



STAFF REPORT

PLANNING COMMISSION MEETING

October 25, 2022

TO: Honorable Chair and Commissioners

FROM: David Loya, Director of Community Development

PREPARER: Joe Mateer, Senior Planner

DATE: October 20, 2022

TITLE: **Approve Planned Development Amendment, Tree Removal Permit, and Design Review Permit for Westwood Garden Apartments at 2351 Westwood Court; File No. 212-027-PDPA-TRP-DR.**

RECOMMENDATION:

Staff recommends the Planning Commission approve Westwood Garden Apartment Planned Development Permit Amendment, Tree Removal Permit, and Design Review Permit by adopting: 1) a California Environmental Quality Act §15332, Class 32 - In-Fill Development Projects and Class 33, section 15333 – Small Habitat Restoration Projects, Categorical Exemptions; and then 2) the Action with Findings of Approval and Conditions of Approval.

INTRODUCTION:

This item is a continued item previously reviewed by the Planning Commission on September 27, 2022, to allow the applicant to revise the project. The applicant seeks entitlements to develop 102 one-bedroom dwelling units within the existing Westwood Garden apartment complex. A Planned Development Permit amendment is required as the subject property is associated with the Westwood Manor Planned Development combining zone adopted in 1976. A Tree Removal Permit is required for the removal of ten trees greater than 16 inches in diameter. A Design Review Permit is required for eight or more new, multi-family residential dwelling units. The Planning Commission's approval would authorize the proposed residential, in-fill development project.

DISCUSSION:

The proposed project is a Planned Development Permit amendment and Design Review Permit to develop 102 new, one bedroom dwelling units about 416 square feet in size. The project will occur on the 4.5 acre project site, a portion of the 5.2 acre property known as the Westwood Garden Apartments (Attachment A, Exhibit 3). The site is currently developed with 60 dwelling units. The infill housing improvements include new or revised access, parking, laundry, solid waste, walkways, utilities, lighting, stormwater, and landscaping. Site development includes the removal of 21 trees: 10 trees greater than 16 inches in diameter (DBH); and 11 trees less than 16 inches in DBH. Janes Creek/McDaniel Slough is in the southern portion of the parcel about 0.7 acres in size. No development except for riparian enhancement is proposed within the 100-year flood zone and Janes Creek riparian area. Exceptions to the amount of private recreation area and yard setbacks are requested.

The applicants submitted revised site plan and building elevations to address concerns regarding the number of trees removed, building design and site layout. The revised site plan disperses the new residential units close to fifty percent within existing developed areas (parking and driveway) and the large, grassy area between the existing apartment structures. The eleven proposed buildings consist of five different building sizes and designs. The arrangement of the proposed buildings provides more consistent design. Additional architectural features are included to avoid long, continuous wall and roof planes. The features include roof dormers and a mix of exterior siding (shake, horizontal and vertical).

The project requests two exceptions to the Land Use Code standards – reduction in private recreation space from 150 sf to 48 sf; and a reduction of a side and rear yard setback. Each of the new dwelling units are designed with 48 sf of private recreation space in the form of patios on the ground floor and balconies on the second floor. The project includes common recreation space dispersed throughout the complex that is significantly above the minimum 2,000 sf required for the number of dwelling units. The common areas provide outdoor garden, playground, barbeque, and picnic features that off-set the reduced private recreation area. The yard setback modification request is for one of the solid waste/organic/recycling structures. Other than these two requests, the project meets the Land Use Code standards.

The project includes a request the removal of trees to allow the placement of the driveway extension and building locations. The revised project reduces the number of trees originally proposed from 49 to 21. Only ten of the twenty-one trees require a tree removal permit as they are greater than 16 inches in diameter. Several of the trees retained are along the western property line and within the existing grassy, open space area. The project does not include the removal of any trees within the Janes Creek riparian area. The tree removal request is atypical because it does not involve a forested hillside of merchantable timber and does not require CalFire approval. In some respects, it is a modification of an existing landscape plan as many of the trees are landscape trees. The project includes a landscape plan that increases the sizes of trees and shrubs. The original landscape plan is included in this staff report as a revised landscape plan has not been updated prior to the agenda packet being finalized.

The project requires the Planning Commission make three separate discretionary permit findings of approval (Attachment A, Exhibit 1). In some cases, the findings overlap one another and are similar to one another. To reduce redundancy, some findings refer to other sections that provide greater detail. Staff recommends the Planning Commission consider the entire record, including the numerous findings of approval when considering individual findings of approval.

The discretionary permit review allows the Planning Commission to use discretion in their decision-making process. The State of California legislation has in some cases eliminated a local jurisdiction discretionary review of housing projects under the Housing Accountability Act. Staff confirmed with the State Housing and Community Development Department that this project does not qualify for the protections under the Housing Accountability Act. The state confirmed that the standard for 150 sf of private recreation space is an objective standard. They also noted that it is a governmental constraint that was not disclosed in our last housing element update. They indicated that this constraint would likely be identified as a corrective action for Housing Element compliance. Notwithstanding, for the purposes of this project, the Housing Accountability Act does not limit the Planning Commission's discretionary authority as currently proposed. If the current proposal met the all the objective standards, the Planning Commission could not use discretion in their action.

The Commission had a detailed discussion about the Planned Development Permit and Design Review Permit Findings. In particular, Finding 1.g. and Finding 1.h. were discussed in great depth. Several Commissioners expressed concerns with finding 1.g. citing that they could not find the

project exhibits high quality architectural design. However, the finding doesn't actually ask the commission to make that decision. Architectural quality is listed among the examples of ways the Commission can make the finding. But architectural merit is not required to make the finding. The finding the Commission must make is that there is some facet of the project that is superior to a direct application of the standards. Staff would offer that the exceptions to the code that are requested are de minimus, that the same standards have been modified on most projects approved in recent memory, and that the project meets this finding at least as well as the Type A Planned Development, which has no exceptions to the code (it is hard to have both a project that meets the code and is superior to a project that meets the code).

Commissioners discussed several reasons why the proposed project might be found to meet Finding 1.g. and 1.h. at the last meeting. Staff has tried to incorporate the discussion making the findings. The commission should consider these draft findings that they can modify to suit the deliberations.

The project referral comments are incorporated into the project's findings and conditions of approval. Staff recommends the Planning Commission approve Westwood Garden Apartment Planned Development Permit Amendment, Tree Removal Permit, and Design Review Permit by adopting the Action that includes the Findings of Approval, Conditions of Approval, and an environmental determination (Attachment A, Exhibits 1 and 2). The recommendation is based in part on the department's determination the proposed infill development as shown and described in Attachment A, Exhibit 3, and with conditions of approval incorporated is in compliance with the Arcata General Plan and Land Use Code.

ENVIRONMENTAL REVIEW (CEQA):

The project qualifies for a California Environmental Quality Act (CEQA) §15332, Class 32 - In-Fill Development Projects and Class 33, section 15333 – Small Habitat Restoration Projects Categorical Exemption as further described in the environmental review findings (Attachment A, Exhibit 1). This CEQA recommendation is based on the proposed application material, findings and conditions of approval for the residential, infill development.

ATTACHMENTS:

- A. Action; Exhibit 1. Findings; Exhibit 2. Conditions (PDF)
- A. Exhibit 3.a Site Plans (PDF)
- A. Exhibit 3.b. Building Elevations & Floor Plans (PDF)

To reduce redundancy the Attachment A. Action is not included in this attachment. To access the full Planning Commission October 25, 2022 Staff Report follow the link: http://arcataca.iqm2.com/Citizens/Detail_Meeting.aspx?ID=3427