

URGENCY ORDINANCE NO. 3341

AN URGENCY ORDINANCE OF THE CITY OF CORONA, CALIFORNIA, ADDING CHAPTER 16.18 TO THE CORONA MUNICIPAL CODE TO IMPLEMENT SENATE BILL NO. 9 TO ALLOW FOR TWO-UNIT HOUSING DEVELOPMENTS AND URBAN LOT SPLITS IN SINGLE- FAMILY RESIDENTIAL ZONING DISTRICTS.

WHEREAS, on September 16, 2021, Governor Newsom signed into law Senate Bill No. 9 (Atkins) (“SB 9”), which amends Section 66452.6 of, and adds Sections 65852.21 and 66411.7 to, the California Government Code and requires that cities and counties to ministerially approve the subdivision of a parcel zoned for single-family residential use into two parcels (urban lot split) and ministerially approve a housing development of no more than two units per parcel in a single-family residential zone (two-unit housing development) if certain statutory criteria are satisfied; and

WHEREAS, SB 9 specifically authorizes local agencies to impose objective zoning, subdivision, and design standards consistent with the bill’s provisions, and to adopt an ordinance to implement its provisions; and

WHEREAS, certain standards and permitting procedures in the Corona Municipal Code (“CMC”) are inconsistent with the proposed housing developments and urban lot splits authorized by SB 9; and

WHEREAS, the provisions of SB 9 are effective on January 1, 2022, and without locally codified objective design standards and implementation procedures, the law presents a current and immediate threat to the public peace, health, safety, and welfare, in that certain existing standards are in conflict with SB 9 and could create confusion and hinder the development of the additional residential units enabled under SB 9; 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 immediately bring the CMC into compliance with the State law, in order to properly regulate urban lot splits and two-unit housing developments and to ensure that the City can apply its regulations in a manner consistent with State law; and

WHEREAS, adoption of this Urgency Ordinance is not a project under the California Environmental Quality Act (CEQA) pursuant to California Government Code Section 65852.21(j) and Section 66411.7(n) relating to implementation of SB 9.

EXHIBIT 1

**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 subdivisions of single-family residential parcels and the development of housing.
- C. The enactment SB 9, which amends Section 66452.6 of, and adds Sections 65852.21 and 66411.7 to, the California Government Code and will go into effect on January 1, 2022, mandates that the City ministerially approve the subdivision of a parcel zoned for single-family residential use into two parcels and ministerially approve housing developments of no more than two units per parcel in a single-family residential zone.
- D. This Urgency Ordinance must take effect immediately upon adoption to provide effective tools and guidance for the regulation of urban lot splits and two-unit housing developments 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.
- E. City staff has determined that the revisions to the CMC attached hereto are necessary to better and more properly regulate urban lot splits and two-unit housing developments.
- F. The proposed amendments to the CMC attached hereto 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 attached hereto 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 SB 9 and will result in reasonable regulation of urban lot splits and two-unit housing developments.
- H. All legal prerequisites to the adoption of this Urgency Ordinance have occurred.

SECTION 2. CEQA Findings. Pursuant to California Government Code Sections 65852.21(j) and 66411.7(n), which states that an ordinance adopted to implement the provisions of SB 9 shall not be considered a project under the California Environmental Quality Act (CEQA),

this Urgency Ordinance is statutorily exempt from CEQA in that it implements the new laws enacted by SB 9. Therefore, no environmental analysis is required.

SECTION 3. Addition of Chapter 16.18. Chapter 16.18 (Urban Lot Splits and Two-Unit Housing Development) is hereby added to Title 16 (Subdivisions) of the Corona Municipal Code to read as provided in Exhibit “A” attached hereto and incorporated herein by reference.

SECTION 4. Severability. If any provision or clause of this Urgency 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 Urgency Ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this Urgency Ordinance are declared to be severable.

SECTION 5. Conflicting Ordinances. This Urgency Ordinance shall supersede all other previous City Council resolutions and ordinances that may conflict with, or be contrary to, this Urgency Ordinance.

SECTION 6. Effective Date. This Urgency Ordinance shall become effective immediately upon adoption, if adopted by at least a four-fifths (4/5) vote of the City Council.

SECTION 7. 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 the Press Enterprise, a newspaper published and circulated in the City of Corona.

PASSED, APPROVED AND ADOPTED this 5th day of January, 2022

Mayor of the City of Corona, California

ATTEST:

City Clerk of the City of Corona, California

CERTIFICATION

I, Sylvia Edwards, City 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 on the 5th day of January, 2022 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 5th day of January, 2022

City Clerk of the City of Corona, California

[SEAL]

EXHIBIT “A”

CHAPTER 16.18 URBAN LOT SPLITS AND TWO-UNIT HOUSING DEVELOPMENTS

Sections

- 16.18.010 Purpose.
- 16.18.020 Applicability.
- 16.18.030 Definitions.
- 16.18.040 Eligibility requirements.
- 16.18.050 General requirements; Deed restriction required.
- 16.18.060 Urban lot split regulations.
- 16.18.070 Two-unit housing development regulations.
- 16.18.080 Application and review procedures.

16.18.010 Purpose.

The purpose of this chapter is to implement Government Code sections 68582.21 and 66411.7, herein referred to as Senate Bill 9, by establishing objective local development standards and regulations for projects covered by Senate Bill 9. The establishment of these regulations will result in the orderly subdivision and development of qualified projects while ensuring that the new units do not create any significant impacts with regards to public infrastructure or public safety. This chapter shall apply only so long as Senate Bill 9 is operative.

16.18.020 Applicability.

This chapter shall apply only to voluntary and intentional applications for two-unit housing developments and/or urban lot splits, as defined in § 16.18.030. Owners of real property or their representatives may continue to exercise rights for property development in conformance with other provisions of this Title 16 or Title 17. Development applications that do not satisfy the definitions for a two-unit housing development or an urban lot split, as defined in § 16.18.030, shall not be subject to this chapter. It is not the intent of this chapter to override any lawful use restrictions as may be set forth in Conditions, Covenants, and Restrictions (CC&Rs) of a common interest development.

16.18.030 Definitions.

Unless the context of a particular provision otherwise requires, the definitions provided in this section shall govern the construction, meaning and application of words and phrases used in this chapter.

“Accessory dwelling unit” means as defined in § 17.85.020 of this code.

"Acting in concert" means persons, as defined by § 82047 of the Government Code as that section existed on the date of the adoption of this chapter, acting jointly to pursue development of real property whether or not pursuant to a written agreement and irrespective of individual financial interest.

"Car share vehicle facility" means a facility of fixed location approved by the city to permit the storage, pick-up, and drop-off of a car share vehicle.

"Car share vehicle" means a vehicle available for sharing located in a car share vehicle facility approved by the City.

"Conservation Easement" means restrictive covenants that run with the land and bind upon successive owners that protects against future development such as preservation of open space, scenic, riparian, historical, agricultural, forested, or similar conditions.

"Director" means the Planning and Development Director of the City of Corona or his or her designee.

"Existing dwelling unit" means a primary dwelling unit or other dwelling unit on a parcel that exists prior to submittal of an application for an urban lot split or a two-unit housing development where at least 50% of the exterior wall framing will remain intact. Any existing dwelling unit where more than 50% of the exterior wall framing is proposed to be removed is considered a new dwelling unit for purposes of this chapter.

"Junior accessory dwelling unit" means as defined in § 17.85.020 of this code.

"Low income household" shall have the meaning set forth in California Health and Safety Code § 50079.5.

"Moderate income household" shall have the meaning set forth in California Health and Safety Code § 50093.

"New dwelling unit" means either a new, additional dwelling unit that is created or an existing dwelling unit that is expanded, but does not include an accessory dwelling unit or a junior accessory dwelling unit.

"Single-family residential parcel" means a parcel of real property located within a single-family residential zone.

"Single-family residential zone" means the A-14.4, R-1A, R-20.0, R-12.0, R-1-9.6, R-1.8.4, R-1-7.2, R-1-14.4 zone, a single-family residential land use adopted by a specific plan, or an equivalent single-family residential zone.

“Subject parcel” means the parcel of real property that is the subject of an application for an urban lot split or a two-unit housing development.

“Two-unit housing development” means a housing development containing no more than two (2) dwelling units on a single-family residential parcel as permitted pursuant to SB 9.

“Urban lot split” means a parcel map subdivision of a single-family residential parcel as permitted pursuant to SB 9 that creates no more than two (2) parcels of approximately equal lot area.

16.18.040 Eligibility requirements.

An urban lot split and/or a two-unit housing development must satisfy all of the following eligibility requirements. It shall be the responsibility of the applicant to demonstrate to the reasonable satisfaction of the Director that each of these requirements is satisfied.

(A) The subject parcel shall be located within a single-family residential zone.

(B) The applicant shall be the record owner of the subject parcel.

(C) The subject parcel was legally created in compliance with the Subdivision Map Act (Government Code § 66410 *et seq.*) and Title 16 of this code, as applicable at the time the parcel was created. The Director may require a certificate of compliance to verify conformance with this requirement.

(D) The subject parcel shall not be located within an historic district or included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or designated or listed on the Corona Register of Historic Resources or the Corona Heritage Inventory.

(E) The demolition or alteration of any of the following types of housing would be prohibited on the subject parcel as part of the urban lot split or two-unit housing development: (1) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income. (2) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power. (3) Housing that has been occupied by a tenant in the last three years.

(F) The subject parcel is not a parcel on which an owner of residential real property has exercised the owner's rights under Government Code § 7060 *et seq.* to withdraw accommodations from rent or lease within 15 years before the date that the applicant submits an application for an urban lot split and/or a two-unit housing development.

(G) The subject parcel shall not be located within a special flood hazard area, as defined in § 18.08.191 of this code.

(H) The subject parcel shall not be located within a very high fire hazard severity zone pursuant to chapter 15.16 of this code, unless the subject parcel complies with fire hazard mitigation measures adopted pursuant to Title 15 of this code.

(I) The subject parcel is not identified as a hazardous waste site pursuant to Government Code § 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Health and Safety Code § 25356, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use.

(J) The subject parcel is not encumbered by a conservation easement.

(K) In the case of an urban lot split, the subject parcel shall not have been established through a prior urban lot split.

(L) In the case of an urban lot split, the subject parcel is not adjacent to any parcel or lot that was established through an urban lot split by the owner of the subject parcel or by any person acting in concert with the owner of the subject parcel.

16.18.050 General requirements; Deed restriction required.

An urban lot split and/or a two-unit housing development shall be subject to the following general requirements, which shall be accepted and acknowledged by the record owner of the subject parcel by signing a deed restriction, on a form approved by the City Attorney, which the city will record against the subject parcel prior to or concurrently with the recordation of the parcel map. The record owner of the subject parcel shall pay a fee established by resolution of the City Council to cover all recording fees.

(A) **No non-residential uses.** Non-residential uses shall be prohibited on the subject parcel, except for home occupations permitted pursuant to chapter 17.80 of this code.

(B) **Occupancy requirement.** The record owner shall occupy one of the dwelling units on the subject parcel as their principal residence for at least three (3) years from the date of the city's approval of the urban lot split.

(C) **No short term rentals.** Leases or rental agreements for less than thirty (30) days, including short-term rentals, are prohibited.

(D) **No subsequent urban lot splits.** Any subsequent urban lot split of the subject parcel shall be prohibited.

(E) **Maximum of two dwelling units.** No more than two (2) dwelling units of any kind may be constructed or maintained on a parcel created by an urban lot split. Accessory dwelling units and junior accessory dwelling units shall be prohibited on a subject parcel where a two-unit housing development is established.

(F) **Common ownership.** Dwelling units located on the same parcel shall not be owned or conveyed separately from one another. Fee interest in a parcel and all dwelling units located thereon must be held equally and undivided by the record owners of the parcel. Separate conveyance of the two parcels created by an urban lot split is permitted, subject to the requirements of §16.18.050(B) above.

(G) **Affordable housing requirement.** At least one of the dwelling units established as part of a two-unit housing development shall be available at a rental rate affordable to low income or moderate income households if one or both of the units is rented or leased.

16.18.060 Urban lot split regulations.

The following objective standards and regulations shall apply to all urban lot splits:

(A) **Development Plan Review.** Prior to submittal of a parcel map for an urban lot split pursuant to Chapter 16.20 of this code, the parcel map and other development plans shall first be submitted for development plan review (DPR) pursuant to Chapter 17.102 of this code.

(B) **Parcel map required.** An urban lot split shall require approval of a parcel map pursuant to chapter 16.20 of this code; provided that a parcel map for an urban lot split shall expire unless it is recorded within twelve (12) months of approval by the City Engineer. A note shall be included on the parcel map indicating that the parcels were created pursuant to this chapter and that no further subdivision of the parcels is permitted.

(C) **Maximum of two parcels.** The urban lot split shall create no more than two (2) new parcels of approximately equal area provided that one parcel shall not be smaller than forty percent (40%) of the lot area of the original parcel proposed for subdivision.

(D) **Minimum parcel size.** Each parcel created by an urban lot split shall not be smaller than 1,200 square feet in area.

(E) **Perpendicular split.** The subject parcel shall be split approximately perpendicular to the longest contiguous property line.

(F) **Public right-of-way access.** Each parcel created by an urban lot split shall adjoin the public right-of-way.

(G) **Minimum lot width.** The width of any parcel created by an urban lot split shall not be less than 75% of the lot width of the original parcel proposed for subdivision. The lot width is determined pursuant to the definition provided in Chapter 17.04 for “lot width” and “flag lot”.

(H) **Flag lots.** No flag lots shall be created as a result of an urban lot split if the subject parcel is located adjacent to an alley or has access from an alley. Flag lots providing an access corridor to the public right-of-way shall have a width of not less than 12 feet.

(I) **Dedications and improvements.** Dedications of rights-of-way and construction of offsite improvements shall not be required as a condition of an urban lot split; however any easements necessary for the provision of public services and facilities shall be required.

(J) **Sewer.** Each parcel created by an urban lot split shall be connected to the city sewer system or shall provide a private wastewater system that is fully contained within the new parcel boundaries provided such private wastewater system is otherwise permitted by this code.

(K) **Nonconforming zoning conditions.** The city shall not require, as a condition of approval of an urban lot split, the correction of nonconforming zoning conditions. However, no new nonconforming conditions may be created from the urban lot split other than reduced side and rear setbacks pursuant to §16.18.070(F).

16.18.070 Two-unit housing development regulations.

The following objective standards and regulations shall apply to all two-unit housing developments:

(A) **Maximum number.** No more than two (2) dwelling units are permitted on a subject parcel.

(B) **Maximum size.** The maximum size of each dwelling unit permitted in connection with a two-unit housing development shall be as follows; provided that a garage attached to either dwelling unit shall not be counted toward the floor area of the dwelling unit:

(1) The total floor area of each new dwelling unit shall not exceed 800 square feet.

(2) An existing dwelling unit that was legally established on the subject parcel prior to the submittal of an application for a two-unit housing development and has a total floor area of at least 800 square feet shall be limited to its current lawful floor area and may not be expanded.

(3) An existing dwelling unit that was legally established on the subject parcel prior to the submittal of an application for a two-unit housing development and has a total floor area less than 800 square feet may be expanded up to 800 square feet.

(C) **Development standards.** The development standards of the single-family residential zone in which the subject parcel is located that are not otherwise in conflict with the standards set forth in this chapter shall apply to a two-unit housing development unless the applicant demonstrates to the satisfaction of the Director that one or more of said development standards would physically preclude either of the two dwelling units from being at least 800 square feet in floor area.

(D) **Separate entrances.** Each dwelling unit created by a two-unit housing development shall have a separate entrance from the exterior of the building.

(E) **Residential development design guidelines.** The Residential Development Design Guidelines, as adopted and amended by resolution of the City Council, and any similar design guidelines adopted by a specific plan, shall apply to a two-unit housing development to the extent not in conflict with the standards set forth in this chapter.

(F) **Setbacks.** The setback requirements of the single-family residential zone in which the subject parcel is located shall apply unless the applicant demonstrates to the satisfaction of the Director that said setback requirements would physically preclude either of the two dwelling units from being at least 800 square feet in floor area, in which case, each dwelling unit shall have a minimum setback of four (4) feet from the side and rear lot lines. Notwithstanding the foregoing, no setback shall be required for an existing dwelling unit or a dwelling unit constructed in the same location and to the same dimensions as an existing dwelling unit.

(G) **Distance between accessory structures.** A minimum separation of five (5) feet shall be maintained between detached garages, accessory structures and patio covers or carports.

(H) **Parking.** One (1) covered, off-street parking space shall be provided for each dwelling unit created by a two-unit housing development. The parking space shall be located on the site of the dwelling unit that it is required to serve. Notwithstanding the foregoing, parking shall not be required if:

(1) The subject parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in Public Resources Code §21155(b), or a major transit stop, as defined in Public Resources Code §21064.3; or

(2) There is a car share vehicle located within one block of the subject parcel.

(I) **Access and circulation.** A two-unit housing development shall be designed to provide adequate on-site vehicular access, circulation, back-up, and turn-around areas that comply with all applicable city standards.

(J) **Affordable housing.** If more than one dwelling unit is developed on the subject parcel and if one or both of the dwelling units are rented or leased, at least one of the dwelling units shall be rented or leased at a rental rate affordable to low income or moderate income households. The record owner of the subject parcel shall furnish a copy of the rental or lease agreement for any unit that is rented or leased to the Director, annually.

(K) **Public improvements.** Prior to issuance of a building permit for a two-unit housing development, the applicant shall enter into an agreement and provide adequate security to guarantee construction of all street frontage improvements immediately adjacent to the subject parcel, as required by Chapters 15.48 and 16.24 of this code, and shall complete such improvements prior to the issuance of a certificate of occupancy for the new dwelling units.

(L) **Utilities.** Each dwelling unit created by a two-unit housing development shall have its own direct utility connection to the utility / public service provider.

(M) **Development Impact Fees.** Prior to the issuance of a building permit for a two-unit housing development, the development impact fees pursuant to Chapter 16.23, Chapter 16.21 and Chapter 16.33, shall be paid, as applicable.

16.18.080 Application and review procedures.

(A) **Application.** An applicant for an urban lot split or a two-unit housing development shall submit an application on a form prepared by the city, along with all information and materials prescribed by such form. No application shall be accepted unless it is completed as prescribed and is accompanied by payment for all applicable fees.

(B) **Review.** Consistent with SB 9, the City Engineer will consider and approve or disapprove a complete application for an urban lot split ministerially, without discretionary review or public hearing. The Director will consider and approve or disapprove a complete application for a two-unit housing development ministerially, without discretionary review or public hearing.

(C) **Nonconforming Conditions.** A two-unit housing development may only be approved if all nonconforming zoning conditions are corrected. The correction of legal nonconforming zoning conditions is not a condition for ministerial approval of a parcel map for an urban lot split.

(D) **Effectiveness of Approval.** The ministerial approval of a two-unit housing development or a parcel map for an urban lot split does not take effect until the city has confirmed that all required documents have been recorded.

(E) **Adverse impact findings.** An application for a two-unit housing development or a parcel map for an urban lot split may be denied if, based upon the preponderance of evidence, the urban lot split and/or the two-unit housing development would have a specific, adverse impact (as defined in California Government Code § 65589.5(d)(2)), on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.