

**DRAFT ACTION OF THE PLANNING COMMISSION FOR THE BOUGHTON DESIGN
REVIEW PERMIT**

File No: 223-021-DR; APN 505-201-003

Approved 

ACTION: On _____, the Planning Commission, under the authority of Section 9.78.060 and 9.72.040 of the Land Use Code, adopted a Class 32 Infill Exemption per California Environmental Quality Act Statutes, Section 15332, and secondly approved the Boughton Design Review permit with the attached Findings and Conditions of Approval, and Site Plan.

Project: Construct a new two-story mixed use commercial and residential complex consisting of 1,889 square feet of commercial space and 22 two-bedroom units.

Application Type: Design Review

Location: APN 505-201-003 (no assigned address)

Property Owner / Applicant: Kyle Boughton

File Number: 223-021-DR

Zoning: Commercial Mixed

General Plan: Commercial Mixed

Coastal Status: Outside of Coastal Zone

Environmental: The project qualifies for California Environmental Quality Act (CEQA) Class 32 – *Infill Development* categorical exemption. This exemption applies as the project is limited to infill development projects. Pursuant to the California Environmental Quality Act Statutes and Guidelines Class 32, Section 15332, and as further evidenced in the Findings of Approval (Exhibit 1) the project:

- a) Is consistent with the Commercial Mixed general plan designation and applicable general plan policies as well as the Commercial-Mixed zoning district.
- b) Occurs within city limits on a project site substantially surrounded by urban uses.
- c) Contains no areas with identified value as habitat for endangered, rare, or threatened species.
- d) Would not result in any significant effects relating to: traffic, based on low anticipated vehicle miles traveled based the scale of the project, and proposed parking configuration; noise, which would be no greater than baseline for allowable uses; air quality, as the use will not produce significant levels of air pollutants; or water quality, as the project shall be designed to comport with all stormwater requirements.
- e) Can be adequately served by all required utilities and public services, which are at the street and anticipated to be readily available.

Permit Expiration and Activation. This permit shall expire within 24 months from the date of its approval unless said permit is activated. This permit may be extended only as permitted by Arcata Land Use Code (Code) §9.79.070 Permit Time Limits, Extensions and Expiration, or its equivalent.

Appeals. The actions described herein may be appealed as outlined in Arcata's Land Use Code. Appeals shall be filed with the City Clerk within ten working days following the date of this Action. Appeals shall be submitted on the prescribed form, shall state the reasons for the appeal, and shall include the filing fee set by the City Council. The appeal period ends at 5:00 pm on _____, 2023.

Effective Date: This permit becomes effective on the next working day after the appeal period.

Date of Action: _____

ATTEST: _____
David Loya, Community Development Director

EXHIBIT 1

DRAFT FINDINGS AND CONDITIONS OF APPROVAL

File No: 223-021-DR; APN 505-201-003

Approved

I. FINDINGS

Section One: §9.72.040.F, Arcata Land Use Code Findings for Design Review

Planning Commission design review is required for new multifamily projects of eight units or greater, including mixed use projects. The Review Authority shall ensure the project complies with Section 9.72.040.F -*Findings for Design Review* by making the following findings:

1. Providing architectural design, building height and massing, and scale that is compatible with other structures on the site and in the immediate neighborhood;

Appropriate setbacks and visual buffers are provided to ensure compatibility between the residential and non-residential uses within the parcel and reduce the impacts of the structure's massing. Potential glare, noise, traffic, and other potentially significant impacts on residents are designed to be minimized by including specific design features including dark sky lighting and a landscaped buffers along the property boundary.

The components of the development are larger scale than the majority of the surrounding properties, which are predominantly detached single family residences. However, the finding regarding compatibility can be made for several reasons. The overall level of compatibility is appropriate given that the site is zoned for the type of development authorized under this permit, specifically mid-sized multifamily and mixed-use projects under the commercial-mixed zone designation. Furthermore, the development as proposed does not maximize the overall allowed height or massing on site, and meets required standards for landscaped open space. Specifically, the Commercial-Mixed Zone permits structures up to 35 feet in height; the proposed structures will be roughly 27 feet in height and limited to two stories. Allowed massing onsite, described in terms of floor area ratio (FAR), is 2.0 in the Commercial-Mixed Zone; the applicant's proposed FAR is 0.4.

The building design is compatible with and enhances the adjacent and surrounding residential neighborhood in terms of exterior materials, landscaping, lighting, roof style, and scale. The modern design complements the adjacent modern style of the Greenview Market and many of the mid-century single-family home styles in the vicinity, showcasing vertical accent siding and a stained wood accent wall and planters along the street-facing frontage. The overall appearance of the structure showcases good design principles as identified in the City's Design Element, including attractive and well-placed landscaping, a variety of window sizes and placements, and a variety of material types, breaking up the walls of the structure.

2. *Providing attractive and desirable site layout and design, building arrangement, exterior appearance and setbacks, accessory structures, landscaping, outdoor lighting and signs;*

The applicant has chosen to break the massing of the structures up into three smaller scale buildings instead of one larger, monolithic structure. Breaking up the uses and units in this manner, ensures a more attractive and compatible massing and scale and better flow through the site.

The choice of materials also ensures variability in design by breaking up large unbroken walls and incorporating more modern and industrial style elements, in keeping with the historic industrial use of the site as a creamery and the midcentury development pattern of the Greenview neighborhood. Appropriate lighting, benches, and landscaping along 11th Street will also help to soften the overall appearance of the structure and will complement the aesthetic character of the intersection, helping to encourage a walkable neighborhood commercial character consistent with the intent of the commercial mixed zone type. This is particularly important given the limited number of commercial-mixed parcels in the Greenview area and the existing character of the Greenview Market site, which is set back from both 11th and Janes Street, currently leading to a less pedestrian-friendly character.

Proposed lighting is appropriately sited and is shown as down shielded. Conditions of approval will ensure compliance with full provisions of the Land Use Code. No signage is proposed at this time, but a condition of approval has been added to ensure compliance with applicable Land Use Code requirements for signage.

3. *Providing efficient and safe public access, circulation, and parking;*

Site planning and building design provides for convenient pedestrian access from the public street into the project through walkways. Vehicular access is limited to one access point. The access drive meets City safety requirements including access length and vision clearance provisions. The number of spaces provided meets city minimums of one space per unit and also meets the Mixed Use project parking provisions by encouraging shared parking between uses. Site design generally maintains visibility for cars and pedestrians entering and exiting the lot and conditions of approval have been added by the engineering department to ensure site access for vehicles and pedestrian meets city standards and ADA requirements. Consistent with Land Use Code provisions for projects creating new site access points along busy City intersections, including 11th Street, the project has been reviewed and approved by the City Engineer and it has been confirmed that the drive aisles will not necessitate backing movements onto 11th Street as required by Code §9.36.100.F.2.

4. *Providing appropriate open space and landscaping, including the use of water efficient landscaping;*

The project site has been landscaped to meet the City standard of 10% of site area. The project landscape plan includes a variety of deciduous shrubs and trees along the property boundaries, which will screen the site and create privacy for both new and adjacent existing residents. The applicant's landscape design integrates a variety of native species (including bay laurel, sticky monkey flower, native huckleberry) and/or drought tolerant species (including autumn sage, deer grass) in compliance with City guidance, and the proposed mulching and irrigation will ensure the ongoing health of the landscape plantings. As part of Building Permit submittal the applicant's Landscape architect shall submit a Water

Efficient Landscape Worksheet in compliance with California Code of Regulations, Title 23, Division 2 – Department of Water Resources, Chapter 2.7 Model Water Efficient Landscape Ordinance.

5. Showing consistency with the General Plan, Local Coastal Program, and any applicable specific plan;

The site is not located within the Coastal Zone or subject to the regulations of an applicable specific plan. The site is zoned Commercial-Mixed. The proposed development is consistent with the intent of the commercial land use type by encouraging well-designed mixed-use developments and facilitating dense, high-quality residential development in conjunction with existing residential and commercial uses.

Furthermore, the project shows consistency with the General Plan through adherence to the following policies:

Land Use Element

Consistent with land use policies, the proposed project is a mixed use residential in-fill development project within an urbanized area. The project is considered an in-fill development because the project is utilizing a vacant lot which is otherwise surrounded by existing urban development, with full access to city services. Specific consistency with applicable findings is discussed below.

- **LU-1f Promotion of infill development.** The project promotes development of a vacant parcel of land surrounded by existing urban development. These sites represent development opportunities using existing infrastructure, and shall have priority for development over vacant sites that are located outside the urban services boundary which require investment in extension of infrastructure and services.
- **LU-3a. Commercial – Mixed [C-M].** The project adheres to provisions of the CM zone including providing a mix of service commercial and residential uses and providing convenient access for patrons arriving by bicycle, public transit, motor vehicle, or on foot by clustering compatible land uses. C-M areas are intended for neighborhoods such as Greenview, where additional retail, personal and business services, and other neighborhood-oriented commercial services are encouraged, and where substantial additions to the existing centers shall include residential units on upper floors or in separate buildings. The project is creating two commercial spaces, each approximately 1,00 square feet in size, fronting 11th St with residential units above and behind consistent with Mixed Use standards in the Land Use Code.
- **LU-3d Inclusion of residential uses.** The project creates 22 residential units while ensuring continued compatibility with existing surrounding commercial users.

Growth Management Element

The project is directly in keeping with current and proposed growth policy as stated in the Growth Management Element, which directs the majority of the City's growth to be located within the present City boundary, and concentrated within identified activity areas, including existing neighborhood commercial centers. Growth is directed to these areas because they have existing urban services and infrastructure.

The project is proposed in an area developed with full urban services. The project is proposed within the City's Urban Services Boundary with urban services (water, wastewater, and utilities, fire and police protection) available to serve the proposed development. The project is considered an in-fill housing project by developing additional dwelling units on lands with full city services available. The project

does not induce growth that was not anticipated in the General Plan. The site is zoned to accommodate residential and mixed-use developments.

The project will not require the development of additional infrastructure that will place undue burden on the City's resources in the future. However, the applicant is responsible for providing any necessary infrastructure improvements to serve the proposed development.

Transportation Element

The project increases the density of the properties within the urban services boundary thus lessening the pressure to develop outlying rural areas. Developing within Arcata's existing urban service areas meet the land use development patterns objectives of Policy T-2a. Emphasizing residential high-density development near transit and other alternative transportation infrastructure supports Arcata's goal for a balanced transportation system that divert automobile trips to other modes of travel. The project site is directly adjacent to the Greenview Market transit stop, served by Red and Orange Lines. The Red and Orange Routes serve downtown Arcata, Sunny Brae, Greenview Market, Humboldt State University, Valley West Shopping Center, LK Wood Boulevard, and Alliance Rd. Therefore, the project will be conveniently located to encourage mode shift and based on its size, may also further support the creation of additional routes and service times.

The project includes 18 bike parking spaces to be distributed throughout the development, including six spaces readily accessible from the street-level commercial spaces. The proposed bicycle parking spaces meets and exceeds the minimum 50% of the motor vehicle parking spaces required with Land Use Code section 9.36.060 – Bicycle Parking. In addition, the development includes three outdoor motorcycle parking spaces sited directly adjacent to the drive aisle at 11th Street. A condition of approval has been added, requiring the applicant to submit anticipated vehicle trips to the engineering department prior to building permit submittal to ensure any additional appropriate transportation demand management measures are incorporated to provide transportation alternatives to residents.

The General Plan parking objectives are intended to ensure new development provides adequate but not excessive supply of parking. The City's parking policies balance the basic inherent need for parking with the understanding that the former paradigm of development designed to support the single occupancy vehicle is unsustainable. Our community's sustainability goals support providing housing rather than parking on our limited land resources. The project is consistent with parking policy T-6c by providing just over one parking space per dwelling unit. The proposed driveway shall be built per City standard details and shall meet City vision clearance standards. The driveway shall be in front of the existing driveway on the other side of the 11th street with no offsets.

Public Facilities and Infrastructure Element

The project meets the Public Facilities and Infrastructure policies. The residential in-fill project is located within the City's Urban Services Boundary. The project is located in an area fully developed with urban services. Referral comments from Engineering and Environmental Services did not indicate any issues with regards to extension or expansion of new public facilities or utility infrastructure. The project will not require the development or expansion of additional water, sewer, stormwater, solid waste or recycling facilities. The project will need to comply with City municipal code sections regarding private sewers and inflow and infiltration from groundwater as part of the building permit submittal. The project does not require new schools, fire department, libraries or other public services or programs. As

with all development in the City, the project will meet the City's Municipal Separate Storm Sewer System (MS4) Water with Low Impact Design features are incorporated into the project to assist in the City's water quality program.

Housing Element

The proposed residential in-fill project includes 22 new units, helping to address Arcata's housing needs. The proposed project speaks to many of the goals and policies of the housing element, mostly notably policies such as HE-6 which are intended to "provide opportunities for infill development of vacant and redevelopable properties in a way that allows for gradual, rather than drastic, changes from surrounding development density of type", including "gradual increases in building height, functional open space, well-designed landscaping and natural vegetation, breaks in wall and roof lines, and building separations"; and implementation measure IMP-12 (Mixed Use), which tasks the City with continuing to encourage mixed use development by reducing or waiving development standards such as parking standards and density requirements, and sets a target of one mixed use project every two years of the planning cycle (2019-2027). This is the first new construction mixed use commercial/residential project to come forward this planning cycle.

The in-fill development provides new housing development for our community members consistent with the housing element policies and programs: HE-5 (identify and prioritize development of sites with appropriate zoning and infrastructure for housing development); HE-6 (providing opportunities for infill development of vacant and redevelopable properties); HE-11 (encourage higher densities near bus stops); HE-21 (encourage the development of accessory dwelling units); and IMP-12 (meet housing needs by combining commercial and retail uses with residential units).

Recreation Element

Mixed use projects with residential components are not required to provide residential open space for each unit; however, the project will be subject to the typical recreation fee for new construction which levies a park offset fee for each newly constructed housing unit included in the base density calculation, as well as an additional fee for new commercial uses. Given relatively small scale of the project and the proximity of nearby parkland (Greenview and Bloomfield parks are within roughly 500 feet of the project site), application of the typical offset fees is adequate to continue to meet the neighborhood's recreational and maintenance needs and meets the intent of the Recreation Element to provide City residents with adequate and accessible recreation opportunities and parkland experiences.

Open Space, Resource Conservation and Management Elements

The project site is the single remaining vacant parcel in the immediate vicinity with no known habitat value directly adjacent to the site. The open space and resource conservation policies are not considered applicable.

Historical Preservation Element

A Cultural Resources Study was prepared for the project site per the request of local Tribal Historic Preservation Officers from the Blue Lake Rancheria and Wiyot Tribe. The archaeological survey of the undeveloped parcel on 11th Street in Arcata California (APN 505-201-003) involved background research, a transect-based survey and shovel probes within the 1.2-acre parcel. No artifacts, features, sites or other cultural resources were identified during the field survey. The study supports a finding that no significant archaeological or historic-period cultural resources which, for the purposes of CEQA

(15064.5 (a)), would be considered an historical resource, were identified. However, the applicant shall still be required to adhere to the recommended inadvertent discovery protocol identified in the prepared Cultural Resources Study (Rich and Associates 2023).

Air Quality Element

The proposed development and use are consistent with the Air Quality policies. The project includes travel demand components to reduce the percentage of automobiles and annual vehicle miles. The project:

- Is a mixed use type, creating two new commercial spaces intended for neighborhood serving uses;
- provides 22 units of housing located within 0.25 miles of a public transportation bus routes;
- includes indoor and outdoor bicycle parking facilities;
- includes residential development within the Urban Services boundary;
- includes sidewalks, and paths;
- requires dust control measures during construction; and
- includes energy efficient design in compliance with current California Building Code.

Although automobile usage will increase after build out, the project is considered an in-fill project utilizing existing, vacant commercial mixed use property. Policy LU-1f promotes “in-fill development” for redevelopment of under-utilized or vacant parcels that are surrounded by existing urban development.

Public Safety Element

The project meets the intent of Public Safety policies. The new construction will meet the latest building and fire code requirements for our area including wind, seismic, soil and fire suppression codes to ensure public safety. The residential development does not include the routine use of hazardous materials. The commercial build out will be reviewed during tenant improvements to ensure compliance with applicable mixed-use provisions of the California Building Code. The Arcata Fire Department recommends approval for the proposed residential in-fill project. The project referral to the Arcata Police Department did not result in any comments or concerns.

The United Creamery developed the site prior to 1941, and waste oils from the creamery’s onsite equipment maintenance shop was reportedly disposed of onsite until collections systems were put into place. Site investigations have been undertaken of soils and groundwater at and around the site and no water supply wells were impacted by contamination. In 2019 the State Water Board recommended to close the contamination case with a land use restriction, requiring a land use covenant prohibiting digging below four feet below ground surface within a “restricted area” of the subject parcel (Attachment C). The restricted area is currently proposed to house the parking lot, with no commercial or residential use within its boundary. Any required excavation for the parking lot has been conditioned to adhere to the Soil Management Plan prepared for the site by Pacific Affiliates in 2021. Per the State Water Resources Control Board’s “Geotracker” site, the contamination case was closed as of August 2, 2021.

According to the General Plan Hazards Map – Figure PS-a (revised), the project area is not mapped with the following hazard constraints:

- 1) Flood Zone – AE and AE- Floodway. All proposed residential development occurs outside the flood hazard areas;
- 2) Alquist – Priolo (Earthquake Fault Hazards) – no mapped earthquake fault hazards;

- 3) Earthquake Potential Active Fault (PAF) – no mapped PAF;
- 4) Hillside development (slopes > 15%) – no mapped slope or hillside hazards.
- 5) High liquefaction-no areas of high liquefaction onsite.

However, the site is mapped within a moderate liquefaction area and within the flood path in the case of a failure of the Matthews Dam. Due to the potential for inundation of waters from the catastrophic failure of the Matthews Dam, standard recommended Condition of Approval is included to require: 1) notice and acknowledgement of said hazard; 2) early-warning and evacuation plan in place for those persons within the apartment complex.

According to reports prepared for the previous proposed residential development, liquefaction-prone materials (water saturated cohesionless sands) were found at depths of 6-10 feet, and supplementary field investigations and recommendations were made at that time that were found to acceptably mitigate the risk of strong seismic shaking. A supplementary geologic report shall be prepared for the site and found acceptable to the City Building official prior to issuance of a building permit. A condition of approval has been added to ensure the project shall adhere to the site-specific recommendations of the report.

Noise Element

Residential developments are generally not associated with excessive noise sources. Typically noise sources are from transportation – railroad, automobile, airplanes; and stationary sources such as commercial or industrial uses. According to Noise Element Figure N-b – Projected Noise Contours, the proposed development is located outside of identified noise contours. City mixed use standards require residential units to be designed and constructed to minimize adverse impacts from nonresidential project noise; based on the limited nature of surrounding commercial uses, no special noise attenuation is required for indoor or outdoor areas beyond current construction methods, which are expected to adequately attenuate noise to acceptable levels. The project will generate temporary, short-term and intermittent noise during construction. However, standard City policies and Code standards restrict the hours of construction in order to limit the noise impacts to nearby residences. A condition of approval has been added to the project, requiring a residential lease agreement including an acknowledgment statement that the residential units are located in a commercial mixed zone.

Design Element

The proposed mixed-use project is consistent with applicable design policies for commercial and multifamily residential projects. The project location is not located in or near a designated scenic route, specified resource area, landscape feature or within a designated neighborhood conservation area. The residential design objectives provide: living environments that are aesthetically pleasing; personal safety and privacy; leisure needs; and promote social interaction. Applicable Design Element policies are discussed in greater detail below.

6. *Complying with any applicable design guidelines or design review policies.*

The project shows consistency with the Design Element policies of the General Plan through adherence to the following policies:

- **D-1c Promote quality and diversity of design compatible with neighborhood context.** The site and building design is harmonious with the neighborhood context, including existing structures., with high-quality design and larger but compatible massing to surrounding structures.

- **D-5a Multifamily Housing Design.** The structures generally maintain a moderate-density neighborhood character and abrupt changes in height and bulk of structures has been avoided by breaking the structures into three smaller structures. Buildings have been grouped compactly to provide more usable open space. Building elevations have been articulated to avoid long, continuous wall and roof planes.
- **D-7a Landscape plans required.** A landscape plan drawn to scale has been submitted, identifying existing and proposed trees, shrubs, groundcovers, and other landscape elements. Native species have been incorporated.
- **D-7b Planting area required.** The minimum landscape planting area for the site has been met.
- **D-7c Parking lot landscaping.** The proposed landscaping includes the minimum six-foot wide screen or buffer between the parking area and any public street. Trees that reach a mature height of at least twenty feet have been provided within the parking area along 11th Street.
- **D-7d Site design criteria.** Landscaping has been incorporated as an integral part of site development, connecting site design elements, enhancing the site identity, and creating a pleasing appearance.

Section Two: §9.78.060 Exemptions from CEQA

An exemption from CEQA shall apply to a project if it is exempt by statute, categorical exemption, general rule, or by rejection or disapproval of the project (CEQA Guidelines Section 15061). This includes the determination by the City that the project is exempt under the general rule that CEQA applies only to projects that will have the potential for causing a significant effect on the environment (Section 15061 [b] [3]). Unlike statutory exemptions, categorical exemptions are not absolute.

There are exceptions to the exemptions as listed in Section 15300.2 of the CEQA Guidelines. The existence of the exception requires the project to go through the CEQA process regardless of the fact that the project otherwise meets the criteria of a categorical exemption. Class 32 exemptions are not subject to the possible exceptions listed in CEQA Guidelines Section 15300 as the project:

- a) Is not subject to the location restrictions applicable to Class 3,4,5,6, or 11 exemptions.
- b) Is not one of several projects in close vicinity that have the potential for cumulative impact.
- c) Does not include uses or operations leading staff to believe there is reasonable possibility the project will lead to significant effect due to unusual circumstances.
- d) Is not located nearby a scenic highway or other local, state, or nationally-designated scenic resources.
- e) Does not contain an active hazardous waste site maintained on the *Cortese* List, based on State Water Resources Control Board closure dated August 2, 2021, and conditioned ongoing compliance with adopted land use restrictions.
- f) Does not contain historical resources.

The project qualifies for California Environmental Quality Act (CEQA) Class 32 – *Infill Development* categorical exemption. This exemption applies as the project is limited to infill development projects. Pursuant to the California Environmental Quality Act Statutes and Guidelines Class 32, Section 15332, and as further evidenced in the Findings of Approval (Exhibit 1) the project:

- a) Is consistent with the Commercial-Mixed general plan designation and applicable general plan policies as well as the Commercial-Mixed zoning district.
- b) Occurs within city limits on a project site substantially surrounded by urban uses.

- c) Contains no areas with identified value as habitat for endangered, rare, or threatened species.
- d) Would not result in any significant effects relating to: traffic, based on low anticipated vehicle miles traveled based the scale of the project, and proposed parking configuration; noise, which would be no greater than baseline for allowable uses; air quality, as the use will not produce significant levels of air pollutants; or water quality, as the project shall be designed to comport with all stormwater requirements.
- e) Can be adequately served by all required utilities and public services, which are at the street and anticipated to be readily available.

II. CONDITIONS OF APPROVAL

A. AUTHORIZED DEVELOPMENT: Approval is granted for:

The development of a 22-unit mixed use commercial/residential complex two bedroom/one bath units, with a total building size of 19,292 sq feet, including 23 vehicular parking spaces, and 18 bike parking spaces as well as two ground-floor commercial spaces located along 11th Street, totaling 1,889 square feet.

The property owner/applicant is responsible for having read and understood these Conditions of Approval and shall have these conditions attached to all building permit and construction contracts associated with the authorized development.

B. PROJECT SPECIFIC CONDITIONS:

COMMUNITY DEVELOPMENT

- B.1 TRIBAL MONITORING. The applicant shall adhere to recommendations the Cultural Resources Study (Rich and Associates 2023) related to inadvertent discovery protocols (Cultural Resources Study Section 6.1) . **Language regarding inadvertent discovery of cultural resources as stated in the project cultural report shall be included on all Improvement Plans, Building Permits, and Grading Plans.**
- B.2 GEOLOGIC / SOILS REPORT. A geologic report shall be prepared for the site and found acceptable to the City Building official prior to issuance of a building permit. The project shall be designed and engineered to adhere to the site-specific recommendations of the report and/or any City approved amendments.
- B.3 SIGN PERMIT. Future signage will be required to comply with Land Use Code Chapter 9.38-*Signs*. Future tenants shall contact the Planning Department to request guidance regarding signage and if determined applicable, a sign permit shall be processed by the Planning and Building Departments.
- B.4 COMMUNITY DEVELOPMENT FEES. If applicable, the applicant shall pay outstanding Community Development Department fees pursuant to City Council Fee Resolution.
- B.5 LANDSCAPE PLAN AND MODEL WATER EFFICIENCY LANDSCAPE ORDINANCE. Planting shall adhere to the submitted landscape and maintenance plan. All landscaped areas shall include an automatic irrigation system. Landscape materials shall be maintained to not exceed a maximum height of 36 inches within the vision clearance triangle, except for trees with the lowest portion of their canopy maintained at a minimum height of 10 feet above grade. The applicant shall utilize walk-on mulch and cobble rock at landscape borders to reduce stormwater systems being clogged by mulch and bark. As part of Building Permit submittal the applicant's Landscape architect shall submit a Water Efficient Landscape Worksheet in compliance with California Code of Regulations, Title 23, Division 2 – Department of Water Resources, Chapter 2.7 Model Water Efficient Landscape Ordinance.

- B.6 OUTDOOR LIGHTING. The applicant shall ensure all proposed outdoor lighting is designed and installed in compliance with Land Use Code §9.30.070 Outdoor Lighting standards and shall be dark-sky compliant to minimize light pollution and off-site impacts.
- B.7 SOIL MANAGEMENT PLAN. Any excavation conducted on the Restricted Area of the Property shall be performed pursuant to an appropriate and fully implemented Health and Safety Plan and in accordance with the March 8, 2021, "Soil Management Plan" prepared by Pacific Affiliates and available on the Water Board's Geo Tracker database, or any subsequent Board-approved revisions thereof.
- B.8 RESIDENTIAL LEASE AGREEMENT. The applicant, tavern operator, and the PROPERTY OWNER shall ensure the lease agreement for the residential dwelling unit adequately acknowledges that the residential use is located in a commercial zoning district and a mixed-use project site. The acknowledgement shall at a minimum indicate the subject property has a variety of uses and activities that will not be considered a nuisance when conducted in a manner consistent with proper and accepted customs and standards, and all applicable federal, state, and city requirements.

ENGINEERING

- B.9 TRANSPORTATION DEMAND MANAGEMENT MEASURES. As part of Building Permit submittal, the applicant shall submit documentation to the satisfaction of the City Engineer on anticipated vehicle trips generated by the project, in order to calculate need for additional transportation demand management measures, to maximize traveler choices.
- B.10 DRIVEWAY SPECIFICATIONS. The proposed driveway shall be built per City standard details and shall meet City vision clearance standards. The driveway shall be in front of the existing driveway on the other side of the 11th street with no offsets.
- B.11 ACCESSIBILITY REQUIREMENTS. The full length of sidewalk in front of the property shall meet current accessibility requirements.
- B.12 GRADING and DRAINAGE. As part of Building Permit submittal, the applicant shall submit documentation to the satisfaction of the City Engineer that the project will not result in drainage impacts offsite. The applicant shall also provide information on proposed storm drain, water (including fire line) and sewer connections, size and point/location of connections. The applicant shall prepare and/or obtain a Stormwater Pollution Prevention Plan, a General Stormwater Construction Permit, and any additional federal, state or local permits, as applicable.

C. GENERAL PERMIT CONDITIONS:

IMPORTANT INFORMATION REGARDING STANDARD CONDITIONS: The property owner/applicant is responsible for having read and understood the following information:

- C.1 BUILDING PERMITS. The applicant shall obtain any Building or other required permits prior to commencing construction activities. Building/Grading Permits will not be issued until the effective date of this notice, shown below. Applicant shall comply with permit requirements of the City of Arcata's Engineering Department, Environmental Services Department, Arcata Fire Department, and others, as applicable.
- C.2 ENCROACHMENT PERMITS. The applicant shall obtain Encroachment Permits from the Engineering Department for all work performed within the City rights-of-way.
- C.3 CONSTRUCTION NOISE. The General Plan *Noise Element* Policy N-5d, limits the operation of tools or equipment used in construction, drilling, repair, alteration or demolition to the hours between 8 a.m. and 7 p.m. Monday through Friday, and between 9 a.m. and 7 p.m. on Saturdays. No heavy equipment related construction activities shall be allowed on Sundays or holidays.

The hours of construction statement shall appear as a notation on all Improvement Plans, Building Permits, and Grading Plans.

- C.4 CATASTROPHIC FAILURE OF MATTHEWS DAM. The tenant agreements shall provide the following, or functional equivalent: The property is subject to potential floodwaters and debris from failure of the Matthews Dam (Ruth Lake). Tenants and visitors of buildings are hereby noticed that the property is located in an area subject to inundation by flood waters and debris from Ruth Reservoir in the event of the failure of Matthews Dam on the Mad River. Tenants and visitors are advised to have an early – warning and evacuation plan in place in case of the catastrophic failure of Matthews Dam or other catastrophic event.
- C.5 WASTE DIVERSION PLAN. Prior to issuance of a Building Permit the applicant shall submit a construction waste disposal and diversion plan for the project for review and approval by the City's Environmental Services Department.
- C.6 MAINTENANCE OF CONSTRUCTION SITE. The construction site shall be maintained in a clean and orderly condition free of debris, and include an area designated for recycling and re-use. Solid waste generated during construction shall be disposed of in an appropriate manner. Such waste shall include, but not be limited to: concrete forms, waste concrete and asphalt, empty containers of building materials, and excess building materials. Re-use or recycling of construction material is encouraged.
- C.7 DUST CONTROL: The applicant/property owner shall ensure the following dust and air quality control measures are followed:
1. "Water all active construction areas twice per day and use erosion control measures to prevent water runoff containing silt and debris from entering the storm drain system.
 2. Cover trucks hauling soil, sand, and other loose material. Limit truck and equipment idling by coordinating fill/spoils transport.
 3. Pave, water, or apply non-toxic soil stabilizers on unpaved access roads and parking areas.

4. Sweep paved access roads and parking areas daily. Sweep streets daily if visible material is carried onto adjacent public streets.
5. Reuse onsite construction materials as permitted to reduce offsite vehicle trips to landfills.
6. Construction equipment powered by internal combustion engines will be kept tuned and will use biofuels where feasible to minimize emissions.”

The dust control statement shall appear as a notation on all Improvement Plans, Building Permits, and Grading Plans.

- C.8 RECREATION FEE FOR NEW CONSTRUCTION. The recreation fee for new construction shall be paid with application for building permits pursuant to Land Use Code Section 9.70.050. The fee shall be based on the City’s fee resolution in effect at the time of application for building permits.
- C.9 GAS AND ELECTRIC UTILITIES. The applicant shall contact Pacific Gas and Electric for a pre-design consultation – Building and Renovation Center 1-877-743-7782 and PGE’s Planning department at www.pge.com/cco.
- C.10 DIG ONCE STANDARDS. All work on the City streets shall comply with City’s Complete street policy, Dig once policy and City standards (standard details are available at <https://www.cityofarcata.org/267/Standard-Plans>)
- C.11 RECYCLING, SOLID WASTE, AND ORGANICS CONTAINMENT. The trash enclosure shall be designed to accommodate the requirements of the local service provider and SB 1383.
- D. EFFECTIVE DATE, EXPIRATION, AND VALIDITY OF PERMITS.**
- D.1 PERMIT TIME LIMITS. These Permits shall expire 24 months from the date of its approval unless they are exercised. The permits shall not be deemed “exercised” until the permittee has applied for the required permitting from the City, or has commenced the allowed use on the site in compliance with the conditions of approval. This permit may only be extended pursuant to Code §9.79.070.B, or its equivalent.
- D.2 EXPANSION OR MODIFICATION. Any proposed expansion or modification of the authorized use shall require the prior approval of an amendment of the Permit or a new Permit, as applicable. Minor modifications to the development may be made upon review and approval of the Community Development Director. Applicant shall submit applicable City fees and application materials for review of the minor modification.
- D.3 REVOCATION OF PERMIT. The violation of any specification or condition of this Permit shall constitute a violation of the Code and may constitute grounds for revocation of this permit (Code §9.96.070).
- D.4 INSPECTIONS. The applicant and subject property owner are to permit the City of

Arcata or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

APPEALS. The actions described herein may be appealed per the provisions of Arcata Land Use Code (LUC) Chapter 9.76 Appeals. Appeals shall be filed with the Department or City Clerk, as applicable, within ten (10) business days following the date of the Zoning Administrator action that is being appealed per LUC §9.76.030. Appeals shall be submitted on the prescribed form and shall state the reasons for the appeal. The filing fee set by the City Council shall accompany appeals. The appeal period ends 5:00 pm on _____.

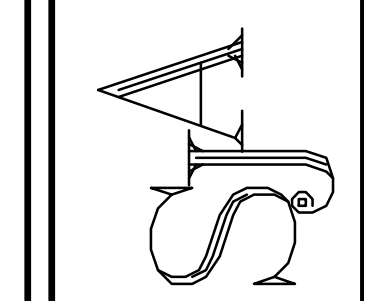
EFFECTIVE DATE OF THIS ACTION: This permit becomes effective on the next working day after the appeal period.

EVIDENCE OF MEETING THE CONDITIONS OF APPROVAL. Review the Conditions of Approval carefully. The applicant is responsible for ensuring each Condition of Approval is met; in some cases written evidence is required. Staff advises the applicant work closely with their agents to prepare and submit all evidence for meeting the Conditions of Approval at one time (if possible) to expedite the review and lower the review costs. Submit the written evidence to the assigned planner assisting you with your project. Note: In some cases, the Conditions of Approval need to be signed off by the appropriate entity.

III. Site Plan

REVISIONS	BY
04/21/23	SJA
06/28/23	SJA

Atkins Drafting ~ Sarah J. Atkins
 PO BOX 6572 EUREKA, CA 95502
 PH. (707) 655-8372 RJSatkins@sjcdraft.net



PROPOSED MIXED USE DEVELOPMENT
 11th STREET - ARCATA, CA APN 505-201-003
SITE PLAN
 FOR: NORTH STAR DEVELOPMENT, LLC C/O KYLE BROUGHTON PH. (707) 496-0431

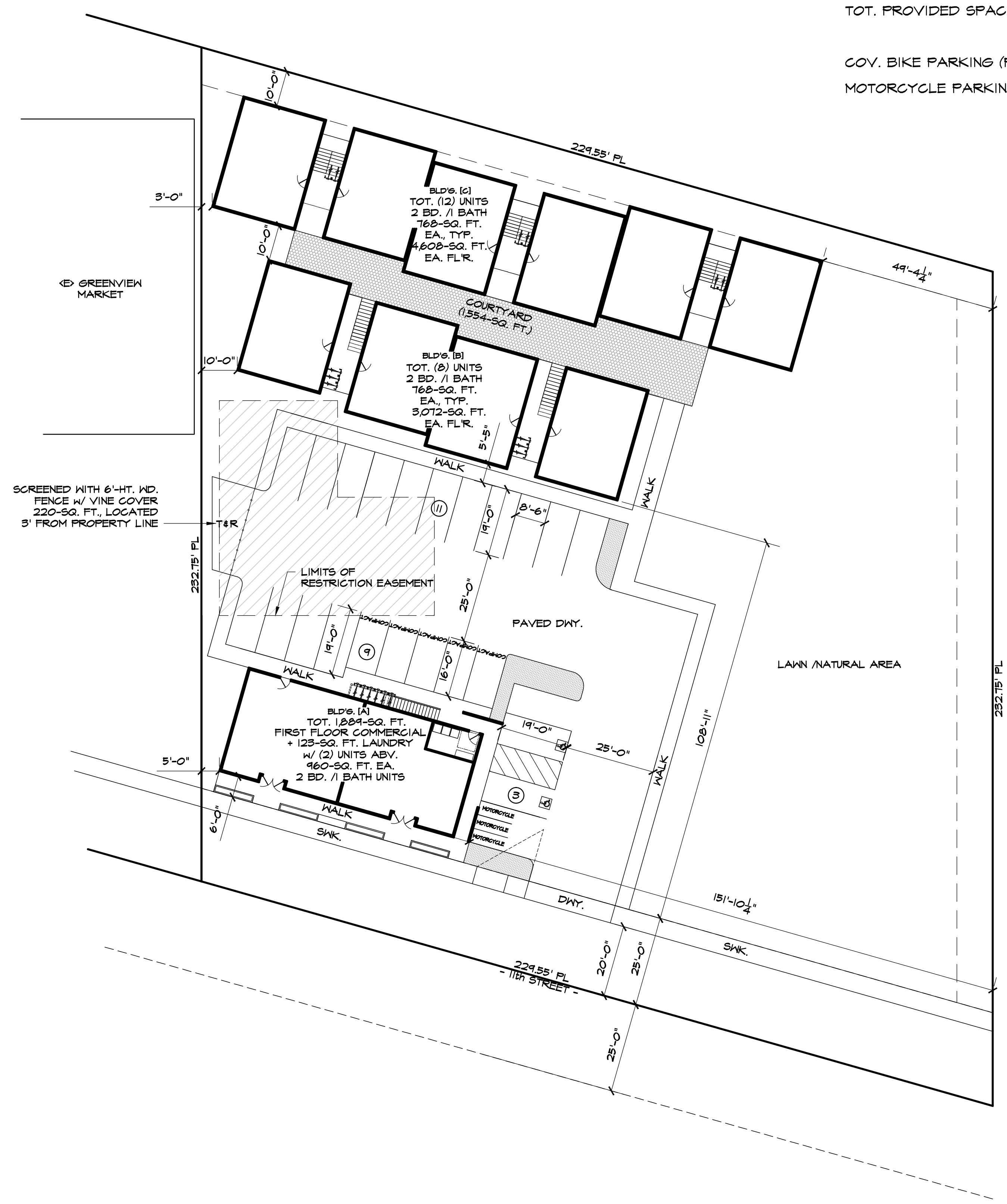
Date	DEC. 20, '22
Scale	AS NOTED
Design	SJA
Drawn	SJA
Job	
Sheet	1

PARKING CALCS

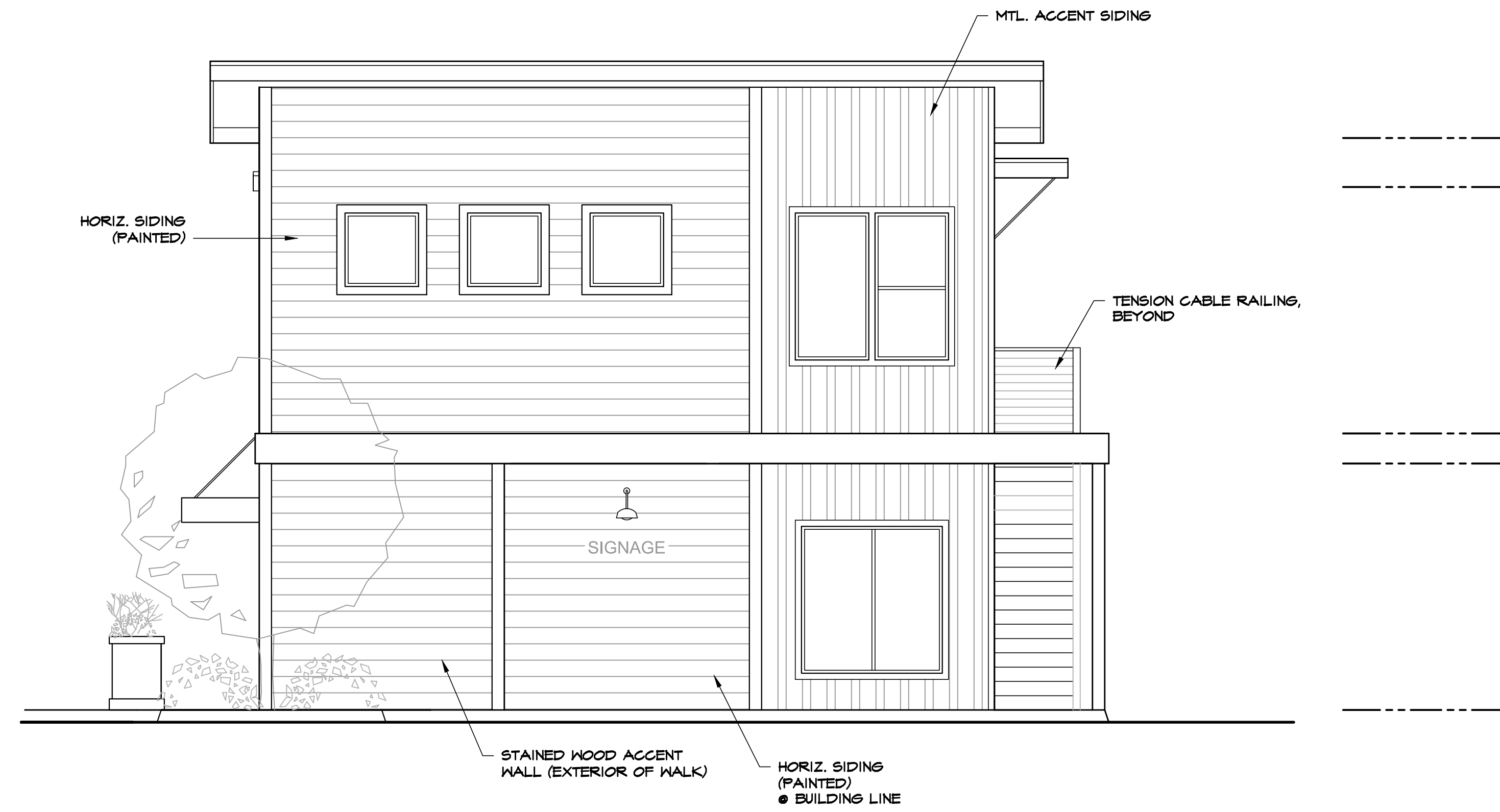
COMMERCIAL (1,089 /500)	(4)-SPACES
(16) BASE RESIDENTIAL UNITS	(16)-SPACES
MIN. REQUIRED SPACES	(20)-SPACES
TOT. PROVIDED SPACES	(23)-SPACES
	[(5-COMPACT)]
COV. BIKE PARKING (PROVIDED)	(18)-SPACES
MOTORCYCLE PARKING	(3)-SPACES



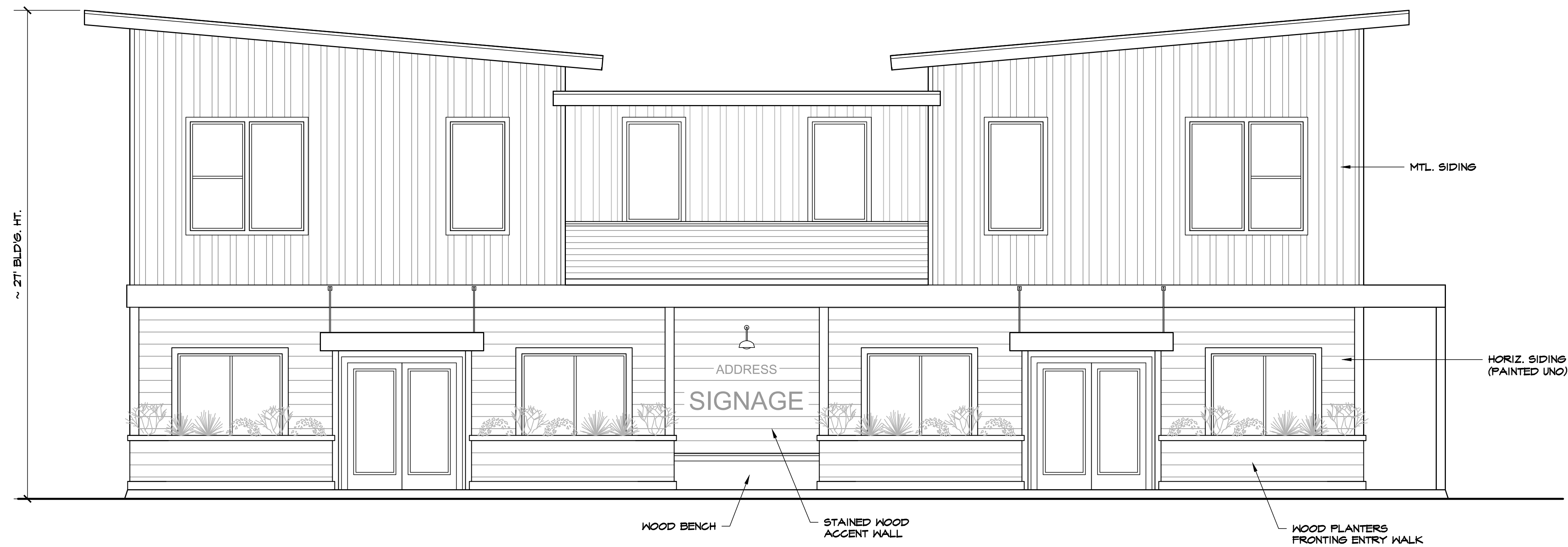
PROJECT LOCATION
 DO NOT SCALE



SITE PLAN
 1"=20'-0"
 North



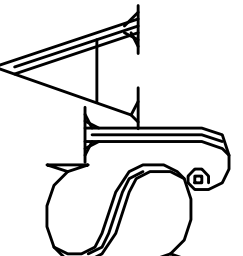
EAST SIDE ELEVATION
1/4"=1'-0"



11th STREET ELEVATION
1/4"=1'-0" SOUTH ELEV.

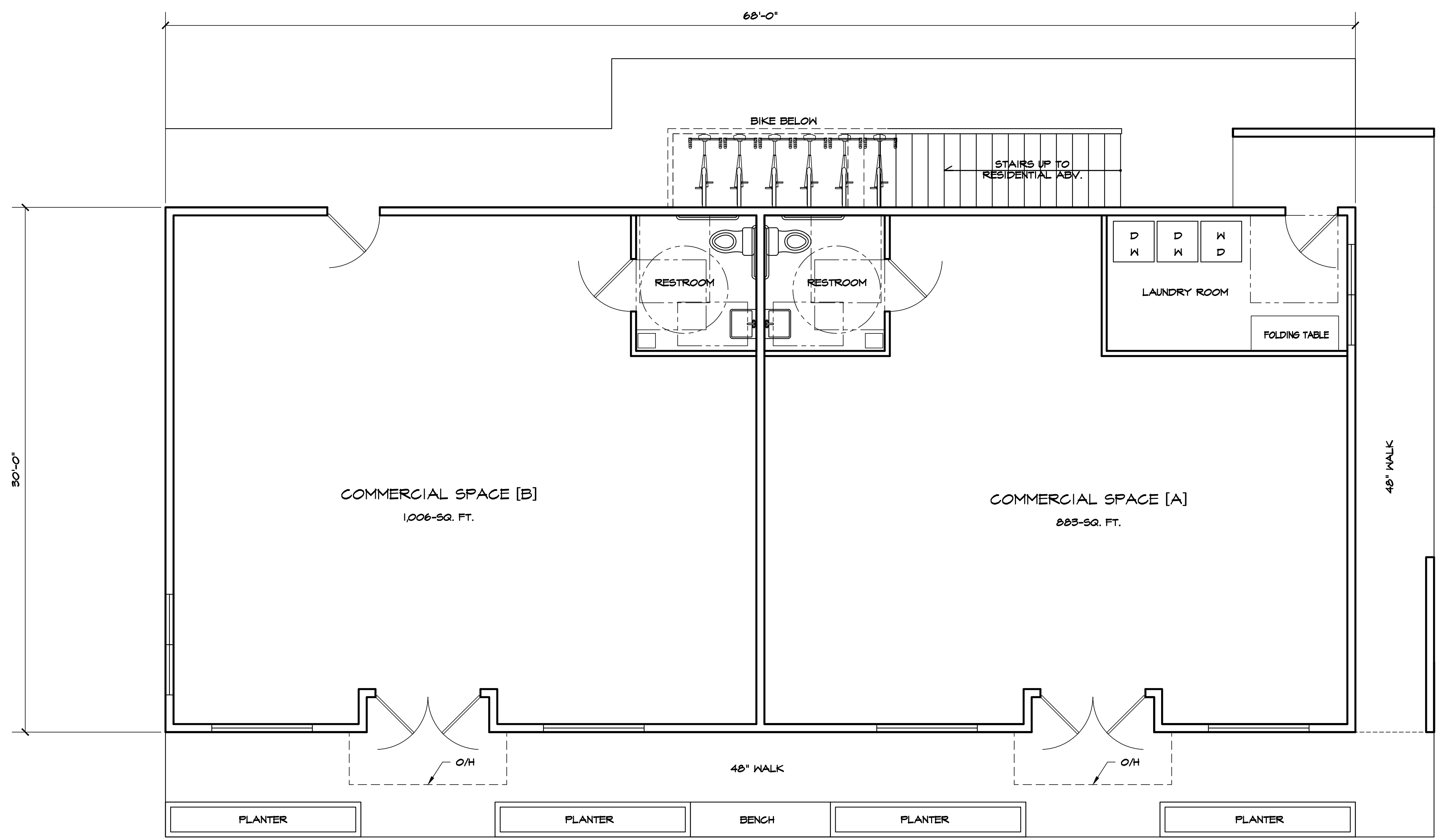
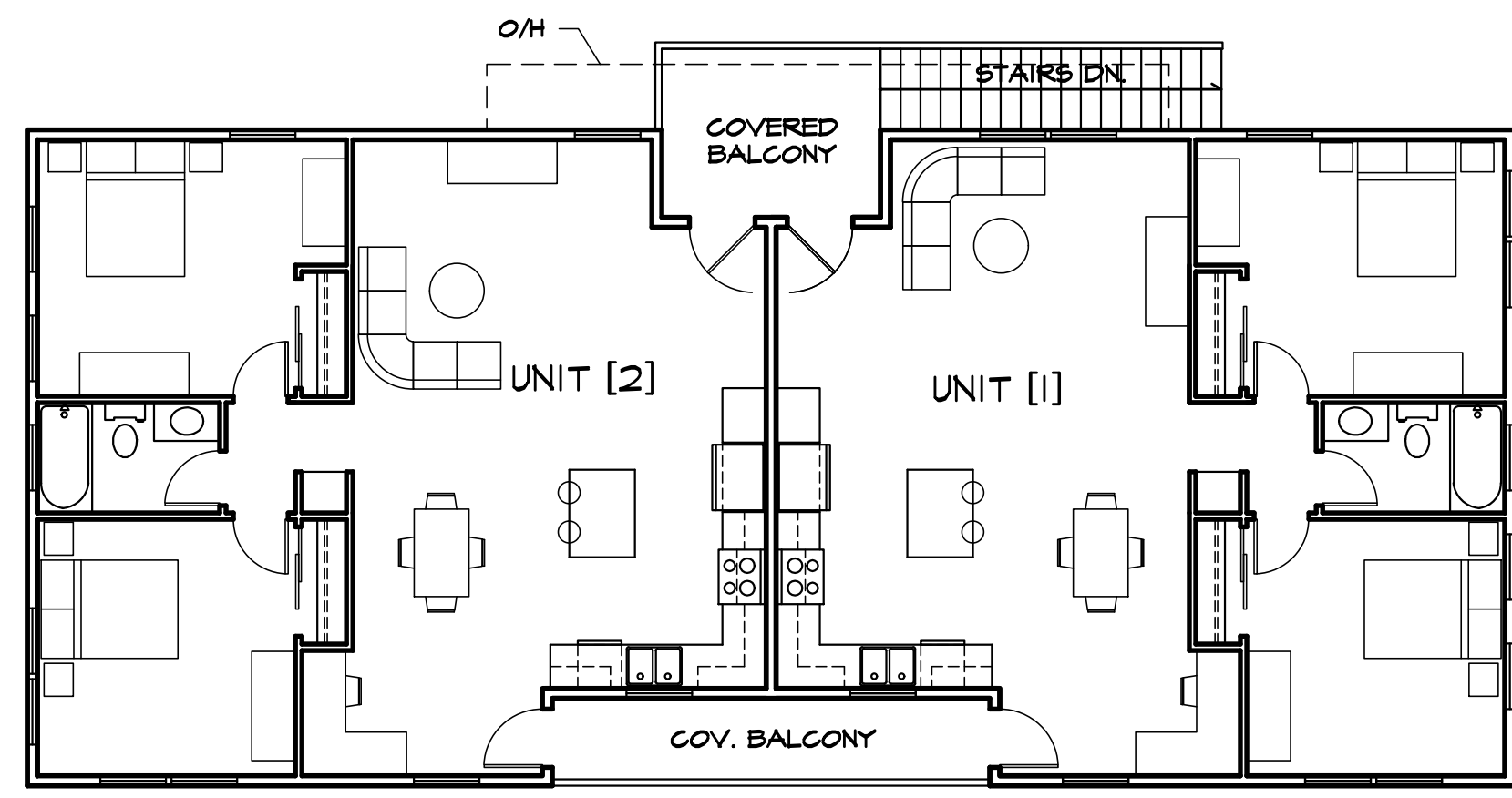
REVISIONS	BY

Atkins Drafting ~ Sarah J. Atkins
 PO BOX 6572 EUREKA, CA 95502
 PH: (707) 833-8372 RJS@atkins-sbj.com



PROPOSED MIXED USE DEVELOPMENT
 11th STREET - ARCATTA, CA
COMMERCIAL BUILDING ELEVATIONS
 FOR: NORTH STAR DEVELOPMENT, LLC C/O KYLE BOUGHTON

Date	DEC. 20, '22
Scale	AS NOTED
Design	SJA
Drawn	SJA
Job	
Sheet	2



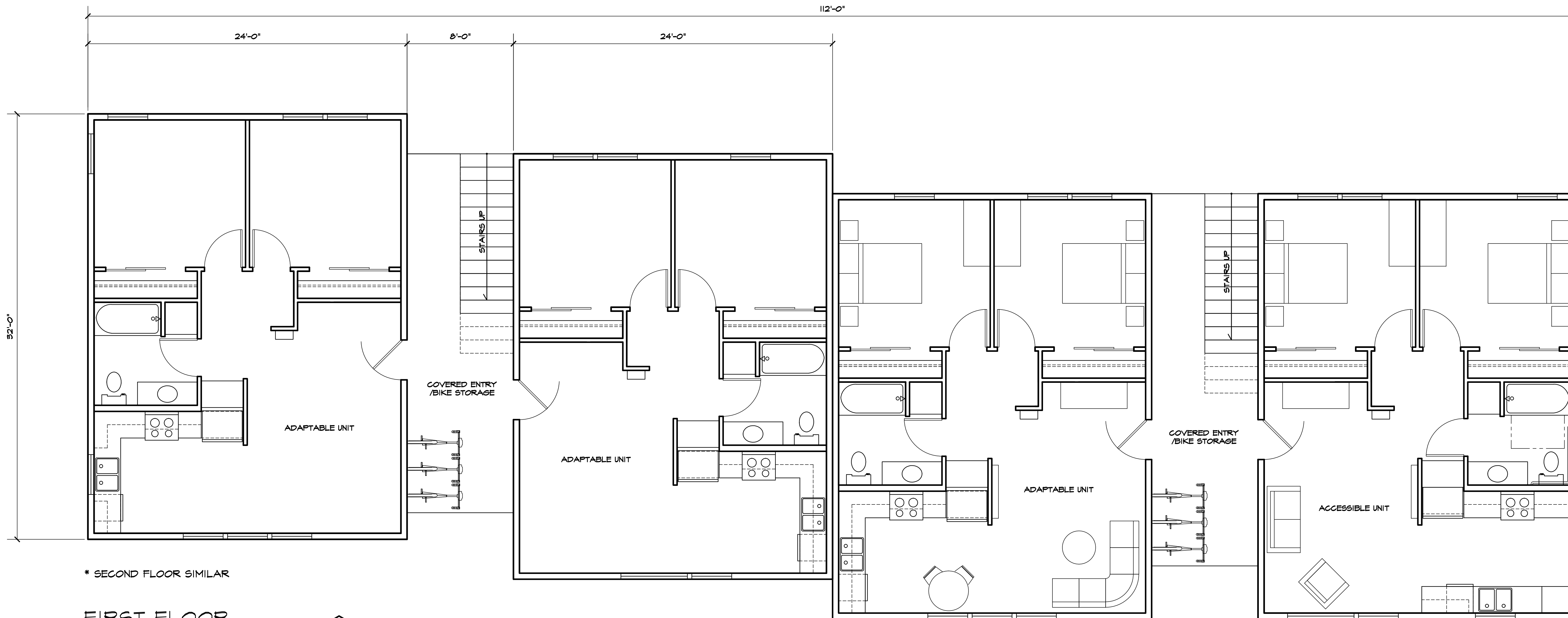
REVISIONS	BY

Atkins Drafting ~ Sarah J. Atkins
 PO BOX 6572 EUREKA, CA 95502
 PH: (707) 635-8372 RJSA@atkins.com

SJA

PROPOSED MIXED USE DEVELOPMENT
 11th STREET ARCATTA, CA APN 505-201-003
 COMMERCIAL BUILDING FLOOR PLANS
 FOR: NORTH STAR DEVELOPMENT, LLC C/O KYLE BROUGHTON PH: (707) 496-0431

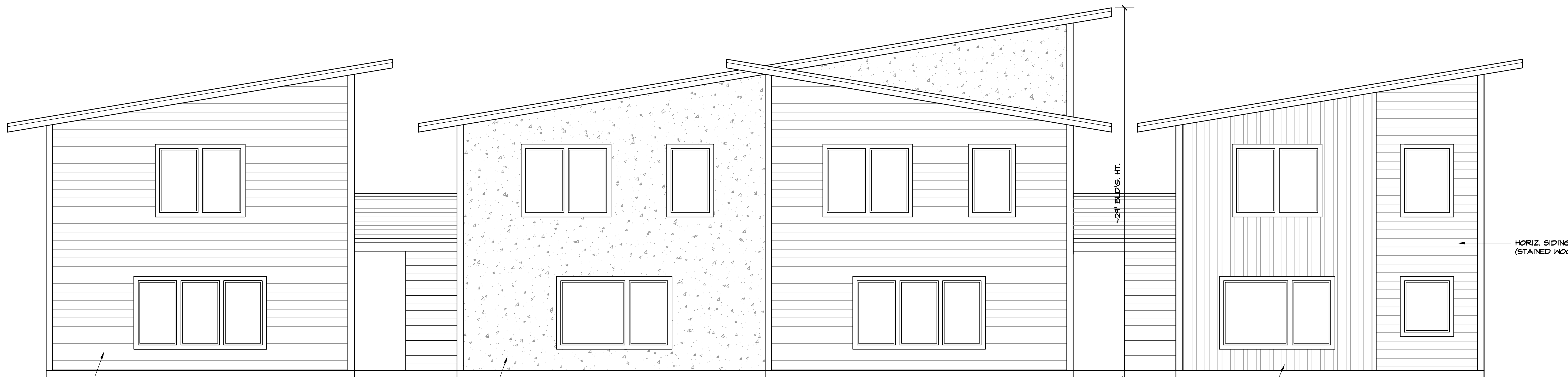
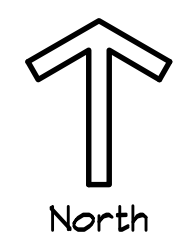
Date	DEC. 20, '22
Scale	AS NOTED
Design	SJA
Drawn	SJA
Job	
Sheet	4



* SECOND FLOOR SIMILAR

FIRST FLOOR
BUILDING 'B'

1/4"=1'-0"



FRONT (So.) ELEVATION

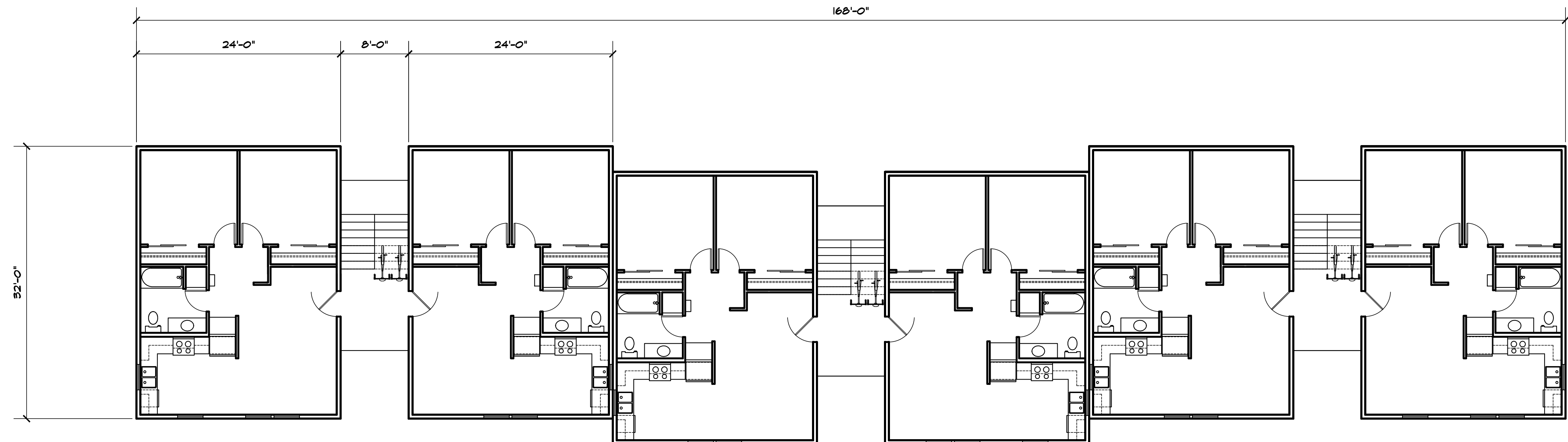
1/4"=1'-0"

REVISIONS	BY

Atkins Drafting ~ Sarah J. Atkins
 PO BOX 6572 EUREKA, CA 95502
 PH: (707) 655-8372 RJS@atkins.net

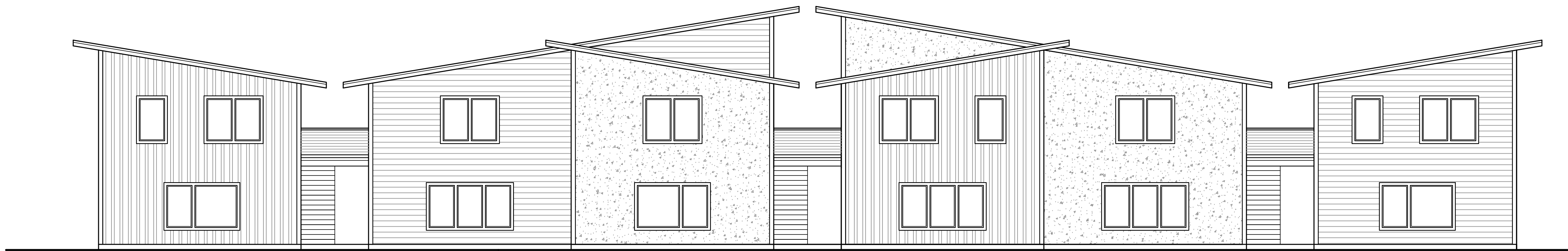
PROPOSED MIXED USE DEVELOPMENT
 11th STREET ARCATTA, CA
RESIDENTIAL BUILDING 'B'
 FOR: NORTH STAR DEVELOPMENT, LLC C/O KYLE BROUGHTON PH: (707) 496-0431

Date	DEC. 20, '22
Scale	AS NOTED
Design	SJA
Drawn	SJA
Job	
Sheet	5



* FIRST FLOOR SIMILAR

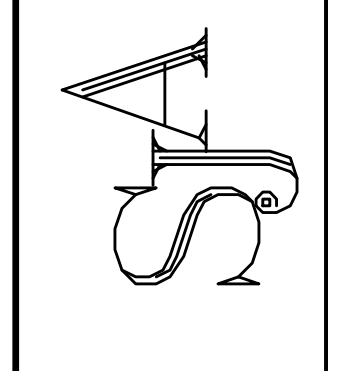
SECOND FLOOR
BUILDING 'C'
1/8"=1'-0"



FRONT (So.) ELEVATION
1/8"=1'-0"

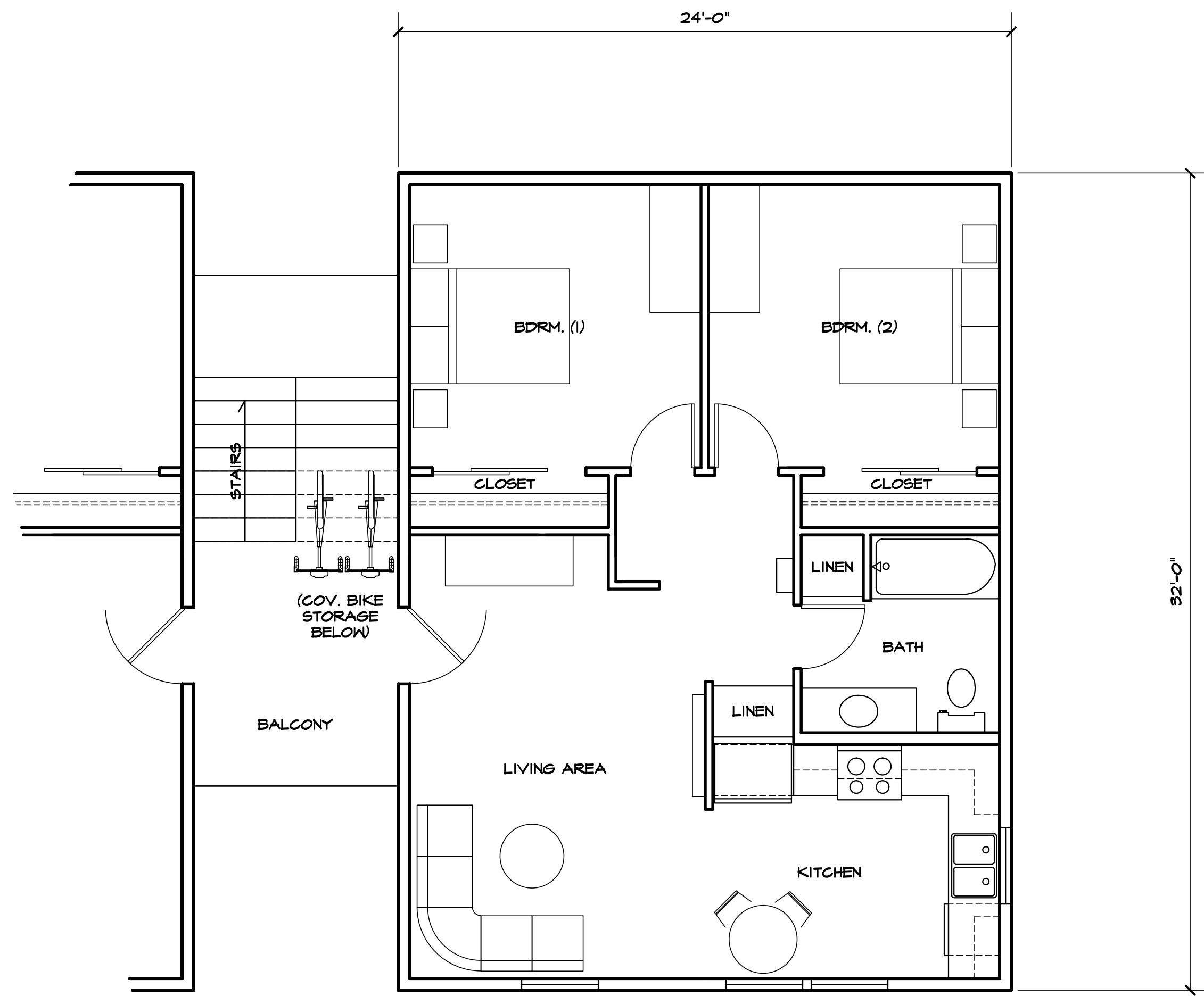
REVISIONS	BY

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 PO BOX 6572 EUREKA, CA 95502
 PH. (707) 635-8372 RJS@atkins-sj.com

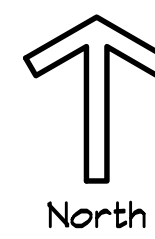


PROPOSED MIXED USE DEVELOPMENT
 11th STREET ARCATTA, CA APN 505-201-003
 RESIDENTIAL BUILDING 'C'
 FOR: NORTH STAR DEVELOPMENT, LLC C/O KYLE BOUGHTON PH. (707) 496-0431

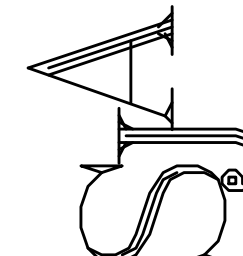
Date	DEC. 20, '22
Scale	AS NOTED
Design	SJA
Drawn	SJA
Job	
Sheet	6



FLOOR PLAN
DETAIL
1/4"=1'-0"



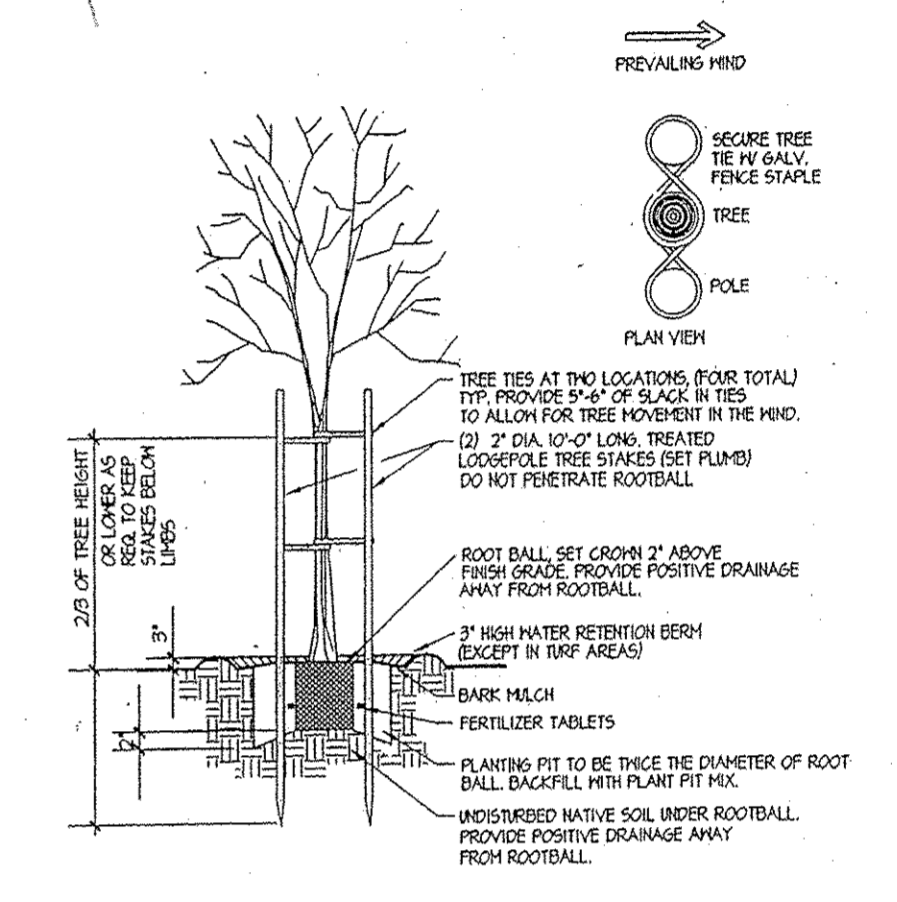
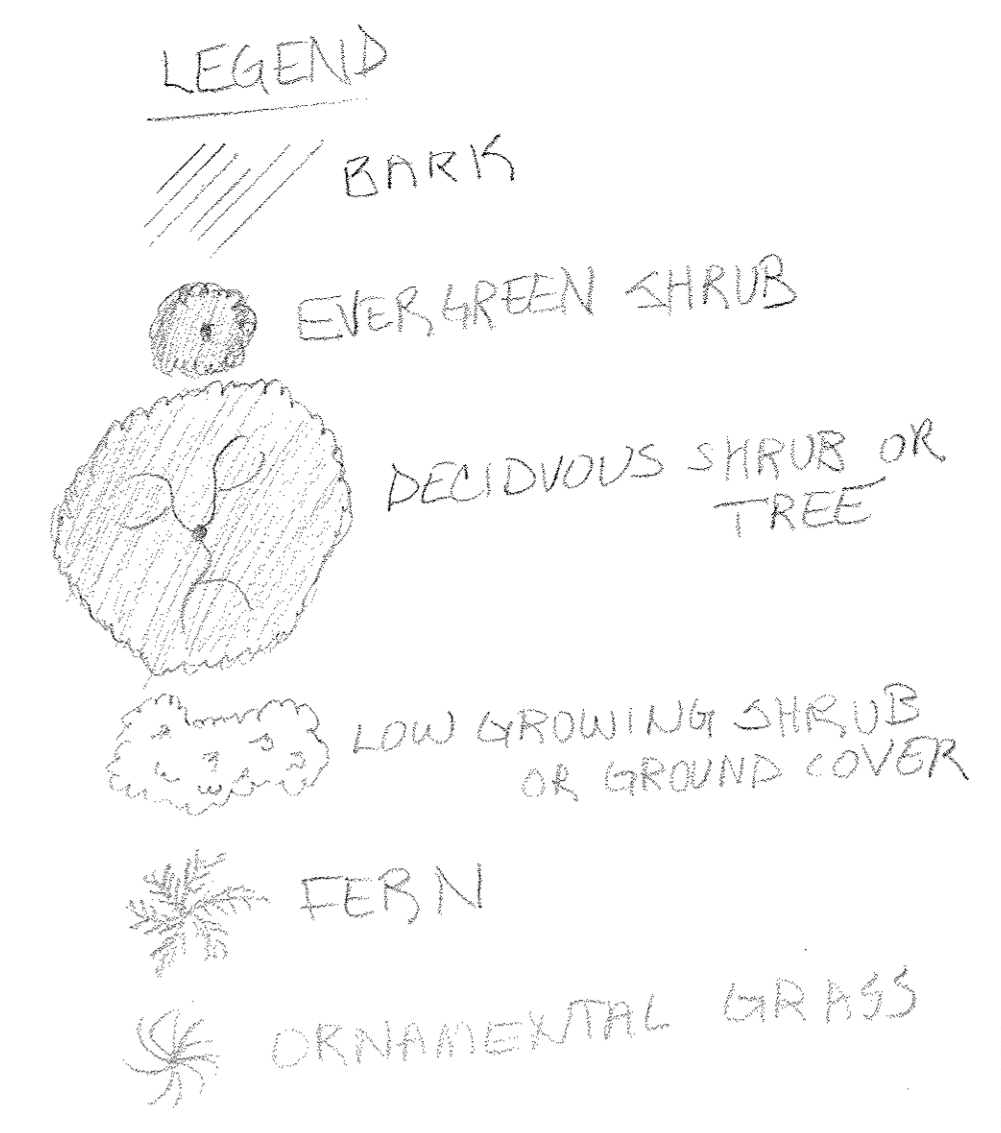
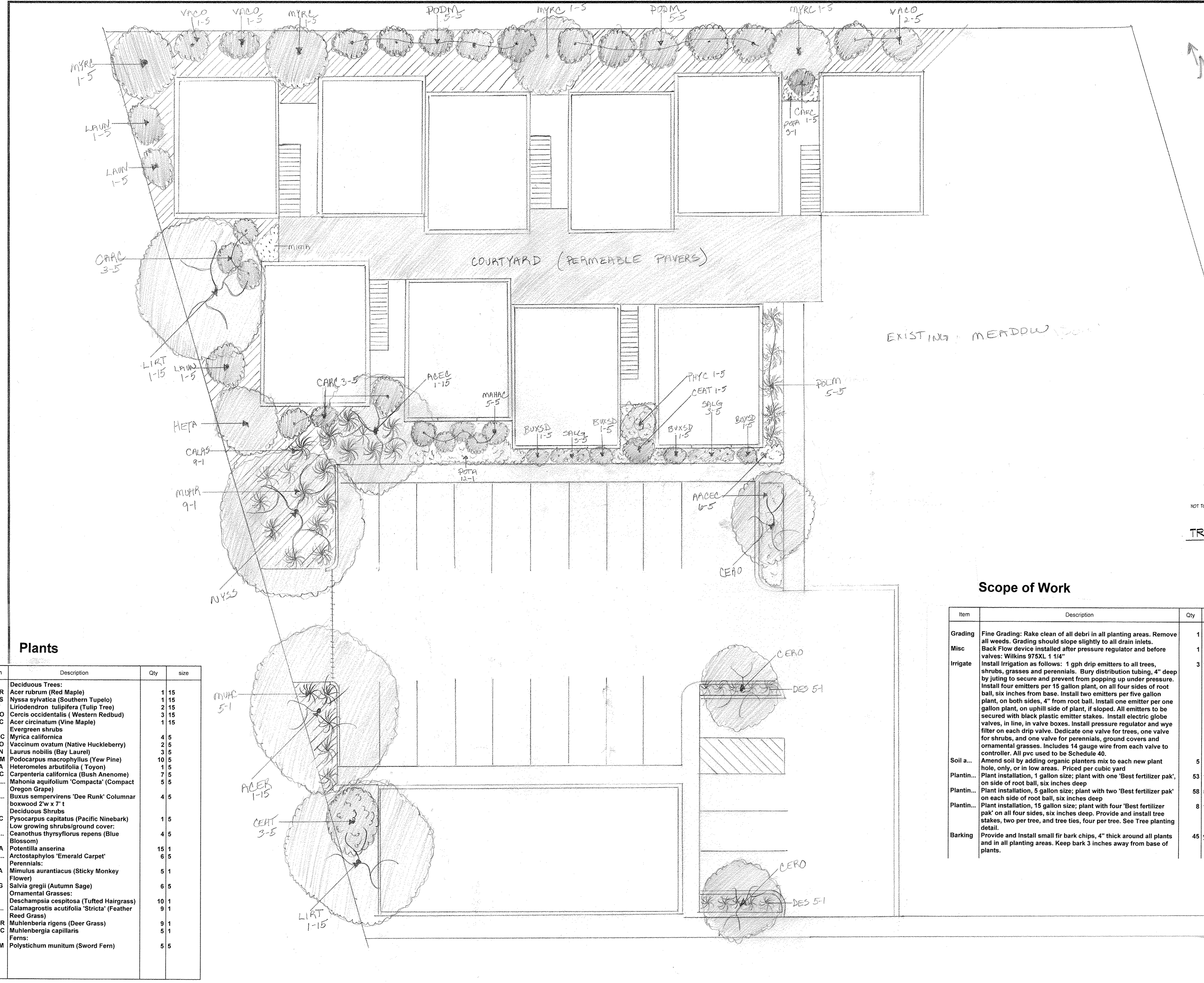
REVISIONS	BY


 Atkins Drafting ~ Sarah J. Atkins
 PO BOX 6572 EUREKA, CA 95502
 PH: (707) 633-8372 RJSatkins@sbcglobal.net

PROPOSED MIXED USE DEVELOPMENT
 11th STREET - ARCATA, CA APN 505-201-003
RESIDENTIAL BUILDING 'C' DETAIL
 FOR: NORTH STAR DEVELOPMENT, LLC C/O KYLE BOUGHTON PH: (707) 496-0431

Date	DEC. 20, '22
Scale	AS NOTED
Design	SJA
Drawn	SJA
Job	
Sheet	2

REVISIONS	BY



Plants

Item	Description	Qty	size
Deciduous Trees:			
ACER	Acer rubrum (Red Maple)	1	15
NYSS	Nyssa sylvatica (Southern Tupelo)	1	15
LIRT	Liriodendron tulipifera (Tulip Tree)	2	15
CERO	Cercis occidentalis (Western Redbud)	3	15
ACEC	Acer circinatum (Vine Maple)	1	15
Evergreen shrubs			
MYRC	Myrica californica	4	5
VACO	Vaccinium ovatum (Native Huckleberry)	2	5
LAUN	Laurus nobilis (Bay Laurel)	3	5
PODM	Podocarpus macrophyllus (Yew Pine)	10	5
HETA	Heteromeles arbutifolia (Toyon)	1	5
CARC	Carpenteria californica (Bush Anemone)	7	5
MAH...	Mahonia aquifolium 'Compacta' (Compact Oregon Grape)	5	5
BUX...	Buxus sempervirens 'Dee Runk' Columnar boxwood 2'w x 7' t	4	5
PHYC	Psychocarpus capitatus (Pacific Ninebark)	1	5
CEA...	Low growing shrubs/ground cover: Ceanothus thyrsiflorus repens (Blue Blossom)	4	5
POTA	Potentilla anserina	15	1
ARC...	Arctostaphylos 'Emerald Carpet'	6	5
Perennials:			
MIMA	Mimulus aurantiacus (Sticky Monkey Flower)	5	1
SALG	Salvia greggii (Autumn Sage)	6	5
Ornamental Grasses:			
DES	Deschampsia cespitosa (Tufted Hairgrass)	10	1
CAL...	Calamagrostis acutifolia 'Stricta' (Feather Reed Grass)	9	1
MUHR	Muhlenbergia rigens (Deer Grass)	9	1
MUHC	Muhlenbergia capillaris	5	1
Ferns:			
POLM	Polystichum munitum (Sword Fern)	5	5

Scope of Work

Item	Description	Qty	Size
Grading	Fine Grading: Rake clean of all debris in all planting areas. Remove all weeds. Grading should slope slightly to all drain inlets.	1	
Misc	Back Flow device installed after pressure regulator and before valves: Wilkins 975XL 1 1/4"	1	
Irrigate	Install irrigation as follows: 1 gph drip emitters to all trees, shrubs, grasses and perennials. Bury distribution tubing, 4" deep by jutting to secure and prevent from popping up under pressure. Install four emitters per 15 gallon plant, on all four sides of root ball, six inches from base. Install two emitters per five gallon plant, on both sides, 4" from root ball. Install one emitter per one gallon plant, on uphill side of plant, if sloped. All emitters to be secured with black plastic emitter stakes. Install electric globe valves, in line, in valve boxes. Install pressure regulator and wye filter on each drip valve. Dedicate one valve for trees, one valve for shrubs, and one valve for perennials, ground covers and ornamental grasses. Includes 14 gauge wire from each valve to controller. All pvc used to be Schedule 40.	3	valves
Soil a...	Amend soil by adding organic planters mix to each new plant hole, only, or in low areas. Priced per cubic yard	5	
Plantin...	Plant installation, 1 gallon size; plant with one 'Best fertilizer pak', on side of root ball, six inches deep	53	1 gallon
Plantin...	Plant installation, 5 gallon size; plant with two 'Best fertilizer pak' on each side of root ball, six inches deep	58	5 gallon
Plantin...	Plant installation, 15 gallon size; plant with four 'Best fertilizer pak' on all four sides, six inches deep. Provide and install tree stakes, two per tree, and tree ties, four per tree. See Tree planting detail.	8	15 gallon
Barking	Provide and Install small fir bark chips, 4" thick around all plants and in all planting areas. Keep bark 3 inches away from base of plants.	45	yards

APN # 505 201 003

KYLE BOUGHTON

LANDSCAPE DESIGN

Date	12/19/22
Scale	1" = 10'
Drawn	
Job	
Sheet	1
Of	1 Sheets

INSTALLATION:

THE SOIL AROUND EACH PLANT SHALL BE SPOT AMENDED WITH COMPOST OR MANURE (NOT TOPSOIL).

ORGANIC FERTILIZER SHALL BE USED AS PER DIRECTIONS TO TREAT THE LANDSCAPE UPON PLANTING.

BEDS LABELED 'ROCK' WILL HAVE PROFESSIONAL GRADE DEWITT LANDSCAPING FABRIC AND EITHER #3 ROCK, OR SANOMA GOLD 3/4" AS TOPDRESSING

IRRIGATION NOTES:

ALL LAWN AREAS WILL BE IRRIGATED WITH A SPRINKLER SYSTEM PROVIDING ONE INCH OF WATER WEEKLY.

ALL TREES, SHRUBS, GRASSES AND GROUNDCOVERS SHALL BE IRRIGATED WITH A DROP SYSTEM ON AN AUTOMATED TIMER, UNLESS IRRIGATED BY LAWN SPRINKLERS.

ALL ONE-GALLON PLANTS TO BE IRRIGATED WITH ONE 1-GPH DROP IRRIGATION EMITTER, FIVE-GALLON PLANTS TO BE IRRIGATED WITH TWO 1-GPH DROP IRRIGATION EMITTERS, AND 15-GALLON PLANTS SHALL HAVE THREE 1-GPH DRIP EMITTERS.

THE TIMER SHALL BE SET TO PROVIDE A MINIMUM OF 2.25 GALLONS OF WATER PER PLAN, PER WEEK (6.75 GALLONS PER TREE) DURING THE FIRST THREE YEARS' DRY SEASONS.

MAINTENANCE PLAN:

LANDSCAPED BEDS SHALL BE BROUGHT TO A WEED FREE CONDITION NO FEWER THAN FOUR TIMES PER YEAR.

TREES THAT ARE EXPOSED TO WINDY CONDITIONS SHALL BE STAKED APPROPRIATELY TO DEVELOP AN UPRIGHT HABIT.

TREE STAKES SHALL BE CHECKED NO FEWER THAN ONCE PER YEAR AND TIES SHALL BE ADJUSTED AS NEEDED TO PREVENT GIRDLING THE BARK.

TREES SHALL BE PRUNED AS NEEDED TO LIFT CANOPY FOR VISIBILITY AND EASY PASSAGE OF VEHICLES AND PEOPLE, IF APPLICABLE.