

ORDINANCE NO. 3360

AN ORDINANCE OF THE CITY OF CORONA, CALIFORNIA, ADDING CHAPTER 17.31 (AFFORDABLE HOUSING OVERLAY ZONE) TO TITLE 17 (ZONING) OF THE CORONA MUNICIPAL CODE TO ESTABLISH REGULATIONS FOR AN AFFORDABLE HOUSING OVERLAY ZONE (ZTA2023-0001).

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, on June 3, 2020, the City Council of the City of Corona (“City”) adopted Resolution No. 2020-036 certifying a Final Environmental Impact Report (“Final EIR”) for the Corona General Plan Technical Update (SCH # 2018081039), made findings of fact and adopted a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program; and

WHEREAS, on November 3, 2021, the City Council of the City of Corona (“City”) adopted Resolution No. 2021-121 adopting an Addendum to the Final EIR and 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, the City is required to accommodate the planning of a sufficient number of low- and moderate-income households in the City in order to meet the City’s Regional Housing Needs Assessment (“RHNA”), which allocates regional housing needs by income level among member jurisdictions within the Southern California Association of Governments (“SCAG”); and

WHEREAS, the 2021-2029 Housing Element Update includes an inventory or list of housing sites at sufficient densities to accommodate a specific number of units at various levels of affordability to satisfy the RHNA assigned to the City by SCAG (“Housing Sites Inventory”); and

WHEREAS, in order to accommodate development of low- and moderate-income units, the Housing Sites Inventory identifies certain properties that are intended to be rezoned to higher density residential or an Affordable Housing Overlay (“AHO”) zone, which is a new zoning designation that the City proposes to establish in order to create by-right development standards for affordable housing projects; and

WHEREAS, on January 23, 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 add Chapter 17.31 (Affordable Housing Overlay Zone) to

Title 17 (Zoning) of the Corona Municipal Code (“CMC”) to create and establish regulations for the AHO zone (ZTA 2023-0001) (“Zone Text Amendment”); and

WHEREAS, the Zone Text Amendment was submitted in conjunction with: (1) GPA2022-0002, an amendment to change the land use designation on various properties to allow certain residential land uses consistent with the Housing Sites Inventory; (2) CFPA2022-0002, an amendment to the South Corona Community Facilities Plan Amendment to change the designation on two acres located at 1220 W. Ontario Avenue and 5.40 acres located at 2880 California Avenue from Low Density Residential to Medium Density Residential; (3) CZ2022-0003, a change of zone on various properties to allow certain residential land uses consistent with the Housing Sites Inventory; (4) SPA2022-0003, an amendment to various specific plans to change the land use on certain properties to allow certain residential land uses consistent with the Housing Sites Inventory; and (5) Resolution No. 2023-014 adopting the High Density Residential and Mixed-Use Objective Development Standards and Design Guidelines (collectively referred to herein as the “Housing Element Rezoning Project”); and

WHEREAS, on March 1, 2023, as the first action on the Housing Element Rezoning Project, the City Council approved Resolution No. 2023-010 certifying the Final Supplement to the Final EIR for the Housing Element Rezoning Project (“Final SEIR”), adopted findings and a statement of overriding considerations, and a mitigation monitoring and reporting program, all in compliance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (“CEQA”), the State CEQA Guidelines and the City of Corona Local CEQA Guidelines, which included an analysis of the environmental impacts of this Zone Text Amendment; and

WHEREAS, the Final SEIR concluded that implementation of the Housing Element Rezoning Project could result in significant and unavoidable negative environmental effects despite the imposition of all feasible mitigation measures identified in the Final SEIR and the City Council determined that the benefits of the Housing Element Rezoning Project outweigh the unavoidable adverse impacts as documented in the Statement of Overriding Considerations included in Resolution No. 2023-010; and

WHEREAS, on March 1, 2023, 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 has reviewed and considered the information contained in the Final SEIR and the administrative record for this Zone Text Amendment, including all written and oral evidence provided during the public hearing. Based upon the facts and information contained in the Final SEIR and the entire administrative record before it, the City Council hereby makes and adopts the following findings:

A. The Final SEIR and the administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, the City of Corona Local CEQA Guidelines and other applicable law.

B. The Final SEIR contains a complete and accurate reporting of the environmental impacts associated with the Zone Text Amendment and reflects the independent judgment and analysis of the City Council.

C. All mitigation measures applicable to this Zone Text Amendment shall be a condition of approval for the Zone Text Amendment and are incorporated herein by this reference.

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:

1. ZTA 2023-0001 is consistent with Housing Goal H-1 because it establishes land use designations on certain properties that will help promote a balance of housing types for corresponding affordability levels, which will assist in meeting the demand for housing within all economic segments of the City.

2. ZTA2023-0001 is consistent with Housing Policy H-1.5 because it creates a zoning designation, along with commensurate development standards, that encourages flexibility in permitted land use types, responds to changing market forces and provides opportunities for higher density residential development, mixed-use residential/commercial development, and transit-oriented residential development in appropriate areas of the City.

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

1. ZTA 2023-0001 is consistent with the intent of Title 17 of the Corona Municipal Code to regulate zoning and development standards for the purpose of protecting public health, safety and welfare and to maintain and improve quality of life for the residents of Corona in that it establishes a new zoning designation with supporting development standards.

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

1. ZTA 2023-0001 includes development standards that are intended to provide orderly development of property that is developed pursuant to the AHO zone.

SECTION 3. Zoning Text Amendment. Chapter 17.31 (Affordable Housing Overlay Zone) 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 4. 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 5. 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 6. 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 15th day of March, 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 1st day of March, 2023 and thereafter at a regular meeting held on the 15th day of March, 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 15th day of March, 2023.

City Clerk of the City of Corona, California

[SEAL]

SUMMARY

On March 1, 2023, the Corona City Council will consider adding Chapter 17.31 (Affordable Housing Overlay Zone) to Title 17 (Zoning) of the Corona Municipal Code to create and establish regulations for the AHO zone. 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.

EXHIBIT “A”
ADDITION OF CHAPTER 17.31 (AFFORDABLE HOUSING OVERLAY ZONE)
TO TITLE 17 (ZONING)
ZTA2023-0001

CHAPTER 17.31
AFFORDABLE HOUSING OVERLAY ZONE

17.31.010	Purpose and intent.
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17.31.010 Purpose and intent.

The purpose of the Affordable Housing (AH) Overlay Zone is to designate certain properties as suitable for higher density residential uses in addition to any uses permitted and existing in the underlying zone. It is intended to facilitate and provide incentives for the development of affordable multifamily housing for low income and moderate households, enable the city to meet its housing goals, and ensure that affordable housing developments will be compatible with surrounding land uses by establishing appropriate development standards.

17.31.020 Definitions.

Unless the particular provision or 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 include the singular.

(A) “**Affordable housing cost**” has the same meaning as set forth in Health and Safety Code § 50052.5, as presently adopted or as amended or superseded.

(B) “**Affordable rent**” has the same meaning as set forth in Health and Safety Code § 50053, as presently adopted or as amended or superseded.

(C) “**Affordable unit**” means a multiple dwelling unit within a housing development project that is rented or sold to a lower income household or a moderate income household at an affordable rent or affordable housing cost pursuant to § 17.31.140 of this chapter.

(D) “**Housing development project**” means a project within the AH Overlay Zone consisting of a mixed-use development or the development of multiple dwelling units that is subject to the requirements of this chapter.

(E) “**Lower income household**” has the same meaning as set forth in Health and Safety Code § 50079.5, as presently adopted or as amended or superseded.

(F) “**Mixed-use development**” means a development within the AH Overlay Zone consisting of a vertical or horizontal combination of multiple dwelling units and a non-residential use that is permitted or conditionally permitted in the underlying zone as part of a single development application.

(G) “**Moderate income household**” has the same meaning as set forth in §6930 of Title 25 of the California Code of Regulations.

17.31.030 Designation.

A property designated within the AH Overlay Zone shall be designated on the official Zone Map of the City by adding the abbreviation “AHO” to the underlying zone of the property.

17.31.040 Permitted uses.

(A) **Permitted uses.** The following uses shall be permitted in the AH Overlay Zone, subject to the requirements of this chapter:

- (1) Multiple dwelling units;
- (2) Mixed-use development where at least fifty-one percent (51%) of the total floor area of the development is developed with multiple dwelling units;
- (3) Accessory structures;
- (4) Animals up to following maximum numbers:
 - (a) Three weaned cats;
 - (b) Three weaned dogs;
- (5) Home occupations;
- (6) Parks and recreation areas subject to the provisions of Chapter 12.24;
- (7) Manufactured housing on a permanent foundation system subject to the provisions of Chapter 17.81;
- (8) Accessory dwelling units, subject to the provisions of Chapter 17.85;

(9) Similar uses permitted by Commission determination pursuant to Chapter 17.88.

(B) **Permitted uses in underlying zone.** Uses permitted or conditionally permitted in the underlying zone shall continue to be permitted or conditionally permitted and shall not be subject to the provisions of this chapter, unless such uses are part of a mixed-use development.

17.31.050 Prohibited uses.

(A) **Uses Not Specified in Section 17.31.040.** Any use not specified in § 17.31.040 shall be prohibited in the AH Overlay Zone.

(B) **Short term rentals.** Leases or rental agreements for less than thirty (30) days, including short-term rentals, are prohibited for any unit within a housing development project.

17.31.060 Approval process.

(A) **By right approval.** Housing development projects that comply with the requirements of this chapter are permitted by right; provided that, to the extent required for the project, the approval of tentative tract maps or parcel maps shall be subject to discretionary review pursuant to Title 16 of this code.

(B) **Development plan review.** Notwithstanding subsection (A) above, housing development projects that comply with the requirements of this chapter and consist of the development of four (4) or more new multiple dwelling units shall be subject to development plan review pursuant to Chapter 17.102 of this code.

17.31.070 Development standards.

The High Density Residential and Mixed-Use Objective Development Standards and Design Guidelines, as adopted by resolution of the City Council, shall apply to all housing development projects, as defined in § 17.31.020.

17.31.080 Design guidelines.

The High Density Residential and Mixed-Use Objective Development Standards and Design Guidelines, as adopted by resolution of the City Council, shall apply to all housing development projects as defined in § 17.31.020, unless the housing development project is located within a specific plan, in which case the design guidelines set forth in the specific plan shall apply.

17.31.090 Walls, fences and landscaping.

The provisions of Chapter 17.70 and the High Density Residential and Mixed Use Objective Development Standards and Design Guidelines shall apply to all housing development projects, as defined in § 17.31.020. In the event of a conflict between the provisions of Chapter 17.70 and the High Density Residential and Mixed-Use Objective Development Standards and Design

Guidelines, the High Density Residential and Mixed-Use Objective Development Standards and Design Guidelines shall control.

17.31.100 Trash enclosures.

The provisions of Chapter 17.79 shall apply to all housing development projects, as defined in § 17.31.020.

17.31.110 Solid waste handling.

The provisions of Chapter 8.20 shall apply to all housing development projects, as defined in § 17.31.020.

17.31.120 Density.

The density of housing development projects shall be as established by the General Plan land use designation density range applicable to the property where the project occurs.

17.31.130 Dedications and improvements.

All housing development projects shall provide for the dedications of land, rights-of-way and easements, payment of fees and construction of all offsite and on-site improvements as required by applicable provisions of this code, currently including Chapters 15.48, 16.08 and 16.24.

17.31.140 Affordable housing requirement.

(A) **Affordable units.** To be eligible for the provisions of this chapter, at least twenty percent (20%) of all units within the housing development project shall be rented or sold to lower income households. In calculating the required number of affordable units, all fractional units shall be rounded up to the next whole number.

(B) **Affordable rent or housing cost.** The affordable units shall be sold or rented at an affordable housing cost or affordable rent.

(C) **Timing of construction.** The affordable units shall be constructed within the housing development project concurrently with, or prior to, the construction of any market rate units; provided that if the housing development project is developed in phases, a proportionate number of affordable units shall be constructed in each phase concurrently with, or prior to, the construction of any market rate units in that phase.

(D) **Quality.** The affordable units shall be constructed with the same quality of design, appearance, materials and finishes as any market rate units.

(E) **Size.** The size of the affordable units and the number of bedrooms and different unit plan types shall be as provided in the High Density Residential and Mixed-Use Objective Development Standards, as adopted by resolution of the City Council.

(F) **Regulatory agreement.** A legally binding regulatory agreement, in a form approved by the city attorney, shall be executed and recorded against the property on which the housing development project is to be constructed to ensure continued affordability of the affordable units for a period of not less than thirty (30) years. The regulatory agreement shall be recorded against the property prior to the recordation of any final map or the issuance of building permits for the housing development project, whichever comes first. The regulatory agreement shall be binding on all future owners and successors in interest. The City Manager shall be authorized to execute the regulatory agreement on behalf of the city.