

URGENCY ORDINANCE NO. 3371

AN URGENCY ORDINANCE OF THE CITY OF CORONA, CALIFORNIA, AMENDING SECTIONS 17.33.030 AND 17.35.020 OF TITLE 17 (ZONING) OF THE CORONA MUNICIPAL CODE TO ALLOW RESIDENTIAL LAND USES IN COMMERCIAL ZONES PURSUANT TO SENATE BILL 6 AND ASSEMBLY BILL 2011 (ZTA2023-0002).

WHEREAS, Article XI, § 7 of the California Constitution authorizes cities to make and enforce within their jurisdictional limits ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and

WHEREAS, California Senate Bill 6 (“SB 6”), which, among other things, adds Section 65852.24 to the California Government Code, and California Assembly Bill 2011 (“AB 2011”), which, among other things, adds Section 65912.100 *et seq.* to the California Government Code, were signed by Governor Newsom on September 28, 2022 and will become effective July 1, 2023; and

WHEREAS, SB 6 and AB 2011 provide that high density residential housing is an allowable use on property zoned to allow office, retail or parking under certain circumstances and subject to certain criteria regardless of the zoning and General Plan designation of the property; and

WHEREAS, while AB 2011 requires that a certain percentage of the residential units be dedicated to lower income households at an affordable cost, SB 6 does not contain an affordable housing requirement; and

WHEREAS, on March 15, 2023, as part of the implementation of the 2021-2029 Housing Element Update, the City adopted Ordinance No. 3360 adding Chapter 17.31 to the Corona Municipal Code (“CMC”) to create and establish regulations for an Affordable Housing Overlay (“AHO”) zone, which is a new zoning designation that established by-right development standards for affordable housing projects; and

WHEREAS, to align the City’s zoning regulations with recently enacted State law and to ensure that all housing projects developed on commercial properties are subject to similar affordable housing requirements, the City desires to expressly permit housing developments permitted under AB 2011 in commercial zones and to apply its AHO zone requirement to housing developments permitted under SB 6, which would require that at least 20% of the total residential units be rented or sold to lower income households; and

WHEREAS, on May 8, 2023, the Planning and Housing Commission of the City of Corona (“Planning Commission”) conducted a duly noticed public hearing and recommended

that the City Council amend Sections 17.33.030 and 17.35.020 of the CMC to: (1) expressly allow housing development projects in commercial zones pursuant to AB 2011; and (2) allow housing development projects in commercial zones pursuant to SB 6 subject to the requirements of CMC Chapter 17.31 (ZTA2023-0002) (“ Zone Text Amendment”); and

WHEREAS, the Planning Commission based its recommendation to adopt the Zone Text Amendment on the findings set forth below; and

WHEREAS, on June 7, 2023, the City Council held a duly noticed public hearing at which all persons wishing to testify in connection with the Zone Text Amendment were heard and the Zone Text Amendment was comprehensively reviewed; and

WHEREAS, the provisions of AB 2011 and SB 6 are effective on July 1, 2023, and without the locally codified affordable housing requirements proposed by this Zone Text Amendment, the law presents a current and immediate threat to the public peace, health, safety, and welfare, in that SB 6 would permit market-rate high density residential housing on commercial properties without the provision of affordable housing and would create an inequality because all other housing development projects on commercial properties permitted by the CMC or State law would require that at least 20% of the total residential units be rented or sold to lower income households; and

WHEREAS, California Government Code Section 36937(b) authorizes the City Council to adopt by a four-fifths vote, without following the procedures otherwise required for the adoption for an ordinance, an urgency ordinance which is necessary for the immediate protection of the public peace, health and safety; and

WHEREAS, the City has determined that an urgency ordinance is necessary to amend the CMC to ensure that housing development projects proposed under SB 6 are treated similarly to all other housing development projects proposed on commercial properties within the City and to align the City’s zoning regulations with recently enacted State law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORONA DOES ORDAIN AS FOLLOWS:

SECTION 1. Urgency Findings. In accordance with California Government Code Section 36937(b) and in order to protect the public peace, health and safety, the City Council finds as follows:

- A. The Recitals stated above are incorporated herein by reference.
- B. The CMC regulates zoning and the development of housing.
- C. The enactment SB 6, which adds Section 65852.24 to the California Government Code, and AB 2011, which adds Section 65912.100 *et seq.* to the California Government Code, both of which will go into effect on July 1, 2023, mandates that the City permit

housing development projects on properties zoned to allow office, retail or parking under certain circumstances and subject to certain criteria regardless of the zoning and General Plan designation of the property.

D. This Urgency Ordinance must take effect on July 1, 2023 to provide effective tools and guidance for the regulation of housing development projects on commercially zoned properties and waiting 30 days from adoption after a first and second reading of the Ordinance would pose a serious risk to the public peace, health and safety in that the City's regulations would be inconsistent with State law and would result in similarly situated developments being subject to different affordable housing requirements.

E. City staff has determined that the revisions to the CMC set forth herein are necessary to better and more properly regulate housing development projects on commercially zoned properties pursuant to AB 2011 and SB 6.

F. The proposed amendments to the CMC set forth herein are consistent with all of the objectives, policies, general land uses, programs and actions of all elements of the Corona General Plan, and none of the proposed regulations conflict with current General Plan.

G. The proposed amendments to the CMC set forth herein are not detrimental to and are instead necessary for the immediate preservation and protection of the public convenience, health, safety and general welfare of the City, its residents and businesses, since the regulations establish reasonable and objective standards that are consistent with the requirements of AB 2011 and SB 6 and will result in reasonable regulation of housing development projects on commercially zoned properties.

H. All legal prerequisites to the adoption of this Urgency Ordinance have occurred.

SECTION 2. CEQA Findings. As the decision-making body for this Zone Text Amendment, the City Council has reviewed and considered the information contained in the preliminary exemption assessment and the administrative records for this Zone Text Amendment, including all written and oral evidence. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the City Council, the City Council finds this action exempt pursuant to Government Code Section 65852.24(h), which provides that the adoption of a local ordinance implementing SB 6 shall not be considered a "project" under Section 21000 *et seq.* of the California Environmental Quality Act (CEQA). AB 2011 similarly provides that a housing development project permitted under AB 2011 is not a project for purposes of CEQA. Therefore, no environmental analysis is required.

SECTION 3. Zoning Findings. Based on the entire record before the City Council and all written and oral evidence presented to the City Council, the City Council hereby makes and adopts the following findings:

A. The proposed Zone Text Amendment is consistent with the General Plan because it supports General Plan Housing Element Goal H-1 of maintaining a balance of housing types and corresponding affordability levels to provide for the community’s demands for housing within all economic segments of the City by requiring the production of affordable housing units in connection with residential housing projects that are developed in commercial zones pursuant to State law authority.

B. The proposed Zone Text Amendment is consistent with Title 17 of the Corona Municipal Code for the following reason:

1. ZTA2023-0002 requires that the objective standards and requirements of the AHO zone apply to high density residential projects that are developed on commercially zoned properties pursuant to SB 6.

2. ZTA2023-0002 clarifies the residential land uses that would be permitted on commercially zoned properties pursuant to SB 6 and AB 2011.

C. The proposed Zone Text Amendment will provide for the public health, safety and welfare because it requires that the objective standards and requirements of the AHO zone apply to high density residential projects that are developed on commercially zoned properties pursuant to SB 6 and will facilitate and encourage orderly development that maintains the quality of existing neighborhoods.

SECTION 4. Zone Text Amendment. ZTA2023-0002 is hereby approved.

SECTION 5. Amendment to Section 17.33.030. Section 17.33.030 (Permitted; conditionally permitted uses; prohibited uses) of Chapter 17.33 (Commercial and Office Zones) of Title 17 (Zoning) is hereby amended as follows to add residential as a permitted use:

**TABLE 1-17.33
PERMITTED LAND USES**

“P”	Permitted use.
“CUP”	Permitted with a conditional use permit issued in accordance with Chapter 17.92 of the Corona Municipal Code (conditional use permit).
“MCUP”	Denotes a use which is subject to the minor conditional use permit procedure only.
“NP”	Use not permitted.
“BZA”	Use subject to approval by the Board of Zoning Adjustment.

Land Use	C-P	C-2	C-3
Residential ^{1,2}	P	P	P

¹Residential permitted for a housing development project proposed pursuant to Cal Gov’t Code § 65852.24 subject to the requirements set forth in Corona Municipal Code Chapter 17.31.

² Residential permitted for a housing development project proposed pursuant to Cal Gov't Code § 65912.100 *et seq.*

SECTION 6. Amendment to Section 17.35.020. Section 17.35.020 (Permitted uses and structures) of Chapter 17.35 (Quasi-Public Zone) of Title 17 (Zoning) is hereby amended to add subsection (D) to read as follows:

“(D) Residential Uses

- (1) A housing development project proposed pursuant to Cal Gov't Code § 65852.24, subject to the requirements of Corona Municipal Code Chapter 17.31
- (2) A housing development project proposed pursuant to Cal Gov't Code § 65912.100 *et seq.*”

SECTION 7. Official Record. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Corona City Hall, 400 S. Vicentia Avenue, Corona, California 92882. The custodian for these records is the Planning and Development Director of the City of Corona.

SECTION 8. Severability. If any provision or clause of this Ordinance or any application of it to any person, firm, organization, partnership or corporation is held invalid, such invalidity shall not affect other provisions of this Ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this Ordinance are declared to be severable.

SECTION 9. Effective Date. This Urgency Ordinance shall become effective on July 1, 2023, if adopted by at least a four-fifths (4/5) vote of the City Council.

SECTION 10. Publication. The Mayor shall sign this Urgency Ordinance and the City Clerk shall attest thereto and shall within fifteen (15) days of its adoption cause it, or a summary of it, to be published in a general circulation newspaper in the City of Corona.

PASSED, APPROVED AND ADOPTED this 7st day of June, 2023.

Mayor of the City of Corona, California

ATTEST:

City Clerk of the City of Corona, California

CERTIFICATION

I, Sylvia Edwards, Clerk of the City of Corona, California, do hereby certify that the foregoing Urgency Ordinance was regularly introduced and adopted at a regular meeting of the City Council of the City of Corona, California, duly held the 7th day of June, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Corona, California, this 7th day of June 2023.

City Clerk of the City of Corona, California

[SEAL]