

**ORDINANCE NO. 779**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA, CALIFORNIA, APPROVING DEVELOPMENT CODE AMENDMENT NO. P23-222, WHICH AMENDS TITLE 17 (ZONING) OF THE LOMA LINDA MUNICIPAL CODE BY ADDING CHAPTER 120 PERTAINING TO STREAMLINED HOUSING DEVELOPMENT PROJECTS ON HOUSING ELEMENT SITES TO IDENTIFY APPLICABLE SITES, ESTABLISH REQUIREMENTS AND STANDARDS FOR LOWER-INCOME TARGET UNITS, AND ESTABLISH PROCEDURES AND REQUIREMENTS FOR THE MINISTERIAL REVIEW AND APPROVAL OF HOUSING DEVELOPMENT PROJECTS WITH LOWER-INCOME TARGET UNITS.**

**WHEREAS**, the City of Loma Linda wishes to serve the public health, safety, and general welfare and preserve the quality of life throughout the City, through effective land use and planning; and,

**WHEREAS**, on February 8, 2022, the City Council adopted Resolution No. 3126 to repeal the Loma Linda General Plan 2014-2021 Housing Element and replace it in its entirety with the 2021-2029 Housing Element (General Plan Amendment No. P20-109); and

**WHEREAS**, Program 1.1 of the Housing Plan of the 2021-2029 Housing Element addresses adequate housing sites and includes an action to amend the zoning code to allow residential developments in which at least 20 percent of the housing units are affordable to lower-income households ("target units") by-right and not subject to any discretionary review; and

**WHEREAS**, Government Code Sections 65583.2(c) and 65583.2(i) require that housing development projects be approved as by-right uses if at least twenty (20) percent of the units are affordable to households at or below the lower-income level on "re-used" sites, defined as those sites identified in the housing element as suitable for residential development to meet the sixth cycle RHNA that are non-vacant and that were also identified as suitable sites in the fifth cycle housing element, and vacant sites that were also identified as suitable sites in the fourth and fifth planning cycles; and

**WHEREAS**, on October 5, 2023, staff of the State Housing and Community Development Department (HCD), informed the City in writing that it cannot find the City in full compliance with state housing element law until the zoning code amendments to meet the affordability requirements for re-used sites have been completed; and

**WHEREAS**, the City of Loma Linda proposes to amend Title 17 (Zoning) of the Loma Linda Municipal Code to establish provisions for the by-right ministerial approval of housing development projects with the required lower-income target units on re-used housing element sites consistent with Government Code Sections 65583.2(c) and 65583.2(i), as set forth in Exhibit A; and,

**WHEREAS**, on January 3, 2024, the Planning Commission held a duly noticed public hearing on the proposed development code amendment and Ordinance, at which an oral and written presentation was made and comments received, and the Planning Commission made a recommendation to City Council to adopt the ordinance; and,

**WHEREAS**, on February 13, 2024, the City Council conducted the first reading of the development code amendment and the second reading on March 12, 2024 where it adopted the Ordinance, approving Development Code Amendment No. P23-222; and,

**WHEREAS**, the Planning Commission and City Council have reviewed the proposed amendments and find that Development Code Amendment No. P23-222 is consistent with the Loma Linda General Plan, is not detrimental to the public health, safety, and general welfare, and is in conformity with good land use practice.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMA LINDA DOES RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:**

**Section 1.** The City Council hereby finds that all of the facts set forth in the recitals of this ordinance are true and correct.

**Section 2.** Environmental Exemption. The Planning Commission recommends that the City Council determines that the Development Code Amendment is exempt from the requirements of the State of California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines where CEQA only applies to projects that have the potential for causing a significant effect on the environment, and there is no possibility that the proposed Development Code Amendment may have a significant effect on the environment.

**Section 3.** Approval. The Planning Commission recommended adoption and City Council hereby adopts the Ordinance approving Development Code Amendment No. P23-222, which amends Title 17 (Zoning) of the Loma Linda Municipal Code as indicated in "Exhibit A" and as referenced herein.

**Section 4.** Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect this validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsection, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional.

**Section 5.** Certification. The City Clerk shall certify to the passage of this Ordinance and shall cause the same to be posted within fifteen (15) days from its passage pursuant to Government Code section 36933.

**Section 6.** Effective Date. This Ordinance shall be in full force and effective a minimum of thirty (30) days after passage.

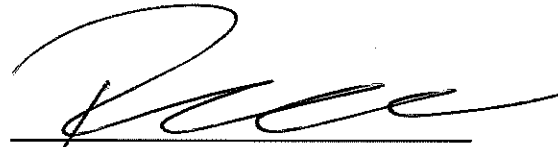
This Ordinance was introduced at the regular meeting of the City Council of the City of Loma Linda, California, held on the 13th day of February 2024 and was adopted on the 12th day of March 2024 by the following vote to wit:

Ayes: Dailey, Dupper, Jindal

Noes: None

Absent: Lenart, Rigsby

Abstain: None



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Phillip Dupper, Mayor

Attest:



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Lynette Arreola, City Clerk

## EXHIBIT A

### Chapter 17.120 Streamlined Housing Development Projects on Housing Element Sites

#### 17.120.010 Purpose.

This Chapter is established to comply with Government Code §65583.2(c) and §65583.2(i) relating to the inventory of land suitable for residential development to meet the general plan housing element Regional Housing Needs Assessment (RHNA). The Government Code requires that specified housing development projects be approved as by-right uses if at least twenty (20) percent of the units are affordable to households at or below the lower income level. The specified housing development projects are: 1) those proposed on sites identified in the housing element as suitable for residential development to meet the sixth cycle RHNA that are non-vacant and that were also identified as suitable sites in the fifth cycle housing element; and 2) vacant sites that were also identified as suitable sites in the fourth and fifth planning cycles. This Chapter identifies the sites applicable to these provisions, establishes requirements and standards for lower-income units, and establishes procedures and requirements for the review and approval of housing development projects with the required lower-income household units.

#### 17.120.020 Applicability.

The provisions of this Chapter pertain to housing development projects that include at least twenty (20) percent of the total housing units for persons and families of lower-income households (or income levels below that designation), referred to as targeted income households, and are on sites identified in the State Housing and Community Development Department Site Inventory Forms Table A in the Housing Element as being: 1) non-vacant and identified in the fifth cycle housing element as suitable for residential development to meet the RHNA and accommodate lower-income housing, moderate-income housing, or above moderate-income housing; or (2) vacant and identified in the fourth and fifth cycles of housing elements as suitable for residential development to meet the RHNA and accommodate lower-income housing, moderate-income housing, or above moderate-income housing.

#### 17.120.030 Definitions.

- A. "Above moderate-income" means above one hundred twenty (120) percent of the San Bernardino County median income.
- B. "Affordable" shall have the respective meaning set forth therefor in California Health and Safety Code Section 50053 as to rental units and Section 50052.5 as to ownership units.
- C. "By-right use" shall have the same meaning as Government Code §65583.2(i).
- D. "Extremely low-income" means income not greater than thirty (30) percent of the San Bernardino County median income.
- E. "Housing development project" shall have the same meaning as Government Code §65589.5(h)(2), and refers to a use consisting of residential units, mixed-use developments consisting of residential and non-residential uses with at least two-thirds of the square footage designated for residential use, or transitional housing or supportive housing.

- F. "Lower-income households" means those households earning not greater than eighty (80) percent of the San Bernardino County median income, and includes very-low-income households, as defined in California Health and Safety Code §50105, and extremely low-income households, as defined in Health and Safety Code §50106.
- G. "Moderate-income" means eighty (80) percent to one hundred twenty (120) percent of the San Bernardino County median income.
- H. "Regional Housing Needs Assessment," or RHNA, means a process mandated by state housing law as part of the periodic process of updating the general plan housing element that quantifies the need for housing within each jurisdiction during specified planning periods.
- I. "Targeted income" means extremely low-income, very low-income, or lower-income.
- J. "Very-low-income" means income that is between thirty (30) percent and fifty (50) percent of the San Bernardino County median income.

**17.120.040 Review, Permits and Approval.**

- A. Ministerial Approval and Design Review.** Housing development projects that qualify under Section 17.120.20 and are consistent with the provisions of this Chapter shall be reviewed, permitted, and approved by the city as by-right uses and as ministerial actions, including design review, in accordance with Chapter 17.115 (Objective Design Standards), except that a housing development project with the required lower-income units that requires a subdivision action to establish a legal building site for such development shall comply with all applicable requirements of Title 16 (Subdivisions) and be subject to a discretionary review process and the application types, reviews, and procedures as outlined in Chapter 17.30 (Administration), unless otherwise exempted by state law. When an applicant elects to deviate from the objective design standards set forth in Chapter 17.11.115, a ministerial review process shall not apply and the development application shall be subject to any required discretionary application types, review and approvals as set forth in Chapter 17.30 (Administration).
- B. Zoning Development Standards and Building Standards.** Notwithstanding Section 17.120.040(A), all housing development projects pursuant to this Chapter shall comply with all development standards and regulations of the applicable zoning district and other applicable provisions of Title 17 (Zoning), and with all applicable regulations of Title 15 (Buildings and Construction).
- C. California Environmental Quality Act.** All housing development projects pursuant to this Chapter, and that are in conformance with the provisions of this Chapter, that qualify for a ministerial review process shall be considered exempt from the California Environmental Quality Act (CEQA). This exemption does not preclude a determination by the city that certain technical reports are required as part of the standard submittal checklist established by the Community Development Director, or as required through the imposition of standard conditions of approval. Any required technical reports shall conform to city requirements established for such reports. Projects that do not qualify for a ministerial review process shall be reviewed in compliance with the applicable CEQA guidelines for discretionary application types.

**D. Building Permit.** All housing development projects pursuant to this Chapter, and that are in conformance with the provisions of this Chapter, shall require a building permit, subject to all the standard application, review and processing fees and procedures that apply to building permits generally.

**17.120.050 Targeted Income Unit Requirements and Standards.**

The targeted income units that represent at least twenty (20) percent of the total units of the housing development project must be constructed on the same site as the housing development project and must conform to the following standards.

- A. The units shall remain restricted and affordable to the designated income group for a period of at least forty-five (45) years for owner-occupied units and at least fifty-five (55) years for renter-occupied units.
- B. The units shall have the same exterior appearance and quality of construction as that of market-rate units in the same housing development project.
- C. The units shall have the same amenities as the market-rate units in the same housing development project, including the same access to and enjoyment of common open space, parking, storage, and other facilities in the development.
- D. The unit mix based on bedroom count shall be proportional to the unit mix based on bedroom count provided for the market-rate units in the same housing development project.
- E. The units shall be dispersed throughout the housing development project, on each floor and section of the building(s) and throughout the site such that:
  - 1. No more than fifty (50) percent of the proposed lower-income units are consolidated into one structure in developments with more than one multi-unit structure; and
  - 2. No more than twenty (20) percent of the proposed lower-income units in a single multi-unit structure are located adjacent to each other or stacked on consecutive floors unless it is unavoidable due to the required unit mix and distribution.
- F. All targeted units shall be made available for occupancy concurrently with the market-rate units of the housing development project as follows:
  - 1. In ownership projects, the city may not issue building permits for more than fifty (50) percent of the market-rate units until it has issued building permits for all of the targeted income units, and the city may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate units until it has issued final inspections or certificates of occupancy for all of the targeted income units.
  - 2. In rental projects, the city may not issue building permits for more than fifty (50) percent of the market-rate buildings until it has issued building permits for all buildings containing targeted income units, and the city may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate buildings until it has issued final inspections or certificates of occupancy for all of the buildings containing targeted income units.

3. In the event the city approves a phased project, the targeted income units shall be provided proportionally within each phase of the housing development project.

**17.120.060 Housing Plan.**

- A. An application for approval of a housing development project pursuant to Section 17.120.020 shall include a housing plan describing how the development will comply with the provisions of this Chapter. No application for approval of a housing development project shall be deemed complete unless the housing plan is in conformance with this section.
- B. A housing plan shall include a written description and project plans indicating each of the following:
  1. The number of targeted income units proposed, specifically delineating the income level for the targeted income units.
  2. The unit square footage and number of bedrooms for market-rate and targeted income units and whether they are ownership or rental units.
  3. The proposed location of the targeted income units.
  4. Amenities and services provided for the unit residents.
  5. Specific level of affordability for each of the targeted income units.
  6. Schedule for production of the targeted income and market-rate units.

**17.120.070 Housing Agreement.**

A housing agreement that includes provisions and terms for meeting the requirements of this Chapter shall be approved by the Community Development Director and recorded as a restriction (agreement) against the property prior to issuance of a certificate of occupancy for the housing development project. The restriction (agreement) shall be completed by the developer on a form acceptable to the City Attorney and submitted with an application for the housing development project.

**17.120.80 Continued Affordability.**

- A. All units restricted to a designated targeted income group (namely, extremely low-income, very low-income, or lower-income) shall remain affordable to the targeted income group for a period of at least forty-five (45) years for owner-occupied units and at least fifty-five (55) years for renter-occupied units.
- B. The occupancy of the targeted income units shall be governed by the terms of the housing agreement recorded as a restriction (agreement) recorded against the property, which shall establish, at a minimum, the following:
  1. Any eligible household that occupies a unit at a targeted income level (namely, extremely low-income, very low-income or lower-income) must occupy that unit as its principal residence unless otherwise approved in writing for rental to a third-party eligible household

for a limited period due to household hardship, as may be specified in the housing agreement.

2. No household may begin occupancy of a targeted income unit until the household as been determined to be eligible to occupy that unit by the Director or designee.

**17.120.090 Administration and Monitoring.**

- A. The City Council, by resolution, may from time to time establish fees for the ongoing administration and monitoring of the targeted income units, which fees may be updated periodically, as required.
- B. The City Council, by resolution, may from time to time adopt procedures for implementing this Chapter, including documents that establish standards for determining household income, affordable rent and/or affordable housing cost, provisions for continued monitoring of tenant eligibility, and other eligibility criteria, and enforcement.