

URGENCY ORDINANCE 2021-1088

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA ADOPTING ZONING CODE AMENDMENT 2021-01 AMENDING CHAPTER 18.20 OF THE YORBA LINDA MUNICIPAL CODE TO ADD ARTICLE XIV PERTAINING TO SENATE BILL 9 HOUSING DEVELOPMENTS AND URBAN LOT SPLITS

WHEREAS, Senate Bill 9 (SB 9) was signed into law on September 16, 2021, by the Governor of the State of California and effective January 1, 2022, amending Government Code Sections 65852.21, 66411.7, and 66452.6 requiring jurisdictions allow for certain two-unit housing developments and urban lot splits to be approved by right in single-family residential zones; and

WHEREAS, in response to and in accordance with the provisions of SB 9, the City of Yorba Linda initiated Zoning Code Amendment 2021-01, in accordance with Section 18.36.610 of the Yorba Linda Municipal Code, to amend Chapter 18.20 to add Article XIV into the Yorba Linda Municipal Code pertaining to SB 9 housing developments and urban lot splits; and

WHEREAS, Zoning Code Amendment 2021-01 is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Government Code Section 65852.21(j) and Section 66411.7(n); and

WHEREAS, Zoning Code Amendment 2021-01 is not a “major amendment” to a land use planning policy document as defined in the Yorba Linda Right-to-Vote Amendment (Measure B) and, therefore, is not subject to the approval of a majority vote of the electorate of the City to become effective; and

WHEREAS, pursuant to Section 18.36.620 of the Yorba Linda Municipal Code, a duly noticed public hearing on Zoning Code Amendment 2021-01 was held by the Planning Commission on December 15, 2021.

WHEREAS, it is in the best interest of the City and public to provide for the prompt adoption of local regulations intended to implement the requirements of the new state law allowing for two-unit housing developments and urban lot splits pursuant to Senate Bill 9 before the new state law goes into effect on January 1, 2022; and

WHEREAS, the City Council of the City of Yorba Linda has determined that the employing the standard ordinance adoption procedures would create an undesired delay and obstacle to those property owners wishing to develop their properties in accordance with the requirements of Senate Bill 9 when the related new state law takes effect on January 1, 2022; and

WHEREAS, California Government Code Section 36937 empowers the City Council of the City of Yorba Linda to adopt by a four-fifths vote, without following the

procedures otherwise required for the adoption of an ordinance, an urgency ordinance which is necessary for the immediate preservation of the public health, safety and welfare; and

WHEREAS, the adoption of this Ordinance is necessary to preserve the public health, safety and welfare to facilitate the orderly implementation of Senate Bill 9 related housing developments and urban lot splits by ensuring that objective local zoning, subdivision and design standards are in place prior to the January 1, 2022, effective date of the new state law in order to preserve the single-family ambience of neighborhoods in the City to the greatest extent allowable by the new state law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF YORBA LINDA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. This Urgency Ordinance is adopted pursuant to Section 36937 of the California Government Code by no less than a four-fifths vote based upon the findings set forth in Section 2.

SECTION 2. Urgency Findings. The City Council finds that this Urgency Ordinance is necessary to preserve and promote the immediate preservation of the public health, safety and welfare by facilitating orderly implementation of Senate Bill 9 related housing developments and urban lot splits by ensuring that objective local zoning, subdivision and design standards are in place prior to the January 1, 2022, effective date of the new state law in order to preserve the single-family ambience of neighborhoods in the City to the greatest extent allowable by the new state law.

SECTION 3. The Recitals above are true and correct and incorporated herein by this reference.

SECTION 4. The Planning Commission has read and considered Zoning Code Amendment 2021-01, as identified in Exhibit "A."

SECTION 5. After consideration of the staff report and all of the information, testimony, and evidence presented at the public hearing, the City Council finds and determines that Zoning Code Amendment 2021-01 will not adversely affect the health, safety or welfare of the residents within the community, is in the public interest of the City of Yorba Linda, is consistent with the Yorba Linda General Plan and its various elements, and will not be contrary to other goals, objectives and/or policies of the Yorba Linda Zoning Code (Title 18 to the Yorba Linda Municipal Code).

Furthermore, the approval of urban lot splits and two-unit projects based solely on the default standards currently in the City's Code, without appropriate regulations governing lot configuration, unit size, height, setback, landscape, architectural review, among other things, would threaten the character of existing neighborhoods, and negatively impact property values, personal privacy, and fire safety. These threats to

public safety, health, and welfare justify adoption of this ordinance as an urgency ordinance to be effective as of January 1, 2022.

SECTION 6. The City Council finds and determines that Zoning Code Amendment 2021-01 is not a “major amendment” to a land use planning policy document as specified in Section 18.01.030 of the Yorba Linda Municipal Code; thus, Zoning Code Amendment 2021-01 does not require approval of a majority vote of the electorate of the City to become effective.

SECTION 7. The City Council does hereby determine or find that Zoning Code Amendment 2021-01 is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Government Code Section 65852.21(j) and Section 66411.7(n).

SECTION 8. The City Council does hereby approve and amend specified provisions in the Yorba Linda Zoning Code (Title 18 to the Yorba Linda Municipal Code) as identified in Exhibit “A” attached to this Resolution and incorporated herein by this reference (referred to herein as “Zoning Code Amendment 2021-01”).

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Yorba Linda on this ____ day of _____.

CARLOS RODRIGUEZ, MAYOR
CITY OF YORBA LINDA

ATTEST:

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA

APPROVED AS TO FORM:
RUTAN & TUCKER, LLP

CITY ATTORNEY

I, **MARCIA BROWN**, City Clerk of the City of Yorba Linda, California, **DO HEREBY CERTIFY** that the foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Yorba Linda held on the ___ day of _____, and was carried by the following roll call vote:

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

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA