

Article 58. Mixed-Use Overlay District

Sec. 11-1.58.01. Intent and purpose.

The mixed-use overlay district is established to promote effective use of land by allowing vertical and horizontal mixed land uses. The mixed-use overlay district contains flexible development standards to encourage reuse of existing properties at higher residential densities and low-intensity commercial uses. These standards shall apply only when a mixed-use project is proposed/developed.

(Ord. No. 692, § 1, 10-2-06)

Sec. 11-1.58.02. Definitions.

Building frontage: The building frontage is the measurement, in linear feet, of the building or buildings that front onto a major arterial street, not including driveways and pedestrian courtyards between buildings.

Development site: A parcel or group of contiguous parcels that are proposed for development as one project.

Ground floor: Ground floor is the lowest level within a building that is accessible from and within three (3) feet above or two (2) feet below the grade of the street.

Live-work/work-live units: Live-work/work-live units are single-tenant spaces that include both a residential unit and a commercial use such as an artist studio, photography studio or similar use. This differs from other types of mixed-use developments where the residential use and commercial or other nonresidential use is in different tenant spaces. Live-work units comprise one (1) or more rooms with cooking space and sanitary facilities in conformance with the uniform building code (UBC) and adequate working space available for and regularly used by persons residing therein. Commercial portions of live-work units may also be utilized by employees not residing in the unit.

Mixed-use projects: Mixed-use developments are those that combine residential and nonresidential uses on the same project site, either vertically (such as when residential uses are located over commercial uses) or horizontally (such as when the street frontage of a site is devoted to commercial uses with residential uses behind). Mixed-use developments feature structural separations between the residential and nonresidential spaces to allow the two uses to be rented, leased, sold or occupied separately. Mixed-use developments that do not contain structural separations between the residential and nonresidential uses may be approved by the planning commission on a case-by-case basis. In order to be considered a mixed-use project, the project must have a minimum of two (2) distinct land uses.

(Ord. No. 692, § 1, 10-2-06)

Sec. 11-1.58.03. Uses subject to planning commission review and approval.

Premises in mixed-use overlay zone may be used for the following purposes subject to review and approval by the planning commission, pursuant to the provisions of Article 70, "Zoning Ordinance Administration."

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- (A) Any uses where new buildings, structures or additions are proposed; the location of said buildings, structures and additions shall be to the satisfaction of the commission. Minor additions that do not require additional parking are exempt from this requirement.

(Ord. No. 692, § 1, 10-2-06; Ord. No. 733, § 2(pt. 2), 9-7-10)

Sec. 11-1.58.04. Permitted uses by conditional use permit.

Premises in the mixed-use overlay zone may be used for the following purposes:

- (A) Any use similar to the following uses or uses allowed in the underlying zoning district which the commission finds to fall within the intent and purpose of this zone that will not be more obnoxious or materially detrimental to the public welfare and which the commission finds to be of a comparable nature and of the same class as the uses enumerated in this section.

In order to qualify for a mixed-use development, a combination of land uses must be proposed consistent with the definition of mixed use in this chapter. In addition to uses permitted in the underlying zoning districts, the following uses shall be permitted in a mixed-use configuration:

- (1) Single- and multifamily residential units at densities up to twenty-two (22) units per acre subject to the development standards in section 11.1.58.06. In the D-C zone, residential units shall be permitted above the ground floor adjacent to a public street or to the rear of the lot(s).
- (2) Single-room occupancy units (SRO) subject to the development standards listed in Section 11-1.68.10.
- (3) Barber, beauty shops and nail salons.
- (4) Dry cleaning (pick-up only); no on-site cleaning permitted.
- (5) Markets and grocery stores (no off-sale beer and wine/alcohol)
- (6) Offices, professional and medical
- (7) Restaurants (no live or amplified entertainment)
- (8) Retail sales of new merchandise only.
- (9) Other uses where the community development director deems are compatible with the residential use.

(Ord. No. 692, § 1, 10-2-06; Ord. No. 759, § 2, 7-1-13)

Sec. 11-1.58.05. Prohibited uses.

In addition to uses not listed as permitted in the Article, the following uses are specifically prohibited in the mixed-use overlay zone when a mixed-use project is proposed/developed on the same property:

- (1) Hotels and motels.
- (2) Auto repair and related uses.
- (3) Off-site alcohol sales.
- (4) Fueling service stations, car wash facilities and car rentals.
- (5) Institutional uses (including schools and houses of worship).
- (6) Industrial uses (including manufacturing, outdoor storage and warehousing).

Sec. 11-1.58.06. Standards of development

Premises in mixed-use overlay zone shall be subject to the development standards prescribed in this section and those standards contained in part 6, "General Standards of Development".

Projects that are not considered mixed-use are subject to the underlying zoning regulations of its applicable zone.

(a) *Minimum lot size.*

1. The minimum lot size for mixed-use projects shall be ten thousand (10,000) square feet.

(b) *Yards.*

1. Front yard. None required.
2. *Side yard.* None required, except that a building exceeding sixteen (16) feet in height on a lot or parcel in the mixed-use overlay zone which has a side lot line adjoining property in a residential zone shall have a side setback not less than ten (10) feet.
3. *Rear yard.* None required, except that a building exceeding sixteen (16) feet in height on a lot or parcel in the mixed-use overlay zone which has a rear lot line adjoining property in a residential zone shall have a rear setback not less than ten (10) feet.
4. *Corner lots.* On corner lots, setbacks, building and wall heights shall be reviewed on a case-by-case basis to ensure adequate visibility for vehicles entering and existing [exiting] the site.

(c) *Minimum unit size.*

Studio—Five hundred (500) square feet;

One bedroom—Seven hundred (700) square feet;

Two (2) bedrooms—Nine hundred (900) square feet;

Additional bedrooms—Two hundred (200) additional square feet per bedroom.

- (d) *Building height.* No lot or parcel of land in the mixed-use overlay zone shall have a building or structure in excess of thirty-five (35) feet. Height limits in excess of these limits may be considered by the Planning Commission subject to a conditional use permit.

- (e) *Percentage of nonresidential uses.* Percentage of nonresidential uses for mixed-use projects shall be a minimum of thirty (30) percent. Mixed-use projects shall be consistent with the definition in Section 11-1.58.02.

- (f) *Off-street parking and loading.* For new mixed-use development, the commercial component shall have off-street parking and loading pursuant to Article 66, "Off-Street Parking, Storage and Loading." The parking ratio for the residential component of mixed-use projects is as follows:

Units between five hundred (500) and seven hundred (700) square feet—One space;

Units seven hundred one (701) square feet and greater—Two (2) spaces;

Guest parking—.25 spaces per unit.

Residential parking may be met by covered or open parking spaces. Shared parking is encouraged with new mixed-use projects and shall be allowed pursuant to the approval of a minor conditional use permit.

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- (g) *Ground floor building coverage.* For visual interest at the pedestrian level, at least fifty (50) percent of the total ground floor building frontage of any new or reconstructed building facing the public street shall have the following: windows with clear glass, recessed entries, residential stoops, or recesses for outdoor dining areas. To calculate the total ground-floor frontage, use the length of the building frontage along the pedestrian realm times the first floor height from floor to ceiling.
- (h) *Open space.*
1. Recreation and open space shall be provided for each mixed-use project. The required minimum amount of open space for a mixed-use project is two hundred (200) square feet per unit. The minimum open space may be met through a combination of common and private open space. All required open space shall be useable.
 2. A minimum of twenty-five (25) percent of all open space shall be planted area including trees, shrubs and gardens. Planters and planting containers may be counted toward this requirement.
 3. Common open space shall require a minimum width of ten (10) feet and be a minimum of two hundred (200) square feet in area.
 4. Projects that propose a public open space component as part of a mixed-use project may request a waiver from the open space requirement pursuant to Article 70 (Zoning Ordinance Administration).
- (i) *Utilities.* All new utilities shall be placed under ground.
- (j) *[Satellite antennas.]* Satellite antennas when fully screened from the public right-of-way may be ground or roof mounted but may not exceed the height limit of buildings or structures in this zone.
- (k) *Walls.* Each lot or parcel of land in the mixed-use overlay zone which has a side or rear lot line adjoining property in a residential zone shall have a solid masonry wall, not less than six (6) feet in height, established along said side and rear lot lines except as otherwise provided in section 11-1.66.08(1) and except where such adjoining property is used in conjunction with such commercial lot.
- No wall shall be required if the building is located on a property line adjoining residential zones. However, windows shall not be located on the side of a commercial building which adjoins residential zones.
- (l) *Deviations from standards.* Deviations from mixed-use development standards may be considered through the conditional use permit process.

(Ord. No. 692, § 1, 10-2-06; Ord. No. 733, § 2(pt. 2), 9-7-10; Ord. No. 747, § 2(pt. 1), 7-18-11; Ord. No. 839, § 10, 9-6-22)

Sec. 11-1.58.07. Performance standards for mixed-use projects.

The following performance standards shall apply to mixed-use developments.

- (a) *Outdoor lighting.* Outdoor lighting shall be shielded in a manner that prevents a direct line between its luminary and any residentially zoned, planned, or developed parcel. Within fifty (50) feet of a residential zoning district or within fifty (50) feet of the lot line of a lot containing a residential use, lighting shall be installed no higher than twenty (20) feet above the ground directly below the light fixture.

Outdoor lighting shall not exceed the following levels:

1. One-half (0.50) foot-candle at the property line if the subject property abuts a residential zoning district or a lot containing a residential use.

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2. Two (2.00) foot candles at the property line if the subject property abuts a nonresidential zoning district or lot containing only nonresidential uses.
- (b) *Odor.* The odors released from any operation or activity shall not exceed detectable concentration beyond lot lines, measured at any location on the lot lines. Commercial uses with attached residential units shall provide state-of-the-art ventilation systems to prevent odors from penetrating residential units.
 - (c) *Vibration.* No use, activity, or process shall produce vibrations that are perceptible without instruments at the property line for more than three (3) minutes in any one (1) hour of the day between the hours of 7:00 a.m. and 10:00 p.m. No use, activity or process shall produce vibrations for more than thirty (30) seconds in any one (1) hour between the hours of 10:00 p.m. and 7:00 a.m.
 - (d) *Parking in proximity.* All required parking shall be provided on site and in conformance with the city's off-street parking ordinance. Off-site parking shall be allowed pursuant to the approval of a minor conditional use permit.
 - (e) *Hours of operation.* The hours of operation for any commercial component of a mixed-use project may be between the hours of 7:00 a.m. and 10:00 p.m. For live-work units, the hours of operation may be between 7:00 a.m. and 9:00 p.m. This standard shall also include other activities directly related to the operation of the commercial/live-work unit including but not limited to pick-up and/or deliveries. The planning commission may approve alternate hours of operation under a conditional use permit.
 - (f) *Outdoor work.* All work shall be performed entirely indoors unless approved through a conditional use permit. Any outdoor work allowed through a conditional use permit shall be in an area specifically provided for such use. No outdoor work shall be performed in designated parking areas or open space areas. In addition, such approved areas for outdoor work shall not be counted as open space.
 - (g) *Flammable, explosive, and combustible materials.* The use or storage of such materials shall conform with the adopted uniform fire prevention code, adopted California Building Code, and any other adopted ordinances or regulations of the city.
 - (h) *Noise.* all mixed-use developments shall comply with the city-adopted standards for noise. Where a mix of uses is provided, the strictest noise standard for the provided use shall apply.

(Ord. No. 692, § 1, 10-2-06; Ord. No. 839, § 11, 9-6-22)

Sec. 11-1.58.08. Standards for live-work units.

Live-work/work-live units. Live-work/work-live units include, but are not limited to, photographers and photographic studios, artists and art studios, craftsperson and workshops (not involving the use of power tools or other tools that would create noise standards inconsistent with the city's noise ordinance in residential zones), professional-technical service trades and researchers (architects, engineers, accountants/bookkeepers, appraisers) are allowed in mixed-use developments in conjunction with a city business license. Other similar compatible uses may be approved by the community development director.

- (a) Live-work/work-live spaces in new and existing buildings shall be subject to the following standards:
 - (1) Any building that contains a live-work/work-live occupancy shall comply with the standards of the latest adopted edition of the California Building Code, including standards for habitability.
 - (2) Any live-work/work-live unit shall comply with all performance standards outlined in section 11-58.06.
 - (3) All live-work/work-live occupancies shall comply with the California Energy Code for residential buildings.

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- (4) Except with respect to those requirements, standards, and provisions specifically imposed in title 12 and the California Building Code, construction materials and methods of construction shall be governed by and in accordance with the California Building Code. In the event there is a conflict between any requirement, standard, or provision between this chapter and any other requirement, standard, or provision of state law, the more restrictive shall apply.
 - (5) A city-approved business license and home occupation permit does not constitute a live-work/work-live unit. Work-live/live-work units are subject to approval pursuant to this chapter.

(Ord. No. 692, § 1, 10-2-06)