

Proposed  
**ACTION OF THE CITY OF ARCATA PLANNING COMMISSION**

**ACTION:** On \_\_\_\_, 2024, the Planning Commission approved the Ahmad Design Review and Sign Permit by adopting: 1) a California Environmental Quality Act §15301, Class 1, – Existing Facilities categorical exemption; and then 2) the Action with Findings of Approval (Exhibit 1), Conditions of Approval (Exhibit 2), and project plans (Exhibit 3).

**Project Description:**

Proposed interior and exterior improvements to a former bar into a new restaurant with outdoor seating. Exterior alterations include new building façades (windows, siding, fencing/screening) lighting and signs on the 9<sup>th</sup> Street and alley sides. A Design Review Permit and Sign Permit are required for exterior alterations to the building that is in the Arcata Plaza Historic District.

**Project Location:** 764 9<sup>th</sup> Street, Arcata

**Assessor’s Parcel Number:** 021-106-008

**Application Type:** Design Review and Sign

**Date of application:** December 22, 2023

**Property Owner and Applicant:** Maira and Toheed Ahmad

**Agent:** Douglas Brown, Brown Designs

**File Number:** 234-018-DR-S

**Zoning / General Plan:** Commercial – Central with Arcata Plaza Historic District and Plaza Area Combining Zone

**Coastal Zone:** Not located in the Coastal Zone.

**Environmental:** Proposed Class 1, Section 15301 – Existing Facilities per California Environmental Quality Act (CEQA) Categorical Exemptions.

**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 §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 (10) working days following the date of this Action. Appeals shall be submitted on the prescribed form, state the reasons for the appeal, and include the filing fee set by the City Council. **Appeal period ends at 5:00 pm on \_\_, 2024.**

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

**Date Approved:** \_\_, 2024

**ATTEST:** \_\_\_\_\_

David Loya, Community Development Director

**Exhibit 1**  
**FINDINGS OF APPROVAL**

**I. FINDINGS.**

**Findings for Design Review.** The Planning Commission finds the project complies with this Section 9.72.040.F - Standards for Design Review based on the following:

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

The proposed project is designed to refresh, upgrade and convert the former bar known as Toby and Jacks (TJ's) into a new restaurant. The interior and exterior of the building are being upgraded with a full kitchen as the Habibi Bar and Grill restaurant. The building's exterior façade has been showing signs of deterioration since the building closed several years ago. The restaurant is an allowed land use in the Commercial Central zoning district; therefore, the Commission's review is specific to the exterior alterations.

The proposed exterior alterations include the following project components:

Front (9<sup>th</sup> St) elevation -

1. New Hardi-panel with raised, cutout pattern (all painted white) on front and rear elevations;
2. Clean, paint and seal the existing brick;
3. Two new windows with black window trim;
4. New front door with window panels, painted black;
5. Black painted Hardi-trim; and
6. New 32 square foot back lite (red) cut out sign;
7. New eight-foot high fence painted black at rear (alley).

Based on the following, the Planning Commission finds the proposed exterior alterations compatible with the site and Arcata Plaza neighborhood scale and massing:

- a) The project does not increase or alter the existing structure's bulk, mass, or pattern as no building addition is proposed.
- b) The new windows and door on the 9<sup>th</sup> Street frontage provide visual connections to the Plaza's important focal point for commerce, entertainment, and special events.
- c) The project refreshes a deteriorated façade with a diverse, yet compatible color and pattern scheme.

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

The proposed project updates the exterior façade for the existing restaurant while ensuring the Arcata Plaza historic significance is maintained. The project incorporates minor improvements that maintain the character of the site and setting.

No changes to the site or ground disturbing activities are proposed except for a portion of property to the rear. An existing on-site parking area is being removed to allow for an

expanded outdoor seating area. The outdoor seating area provides an alternative dining area that is screened from the alley by an eight-foot-high painted fence. The proposed expansion of the outdoor dining area is desirable as it is the only property on that block that has a building setback from the alley. The proposed screening removes an area attractive for undesirable activities. The solid and organic waste and recycling collection area is located behind the screening area.

The exterior appearance of the building is being refreshed and upgraded with new siding, pattern, and paint. These improvements will complement the other well-maintained properties in the downtown area such as the recently painted Jacoby Storehouse, former Mazzoti's façade improvements and others. The new kitchen facility will require additional mechanical equipment on the roof. Often mechanical equipment is placed based on engineering efficiency at the expense of aesthetics. Energy efficiency is a sustainable ethos for the community as much as community design is, the Planning Commission includes a Condition of Approval to require exterior mounted mechanical equipment, vents, conduit, wires and plumbing hidden or screened.

The project plans did not include any outdoor lighting; therefore, the Planning Commission includes a Condition of Approval that requires all outdoor lighting be dimmable and certified as dark sky friendly.

There are no existing or proposed landscape features on the property. The screening includes a three-foot setback to allow the gate to open without encroaching into the alley.

The project includes a new wall mounted sign above the front door. The four-foot by eight-foot backlight sign features text and graphics cut from steel and suspended from the wall. The backlighting is provided by red LED lights behind the graphics. The red LED lights are expected to provide contrast against the white painted wall. A Condition of Approval is included that requires the sign be designed by a qualified sign professional whose business is the design, manufacture, and sale of signs. In addition, consistent with the sign Code, the LED lighting shall be dimmable to control light intensity; not blink, flash, flutter or change light intensity, brightness or color. There are other ancillary signs consisting of a menu board on the front and a small identifying sign on the alley fence. The signs are consistent with the Code's sign standards:

- 1) Signs do not interfere or obscure with the any of the buildings' doors, windows, or other architectural design features;
- 2) The contrasting sign color is compatible with the structures main color and trim;
- 3) The signs are designed by a sign professional;
- 4) The sign materials are designed for exterior installation, thus considered durable and capable of withstanding weathering;
- 5) The sign copy and layout enhance the readability and attractiveness of the signs;
- 6) Sign lighting is directed, shielded, and dimmable so that they do not produce glare; and
- 7) The individual letters and graphics of the wall sign project less than 12 inches from the wall.

Based on the application material and the Conditions of Approval, the Planning Commission finds the proposed project provides attractive and desirable site layout and design, building arrangement, exterior appearance and setbacks, accessory structures, outdoor lighting and signs.

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

As noted in section 2. Above, a small parking area at the rear of the building is being repurposed to an outdoor seating area. The outdoor dining area is screened by a fence setback about three feet from the property line. No other businesses on the block fronting 9<sup>th</sup> Street have on-site parking. Furthermore, the Code does not require any on-site parking in the Central Commercial zoning district. As with other downtown businesses, deliveries will occur in the public rights of way. Other than the loss of parking, the project does not alter the efficient and safe public access to the existing commercial building.

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

The project site will be unchanged as no existing or proposed open space or landscaping is on-site.

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

The project is not located in the Coastal Zone or a specific planning area. The staff report and findings discuss the land use and design relationship with the proposed exterior alterations. Design and historical preservation policy discussion follows in section 6. below. Otherwise, the proposed façade and sign improvements do not affect any other General Plan Element consistency.

The Planning Commission does find the project consistent with the General Plan policies based on the 1-6 findings above and below.

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

The project is within the Arcata Plaza Historic District and Plaza Area Combining Zone. Arcata General Plan Design and Historical Preservation policies protect and preserve the Arcata Plaza. The City included guiding design principles, goals and policies within the General Plan because community appearance and livability are important to our community. The City also recognized the past, current, and future importance of the Arcata Plaza by designating it as a Historical District. The Design Review standards are subjective and vary dependent on individuals' personal perspective.

The project includes the conversion of a vacant and deteriorated commercial building from a bar to a new restaurant. The project includes refreshing the tired building façade without increasing the building footprint, bulk, or mass. Therefore, no additional project enhancements are deemed necessary pursuant to Code section 9.28.080.C.3.

The project includes new windows on the 9<sup>th</sup> St. façade to connect the restaurant patrons with the Arcata Plaza. New sky lights provide natural light to the interior building areas. A new outdoor dining area transforms a former parking area at the rear portion of the property. New siding and paint provide a unique pattern that ties the front and rear facades together. The sidings' raised cutout patterns create shadows that add visual interest. The project maintains some of the existing building elements such as the existing brick and overhang on the front building elevation. These remaining elements maintain some of the existing building character while being updated with contrasting white and black paint colors. The proposed façade and sign improvements provide a diverse design element that are harmonious with the building design and neighborhood context.

Conditions of Approval are included to ensure mechanical equipment is screened and unused utility infrastructure such as plumbing pipes, vents or electrical and conduit are removed to improve the overall appearance. Other Conditions of Approval require new outdoor lighting, including the backlight sign be dimmable to minimize light and glare. Based on the discussion above, the Planning Commission finds the proposed project is compatible with the existing character of the site, neighborhood, and Arcata Plaza Historic District.

Although the property is not designated as a Historic Landmark, the nine-block area around the Arcata Plaza is designated as a historic district to recognize the special character, unique historical, aesthetic, and cultural interest to the community. Standard Conditions of Approval are included to protect cultural, tribal cultural, archaeological, or historic resources inadvertently discovered during the renovation. The proposed project does not destroy the historic significance or architectural character of the property or Plaza Historic District.

Based on the above discussion, the Planning Commission finds the project is consistent with the City's following design goals and policies:

Policy D-1a (*Maintain small scale building*);

Policy D-1b (*Emphasize Arcata Plaza area as the main community focal point*)

Policy D-1c (*Promote quality and diverse designs compatible with neighborhood context*)

Policy D-1e (*Promote energy efficiency and solar access*)

Policy D-1f (*Create buffers between incompatible land uses*)

Policy D-2a (*Design of Arcata Plaza*)

Policy D-2g (*Design criteria for remodeling existing facades*)

Policy D-1i (Design of signs)

#### **ENVIRONMENTAL REVIEW:**

The Planning Commission adopts the California Environmental Quality Act (CEQA) §15301, Existing Facilities, Class 1 Categorical Exemption for the exterior alterations at 764 9th Street. Class 1, §15301 pertains to the use of existing facilities. The CEQA finding is based on limited exterior alterations, including and not limited to new windows and skylights, siding, exterior lighting, signs, fence/screening, and door replacement.

The property is zoned, planned and developed for commercial uses. The Class 1 exemption applies to as many as four, 10,000 square foot commercial buildings on sites zoned for such use, do not involve significant amounts of hazardous substances, and where all necessary public services are available, and the surrounding area is not environmentally sensitive. The design review project meets all the development standards for the Commercial Central zoning district. The subject property is served by City water and wastewater facilities. No environmentally sensitive habitat areas are located onsite or within the immediate vicinity.

The proposed exemptions are not affected by any of the following CA Public Resource Code §15300.2 exceptions: location, cumulative impact, significant effect, scenic highway, hazardous waste site, or historical resources as discussed in the Design Review Permit findings above. The proposed façade improvements to the existing commercial property will not have an adverse impact on the Arcata Plaza Historic District historic resources.

## Exhibit 2

### Proposed CONDITIONS OF APPROVAL

#### A. AUTHORIZED DEVELOPMENT: Approval is granted for:

A Design Review and Sign Permit for façade improvements to a portion of an existing commercial structure in the Arcata Plaza Historic District. The proposed improvements include new windows and skylights, siding, exterior lighting, signs, fence/screening, and door replacement. This authorized development is conditioned as follows.

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

#### B. PROJECT SPECIFIC CONDITIONS:

##### COMMUNITY DEVELOPMENT

1. **Approved plans.** The approved project shall be constructed according to the revised Design Review Plans dated March 12, 2024, except as modified by the following Conditions of Approval:
  - a. **Screen Mechanical Equipment.** The applicant / property owner shall include screening for exterior, roof top mounted mechanical equipment from the Arcata Plaza public view areas to the satisfaction of the Community Development Director. The Arcata Plaza public view area includes the central Arcata Plaza, and the abutting, storefront public sidewalks on 8<sup>th</sup>, 9<sup>th</sup>, G and H Streets. Roof top mounted mechanical equipment shall be screened from the Arcata Plaza public view areas to the maximum extent feasible.
  - b. **Exterior Utilities.** To the satisfaction of the Community Development Director, the applicant / property owner shall: 1) remove any unused utility equipment, vents, conduit, pipes, wires, boxes, outlets or fixtures located on the building exterior; 2) minimize, consolidate, or hide, any necessary utility equipment, vents, conduit, pipes, wires, boxes, outlets or fixtures located on the building exterior to the maximum extent feasible. The
  - c. **Outdoor Lighting, including Backlight Sign.** The applicant / property owner shall install certified dark sky friendly, and dimmable outdoor lighting. The property owner shall be responsible for maintaining light levels to the satisfaction of the Community Development Director.
  - d. **Signs.** The signs shall be designed by a qualified sign professional whose business is the design, manufacture, and sale of signs. The LED lighting shall be dimmable to control light intensity; not blink, flash, flutter or change light intensity, brightness or color. The property owner shall be responsible for maintaining light levels to the satisfaction of the Community Development Director. No unauthorized signs or banners shall be installed or placed on the premise unless expressly allowed in compliance with Land Use Code section 9.38.050 (Exemptions from Sign Permit Requirements) or its equivalent.

- e. **Property Maintenance.** The property owner shall continuously maintain, repair and keep the property and improvements in a neat and orderly manner at all times to the satisfaction of the Community Development Director.

**C. GENERAL PERMIT CONDITIONS:**

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

1. **Required Permits.** Applicant shall obtain any Building, Encroachment or other required permits prior to commencing construction activities. The Building Permit shall not be issued until the effective date of this notice, shown below. Applicant shall comply with the Planning Commission's Action, and the permit requirements of the City of Arcata's Engineering Department, Environmental Services Department, and Arcata Fire Protection District, as applicable.
2. **California Environmental Quality Act Notice of Exemption.** The property owner shall submit a check made out to the Humboldt County Clerk – Recorder for \$50.00 to post the Notice of Exemption. The posting fee shall be received by the City Community Development Department before or within one business day of this Action.
3. **Community Development Fees.** The applicant shall pay outstanding Community Development Department fees. Full payment shall be required prior to issuance of any Building Permit associated with this Action.
4. **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.
5. **Outdoor Lighting.** The property owner shall incorporate certified dark-sky friendly lighting for all outdoor lights with the Building Permit submittal (see Condition B.1.c. & d. above).
6. **Construction Hours.** 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.
7. **Dust Control during Construction:**
  - a. 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.
  - b. Cover trucks hauling soil, sand, and other loose material.
  - c. Pave, water, or apply non-toxic soil stabilizers on unpaved access roads and parking areas.
  - d. Sweep paved access roads and parking areas daily.
  - e. Sweep streets daily if visible material is carried onto adjacent public streets.

8. **Discovery of Prehistoric, Archaeological or Historic Resources.** If cultural, tribal cultural, or historic resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50 foot buffer of the discovery location. A qualified archaeologist, as well as the Tribal Historic Preservation Officers for the Bear River Band Rohnerville Rancheria, Blue Lake Rancheria, and Wiyot Tribe are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.
9. **Minor Modifications.** Minor deviations from approved plans may be approved by the Director of the Community Development Department.
10. **Final Inspection.** The Community Development Department must determine that your project has been constructed according to the approved plans prior to the Final Building Inspection.
11. **Expiration and Activation of Permit.** This permit shall expire within 24 months from the date of its approval unless said permit is activated. "Activated" shall mean when grading/soil disturbing or construction activities authorized by this permit have commenced. This permit may not be extended except as permitted by Arcata Land Use Code (LUC) §9.79.070 Permit Time Limits, Extensions and Expiration, or its equivalent.
12. **APPEALS.** The actions described herein may be appealed per the provisions of Arcata Land Use Code (Code) 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 Planning Commission Action that is being appealed per Code §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 XXX 2024.

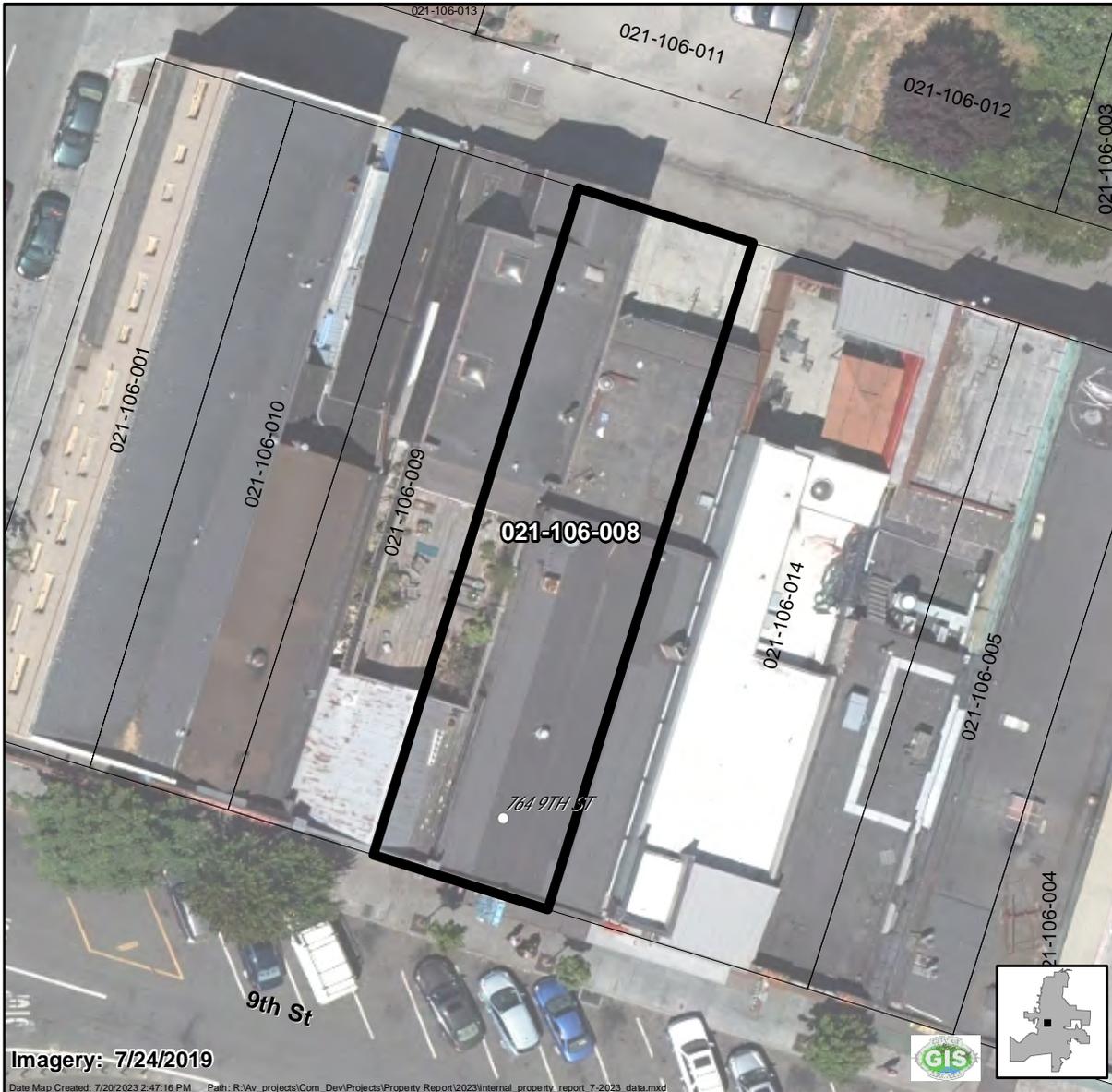
**EFFECTIVE DATE OF THIS ACTION:** This permit becomes effective on the next working day after the appeal period.



City of Arcata Community Development Department  
 736 F Street, Arcata, Ca. 95521  
 (707) 822-5955

Owner Name: Ahmad Toheed & Ahmad Maira Tr  
 Mailing Address: 781 Samoa Blvd, Arcata CA, 95521  
 Site Address/City/Zip: 764 9TH ST ARCATA, 95521  
 Land Value: \$220,000.00  
 Improvement Value: \$280,000.00  
 Other Value: \$5,330.00  
 Recorded Document: 2022R 04138  
 Use Code: 52  
 Tax Rate Area: 1035  
 Census Block: 501 Census Tract: 10  
 Assessor Parcel Map Link: <http://co.humboldt.ca.us/assessor/maps/021-10.pdf>  
 Tax Bill\Details Link: <https://common2.mptsweb.com/MBC/humboldt/tax/main/021106008000/2023/0000>

For parcel owner information please call:  
 Humboldt County Assessor  
 825 5th Street, Eureka, Ca 95501  
 (707) 445-7663



Imagery: 7/24/2019

Date Map Created: 7/20/2023 2:47:16 PM Path: R:\Av projects\Com\_Dev\Projects\Property Report\2023\Internal\_property\_report\_7-2023\_data.mxd

This map is for informational purposes only. The City of Arcata, including any employees and sub-contractors, makes no warranties, express or implied, as to the accuracy of the information contained in this map. The City of Arcata, including any employees and sub-contractors, disclaims liability for any and all damages which may arise due to errors in the map and the user's reliance thereon.



- ● Coastal Zone Boundary
- City Address
- ▭ APN 021-106-008
- ▭ Parcel
- Creek

Parcel attribute descriptions: [https://gis01.cityofarcata.org/data/property\\_report/Property\\_report\\_metadata9-7-2017.pdf](https://gis01.cityofarcata.org/data/property_report/Property_report_metadata9-7-2017.pdf)

City of Arcata Property Details

Property Details

Latitude/Longitude: 40.86918 -124.086351  
 Section/Township/Range: SECTION 29 T6N, R1E  
 Parcel Size in Sq Ft (GIS Computed): 3,503.3  
 Parcel Size in Acres (GIS Computed): 0.1  
 Google Map Link:  
<http://maps.google.com/maps?f=q&hl=en&geocode=&q=40.8691802804,-124.086350611&ie=UTF8&t-h&z=16&iwloc=addr>  
 Sewer Lateral Certificate(as of 2/9/2023): No

Zoning

Arcata Land Use Code (LUC):  
 Commercial Central  
 Arcata Coastal Land Use & Development Guide (CLUDG):  
 N/A

General Plan Land Use

Inland - Arcata General Plan: Commercial - Central  
 Coastal - Arcata General Plan: N/A

Special Resources/Hazards/Constraints Areas

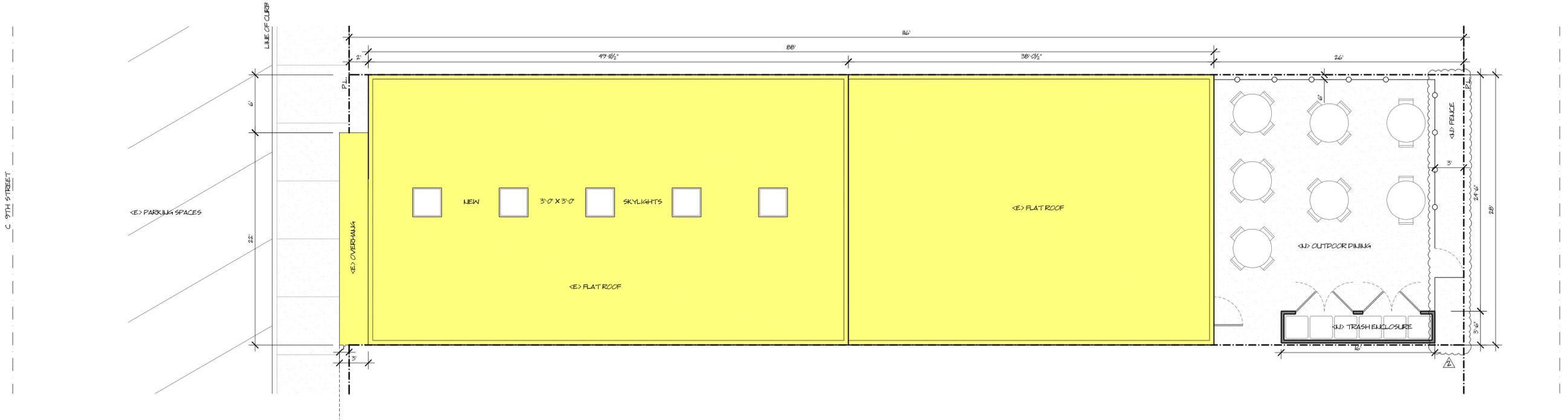
Creamery District (:CD) Combining Zone: Out  
 Historical Landmark (:HL) Combining Zone: None  
 Homeless for Housing (:HH) Combining Zone: Out  
 Cannabis Innovation Zone (:CIZ) Combining Zone: Out  
 Neighborhood Conservation Area (:NCA): Arcata Plaza Historic District  
 Planned Development (:PD) Combining Zone: No  
 Plaza Area (:PA) Combining Zone: Yes  
 Special Consideration (:SC) Combining Zone: No  
 Wetland/Stream (:WP/:SP) Combining Zone: None  
 Alquist/Priolo Fault Zone: Out  
 Coastal Zone Boundary: Out  
 Categorical Exclusion Area: Out  
 Creek Zone(Within 25' of creek): No  
 Coastal Jurisdiction: Out  
 FEMA Flood Zone (2017): Out  
 Hillside Development: None  
 Liquefaction: Moderate Liquefaction  
 Matthews Dam Failure: Out  
 Noise Contour: Yes  
 Redevelopment Area: In  
 Urban Services Boundary: In  
 USFWS Wetlands: No  
 Within 50' of Fault Zone: Out



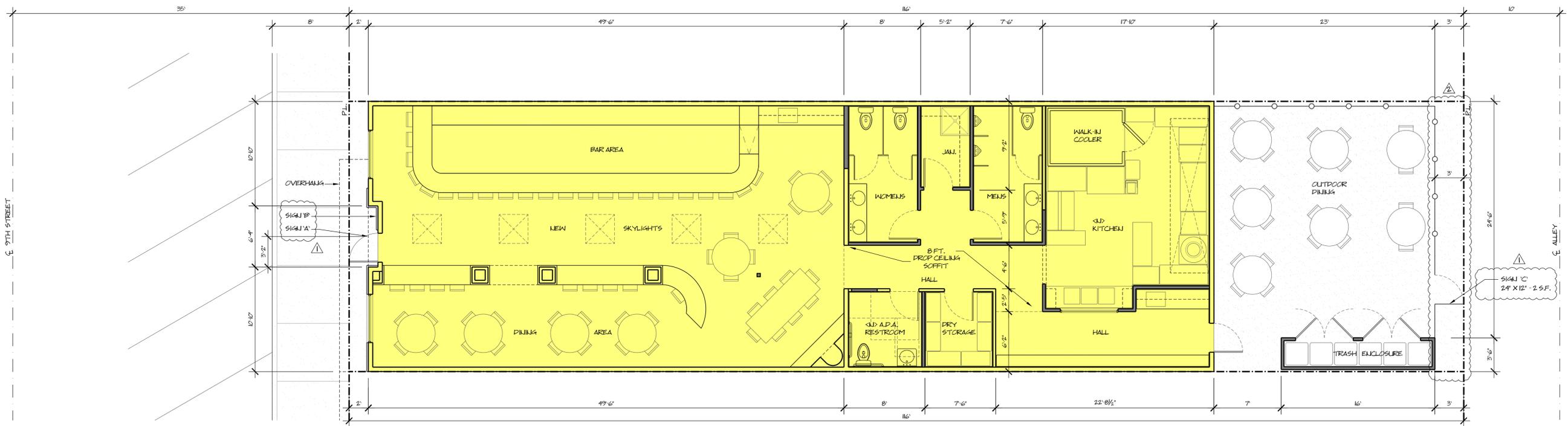
1018 1<sup>ST</sup> STREET, STE. C  
EUREKA, CA 95501  
707.502.8999  
DBROWNDISIGNS@HOTMAIL.COM

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DESIGN REVIEW SET #2



① <N> SITE PLAN  
SCALE: 3/16" = 1'-0"



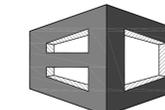
② <N> FLOOR PLAN  
SCALE: 3/16" = 1'-0"

**HABIBI  
BAR & GRILL**

764 9TH STREET  
ARCATA, CA 95521

REVISIONS	
▲	DESIGN REVIEW COMMENTS JOE MATEER - 12-28-23
▲	DESIGN REVIEW COMMENTS JOE MATEER - 3-12-24

DRAWN:	DAB
SCALE:	AS NOTED
JOB NO.:	23013
DATE:	3/11/24
RELEASE DATE:	
CAD NAME:	
SHEET NO.:	

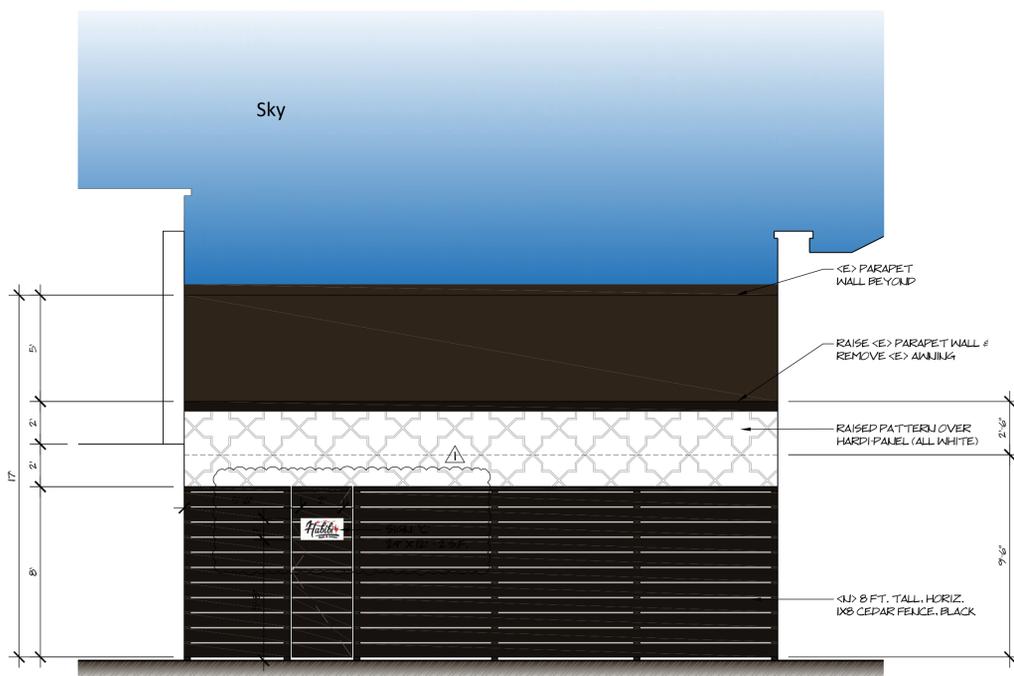


**BROWN  
DESIGNS**

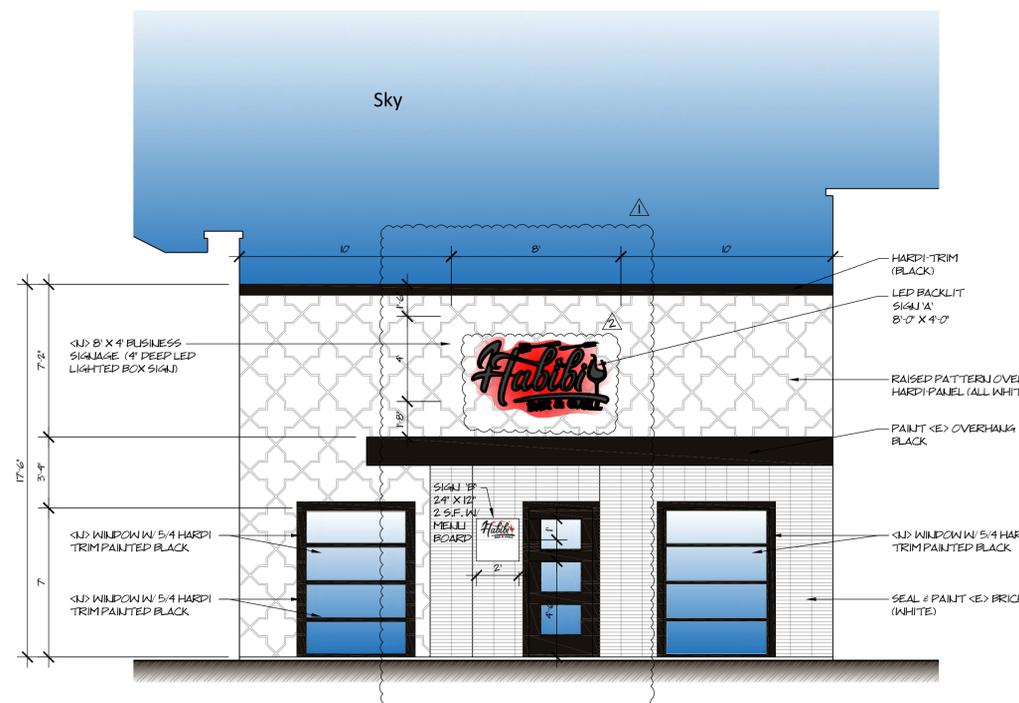
1018 1<sup>ST</sup> STREET, STE. C  
EUREKA, CA 95501  
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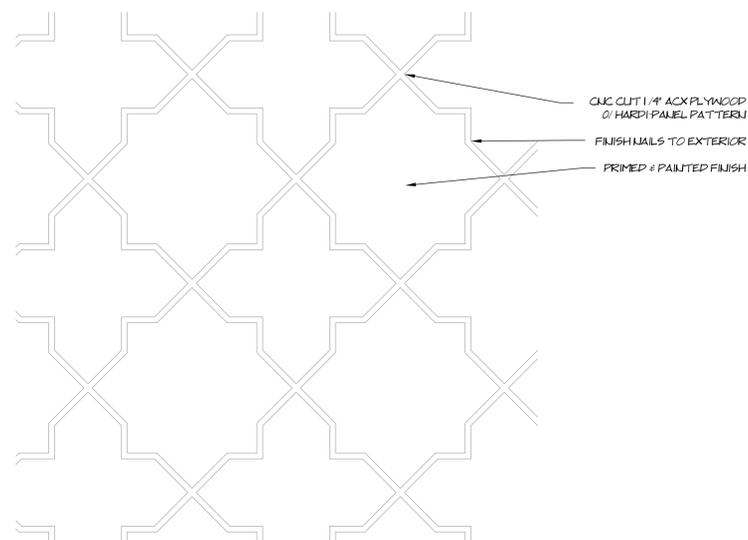
① REAR ELEVATION  
SCALE: 1/4" = 1'-0"



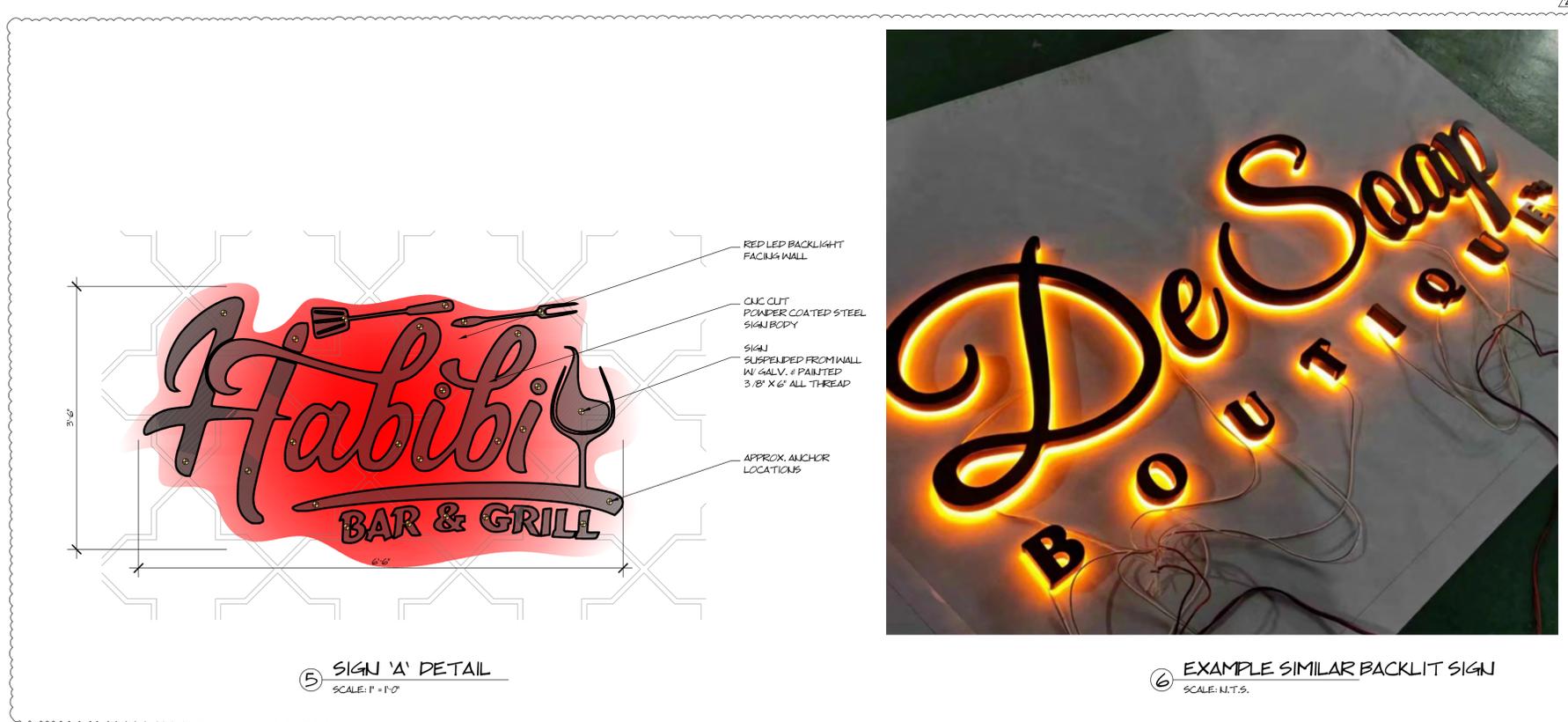
② FRONT ELEVATION  
SCALE: 1/4" = 1'-0"

SIGN	WIDTH	HEIGHT	AREA
SIGN 'A'	6'-6"	3'-6"	23 S.F.
SIGN 'B'	2'-0"	2'-0"	4 S.F.
SIGN 'C'	2'-0"	1'-0"	2 S.F.
TOTAL SIGNAGE AREA			29 S.F.

③ SIGN AREA CALCULATIONS



④ SIDING DETAIL  
SCALE: 1" = 1'-0"



⑤ SIGN 'A' DETAIL  
SCALE: 1" = 1'-0"



⑥ EXAMPLE SIMILAR BACKLIT SIGN  
SCALE: N.T.S.

**HABIBI  
BAR & GRILL**

764 9TH STREET  
ARCATA, CA 95521

REVISIONS
DESIGN REVIEW COMMENTS JOE MATEER 12-28-23
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