

ORDINANCE NO. O2M22-4800

AN URGENCY ORDINANCE EXTENDING THE TERM OF ORDINANCE NO. O2M22-4797 REGARDING ALHAMBRA MUNICIPAL CODE CHAPTER 22.30 PERTAINING TO URBAN LOT SPLITS AND SECTION 23.16.020 AND CHAPTER 23.90 PERTAINING TO URBAN DWELLINGS

THE CITY COUNCIL OF THE CITY OF ALHAMBRA DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings. The City Council finds and declares as follows:

WHEREAS, the City of Alhambra ("City") City Council adopted Ordinance No. O2M22-4797 on January 4, 2022 as an urgency ordinance to address implementation of and potential impacts from SB9; and

WHEREAS, Ordinance No. O2M22-4797 was set to expire by its terms 45 days after adoption; and

WHEREAS, it is necessary to extend the term of Ordinance No. O2M22-4797 to allow City staff to process a permanent ordinance through the Planning Commission and City Council process, with accompanying public hearings; and

WHEREAS, the facts and circumstances justifying the urgent need for this interim ordinance are as set forth in Ordinance No. O2M22-4797; and

WHEREAS, the City Council conducted a public hearing to consider extending Ordinance No. O2M22-4797 for a period of 10 months and 15 days, as contemplated by Government Code sections 65858 and 36937.

SECTION 2. CEQA. The City Council finds that this Ordinance is not subject to environmental review under the California Environmental Quality Act ("CEQA"). Senate Bill 9 (Atkins) states that an ordinance adopted to implement the rules of Senate Bill 9 is not considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code. (See Government Code sections 65858.21(j) and 66411.7(n).

SECTION 3: Section 22.30.030(D) is amended to add the following sentence at the end: "To the extent not inconsistent with applicable law, in the event the owner of a lot is a legal entity, at least one owner of the entity must reside on the lot and that same owner must reside for the entire three-year period."

SECTION 4. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5. Urgency. The City Council finds and declares that the adoption and implementation of this ordinance is necessary to address the danger to public health, safety, and general welfare as articulated in Ordinance No. O2M22-4797, and to immediately provide provisions to implement SB 9, which took effect on January 1, 2022. The City Council therefore finds and determines that this ordinance be enacted as an urgency ordinance pursuant to Government Code sections 36937

and 65858 and takes effect immediately upon adoption by four-fifths of the City Council.

SECTION 6. Expiration. This ordinance shall take effect immediately upon adoption and shall extend the expiration of Ordinance No. O2M22-4797 for a period of 10 months and 15 days from its original date of expiration.

SECTION 7. Publication. The City Clerk is directed to certify this ordinance and cause it to be published in the manner required by law.

PASSED, APPROVED, AND ADOPTED THIS 14TH DAY OF FEBRUARY, 2022.



Mayor Katherine Lee

ATTEST:



Lauren Myles, City Clerk

APPROVED AS TO FORM



Joseph M. Montes, City Attorney

I, Lauren Myles, City Clerk of the City of Alhambra, certify Urgency Ordinance No. O2M22-4800 was adopted by the City Council at a regular meeting held February 14, 2022, by the following vote:

AYES: MAZA, MALONEY, PÉREZ, ANDRADE-STADLER, LEE
NOES: NONE
ABSENT: NONE



Lauren Myles, City Clerk