



STAFF REPORT

PLANNING COMMISSION MEETING

July 11, 2023

TO: Honorable Chair and Commissioners

FROM: David Loya, Director of Community Development

PREPARER: Delores Freitas, Senior Planner

DATE: July 05, 2023

TITLE: Consider a Recommendation to the City Council on the General Plan Updates

RECOMMENDATION:

Staff recommends the Planning Commission review the General Plan, Gateway Area Plan, and Gateway Code, and provide direction to staff and a recommendation to the City Council. As time allows, the Commission should consider the Gateway Code and General Plan topics held over from previous meetings in the “Bike Rack” and provide guidance to staff on what topics to agendaize for the next regular Planning Commission Meeting on July 25.

The Planning Commission may adopt the following motion or as amended:

- *The Planning Commission recommends the policy in the Draft General Plan 2045 dated June 27, 2023, including the Gateway Area Plan, and the Gateway Code dated July 11, 2023, as amended. This is the Commission’s working version for City Council review and consideration.*
- *The Commission has determined that these versions incorporate policy guidance and implementation that will thoughtfully guide the City’s development while balancing resource preservation, public safety, racial equity, and health.*
- *The Commission will continue to undertake more specific and detailed review of the Gateway Code, and is able at this time to provide policy guidance on key focus areas as noted in the July 11 adopted Discussion Guide and “Other Considerations” table.*
- *The Commission will provide a formal recommendation on the final draft versions of the General Plan 2045 and the Gateway Code, along with the Program Environmental Impact Report, that incorporates all further revision and editorial and organizational refinement in early 2024.*

INTRODUCTION:

The Gateway Area Plan (Plan) will be a new Element in the General Plan that addresses policy specifically for the approximate 138 acres in the plan area. The Gateway zoning ordinance, or Gateway Code, uses a Form-Based Code approach to growth and development in the Plan area. Form-Based Codes emphasize the design and massing of buildings, their interaction with the streetscape and deemphasize land uses. The draft Gateway Code implements the vision of the

Gateway Area Plan. The Commission will consider the Gateway Code and make a recommendation to the City Council regarding its amendment and adoption.

DISCUSSION:

Gateway Code

The Commission received a staff report on the Gateway Code on June 13 and June 27, and Commissioners have provided suggested edits to the Gateway Code. This meeting will focus primarily on making preliminary recommendations on key code priorities to the City Council as outlined below. The meeting will include a brief 10-minute presentation from staff with Urban Field Studios, the architectural firm collaborating with Ben Noble on preparation and review of the draft Form-Based Code. Urban Field Studios comments have been provided in the staff report and the presentation will review the document and its conclusions and allow the Commission to ask questions. After the presentation, the Commission will have the opportunity to revisit topics raised at the June 27 hearing or prioritize moving through remaining items on the Discussion Guide (Attachment D).

The Gateway Code (Attachment A) provides the zoning standards and permitting requirements for development in the Gateway Area (see Figure 1, Gateway Area Plan at <https://www.cityofarcata.org/965/Arcata-Gateway-Area-Plan>). Importantly, the Gateway Code provides a ministerial permit process for projects that: provide moderate to high density housing, comply with the Form-Based Code standards, and include community benefits commensurate with the scale and scope of the projects.

The Code specifies design of both building facades and the public space around them with an emphasis on human scale design. The draft Gateway Code incorporates recommendations of the Planning Commission and various Committees. Public comments received on the Code specifically since its June 5th release are included as Attachment C. All comments received are available for review at <https://www.cityofarcata.org/940/Engagement-Information> under the “Public Comments” tab for the June 10-16, 2023, June 17-23, 2023, June 24-30, 2023, and July 1-July 7, 2023, comments received.

The Commission may use the Framework to discuss changes to the Gateway Code (Attachment D).

Gateway Code Topics to Review and Prepare Preliminary Planning Commission Recommendation

The following topics should be included in the Commission’s deliberations in addition to any other topics of interest to Commissioners. These topics should be explicitly discussed prior to making a recommendation to Council. Staff is requesting for the July 11 recommendation to the City Council, that the Planning Commission provide a recommendation to the City Council that incorporates the Commission’s direction on at least the following key subjects:

Ministerial Permitting

The Code provides for ministerial permitting for projects that meet the Form-Based Standards and minimum density requirements, and provide community benefits (Sec. 9.29.020). Per the Commission’s direction, the permits are either over-the-counter and administrative for small projects, issued at a zoning administrator hearing, or issued by the Planning Commission at a hearing. While all Gateway ministerial permits receive public notice, the hearings follow standard public hearing notice procedures, while the administrative permit only requires posting a notice on site and eNotification by the City in advance of the decision. An important decision is determining the thresholds for permit authority (Sec. 9.29.020, Table 2-19). At the June 27 meeting, the

Commission voted to limit hearings on ministerial projects three stories and under, indicating support of the concept that objective standards in the form-based code is intended to minimize need for a discretionary review process.

Uses

The Gateway Plan envisions thriving, vibrant, walkable, high-density, mixed-use, mixed-income inclusive neighborhoods. The allowed uses section (Sec. 9.29.030) is written to allow maximum flexibility in uses that support this vision. Projects that propose allowed uses, and otherwise comport with the standards and eligibility requirements, are allowed by right. There are several uses that have been determined incompatible with this vision. These uses are prohibited from establishing in the Plan Area in the future but may continue as non-conforming uses. These uses may continue under new ownership.

Building Height, Setbacks, and Step Backs

The standards address individual building standards including lot coverage, building height, setbacks, upper floor step backs, and massing/articulation, as well as neighborhood standards like streetscape, open space and mobility standards. The community and Commission expressed interest in limiting shading of existing neighborhoods and homes from taller buildings. At the June 27 meeting, the Commission voted to reduce street facing setback minimums by at least 10ft, and to uphold the current proposed setbacks from interior and rear property lines. These decisions were made in an attempt to balance both buildability and privacy buffers for surrounding neighbors.

At the June 27 Planning Commission meeting, the Planning Commission generally voiced continued support for step backs, and reiterated an interest in better understanding how step back requirements may affect a project's cost feasibility.

The Commission should provide direction on maximum building heights by zone as well as minimum heights by zone for both "base tier" and "Tier 1 Community Benefits" to reaffirm the discussions and decisions made over the course of the last several months; the Gateway Code and Gateway Plan will then be updated accordingly to ensure consistency.

Active Street Frontages

The draft Code includes requirements for "active building frontages" (Sec. 9.29.050.A) to emphasize the pedestrian feel of the area. The active frontage provides design cues for a pedestrian oriented neighborhood, while allowing the flexibility of uses inside the building. The active façade can be used on a residential first floor to contribute to the neighborhood design. Currently, this requirement is concentrated on the core of the Creamery District.

Parking

Table 2-32 shows the maximum parking standards for each district by use. This table shows that residential uses may only have up to 0.75 spaces per unit, and most uses do not have a minimum number of spaces required. At the June 27 Planning Commission meeting, the Commission voted to remove all remaining parking minimums in the Gateway Area, indicating support for de-emphasizing single occupancy vehicles in the Gateway Area.

Community Benefits

The plan only allows ministerial permitting if the projects provide community benefits. These are similar to conditions of approval for discretionary projects but allows the developments to predict cost before designing and submitting application to the City. The community benefits program is designed to be flexible to modify, requiring only a City Council resolution to change the specific

benefits projects will provide. However, the points structure is included in the Code (Sec. 9.29.100). The specific benefits list is currently proposed to be the list the Commission recommended (Attachment B).

Minimum allowed density

At the June 27 hearing, the Planning Commission discussed minimum residential density for mixed use projects per section 9.29.020, and whether or not to limit to 25 dwelling units per acre. The Commission ultimately voted to increase minimum density to 32 du/ac to be eligible for a Gateway Ministerial Permit. The Planning Commission may choose to further refine their current recommendation.

Inclusionary Zoning

At the June 27 meeting, the Planning Commission discussed the pros and cons of requiring a 10-20% inclusionary requirement vs. a smaller requirement, vs. requiring in-lieu fees. The Planning Commission ultimately supported increasing the inclusionary requirement to higher than proposed but still under the Density Bonus law trigger, to update the requirements to 4% units affordable to very low income households and 9% units affordable to low income rental households or moderate income households for ownership-only opportunities.

Staff Information Regarding Planning Commission requests for additional information.

At the July 27 Planning Commission meeting, the Planning Commission discussed a variety of topics using the discussion guide, including minimum densities and inclusionary zoning; setbacks and step backs; parking; and processes related to project decision-making, including number of hearings of discretionary projects, and processes of appeals.

Much of the Commission's discussion was rooted in balancing buildability and project quality, and how to both encourage rapid development of new, affordable housing and adhere to community commitment to providing well-designed projects achieved through clear and well-designed community benefits tiers that accurately reflect community priorities. The Commission also discussed the importance of encouraging both mixed-income projects and neighborhoods using available regulatory tools.

The following items were discussed, and staff committed to bringing back additional information and guidance to the Commission at the July 11 hearing.

9.29.070.B.4. Tree Spacing. The Commission expressed interest in hearing ideas for standardized tree spacings and/or width maximums, voicing concern that the tree spacing as drafted is more focused on distance than resulting in an appropriate number for the width of a given distance, noting that with no maximum spacing, a developer could conceivably meet the requirement with a single tree.

Ben Noble agreed and indicated the drafted language was confusing and min/max may have been switched. The intent is to ensure spacing at least every 30 feet.

9.29.060.D. Façade articulation. The Commission wanted to explore why only two, instead of for example four, articulation types are not required.

Ben Noble noted that a standard of two is relatively common, citing a Palo Alto form-based code example, also stating that "Three seemed like too much and one not enough," recommending avoiding facades that are busy/cluttered/forced. Urban Field Studio architect Jane Lin concurred,

noting the standard is not a maximum, just a minimum, and falls within industry standard, allowing for flexibility.

9.29.060.G.2.a. Façade Openings. The Commission wanted to explore why 30' openings are required as opposed to 20-25 foot requirements.

Urban Field Studios architect Jane Lin notes, "30 feet by 30 feet is a typical structural grid. Sometimes the structural grid can be more. There is variation on this, but it makes it less flexible to go to 20-25 feet. We just did one entrance every 50 feet in Union City for flexibility. If there is a very narrow building, we are meeting the objective of this standard to provide a change for visual interest along the horizontal plane."

9.29.060.H.2.c. Highly reflective glass. The Commission discussed prohibiting mirrored/highly reflective glass on all building stories.

Neither Ben or Jane considered this a concern. Jane did note, "Reflectivity will also vary as light levels change on either side of the glass. A mirror effect can take place when there is a strong imbalance in light levels – like many of us observe while sitting inside with the lights on while it is dark outside."

Garage Doors. The Commission discussed prohibiting new garage doors for all development types including shared garages and parking structures. opening onto public streets, requiring alley access.

In reviewing with Ben, staff would like to note that the Code provides significant restrictions on new driveway access already (9.29.080.F.1. covers this for all lots served by alleys; 9.29.060.I also covers this for anything serving an individual unit). Ben indicated a blanket statement prohibiting all new garage doors would be too limiting, and in certain cases could significantly eat into the buildability of the lot. Offering options such as "unless determined infeasible by the City Engineer" would allow too much subjectivity, rendering the code unable to meet state definitions of objective standards.

One option could be to further refine the standard in the following way, to create more restrictions in newly developed areas: "For lots served by an existing or planned alley, access to parking must be from the alley".

Base Height and Density. The Commission discussed a couple of scenarios which may increase the barrier to development, instead favoring creation of larger-scale buildings, with the intent of creating additional unit counts and encouraging more open space.

Tables 2-22, 2-24, 2-26, 2-28: What if base tier/tier 1 minimums are changed to 3 stories from 2?

Ben Noble indicated if this meets the Planning Commission's desired objectives, it could be acceptable for Gateway districts with the exception of Gateway Neighborhood. In G-N it would be wise to allow for two story townhomes. For other districts, a three-story minimum could be fine and not a significant barrier to development potential.

Jane noted it may result in three-story townhomes, not additional units.

Ben suggests starting "Tier 1" benefits at three stories but continuing to allow a two-story base tier where applicant chooses to not participate in the benefits program, to allow maximum flexibility for developers and their varied financial calculations.

Ben suggested considering if this should apply to building at its tallest point-what if some is two story and some is three stories-should all of (100% of) building footprint have to be three stories?

9.29.020.B.3.a. The Commission discussed, what if mixed use projects had to have 2/3 residential occupancy AND be built to 25 unit/ac density?

The standard as originally proposed by Ben was only 2/3 floor area being residential. Staff asked for additional options to provide flexibility as the 2/3 by itself was considered a potentially barrier to development of small lots.

A commissioner comment stated “minimum lot coverage” which is not referenced, as the Code uses floor area; Staff does not recommend changing text to minimum lot coverage.

Please note the section discussed places a higher density standard for specifically for mixed-use projects.

Table 7- Community Benefits: A Commissioner asked where the eligibility requirements are for projects that qualify for the community benefits program. Currently the Gateway Form-Based Code section 9.29.100.B.2. – *Eligibility* refers to Table 7 of the Gateway Area Plan for the minimum density requirement. Staff recommends amending the Gateway Code to insert the minimum density requirements instead of referencing the Table 7 of the Gateway Area Plan. Similarly, staff recommends inserting the Gateway Code/Gateway Area Plan inclusionary housing requirement into section 9.29.100B.2.b.

Acceptance of Inclusionary Zoning Requirements via Resolution process

The Commission discussed suggested taking the inclusionary zoning percentages out of the Form-Based Code and instead have City Council pass a resolution with the percentages, which would give more flexibility to amend them if needed. Staff requested time to explore this with legal counsel in case required project standard necessitated codifying via ordinance. Legal counsel agreed with staff’s concern, indicating required zoning standards, as opposed to development options, must be adopted by ordinance per Gov Code sections 65850 et seq. and a required inclusionary zoning standard proposed in 9.29.050.G would not be an exception.

Appeal process

City’s legal team considered the proposal and indicated that there are several reasons why not to create further variation for the Gateway Area. The first is a matter of simple practicality in managing different appeal standards for different sections of the Code. In addition, it benefits the City to allow all aggrieved persons an avenue to seek an administrative appeal before going to court and suing the City, as the time and resources spent in processing an administrative appeal are a fraction of the cost of defending a lawsuit. Third, denying non-residents the same right of appeal as residents may likely violate several provisions of the US Constitution.

General Plan

At the June 27 meeting, the Commission voted to move forward with a recommendation on the General Plan Elements without using the Commission’s remaining discussion time prior to July 11. The Commission recognized it may continue to review and provide additional recommendations to the Council after July 11. The General Plan Elements proposed for updating were included in the June 27 meeting packet and can be referenced from <http://arcataca.iqm2.com/Citizens/calendar.aspx>.

Table 1. General Plan Element Review Dates.

Element	Date
Growth Management	5/24/22
Open Space	6/14/22

Resource Conservation	7/26/22
Parks and Recreation	12/13/22
Growth Management	2/14/23
Land Use, Vision, Circulation (Mobility)	3/14/23
Land Use, Vision	3/22/23
Circulation (Mobility), Public Facilities and Infrastructure	4/11/23
Land Use	4/22/23
Public Facilities and Infrastructure, Public Safety	4/25/23
Land Use, Circulation (Mobility)	4/27/23
Historic Preservation, Circulation (Mobility), Land Use	5/9/23
Design, Health, Land Use	5/23/23

General Plan “Other Considerations” table

Almost all recommendations made by Committees and the Commission have been integrated into the draft General Plan documents. The changes have been integrated in line in the documents. The Gateway Area Plan was color coded to indicate the source of the recommended change. The revised drafts are located on the City’s website at <https://www.cityofarcata.org/974/General-Plan-Updates>. Changes that were not integrated into the Gateway Area Plan were tracked separately (Attachment E).

This table tracks comments received from the public and recommendations from Committees on the Gateway Plan that were not incorporated into the current draft because they conflicted with the policy direction of the draft and required further discussion prior to a recommendation by the Commission. It also contains recommendations from Committees that were not incorporated into the other General Plan Elements for the same reason. These items were tracked separately for clarity and transparency to ensure that the Planning Commission and City Council were able to decide whether to include them and reverse or modify other policies that are in the current drafts.

The Commission has not specifically weighed in on this table. However, the Commission has made several decisions through straw polling over the past several months that indicate how the PC would vote on these recommendations. Staff has indicated these items by inputting “concur with staff”. Commissioners have been asked to enter a ‘vote’ into the “PC Recommendation” column for each topic with either “concur” or “disagree”. This table will be discussed at the July 11 meeting and included as part of the recommendation to the City Council, along with the draft General Plan Elements (including the Gateway Area Plan), and Gateway Code.

This process will provide the Commission the opportunity to daylight topics the Commission believes are outstanding or need additional review. It will also provide the best opportunity to complete review of those Elements on July 11. As previously discussed, any outstanding bike rack items may be discussed and recommendations made after the 11. The recommendation to Council will include the list of outstanding items that the Commission still wishes to review, if any.

Bike Rack

As time permits, the Commission may decide to return to the bike rack items (Attachment D). The Commission should also use the Framework to add to the Discussion Guide/Bike Rack as necessary for any General Plan Elements that were reviewed prior to the Framework adoption in March of 2023. In particular, Commissioners provided comments on some of the early release Elements that

did not receive in depth discussion. If the Commission wishes to return to those Elements, they should do so using the Framework.

ATTACHMENTS:

- A. Gateway FBC 6.5.23 (PDF)
- B. Site Testing(DOCX)
- C. Public Comment on Draft Gateway Code (PDF)
- D. 2023-07-11 Discussion Guide (DOCX)
- E. Other Considerations Gateway and GP Draft 6-22-23 (PDF)