

## ORDINANCE NO. 2246

### **AN INTERIM ORDINANCE EXTENDING URGENCY ORDINANCE NO. 2245 - PROHIBITING PERMITS FOR LAND USE ENTITLEMENTS WITHIN THE MCCASLIN BUSINESS PARK TO CONSIDER ADOPTING A SATURN PARK SPECIFIC PLAN IN ACCORDANCE WITH THE MONTEREY PARK LAND USE ELEMENT OF THE GENERAL PLAN**

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

SECTION 1: This Ordinance is adopted pursuant to Government Code §§ 36937, 65858, and other applicable laws.

SECTION 2: *Findings.* The City Council finds, determines and declares as follows:

- A. The City may adopt and enforce all laws and regulations not in conflict with the general laws and the City holds all rights and powers established by California law.
- B. On June 17, 2020, the City Council approved the Land Use and Urban Design Element to the Monterey Park General Plan (the “2020 LUE”). Thereafter, the 2020 LUE was placed onto the November 3, 2020 ballot as Measure JJ. Following voter approval on November 3, 2020, the 2020 LUE (via Ordinance No. 2198) became effective on December 2, 2020.
- C. Section 3(A) of Ordinance No. 2198 authorizes the City Council to implement the 2020 LUE by, among other things, adopting zoning regulations. Section 4 of Ordinance No. 2198 provides that Measure JJ must be interpreted to be consistent with all applicable law; Section 6 of Ordinance No. 2198 provides that Measure JJ must be broadly construed to achieve the voter’s intent in approving Measure JJ.
- D. Monterey Park Municipal Code (“MPMC”) Chapter 21.14 was added by Measure D on April 14, 1998 (via Ordinance No. 1933). Measure D provided zoning regulations for the area identified as McCaslin Business Park.
- E. The Regulating Plan of the General Plan Land Use Element (Figure LU-4 to the 2020 LUE) renamed this area as “Saturn Park” with a designated land use of “Innovation/Technology.” Goal 25 of the 2020 LUE directs the City Council to revitalize Saturn Park as a destination business park for high-quality service industry, research and development, and emerging industry jobs. This directive is further

refined via Policy Nos. 25.1 to 25.3.

- F. The 2020 LUE also provides that the City Council should ensure flexible zoning regulations; support local businesses; maintain a proactive economic development program; and invest in commercial corridors (Policy Nos. 1.1 to 1.4).
- G. The City's Housing Element reflects the City's desire to encourage construction of housing that is attainable for households of all income levels. Among other things, the City Council determined that the City should take proactive actions to increase the availability of dwelling units on underutilized properties (see, e.g., Section 5(C) of Resolution No. 2022-R90, adopted November 16, 2022).
- H. It is anticipated that the Saturn Park Advisory Review Committee ("SPARC") will consider incorporating a residential component into the SPSP to help enhance the Innovation/Technology land use designation identified in the 2020 LUE. Among other things, this would:
  - 1. Allow employees to live near their workplace, reducing vehicle trips.
  - 2. Allow companies to offer subsidized housing as an employee benefit and amenity to attract talent.
  - 3. Facilitate a live-work-play environment where residential, office, and recreational spaces coexist.
  - 4. Foster closer social connections and a sense of community among employees who can interact more freely outside of work.
  - 5. Align with the post-pandemic shift towards more flexible and hybrid workplace models.
- I. Such efforts are reflected in "real world" developments such as the West Edge in Los Angeles (<https://westedgela.com>).
- J. Additionally, the California Legislature is seeking various methods for promoting housing such as AB 1532 (Haney, 2023) which, were it approved, would allow office conversion projects by right within all zones. While this "Office to Housing Conversion Act" failed to advance within the Legislature, it represents the latest legislative path taken by the Legislature to encourage more housing within local jurisdictions.

- K. A review of the 2020 LUE, the Certified Housing Element (March 30, 2023), and MPMC Chapter 21.14 shows that the existing zoning regulations are inconsistent with the voters' vision for Saturn Park; the zoning regulations must be reconciled with the most recent voter directives in Measure JJ, the California Legislature's directives (as reflected in the City's Certified Housing Element), and California law.
- L. In April 2024, the Planning Commission considered conceptual renderings and land uses for Saturn Park during two meetings. Thereafter, on May 22, 2024, the City Council created the SPARC to receive and implement community input for drafting a Saturn Park Specific Plan ("SPSP").
- M. On May 23, 2024, representatives from 1980 Saturn met with the Mayor, City Manager, City Attorney, Assistant City Manager, and Community Development Director to plan for a data center at that location – which is a permissible use pursuant to MPMC Chapter 21.14 but inconsistent with the 2020 LUE land use designation for Saturn Park. Additionally, on January 11, 2024, the City's Community Development Department received applications for a conditional use permit and design review for a data center proposed at 1977 Saturn Street.
- N. As set forth in the City Council staff report dated June 5, 2024, it is anticipated that the SPARC would conclude its meetings in August or September of 2024 and provide the City Council with its recommendations regarding the SPSP at that time. The SPSP would implement the 2020 LUE as to Goal 25 and the Innovation/Technology land use designation.
- O. Without the enactment of this Ordinance, the voter's vision for revitalizing Saturn Park via Measure JJ and the 2020 LUE would be thwarted: pending applications for land uses currently allowed by MPMC Chapter 21.14, if approved, would lock in certain types of land uses for the foreseeable future.
- P. The City Council determines that the MPMC requires updating to protect the public against health, safety, and welfare dangers caused by multiple applicants relying upon outdated land use regulations. The City needs additional time to prepare, evaluate and adopt reasonable regulations to implement the voter's direction in Measure JJ and to ensure such regulations are applied in a nondiscriminatory manner.
- Q. To prevent frustration of these studies and the implementation of new

regulations, the public interest, health, safety, and welfare require enactment of this Ordinance. The absence of this Ordinance would impair the orderly and effective implementation of contemplated MPMC amendments, and any further authorization of these uses within the City during the period of the moratorium may conflict with or frustrate the contemplated updates and revisions of the MPMC.

- R. Based on the foregoing, the City finds that that this Ordinance is necessary in order to protect the City from the potential effects and impacts of outdated land uses and the accompanying impacts from traffic and commerce on City streets, impacts on parking availability in the business areas of the City, the aesthetic impacts to the City, and other similar or related effects on property values and the quality of life in the City's neighborhoods.
- S. The City Council further finds that this moratorium is a matter of local and City-wide importance and is not directed towards any business that currently seeks to utilize MPMC Chapter 21.14.
- T. On June 18, 2024, the City Council adopted Urgency Ordinance No. 2245, prohibiting permits for land use entitlements within the McCaslin Business Park to consider adopting a Saturn Park Specific Plan in accordance with the Land Use Element of the General Plan. That ordinance will expire on August 2, 2024 (45 days after adoption).
- U. The City Council further finds that additional time is necessary to allow for public outreach efforts to conclude before providing additional direction to staff related to Saturn Park, including, without limitation, the creation of the SPSP.

SECTION 3: *Environmental Assessment.* Adoption of this 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 operation of existing facilities; minor temporary use of land; minor alterations in land use; new construction of small structures; and minor structures accessory to existing commercial facilities. This Ordinance, therefore, is categorically exempt from further CEQA review under CEQA Guidelines §§ 15301; 15303, 15304(e); 15305; and 15311. Further, the adoption of this Ordinance is also exempt from review under CEQA pursuant to CEQA Guidelines § 15061(b)(3) because the Ordinance is for general policies and procedure-making. This Ordinance does not authorize any new development entitlements, but simply establishes policies and procedures for allowing the previously approved project to be constructed. Any proposed project that will utilize the changes set forth in this Ordinance will be subject to CEQA review as part of

the entitlement review of the project. The Ordinance will not adversely impact the environment and is therefore exempt from the provisions of CEQA.

SECTION 4: *Interim regulations.* The following provisions are adopted as interim requirements for issuing permits pursuant to the MPMC for land uses within Saturn Park, and any construction or operation in the City in conflict with these provisions is expressly prohibited:

- A. **Restricted Activities.** For a period of 90 days after adoption of this Ordinance, the City will not issue any permit or land use entitlement to any person or entity for constructing, placing, or operating within the McCaslin Business Park, i.e., Saturn Park utilizing MPMC Chapter 21.14. The City Manager, or designee, must review any application for a permit or land use entitlement to determine compliance with the provisions of this Ordinance. City employees, and City boards and commissions, are directed to refrain from accepting or approving any application for any land use entitlement, including, without limitation, use permits, variances, building permits, licenses and certificates of occupancy, necessary for constructing, placing, or operating within the Saturn Park area, and to refrain from issuing approvals for any land use entitlement for any pending applications already received. These restrictions do not apply to construction projects with active building permits and any emergency repairs or replacement of an element of a building, structure, utility system, or equipment that is essential to protect the public health, safety and welfare. These prohibitions will remain effective for 90 days following adoption of this Ordinance.
  
- B. **Exempted Activities.** During the effectiveness this Ordinance, or any extension, the City may issue any permit or land use entitlement to any person or entity for constructing, placing, or operating within the McCaslin Business Park, i.e., Saturn Park, only if the criteria in this Section 4 are satisfied. The City Manager, or designee, must review any application for a permit or land use entitlement to determine compliance with the provisions of this Ordinance. City employees, City boards and commissions, and the City Council are permitted to accept, process and approve certain applications for land use entitlements, including, without limitation, use permits, variances, building permits, licenses and certificates of occupancy, necessary for constructing, placing, or operating within the Saturn Park area, only for development applications that: (1) were filed with the City before April 15, 2024; (2) include or are amended to include a development agreement per Chapter 21.44 of the Monterey Park Municipal Code; and (3) obtain City Council approval of the development agreement before, or concurrent with, approval of the project entitlements proposed in the timely-filed application. This

exemption will remain effective for the term of this Ordinance, and any extensions.

SECTION 5: Construction. This Ordinance must be broadly construed 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: Enforceability. Repeal of any provision of the MPMC does 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 7: Validity of Previous Code Sections. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the MPMC or other city ordinance by this Ordinance will be rendered void and cause such previous MPMC provision or other the city ordinance to remain in full force and effect for all purposes.

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: Publication. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 10: Report. Pursuant to Government Code § 65858, the City Manager, or designee, must prepare a report for City Council consideration describing the measures taken to address the conditions which led to adoption of this Ordinance. This report must be provided to the City Council so that it may be considered and issued not later than 10 days before this Ordinance expires. The report was made available to the City Council and public on July 3, 2024, posted at the City's posting places and at the City's website.

SECTION 11: Effective Date. This Ordinance will become effective immediately upon adoption pursuant to Government Code §§ 36937 and 65858 for the immediate preservation of the public peace, health, safety, and welfare.

SECTION 12: Expiration Date. Urgency Ordinance No. 2245 is hereby extended pursuant to Government Code Section 65858 for 90 days past the initial expiration

date of Urgency Ordinance No. 2245 so as to extend the moratorium until October 31, 2024, unless a subsequent ordinance is adopted by the City Council that extends this date.

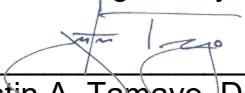
PASSED AND ADOPTED this 17<sup>th</sup> day of July, 2024.

  
Thomas Wong, Mayor

ATTEST:

  
Maychelle Yee, City Clerk

APPROVED AS TO FORM:  
Karl H. Berger, City Attorney


  
Justin A. Tamayo, Deputy City Attorney

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    )     §  
CITY OF MONTEREY PARK        )

I, Maychelle Yee, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Interim Ordinance No. 2246 was duly passed, approved and adopted at its regular meeting held on 17<sup>th</sup> day of July, 2024 by the following vote:

Ayes:            Council Members: Lo, Yiu, Ngo, Wong  
Noes:            Council Members: None  
Absent:          Council Members: Sanchez  
Abstain:         Council Members: None  
Recusal:         Council Members: None

Dated this 17<sup>th</sup> day of July, 2024.

  
Maychelle Yee, City Clerk  
City of Monterey Park, California