

ORDINANCE NO. 3391

AN ORDINANCE OF THE CITY OF CORONA, CALIFORNIA, AMENDING CHAPTER 17.87 (DENSITY BONUS AGREEMENTS AND DEVELOPMENT AGREEMENTS), SECTION 17.91.070 (FINDINGS FOR APPROVAL) OF CHAPTER 17.91 (PRECISE PLANS) AND CHAPTER 17.100 (ARCHITECTURAL REVIEW BOARD) OF TITLE 17 (ZONING) OF THE CORONA MUNICIPAL CODE AND ADDING CHAPTER 17.67 (LOW BARRIER NAVIGATION CENTERS) TO THE CORONA MUNICIPAL CODE (ZTA2024-0001)

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, Chapter 17.87 of the Corona Municipal Code (“CMC”) establishes procedures for implementing the state density bonus law set forth in California Government Code Sections 65915 through 65918, as well as the procedures for processing development agreements; and

WHEREAS, Section 17.91.070 of the CMC sets forth the findings for approval of a precise plan application, which is intended to ensure that development projects are well designed, compatible in terms of scale and esthetics with surrounding areas and in accord with applicable city requirements, policies and guidelines; and

WHEREAS, Chapter 17.100 of the CMC establishes an Architectural Review Board for the development on property with a front, side or rear on either side of East and West Grand Boulevard in the City; and

WHEREAS, on November 3, 2021, the City Council of the City of Corona (“City”) adopted Resolution No. 2021-121 approving GPA2021-001, an amendment to the City’s General Plan to update the Housing Element for the 6th Cycle covering planning period 2021-2029 (“2021-2029 Housing Element Update”); and

WHEREAS, as part of the implementation of the 2021-2029 Housing Element Update, Housing Element Programs 13 and 14 require the City to update its policies, regulations and standards to facilitate residential and mixed-use developments, to provide for low barrier navigation centers and to bring the City’s regulations pertaining to density bonuses for housing developments that provide low or moderate income housing units into compliance with recent state legislation; and

WHEREAS, on February 26, 2024, the Planning and Housing Commission of the City of Corona (“Planning Commission”) conducted a duly noticed public hearing and recommended that the City Council add Chapter 17.67 (Low Barrier Navigation Centers) to Title 17 (Zoning) of the CMC and amend Chapter 17.87 (Density Bonus Agreements and Development Agreements), Section 17.91.070 (Findings for Approval) of Chapter 17.91 (Precise Plans) and Chapter 17.100 (Architectural Review Board) of Title 17 (Zoning) of the CMC to implement Programs 13 and 14 of the 2021-2029 Housing Element Update (ZTA 2024-0001) (“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 March 20, 2024, the City Council held a duly noticed public hearing at which all persons wishing to testify in connection with this Zone Text Amendment were heard and this Zone Text Amendment was comprehensively reviewed.

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

SECTION 1. CEQA Findings. As the decision-making body for this Zone Text Amendment, the City Council finds that this action is exempt pursuant to Section 15061(b)(3) of the Guidelines for the California Environmental Quality Act (CEQA), which states that a project is exempt from CEQA if the activity is covered by the common sense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This action involves minor changes to the text of the Zoning Code to implement programs required by the 2021-2029 Housing Element Update. This action involves no physical impacts and does not modify density or capacity. As such, there is no possibility that adopting this Ordinance will have a significant effect on the environment. Therefore, no environmental analysis is required.

SECTION 2. 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 and applicable specific plans for the following reasons:

(i) ZTA2024-0001 fulfills the requirements of Housing Programs 13 and 14 in the 2021-2029 Housing Element Update to accommodate residential density bonus and low barrier navigation centers pursuant to state law and establishes granting criteria for a precise plan application and architectural review application based on objective standards.

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

(i) Title 17 governs the development standards of land uses within the city and establishes other regulatory procedures for development and ZTA2024-0001 will update these standards and procedures to be consistent with state law and establish criteria for the granting of a precise plan and architectural review based on objective development standards.

C. The proposed Zone Text Amendment will provide for the public health, safety and welfare for the following reason:

(i) ZTA2024-0001 establishes regulations for certain land uses as required by state law and updates the approval criteria for design review applications based on objective development standards, which are intended to protect the public health, safety and welfare of the general public.

SECTION 3. Zoning Text Amendment. ZTA2024-0001 is hereby approved.

SECTION 4. Addition of Chapter 17.67. Chapter 17.67 (Low Barrier Navigation Centers) is hereby added to Title 17 (Zoning) of the CMC to read as set forth in Exhibit “A” attached to this Ordinance and incorporated herein by reference.

SECTION 5. Amendment to Chapter 17.87. Chapter 17.87 (Density Bonus Agreements and Development Agreements) of Title 17 (Zoning) of the CMC is hereby amended to read as set forth in Exhibit “B” attached to this Ordinance and incorporated herein by reference.

SECTION 6. Amendment to Chapter 17.91. Chapter 17.91 (Precise Plans) of Title 17 (Zoning) of the CMC is hereby amended to read as set forth in Exhibit “C” attached to this Ordinance and incorporated herein by reference.

SECTION 7. Amendment to Chapter 17.100. Chapter 17.100 (Architectural Review Board) of Title 17 (Zoning) of the CMC is hereby amended to read as set forth in Exhibit “D” attached to this Ordinance and incorporated herein by reference.

SECTION 8. 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 9. 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 10. Effective Date. The Mayor shall sign this 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 published and circulated in the City of Corona. This Ordinance shall take effect and be in force 30 days after its adoption.

PASSED, APPROVED AND ADOPTED this 3rd day of April 2024.

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 Ordinance was regularly introduced at a regular meeting of the City Council of the City of Corona, California, duly held the 20th day of March, 2024, and thereafter at a regular meeting held on the 3rd day of April 2024, it was duly passed and adopted by the following vote of the Council:

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 3rd day of April 2024.

City Clerk of the City of Corona, California

(SEAL)

EXHIBIT “A”

CHAPTER 17.67 **LOW BARRIER NAVIGATION CENTERS**

Sections:

- 17.67.010 Purpose.
- 17.67.020 Definitions.
- 17.67.030 Allowed zones.
- 17.67.040 Requirements.
- 17.67.050 Permit requirement.

17.67.010 Purpose.

The purpose of this chapter is to implement the provisions of Government Code Section 65660 et seq. relating to low barrier navigation centers.

17.67.020 Definitions.

For the purposes of this chapter, the following definitions shall apply:

- A. “Coordinated entry system” means a centralized or coordinated assessment system developed pursuant to the applicable provisions of the Code of Federal Regulations as specified in Government Code Section 65662, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.
- B. “Homeless management information system” means a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System pursuant to the applicable provisions of the Code of Federal Regulations as specified in Government Code Section 65662.
- C. “Low-Barrier Navigation Centers” means a housing-first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. Low barrier includes best practices to reduce barriers to entry, and may include, but is not limited to, the following:
 - 1. The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
 - 2. Pets.
 - 3. The storage of possessions.
 - 4. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

17.67.030 Allowed zones.

A low barrier navigation center shall be allowed use by right pursuant to Government Code Section 65583.2(i) in any mixed-use zone and commercial zone in the city that allows multiple family residential, including Specific Plans with the same zoning, provided the low barrier navigation center meets the requirements of Section 17.67.040.

17.67.040 Requirements.

A low barrier navigation center shall meet the following requirements.

- A. It offers services to connect people to permanent housing through a services plan that identifies services staffing.
- B. It is linked to a coordinated entry system.
- C. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
- D. It has a homeless management information system.
- E. It complies with building code occupancy classification requirements as set forth in Chapter 15.04.

17.67.050 Permit Requirement.

- A. An application for a low barrier navigation center permit shall be submitted to the Planning Division of the Planning and Development Department.
- B. The Planning Division shall, within 30 days of receipt of an application, notify an applicant whether the application is complete.
- C. The Planning and Development Director shall decide on a low barrier navigation center permit within 60 days of receipt of a completed application.
- D. A low barrier navigation center involving the construction of a new building shall submit a Development Plan Review application according to the requirements in Chapter 17.102.

EXHIBIT “B”

CHAPTER 17.87

DENSITY BONUS HOUSING AGREEMENTS AND DEVELOPMENT AGREEMENTS

Sections

I. Density Bonus Agreements

- 17.87.010 Purpose and authority.
- 17.87.020 ~~Application~~ Definitions.
- 17.87.030 ~~Fees~~ Application Requirements.
- 17.87.040 ~~Proposed form of agreement~~ General Requirements.
- 17.87.050 ~~Review of application~~ Fees.
- 17.87.060 ~~Term~~ Density Bonus Housing Agreement.
- 17.87.070 Review of Density Bonus Housing Agreement.
- 17.87.080 Decision by City Council.
- ~~17.87.080~~ ~~Recordation.~~
- 17.87.090 ~~Default.~~ Recordation.
- ~~17.87.100~~ ~~Annual report.~~ Violations.

II. Development Agreements

- 17.87.210 Purpose and authority.
- 17.87.220 Application.
- 17.87.230 Fees.
- 17.87.240 Qualification as an applicant.
- 17.87.250 Review of application.
- 17.87.260 Public hearing notice.
- 17.87.270 Findings.
- 17.87.280 Decision by City Council.
- 17.87.290 Recordation.
- 17.87.300 Amendment or cancellation.
- 17.87.310 Periodic review.

I. Density Bonus Agreements

17.87.010 Purpose and authority.

(A) Purpose. The ~~intent~~ purpose of this chapter is to establish procedures for the implementation of ~~state density bonus law.~~ California Government Code Sections 65915 through 65918 (“State Density Bonus Law”). Density bonus housing agreements are intended to increase the city’s supply of affordable housing by providing a density bonus above that permitted by zoning regulations or the General Plan for a housing development, in exchange for reserving a designated percentage of units for low ~~and~~ very low and moderate income households or qualifying residents as defined ~~in the California Government Code.~~ The density increase, number of affordable units, definition of affordability, term of agreement and all other such provisions shall comply with current law herein.

(B) Incorporation of state law amendments. This chapter implements the State Density Bonus Law. If any provisions of the State Density Bonus Law are amended, those amended provisions

shall be automatically incorporated into this chapter. Should any inconsistencies exist between the amended State Density Bonus Law and the provisions set forth in this chapter, the State Density Bonus Law shall prevail.

(C) Interpretation. This chapter is to be construed and applied in a manner that avoids conflicts with other applicable laws, including the State Density Bonus Law and any other applicable provisions of state law. No provision of this chapter shall be applied if it would result in a violation of state or federal law.

17.87.020 Application Definitions.

—The—Unless the particular provision of the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning and application of words and phrases used in this chapter. Unless the context otherwise clearly indicates, words used in the singular include the plural and words used in the plural includes the singular.

“Affordable housing cost” has the same meaning as in California Health and Safety Code § 50052.5, as presently adopted or as may be amended or superseded.

“Affordable rent” has the same meaning as in California Health and Safety Code § 50053, as presently adopted or as may be amended or superseded.

“Affordable unit” means a dwelling unit within a housing development, which will be reserved for a density sale, at an affordable housing cost, or rent, at an affordable rent, to a lower income household, a very low income household, a moderate income household, or a qualifying resident pursuant to the requirements of this chapter and the State Density Bonus Law.

“Density bonus” has the same meaning as in California Government Code § 65915(f), as presently adopted or as may be amended or superseded.

“Density bonus housing agreement shall be filed on a form as designated by the Community” means a legally binding agreement between an applicant for a housing development and the City to ensure that the requirements of this chapter are satisfied. The agreement, among other things, shall establish the number of affordable units, their size, location, terms and conditions of affordability, and production schedule.

“Director” means the Planning and Development Director and include payment for the City of the required fees. The applicant shall inform the city at Corona, or before his or her designee.

“Housing development” has the same meaning as in California Government Code § 65915(i), as presently adopted or as may be amended or superseded.

“Lower income households” has the same meaning as in California Health and Safety Code § 50079.5, as presently adopted or as may be amended or superseded.

“Low income households, Very” has the same meaning as defined California Health and Safety Code § 50105, as presently adopted or as may be amended or superseded.

“Maximum allowable residential density” has the same meaning as in California Government Code § 65915(o)(6), as presently adopted or as may be amended or superseded.

“Moderate income households” has the same meaning as in California Health and Safety Code § 50093, as presently adopted or as may be amended or superseded.

“Qualifying resident” means a person of 55 years of age or older in a senior citizen housing development and includes other persons eligible to reside in a senior citizen housing development, as defined in California Civil Code § 51.3.

“Qualifying owner” means a person within a low, very low or moderate income household who is eligible to occupy an affordable unit within a housing development that is offered for sale.

“Qualifying tenant” means a person within a low, very low or moderate income household who is eligible to occupy an affordable unit within a housing development that is offered for rent, and includes a qualifying resident in a senior citizen housing development.

“Senior citizen housing development” has the same meaning as in California Civil Code § 51.3(b)(4).

“Term of affordability” means the time period specified in § 17.87.060(B).

17.87.030 Application Requirements.

A housing development or senior citizen housing development that is eligible for a density bonus pursuant to this chapter and the State Density Bonus Law is subject to the following application procedures:

(A) ~~Development plan review if a~~. An applicant shall submit a Development Plan Review application according to the requirements in Chapter 17.102 to the City’s Planning and Development Department prior to the submittal of any formal application. In addition to the requirements listed in § 17.102.030, the applicant shall provide a narrative description of the housing development or senior citizen housing development, which shall include the following information:

1. The general scope of the proposed project ~~includes a~~;
2. The zoning and general plan designation of the property;
3. The assessor’s parcel numbers of the project site;
4. The maximum allowable residential density for the property, taking into consideration the site constraints and proposed housing product type;
5. The total number of units, affordable units, and density bonus. ~~The units proposed;~~

6. The concessions and incentives, waivers and reductions and reduced parking standards requested.

(B) Housing development applications. Within twenty-one (21) working days of receipt of the Development Plan Review application, the Director and other city staff shall include submittal of the proposed agreement drafted conduct a review of the application. Within twenty (20) working days after the review, the City shall provide to the applicant a letter summarizing the requirements and recommendations of staff and identifying the formal applications that the applicant will be required to submit for the housing development project. The application for a density bonus shall follow the review process and shall be considered concurrently with any other discretionary or ministerial entitlement applications required for the housing development, which shall be processed in accordance with § 17.87.030 and current state law and all related materials as required on the application form. ~~the requirements provided in this code for such other applications.~~

17.87.040 General Requirements.

(A) Construction of affordable units. Affordable units in a housing development and phases of a housing development shall be constructed concurrently with or prior to the construction of any market rate units.

(B) Priority for Corona residents and employees. First priority for affordable units shall be given to eligible persons and families who reside, work, go to school or have family in the City of Corona.

(C) Distribution of affordable units. Affordable units shall be dispersed throughout the housing development. The number of bedrooms in the affordable units shall be no less than the bedroom mix of the market rate units of the housing development. The design and appearance of the affordable units shall be comparable to the market rate units.

17.87.050 Fees.

The application for a density bonus ~~agreement~~ shall be accompanied by a filing fee as established by ~~City Council resolution pursuant to state law~~ of the City Council.

17.87.030~~17.87.040 Proposed form of agreement~~ 060 Density Bonus Housing Agreement.

~~The proposed applicant requesting a density bonus agreement shall be based on the city's standard form agreement, with the appropriate modifications to under this chapter shall agree to construct, operate and maintain consistency with the provisions of state law in effect at the time of application.~~

~~17.87.050 Review of application.~~

~~—(A) The Community Development Department shall coordinate the review and approval of the density bonus agreement in consultation with the City Attorney and city staff.~~

~~—(B) The City Attorney shall review and correct the agreement the affordable units for lower and very low income households in accordance with California Government Code provisions currently in effect at the time of application.~~

~~—(C) Once the a density bonus housing agreement with the City that is in the correct a form as acceptable to content the Director and language, it shall be scheduled for review by the City Council.~~

~~17.87.060 Term.~~

~~—Attorney. The term of the density bonus housing agreement shall be either ten or 30 years pursuant include, but is not limited to, the California Government Code following:~~

~~17.87.070 Decision by City Council.~~

~~—The City Council shall approve the agreement at a regularly scheduled public meeting if it finds that the agreement complies with state law.~~

~~17.87.080 Recordation.~~

~~—The Clerk shall cause a notarized copy of the agreement to be recorded as soon as possible and shall provide a copy for enforcement purposes to the Community Development Director. (78 Code, § 17.87.080.) (Ord. 2140 § 1 (part), 1992.)~~

~~17.87.090 Default.~~

~~—Recovery of public costs of default shall be provided for in all density bonus agreements. Among other things, default shall result in assessment for repayment of all rent revenues from bonus units for at least the prior three years or for the life of the agreement, whichever is shorter. The repayment may occur over a reasonable period of time but not to exceed the time elapsed under the agreement. The agreement shall determine the repayment period upon default.~~

17.87.100 (A) Identification of affordable units. Affordable units shall be identified by address and legal description, type (floor area, number of bedrooms/baths, unit size, etc.), and designated household income category. The density bonus housing agreement shall also identify the total number of affordable units and the total number of units approved for the housing development.

(B) Term of affordability. The term of affordability for each affordable unit shall begin on the date a certificate of occupancy is issued for the affordable unit.

(1) Rental units. Rental affordable units shall be available only to qualifying tenants at an affordable rent for a minimum of fifty-five (55) years or a longer period of time if required by the construction or mortgage financing assistance program, or mortgage insurance program or rental subsidy program.

(2) For sale units. For sale affordable units shall be available only to qualifying owners at an affordable housing cost for a minimum of forty-five (45) years.

(C) Density bonus housing agreement.

(1) Rental affordable units. For rental affordable units, the density bonus housing agreement shall include the following conditions governing the use of the affordable units during the term of affordability:

(a) Qualification of tenants. The rules and procedures for determining and verifying if a tenant qualifies as a qualifying tenant, establishing affordable rent, filling vacancies, and maintaining the affordable units for qualifying tenants.

(b) Maintenance of records. Provisions requiring a monitoring program to verify tenant incomes and the maintenance of books and records to demonstrate compliance with this chapter.

(c) Annual report.—~~The owner shall submit~~ Provisions requiring submittal of an annual report in March of each calendar year to the ~~Community Development~~ Director, which ~~shall summarize~~includes the ~~rental history~~name, address and income of the each qualifying tenant occupying each affordable units during the previous 12 months. This unit, and which identifies the bedroom count and monthly rent of each affordable unit. The report shall be filed on a form designed by the ~~city~~ Director and shall include the number of units, the annual income of the qualifying tenants in those units and the rental amount for each affordable unit. Failure to file such a report shall amount to a default under the density bonus housing agreement, and all agreements executed hereunder shall so state.

(d) Determination of rent. A maximum rent schedule shall be submitted to the Director prior to the issuance of a certificate of occupancy for any rental affordable units, and shall be updated annually on the anniversary date of occupancy of the affordable unit.

(e) Deposit amount. Total move-in costs for qualifying tenants shall be limited to first month's rent plus a security/cleaning deposit not to exceed one month's rent.

(f) Upward mobility allowance. When a qualifying tenant occupying an affordable unit no longer qualifies under the income requirements, verified through the monitoring program required as part of the density bonus housing agreement, that tenant may then be charged market rate rent. If this occurs, any currently vacant unit of similar type to the affordable unit in question shall then be designated as an affordable unit, and the owner shall immediately attempt to secure tenants in accordance with this chapter. The owner is required to maintain at all times during the term of affordability the minimum number of affordable units identified in the density bonus housing agreement.

(g) Subletting of affordable units. Subletting of designated affordable units shall be prohibited.

(h) Monitoring program. A monitoring program shall be required, specifying the party responsible for certifying qualifying tenant incomes and affordable rent, maintaining the required number of affordable units, and marketing and filling unit vacancies.

(2) For-sale affordable units. In the case of for-sale affordable units, the density bonus housing agreement shall include the following conditions governing the sale and use of affordable units during the term of affordability:

(a) Affordable units shall, upon initial sale and any resale, be sold only to qualifying owners, or to qualifying residents in the case of a for sale senior citizen housing development.

(b) Upon initial sale and any resale, affordable units shall be sold at an affordable housing cost.

(c) The purchaser of each affordable unit shall execute a covenant or agreement approved by the City restricting the sale of the affordable unit in accordance with this chapter during the applicable term of affordability. Such covenant or agreement shall be recorded against the parcel containing the affordable unit and shall contain such provisions as the City may require to ensure continued compliance with this chapter and the State Density Bonus Law.

(d) Sale clause. The density bonus housing agreement shall stipulate that, when the term of affordability has expired on an affordable unit, the City and/or a non-profit housing organization shall have a first right of purchase option sixty (60) days prior to the affordable unit being advertised on the market.

(e) Rental of for-sale units. Rental of for-sale affordable units shall be prohibited unless the proposed renter(s) qualify as qualifying tenants.

(D) Remedies. The density bonus housing agreement shall include a description of remedies for breach of the density bonus housing agreement by either party (the City may identify qualifying tenants or qualifying owners as third party beneficiaries under the agreement). Recovery of public costs of default shall be provided for in all density bonus housing agreements. For rental affordable units, default shall result in assessment for repayment of all rent revenues from the affordable units that were designated as affordable units for at least the prior three years or for the life of the density bonus housing agreement, whichever is shorter. The density bonus housing agreement shall set forth the repayment period upon default. The repayment may occur over a reasonable period of time but not to exceed the time elapsed under the density bonus housing agreement prior to the default.

(E) Incentives and concessions. The density bonus housing agreement shall include a description of the incentives and/or concessions, if any, approved by the City.

(F) Schedule. The density bonus housing agreement shall include a schedule for completion and occupancy of the affordable units.

(G) Other provisions. The density bonus housing agreement may include such other provisions required by the Director and the City Attorney to ensure implementation and compliance with this chapter.

(H) Expiration of density bonus. An approved density bonus application shall be utilized within the time specified in the density bonus housing agreement or within the time limit that applies to any other discretionary or ministerial entitlement application required for the housing development, whichever is longer. If the approved density bonus application is not utilized within such time period, it shall become null and void and of no effect except, where an application requesting an extension is filed prior to the expiration date, which extension may be approved by the Director upon a finding of unavoidable delay.

17.87.070 Review of density bonus housing agreement.

Once the density bonus housing agreement is in the correct form as to content and language, and reviewed and accepted by the applicant, the proposed agreement shall be scheduled for public hearing by the Planning and Housing Commission at the same time as any other discretionary or ministerial entitlement application required for the housing development. The Planning and Housing Commission shall make a recommendation on the density bonus housing agreement to the City Council.

17.87.080 Decision by City Council.

The City Council shall approve the density bonus housing agreement at a regularly scheduled public meeting if it finds that the agreement complies with this chapter and the State Density Bonus Law.

17.87.090 Recordation.

The City Clerk shall, within ten (10) days of City Council approval cause the notarized density bonus housing agreement to be recorded in the Official Records of the County of Riverside on the parcel or parcels designated for construction of the affordable units and shall provide a copy to the Director. The density bonus housing agreement shall be binding upon all future owners and successors in interest.

17.87.100 Violations.

It shall be unlawful for any person to violate any provision, or to fail to comply with the requirements, of this chapter or any rule, policy or regulation adopted hereunder or any term, condition or provision set forth in a density bonus housing agreement to which that person is a party. Violations of any of the provisions or failing to comply with any of the mandatory requirements of this chapter, any rule, policy or regulation adopted hereunder, or any term, condition or provision set forth in a density bonus housing agreement may be enforced pursuant to the provisions of Chapter 1-(part), 1992-.08 of this code. Each day that a violation continues is deemed to be a new and separate offense. No proof of knowledge, intent, or other mental state is required to establish a violation.

II. Development Agreements

17.87.210 Purpose and authority.

(A) The intent of this chapter is to establish procedures for the processing of development agreements pursuant to the California Government Code.

(B) Development agreements are intended to strengthen the public planning process, to encourage private participation in comprehensive planning and to reduce the economic costs of development by providing earlier vesting than otherwise available under California law. Development agreements are within the total discretion of the city.

17.87.220 Application.

The application for a development agreement shall be filed on a form as designated by the ~~Community Development~~ Director and shall include payment of the required fees to establish a deposit account with the city. The proposed agreement shall be based on the city standard form and shall include adequate consideration to the city. The application shall include submittal of a proposed draft agreement and all related materials designated on the application form, including environmental review.

17.87.230 Fees.

The application for a development agreement shall be accompanied by a filing fee as established by City Council resolution pursuant to state law.

17.87.240 Qualification as an applicant.

Only a qualified applicant may file an application to enter into a development agreement. A qualified applicant is a person who has legal or equitable interest in the real property which is the subject of the development agreement or his or her authorized agent. The ~~Community Development~~ Director may require an applicant to submit proof of his or her interest in the real property and of the authority of the agent to act for the applicant(s).

17.87.250 Review of application.

(A) The Community Planning and Development Department shall transmit the proposed agreement to the City Manager. The developer shall meet with the City Manager or his or her designee to negotiate the terms of the agreement.

(B) The Community Planning and Development Department shall coordinate the review and approval of the development agreement, including the appropriate environmental review, in consultation with the City Manager, City Attorney and city staff.

(C) Once the agreement is in the correct form as to content, considerations and language, the proposed agreement shall be scheduled for public hearing by the Planning and Housing Commission in accordance with § 17.87.260.

(D) The Community Planning and Development Department shall prepare a staff report and recommendation to the Planning and Housing Commission based on the required findings in § 17.87.270.

17.87.260 Public hearing notice.

The proposed development agreement shall be noticed as a Planning and Housing Commission public hearing and the City's Local Guidelines Implementing the California Environmental Quality Act.

17.87.270 Findings.

After its hearing, the Planning and Housing Commission shall make a recommendation in writing to the City Council. This recommendation shall include the Commission's determination and reasons whether the proposed agreement:

- (A) Is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable Specific Plan;
- (B) Is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located;
- (C) Is in conformity with the public convenience, general welfare and good land practice;
- (D) Will be detrimental to the health, safety and general welfare;
- (E) Will adversely affect the orderly development of property or the preservation of property values; and
- (F) Should be approved.

17.87.280 Decision by City Council.

The City Council shall review the proposed development agreement at another noticed public hearing and may accept, modify or disapprove the recommendation of the Planning Commission. The City Council in its discretion shall decide whether to approve the development agreement, but may not approve it unless it finds that the provisions of the agreement are consistent with the General Plan and any applicable Specific Plan. Development agreements shall be approved by ordinance. After the ordinance approving a development agreement takes effect, the city shall formally execute the development agreement.

17.87.290 Recordation.

~~The~~ Upon approval of the development agreement by the City Council, the City Clerk shall cause a notarized copy original of the agreement to be recorded as soon as possible in the Official Records of the County of Riverside and shall provide a conformed copy ~~for enforcement purposes~~ to the ~~Community Development~~ Director.

17.87.300 Amendment or cancellation.

The procedure for proposing an amendment to or cancellation in whole or part of the development agreement shall be the same as the procedure for entering into a development agreement. If the city initiates an amendment or cancellation, it shall first notify the property owner

of its intention to initiate such proceedings at least 15 days in advance of giving notice pursuant to § 17.87.260.

17.87.310 Periodic review.

(A) The city shall review the development agreement at least once every 12 months. The developer shall demonstrate good faith compliance with the terms of the agreement by submitting an annual report to the ~~Community Development~~ Director in March of each year describing in detail how the provisions of the development agreement have been met during the preceding year. The annual report shall be filed on a form designated by the city, and the agreement shall provide that failure to file such an annual report amounts to a default under the agreement.

(B) The ~~Community Development~~ Director shall determine ~~and report to the City Council~~, on the basis of the annual report and any supplemental information, whether the property owner has for the period of the review complied in good faith with the terms of the agreement. If the Director has determined that the property owner has not complied in good faith with the terms and conditions of the agreement, the City Council shall review the evidence provided by the Director. The City Council shall review ~~the evidence~~ and accept, modify or reject the ~~Community Development~~ Director's recommendation. If the City Council determines that the developer has not complied in good faith with the terms and conditions of the agreement during the period under review, the City Council may amend or cancel the agreement pursuant to § 17.87.300.

EXHIBIT “C”

17.91.070 Findings for approval.

Neither the Planning Director, Commission nor the Council, upon appeal or Council initiated review, may in their deliberations grant approval of a Precise Plan, Precise Plan modification or minor Precise Plan modification unless it has first been determined, based on the evidence that all of the following findings can be made:

- (A) The projectposal is consistent with the Corona General Plan;
- (B) The projectposal complies with the zoning ordinance applicable provisions of this Title 17, other applicable provisions of the Corona Municipal Code and, if applicable, the South Corona Community Facilities Plan or Specific Plans;
- (C) The projectposal has been reviewed in compliance with the California Environmental Quality Act and all applicable requirements and procedures of suchthe act have been followed and, if applicable, mitigation measures have been established to reduce the project’s impacts on the environment;
- (D) The site is of a sufficient size and configuration to accommodate the design and scale of the projectposed development, by adhering to the objective development standards required by the zoning of the site which includes the setbacks and height for buildings and elevations, landscaping coverage, parking and other physical features of the proposal;
- ~~(E) The design, scale and layout of the proposed development will not unreasonably interfere with the use and enjoyment of neighboring existing or future developments, will not create traffic or pedestrian hazards and will not otherwise have a negative impact on the aesthetics, health, safety or welfare of neighboring uses;~~
- ~~(E) F) The architectural design of the projectposed development adheres to the city’s Residential Development Design Guidelines, the city’s Industrial Development Design Guidelines, or the design guidelines set forth in a specific plan, as may be applicable. is compatible with the character of the surrounding neighborhood, will enhance the visual character of the neighborhood and will provide for the harmonious, orderly and attractive development of the site;~~
- ~~(G) The design of the proposed development would provide a desirable environment for its occupants and visiting public as well as its neighbors through good aesthetic use of materials, texture and color that will remain aesthetically appealing and will retain a reasonably adequate level of maintenance;~~
- ~~(H) For Precise Plan modifications and minor Precise Plan modifications only, the following additional finding shall be made: the proposed development is compatible with and enhances the design of existing buildings and other physical features of the site.~~

EXHIBIT "D"

CHAPTER 17.100 ARCHITECTURAL REVIEW BOARD

Sections

- 17.100.010 Established – Membership
- 17.100.020 ~~Jurisdiction~~— Approval required.
- 17.100.030 ~~Plans—Requirement~~Application.
- 17.100.040 Plans – ~~Data-specified~~Content.
- 17.100.050 Plans – Rejection when nonconforming.
- 17.100.060 Board consideration.
- 17.100.070 Criteria for approval.
- 17.100.080 Appeal of Board decision.

17.100.010 Established – Membership.

There is established an Architectural Review Board, referred to in this chapter as "Board." The Board shall be composed of the members of the City Planning Commission.

17.100.020 ~~Jurisdiction~~— Approval required.

(A) Prior to the issuance of a building permit, approval of an architectural review shall be required for any of the following:~~Unless plans, elevations and proposed signs for building or structures have been approved by the Board, or, upon appeal by the Council, no building permit or occupancy permit shall be issued by the city for~~

(1) Any new building or; structure, addition to an existing building, building moving permit, or pylon sign ~~other development property or appurtenances thereto~~ which are or will be located so as to have a front or side or rear on either side of East and West Grand Boulevard in the city.

(2) Any new building or; structure or any addition to an existing building where architectural review under this chapter is required by this Title 17 or any applicable specific plan.

~~Architectural review may be a condition of any conditional use permit or a variance concerning property located on either side of West and East Grand Boulevard in the city.~~

(B) This chapter shall not abrogate the requirement for Board approval and determination as provided in other provisions of the code.

17.100.030 ~~Plans—Requirement~~Application.

The applicant for a building permit, when subject to requirement of this chapter, An application for architectural review shall be filed with the Planning Director on forms furnished by the Planning and Development Department and shall be accompanied by a fee as established by City Council resolution. Architectural review involving the construction of a new building or structure shall first submit a Development Plan Review application pursuant to Chapter 17.102. an application for Board approval of his or her proposed development or building relocation and shall submit with the application a site plan, exterior elevations and such other data as required by the Director to assist the Board in evaluating the proposed building or structure. The form of the

~~application shall be prepared by the Director. Preliminary drawings may be submitted for review and, if approved by the Board, shall serve as a guide in further consideration of the same proposed building or structure. Final plans and elevations shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that it will conform to the provisions of the code. The first sheet of each set of plans shall give the street address of the work and the name and address of the owner and the person who prepared them.~~

17.100.040 Plans – ~~Data specified~~Content.

The preliminary drawings ~~submitted for an architectural review application and final site plan~~ shall include, but not be limited to, ~~providing~~ the following ~~data~~information:

(A) ~~A site plan drawn to scale showing The siting of~~ all structures on ~~the~~ subject property, ~~including structures and on adjoining properties to show that light and air are preserved so as not to be detrimental to the orderly and harmonious development of the city;~~

(B) Landscaping and/or fencing of yards and setback area, use of landscaping and/or walls or fencing for screening purposes, ~~including description and location of appropriate sprinkler systems;~~

(C) Design of ingress and egress ~~to and from adjacent streets, so as not to interfere with normal traffic flow in abutting streets;~~

(D) Off-street parking and loading facilities;

(E) ~~Black and white and colored D~~drawings or sketches, in duplicate, of the exterior elevations and/or perspective drawings of the building or structures under consideration;

(F) Designations of areas to be computed as usable open space, including balconies, roof decks, patios and other spaces or areas at grade, as appropriate;

(G) Designation of location of existing fire hydrants;

(H) Grading and slopes where they affect the relationship of buildings and structures.

17.100.050 Plans – Rejection when nonconforming.

The Planning Director may reject and not accept the application, site plan and other required data which do not conform to the provisions of this chapter.

17.100.060 Board consideration.

~~The Planning Director shall refer the application, plans and data~~ Applications that conform to the provisions of this chapter and ~~are deemed complete~~ shall be referred to the Board ~~at its next regular meeting. If the meeting is not scheduled within the 15 30 days from the date the application is deemed complete~~ period established in this chapter for Board action, a special meeting shall be called by the Board to consider the application, plans and data. The Board shall act on the application and accompanying submitted data within ~~435 days from the date the application is referred to the Board after the filing of the application and the required plans and data,~~ unless the applicant agrees to an extension of time. If the Board does not act within ~~35 days or within the agreed upon extension of time, 15 days after such filing~~ ~~the application it shall be deemed to have approved.~~ issuance of a building permit or occupancy permit or building moving permit as applied for.

17.100.070 Criteria for approval.

(A) The Board may approve or, conditionally approve ~~with conditions or disapprove an architectural review application~~ the issuance of a building permit, occupancy permit or building moving permit in any matter subject to its jurisdiction after determining whether the proposed development, improvement or action if it meets the following criteria.

(1) The plan for the proposed building or structure complies with the applicable provisions of this Title 17, other applicable provisions of the Corona Municipal Code and any applicable specific plan~~reflects proper consideration for the relationship between the proposed buildings and structures and those that exist or have been approved for the general neighborhood.~~

(2) The plan for the proposed building or structure on the subject site adheres to the objective development standards required by the zoning of the site which includes the setbacks and height for buildings, landscaping coverage, parking and other physical features of the proposal~~reflects the manner in which the structures are protected against noise, vibrations and other factors which may tend to make the environment less desirable.~~

(3) The proposed building or structure adheres to the city's Residential Development Design Guidelines, the city's Industrial Development Design Guidelines, or the design guidelines set forth in a specific plan, as may be applicable ~~is not, in its exterior design and appearance, so at variance with the appearance of other existing structures in the general neighborhood as to cause the nature of the local environment to materially depreciate in appearance and value.~~

(4) ~~The proposed building or structure is in harmony with the proposed developments on land in the general area, especially in those instances where buildings are within or adjacent to land shown on the General Plan as being part of the civic center or in public or educational use or are within or immediately adjacent to land included within any precise plan which indicates building shape, size or style.~~

~~(5) The proposed development is in conformity with the standards of the code and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.~~

(B) If all the criteria designated in this section are met, the application shall be approved. If some but not all the criteria are met, the Board may approve the application subject to conditions, the fulfillment of which shall cause the proposed building or structure to conform to all the criteria designated in this section. If an application is disapproved, the Board shall state by-in detail in its written findings the criterion or criteria that are not met. All action taken by the Board shall be by ~~motion resolution, reduced to a written report~~ and signed by the Chairperson. A copy of such ~~report resolution~~ shall be sent by ~~certified~~ mail to the applicant at his or her address as stated on his or her application no later than five days after the Board's action.

17.100.080 Appeal of Board decision.

The applicant or any interested party may file a notice of appeal to the City Council ~~from~~ regarding any determination by the Board. The notice of appeal shall be made on forms prepared and provided by the City Clerk. The appeal shall be filed with the City Clerk no later than ten (10) working days after the date of the decision.

SUMMARY

On April 3, 2024, the Corona City Council will consider amending Chapters 17.87 (Density Bonus Agreements and Development Agreements), Chapter 17.91 (Precise Plans), Chapter 17.100 (Architectural Review Board) of the Corona Municipal Code and adding Chapter 17.67 (Low Barrier Navigation Centers) to the Corona Municipal Code to implement programs required by the 2021-2029 Housing Element. A certified copy of the full text of this proposed ordinance amendment is posted at the City Clerk's Office.

The City Council meets at 6:30 p.m. in the Council Chambers in the Corona City Hall located at 400 South Vicentia Avenue. The City Clerk is located in Suite 115 of the City Hall near the north entrance.