

**From:** [Byron de Arakal](#)  
**To:** [Cho, Helena](#); [MPClerk](#)  
**Subject:** Re: TRC Presentation - Item 2A - 11/15/23 City Council  
**Date:** Tuesday, November 14, 2023 4:41:01 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[TRC MPCC Letter 11152023 Staff Report FINAL.pdf](#)  
[Atlantic Square - Letter to TRC re Meetings with Represented Clients \(10-06-2023\).pdf](#)  
[2023-10-10 Ltr to T Campen.pdf](#)  
[Re Atlantic Square request for meeting with City staff.msg](#)

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[EXTERNAL EMAIL]

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Ms. Cho –

Thank you for your response. Please accept and admit into public comment for Item 2A on tomorrow evening's City Council agenda the attached letter and supplemental communications attached to the letter.

Thank you.

Byron

**BYRON DE ARAKAL**

*Consulting Director Entitlement Planning  
and Special Projects*



4695 MacArthur Court | Suite 700  
Newport Beach, CA. 92660  
**M** 714.227.4620  
[Byron@TRCRetail.com](mailto:Byron@TRCRetail.com)

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**From:** "Cho, Helena" <HCho@MontereyPark.ca.gov>  
**Date:** Monday, November 13, 2023 at 3:48 PM  
**To:** Byron De Arakal <Byron@trcretail.com>, MPClerk <MPClerk@MontereyPark.ca.gov>  
**Cc:** "Trang, Cindy" <CTrang@MontereyPark.ca.gov>, "Yee, Maychelle" <myee@MontereyPark.ca.gov>, "Berger, Karl H." <KBerger@bwslaw.com>, "Alvarez, Inez"

<ialvarez@MontereyPark.ca.gov>, "Garcia, Diana" <dgarcia@MontereyPark.ca.gov>

**Subject:** RE: TRC Presentation - Item 2A - 11/15/23 City Council

**Alert:** This email originated from outside of the organization.

Byron de Arakal,

Thank you for contacting the Monterey Park City Clerk's office. You may submit written communications 24 hours prior to the regular City Council meeting. Unfortunately, you will not be able to present a brief slide presentation at the meeting.

If you have any questions, feel free to contact the City Clerk's office.

Thank you,

HELENA CHO, CMC • **ASSISTANT DEPUTY CITY CLERK**  
320 W. NEWMARK AVE., MONTEREY PARK, CA 91754  
Office (626) 307-1362  
Email • [hcho@montereypark.ca.gov](mailto:hcho@montereypark.ca.gov)

**This message is a public record and may be disclosed under the Public Records Act or other applicable law.**

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**From:** Byron de Arakal <byron@trcretail.com>  
**Sent:** Monday, November 13, 2023 2:04 PM  
**To:** MPClerk <MPClerk@MontereyPark.ca.gov>  
**Cc:** Cho, Helena <HCho@MontereyPark.ca.gov>  
**Subject:** TRC Presentation - Item 2A - 11/15/23 City Council

[EXTERNAL EMAIL]

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

RE: Old Business Item 2A: Authorization to issue Legislative Subpoenas regarding the potential revocation of Conditional Use Permit No. CU-89-004 (as amended and modified) held by Atlantic Square, LLC (Continued from November 1, 2023).

Dear Ms. Yee:

Regarding the above referenced item on the November 15, 2023 Monterey Park City Council agenda, TRC is preparing a very brief slide presentation we would like to present to the City

Council during the Public Comment portion of the item. We recognize your office will want to review its contents prior to the meeting and will provide you a copy no later than 10 a.m. tomorrow (11/14). We will provide the presentation file on a thumb drive prior to the start of the meeting. If there is an alternative medium and/or format (PDF vs. PPT) on which you'd prefer receiving the file, please let me know.

If you have any questions or require additional information, please contact me directly. This communication is also transmitted to you via the attached letter.

Sincerely,

**BYRON DE ARAKAL**

*Consulting Director Entitlement Planning  
and Special Projects*



4695 MacArthur Court | Suite 700

Newport Beach, CA. 92660

**M** 714.227.4620

[Byron@TRCRetail.com](mailto:Byron@TRCRetail.com)



13 November 2023

MAYOR JOSE SANCHEZ  
MAYOR PRO TEM THOMAS WONG  
COUNCIL MEMBER YVONNE YIU  
COUNCIL MEMBER HENRY LO  
COUNCIL MEMBER VING NGO  
City of Monterey Park  
320 West Newmark Avenue  
Monterey Park, CA. 91754

RE: Old Business Item 2A: Authorization to issue Legislative Subpoenas regarding the potential revocation of Conditional Use Permit No. CU-89-004 (as amended and modified) held by Atlantic Square, LLC (Continued from November 1, 2023).

Dear Mayor Sanchez, Mayor Pro Tem Wong, and Honorable Council Members:

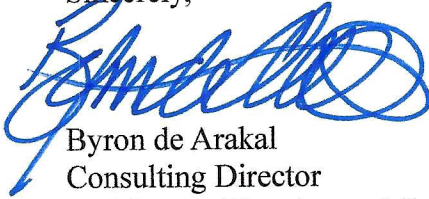
TRC, the property owner of Atlantic Square, has reviewed the City Council Staff Reports (the "Staff Report") dated November 1, 2023 and November 15, 2023, for the above referenced item. For purposes of maintaining an accurate public record on the item, we offer the following comments regarding the Staff Reports:

1. The November 15, 2023 Staff Report states that, "At the time the agenda was posted, the City Attorney's office was not provided any plan from the property owner."
  - a. TRC electronically submitted a Site Plan Review application on Thursday, November 9, 2023 at 3:46 pm for the Atlantic Square Access Improvement project following an attempt to submit the application in person at the Planning Counter in City Hall.
  - b. TRC emailed a letter on Thursday, November 9, 2023 at 4:08 PM individually to each City Council Member with a CC: Inez Alvarez, City Manager. This letter outlines TRC's plans to submit for an amendment to the CUP governing the shopping center no later than December 31, 2023
  - c. TRC emailed a letter to the City Clerk on Monday, November 13, 2023 at 2:04 PM requesting to present at the City Council meeting on Wednesday, November 15, 2023. Our request was denied.
2. The November 15, 2023 Staff report includes excerpts of communications between TRC to City Staff and between TRC's legal counsel and the Assistant City Attorney related to TRC's prior communications with and to staff regarding TRC's proposed resolution of the north access issues, and, separately, changes to the CUP and Zoning Code. The report suggests that such communications contradict statements made by TRC personnel at the November 1

City Council meeting. The entirety of these communications was not included in the Staff Report. We are including these communications in their entirety as an attachment to this letter.

TRC and Monterey Park have a common interest in working together toward Atlantic Square's long-term success. The actions that we have taken (submittal of the Atlantic Square Access Improvement Site Plan Review) and those that we'll be taking in the coming weeks (submittal of a CUP amendment application) should provide the basis for a productive engagement with City staff, the City Council, and the community to work with TRC to affect our common interest in the future of Atlantic Square.

Sincerely,



Byron de Arakal  
Consulting Director  
Entitlement Planning and Special Projects

Cc: Inez Alvarez – Interim City Manager  
Maychelle Yee – City Clerk

October 6, 2023

**VIA ELECTRONIC MAIL**

Deborah Quick, Esq.  
Perkins Coie LLP  
505 Howard St., Ste 1000  
San Francisco, CA 94105

Email: [DQuick@perkinscoie.com](mailto:DQuick@perkinscoie.com)

**Re: PERSONAL INTERACTION WITH REPRESENTED CLIENT**

Dear Ms. Quick:

I am writing to you in your capacity as legal counsel for TRC in Los Angeles County Superior Court actions against the City of Monterey Park ("City"), Case Nos. 23AHCP00074 and 23AHCP00375. Both of these cases involve your client's commercial property located at 2000 S. Atlantic Blvd. in the City of Monterey Park, commonly referred to as Atlantic Square.

Both of these cases involve allegations that certain actions and inactions by the City are resulting in harm to your Client, specifically due to impaired access to the North end of the property. Your client is not only seeking to judicially compel certain actions by the City, but are also alleging past and ongoing monetary damages.

I provide this background as context to address your client initiating and engaging in direct contact with represented defendant(s) in these matters – most notably Community Development Director Jessica Serrano. Moreover, the contact was not just generally about your Client's property, but specifically concerned access to the very same North end of the property that is at the center of TRC's actions against the City. These contacts with represented defendants was made without any notice to the City Attorney's Office representing them, either before, during or after – including in-person meetings with named defendants.

Deborah Quick, Esq.  
Re: PERSONAL INTERACTION WITH REPRESENTED CLIENT  
October 6, 2023

Page 2

The following email from Byron de Arakal of TRC to named defendant in both cases Jessica Serrano on September 6, 2023, shows the beginning of these communications:<sup>1</sup>

**From:** Byron de Arakal <[byron@trcretail.com](mailto:byron@trcretail.com)>  
**Sent:** Wednesday, September 6, 2023 11:08 AM  
**To:** Serrano, Jessica <[jserrano@MontereyPark.ca.gov](mailto:jserrano@MontereyPark.ca.gov)>  
**Cc:** Scott Grady <[sgrady@trcretail.com](mailto:sgrady@trcretail.com)>  
**Subject:** Atlantic Square - Pending Site Plan Review Submittal

Good morning Jessica –

TRC is preparing a Site Plan Review submittal package for Atlantic Square. The proposed Project is comprised of on-site and off-site improvements to facilitate ease of access to the northern segment of Atlantic Square.

Scott Grady and I would like to schedule a Zoom call with you for this week, your schedule permitting, to confirm the appropriate avenue for application submittal and required associated documents.

Looking forward to speaking with you.

Regards,

BYRON DE ARAKAL  
Consulting Director Entitlement Planning  
and Special Projects  
TRC Retail

Director Serrano accommodated this request, and a meeting was mutually scheduled for Thursday, September 14, 2023. When Ms. Serrano indicated she would be joined by Joe Torres of Economic Development and Beth Chow from Planning, Mr. de Arakal specifically requested that named defendant Ziad Mazboudi also attend.

That meeting took place on September 14 at City Hall and apparently centered around a draft site plan for the “Atlantic Square Access Improvement Project” that

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<sup>1</sup> All email communications referenced in this correspondence are attached as exhibits.

Deborah Quick, Esq.  
Re: PERSONAL INTERACTION WITH REPRESENTED CLIENT  
October 6, 2023

Page 3

proposes, among other things, installation of a traffic signal and new entry point into the Atlantic Square property off of S. Atlantic Blvd. located only about 40 feet south of the very area of contention concerning allegations of blocked access to the TRC's property due to traffic congestion from the Raising Canes' restaurant location immediately to the north. The plans presented by TRC at the meeting even depict cars filling the disputed area between Raising Canes' and Atlantic Square.

During that meeting, another named defendant in the litigation, Interim City Manager Inez Alvarez, apparently appeared for a time and joined the discussion. This all was memorialized in Mr. de Arakal's follow up email to Ms. Serrano on September 25, 2023:

**From:** Byron de Arakal <[byron@trcretail.com](mailto:byron@trcretail.com)>  
**Sent:** Monday, September 25, 2023 2:56 PM  
**To:** Serrano, Jessica <[jserrano@MontereyPark.ca.gov](mailto:jserrano@MontereyPark.ca.gov)>  
**Cc:** Scott Grady <[sgrady@trcretail.com](mailto:sgrady@trcretail.com)>  
**Subject:** Atlantic Square Access Improvement Project

Good afternoon, Jessica –

We want to again thank you, Beth, and Joseph for the opportunity to share with you our draft site plan for the Atlantic Square Access Improvement Project. We also very much appreciated that Inez and Diana took time to jump into the meeting to introduce themselves.

As mentioned, we're forwarding to you a slightly modified draft site plan for the project as you requested. At this stage, we're looking for some guidance as to the appropriate application we should prepare and submit (e.g., Site Plan Review, Public Work, etc.).

FYI...we will be including a Warrants Analysis conducted by LSA when we submit our application.

Appreciate whatever guidance you and your team can provide, Jessica.

Thanks so much.

Byron

Deborah Quick, Esq.

Re: PERSONAL INTERACTION WITH REPRESENTED CLIENT

October 6, 2023

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Although there is no rule or law expressly prohibiting a represented party from initiating communications with one another without prior consent of counsel, doing so in this case is, at best, unprofessional. Such unnoticed direct contact could be used to elicit statements to be used against the City and individual defendants later in litigation. Direct communication with a represented party made at the direction of an attorney of an opposing party is a violation of the California Rules of Professional Conduct. Knowing when this might be happening can be difficult to detect.

To mitigate against even the perception of any unauthorized communications, this office has advised City staff not to engage directly with TRC about anything concerning the properties subject to this litigation without first informing the City Attorney's office. Named defendants have been advised to refrain from any direct communications whatsoever with TRC unless expressly approved by this office.

The purpose of these instructions is to ensure the ability of your Client to fully access the City on matters requiring municipal engagement, while preserving the interests of the City Defendants – particularly involving the very subject matter of litigation.

Toward that end, this office is requesting that you direct your client and its representatives that any communications with the City on any matter first go through their respective attorneys. Counsel for both sides can then review the nature of the communications and determine the most appropriate means of facilitating engagement.

We further ask that any authorized communications directly between TRC and any City staff be done through email to the greatest extent possible, with counsel for both sides openly copied on all emails, meeting invites and any other written or electronic communication. Any meetings with City staff may include a representative of the City Attorney's office being present.

Deborah Quick, Esq.  
Re: PERSONAL INTERACTION WITH REPRESENTED CLIENT  
October 6, 2023

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I appreciate you may not have been aware of the events described in this letter. But now that you are, I trust you realize the need for these precautions. Please reach out to me with any questions you may have on this correspondence and thank you in advance for your cooperation.

Sincerely,

BURKE, WILLIAMS & SORENSEN, LLP



Timothy E. Campen  
Assistant City Attorney

TEC:meh  
Enclosures

cc: Karl H. Berger, City Attorney  
Inez Alvarez, Interim City Manager  
Greg Regier, Esq. [GRegier@jacksontidus.law](mailto:GRegier@jacksontidus.law)  
Greg Powers, Esq. [GPowers@jacksontidus.law](mailto:GPowers@jacksontidus.law)

October 10, 2023

Deborah Elisabeth Quick  
DQuick@perkinscoie.com  
D. +1.415.344.7157  
F. +1.415.344.7050

**VIA ELECTRONIC MAIL**

Timothy Campen, Esq.  
Burke, Williams & Sorenson, LLP  
501 West Broadway, Suite 1600  
San Diego, CA 92101

**Re: Correspondence dated October 6, 2023**

Mr. Campen:

This letter responds to your letter dated October 6, 2023, regarding our representation of Atlantic Square, LLC, d/b/a TRC.

Rule 2-100(A) provides that “[w]hile representing a client” an attorney “shall not communicate directly or indirectly about the subject of the representation with a party the member knows to be represented by another lawyer in the matter, unless the member has the consent of the other lawyer.” We have not directly or indirectly communicated with the staff of your client, the City of Monterey Park.

“The parties have the right to communicate with each other without their counsel present.” *Issue: Attorney Represents Husband in Pending Dissolution Action* (1993) CA Eth. Op. 1993-131. “[S]uch communications can be beneficial” and “by discouraging direct communications between the parties themselves, an attorney may be failing to act competently by foreclosing opportunities to efficiently settle or resolve the dispute.” *Ibid*.

Further, Rule 2-100(C) includes an exception allowing attorney contact with a represented public official: “This rule shall not prohibit: (1) Communications with a public officer, board, committee, or body ...”. This exception acknowledges the constitutional right to petition government for redress of grievances. Cal. Const., art. 1, § 3. In the land development context, California’s legislature has codified the right to pursue and hold development entitlements while simultaneously litigating with a land use regulatory agency. See Gov’t Code § 66000 *et seq.* (Mitigation Fee Act), abrogating the holding in *Pfeiffer v. City of La Mesa* (1977) 69 Cal.App.3d 74 (A developer must either accept a permit as issued or sue to challenge it.).

It is our client’s right to contest certain actions by the City via appeal or lawsuit, while continuing to work with staff on processing development entitlements. Moreover, the people directly involved here—TRC personnel and City staff—certainly did not consider the contacts “unprofessional” or they would not have held the meetings you reference.

We trust the City will faithfully carry out its duty to receive and timely process any applications that TRC may submit during the pendency of the litigation. I want to be clear that any deviation from the City’s ordinary permitting practices would constitute an unacceptable infringement on TRC’s constitutional rights.

Timothy Campen, Esq.  
October 10, 2023  
Page 2

Sincerely,

PERKINS COIE LLP

A handwritten signature in blue ink, appearing to read "D Quick". The signature is fluid and cursive, with the first letter "D" being particularly large and stylized.

Deborah Elisabeth Quick

Cc: Karl Berger, Esq.  
Greg Regier, Esq.  
Greg Powers, Esq.

**From:** [Campen, Timothy E.](#)  
**To:** [Quick, Deborah \(Perkins Coie\)](#)  
**Cc:** [Hensley, Mary E.](#); [Hartman, Ray \(Perkins Coie\)](#); [Murphy, Alan H. \(Perkins Coie\)](#); [Berger, Karl H.](#)  
**Subject:** Re: Atlantic Square request for meeting with City staff  
**Date:** Saturday, November 4, 2023 4:43:54 PM

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Dear Deborah,

Thank you for your correspondence. I've read through your novel explanation regarding your client's belief that its representatives can meet with City staff whenever they choose.

The City Attorney, of course, is himself a public official and is responsible for protecting his client and its employees, as am I as the Assistant City Attorney. So, please refer to my previous correspondence on this matter, which reflects how the City is proceeding.

In speaking with the City Attorney, he wanted to express his anticipation of seeing the long-promised application from your client - something that the City Council specifically invited your client to file during the meeting on Wednesday. We look forward to reviewing it before the next Council meeting on November 14th, which is when the matter of legislative subpoenas will again be in the agenda (at the Council's direction).

- Tim

**Timothy E. Campen | Partner**

501 West Broadway, Suite 1600 | San Diego, CA 92101

d - 619.814.5810 | t - 619.814.5800 | f - 619.814.6799 | m - 619.861.7707

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[Burke, Williams & Sorensen, LLP](#)



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**From:** Quick, Deborah (Perkins Coie) <DQuick@perkinscoie.com>

**Sent:** Friday, November 3, 2023 3:06:20 PM

**To:** Campen, Timothy E. <TCampen@bwsllaw.com>

**Cc:** Hensley, Mary E. <MaHensley@bwsllaw.com>; Hartman, Ray (Perkins Coie) <RHartman@perkinscoie.com>; Murphy, Alan H. (Perkins Coie) <AMurphy@perkinscoie.com>

**Subject:** RE: Atlantic Square request for meeting with City staff

**[EXTERNAL]**

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Tim,

In our collective professional experience, discussions regarding a land use regulator's interpretation of local codes and permit terms are typical of the ordinary course of business between landowners and business owners, and land use regulators. Such discussions help landowners and business owners understand when a formal application may, or may not, be needed.

In connection with its continual explorations of new tenancies and pursuit of entitlements to facilitate further capital investments in Atlantic Square, TRC intends to engage in the Site Plan Review process provided for in the Monterey Park Municipal Code, see Section 21.10.190. We appreciate your acknowledgment that the City is required to "absolutely process any applications or similar submissions from your client as it would from any other person or entity," which would not require any extraordinary requirement that such application and any associated communications be routed solely through, or require the presence of, counsel for either TRC or the City.

We trust that staff will timely process TRC's entitlement applications, including by engaging in all forms of staff communication that are part of the City's ordinary land use regulatory and permitting practices, and encompassing the informal, consultative communications discussed above. All of these communications between TRC and City staff are protected by TRC's First Amendment right to petition public officials.

Your client has made clear its desire to move forward with the ordinary course of permitting and land use regulatory matters in a cooperative and productive manner, and TRC will continue to proactively engage with staff in that spirit. We therefore decline your request to require that all communications between TRC and City staff "on any matters involving the Atlantic Square property go through counsel." Far from being required by Rule 2-100, such a deviation from normal practices risks running afoul of the duty of competence. *Issue: Attorney Represents Husband in Pending Dissolution Action* (1993) CA Eth. Op. 1993-131.

Your October 6, 2023 letter states: "Any meetings with City staff may include a representative of the City Attorney's office being present." To the extent you intend this statement to serve as notice of your intent to participate in meetings or communications with TRC without our presence or consent, we do not consent to such meetings or communications. Rule 2-100 prohibits such conduct without our consent. *Issues: May Consent Under the "No Contact" Rule of California Rule of Prof'l Conduct 2-100 Be Implied, or Must It Be Provided Expressly? If Consent May Be Implied, How Is Implied Consent Determined?* (2011) CA Eth. Op. 2011-181 ("Consent of the represented party is not sufficient. Rule 2-100 specifies that the consent of the other lawyer is required in order for a member to communicate with a represented party about the subject of the representation.")

Regards -

**Deborah Quick | Perkins Coie LLP**  
SENIOR COUNSEL  
D. +1.415.344.7157

E. [DQuick@perkinscoie.com](mailto:DQuick@perkinscoie.com)

---

**From:** Campen, Timothy E. <TCampen@bwslaw.com>  
**Sent:** Monday, October 30, 2023 9:36 AM  
**To:** Quick, Deborah (SFO) <DQuick@perkinscoie.com>  
**Cc:** Hensley, Mary E. <MaHensley@bwslaw.com>  
**Subject:** Atlantic Square request for meeting with City staff

Dear Deborah,

Below is an email from your client's representative, Byron de Arakal, to Jessica Serrano, Joe Torres and others in the Monterey Park's Community Development Department.

As I stated in my Oct. 6 letter, the City of Monterey Park is committed to "ensur(ing) the ability of your Client to fully access the City on matters requiring municipal engagement, while preserving the interests of the City Defendants" whom your client is suing as an entity and as individuals. I asked that communications between the parties go through the attorneys to maintain both your client's rights to engage with the City as well as the integrity of the litigation. That has not happened, and your client continues to not only communicate directly with represented individual defendants with even copying my office or providing any notice of said communications.

So, I am writing here to reiterate my request that communications between the parties on any matters involving the Atlantic Square property go through counsel. My office has similarly advised City staff.

With that in mind, I would like to respond specifically to your client's request below to "have a conversation with (Jessica Serrano), Beth (Chow) and Joseph (Torres) about (their) prospective tenant in the context of the current Master CUP for the center and the Zoning Code." It appears your client understands the permitted uses of the property per its CUP, but wants to have a discussion with staff to find a way to accommodate a prospective tenant anyway. If you could please advise your client that City staff cannot provide legal advice on this or on any matters. Further, the City will absolutely process any applications or similar submissions from your client as it would from any other person or entity. But it appears here that your client is seeking special treatment to meet with staff before doing so to obtain guidance on how it can circumvent or change the existing CUP on the property. Your client's actions further run the risk of appearing to leverage the existing litigation to get such special treatment. Again, please advise your client to seek the advice of its own counsel to explore how to comply with the law in pursuit of its goals. The City will continue to carry out its responsibilities according to the law.

Thank you in advance for your client's anticipated cooperation.

Sincerely, - Tim

**Timothy E. Campen | Partner**

501 West Broadway, Suite 1600 | San Diego, CA 92101

d - 619.814.5810 | t - 619.814.5800 | f - 619.814.6799 | m - 619.861.7707

[tcampen@bwslaw.com](mailto:tcampen@bwslaw.com) | [bwslaw.com](http://bwslaw.com)



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**From:** Byron de Arakal <[byron@trcretail.com](mailto:byron@trcretail.com)>

**Sent:** Tuesday, October 24, 2023 3:50 PM

**To:** Serrano, Jessica <[jserrano@MontereyPark.ca.gov](mailto:jserrano@MontereyPark.ca.gov)>

**Cc:** Chow, Beth <[bchow@MontereyPark.ca.gov](mailto:bchow@MontereyPark.ca.gov)>; Torres, Joseph <[jtorres@MontereyPark.ca.gov](mailto:jtorres@MontereyPark.ca.gov)>; Scott Grady <[sgrady@trcretail.com](mailto:sgrady@trcretail.com)>

**Subject:** Atlantic Square Master CUP - Zoning Code Update

[EXTERNAL EMAIL]

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

Hi Jessica –

Thanks for your response to my email earlier today.

On a separate matter, we are following with interest the City's "Our City, Our Plan" zoning code update. We're looking forward to participating in that process relative to Atlantic Square and contributing some ideas about needed updates to permitted uses in the Shopping Center zone of the City's Land Use Table.

As you likely know, Atlantic Square is governed by a Master Conditional Use Permit first adopted in 1989 with the redevelopment entitlements for the center. The CUP was subsequently amended in 1989, twice in 1993 and in 1999 (see attached). As you can imagine, the CUP is quite dated and is overly restrictive of non-retail uses and food and beverage uses given current tenant-mix trends in retail centers. In today's retail market, shopping center tenant mixes are skewing toward a balance of non-retail (medical office, instructor-based fitness, day care, tutoring, etc.) and retail uses to match consumer preferences for one-stop convenience.

In that context, we have a major prospective non-retail tenant interested in Atlantic Square. The tenant is focused on the run of shops between Rite Aid and Big 5. The tenant would replace a dentist's office that recently left the center. The prospective tenant did reach out to the City but was told it isn't possible to accommodate their use. We reached out to Joseph Torres to schedule a meeting to discuss the prospective tenant vis a vis the Atlantic Square Master CUP and the City's existing Land Use Table. Joseph had to cancel the meeting due to a family matter.

Again, we'd like to have a conversation with you, Beth and Joseph about our prospective tenant in the context of the current Master CUP for the center and the Zoning Code.

Hope to have an opportunity to discuss at your convenience.

Regards,

Byron

**BYRON DE ARAKAL**

*Consulting Director Entitlement Planning  
and Special Projects*



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Newport Beach, CA 92660

C 714.227.4620

[Byron@TRCRetail.com](mailto:Byron@TRCRetail.com)

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