. Emergency Operations is responsible for the protection of life and property through the quick and effective extinguishment of fires, delivery of emergency medical services to victims of sudden illness and injury, mitigation of toxic and hazardous materials emergencies, response to a variety of emergency conditions which may threaten lives and property of the public, the planning and coordination of a City-wide disaster preparedness program, and the delivery of information and

educational programs to the public;

- D. Emergency Medical Services;
- E. Community Risk Reduction; and
- F. Code Enforcement. Code Enforcement is responsible for a general enforcement program, Housing Rehabilitation program, Public Education program and other activities related to permitting, plan checking, inspections and the enforcement of community standards.

**SECTION 11:**                    ***Public Works Department.*** A Public Works Department is established under the direction and administration of the Public Works Director. These areas are:

- A. Community transportation;
- B. Street maintenance;
- C. Storm drain maintenance;
- D. Sanitary sewer maintenance;
- E. Street cleaning;
- F. Traffic control;
- G. Street lighting;
- H. Refuse collection;
- I. Administration;
- J. Water Commercial;
- K. Water Production;
- L. Water Distribution;
- M. Water Capital Projects;
- N. Parkway maintenance;
- O. Parks;

- P. Building Maintenance;
- Q. Motor Pool Shop;
- R. Engineering;
- S. Planning; and
- T. Building and Safety.

**SECTION 12:**            *Human Resources and Risk Management Department.* A Department of Human Resources and Risk Management is established under the direction and administration of the Human Resources and Risk Management Director. Under the direction of the Human Resources Director, the Department is responsible for recruitment and selection, classification, compensation and benefits, training, employee relations and labor negotiations, and risk management.

**SECTION 13:**            *Community and Economic Development.*<sup>1</sup> A Department of Community and Economic Development is established under the direction and administration of the City Planner or Community and Economic Development Director. These areas are:

- A. Planning;
- B. Building;
- C. Economic Development;
- D. CDBG Administration;
- E. HOME housing program;
- F. Affordable housing program; and
- G. Business improvement area.

**SECTION 14:**            *Library.* A Library is established in accordance with the MPMC under the direction and administration of the Librarian. The Library is divided into the following areas:

- A. Administration;
- B. Reference and Adult Services;

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<sup>1</sup> Currently managed by the Public Works Department.

- C. Technical Services;
- D. Circulation;
- E. Literacy; and
- F. Children's Services.

**SECTION 15:**            *Effect of Reorganization.* Any new titles for departments, divisions, department heads and division heads as enacted by this Resolution supersede and replace any inconsistent terms, titles, or references appearing in previously enacted City of Monterey Park Ordinances, Resolutions, AP&P, and written policies.

**SECTION 16:**            *Environmental Review.* This resolution is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA regulations (14 California Code of Regulations ("CCR") §§ 15000, *et seq.*) because it establishes rules and procedures to clarify existing policies and practices related to government organization; does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this Resolution does not constitute a "project" that requires environmental review (see specifically 14 CCR § 15378(b)(4-5)).

**SECTION 17:**            *Conflicts.* In the event of a conflict between the provisions of this Resolution and the provisions the MPMC, any other resolution, or any resolution, the provisions of this Resolution govern. The City Manager is authorized to resolve any ambiguities. Any such determination must be forwarded to the City Council as an informational item when practicable.

**SECTION 18:**            *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 19:**            *Construction.* This Resolution must be broadly construed in order to achieve the purposes stated in this Resolution. It is the City Council's intent that the provisions of this Resolution be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Resolution.

**SECTION 20:**            *Severability.* If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the City

Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Resolution are severable.

**SECTION 21:** *Effective Date.* 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 16, 2020

**AGENDA ITEM NO:** **New Business**  
**Agenda Item 5-E**

**TO:** The Honorable Mayor and City Council

**FROM:** Karl H. Berger, City Attorney

**SUBJECT:** Consideration and possible action to authorize the Mayor to execute a three-year employment agreement with City Manager Ron Bow in a form approved by the City Attorney. Fiscal impacts include (1) an approved 1% increase in base compensation for a total of \$220,180 beginning January 1, 2021; (2) an anticipated, but contingent, increase in compensation of 1.5% for a total of \$222,382 beginning August 1, 2021; and (3) an anticipated, but contingent, increase in compensation of 2% for a total of \$226,830 beginning August 1, 2022. If the contingency in No. 2, above, is not implemented, then the total base salary compensation beginning August 1, 2022 is \$225,685. These base salaries are in addition to various fringe benefits including, without limitation, retiree medical benefits.

## **RECOMMENDATION:**

It is recommended that the City Council:

1. Authorize the Mayor to execute a contract with Mr. Ron Bow in a form approved by the City Attorney; and
2. Take such additional, related, action that may be desirable.

## **EXECUTIVE SUMMARY:**

Upon direction from the City Council the City Attorney negotiated provisions for a three-year contract with Mr. Ron Bow.

Summary of this contract includes (see Attachment A):

- A base salary of \$220,180 beginning January 1, 2021;
- An anticipated, but contingent, base salary of \$222,382 beginning August 1, 2021;
- An anticipated, but contingent, increase in compensation of 2% for a total of \$226,830 beginning August 1, 2022 or, in the alternative, a base salary of \$225,685.

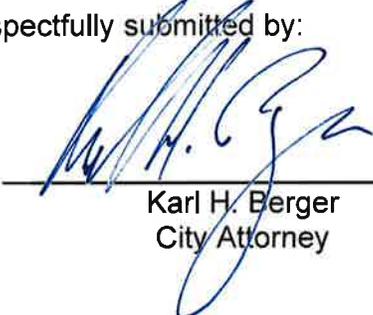
- \$600 a month car allowances.
- Similar benefits (health, leave times, etc.) as other executive management employees.

**BACKGROUND:**

Ron Bow first worked in the City's Public Works Department between 1987 thru 1993. In 2013, Mr. Bow returned to the City in 2013 as the Assistant City Manager/Director of Public Works in which he served until his appointment as the Interim City Manager on December 1, 2016 and subsequent appointment as the City's 14<sup>th</sup> permanent City Manager (since 1948) on August 1, 2017. A list of the previous City Manager (since 1948) is attached for reference.

The draft Employment Agreement was negotiated between the City Council and Mr. Bow. It includes a three-year term and includes a steady increase in base salary during that term. An anticipated increase in base salary projected for August 1, 2021 is dependent upon the City Council's finding (in October 2020) that the City's project sales tax revenue is sufficient to pay for the City Manager's salary increase. Additionally, the Employment Agreement increases the City Manager's car allowance (to \$600 per month); vacation cap (up to a maximum of 600 hours); retiree medical benefits (\$800 per month upon retirement); and substantially similar benefits as the City's executive managers. As to the latter, the fringe benefits in the Employment Agreement are separate from any changes to those provided to other executive managers; this will allow the City Manager to negotiate with the department directors regarding those benefits.

Respectfully submitted by:



\_\_\_\_\_

Karl H. Berger  
City Attorney

**ATTACHMENTS:**

- A. City Manager Three Year Employment Agreement – 2020-23
- B. Historical City Manager List

**ATTACHMENT 1**  
Draft Contract

**CITY OF MONTEREY PARK  
CITY MANAGER EMPLOYMENT AGREEMENT**

**THIS AGREEMENT** is made and entered into on the \_\_\_\_ day of September 2020, by and between the CITY OF MONTEREY PARK, a municipal corporation and general law city ("CITY") and RONALD BOW, an individual ("EMPLOYEE"). CITY and EMPLOYEE agree as follows:

1. **RECITALS.** This Agreement is entered into with the following understandings and objectives:

- A. CITY desires to employ EMPLOYEE as City Manager as provided by State law and CITY's past practice.
- B. It is CITY's desire to provide certain benefits, establish certain conditions of employment and set working conditions of EMPLOYEE.
- C. It is CITY's desire to secure and retain EMPLOYEE and to provide inducement to remain in such employment; deter against malfeasance or dishonesty for personal gain on EMPLOYEE's part; and permit a reasonable means of terminating EMPLOYEE's services.
- D. EMPLOYEE desires to accept employment as City Manager, pursuant to the terms and conditions herein set forth.

2. **DUTIES:** EMPLOYEE is appointed as CITY's City Manager. CITY agrees to employ EMPLOYEE to perform the functions and duties specified by statute and relevant CITY ordinances and resolutions for a City Manager, and to perform such other legally permissible and proper duties and functions as CITY may from time to time assign.

3. **TERM:**

- A. This Agreement will become retroactively effective on August 1, 2020 and, except as otherwise provided, terminate on July 31, 2023.
- B. Except as otherwise provided in this Agreement, nothing prevents, limits, or otherwise interferes with the right of the City Council to terminate the services of EMPLOYEE at any time.
- C. Nothing in this Agreement prevents, limits, or otherwise interferes with the right of EMPLOYEE to resign at any time from his position with CITY in accordance with this Agreement.
- D. Except as otherwise provided EMPLOYEE agrees to remain in the exclusive employ of CITY and not become employed by any other employer until this Agreement lapses or is terminated. Notwithstanding the

foregoing, EMPLOYEE may, with the City Council's prior approval, undertake limited outside activities for teaching, writing, or other City Council approved activity, not to exceed four hours per week, if performed outside of normal working hours and provided that such activities do not in any way interfere with or adversely affect his employment as City Manager or the performance of his duties as provided herein.

**4. TERMINATION AND SEVERANCE PAY:**

- A. EMPLOYEE serves at the City Council's pleasure and may be terminated at any time, with or without cause.
- B. Except as otherwise provided in this Agreement, in the event EMPLOYEE and/or this Agreement is terminated by the City Council during such time that EMPLOYEE is willing and able to perform duties of City Manager such that the termination date would occur before July 31, 2023, and EMPLOYEE delivers a fully executed copy of the Separation and Release Agreement attached as Exhibit "A," and incorporated by reference, within 30 days of termination then, in that event, CITY agrees to pay EMPLOYEE a lump sum amount equal to the lesser of (i) the amount of base pay that EMPLOYEE would have earned through July 31, 2023; or (ii) six months of EMPLOYEE's base salary.
- C. Should EMPLOYEE be terminated for cause including, without limitation, the willful breach or habitual neglect of the duties that EMPLOYEE is required to perform under the terms of this Agreement; conviction of any felony; conviction of any crime involving moral turpitude; or removal from office by the Grand Jury; then, in that event, CITY has no obligation to pay any severance designated in this Section except benefits which otherwise vested in EMPLOYEE.
- D. Upon any termination of this EMPLOYEE's employment, CITY will pay EMPLOYEE upon the effective date of such termination, an amount equal to the value of the employee's accumulated, but unpaid and unused vacation and sick time in accordance with the vacation and sick time cash out policies applicable to the executive management employees.
- E. In the event CITY, at any time during the employment term, reduces the salary or other financial benefits of EMPLOYEE in a greater percentage than an applicable across-the-board reduction of all CITY employees, or in the event CITY refuses, following written notice, to comply with any other provision benefiting EMPLOYEE herein, or EMPLOYEE resigns following a formal written request by a majority of the City Council that he resign; then, in that event, EMPLOYEE may, at his option, be deemed "terminated" at the time of such reduction, or after the next City Council meeting after such suggestion is made, in which case, EMPLOYEE is

entitled to be paid severance pay and receive the other severance benefits described in this Section.

- F. CITY may not terminate EMPLOYEE during the 120-day period following a general or special election for City Council or following the appointment of a new Council, except for willful misconduct.
- G. In the event EMPLOYEE voluntarily resigns his position with CITY before expiration of the aforesaid term of employment, EMPLOYEE must give CITY a minimum of 30 calendar days prior written notice to the Mayor or the City Attorney. In that event, EMPLOYEE is not entitled to severance.

5. **HOURS OF WORK**: EMPLOYEE is expected to work at least 40 hours per week, including devoting necessary time outside normal office hours to the business of CITY. To that end EMPLOYEE can adjust his hours of work as may be appropriate under the circumstances.

6. **FRINGE BENEFITS**:

- A. *Separation of Benefits*. The Parties intend that EMPLOYEE's fringe benefits be separate from that of the Executive Management Team as identified in Resolution No. 11991, adopted February 21, 2018. Accordingly, while this Agreement incorporates certain sections of Resolution No. 11991 by reference, it is not linked to any amendments to Resolution No. 11991 or subsequently adopted resolutions. The sections of Resolution No. 11991 incorporated by reference will continue in effect for the term of this Agreement. Those sections are:
  - i. Section 3: Fair Labor Standards Act.
  - ii. Section 4: Medical.
  - iii. Section 5: PERS.
  - iv. Section 6: CalPERS Retirement Contribution.
  - v. Section 8: Long Term Disability.
  - vi. Section 10: Sick Leave.
  - vii. Section 12: Administrative Leave.
  - viii. Section 14: Leave Cash-Out.
  - ix. Section 15: Other benefits.

- B. *Automobile Expense Allowance.* CITY will provide EMPLOYEE with an automobile expense allowance of \$600 per month. EMPLOYEE must provide his own automobile for his use in the performance of his duties and be responsible for all maintenance, repair, fuel and insurance expenses for said vehicle. CITY must be named as an additional insured on EMPLOYEE's personal automobile insurance for liability purposes.
- C. *Dues and Subscriptions:* To the extent feasible, CITY agrees to budget and to pay the professional dues and subscriptions of EMPLOYEE necessary for his continuation and full participation in national, regional, state, and local associations and organizations necessary and desirable for his continued professional participation, growth, and advancement, and for the good of CITY.
- D. *Professional Development:*
- i. To the extent feasible, CITY agrees to budget and pay the travel and subsistence expenses of EMPLOYEE for professional and official travel, meetings, and occasions adequate to continued professional development of EMPLOYEE and to adequately pursue necessary official and other functions for CITY including, without limitation, the International City Managers Association Conference, the League of California Cities, and regional, state, and local governmental groups and committees thereof on which EMPLOYEE serves as a member. Such reimbursement must be according to such travel reimbursement policies as are then in effect for other CITY employees. The parties intend that this will cover one national conference and two state conferences annually.
  - ii. CITY also agrees that, to the extent feasible, and with City Council approval, it will budget and pay for the travel and subsistence expenses for EMPLOYEE for short courses in institutes and seminars that are necessary for his professional development and for the good of CITY.
- E. *Vacation.* As of August 7, 2020, EMPLOYEE is credited with 493.34 hours of vacation leave. Thereafter, he will accrue vacation leave at 200 hours per year up to a cap of 600 hours, i.e., EMPLOYEE cannot accrue vacation leave over 600 hours.
- F. *Retiree Medical Benefit.* CITY agrees to provide EMPLOYEE a monthly medical benefit of \$800 per month upon EMPLOYEE's retirement. **This provision will survive termination of this Agreement unless EMPLOYEE is terminated for cause or is paid a severance as anticipated above.**

7. **SALARY:**

- A. Beginning January 1, 2021, CITY agrees to pay EMPLOYEE for his services rendered pursuant to this Agreement an annual salary of \$220,180 which is payable to EMPLOYEE in equal installments at the same time as other employees of CITY are paid. This represents a 1% increase from EMPLOYEE's salary on August 1, 2020.
  
- B. Contingent upon the City Council's findings regarding CITY's 2020-21 Budget (as described in this Subsection) in October 2020, on August 1, 2021 CITY will pay EMPLOYEE for his services rendered pursuant to this Agreement an annual salary of \$222,382 which is payable to EMPLOYEE in equal installments at the same time as other CITY employees are paid. This represents a 1.5% increase from EMPLOYEE's salary on January 1, 2021.
  - i. The Parties agree that this Agreement is executed during an unprecedented time in the nation's history. The COVID-19 Pandemic has significantly impacted CITY's budget forecasts and revenue projections. Both Parties agree that CITY's financial health, and its ability to deliver public services, is of utmost concern. Accordingly, the City Council will be reviewing CITY's revenues in October 2020 to determine what, if any, adjustments should be made to revenue projections and expenditures.
  
  - ii. To activate EMPLOYEE's salary increase anticipated in this section, the City Council must find that sales tax revenue projections will increase based upon data provided in October 2020. The Mayor is authorized to inform EMPLOYEE and the Management Services Director of that finding, in writing, to activate the 2021 increase in EMPLOYEE's salary.
  
- C. Except as otherwise provided, on August 1, 2022 CITY will pay EMPLOYEE for his services rendered pursuant to this Agreement an annual salary of \$226,830 which is payable to EMPLOYEE in equal installments at the same time as other CITY employees are paid. This represents a 2% increase from EMPLOYEE's salary on July 31, 2022. If the salary increase in Subsection B was not activated, then CITY will pay EMPLOYEE an annual salary of \$225,685 beginning August 1, 2022.
  
- D. Nothing in this Section prevents CITY's City Council from increasing or decreasing EMPLOYEE's salary to a different amount following an evaluation and written amendment to this Agreement.

8. **CHANGES:** This Agreement may be changed or amended by the mutual written consent of CITY and EMPLOYEE. Any benefits to EMPLOYEE under this Agreement

may be increased or added to by motion of the City Council without formal amendment to the Agreement.

9. **BONDING**: CITY will pay for the cost of fiduciary bonds required of EMPLOYEE as a consequence of the exercise of his duties under this Agreement.

10. **INDEMNIFICATION**:

- A. CITY must indemnify and defend EMPLOYEE from any and all claims, demands, actions, losses, or charges arising out of, related to, or as a consequence of EMPLOYEE performing his duties as City Manager. Further, CITY must pay all expenses, costs and attorney's fees arising out of or related to the same.
- B. The Parties agree that this Section will survive the termination of this Agreement and EMPLOYEE's employment. CITY's obligations under this Section apply whether EMPLOYEE is or is not employed by the CITY at the time any such claim, demand, action, loss or charge is made or occurs, as the case may be so long as the action giving rise to the claim occurred during the time EMPLOYEE was employed by CITY.

11. **CITY MANAGER DUTIES AND ETHICS CODE**: The City Council will not intervene with the execution of the City Manager's powers and duties as provided by the Monterey Park Municipal Code or other applicable law. EMPLOYEE is expected to conform to the ICMA Code of Ethics.

12. **PERFORMANCE EVALUATION**: The City Council may evaluate EMPLOYEE at any time and must provide a written evaluation of EMPLOYEE's performance on an annual basis (on or before the anniversary date of this Agreement). Such evaluations will become a part of EMPLOYEE's personnel file. For any such evaluation, EMPLOYEE or the City Council may require that CITY contract with a third-party consultant to interview individual City Councilmembers regarding EMPLOYEE's performance and prepare a report for the entire City Council to use in evaluating EMPLOYEE's performance.

13. **ASSEMBLY BILL 1344 (GOVERNMENT CODE § 53243, ET SEQ.) COMPLIANCE**: To the extent CITY provides: (i) paid leave to EMPLOYEE pending an investigation; (ii) funds for the legal criminal defense of the EMPLOYEE; and/or (iii) a cash settlement to EMPLOYEE related to the termination of the EMPLOYEE, pursuant to this AGREEMENT and Government Code § 53243, *et seq.*, EMPLOYEE must fully reimburse the City for any and all amounts paid by the City which fall within subsections (i) through (iii) in the event that the EMPLOYEE is convicted of a crime involving the abuse of his office or position.

14. **WAIVER OF BREACH**: No waiver of the breach of any of the covenants, agreements, provisions, or conditions of this Agreement by either party will be

construed to be a waiver of any succeeding breach of the same or other covenants, agreements, provisions or conditions of this Agreement. No delay or omission of CITY or EMPLOYEE in exercising any right, power, or remedy herein provided in the event of default will be construed as a waiver thereof, or acquiescence therein.

15. **ENTIRE CONTRACT**: This Agreement contains the entire agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any oral representations or modifications concerning this instrument will be of no force or effect excepting a subsequent modification in writing signed by CITY and EMPLOYEE.

16. **PARTIAL INVALIDITY**: Partial invalidity of this Agreement will not affect the remainder.

17. **VENUE**: This Agreement will be interpreted in accordance with California law and venue is in Los Angeles County.

18. **BINDING EFFECT**: This Agreement is binding upon and inures to the benefit of the parties and their successors, heirs, agents and personal representatives.

19. **SEVERABILITY**: Each portion of this Agreement is separate and if any portion is found to be invalid by a court of competent jurisdiction, the remaining portions must each remain in full force and effect.

**IN WITNESS WHEREOF**, the parties have caused this Agreement to be signed and executed this \_\_\_ day of September 2020.

City of Monterey Park,  
a municipal corporation.

\_\_\_\_\_  
Peter Chan, Mayor

\_\_\_\_\_  
Ronald Bow

ATTEST:

\_\_\_\_\_  
Vincent D. Chang, City Clerk

APPROVED AS TO FORM

  
\_\_\_\_\_  
Karl H. Berger, City Attorney

## EXHIBIT A

### SEPARATION AND RELEASE AGREEMENT

This Separation, Severance and General Release Agreement ("AGREEMENT") is made and executed as of \_\_\_\_\_, by and between RONALD EMPLOYEE ("EMPLOYEE") and the CITY OF MONTEREY PARK ("CITY"). The Parties agree as follows:

#### 1. RECITALS

- A. EMPLOYEE commenced employment with the CITY as city manager on or about August 3, 2017. Pursuant to an employment agreement executed on or about September 16, 2020, and retroactive to August 1, 2020 (the "Employment Agreement"), the Parties agreed that EMPLOYEE would be paid a lump sum amount for severance if terminated for convenience and after executing this AGREEMENT.
- B. This AGREEMENT is made to amicably resolve all matters between EMPLOYEE and the CITY regarding EMPLOYEE's employment and the cessation of employment.
- C. The parties understand and agree that a material purpose of this AGREEMENT is to resolve any disputes and CLAIMS arising from or relating to EMPLOYEE's employment with CITY, if any, and provide for a separation payment for EMPLOYEE.

#### 2. CONSIDERATION

- A. In exchange for EMPLOYEE's execution, faithful performance and compliance with this AGREEMENT including, without limitation, the granting of the releases set forth herein, and in full satisfaction and settlement of EMPLOYEE's CLAIMS, if any, the CITY will pay EMPLOYEE a lump sum equivalent to six months of his then base salary or the remaining term of his Employment Agreement, whichever is less ("SEVERANCE PAYMENT") in the form of a check made payable to Ronald Bow, to be delivered within 10 days of the EFFECTIVE DATE of this AGREEMENT. Required tax withholdings and deductions will be made from the SEVERANCE PAYMENT. EMPLOYEE understands and agrees that the employee's portion of any federal, state or local taxes, if any, that may be owed or payable on the SEVERANCE PAYMENT are the sole and exclusive responsibility of EMPLOYEE.
- B. EMPLOYEE and the CITY will bear their own attorney fees and costs incurred in connection with any disputes and this AGREEMENT.

- C. Except as otherwise provided, the parties agree that no other monies or benefits are due, owing or unpaid by reason of EMPLOYEE's employment or association with CITY and that no other monies or benefits will be paid or maintained by CITY to/for EMPLOYEE, in EMPLOYEE's name, or on EMPLOYEE's behalf. EMPLOYEE expressly agrees that the SEVRANCE PAYMENT supersedes and are is substitution for any payments or benefits under any employment agreement(s), business agreement(s) or arrangement(s), oral or written promises, or severance policy or plan respecting or regarding his employment or association with CITY.

3. **Release of Claims:** As consideration for the agreements described above, EMPLOYEE releases and discharges CITY and/or any of its current or former officials, officers, executives, agents, assigns, executors, directors, representatives, affiliates, employees, attorneys, insurers and successor-in-interest, and all persons acting by, through, under or in concert with CITY, past or present, and each and all of them (collectively "Released Parties"), from any and all charges, complaints, lawsuits, claims, liabilities, claims for relief, obligations, promises, agreements, contracts, interests, controversies, injuries, damages, actions, causes of action, suits, rights, demands, costs, losses, debts, liens, judgments, indebtedness, and expenses (including attorney's fees and costs actually incurred), of any nature whatsoever, whether in law or in equity, KNOWN OR UNKNOWN, suspected or unsuspected, actual or potential, which EMPLOYEE now has, owns or holds, or claims to have, owns, or holds against each or any of the Released Parties, at common law or under any statute, rule, regulation, order or law, whether federal, state, or local, or on any grounds whatsoever, with respect to any act, omission, event, matter, claim, damage, loss, or injury arising out of the employment of and/or the termination of such employment between CITY and EMPLOYEE and/or with respect to any other claim, matter, or event arising before execution of this Agreement by the Parties, including, without limitation, claims under the California Fair Employment and Housing Act (California Government Code §12940 et seq.), the California Family Rights Act (California Government Code §12945.2, 19702.3 et seq.), California Government Code §11135, the Unruh and George Civil Rights Acts (California Civil Code §51 et seq.), the California Labor Code, including, but not limited to, all provisions of the California Labor Code section 1194 and any related Wage Orders or similar directives/authorities issued by any Federal or State authority having enforcement powers, Fair Labor Standards Act any related Wage Orders or similar directives/authorities issued by any Federal or State authority having enforcement powers, the Constitution of the United States, the Constitution of the State of California, Title VII of the Civil Rights Act of 1964 (42 U.S.C. §2000e et seq.), the Equal Pay Act (29 U.S.C. §206(d)), the Rehabilitation Act of 1973 (29 U.S.C. §793 et seq.), the Family and Medical Leave Act (29 U.S.C. §2901 et seq.), the Employee Retirement Income Security Act of 1974, also known as "ERISA" (29 U.S.C. §1001 et seq.), and/or Sections 1981, 1983, 1985, 1986 or 1988 of Title 42 of the United States Code (42 U.S.C. 1981 et seq.), the Americans with Disabilities Act (42 U.S.C. §12101 et seq.), Claims of Retaliation (California Labor Code §1102.5 et seq.), Claims of "Whistle-blowing," California Workers' Compensation Act (Labor Code §3201 et seq.), claims for breach of any type of contract, including written, oral or implied contracts, breach of any

covenant, promise, or representation pertaining to your employment, whether express or implied, claims for negligent hiring, retention, supervision, investigation, wrongful termination, discrimination of any type, interference with economic relations, failure to pay wages and/or benefits of any kind, fraud and/or misrepresentation of any kind, negligent or intentional infliction of emotional distress, slander, assault, battery, and/or any other claims arising under any other state or federal provision, act, ordinance, Constitution, law, common law, or arising under any contract or agreement against CITY, or any other Released Party. EMPLOYEE also expressly releases any and all rights to grieve or otherwise appeal any matters relating to or arising from his employment with CITY.

EMPLOYEE also agrees that if any claim is prosecuted in his name before any court or administrative agency that he waives and agrees not to take any award of money or other damages from such suit.

Nothing prohibits or prevents EMPLOYEE from filing a charge with, or participating, testifying or assisting in, any EEOC or comparable administrative investigation, hearing or other proceeding before any federal, state or local agency. However, EMPLOYEE acknowledges and understands that he is not entitled to recover any additional compensation, settlement funds, damages or money as a result of such participation.

EMPLOYEE further waives and relinquishes all rights and benefits he may have under any other statutes or common law principles of similar effect.

4. **Section 1542 Waiver**: EMPLOYEE waives any and all rights or benefits which he may have under the provisions of Civil Code § 1542, which provides as follows:

**“A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS THAT THE CREDITOR OR RELEASING PARTY DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE AND THAT, IF KNOWN BY HIM OR HER, WOULD HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR OR RELEASED PARTY.”**

**5. Specific Acknowledgement of Waiver of Claims Under ADEA and OWBPA:**

The Age Discrimination in Employment Act of 1967 ("ADEA"; 29 U.S.C. §§ 621-634) makes it illegal for an employer to discharge any individual or otherwise discriminate with respect to the nature and privileges of an individual's employment on the basis that the individual is age forty or older. The Older Workers Benefit Protection Act ("OWBPA"; 29 U.S.C. §§ 626, et seq.) augments the ADEA and prohibits the waiver of any right or claim under the ADEA unless the waiver is knowing and voluntary. By entering into this Agreement, EMPLOYEE acknowledges that, in exchange for the consideration stated herein, he knowingly and voluntarily waives and releases any rights that he may have under the ADEA and/or OWBPA. EMPLOYEE further acknowledges that he has been advised and understands, pursuant to the provisions of the ADEA and OWBPA that:

- A. This waiver/release is written in a manner in which EMPLOYEE understands.
- B. EMPLOYEE is aware of, and has been advised to seek a representative or legal counsel of his own choosing regarding his rights under the ADEA and OWBPA and the legal significance of his waiver of any possible claims he currently may have under the ADEA, OWBPA, or similar age discrimination laws.
- C. EMPLOYEE is entitled to a reasonable time of at least 21 days within which to review and consider this Agreement, and the waiver and release of any rights he may have under the ADEA, the OWBPA, or similar age discrimination laws. But he may, in the exercise of his own discretion, sign or reject this Agreement at any time before the expiration of the 21 day period. If EMPLOYEE signs this Agreement before the expiration of the 21 day review period, he waives the balance of that period.
- D. The waivers and releases set forth in this Agreement do not apply to any rights or claims that may arise after the effective date of this Agreement.
- E. EMPLOYEE is advised that he should consult with any attorney before executing this Agreement. EMPLOYEE had an opportunity to discuss this waiver and release with, and to be advised, by an attorney of his choice, and that he does not need any additional time within which to review and consider this Agreement.
- F. EMPLOYEE has until 5:00 p.m. PST, seven days following his execution of this Agreement to revoke it by submitting a written revocation addressed to and received by Karl H. Berger via email at [kberger@montereypark.ca.gov](mailto:kberger@montereypark.ca.gov).

- G. This Agreement will not take effect until the Effective Date, which is the day after the expiration of the seven day revocation period set forth in the preceding paragraph.

**EMPLOYEE ACKNOWLEDGES THAT HE FULLY UNDERSTANDS HIS RIGHT TO DISCUSS THIS WAIVER WITH LEGAL COUNSEL, THAT HE HAS CAREFULLY READ AND FULLY UNDERSTANDS THE WAIVER, AND THAT HE IS VOLUNTARILY AGREEING TO WAIVE ANY CLAIMS THAT HE HAS OR MAY HAVE UNDER THE AGE DISCRIMINATION IN EMPLOYMENT ACT, THE OLDER WORKERS BENEFIT PROTECTION ACT, AND ANY OTHER LAWS PROHIBITING AGE DISCRIMINATION IN EMPLOYMENT ARISING FROM OR RELATED OR ATTRIBUTABLE TO THE PARTIES' ALLEGATIONS OR CLAIMS.**

\_\_\_\_\_  
EMPLOYEE's initials

6. **WAIVER OF ADDITIONAL CLAIMS.** EMPLOYEE and the CITY hereby waive any provisions of state or federal law that might require a more detailed specification of the claims being released pursuant hereto.

7. **REPRESENTATIONS AND WARRANTIES.** Each of the parties to this AGREEMENT represent and warrant and agree with each other party as follows:

- A. **No Other Claims:** EMPLOYEE and CITY represent and warrant that neither EMPLOYEE nor CITY filed, nor will they file in the future, any complaint, charge, claim, legal action, or proceeding arising out of EMPLOYEE's employment with CITY, the DISPUTES or the CLAIMS released hereby or in any way related to his employment with CITY or separation therefrom with any court, agency, board, hearing officer or tribunal against CITY or any of its agents, officers, current and former elected or appointed officials, current and former employees, representatives, insurers, attorneys, and all persons acting by, through, under, or in concert with any of them. EMPLOYEE retains his right to request indemnification from CITY pursuant to Government Code § 825 *et seq.* with respect to any action brought against EMPLOYEE in his capacity as an employee.
- B. **No Fraud in Inducement:** No party (nor any officer, agent, employee, representative, or attorney of or for any party) made any statement or representation or failed to make any statement or representation to any other party regarding any fact relied upon in entering into this AGREEMENT, and neither party relies upon any statement, representation, omission or promise of any other party (or of any officer, agent, employee, representative, or attorney of or for any party) in executing this AGREEMENT, or in making the settlement provided for herein, except as expressly stated in this AGREEMENT.

- C. Independent Investigation: Each party to this AGREEMENT made such investigation of the facts pertaining to this severance and settlement and this AGREEMENT and all the matters pertaining hereto as it deems necessary.
- D. Comprehension and Authority: Each party or responsible officer thereof has read this AGREEMENT and understands its contents. Any of the officers executing this AGREEMENT on behalf of the CITY are empowered to do so and thereby bind the entity.
- E. Mistake Waived: In entering into this AGREEMENT and the severance and settlement provided for herein, each party assumes the risk of any misrepresentation, concealment or mistake. If any party should subsequently discover that any fact relied upon by it in entering into this AGREEMENT was untrue, or that any fact was concealed from it, or that its understanding of the facts or of the law was incorrect, such party is not entitled to rescind or set aside the AGREEMENT. This AGREEMENT is intended to be and is final and binding between the parties, regardless of any claims of misrepresentation, promise made without the intent to perform, concealment of fact, mistake of fact or law, or any other circumstance whatsoever.
- F. Ownership of Claims: EMPLOYEE represents and warrants as a material term of this AGREEMENT that he has not heretofore assigned, transferred, released or granted, or purported to assign, transfer, release or grant, any of the CLAIMS disposed of by this AGREEMENT. In executing this AGREEMENT, EMPLOYEE further represents and warrants that none of the CLAIMS released by his hereunder will in the future be assigned, conveyed, or transferred in any fashion to any other person and/or entity.
- G. Future Cooperation: The parties will execute all such further and additional documents as shall be reasonable or necessary to carry out the provisions of this AGREEMENT.

## **8. MISCELLANEOUS**

- A. No Admission: Nothing in this AGREEMENT may be construed as an admission by the parties of any liability of any kind. The parties each deny any liability in connection with any claim or wrongdoing. Each party also intends hereby solely to amicably resolve all matters between the parties.
- B. Governing Law: This AGREEMENT and the rights and obligations of the parties will be construed and enforced in accordance with, and governed

by, the laws of the State of California. The venue for any dispute arising out of or relating to this AGREEMENT is the Los Angeles Superior Court.

- C. Full Integration: This AGREEMENT is the entire agreement between the parties with respect to the subject matter hereof and supersedes all prior and contemporaneous oral and written agreements and discussions. This AGREEMENT may be amended only by a further agreement in writing, signed by the parties hereto.
- D. Continuing Benefit: This AGREEMENT is binding upon and inures to the benefit of the parties hereto, their respective agents, employees, representatives, officers, and officials.
- E. Joint Drafting: Each party has cooperated in the drafting and preparation of this AGREEMENT. Hence, in any construction to be made of this AGREEMENT, the same may not be construed against any party.
- F. Severability: In the event that any term, covenant, condition, provision or agreement contained in this AGREEMENT is held to be invalid or void by any court of competent jurisdiction, the invalidity of any such term, covenant, condition, provision or agreement shall in no way affect any other term, covenant, condition, provision or agreement and the remainder of this AGREEMENT will still be in full force and effect.
- G. Titles: The titles included in this AGREEMENT are for reference only and are not part of the terms of this AGREEMENT, nor do they in any way modify the terms of this AGREEMENT.
- H. Counterparts: This AGREEMENT may be executed in counterparts, and by facsimile and when each party has signed and delivered at least one such counterpart, each counterpart shall be deemed an original, and, when taken together with other signed counterparts, constitutes one AGREEMENT, which shall be binding upon and effective as to all parties.
- I. Executed Copy: All parties will receive a fully executed copy of this AGREEMENT.
- J. Notice: Any and all notices given to any party under this AGREEMENT will be given as provided in this paragraph. All notices given to either party will be made by certified or registered United States mail, or personal delivery, at the noticing party's discretion, and addressed to the parties as set forth below. Notices will be deemed, for all purposes, to have been given on the date of personal service or three consecutive calendar days following deposit of the same in the United States mail.

**As to EMPLOYEE:**

Ronald Bow  
[ADDRESS ON FILE WITH CITY]

**As to CITY:**

Attn: City Clerk  
City of Monterey Park  
320 West Newmark Avenue  
Monterey Park, California 91754

**WHEREFORE, the parties hereto have read all of the foregoing, understand the same, and agree to all of the provisions contained herein.**

DATED: \_\_\_\_\_

CITY OF MONTEREY PARK

By: \_\_\_\_\_  
Mayor

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
Ronald Bow

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Karl H. Berger, City Attorney

**ATTACHMENT 2**  
Historical City Manager List

CITY OF MONTEREY PARK  
CITY MANAGERS SINCE 1948

<b>Name</b>	<b>Term</b>
John Moriarity	1948-1950
Robert N. Klein	1950-1952
Howard Schmidt	1952-1953
John Crowley	1953-1955
E. Fred Bien	1955-1957
Clifford Petrie	1958-1965
William Woollett, Jr.	1965-1970
Gerald Weeks	1970-1976
Harry C. Wills (Interim)	1976
Lloyd de Llamas	1976-1987
David Bentz (Interim)	1987-1988
Mark Lewis	1988-1991
Chris Jeffers (Interim)	1991
Chris Jeffers	1991-2007
Adolfo Reta (Interim)	2007-2008
June Yotsuya	2008-2010
Jim Smith (Acting)	2010
Donald F. McIntyre (Interim)	2010
Jim Smith (Acting)	2010
Paul Talbot	2010-2016
Ron Bow (Interim)	2016-2017
Ron Bow	2017-

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK FINALIZING A MEMORANDUM OF UNDERSTANDING ON PROMOTING EXCHANGES AND COOPERATION BETWEEN THE CITY OF MONTEREY PARK AND FOSHAN CITY, PEOPLE'S REPUBLIC OF CHINA**

The City Council does resolve as follows:

Section 1. The City Council finds and declares that:

- A. Foshan City, People's Republic of China agreed to establish a mutual friendship relationship with the City of Monterey Park, California, United States of America.
- B. On April 11, 2019, Mayor Peter Chan and Mayor Zhu Wei 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 Foshan City, People's Republic of China.

Section 3. This Resolution takes effect immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED this 16th day of September 2020.

---

Peter Chan  
Mayor  
Monterey Park, California

ATTEST:

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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 16th day of September 2020, by the following vote:

Ayes:  
Noyes:  
Absent:  
Abstain:

Dated this 16th day of September 2020.

---

Vincent D. Chang, City Clerk  
Monterey Park, California

**Memorandum of Understanding on Promoting Exchanges and  
Cooperation between City of Monterey Park of  
the United States of America and Foshan City of  
the People's Republic of China**

City of Monterey Park, California, the United States of America and Foshan City, Guangdong, the People's Republic of China, proceeding from the common desire to promote mutual understanding and friendship between the American and Chinese peoples, and guided by the principles laid down in the Sino-U.S. Joint Communiqué on the Establishment of Diplomatic Relations, have decided to develop reciprocal friendly relations. Both governments, after friendly consultations, have reached a consensus on the following issues:

**1. On official visits between the two governments:**

Both governments agree that regular contacts and reciprocal visits shall be maintained between the leaders and relevant departments, to facilitate consultations on major projects, in order to promote mutual exchanges and cooperation in the fields of economy, science, technology, culture, education and other mutual interests.

**2. On educational exchanges:**

Both governments will encourage friendly exchanges between their youth. Foshan and City of Monterey Park will send their students and teachers to visit the other city on appropriate study tours.

**3. On cultural exchanges:**

Both government support cultural exchanges in a variety of areas including the investigation of opportunities for performance teams or artistic delegations from the other city being invited to participate in the local cultural events, to promote mutual understandings.

Both governments agree that there are great prospects for cooperation between Foshan and City of Monterey Park, and shall continue to push forward friendly exchanges for cooperation between in wider areas.

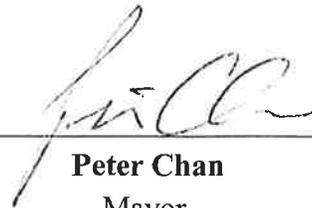
This Memorandum, signed on April 11<sup>th</sup>, 2019 in City of Monterey Park, shall come into force from the date of signature. This Memorandum is written in duplicate in English and Chinese languages, which are both equally authentic.



---

**Zhu Wei**  
Mayor

the People's Government of Foshan



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**Peter Chan**  
Mayor

City of Monterey Park

April 11<sup>th</sup>, 2019

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK FINALIZING AN AGREEMENT TO ESTABLISH FRIENDSHIP CITY RELATIONSHIP BETWEEN THE CITY OF MONTEREY PARK AND WEI COUNTY, HEBEI PROVINCE, PEOPLE'S REPUBLIC OF CHINA**

The City Council does resolve as follows:

Section 1. The City Council finds and declares that:

- A. Wei County, Hebei Province, People's Republic of China agreed to establish a mutual friendship relationship with the City of Monterey Park, California, United States of America.
- B. On February 28, 2019, Mayor Peter Chan and Mayor Qingjie An 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 Wei County, Hebei Province, People's Republic of China.

Section 3. This Resolution takes effect immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED this 16th 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 16th day of September 2020, by the following vote:

Ayes:  
Noyes:  
Absent:  
Abstain:

Dated this 16th day of September 2020.

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Vincent D. Chang, City Clerk  
Monterey Park, California

**AGREEMENT BETWEEN WEI COUNTY OF HEBEI  
PROVINCE OF CHINA AND MONTEREY PARK CITY OF  
THE UNITED STATES OF AMERICA TO ESTABLISH  
FRIENDSHIP-CITY RELATIONSHIP**

Wei County of Hebei Province of China and Monterey Park City of the United States of America, in accordance with the principles of friendship and equality, mutual willingness and benefit, will conduct comprehensive cooperation, exchanges and mutual development, have reached agreement to establish Friendship-City Relationship and bellow further intentions:

1. Cooperation in economic and technological fields. The two sides should create favorable conditions for the cooperation of Chinese and Monterey Park City enterprises to establish communications and exchange activities, to help organize and conduct business meetings, promotion meetings, trade fairs and exhibitions.
2. Cooperation in regional trade and tourism fields. The two sides will actively carry out exchanges and cooperation in the fields of economic, trading, agriculture, culture, science and technology, sports, education, tourism, etc. and to promote mutual economic prosperity and social undertakings to reach all-round development.
3. Cooperation in the fields of urban management. Both sides shall strengthen cooperation in the field of social and urban planning.
4. Cooperation in the fields of municipal administration, environmental protection and energy. The two sides will introduce and promote the mature experience with environmental and sustainable development.
5. Cooperation in Regional cultural of the two sides. Both sides will take

effort in enhancing cultural harmony and promote cultural and artistic exchanges in different fields.

Wei County 

The People's Republic of China

Qingjie An

February 28, 2019

  
Monterey Park City

The United States of America

Peter Chan