

URGENCY ORDINANCE NO. 2949

AN URGENCY INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE IMPOSING A MORATORIUM ON THE APPROVAL OF SUBSTANCE ABUSE TREATMENT CENTERS PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65858.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

Section 1. Legislative Intent and Findings.

A. Pursuant to California Government Code Section 65858, the City Council finds and determines that a current and immediate threat to the public health, peace, safety and general welfare exists which necessitates the immediate enactment of this Ordinance for the immediate preservation of the public health, peace, safety and general welfare based upon the facts set forth in this Ordinance and the facts presented to the City Council. The approval of Substance Abuse Treatment Centers, as defined below, would result in a threat to the public health, safety, and general welfare of the City's residents and businesses absent specific development standards and review processes applicable to such uses to prevent and/or mitigate negative impacts that may be created with their development or establishment. Furthermore, approval of Substance Abuse Treatment Centers in mixed use zones could cause the City to violate State Housing Laws which require compliance with Housing Element policies to promote housing opportunities and to implement no net loss requirements for uses or activities that prevent the development of housing.

B. "Substance Abuse Treatment Centers" are facilities or clinics that operate outpatient treatment and counseling centers that in addition to counseling treat individuals with opioid use disorder by employing medicines such as methadone, suboxone, subutex, and vivitrol, which eliminate drug cravings and withdrawal symptoms that typically occur when an opioid-dependent individual stops using their substance of abuse.

C. The City is primarily a residential community that is substantially built-out, with different zoning districts adjacent to residential neighborhoods, schools, and parks. There are currently no regulations applicable to Substance Abuse Treatment Centers and their activities currently fall within the definition of outpatient medical facilities that are permitted without regard to the impacts that Substance Abuse Treatment Centers are known to create. Medical offices are currently permitted in various zoning districts within and adjacent to residential neighborhoods and other sensitive uses without the need for discretionary review, which, without specific development standards and review processes, because of their nature can expose residential neighborhoods, sensitive uses and other businesses to negative impacts that could include loitering, narcotic use activities, disturbances, trespass, assaults and battery, interference with use and enjoyment of property, and property devaluation arising from the negative public perception pertaining to living in or operating a business in proximity to them. In addition, it is important to consider the effect of permitting these facilities in mixed use zones and their impact on the opportunity to develop additional housing on mixed use properties. Many of the properties within the City's mixed-use zones are included in the

certified Housing Element Housing Sites Inventory and the City must ensure that no barriers to the development of these properties into housing are created to maintain compliance with State Housing laws. The City intends to process a Zoning Code amendment to address these negative impacts, conform with State Housing Laws, comply with Housing Element implementation, and establish reasonable standards and review processes applicable to Substance Abuse Treatment Centers.

Section 2. Moratorium on the Approval of Substance Abuse Treatment Centers.

A. Pursuant to California Government Code Section 65858, no person, firm, corporation, or other entity shall develop, establish or construct and no subdivision, use permit, variance, building permit or any other applicable land use entitlement, construction or other permit, license, or certificate to occupy or operate shall be issued for a Substance Abuse Treatment Center effective upon the passage of this ordinance.

B. The moratorium imposed herein shall not apply to a Substance Abuse Treatment Center for which a building permit has been issued and construction thereof has begun as of the passage of this Ordinance. However, the exception set forth herein shall not provide an amnesty for the use of property, buildings, or other facilities that have not otherwise complied with current zoning or building requirements or that would otherwise constitute illegal uses of property. For example, the exception does not apply to development, construction, or buildings that were constructed or modified to become Substance Abuse Treatment Centers without the required building, electrical, mechanical, and plumbing or other applicable permits or land use entitlements.

Section 3. Effective Date. This interim ordinance shall become effective immediately upon its adoption and shall remain in force and effect for forty-five (45) days unless extended for an additional period of time pursuant to Government Code Section 65858.

Section 4. Urgency. This interim ordinance is necessary for the immediate protection of the public health, welfare, and general safety for the reasons identified in Section 1 hereof.

Section 5. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

PASSED and ADOPTED this 20th day of December 2023.

ATTEST:

MAYOR

CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, TERESA POMEORY, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was passed by the City Council of the City of Garden Grove, by a vote of four-fifth (4/5th) of the members thereof, at a special meeting held on the 20th day of December, 2023 by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

CITY CLERK