



CITY OF HUNTINGTON PARK

Community Development Department
City Council Agenda Report

October 18, 2016

Honorable Mayor and Members of the City Council
City of Huntington Park
6550 Miles Avenue
Huntington Park, CA 90255

Dear Mayor and Members of the City Council:

EXTENSION OF URGENCY ORDINANCE NO. 2016-949, PURSUANT TO GOVERNMENT CODE SECTION 65858, ESTABLISHING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF CHARTER SCHOOLS FOR TEN MONTHS FIFTEEN DAYS WITHIN THE CITY

IT IS RECOMMENDED THAT THE CITY COUNCIL:

1. Conduct a public hearing; and
2. Take public testimony; and
3. Adopt Urgency Ordinance No. 2016-950, extending Urgency Ordinance 2016-949, establishing a temporary moratorium on the establishment and operation of charter schools for ten months and fifteen days within the City.

CEQA STATUS

Adoption of an extension of an urgency ordinance is exempt from further environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*) because it establishes rules and procedures for land uses. The ordinance, therefore, is categorically exempt from further CEQA review under CEQA Guidelines § 15601(b)(3) due to the fact that no physical construction is proposed at this time.

EXTENSION OF URGENCY ORDINANCE NO. 2016-949, PURSUANT TO GOVERNMENT CODE SECTION 65856, EXTENDING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF CHARTER SCHOOLS FOR TEN MONTHS AND FIFTEEN DAYS WITHIN THE CITY

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PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

On September 6, 2016, the City Council adopted by four-fifths vote an urgency ordinance establishing a temporary moratorium on the establishment and operation of charter schools within the City. The urgency ordinance is valid for 45 days and is set to expire on October 21, 2016, unless extended by a four-fifths vote as provided for in the California Government Code.

On October 4, 2016, the City Council introduced the Staff Report as the Official Written Report as required by Government Code Section 65858(d). If adopted, the moratorium would be extended by ten months and fifteen days. The moratorium only applies to new charter school applications.

The necessity to take action on the moratorium was prompted by a high number of inquiries and requests the Community Development Department received for the establishment and operation of charter schools within the community. In addition, the current provisions in the Huntington Park Municipal Code (HPMC) have been determined to be inadequate, as they do not properly regulate the impacts in a manner that is consistent with the City's policies, goals, and objectives of the General Plan.

Staff has reviewed the HPMC and has identified needed revisions. To date, staff has initiated the following:

- Researched other municipality's municipal codes relating to charter schools.
- Identified potential changes to the HPMC.
- Identified potential zones where charter schools can locate.

FISCAL IMPACT/FINANCING

The proposed moratorium would not have any direct impact to the General Fund aside from a potentially positive economic impact if the City acts to protect the supply of its commercial properties from non-income generating uses such as Charter Schools.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Pursuant to Government Code Section 65858, a city may establish a moratorium prohibiting any use that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body is considering or studying or intends to study within a reasonable time. That urgency measure shall require a four-fifths vote of the legislative body for adoption. The interim ordinance shall be of no further force and effect 45 days from its date of adoption.

EXTENSION OF URGENCY ORDINANCE NO. 2016-949, PURSUANT TO GOVERNMENT CODE SECTION 65856, EXTENDING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF CHARTER SCHOOLS FOR TEN MONTHS AND FIFTEEN DAYS WITHIN THE CITY

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After notice, pursuant to Section 65090 and public hearing, a city's legislative body may extend the interim ordinance for ten months and fifteen days and subsequently extend the interim ordinance for one year. Any extension shall also require a four-fifths vote for adoption. Not more than two extensions may be adopted.

CONCLUSION

Pursuant to Section 65858 of the California Government Code, the proposed Ordinance extending the urgency moratorium establishing a temporary moratorium on the establishment and operation of charter schools within the City will be scheduled for the October 18, 2016 City Council meeting. In the meantime, the City staff will continue to review and analyze potential modifications to the City's zoning code to adequately regulate and address impacts related to charter school uses. If approved by four-fifths of the City Council, the extension to the temporary moratorium shall become effectively immediately and shall remain in effect for a period of ten months and fifteen days.

Respectfully submitted,



EDGAR P. CISNEROS
City Manager

ATTACHMENT(S)

- A. Urgency Ordinance No. 2016-950, Extending Urgency Ordinance No. 2016-949, a Temporary Moratorium on the Establishment and Operation of Charter Schools for Ten Months and Fifteen Days within the City

ORDINANCE NO. 2016-950

**AN URGENCY ORDINANCE OF THE CITY
COUNCIL OF THE CITY OF HUNTINGTON PARK,
CALIFORNIA EXTENDING URGENCY ORDINANCE
NO. 2016-949, A TEMPORARY MORATORIUM ON
THE ESTABLISHMENT AND OPERATION OF
CHARTER SCHOOLS FOR TEN MONTHS AND
FIFTEEN DAYS WITHIN THE CITY**

WHEREAS, the City of Huntington Park is a general law city, incorporated under the laws of the State of California; and

WHEREAS, the City has an interest in planning and regulating the use of property within the City; and

WHEREAS, implicit in any plan or regulation is the City's interest in maintaining the quality of urban life and the character of the City's neighborhoods; and

WHEREAS, without stable, well-planned neighborhoods, sections of the City can quickly deteriorate, with tragic consequences to social, environmental, and economic values; and

WHEREAS, under the City Zoning Ordinance, the City regulates the uses of property and location of uses within the City; and

WHEREAS, the City has received a proliferation of inquiries and requests for the establishment and operation of charter schools within the City that, if approved, may be incompatible with current land uses and the General Plan; and

WHEREAS, the City desires to extend an urgency moratorium on the establishment and operation of charter schools to provide the City time to study the adequacy of the existing Huntington Park Municipal Code to determine whether they are adequate to ensure that future charter schools, and the expansion or relocation of existing charter schools, will be located and regulated in a manner that protects the public from impacts and satisfies the policies, goals and objectives of the General Plan; and

WHEREAS, Government Code section 65858 authorizes the extension of an urgency ordinance, after a public hearing, to protect the public health, safety and welfare and to prohibit certain land uses that may conflict with land use regulations that the City's legislative bodies are considering or intend to study; and

1 **WHEREAS**, the City Council now desires to adopt this extension of an urgency ordinance,
2 effective immediately, and declaring and establishing an extension of an urgency moratorium on the
3 establishment and operation of charter schools within the City.

4 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HUNTINGTON**
5 **PARK DOES HEREBY ORDAIN AS FOLLOWS:**

6 **SECTION 1:**

7 A. Moratorium. The establishment and operation of charter schools is prohibited City-wide and
8 there shall be no approval or issuance of licenses, permits or other entitlements for the establishment,
9 construction, and development of charter schools to any person, partnership, corporation, or other entity
10 or association.

11 B. Term. Except as extended by Government Code Section 65858, this moratorium shall last until
12 a detailed study may be made and the zoning and public hearing process pertaining to those matters is
13 completed, or for a period of ten months and fifteen days from the effective date, whichever occurs
14 sooner.

15 C. Exemptions. The provisions of this Ordinance shall not apply to applications that City staff has
16 deemed completed before the effective date of this Ordinance.

17 **SECTION 2:**

18 Written Report. Government Code Section 65858(d) requires the City Council to issue a written report
19 describing the measures which the City has taken to address the conditions which led to the adoption of
20 this Ordinance at least ten (10) days prior to the expiration of this Ordinance, or any extension thereof.
21 In compliance with Government Code Section 65858(d), the City Council issued its written report on
22 October 4, 2016.

23 **SECTION 3:**

24 CEQA. The City Council on the basis of the whole record and exercising independent judgment finds
25 that the proposed action is considered to be exempt from the provisions of the California
26 Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines, in that
27 the proposed action consists of the adoption of a zoning moratorium ordinance which does not have the
28 potential for causing a significant effect on the environment.

1 **SECTION 4:**

2 Severability. If any section, subsection, sentence clause or phrase or word of this Ordinance is for any
3 reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction or
4 preempted by state legislation such decision or legislation shall not affect the validity of the remaining
5 portions of this Ordinance. The City Council of the City of Huntington Park hereby declares that it
6 would have passed this Ordinance and each and every section, subsection, sentence clause or phrase or
7 word not declared invalid or unconstitutional without regard to any such decision or preemptive
8 legislation.

9 **SECTION 5:**

10 Effective Date. The extension of this Ordinance shall become effective immediately if the extension is
11 adopted by at least four-fifths vote of the City Council and shall be in effect for ten months and fifteen
12 days unless extended by the City Council as provided for in Section 65858 of the Government Code.

13 **SECTION 6:**

14 Findings. This Ordinance is an interim ordinance adopted as an urgency measure pursuant to
15 Government Code Section 65858 for the immediate preservation of the public health, safety, and
16 welfare. This Ordinance is necessary based on the following findings:

17 A. The City has received numerous inquiries and requests for the establishment and operation of
18 charter schools within the City that may be incompatible with current land uses and the General Plan.

19 B. The City's Municipal Code does not have development standards specifically for charter schools.
20 Having developments standards helps regulate and control adverse impacts associated or implicated by
21 certain uses.

22 C. Certain locations within the City have already experienced adverse impacts due to charters schools.
23 Communities within the vicinity of charter schools have experienced impacts to vehicle circulation,
24 parking, and noise.

25 D. Under the existing regulations, as applications for approval or issuance of licenses, permits or other
26 entitlements for the establishment, construction, and development of charter schools submitted to the
27 City, there is no determination whether the locations and regulation of such uses are consistent with the
28 purpose and intent of the City's Zoning Ordinance, which may undermine public health, safety, and

1 welfare.

2 E. Due to the City's changed characteristics, the existing zoning regulations do not adequately regulate
3 the establishment, construction, and development of charter schools in a manner that will ensure
4 compatibility with other land uses and the establishment, construction, and development of charter
5 schools may threaten the public health, safety, and welfare.

6 F. To ensure the City's Municipal Code is consistent with the goals, policies and standards of the
7 General Plan and the goals of the City Council to protect the public health, safety, and welfare, the City
8 will take steps to study the effect of charter schools and further study the adequacy of the existing
9 Zoning Ordinance, and if necessary, develop appropriate land use regulations which may include
10 updating its municipal code and zoning ordinance.

11 G. There is a current and immediate threat to the public health, safety, and welfare based on the above
12 findings, and upon that basis an urgency ordinance seeking a moratorium on the establishment and
13 operation of charter schools is warranted to protect the public against potential negative health, safety,
14 and welfare impacts and to address potential deficiencies in the Zoning Ordinance associated with
15 charter schools.

16 **SECTION 7:** The City Clerk shall certify to the passage of this Ordinance and shall cause the
17 same to be published in the manner prescribed by law.

18 **PASSED, APPROVED AND ADOPTED** this ____ day of _____, 2016.

19
20 _____
21 Graciela Ortiz, Mayor

22 Attest:

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24 _____
25 Donna G. Schwartz, CMC
26 City Clerk
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