

ORDINANCE NO. 3372

**AN 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.

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 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 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 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 3. Zoning Text Amendment. ZTA2023-0002 is hereby approved.

SECTION 4. 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 multi-family 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.

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

SECTION 5. 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 6. 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 7. 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 8. 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 in the City of Corona. This Ordinance shall take effect and be in force 30 days after its adoption.

PASSED, APPROVED AND ADOPTED this 21st 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 Ordinance was regularly introduced at a regular meeting of the City Council of the City of Corona, California, duly held the 7th day of June 2023, and thereafter at a regular meeting held on the 21st day of June 2023, 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 21st day of June 2023.

City Clerk of the City of Corona, California

[SEAL]

SUMMARY

On June 7, 2023, the Corona City Council will consider amending Section 17.33.030 of Chapter 17.33 (Commercial and Office Zones) and Section 17.35.020 of Chapter 17.35 (Quasi-Public Zone) of Title 17 (Zoning) of the Corona Municipal Code to permit residential uses in commercial zones as required by Senate Bill 6 and Assembly Bill 2011. 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.