



STAFF REPORT

PLANNING COMMISSION MEETING

December 12, 2023

TO: Honorable Chair and Commissioners

FROM: David Loya, Director of Community Development

PREPARER: David Loya, Director of Community Development

DATE: December 07, 2023

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

RECOMMENDATION:

Staff recommends the Commission make a recommendation on which policies in the draft Gateway Area Plan should be enacted citywide, which should be deleted, and which should remain in the Gateway Area Plan. The Commission may wish to make a recommendation on any other aspect of the General Plan update as well.

INTRODUCTION:

The Commission has been refining its recommendation to Council based on input from the Council at Joint Study Sessions held August 22, September 26, October 24, and November 28, 2023. Specifically, the Council requested additional input on the Community Benefits program and which Gateway Area Plan policies should be moved into other Elements of the General Plan so they would be effective Citywide. This item allows the Commission to finalize its recommendations on the General Plan updates.

DISCUSSION:

The Commission may want to consider using elements of the Framework it adopted in early 2023 to navigate decision making for this item. The Commission will not have the benefit of written arguments ahead of the meeting, but Commissioners should be prepared to make several decisions efficiently using negative polling and gradients of agreement.

Gateway Policies

The Council asked the Commission for its input on the fate of the Gateway policies at their November 15, 2023, meeting. The Commission should review the Policy Matrix (Attachment A) the Council reviewed at their November meeting, which has been updated to reflect recommendations for each policy in the Gateway Area Plan. The Matrix also shows prior recommendations, as well as the direction the Council gave at the November 28 joint study session.

If the Commission agrees with the recommendations in the Matrix, staff will update the various Elements of the General Plan and circulate the Draft EIR using the updated General Plan Elements as the Project Description. New policies are indicated with new policy number as shown in the Design Element example (Attachment B). Policies that are annotated with “(add)” to the end of the

policy number indicates policy that would be included in an existing and similar policy. Several policies are recommended for deletion because they either have an existing policy similar elsewhere in the General Plan, they were effectively eliminated by changes the Commission or Council has already made, or in review, the policy is unnecessary.

The General Plan policies are all proposed to be effective in the Gateway Area already (see Gateway Area Plan; Relationship to Other Plans). To explicitly tie the land use policies that are removed from the Gateway Plan to the Gateway Area, the Gateway Area will be designated Commercial Mixed-Use, and the Gateway Districts will function as Combining Zones (see Land Use Code, Section 9.28).

Community Benefits

The Planning Commission staff report from November 14, 2023, includes a discussion on the proposed Community Benefits program revision. For additional context, readers should refer to that staff report. The Commission did not have the opportunity to discuss the Community Benefits Program at that meeting. The Commission should review the list that is in working version (Attachment C) together with the proposed point allocation program requiring and seven story buildings provide six points; six story buildings provide five points; five story buildings provide four; and four story buildings provide three points. This is the easiest program to understand and implement. It does abandon the categories approach that was considered previously. And it eliminates the dollar value of the benefits from consideration. But it ensures a simple program that achieves projects that reflect the community values.

Additional Clean-up

The Commission may consider the following recommendation from Environmental Services based on discussions with the Creeks and Wetlands Committee. There was no formal action from the Committee on this recommendation, but Environmental Services staff recommended the changes, citing the detail is incorporated in the zoning ordinance, and the language is too detailed for policy.

Staff recommends the Commission incorporate the following changes into their recommendation.

RC-2b Environmental Buffer Area (EBA). A streamside protection area is hereby established along both sides of the streams identified on the City Watercourse Map. The purpose of the EBA is to remain in a natural state in order to protect stream ecosystems and their associated riparian habitat areas. The EBA shall include:

- ~~1. In areas where existing development, as defined in the Zoning Code, is adjacent to the stream, the EBA shall be not less than 25 feet outward on both sides of the stream, measured from the top of bank.~~
- ~~2. In all other locations within the City, the EBA shall be not less than 100 feet outward on both sides of the stream, measured from the top of bank.~~
- ~~3. In locations within the City having significant areas of riparian vegetation exceeding 100 feet in width measured from the top of bank, the EBA shall be expanded to encompass all of the riparian vegetation, except in no case shall the EBA exceed 250 feet in width from the top of bank on either side of the stream.~~

RC-3a Requirement for wetland delineation and study. All proposed development applications shall include a site plan that shows the precise location of any wetlands that exist on the subject property. Any application for development on a parcel where

wetlands may be present shall include a wetland reconnaissance or delineation report.as follows:

- 1.—~~The wetland reconnaissance or delineation report shall be based upon field investigations and shall be prepared by a professional or technical expert qualified in wetlands science.~~
- 2.—~~For the purposes of this plan, wetlands shall include Coastal Zone lands where one or more of the following three wetland indicators are present or non-Coastal Zone lands where two or more of the following three wetland indicators are present:~~
 - a.—~~source of water (surface or subsurface) which is present for sufficient periods to promote hydric soils formation or growth of hydrophytic plant species;~~
 - b.—~~hydric soils; or~~
 - c.—~~hydrophytic plants.~~
- 3.—~~Where a wetland reconnaissance indicates the probable existence of wetlands, a detailed wetland delineation shall be required, including a map with the best available contour information showing where each of the three wetland indicators are present, why the boundary was established with data sheets to back it up, and the precise boundaries of any areas that are determined to be wetlands.~~
- 4.—~~If wetlands of any size are found to exist on the property, an analysis of the potential functional or habitat services of the wetlands shall be required.~~

RC-3c **Designation of Environmental Buffer Areas for Wetlands.** An Environmental Buffer Area shall be established to separate all permitted development from adjacent existing wetlands that are to be preserved in a natural state, and from new wetland areas that are created as mitigation of wetland infill. The Environmental Buffer Area's purpose is to remain in a natural state in order to protect wetland ecosystems and their associated habitat areas from destruction or degradation. The extent of the Environmental Buffer Area shall be established based upon analyses and recommendations contained in a site-specific wetland delineation study. ~~but shall include the wetland area and a setback area that shall generally range from a 50-foot minimum to a 100-foot maximum width. Specific findings, based on evidence provided for City review, shall be required for setbacks less than 100 feet in width.~~

RC-3h Designation of wetland protection zones. The :WSP Zone shall be applied to wetlands, wetland setbacks, wetland buffer areas and modified wetland buffer areas, as defined in the City's Zoning Code, at the time of development review and approval.

A wetlands map, maintained by the City, will show the general location of wetlands, riparian corridors, and uplands within the City limits and urban services zone. All proposed development within or adjacent to the areas identified on the map as wetlands or riparian corridors shall comply with City Wetlands Development Standards ~~and shall include the following in the development proposal:~~

- 1.—~~A wetland delineation.~~
- 2.—~~A mitigation plan for impacted areas.~~

- ~~3.—Setback areas from delineated wetlands.~~
- ~~4.—Easements for onsite delineated wetlands.~~
- ~~5.—Permitted and protected uses and activities within delineated wetland areas.~~
- ~~6.—Fencing to prevent livestock from degrading wetlands and riparian vegetation.~~

RC-3j **Minimum mitigation requirements for wetland impacts.** Diking or filling of a wetland that is otherwise in accordance with the policies of this General Plan, shall, at a minimum, require ~~the following mitigation measures, monitoring program, and funding.~~ mitigation measures, a monitoring program and acceptable funding.

- ~~1.—A detailed restoration plan, monitoring program, and funding source for each site shall be required as part of the project application. The restoration plan shall include provisions for restoration to equal or greater wetland biological productivity and contingencies for mitigation as appropriate. The monitoring program shall include reporting requirements that document mitigation success and contingency plans as determined necessary by staff. Dedication of the land to a public agency, purchase, or other stewardship method that permanently restricts the use of the site to habitat and open space purposes, shall be required. The site shall be dedicated, purchased, or other stewardship agreed upon, and mitigation funding shall be provided, prior to any permitted diking or filling.~~
- ~~2.—Areas adequate to maintain functional capacity shall be opened to tidal action, or other sources of surface water shall be provided. This provision shall apply to diked or filled areas that themselves are not environmentally sensitive habitat areas, but would become so if, as part of a restoration program, they are opened to tidal action or provided with other sources of surface water. All of the provisions for restoration, purchase (if necessary), and dedication described under part 1 shall apply to any program or activity performed pursuant to this policy.~~
- ~~3.—Mitigation shall, to the maximum extent feasible, be of the same type as the wetland to be filled (e.g., freshwater marsh for freshwater marsh, and saltwater marsh for saltwater marsh).~~
- ~~4.—Where no suitable private or public restoration or enhancement sites are available, or where a wetlands mitigation bank in Arcata’s Planning Area has been established that provides suitable replacement area, an in-lieu fee may be required to be paid. The fees shall be paid to an appropriate public agency for use in the restoration or enhancement of an area of equivalent productive value or surface area, or to the entity managing the wetlands mitigation bank.~~

POLICY IMPLICATIONS:

COMMITTEE/COMMISSION REVIEW:

ENVIRONMENTAL REVIEW (CEQA):

BUDGET/FISCAL IMPACT:

ATTACHMENTS:

- A. policy mappingv2 (PDF)
- B. Design EI Policy 8 (PDF)
- C. Community Benefits (PDF)