

URGENCY ORDINANCE NO. 24-1752U

**AN URGENCY ORDINANCE OF THE CITY OF NORWALK, CALIFORNIA
IN ACCORDANCE WITH GOVERNMENT CODE SECTION 65858, A
MORATORIUM TO ESTABLISH, IMPLEMENT OR OPERATE
(TEMPORARILY OR PERMANENTLY) CONVENIENCE STORES
(LIQUOR STORES), DISCOUNT STORE, PERSONAL USE –
LAUNDROMAT, VEHICLE/AUTOMOBILE—WASHING, PAYDAY LOAN
ESTABLISHMENTS, EMERGENCY SHELTERS, SINGLE-ROOM
OCCUPANCY, SUPPORTIVE HOUSING, AND TRANSITIONAL
HOUSING**

WHEREAS, the City of Norwalk ("City") has the police power, pursuant to Article XI, section 7 of the California Constitution, to make and enforce ordinances to regulate the use of land within its jurisdictional boundaries to the extent such regulations are not in conflict with the general laws of the state of California; and

WHEREAS, Government Code Section 65858 expressly authorizes the City Council, in order to protect public health, safety, and welfare, to adopt an interim urgency ordinance prohibiting uses that are in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the community development department is considering or studying or intends to study within a reasonable time, provided that the urgency measure shall require four-fifths (4/5) vote of the legislative body or adoption, and shall be of no further force and effect forty-five (45) days from its date of adoption, unless duly extended; and

WHEREAS, Government Code Sections 36934 and 36937 expressly authorizes the City Council to enact urgency ordinances, which take effect immediately upon introduction, for the immediate preservation of the public peace, health, safety, containing a declaration of the facts constituting the urgency, and which must be passed by four-fifths (4/5) vote of the City Council; and

WHEREAS, the City has determined that there is an unprecedented demand for the establishment and operation of convenience stores (liquor stores), discount stores, personal use – laundromat, vehicle/automobile- washing, payday loan establishments resulting in the proliferation of such uses within City boundaries; and

WHEREAS, the City has determined that there is an unprecedented demand for the establishment and operation of emergency shelters, single-room occupancy, supportive housing, and transitional for persons experiencing homelessness due to the housing crisis and shortage throughout the State; and

WHEREAS, the City of Norwalk, has determined that the aforementioned uses have a detrimental impact upon the City, which are not being addressed by the City's current ordinances and zoning regulations; and

WHEREAS, there is a need to study and develop policy guidance to ensure there is a logical relationship between the placement of the aforementioned use and available to avoid the deleterious effects on sensitive land uses; and

WHEREAS, the City intends to update the Norwalk Zoning Ordinance to further address the potential side effects of aforementioned uses to ensure that they are properly regulated within the City; and

WHEREAS, City staff, the City Planning Commission, and the City Council, each requires a reasonable period of time to study existing aforementioned uses and development standards to determine the potential adverse impacts on the environment, traffic, aesthetics, and visual quality of properties within the City, and to make recommendations and appropriate alternative regulations for the aforementioned uses within the City; and

WHEREAS, the City desires to establish, on an urgency basis, a temporary moratorium on the establishment, implementation, operation of the aforementioned uses within the City through the adoption of this Ordinance to further the purposes stated herein; and

WHEREAS, the City Council finds this Urgency Ordinance is necessary for the immediate preservation of the public peace, health and safety of the residents of the City of Norwalk; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred, and the City Council has duly considered all evidence presented in connection with its consideration of this Ordinance which justify adoption of this Ordinance as an emergency measure to be effective immediately upon adoption by a majority vote of the City Council.

THE CITY COUNCIL OF THE CITY OF NORWALK DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Norwalk hereby finds and determines that all of the foregoing recitals are true and correct and are incorporated as part of the City's findings.

Section 2. The City Council of the City of Norwalk finds that this action is exempt under the California Environmental Quality Act (CEQA), because it is an administrative activity of government that will not result in direct or indirect physical changes in the environment, and therefore does not constitute a "project" as defined by CEQA Guidelines section 15378.

Section 3. The City Council of the City of Norwalk hereby adopts this Urgency Ordinance as an emergency measure pursuant to Government Code Section 36934 for the immediate preservation of the public peace, health, and safety, and is adopted and justified based on the findings set forth in the Recitals of this Ordinance; which are supported by substantial evidence in the record associated with the City Council's consideration hereof.

Section 4. Immediate Threat. The City Council finds that there is a current and immediate threat to public health, safety, and welfare posed by the aforementioned uses and over proliferation in all areas of the City, due to the insufficiency of regulations under the Norwalk Zoning Ordinance. This Ordinance is necessary as an urgency measure to address said threats to public health, safety, and welfare.

Section 5. Moratorium. Accordingly, pursuant to California Government Code Section 65858, the Norwalk City Council hereby approves Urgency Ordinance No. 24-1752U, adopting a citywide moratorium to establish, implement, operate the following uses as listed and defined below:

"Convenience Store (Liquor Store)" means a market or grocery store having an enclosed gross floor area of less than 10,000 square feet, and engaged primarily in the sale of a limited range of prepackaged food items, and secondarily in a limited range of household items, magazines, off-sale alcoholic beverages and similar items.

"Discount Store" means retail establishments that sell a broad range of new outlet, close-out, discontinued, liquidation, or overstock and general merchandise, primarily at a single discount price and/or in the low and very low price ranges.

"Personal Use - Laundromat" means includes any facility or establishment providing non-medical services as a primary use including self service laundromats.

"Vehicle/automobile—washing" means establishments providing hand-operated, self-service, or mechanical automobile washing services, and may include detailing.

"Payday loan establishment" means a person or entity that engages in conduct regulated by Division 10, Section 23000 et seq., of the California Financial Code relating to deferred deposit transactions as defined therein.

"Emergency Shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

"Single Room Occupancy" or "SRO housing" means a dwelling within a multiple-family dwelling structure, between 150 and 350 square feet, with a room and space for a bed; a closet; a full kitchen including sink, space for a refrigerator and a stove, range top or oven; and a separate bathroom with sink, toilet, and bathtub or shower. An SRO unit shall accommodate a maximum of two persons.

"Supportive Housing" means housing with no limit on length of stay that is occupied by a specified target population defined in Section 50675.14 of the California Health and Safety Code and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing is a residential use subject to the same

regulations and procedures that apply to other residential uses of the same type in the same zone.

"Transitional Housing" means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time that shall be no less than six months from the beginning of the assistance.

The uses identified above as *"Emergency Shelter," "Single Room Occupancy," "Supportive Housing" and "Transitional Housing"* shall include existing hotels, motels, inns or other temporary accommodations. The intent of this Urgency Ordinance and moratorium is intended to prohibit the transformation of use of existing hotels, motels, inns or other temporary accommodations into the various uses identified herein.

During the moratorium, the City shall not issue any permits or entitlements inconsistent with this Urgency Ordinance after August 6, 2024.

Section 6. Duration of Ordinance. This Moratorium is enacted pursuant to the authority conferred upon the City Council of the City of Norwalk by Government Code Section 65858, and therefore shall be in full force and effect immediately upon its adoption by a four-fifths (4/5) vote of the City Council. This Moratorium shall continue in effect for forty-five (45) days from the date of its adoption and shall therefore be of no further force and effect, unless after notice pursuant to Government Code Section 65090 and a public hearing, the City Council extends the Moratorium for an additional period of time pursuant to Government Code Section 65858. Notwithstanding the foregoing, parties who seek to obtain an exemption to the prohibitions, restrictions and limitations imposed by this Urgency Ordinance may apply for a waiver from this moratorium with the Department of Community Development which may be reviewed, approved or denied administratively or may be subject to review by the City's Planning Commission and/or City Council, whose approval or denial shall be within their sole discretion and constitute the final administrative review of the request for waiver or exemption of the Urgency Ordinance.

Section 7. Enforcement. The City of Norwalk may enforce any provision of this Ordinance by mandamus, injunction, or any other appropriate civil remedy in any court of competent jurisdiction.

Section 8. Severability. If any section, subsection, paragraph, sentence, clause, phrase, or portion thereof, of this Ordinance is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance, and each section, subsection, paragraph, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, phrases, or portions thereof, be declared invalid or unconstitutional. To this end, the provisions of this Ordinance are declared to be severable.

Section 9. The City Council of the City of Norwalk hereby passes this Urgency Ordinance by a four-fifths vote of the City Council.

Section 10. The City Clerk shall attest and certify to the adoption of this Ordinance and shall cause this Ordinance to be published or posted as required by law.

Section 11. This Ordinance shall go into effect and be in full force and effect immediately upon adoption.

PASSED, APPROVED, AND ADOPTED this 6th day of August 2024.


MARGARITA L. RIOS
MAYOR

ATTEST:

I, **Theresa Devoy**, CMC, City Clerk of the City of Norwalk, California, **DO HEREBY CERTIFY** that the foregoing is a full, true and correct copy of Interim Urgency Ordinance No. 24-1752U; it has been published pursuant to State law; was introduced and adopted at a regular meeting of the City Council held August 6, 2024, as Interim Urgency Ordinance No. 24-1752U of the City of Norwalk and said Ordinance has been duly signed by the Mayor and attested by the City Clerk and that the same was approved and adopted by the following vote to wit:

AYES: Councilmembers Perez, Ramirez, and Valencia, Vice Mayor Ayala, and Mayor Rios
NOES: None
ABSENT: None


THERESA DEVOY, CMC
CITY CLERK