

ORDINANCE NO. 19-876

AN ORDINANCE OF THE CITY OF ARTESIA, CALIFORNIA, CERTIFYING A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT AND AMENDING THE ARTESIA MUNICIPAL CODE TO ESTABLISH A HOUSING OPPORTUNITY OVERLAY ZONE

THE CITY COUNCIL OF THE CITY OF ARTESIA DOES ORDAIN AS FOLLOWS:

Section 1. Findings and Purpose.

A. The State Legislature has declared that the lack of housing, including providing for a variety of housing types for all income levels and special needs groups, is a critical problem that threatens the economic, environmental, and social quality of life in California.

B. Government Code Section 65583 requires that the City's Housing Element address governmental constraints to the development of housing, including providing for a variety of housing types for all income levels.

C. The City Council adopted the City's Housing Element dated February 2014 on February 10, 2014.

D. On April 3, 2014, the California Department of Housing and Community Development (HCD) found the City's Housing Element to be in compliance with state housing law based on, among other things, Action HE 3.1b ("Provide for Adequate Sites for Housing Development"), which committed to re-zone certain sites to accommodate a shortfall carryover of adequately zoned sites from the 4th cycle planning period and a shortfall of adequately zoned sites for the 5th cycle planning period.

E. Action HE 3.1b of the City's Housing Element identifies the need to amend the City's Zoning Code to establish a Housing Opportunity Overlay Zone to encourage the development of affordable housing in the City, and to accommodate the shortfall carryover.

F. Action HE 3.1b of the City's Housing Element states:

1. To provide for adequate sites to accommodate the City's remaining very-low and low income growth need of 76 dwelling units (52 of which must be on sites designated exclusively for residential use), the City must re-zone a minimum of 3.8 acres of land to permit owner-occupied and rental single family and multifamily development by-right with a minimum net density of 20 dwelling units per acre (du/ac), as depicted in Exhibit B-3 to Appendix B of the City's Housing Element;

2. A minimum of 2.6 acres of the re-zoned land must allow exclusively by-right residential development to accommodate at least 50 percent of the City's very-low and low income growth need, which acreage must be included within the City's proposed Housing Opportunity Overlay Zone;

3. The City must evaluate and incorporate regulatory incentives as appropriate into the proposed Housing Opportunity Overlay Zone to encourage new residential development, including, without limitation, modified parking requirements and height limits, lot consolidation incentives, and other regulatory provisions; and

4. The very-low and low income housing need must be accommodated on sites with densities and development standards that permit a minimum of 16 units per site.

G. Action HE 3.1b of the City's Housing Element provides that the City's Planning Department is responsible for implementing the proposed Housing Opportunity Overlay Zone and committed to re-zone the minimum 3.8 acres of land within one year of the City's adoption of the Housing Element.

H. HCD issued a letter of inquiry dated May 7, 2018, and a 30-day notice letter dated June 27, 2018, to the City seeking information concerning the status of the City's implementation of Action HE 3.1b.

I. HCD issued a letter requesting corrective action dated September 11, 2018, to the City seeking full implementation of Action HE 3.1b and warning that the City's Housing Element may be subject to decertification by HCD.

J. This Ordinance proposes amendments to the Artesia Municipal Code to establish a Housing Opportunity Overlay Zone in compliance with Action HE 3.1b of the City's Housing Element (the proposed "Zoning Code Amendment").

K. On _____, 2019, the Planning Commission conducted a duly noticed public hearing to consider the proposed Zoning Code Amendment set forth in this Ordinance. Notices of the time, place, and purpose of the public hearing were duly provided in accordance with State law. Following public testimony, the Planning Commission closed the hearing and adopted Resolution No. 2019-__P, recommending that the City Council adopt the proposed Zoning Code Amendment set forth in this Ordinance.

L. On _____, 2019, the City Council conducted a duly noticed public hearing to consider the proposed Zoning Code Amendment set forth in this Ordinance. Notices of the time, place, and purpose of the public hearing were duly provided in accordance with State law. Following public testimony, the City Council closed the hearing on that date.

Section 2. California Environmental Quality Act Findings. The City Council hereby makes the following environmental findings and determinations in connection with the approval of the proposed Zoning Code Amendment:

A. This Zoning Code Amendment ("Project") has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000 *et seq.*) ("CEQA"), the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 *et seq.*), and the City's Local CEQA Guidelines. In accordance with CEQA, a Supplemental Environmental Impact Report ("SEIR") was prepared to analyze the potential environmental impacts of the proposed Project.

B. The Draft SEIR was circulated for public review and comment for a period of ___ days, between _____ __, 2019, and _____ __, 2019. The City received ___ comment letters on the SEIR from _____. Responses to each of those comments were prepared and none of the comments raised any issues that would require recirculation of the Draft SEIR. Thereafter, a Final SEIR, consisting of the Draft SEIR, the technical appendices, comments on the Draft SEIR, and the responses to those comments, was prepared. A copy of the Final SEIR is on file with the Planning Department of the City of Artesia and is incorporated into this Ordinance by this reference as though set forth in full.

C. Section 15091 of the State CEQA Guidelines requires that the City, before approving the Project, make one or more of the following written finding(s) for each significant effect identified in the Final SEIR accompanied by a brief explanation of the rationale for each finding:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; or,

2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency; or,

3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

D. Section 15093 of the State CEQA Guidelines requires that if the Project will cause significant unavoidable adverse impacts, the City must adopt a Statement of Overriding Considerations prior to approving the Project. A Statement of Overriding Considerations states that any significant adverse project effects are acceptable if expected project benefits outweigh unavoidable adverse environmental impacts.

E. Environmental impacts identified in the Final SEIR that are found to be less than significant and do not require mitigation are described in Section ___ of Exhibit B of this Ordinance, which is hereby incorporated into this Ordinance by this reference as though set forth in full.

F. Environmental impacts identified in the SEIR as potentially significant but which cannot be fully mitigated to a less than significant level despite the imposition of all feasible mitigation measures are described in Section ___ of Exhibit B of this Ordinance.

G. Alternatives to the Project that might eliminate or reduce significant environmental impacts are described in Section ___ of Exhibit B of this Ordinance.

H. A discussion of the Project benefits identified by City staff and a Statement of Overriding Considerations for the environmental impacts that cannot be fully mitigated to a less than significant level are set forth in Exhibit C of this Ordinance, which is hereby incorporated into this Ordinance by this reference as though set forth in full. Public Resources Code Section

21081.6 requires the City to prepare and adopt a mitigation monitoring and reporting program for any project for which mitigation measures have been imposed to assure compliance with the adopted mitigation measures. The required mitigation monitoring and reporting program is attached hereto as Exhibit D, and is hereby incorporated into this Ordinance by this reference as though set forth in full.

I. On _____, 2019, the Planning Commission considered the Project in connection with the Final SEIR at a duly noticed public hearing. Following consideration of the entire record of information received at the public hearing, the Planning Commission adopted Resolution No. 2019-__P, recommending that the City Council certify the Final SEIR for the Project, make the findings required by CEQA, adopt a Statement of Overriding Considerations, and adopt a Mitigation Monitoring Program for the Project.

J. On _____, 2019, the City Council considered the Final SEIR for the Project and the Project at a duly noticed public hearing as prescribed by law, at which time interested persons had an opportunity to, and did testify either in support of or opposition to this matter. Prior to taking action, the City Council has heard, been presented with, reviewed, and considered all of the information and data in the administrative record, and all oral and written testimony presented to it during meetings and hearings.

K. The City Council hereby certifies the Final SEIR, adopts the Findings and Facts in Support of Findings as set forth in Exhibit B attached to this Ordinance, adopts a Mitigation Monitoring and Reporting Program for Project as set forth in Exhibit D attached to this Ordinance, and adopts a Statement of Overriding Considerations as set forth in Exhibit C attached to this Ordinance.

L. The City Council hereby certifies that the Final SEIR was completed in compliance with CEQA. The City Council also finds that the Final SEIR was presented to the decisionmaking body of the City, and that the City Council reviewed and considered the information contained in the Final SEIR prior to making any decision on the Project. The City Council finds that the Final SEIR reflects the City's independent judgment and analysis.

M. The Interim Planning Manager is the custodian of records for the Project, and all materials that constitute the record of proceedings upon which the City Council's decision was based are available for public review in the Planning Department of the City of Artesia located at 18747 Clarkdale Avenue, California 90701, telephone (562) 865-6262.

Section 3. The City Council hereby finds that the proposed Zoning Code Amendment is consistent with the goals and polices of the City's General Plan 2030. The proposed Zoning Code Amendment amends portions of Title 9 ("Planning and Zoning") of the Artesia Municipal Code to establish a Housing Opportunity Overlay Zone. The proposed Zoning Code Amendment has been designed to be consistent with State Housing Law, the City's Housing Element, and the City's General Plan 2030. The proposed Zoning Code Amendment implements the following goals and policies contained in the City's Housing Element:

A. Goal HE 3: Provide suitable sites for housing development to accommodate all ranges of housing type, size, location, and price; and

B. Policy HE 3.1: Identify properties within the City that are suitable for housing development.

Section 4. Subsections (e) through (l) of Section 9-2.501 (“Established”) of Article 5 (“Establishment of Zones”) of Chapter 2 (“Zoning”) of Title 9 (“Planning and Zoning”) of the Artesia Municipal Code are hereby re-lettered (f) through (m).

Section 5. A new Subsection (e) is hereby added to Section 9-2.501 (“Established”) of Article 5 (“Establishment of Zones”) of Chapter 2 (“Zoning”) of Title 9 (“Planning and Zoning”) of the Artesia Municipal Code to read as follows:

“(e) Housing Opportunity Overlay Zone (HO-O);”

Section 6. A new Article 29.7 (“Housing Opportunity Overlay (HO-O) Zone”) is hereby added to Chapter 2 (“Zoning”) of Title 9 (“Planning and Zoning”) of the Artesia Municipal Code to read as follows:

“Article 29.7. Housing Opportunity Overlay Zone (HO-O)

9-2.2970 Intent and Purpose (HO-O).

The Housing Opportunity Overlay (HO-O) Zone is established to facilitate the development of affordable multi-family housing, enable the City to meet its housing goals, and ensure that affordable housing developments will be compatible with surrounding land uses.

9-2.2971 Underlying Zoning (HO-O).

Premises designated within the Housing Opportunity Overlay (HO-O) may be developed either in the manner provided in this article or in the manner provided in the underlying zoning district.

9-2.2972 Principal Uses Permitted (HO-O).

The following uses are allowed in the Housing Opportunity Overlay (HO-O) Zone as principally permitted uses subject to administrative review approval pursuant to Section 9-2.2973:

- (a) Apartment houses, including condominiums.

9-2.2973 Administrative Review (HO-O).

(a) *Form of Application.* An application for a project approval under the HO-O shall be completed on a form provided by the Planning Department.

(b) *Ministerial Approval Process.* Projects that comply with the requirements of this article shall be permitted by right. Compliance with the requirements of this article shall not, however, waive any additional requirement for compliance with Chapter 1 of Title 9

of this Code. If an applicant requires approval of an application for a lot line adjustment, merger of parcels, or subdivision in conjunction with approval of an application pursuant to this article, a separate application for the lot line adjustment, merger of parcels, or appropriate subdivision map shall proceed in accordance with Chapter 1 of Title 9 of this Code.

(c) *Approving Body.* The Planning Director shall approve an administrative permit to construct and operate an apartment house under this article if the application complies with all of the requirements of this article.

(d) *Notice of Decision.* A notice of decision shall be mailed first class and postage pre-paid to both the applicant and the applicant's representative (as shown on the application) and to any person who has made a written request for a copy of the decision. The decision of the Planning Director shall be final and conclusive.

(e) *Expiration of Administrative Approval.* Within 2 years of the date of approval by the Planning Director, commencement of construction shall have occurred or the approval shall become null and void.

9-2.2974 Development Standards (HO-O).

Projects seeking approval pursuant to this article shall be subject to the following development standards:

(a) *Lot Area.* Each lot or parcel of land shall have a minimum lot area of not less than ten thousand (10,000) square feet.

(b) *Density.* Each lot or parcel of land shall have a minimum residential density of twenty (20) dwelling units per acre, with a maximum density of thirty (30) dwelling units per acre. For the purpose of calculating the allowed number of units on a particular lot, quotients ending in five tenths (0.5) or higher shall be rounded off to the next higher whole integer.

(c) *Yards.* The following yard requirements shall apply:

(1) *Front Yards.* Each lot or parcel of land shall have a front yard of not less than fifteen (15) feet in depth. Garages and parking areas facing a street shall be located a minimum of twenty-five (25) feet from the curb or proposed curb line.

(2) *Side Yards.* Each lot or parcel of land shall have a side yard of not less than five (5) feet in width, except on the street side of a corner or reversed corner lot, which shall have a side yard of not less than ten (10) feet in width. Garages and parking areas facing a street shall be located a minimum of twenty-five (25) feet from the curb or proposed curb line.

(3) *Rear Yards.* Each lot or parcel of land shall have a rear yard of not less than five (5) feet in depth. Ancillary structures abutting an alley including, but not limited to,

garages, carports, and parking areas, shall be located a minimum of five (5) feet from the alley line.

(d) *Height Limits.* No lot or parcel of land shall have a building or structure in excess of three (3) stories, or fifty (50) feet, whichever is less.

(e) *Lot Area Building Coverage.* No more than seventy (70%) percent of the lot area of any lot or parcel of land shall be covered by roofed structure(s) of any kind.

(f) *Off-Street Parking.* Each lot or parcel of land shall comply with the following parking requirements:

(1) *Location of Parking Facilities.* The required parking facilities set forth in Subsection (f)(2) of this section shall be conveniently accessible and located on the same lot or parcel of land as the use such parking facilities are intended to serve. Such facilities may include enclosed paved parking spaces within a garage and/or unenclosed paved parking spaces.

(2) *Parking Spaces Required.*

(A) For dwelling units with one (1) bedroom or less, there shall be one and a quarter (1 1/4) parking spaces per dwelling unit;

(B) For dwelling units with two (2) bedrooms, there shall be one and one-half (1 1/2) parking spaces per dwelling unit;

(C) For dwelling units with three (3) bedrooms, there shall be two (2) parking spaces per dwelling unit; and

(D) For dwelling units with four (4) or more bedrooms, there shall be two and one-half (2 1/2) parking spaces per dwelling unit.

(3) *Guest Parking.* In addition to the required off-street parking spaces set forth in Subsection (f)(2) of this section, a lot or parcel developed pursuant to this article shall provide one quarter (1/4) parking space per unit in an unenclosed space for guests, with any fractions rounded down to the nearest whole number.

(4) *Parking Space Dimensions.* The minimum size of an open parking space shall be a width of nine (9) feet and a length of eighteen (18) feet. The minimum size of an enclosed parking space shall be a width of ten (10) feet and a length of twenty (20) feet.

(5) *Accessible Parking Spaces.* A lot or parcel developed pursuant to this article shall comply with the accessible parking space requirements per the Building Code of the City of Artesia.

(6) *Bumper Guards and Wheel Stops.* Bumper guards or wheel stops, where appropriate, shall be provided for all the required motor vehicle parking spaces, except spaces established in a garage.

(7) Maneuvering Areas, Turnaround Areas, and Driveways. Maneuvering areas, turnaround areas, and driveways shall comply with all applicable requirements of the Fire Code of the City of Artesia. The required back-up area shall be twenty-five (25) feet.

(g) *Signs.*

(1) Signs Permitted. Each lot or parcel of land shall have no more than one (1) permanent sign, which shall be either a monument sign, as such term is defined in Section 9-2.420(m) of Article 4 of this chapter, or a wall sign, as such term is defined in Section 9-2.424(b) of Article 4 of this chapter.

(2) Standards Applicable to Monument Signs. Monument signs are subject to the following limitations, restrictions, and provisions:

(A) Height. Monument signs shall not exceed four (4) feet in height, inclusive of the height of the supporting structure, as measured from the ground surface level at the point on which the sign is to be placed to the top of the sign structure. The ground surface level upon which a monument sign may be placed shall not exceed three (3) feet above the elevation of the top of the nearest street curb.

(B) Length. Monument signs shall not exceed eight (8) feet in length.

(C) Area. The maximum area of a monument sign, excluding the supporting structure, shall be twenty-four (24) square feet.

(3) Standards Applicable to Wall Signs. Wall signs are subject to the following limitations, restrictions, and provisions:

(A) Projection. No wall sign shall project more than twelve (12) inches from the wall face.

(B) Area. The maximum area of a wall sign shall be forty (40) square feet.

(C) Letter and Characters. No wall sign shall have more than two (2) rows or columns of letters or characters.

(D) Conduits, Raceways, Transformers, Junction Boxes, and Openings. All conduits, raceways, transformers, junction boxes, and openings in the building surface shall be concealed.

(E) Mounting. All wall signs shall be mounted directly onto the building face and shall be completely sealed in a watertight enclosure. All bolts, fastenings, and clips used shall be of hot-dipped galvanized iron, stainless steel, or other non-corrosive material.

(4) Illumination. All signs intended to be illuminated shall be illuminated internally.

(5) Channel and Reverse Channel Letters. All signs shall consist of channel or reverse channel letters.

(6) **Signs Prohibited.** Cabinet signs, moving signs, digital changing signs, and neon signs are prohibited.

(h) *Outdoor Living Space.* Each lot or parcel shall provide a minimum of two hundred (200) square feet of usable outdoor living space per dwelling unit. Such outdoor living space may be configured as communal space, private space, or a combination of both communal and private space. Outdoor living spaces may include, without limitation, rooftop decks, balconies, or patios.

(i) *Landscaping.* Each lot or parcel of land shall be landscaped in accordance with both Articles 15 and 15.5 of this chapter.

(j) *Trash Containers.* Trash enclosures shall comply with Section 9-2.2904(j) of Article 29 of this chapter.

(k) *Air Conditioning Units.* Air conditioning units shall comply with Section 9-2.2904(k) of Article 29 of this chapter.

(l) *Landscape Accessories.* Landscape accessories, as such term is defined in Section 9-2.413 of Article 4 of this chapter, shall not exceed three (3) feet six (6) inches when measured from the ground level and shall not encroach into or overhang the sidewalk or public right-of-way.

(m) *Lighting.* All outdoor parking lot and security lighting, except for ornamental landscape lighting, shall be full cutoff, directed downwards, and shielded so that illumination from such lighting does not exceed 0.5 foot-candle at the property boundaries.

(n) *Building Standards.* Projects seeking approval under this article shall comply with all applicable standards in Title 8 of this Code.

(o) *Affordability.* At least twenty (20%) percent of the residential units in each project developed pursuant to this article shall be reserved for households earning no greater than eighty (80%) percent of area median income adjusted for family size appropriate to the unit. The units shall be sold or rented at an affordable housing cost or affordable rent, as those terms are defined in Sections 50052.5 and 50053 of the California Health and Safety Code. If the units are rental units, the affordable units shall be deed-restricted for a period of not less than fifty-five (55) years. If the units are for-sale units, the units shall be sold in accordance with California Government Code Section 65915.

(p) *Density Bonus.* An applicant for a project pursuant to this article may apply for a density bonus in accordance with California Government Code Section 65915. The units that must be reserved pursuant to Subsection (o) of this section shall not count towards the percentage of units that must be reserved to qualify for a density bonus under California Government Code Section 65915(b), as that section may be amended from time to time. For the purpose of any density bonus granted, the maximum allowable residential density for a project applying for by-right approval in the HO-O Zone shall be 30 dwelling units per acre.

(q) *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 shall be deed-restricted for a period of not less than fifty-five (55) years. The property owner shall record the regulatory agreement prior to recording any final map for the underlying property, or prior to the issuance of any building permit for the project, whichever comes first. The regulatory agreement shall be binding on all future owners and successors of interests of the project. The City Manager is authorized to execute the regulatory agreement, and any related document(s), on behalf of the City Council for projects approved pursuant to this article.

Section 7. Based on the findings set forth above, the City Council hereby amends the Official Zoning Map of the City of Artesia to add the zoning classification of Housing Opportunity Overlay Zone (HO-O) to those properties that are depicted in Groups A through G on Exhibit B-3 to Appendix B of the City's Housing Element, attached to this Ordinance as Exhibit A and incorporated herein by this reference.

Section 8. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid by a decision of a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact than any one or more sections, subsections, sentences, clauses, phrases or portions thereof be declared invalid.

Section 9. The City Clerk shall certify to the adoption of this Ordinance and shall post or publish as required by law.

PASSED, APPROVED and ADOPTED this ___ day of _____, 2019.

TONY LIMA, MAYOR

ATTEST:

ERNESTO SANCHEZ
CITY CLERK

EXHIBIT A