

***ACTION OF THE PLANNING COMMISSION FOR THE ADAMS PLANNED
DEVELOPMENT AMENDMENT/DESIGN REVIEW PERMIT***

File No: 223-004-PDA-DR; APN 507-362-057; 4601 Valley West Boulevard

Approved

ACTION: On _____, the Planning Commission, under the authority of Section 9.72.070.G of the Land Use Code, adopted a Class 32 Infill Exemption per California Environmental Quality Act Statutes, Section 15332, and secondly approved the Adams Planned Development/Design Review permit with the attached Findings and Conditions of Approval, and Site Plan.

Project: Construct a new three-story apartment complex consisting of a mix of studio, one bedroom, and two-bedroom unit types, totaling 22 units.

Application Type: Planned Development and Design Review

Location: 4601 Valley West Blvd; APN 507-362-057

Property Owner / Applicant: Will Adams

File Number: 223-004-PDA-DR

Zoning: Commercial General: Planned Development

General Plan: Commercial General

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-General general plan designation and applicable general plan policies as well as the Commercial-General zoning district.
- b) Occurs within city limits on a project site substantially surrounded by urban uses. The housing redevelopment and supporting improvements project site occur on about 0.5 acre portion of the 2.3 acre site.
- c) Project site has no value as habitat for endangered, rare, or threatened species.
- d) Would not result in any significant effects relating to traffic based on the scale of the project and proposed parking configuration; noise, which would be no greater than baseline for allowable uses; air quality, since the use will not produce air pollutants; or water quality, as the project will comport with all stormwater requirements.
- e) The site can be adequately served by all required utilities and public services, which are at the street and 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 (LUC) §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 _____, 2022.

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

FINDINGS AND CONDITIONS OF APPROVAL

File No: 223-004-PDA-DR; APN 507-362-057; 4601 Valley West Boulevard

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. 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;*

The planned residential development is adjacent to non-residential uses which comprise the majority of the Valley East Planned Development area, and appropriate visual and noise buffers should be provided to ensure compatibility between the residential and non-residential uses within the Planned Development. 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 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 overall appearance of the structure showcases high-quality design, including attractive and well-placed landscaping, a variety of window sizes and placements, and a variety of material types, breaking up the massing of the structure. The massing is similar to and compatible with the neighboring hotel and apartments to the north and northeast and is not significantly out of scale with other surrounding apartment buildings and offices.

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

The site proposes a variety of amenities and site design features to ensure the site is attractive. The project proposes are a common utility room with lockable bike storage, laundry facilities, and a common patio /garden area accessible by all tenants. Many of the units feature office or desk nook areas for remote working ability. The site includes green building features including night sky friendly exterior lighting, native plantings, on-site photovoltaic solar power generation, and plenty of windows and skylights to provide each unit with natural light. Landscaping throughout, walkways, private outdoor spaces, fencing, and an enclosed trash / recycling enclosure are designed to create a pleasing overall project feel, compatible with the existing Valley West neighborhood.

The development sits at the point of Valley West and Valley East Boulevards, and although traffic may be less busy after the shopping center, the site still faces relatively busy street. South- and west-facing landscape buffers are provided to create a visual screen, promote privacy, and to shield the development from any adverse external effects. The appearance of the fence from public streets is softened with plant materials. Landscaping includes trees adjacent to the public street right-of-way, and appropriate and consideration has been given to native plant species and non-invasive exotics which have demonstrated adaptability to local climate (rhododendrons, grasses, etc.).

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 and the planned internal common patio. Vehicular access is limited to one access point, located in the rear of the structure to protect the privacy of residents and prevent intrusion of noise and lights from vehicles. The access drive meets City safety requirements including vision triangle provisions with the adjacent dumpster. The number of spaces provided meets city minimums of one space per unit. Site design generally maintains visibility for cars and pedestrians entering and existing the lot and provides adequate security lighting.

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

South- and west-facing landscape buffers are provided to create a visual screen, promote privacy, and to shield the development from any adverse external effects. The appearance of the fence from public streets is softened with plant materials. Landscaping includes trees adjacent to the public street right-of-way, where appropriate and consideration has been given to native plant species and non-invasive exotics which have demonstrated adaptability to local climate.

Public and private open spaces are provided at lower ratios than required by code, but are part of a well-designed and attractive development that will benefit the community. The proposed common utility room will offset the need to use private patios for outdoor storage, and the proposed common patio will be accessible by all tenants, with attractive landscaping and south-facing exposure lending the space to high levels of natural light. Furthermore, the site is located roughly 500 feet away from Valley West Park on Hallen Drive, which provides additional opportunities for active and passive recreation and ensures adequate recreational space to serve the development.

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-General and is subject to a planned development overlay, which is intended to provide the necessary flexibility to incorporate a mix of residential types, unit sizes, and styles in a coordinated manner to allow clustering of units; to provide larger, more usable areas of common open space; and to protect natural resources or site features, such as creekside riparian areas, wetlands, and significant vegetation such as trees.

The proposed development is consistent with the intent of the commercial zone and :PD overlay to encourage well-designed mixed use developments by facilitating dense, high-quality residential development in conjunction with existing residential and commercial uses comprising the Valley East Planned Development.

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 residential in-fill development project within an urbanized area. The project is considered an in-fill development because the project is utilizing underdeveloped areas of the existing Valley West/Valley East commercial/mixed use corridor 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-2d Planned residential developments.*** A planned development overlay was created for this parcel in 1988. The purpose of applying a :PD overlay includes features this project showcases, including incorporating a mix of residential types, unit sizes, and styles in a coordinated manner to allow clustering of units.
- ***LU-3a. Commercial – General [C-G].*** The project as part of the larger Valley East: PD adheres to provisions of the CG 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-G areas are intended to have convenient access from residential areas in order to provide for day-to-day shopping and service needs, which benefits the Valley West neighborhood.
- ***LU-3b Revitalization of existing commercial areas.*** The project represents an investment in the Valley West area by providing aesthetic improvements, providing new residential units, and facilities to accommodate bicycles and pedestrians to reduce vehicle trips.
- ***LU-3d Inclusion of residential uses.*** The project's inclusion in the Valley East :PD increases the residential component of the Planned Development while ensuring continued compatibility with existing surrounding commercial users.

Growth Management Element

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 necessary infrastructure improvements to serve the proposed development.

Transportation Element

The project meets the applicable Transportation policies. The project increases the density of the properties within the urban services boundary thus, lessening the pressure to develop 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 a Gold and Orange Lines Transit Stop (Valley East Blvd & Valley West Blvd stop), and the Redwood Transit Center stop is roughly 1000 feet to the north. Therefore, the project has the potential to increase ridership on the public bus systems thereby supporting the creation of additional routes and service times.

The project includes a utility/storage area that is design to house five bikes and another 12 bike parking spaces will be housed outside underneath the first floor stairwells. In addition, the development includes two outdoor motorcycle parking spaces. The proposed bicycle parking spaces meets the minimum 50% of the motor vehicle parking spaces required with Land Use Code section 9.36.060 – Bicycle Parking.

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 occupant 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.

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 in to the project to assist in the City's water quality program.

Housing Element

The proposed residential in-fill project includes 22 new units provided in a range of unit sizes (studio, one bedroom, two bedroom). The smaller units provide additional housing opportunities for senior, student, or small household populations. The larger units will ensure a mix of household sizes.

The in-fill development provides new housing development for our community members consistent with the housing element policies: HE-1; HE-5; HE-6; HE-11; and HE-13.

Recreation Element

The Land Use Code requires common and private recreation space for multi-family projects. An exception to the Code is requested for both common recreation space and private recreation space requirements. Code Table 4-3 specifies projects with 11-30 units provide a minimum of 1,000 sf of common recreation space and 150 sf of private recreation space for each unit. The project includes about 642 sf of enclosed common recreation space. These are additional pockets of outdoor space that in some cases are also considered self-retaining or bio-swale areas for stormwater management and landscaping (see plan set page D-1). Typically, these are in the form of a fenced patio or deck that become more difficult to meet with multi-level buildings and compact development. Each unit has private open space in a variety of sizes, but all are below the 150 square foot requirement. The applicant proposes to provide a range of private open space patios and balconies ranging from 50-108 sf. Given the high-quality design of the structure and proximity to existing public parkland (the boundary of Valley West Park is roughly 200 feet to the south), the open space provided is adequate to meet the intent of Land Use Code section 9.42.130, which requires adequate public and private open space to be provided for all units, except where the review authority determines that existing public park space is within convenient walking distance.

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.

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 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.

Although automobile usage will increase after build out, the project is considered an in-fill project utilizing existing residentially zoned 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 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.

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.

However, the site is mapped within a high 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.

A geologic report was prepared for the site and found acceptable to the City Building official. 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 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 dwelling units within projected noise contours (60 dB). However, no special noise attenuation is required for indoor or outdoor areas as current construction methods will 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.

Design Element

The proposed residential planned development is consistent with the residential design policies. 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 similar massing to surrounding structures.
- **D-5a Multi-family housing design.** The project maintains the scale and character of other structures in the immediate vicinity and avoids significant abrupt changes in height and bulk between structures. Buildings are grouped compactly with well-designed and usable open space. Building elevations are articulated and long, continuous wall and roof planes are avoided. Features have been incorporated into site and architectural designs which provide maximum exposure to sunlight in building orientation and common open space design. The development is visually screened from the street by a fence and planted landscape buffer. Service and storage areas are screened by fencing or walls.

- **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 exceeded.
- **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 at a ratio of one or more trees to each five parking spaces.
- **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: §9.72.040.F, Arcata Land Use Code Findings for Type “B” Planned Development Permits

Planned development permit review is required for all projects with an existing or proposed :PD overlay. The Planned Development combining zone was added to the property in 1988. A “Type B” planned development permit may be issued by the Planning Commission for projects that involve uses which are permitted outright or conditionally permitted in the zoning district but request exceptions to the development standards of the zoning district.

The Review Authority shall ensure the project complies with Section 9.72.070.G -Findings for Type “B” Development Permits by making the following findings:

a. All findings listed for Type "A" Planned Development Permits in Subsection 9.72.070.G.1, except for G.1.b, as listed below (Type “A” findings listed below).

a. The proposed project carries out the policies and intent of the General Plan, Local Coastal Program and any applicable specific plan.

The project as proposed conforms to the intent of relevant Plan policies as noted in section 1-5 above.

c. Proper standards and conditions have been imposed to ensure the protection of the public health, safety and welfare.

The project as proposed is designed to meet existing standards to protect health, safety and welfare as discussed in section 1-6 above.

d. The proposed project will not circumvent the intent of protecting Environmentally Sensitive Habitat Areas or significant historic resources, and consideration will be given to impacts on areas with steep slopes, waterways, wetlands or riparian areas, or significant cultural or historic resources.

The project site is surrounded by existing urban development. There are no mapped environmentally sensitive habitat areas onsite or directly adjacent to the parcel which would require special consideration of natural resources. The site was identified as having the potential of containing soils of interest to the local area Tribal Historic Preservation Officers and an architectural survey was completed in October 2022. Although the survey discovered no evidence of cultural resources onsite, the report recommends tribal monitoring during ground disturbing activities and ongoing inadvertent discovery protocol for the treatment of any discovered artifacts, which has been incorporated in the conditions of approval for the project. This condition ensures adequate consideration will continue to be given to significant cultural resources if discovered.

e. The subject site is adequate in terms of size, shape, topography and existing conditions to accommodate the proposed development.

The site is roughly one half acre in size and is relatively flat per submitted site plans which show a roughly three-foot change in grade over the entirety of the project site. The site is surrounded by urban development with opportunities to tie into existing water and sewer utilities. All water runoff can be treated onsite per the submitted preliminary drainage and LID plan. The project as proposed is able to meet all site requirements for improvements and design with the exception of multifamily storage and open space requirements, as discussed below. The proposed units meet the residential density calculation based on the square footage of the :PD area, and additional residential units have been encouraged to be incorporated into the :PD area by the Planning Commission through previous site approvals. The site is therefore considered adequate for the type of development proposed.

b. The proposed project meets the intent of all applicable provisions of this Land Use Code relating to both on-site and off-site improvements that are necessary to accommodate flexibility in site planning and property development and to carry out the purpose, intent, and requirements of this Section and the respective base zoning district, including prescribed development standards and applicable design guidelines.

The intent of Land Use Code provisions allowing flexibility in site standards is to encourage well-designed projects appropriate for the site, the surrounding neighborhood, and the City as a whole. The proposed design is appropriate for the project site as discussed in Finding e. The proposed design is appropriate for the surrounding neighborhood and zone district based on Design Review Findings 1-5. Particularly, the proposed project is in conformance with Land Use policy that envisions Valley West as a neighborhood center serving residents and visitors with a mix of residential and commercial uses. The project incorporates additional residential uses into the existing :PD which includes both commercial and residential uses, meeting the intent of the C-G designation to provide convenient access from residential areas to provide for day-to-day shopping and service needs.

In addition, the project as designed is appropriate for the City as a whole because it: promotes environmentally and socially responsible infill development in close proximity to jobs and transit; provides much-needed housing and a variety of unit types that the broader community needs; improves the aesthetic quality of the Valley West/Valley East streetscape; and meets the majority of relevant citywide standards for multifamily development with the exception of multifamily open space and storage requirements as discussed below.

c. The proposed project is designed to ensure compatibility with adjacent uses within the zoning district and general neighborhood of the proposed development.

In terms of compatibility of use, the site is designed to complement the additional lots that comprise the Valley East Planned Development project as originally envisioned by providing additional residential units into the existing mix of residential and commercial uses, which was supported by the Planning Commission at the time of original project approval in 2002. The majority of the units are provided towards the southern parcel frontage, reducing the potential for the structure to block sun from the adjacent hotel and apartments to the north. The proposed landscaping will create a buffer and visual barrier between land uses, assisting with compatibility between uses.

In terms of aesthetic compatibility, the project's setbacks are similar to the rest of the Valley East developments, creating visual consistency for pedestrians. The façade has been designed to break up the larger massing with a variety of material types, which mirrors similar techniques used for the

neighboring apartments and Comfort Inn to the north. The structure exhibits desirable, high-quality design which will contribute to the neighborhood aesthetic.

d,e. The proposed project will produce a comprehensive development of superior quality (e.g. appropriate variety of structure placement and orientation opportunities, appropriate mix of structure sizes, high quality architectural design, increased amounts of landscaping and open space, improved solutions to the design and placement of parking facilities, etc.) that might not otherwise occur from more traditional development applications; Each proposed exception is justifiable and will result in a more desirable development, and development amenities are provided as identified in Subsection H. The possible exceptions listed in Subsection B (Applicability) may be allowed when the review authority first determines that a specific exception will result in a more desirable development.

Exceptions are requested for storage and recreation area ratios, including both private and common open space. Shared storage space is provided in the first-floor utility room along with five indoor bike parking spaces, but not at a ratio of 100 cubic square feet per unit. An attractive, south-facing shared courtyard is provided that is accessible to all tenants, but it is less than the requisite 1,000 square feet. Each unit is provided private open space, but many of the units, particularly the second floor units, provide private terraces under the requisite standard of 150 square feet per unit.

Per LUC 9.72.070. H - *Modifications to Development Standards*, a Planned Development that proposes an exception to the requirements of this Land Use Code shall provide development amenities that offset any exceptions to an equal or greater degree, as determined by the review authority. These amenities may include the following. Applicable amenities are discussed below the list of suggested options.

- 1. In a residential planned development, the inclusion of housing units for people of moderate, low, or very low income in addition to the number of units required by Chapter 9.32 (Affordable Housing Requirements);*
- 2. Special attention given to the amount and design of common open space;*
- 3. Special attention given to minimizing the extent of site disturbance;*
- 4. Provision of day care facilities or recreational facilities;*
- 5. Architectural/site design merit;*
- 6. Energy-efficient construction that exceeds Title 24 requirements by 15%;*
- 7. Special attention given to the amount and design of proposed landscaping;*
- 8. Provision of laundry facilities, covered parking, or other special amenities;*
- 9. Facilities for recycling and storage of garbage, beyond those normally expected. For example, a neighborhood drop-off site for recycled materials would be an amenity; on-site recycling bins would not as these are typically required;*
- 10. Creation of jobs for people of moderate, low, or very low income;*
- 11. Provision of bike facilities other than those required by Section 9.36.060, or other provisions of this Land Use Code; and/or*

12. Restoration of Environmentally Sensitive Habitat Areas, where feasible.

The development provides amenities to the community as identified in items 1-12 of section *H* of the Planned Development Permit regulations (*Modifications to Development Standards*). The project provides a high level of architectural/design merit and a mix of unit types and sizes, designed to accommodate modern needs including desk spaces for teleworking, a common utility room with lockable bike storage, laundry facilities, and the incorporation of native plants into the landscaping. The project is well-designed to encourage a demographic variety of users and is well-positioned to take advantage of surrounding transit and recreational opportunities. High-quality site design features such as those provided in this application will ensure a high quality of life for tenants, are made more financially feasible by efficient use of the parcel, which allows the project to accommodate the number of units allowed per the base density calculation and providing much-needed housing to the Arcata community.

f. Proper on-site traffic circulation and control is designed into the development to ensure interconnectivity with neighborhoods (i.e. vehicle, pedestrian, and bicycle), and protection for fire suppression and police surveillance equal to or better than what would normally be created by compliance with the minimum setback and parcel width development standards identified in Article 2 (Zoning Districts and Allowable Land Uses).

The project meets the standard requirements for parcel width and setbacks. No exception is requested by the applicant. The Police, Engineering and Fire departments received the project referral and did not request special conditions for the project based on the proposed design.

II. CONDITIONS OF APPROVAL

A. AUTHORIZED DEVELOPMENT: Approval is granted for:

The development of a 22 unit multi-family three-story apartment complex consisting of studio, one bedroom, and two bedroom units types, with a total building size of 19,777 sq ft. 20 vehicular parking spaces, two garage spaces, motorcycle parking, and bike parking will be provided. Access is proposed off Valley West Boulevard.

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 2022) related to monitoring and inadvertent discovery protocols. The project shall require tribal monitoring for all ground disturbing activities. Wiyot-Area Tribal Historic Preservation Officers should be contacted well in advance of any ground-disturbing work and be afforded the opportunity to participate in observing all unearthed soils. Findings shall be reported to the Wiyot-Area Tribal Historic Preservation Officers with copy to the project planner. **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. All development shall adhere to the recommendations set forth in the project's Geotechnical Exploration and Geohazard Report (Whitchurch Engineering 2022), and any City approved amendments.
- B.3 COMMUNITY DEVELOPMENT FEES. If applicable, the applicant shall pay outstanding Community Development Department fees pursuant to City Council Fee Resolution.
- B.4 MODEL WATER EFFICIENCY LANDSCAPE ORDINANCE. 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.5 ONSITE LAUNDRY FACILITIES. Per multifamily development requirements, the proposed laundry facility shall include a minimum of four clothes washers and dryers. Washers and dryers may be coin-operated.

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 within the Westwood Gardens multi-family development 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 LANDSCAPE PLAN. 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 five feet of a street right-of-way or 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.
- C.9 OUTDOOR LIGHTING. The applicant shall ensure the proposed outdoor lighting are designed and installed in compliance with Land Use Code §9.30.070 Outdoor Lighting standards and dark-sky certified to minimize light pollution and off-site impacts.
- C.10 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.11 FIRE CODE. The applicant/property owner shall provide improvements to the satisfaction of the Arcata Fire Protection District. Installation of a new fire hydrant and no parking/fire lane curb striping and or signs.
- C.12 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. Project referral comments indicate existing gas and electric services may need relocation based on Buildings 1, 2, and 3 locations.
- C.13 GRADING and DRAINAGE. All grading and drainage improvements shall be included with the Building Permit application. 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.14 RECYCLING, TRASH, 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.

