



Legislation Text

File #: 23-0461, Version: 1

REQUEST FOR CITY COUNCIL ACTION

DATE: 06/07/2023

TO: Honorable Mayor and City Council Members

FROM: Planning & Development Department

SUBJECT:

ZONE TEXT AMENDMENT 2023-0002 TO [TITLE 17](#) OF THE CORONA MUNICIPAL CODE TO AMEND THE PERMITTED LAND USES IN THE COMMERCIAL ZONES LISTED IN [CHAPTER 17.33](#) AND [CHAPTER 17.35](#) TO ALLOW RESIDENTIAL LAND USES PURSUANT TO SENATE BILL 6 AND ASSEMBLY BILL 2011 (APPLICANT: CITY OF CORONA)

EXECUTIVE SUMMARY:

This staff report asks the City Council to consider an ordinance that would amend Chapters 17.33 and 17.35 of the Corona Municipal Code to add regulations for a housing development allowed by Senate Bill 6 and Assembly Bill 2011.

RECOMMENDED ACTION:

That the City Council:

- a. Adopt Urgency Ordinance No. 3371 amend 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.
- b. Introduce, by title only, and waive full reading of consideration of Ordinance No. 3372, first reading of an ordinance 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.

BACKGROUND & HISTORY:

California Senate Bill 6 (SB 6) is named the Middle-Class Housing Act of 2022 and California Assembly Bill 2011 (AB 2011) is named the Affordable Housing and High Road Jobs Act of 2022. Both bills were signed by the Governor on September 28, 2022 and become effective July 1, 2023.

Both bills allow high density residential housing on property zoned to allow office, retail or parking.

High density residential housing would be allowed by-right and does not require the zoning or the General Plan of the property to be changed. There are subtle differences between the bills and the following table describes the requirements of each bill.

SB 6	AB 2011
Allowed on property zoned to allow office, retail and parking	Allowed on property zoned to allow office, retail and parking
No affordable housing required	Affordable housing required
Housing developments can include: a) Residential only, and b) Mixed Use, if 50% or more square feet is designated residential and no lodging uses like a hotel.	Housing developments can include: a) 100% affordable residential units, and b) Mixed income housing (rental housing requires 8% and 5% of units for low income and extremely low income, respectively; owner occupied housing requires 30% of units for moderate income or 15% for low income)
Property is 20 acres or less	Property is 20 acres or less for mixed income housing.
Residential density is at least 30 dwelling units/acre	Residential density is at least 30 dwelling units/acre if the site is less than one acre, but the minimum density increases if the size and width of the site is greater.
The city's zoning standards of the applicable residential density shall apply.	The city's zoning standards of the applicable residential density shall apply; however, other objective development standards under the bill apply to mixed income housing.
Not on a site adjacent to a site where one-third of the square footage is dedicated to industrial	Not on a site adjacent to a site where one-third of the square footage is dedicated to industrial
--	Property shall not be within 500 feet of a freeway.
--	75% of the perimeter of the site adjoins parcels that are developed with urban uses.
--	Property deed restricted to maintain affordable housing units: a) Rental units: 55 years b) Owner-occupied: 45 years
--	Requires ministerial streamlined review.

Requires the use of skilled and trained workforce (prevailing wage) for construction.	Requires the use of skilled and trained workforce (prevailing wage) for construction, and for projects with more than 50 units, an apprenticeship program must be provided.
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Additional Development Standards

Mixed-income housing using AB 2011 also requires property to abut a commercial corridor and have a property frontage of 50 feet or more on a commercial corridor. As defined by the bill, a commercial corridor means a highway that is not a freeway defined by the Vehicle Code and has a right-of-way of at least 70 feet and no greater than 150 feet.

Because Corona is within a Metropolitan Statistical Area that has a population greater than 2.0 million, the minimum residential density that shall be allowed is 30 dwelling units per acre (du/ac) for SB 6 and for 100% affordable housing using AB 2011.

The density for a housing development project that is mixed income using AB 2011 is 30 du/ac on sites less than one acre but increases to 40 du/ac if the site is equal to or greater than one acre and has a site width less than 100 feet, and increases to 60 du/ac if the site is equal to or greater than one acre and has a site width of 100 feet or greater. However, all mixed income sites within a ½ mile of a major transit stop are allowed 80 du/ac regardless of the size.

AB 2011 regulates the building height of a mixed income project which allows a building height of 35 feet on sites that have a width less than 100 feet. The building height increases to 45 feet on sites that have a width of 100 feet or greater and increases to 65 feet on sites within a ½ mile of a major transit stop and in a city with a population greater than 100,000.

A mixed income project using AB 2011 requires parking to have a minimum setback of 25 feet from a commercial corridor, but the building is allowed a minimum setback of 0 feet. In situations where the property line abuts property that contains residential the setback of the ground floor shall be no less than 10 feet and the second and subsequent floors shall be stepped back in an amount equal to seven feet multiplied by the floor number. If the site is along a property line that abuts a site with no residential use, the setback shall be a minimum of 15 feet and the amount required to be stepped back may be decreased by the City.

The City's parking requirements for multi-family housing would apply to SB 6 and a 100% affordable housing project using AB 2011 if the project is not in conflict with AB 2097. However, no parking is required for a mixed-income project using AB 2011.

AB 2097 became effective on January 1, 2023, and prohibits minimum parking requirements on a residential, commercial or other development project if the project is located within ½ mile of a major transit stop. A major transit stop means an existing rail or bus rapid transit station and the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during morning and afternoon peak commute periods.

City Council Study Session

At the City Council study session on April 19, 2023, staff provided an overview of SB 6 and AB 2011 to the Council. Staff also recommended that the Council allow staff to apply the City's Affordable Housing Overlay (AHO) zone requirements to a housing development within a commercial zone allowed by SB 6. SB 6 does not prevent the City from requiring inclusionary housing, which is the same as a mixed income housing development where a percentage of the total units are set aside for affordable incomes. The City's AHO zone requirement would require a housing development project using SB 6 to set aside 20% of the total housing units for low-income households. This would be similar to AB 2011, which requires affordable housing as part of a housing development and with other commercial properties within the City that have been rezoned with an AHO to accommodate the City's regional housing need in the Housing Element.

Council Request for Data on Previously Approved Housing Legislation

The Council wanted information on the success of state housing legislation and if there is any data on the by-right development that has been approved over the years. The State Department of Housing and Community Development (HCD) has been monitoring housing projects that have been approved using SB 35. SB 35 was adopted in September 2017, and allows residential units of two or more to be permitted by right if a local jurisdiction has not made progress in meeting housing in the income categories based on their RHNA allocation. SB 35 requires a housing project to be in an urbanized area, at least 75% of the perimeter is adjacent to parcels that are developed with urban uses and the property is zoned residential or residential mixed-use where two-thirds of the square footage of the development is for residential.

According to HCD's on-line dashboard, since 2018, 954 residential units have been constructed throughout California using SB 35.

ANALYSIS:

ZTA2023-0002 will amend Chapters 17.33 and 17.35 of the Corona Municipal Code. Chapter 17.33 regulates Commercial Zones not within a specific plan that includes the C-P (Commercial Office) zone, C-2 (Restricted Commercial) zone and C-3 (General Commercial) zone. Chapter 17.35 regulates the Quasi-Public (QP) zone not within a specific plan.

ZTA2023-0002 will add language to the permitted land uses section in each chapter to permit residential pursuant to SB 6 subject to the requirements set forth in Corona Municipal Code Chapter 17.31, Affordable Housing Overlay Zone. Language will also be added to permit residential pursuant to AB 2011. Residential development allowed per AB 2011 will not be subject to the city's AHO zone since this law already requires affordable housing.

The attached ordinance shows the redlines proposed to Section 17.33.030 and Section 17.35.020. SB 6 is referenced as Cal Gov't Code §65852.24 and AB 2011 is referenced as Cal Gov't Code §65912.100. Residential is being added as a permitted land use to the C-P, C-2, and C-3 zones with the following footnotes. The same language is also being added to the QP zone permitted uses section, but not as a footnote.

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.

The City's General Plan Housing Element focuses on housing programs that would support the development of various housing types and provide housing for all economic segments of the city. Providing adequate sites is one way to achieve a variety and diversity of housing. ZTA2023-0002 allows the City to require mixed-income housing as part of a housing development using SB 6 in the City's commercial zones. The City is not prevented from requiring inclusionary housing with the enactment of SB 6 and the amendment would ensure adequate sites and the City's housing sites inventory are set aside to provide a balance of housing types for all income levels. The application of the AHO zone requirement on commercial sites is also consistent with the commercial properties that were rezoned by the City to include an AHO for the City's housing sites inventory. As such, the commercial properties not part of the City's housing sites inventory would bear some responsibility in providing affordable housing like the sites identified on the City's housing sites inventory for affordable housing. Exhibit 4 shows an example of a commercial site in the City with an AHO zone compared to a commercial site without an AHO zone.

FINANCIAL IMPACT:

ZTA2023-0002 is an application by the City. Therefore, no application fees were paid for the processing of this application.

ENVIRONMENTAL ANALYSIS:

This action is exempt pursuant to Government Code Section 65852.24(h), which provides that the adoption of a local ordinance implementing SB 6 and AB 2011 shall not be considered a "project" under Section 21000 *et seq.* of the California Environmental Quality Act (CEQA).

PLANNING AND HOUSING COMMISSION ACTION:

At its meeting of May 8, 2023, the Planning and Housing Commission considered the subject matter and took the following action:

Motion was made, seconded (Woody/Alexander) and carried unanimously that the Planning and Housing Commission recommend approval of ZTA2023-0002 to the City Council, based on the findings and conditions contained in the Staff Report. The minutes of the Planning and Housing Commission meeting are included as Exhibit 6.

PREPARED BY: JOANNE COLETTA, PLANNING & DEVELOPMENT DIRECTOR

Attachments:

1. Exhibit 1 - Urgency Ordinance No. 3371
2. Exhibit 2 - Ordinance No. 3372 - (clean version)
3. Exhibit 3 - Ordinance No. 3372 - (redline version)
4. Exhibit 4 - Commercial sites with an AHO zone compared to commercial sites without an AHO zone
5. Exhibit 5 - Planning and Housing Commission Staff Report
6. Exhibit 6 - Minutes of the Planning and Housing Commission meeting of May 8, 2023