

## Article 46 Mixed-Use Overlay Zone (MU-O)

### 9-2.4601 Intent and Purpose (MU-O).

The Mixed-Use Overlay (MU-O) Zone is enacted to implement, in part, the City of Artesia 6<sup>th</sup> Cycle Housing Element of the Artesia General Plan, to encourage and incentivize new mixed-use infill residential, retail, and commercial development within the city, and to facilitate affordable multi-family housing for very-low and low-income classifications. This ordinance further establishes a Community Benefit Program as set forth in Section 9-2.4609. This ordinance is not intended to alter development rights or standards applicable to the underlying zoning.

Specific goals of this Ordinance include:

- Accomplishing the housing needs of the City per the current Regional Housing Needs Assessment (RHNA) as issued by the Gateway Cities Council of Governments and the State of California;
- Affirmatively furthering fair housing for all income levels;
- Incentivizing affordable housing for lower-income and special-needs households;
- Incentivizing socially and economically inclusive housing;
- Increasing the opportunities for a variety of housing types;
- Facilitating walkable development with multi-modal transportation options;
- Creating new patterns for socially- and economically-inclusive housing that reduce segregated living patterns and work towards truly integrated and balanced living patterns;
- Facilitating increased employment and multi-modal access to jobs in high-resource areas.

### 9-2.4602 Applicability.

- (a) The MU-O Zone may be applied to all properties identified on Map A, which follows the text of this ordinance. If a property is not identified on Map A, the MU-O Zone shall not be applied to that property unless a map amendment and overlay zone change are approved by the Artesia City Council.
- (b) At an applicant's election, properties within the MU-O Zone may be developed either in accordance with (a) this article or (b) the standards of the underlying zoning district or Specific Plan.
- (c) Once an applicant elects to develop a property under the MU-O Zone or the underlying zoning district or Specific Plan, that choice governs all subsequent development and approvals.

### 9-2.4603 Definitions.

- (a) Affordable housing. "Affordable housing" for the purposes of this ordinance means housing available and deed-restricted for low-income and very-low-income households.
- (b) The term "low-income families" has the same meaning as defined in Section 3(b)(2)(A) of the Housing Act of 1937 as amended (42 USC 1437a(b)(2)(A)).
- (c) The term "very-low-income families" has the same meaning as defined in Section 3(b)(2)(B) of the Housing Act of 1937 as amended (42 USC 1437a(b)(2)(B)).
- (d) The term "extremely low-income families" has the same meaning as defined in Section 3(b)(2)(C) of the Housing Act of 1937 as amended (42 USC 1437a(b)(2)(C)).

- (e) Moderate income means income greater than the area median income (AMI) but not exceeding 120 percent of the AMI, as established by the California Department of Housing and Community Development, pursuant to California Health & Safety Code § 50093.
- (f) The term “lower-income households” includes households of very-low, low- and moderate-income families.
- (g) Mixed-use. “Mixed-use” means for purposes of this ordinance a combination of commercial-retail, institutional, or office uses in the same structure as a multiple-family residential development.

**9-2.4604 Principal Uses Permitted**

- (a) The following uses are allowed as principally permitted uses where the MU-O Zone applies, if the project or proposed use complies with all development standards of 9-2.4607:
  - 1. Multiple-family Residential Development. Except as provided in Section 9-2.4607(b) below, multiple-family residential development that is limited to residential uses and is not “mixed use” pursuant to Section 9-2.4603(g) is permitted where the underlying zone is residential, or the underlying Specific Plan permits stand-alone residential uses. Multiple-family development may consist of rental apartment units or condominium units;
  - 2. Mixed-use development. Commercial or office uses may occupy the first story in a multi-story structure but shall not exceed 50% of the total usable floor area of the structure;
  - 3. 100% affordable-housing development;
  - 4. Supportive housing;
  - 5. Employee housing;
  - 6. Transitional housing as defined in Government Code Section 65582(q);
  - 7. Single-room occupancy unit where the underlying zone is commercial or industrial, or if not commercial or industrial, the site abuts the underlying commercial or industrial zone within the Mixed-Use Overlay boundary;
  - 8. Emergency shelters as defined in Section 9-2.406, “E” Words and Phrases, of Title 9 of the Artesia Municipal Code where the underlying zone is commercial or industrial, or if not commercial or industrial, the site abuts the underlying commercial or industrial zone within the Mixed-Use Overlay boundary;
  - 9. Low-barrier navigation centers, in accordance with Government Code § 65660 et seq.;
  - 10. Restaurants, where the underlying zone is commercial or in conjunction with Mixed Use development and that do not both (1) serve alcohol and (2) provide outdoor dining;
  - 11. All service and professional uses that are allowed as principal uses under Section 9-2.3002 where the underlying zone is commercial or in conjunction with Mixed Use development or an approved Specific Plan.

**9-2.4605      Conditionally Permitted Uses**

- (a) The following uses are allowed as Conditionally Permitted uses in the MU-O Zone, if the project or proposed use complies with all development standards of Section 9-2.4607 where the underlying zone is commercial or if not commercial, the site abuts the underlying commercial zone:
1. Hotels and motels;
  2. Bars and cocktail lounges;
  3. Restaurants that serve alcohol and that provide outdoor dining.

**9-2.4606      Temporary Uses**

Under the MU-O Zone, the property may be used for temporary uses as set forth in Section 9-2.4002 of Article 40 of this chapter subject to approval of a temporary use permit in accordance with Article 40 of this chapter.

**9-2.4607      Development Requirements and Standards**

Projects seeking approval under this article shall be subject to the following development requirements and standards:

- (a) *All Projects:*
1. Property development within the MU-O Zone is subject to the Community Benefit Program and in-lieu fees (Section 9-2.4609) whether it is developed under MU-O standards or according to the underlying zoning.
  2. At least 10 percent of the residential units, or one unit, whichever is greater, in each project developed under this article shall be reserved for households earning no more than 80 percent of Los Angeles County area median income adjusted for family size appropriate to the unit. The units shall be rented or sold at an affordable housing cost, as defined in Sections 50052.5 and 50053 of the California Health and Safety Code. The units shall be rented or sold in accordance with California Government Code Section 65915.
  3. When a property (1) is identified in the current Housing Element as a shortfall site (subject to Government Code § 65583.2(h) and (i)), and (2) has a site capacity for 16 dwelling units or more at the minimum density of 70 dwelling units per acre, 100 percent residential development is permitted by-right consistent with Government Code § 65583.2(h) and (i). Residential projects shall be constructed to a minimum density of 70 dwelling units per acre or the current MU-O minimum density as set forth in Section 9-2.4607, whichever is greater.
  4. Affordability. At least 20 percent of dwelling units on shortfall sites must be designated as affordable to lower-income households as in Section 9-2.4603.
  5. Mixed-use developments that combine residential and commercial uses are permitted on HE shortfall sites as follows:
    - A. Residential uses must occupy a minimum of 50 percent of the total floor area of the project.
    - B. A minimum of 30 percent of the total dwelling units shall be reserved for lower-income households on HE shortfall sites.

(b) *Mixed-Use Developments:*

1. Commercial uses shall occupy at least 50% of the ground-floor area of mixed-use developments; however, if a project comprises 100% low or very low income units or a combination thereof then the ground-floor commercial requirement is waived. The ground-floor commercial requirement is also waived on properties that are required to be re-zoned to conform to Housing Element requirements.
2. Where low- to very-low income units are incorporated in a proposed mixed-use development, the minimum required commercial floor area may be decreased by 10%.

(c) *Multi-Family Developments:*

1. The Condominium Development Standards contained in Article 36 of Chapter 2 of Title 9 of the Artesia Municipal Code do not apply to multi-family developments developed under the MU-O Zone. This provision does not prohibit condominium development in the MU-O Zone.
2. *Density.* All residential uses within the MU-O Zone shall be developed at a minimum residential density of 70 dwelling units per acre. The maximum residential density shall be as follows:
  - A. Where the maximum allowable building height is 5 stories or more, including applicable Artesia Density Bonus stories, the maximum density is 100 dwelling units per acre.
  - B. Where maximum allowable building height is 4 stories or fewer, including applicable Artesia Density Bonus stories, the maximum density is 70 dwelling units per acre.
  - C. Where the underlying zoning or Specific Plan permits a residential density greater than the maximum allowed under subsections (A) and (B), the greater density applies.
  - D. California Density Bonus provisions for additional increased density with varying proportions of affordable units (Cal. Gov. Code § 65915 *et seq.*) may be applied to any proposed multi-family development.
3. *Artesia Density Bonus.* The Artesia Density Bonus increases the maximum number of stories for multiple-family or mixed-use projects that incorporate a minimum percentage of affordable units. Projects are eligible for one additional story such that where the maximum building height is 5 stories, the Artesia Density Bonus permits 6 stories; where the maximum building height is 4 stories, the Artesia Density Bonus permits 5 stories; and where the maximum building height is 3 stories, the Artesia Density Bonus permits 4 stories. Projects are eligible for the Artesia Density Bonus if they incorporate low to moderate-income units as follows:
  - A. 35% or greater of low to very-low income housing
  - B. 45% or greater of moderate-income housing
  - C. Projects proposing 100% market-rate units are not eligible for the Artesia Density Bonus

*Note: See Map A for height and density designations.*

4. *Private outdoor living space.* Each unit shall have private outdoor living space of at least 100 square feet. The outdoor living space may include rooftop decks, balconies, or patios and shall have a minimum dimension of 5 feet in every direction.
  5. *Communal open space and recreation facilities.* A minimum of 50 square feet per dwelling unit, with a total minimum area of 600 square feet, of communal open space and recreation facilities, shall be provided for exclusive use by multi-family or mixed-use development residents and their guests. This requirement may be satisfied by various facilities in separate locations within the residential or mixed-use building (for example, gym, garden, rooftop deck, plaza, forecourt); however, no single facility may be less than 500 square feet in area with minimum dimensions of 10 feet in every direction. Non-enclosed communal open space may be provided in setback areas.
  6. *Distribution/Location of Low-Income Units:* Units designated as affordable shall be reasonably dispersed throughout the development, shall contain on average the same number of bedrooms as the market-rate units, and shall be comparable with the market-rate units in terms of appearance, finish quality, and materials.
- (d) *Yards.* Except as otherwise provided in Article 9 of this Chapter, the following yard requirements apply:
1. *Front Yards.* Front yards are not required.
  2. *Side Yards.*
    - A. Each lot or parcel of land that has a side lot line adjoining property in a residential or agriculture zone shall have a side yard not less than 10 feet in width on the side adjoining such residential or agricultural lot or parcel of land.
    - B. Where a side lot line abuts a property not within the MU-O Zone that is developed with a residential use, the minimum setback for the first and second stories is ten feet, and the minimum setback for the third and fourth stories is 15 feet. Additional stories above the fourth story that are granted pursuant to the City of Artesia Density Bonus Ordinance as affordable housing development concessions shall be subject to a minimum setback of 20 feet. Buildings may be stepped to achieve these setback requirements, or the developer may choose to set back the entire building to meet the largest setback requirement.
    - C. Where the side lot line of any lot or parcel of land adjoins property that is not within the MU-O Zone or that is not zoned for residential use, the side yard shall conform to the underlying zone of that lot or parcel.
  3. *Rear Yards:*
    - A. Each lot or parcel of land which has a rear lot line adjoining property in a residential or agricultural zone shall have a rear yard not less than 10 feet in depth.
    - B. Where a rear setback abuts a residentially-zoned property not within the MU-O Zone, the minimum setback for the first and second stories is ten feet, and the minimum setback for the third and fourth stories is 15 feet.

- (e) *Privacy*. Where a property abuts a residentially-zoned property that is not within the MU-O Zone:
1. Private open spaces and communal open spaces that face residentially-zoned property shall include screening that is at least six feet above floor level. Screening is not to be considered part of the building for the purposes of measuring building height.
  2. All parts of windows on stories above ground level that face residentially-zoned property shall be at least six feet above the floor level in that story or shall be constructed with non-transparent material to obscure views into adjacent private yards (e.g., frosted or textured glass, or other solution to the satisfaction of the Planning Director).
- (f) *Height Limits*. Height limits are established by the number of stories per parcel as shown on Map A, except that additional stories added pursuant to Section 9-2.4607(c)(3), Artesia Density Bonus, are allowed.
- (g) *Design Standards*.
1. *Facade articulation*. The façade of any building shall not have a single, unarticulated plane of more than 30 linear feet. Articulation of the façade shall be of a depth not less than two (2) feet.
  2. *Building entrance*. A building entrance or entrances shall be set back or projected forward from the main façade of the building by not less than six (6) feet.
  3. *Additional design criteria*. Except where detailed in (g)1 through (g)3, above, development shall meet the objective design criteria applicable to the underlying zoning or Specific Plan except where the underlying zoning is a residential zone. If the underlying zoning is a residential zone, then the design standards applicable to the Commercial General (C-G) Zone apply.
- (h) *Off-Street Parking*. Each lot or parcel of land shall comply with the following parking location requirements:
1. *Location*. The required parking facilities set forth in Subsection 3(i)(c) of this section shall be located entirely behind or within the building. Vehicle parking may not be located along any street frontage of the property. For the purposes of subsection 3(i)(a) an alley is not a street.
  2. *Additional requirements for above-grade parking*:
    - A. *Parking garage façades shall have decorative elements as follows*:
      - i. Where a property has a depth of 120 feet or longer as measured from the property street frontage, the parking garage portion of the development shall incorporate on the building's street frontage developable space to accommodate retail, office, or other permitted uses along the street frontage and to screen the parking garage from the street.
      - ii. Where a property has a depth of less than 120 feet as measured from the property street frontage, the parking garage façade shall incorporate screening elements, window displays, vertical landscaping, or a combination of one or more of these.

3. Parking garages shall have a street-accessible pedestrian entry/exit door. Access from the street shall be controlled by an electronic locking mechanism to prevent unauthorized entry.
  - (i) *Parking spaces required.*
    1. The following parking requirements apply:
      - A. Two standard spaces per each residential unit with two or more bedrooms.
      - B. One standard space per each residential unit with one or fewer bedrooms (e.g., studio units);
      - C. One quarter (1/4) space per each multi-family unit for guest parking. Multi-family guest parking shall be identified as such and kept separate from retail and commercial parking areas;
      - D. For all commercial uses, including restaurants, retail, and service uses, parking requirements are one space per 250 square feet of floor area.
      - E. For all developments that include five or more affordable units, parking space requirements shall be reduced by 10%, excluding ADA parking space requirements. The number of parking spaces for such projects may be further reduced upon application to the Community Development Director.
      - F. For residential uses exclusively accommodating senior housing, supportive or transitional housing, SROs, or other housing for individuals with physical or developmental disabilities, parking-space requirements shall be reduced by 20%, excluding ADA parking space requirements. The number of parking spaces for these uses may be further reduced upon application to the Planning Director.
      - G. Hotels are subject to the parking requirements in Article 11.
  - (j) *Bicycle Parking.*
    1. For residential uses with ten or more units, one bicycle space for every four residential units or four total spaces, whichever is more, shall be provided in a secured location for exclusive use by residents and their guests.
    2. For commercial uses, one bicycle space per 1,000 square feet of retail or service use floor space shall be provided in a location accessible to the public.
  - (k) *Signs.* All signage shall comply with Article 12 of the Artesia Municipal Code.
  - (l) *Landscaping.* Except as modified by this Article, landscaping shall comply with Article 15 of this chapter.

1. Landscaping other than turfgrass (lawns) may be provided in any manner, including, but not limited to, ornamental planting at grade, including trees, shrubs, annual plants, decorative groundcover, etc., and ornamental planting in raised planters. Turfgrass shall not be used as a decorative groundcover or other non-functional application. Turfgrass may be used in common areas, but shall be subject to City or State water-conservation regulations. Landscaping may be included in rear and side setback areas.
  2. Article 15, Section 9-2.1502, *Required Area*, does not apply to properties developed according to the Mixed-Use Overlay.
- (m) *Trash Containers*. Trash enclosures shall comply with the trash enclosure standards applicable to the underlying zone or Specific Plan.
- (n) *Air Conditioning Units*. Exterior air conditioning unit locations shall comply with the Air Conditioning Unit standards applicable to the underlying zone or Specific Plan. If no standards are established by the underlying zone or Specific Plan, exterior air conditioning units shall be screened according to the development standards set forth in Artesia Municipal Code Title 9, Planning and Zoning, Article 29 Multiple Residential (M-R), § 9-2.2904(k).
- (o) *Lighting*. All outdoor parking lot, security, and ornamental landscape lighting, except for ornamental landscape uplights designed to illuminate tree canopies, shall be shielded and directed downwards. Lamps shall be shielded such that their illumination does not exceed 0.5 foot-candle at any property boundary.

#### 9-2.4608 Design Review

- (a) **Applicability**. Projects meeting the following criteria are subject to discretionary Design Review approval in accordance with Article 20 of this chapter:
1. Any proposed development in the MU-O Zone without a housing component;
  2. Any proposed residential or mixed-use (commercial-residential) project that does not contain very-low-income, low income, or moderate-income units;
  3. All other projects except as enumerated in Section 9-2.4608(b) below.
- (b) **Exemptions**. The following development project categories are exempt from discretionary Design Review:
1. Any proposed residential development in the MU-O Zone that is subject to ministerial review;
  2. Residential development incorporating four or fewer market-rate residential units;
  3. Multifamily residential projects of five or more residential units that include affordable housing;
  4. Mixed-use development that are described by Government Code section 65589.5(h)(2)(B) and that includes affordable housing;
  5. Residential projects comprising 100% low or very low income units or a combination thereof;
  6. Single room occupancy residential facilities;
  7. Emergency shelters;



8. Employee housing;
9. Transitional housing;
10. Supportive housing;
11. Residential projects designed to accommodate seniors (65+) or people with disabilities.

**9-2.4609 Community Benefit Program**

- (a) *Community Benefit Program.* The Community Benefit Program is intended to balance development goals with community housing needs to take meaningful action to affirmatively further fair housing. The program features two Community Benefits, the Artesia Density Bonus, and the Affordable Housing In Lieu fee program. The Artesia Density Bonus permits increased residential height limits in exchange for affordable housing, and the “in-lieu” fee program permits market-rate development in exchange for contributing to developing affordable housing elsewhere in the City. All sites within the MU-O boundary are subject to the City’s Community Benefit Program for Affordable Housing, as follows:
  1. Except as set forth below, projects that are entirely non-residential are exempt from providing affordable housing pursuant to this section.
  2. *Applicability.* The provisions of this section shall be applicable to all development projects within the MU-O Zone.
- (b) *Artesia Density Bonus.* The Artesia Density Bonus as set forth in Section 9-2.4607(c)(3) may be utilized by all projects within the MU-O zone and is intended to facilitate the development of affordable housing in the City.
- (c) *Affordable Housing In Lieu Fee.* The Affordable Housing In-Lieu fee shall be applied to development projects within the MU-O as set forth below.
  1. Application:
    - A. Projects proposing a minimum of 15% very-low-income units, 15% low-income units, or 25% moderate-income units, or combination thereof, (calculated from base density) shall be exempt from the in-lieu fee;
    - B. Projects proposing less than the affordability percentages in Section 9-2.4608(c)(1)(A) shall be subject to the corresponding proportional amount of the in-lieu fee as follows:
      - iii. Projects proposing less than 5% of very-low or low-income units, or less than 10% of moderate income units, shall be subject to 75% of the fee;
      - iv. Projects proposing between 5% and 10% of very-low or low-income units, or between 10% and 20% of moderate-income units, shall be subject to 50% of the fee;
      - v. Projects proposing between 10% and 15% of very-low-income or low-income units, or between 20% and 25% of moderate-income units, shall be subject to 25% of the fee.
    - C. Projects not proposing any affordable housing units shall be subject to 100% of the in-lieu fee.

2. *Amount of Fee.* The amount of the in-lieu fee shall be set by resolution of the City Council.
  3. *Timing of Payment.* The fee required by this section shall be paid before issuance of a certificate of occupancy or final inspection.
  4. *Basis for Fee.* The fee shall be calculated according to the results of a City-initiated development fee study, and shall be increased periodically according to the Consumer Price Index or similar time-based escalator. There is a reasonable relationship to requiring properties that could otherwise include affordable residential units to offset the lack of affordable units in each project with the fee because the fee serves the important public purpose of facilitating affordable housing.
  5. *Affordable Housing Trust Fund.* Fees paid to fulfill the requirements of this chapter shall be placed in the City's Affordable Housing Trust Fund. The funds shall be used exclusively for projects that have a minimum of 60 percent of the dwelling units affordable to low-and moderate-income households, with at least 30 percent of the units available to low-income households. Only tax-exempt nonprofit corporations seeking to create or to preserve the housing in the city shall be eligible to apply to the Council for funding. The funds may, at the discretion of the Council, be used for pre-development costs, land or air rights acquisition, administrative costs, gap financing, or to lower the interest rate of construction loans or permanent financing. In a project that includes market-rate units, trust fund monies shall only be provided to assist in the acquisition or construction of those units affordable to lower- and moderate -income households.
- (d) *Affordable Housing Regulatory Agreement.* A legally binding agreement, in a form approved by the City Attorney, shall be executed and recorded against the property to ensure that the property complies with all of the requirements of this article, including, but not limited to, the requirement that affordable units be deed-restricted for a period of not less than 35 years. The property owner shall record the regulatory agreement prior to recording any final map for the property, or prior to the issuance of any building permit for the project, whichever comes first. The regulatory agreement shall bind all future owners and successors in interests of the project.

Figure 1 City of Artesia Mixed-Use Overlay, Map A

