

15. URGENCY ORDINANCE NO. 24-1753U - EXTENDING A MORATORIUM TO ESTABLISH, IMPLEMENT OR OPERATE (TEMPORARILY OR PERMANENTLY) CONVENIENCE STORES (LIQUOR STORES), DISCOUNT STORES, PERSONAL USE – LAUNDROMATS, VEHICLE/AUTOMOBILE WASHING, PAYDAY LOAN ESTABLISHMENTS, EMERGENCY SHELTERS, SINGLE-ROOM OCCUPANCY, SUPPORTIVE HOUSING, AND TRANSITIONAL HOUSING LOCATED IN THE CITY OF NORWALK FOR AN ADDITIONAL 10 MONTHS AND 15 DAYS

Staff recommends City Council adopt Urgency Ordinance No. 24-1753U, EXTENDING A MORATORIUM TO ESTABLISH, IMPLEMENT OR OPERATE (TEMPORARILY OR PERMANENTLY) CONVENIENCE STORES (LIQUOR STORES), DISCOUNT STORES, PERSONAL USE – LAUNDROMATS, VEHICLE/AUTOMOBILE – WASHING, PAYDAY LOAN ESTABLISHMENTS, EMERGENCY SHELTERS, SINGLE-ROOM OCCUPANCY, SUPPORTIVE HOUSING, AND TRANSITIONAL HOUSING LOCATED IN THE CITY OF NORWALK FOR AN ADDITIONAL 10 MONTHS AND 15 DAYS, and waive further reading.

URGENCY ORDINANCE NO. 24-1753U

AN URGENCY ORDINANCE OF THE CITY OF NORWALK, CALIFORNIA IN ACCORDANCE WITH GOVERNMENT CODE SECTION 65858, EXTENDING A MORATORIUM TO ESTABLISH, IMPLEMENT OR OPERATE (TEMPORARILY OR PERMANENTLY) CONVENIENCE STORES (LIQUOR STORES), DISCOUNT STORES, PERSONAL USE – LAUNDROMATS, VEHICLE/AUTOMOBILE WASHING, PAYDAY LOAN ESTABLISHMENTS, EMERGENCY SHELTERS, SINGLE-ROOM OCCUPANCY, SUPPORTIVE HOUSING, AND TRANSITIONAL HOUSING LOCATED IN THE CITY OF NORWALK FOR AN ADDITIONAL 10 MONTHS AND 15 DAYS

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, on August 6, 2024, the City Council adopted Urgency Ordinance No. 24-1752U, establishing a temporary forty-five (45) day moratorium on the establishment, implementation or operation (temporarily or permanently) convenience stores (liquor stores), discount stores, personal use – laundromats, vehicle/automobile washing, payday loan establishments, emergency shelters, single-room occupancy, supportive housing, and transitional housing located in the City; and

WHEREAS, the temporary forty-five (45) day moratorium is scheduled to expire on September 20, 2024, unless extended pursuant to Government Code Section 65858, which authorizes the City Council, after notice pursuant to Government Code Section 65090 and a public hearing, to adopt an ordinance extending the Moratorium for a term of ten (10) months and fifteen (15) days, upon approval by a four-fifths (4/5) vote, and upon making the same findings required for initial adoption of the Moratorium; and

WHEREAS, Government Code Section 65858(d) requires the City Council, ten (10) days prior to expiration of the Moratorium or any extension thereof, to issue a written

report describing the measures taken to alleviate the condition(s) which led to the adoption of the Moratorium; and

WHEREAS, in accordance with Government Code Section 65858(d), on September 3, 2024, the City Council approved the ten (10) day report, describing the measures being taken to alleviate the conditions which led to the adoption of the temporary forty-five (45) day moratorium; 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 emergency shelters, single-room occupancy, supportive housing, and transitional housing for persons experiencing homelessness due to the housing crisis and shortage throughout the State; and

WHEREAS, the establishment and operation of convenience stores (liquor stores), discount stores, personal use – laundromat, vehicle/automobile-washing, payday loan establishments, emergency shelters, single-room occupancy, supportive housing, and transitional housing if not sufficiently regulated, could increase the risk of negative public health and public safety outcomes and other adverse impacts in which additional time is needed by City staff to determine and quantify impacts to the City and research of other cities for development and performance standards; and

WHEREAS, the City of Norwalk, has determined that the aforementioned uses may 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 logical relationship between the placement of the aforementioned uses 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, public safety, 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, city staff, began researching the issue related to the aforementioned uses but requires more time after September 20, 2024, to complete the research necessary to alleviate the conditions which lead to the adoption of the Moratorium; and

WHEREAS, the City Council wishes to extend the Moratorium for a period of ten (10) months and fifteen (15) days, or until the City Council adopts an ordinance addressing the issues raised, whichever comes first; and

WHEREAS, at a duly noticed public hearing on September 17, 2024, testimony evidence was heard and presented from all persons interested in affecting said proposal to extend the Moratorium, from all persons protesting the same and from members of the City staff, and the City Council has reviewed, analyzed, considered, and studied all oral and written testimony and evidence presented at such public hearing, including staff reports and presentations by City staff; 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 posted 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. Ten (10)-Day Report. In accordance with Government Code Section 65858(d), on September 3, 2024, the City Council issued a written report describing the measures being taken to alleviate the conditions that lead to the adoption of the Moratorium and this extension thereof.

Section 6. Moratorium. Accordingly, pursuant to California Government Code Section 65858, the Norwalk City Council hereby approves Urgency Ordinance No. 24-1753U, 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.

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

Section 7. Duration of Ordinance. This Moratorium is hereby extended for an additional ten (10) months and 15 days beyond its original expiration date, such that the Moratorium will expire on August 5, 2025, or until the City Council adopts an ordinance addressing the issues related to the establishment, implementation or operation (temporarily or permanently) convenience stores (liquor stores), discount stores, personal use – laundromats, vehicle/automobile washing, payday loan establishments, emergency shelters, single-room occupancy, supportive housing, and transitional housing located in the City, whichever occurs first. Thereafter, this Moratorium extension shall be of no further force and effect, unless, after a duly noticed public hearing pursuant to Government Code Section 65090, the City Council further extends the Moratorium for an additional period of time pursuant to Government Code Section 65858.

Section 8. Waivers. 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 9. 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 10. 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 11. The City Council of the City of Norwalk hereby passes this Urgency Ordinance by a four-fifths (4/5) vote of the City Council.

Section 12. 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 13. This Ordinance shall go into effect and be in full force and effect immediately upon adoption.

PASSED, APPROVED, AND ADOPTED this 17th day of September 2024.

**MARGARITA L. RIOS
MAYOR**

ATTEST:

**THERESA DEVOY
CITY CLERK**