

ORDINANCE NO. 1435

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA
AMENDING THE ARCATA MUNICIPAL CODE, ZONING REGULATIONS PERTAINING TO
THE PARKING AND RESIDENTIAL DENSITY STANDARDS IN DOWNTOWN ARCATA
AND THE CHILD AND ADULT DAYCARE FACILITIES STANDARDS**

**TITLE IX—PLANNING AND ZONING
CHAPTER 1—LAND USE CODE**

ARTICLE 2 – ZONING DISTRICTS AND ALLOWABLE LAND USE

**SECTION 9.22.030—AGRICULTURAL AND RESOURCE DISTRICT ALLOWABLE
LAND USES (TABLE 2-1)**

**SECTION 9.24.030—RESIDENTIAL DISTRICT ALLOWABLE LAND USES
(TABLE 2-4)**

**SECTION 9.26.030—COMMERCIAL, INDUSTRIAL AND PUBLIC FACILITY
DISTRICT ALLOWABLE LAND USES (TABLE 2-10)**

**SECTION 9.26.040—COMMERCIAL, INDUSTRIAL, AND PUBLIC FACILITY
DISTRICT PARCEL AND DENSITY STANDARDS (TABLE 2-
11)**

**SECTION 9.26.050—COMMERCIAL, INDUSTRIAL, AND PUBLIC FACILITY
DISTRICT SITE PLANNING AND BUILDING STANDARDS
(TABLE 2-12)**

ARTICLE 3 – SITE PLANNING AND PROJECT DESIGN STANDARDS

SECTION 9.36.080—ADJUSTMENT OF PARKING REQUIREMENTS

ARTICLE 4 – STANDARDS FOR SPECIFIC LAND USES

SECTION 9.42.070—CHILD DAY CARE FACILITIES

SECTION 9.42.110—MIXED-USE PROJECTS

ARTICLE 10 – GLOSSARY

SECTION 9.100.020—DEFINITIONS OF SPECIALIZED TERMS AND PHRASES

The City Council of the City of Arcata does hereby ordain as follows:

Section 1. Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*; Article 2, *Zoning Districts and Allowable Land Use*, Sections 9.22.030, *Agricultural and Resource District Allowable Land Uses (Table 2-1)*, 9.24.030 *Residential District Allowable Land Uses (Table 2-4)*, 9.26.030 *Commercial, Industrial and Public Facility District Parcel and Density Standard (Table 2-10)*, 9.26.040 *Commercial, Industrial, and Public Facility District Parcel and Density Standards (Table 2-11)*, and 9.26.050 *Commercial, Industrial, and Public Facility District Site Planning and Building Standards (Table 2-12)* are hereby amended as shown in the following strike through and underscore (unchanged text within the Section or Subsection is omitted and is shown by “* * *”):

SEC. 9.22.030 –Agricultural and Resource District Allowable Land Uses

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TABLE 2-1 Allowed Land Uses and Permit Requirements for Agricultural and Resource Zoning Districts	P	Permitted Use, Zoning Clearance required				
	MUP	Minor Use Permit required				
	UP	Use Permit required				
	S	Permit determined by specific use regulations				
	—	Use not allowed				
LAND USE (1)	PERMIT REQUIRED BY					Specific Use Regulations
	AE	AE-	AR	NR-	NR-PT	

* * *

SERVICES

Child day care - Large or small family day care home	P	P	P	P	P	9.42.070C
Child day care - Small family day care home	P	P	P	P	P	
* * *	***	***	***	***	***	***

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SEC. 9.24.030 – Residential District Allowable Land Uses

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TABLE 2-4 Allowed Land Uses and Permit Requirements for Residential Zoning Districts	P	Permitted Use, Zoning Clearance required			
	MUP	Minor Use Permit required			
	UP	Use Permit required			
	S	Permit determined by specific use regulations			
	—	Use not allowed			
LAND USE (1)	PERMIT REQUIRED BY				Specific Use Regulations
	RVL	RL	RM	RH	

* * *

SERVICES

Adult day care center	MUP	MUP	MUP	MUP	9.42.070
Child day care - Large or small family day care home	P	P	P	P	9.42.070
Adult/Child or adult day care center	MUP	MUP	MUP	MUP	9.42.070
	P(3)	P(3)	P(3)	P(3)	
* * *	***	***	***	***	***

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Notes:

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(3) Principally permitted if the standards of 9.42.070 are met, otherwise a Minor Use Permit (MUP) is required.

SEC. 9.26.030 – Commercial, Industrial, and Public Facility District Allowable Land Uses

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TABLE 2-10 Allowed Land Uses and Permit Requirements for Commercial, Industrial, and Public Facility Zoning Districts	P	Permitted Use, Zoning Clearance required						
	MUP	Minor Use Permit required						
	UP	Use Permit required (2)						
	S	Permit determined by specific use regulations						
	—	Use not allowed						
LAND USE (1)	PERMIT REQUIRED BY DISTRICT							Specific Use Regulations
	CC	CG	CV	CM	IL	IG	PF	

* * *

SERVICES -GENERAL

Adult day care — 14 or fewer clients	P	P		P			MUP	
Adult day care 15 or more clients	MUP P(3)	MUP P(3)	—	MUP P(3)	MUPP (3)	— MUP	MUP P(3)	
***	***	***	***	***	***	***	***	***
Child day care center	MUP P(6)	MUP P(6)	—	MUP P(6)	MUP P(6)	UP MUP	MUP P(6)	9.42.070 (6)
Child day care - large or small family day care	P	P	—	P	P	—	—	
***	***	***	***	***	***	***	***	***

Notes:

(6) Principally permitted if the standards of 9.42.070 are met, otherwise a Minor Use Permit (MUP) is required.

SEC.9.26.040—Commercial, Industrial and Public Facility District Parcel and Density Standards

A new subdivision and the density of residential development shall comply with the requirements shown in Table 2-11.

Table 2-11 – Parcel and Density Standards

Zoning District	Minimum Lot Area	Minimum Lot Width	Maximum Lot Depth	Maximum Density
CC	5,000 sf	50 ft	3 times width	7.26 to 15 units per acre n/a
CG	5,000 sf	50 ft	3 times width	7.26 to 15 units per acre
CM	5,000 sf	50 ft	3 times width	
CV	10,000 sf	80 ft	3 times width	None allowed
IL	6,000 sf	60 ft	None	7.26 to 15 units per acre
IG	1 acre	100 ft	None	None allowed
PF	None	None	None	None allowed

SEC.9.26.050 – Commercial, Industrial and Public Facility District Site Planning and Building Standards

Table 2-12 - CC District Standards

Development Standard	CC Zone Requirement
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Setbacks - Minimum and, where noted, maximum setbacks required. See Section 9.30.090 for exceptions to these requirements. See Figure 2-9.	
Front	None required

Side - Interior (each)	10 ft abutting to a residential zone; none required otherwise
Side - Street side	None required
Rear	10 ft abutting to a residential zone; none required otherwise
Accessory structures	See 9.42.030 (Accessory Structures)

Floor area ratio (FAR) -Maximum allowable FAR. See the definition and illustration of FAR in Article 10 (Glossary)	
Maximum FAR	3 <u>4.0</u>

Height limit - Maximum allowable height of structures. See Section 9.30.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions. See Figure 2-10.	
Maximum height	45 ft

Landscaping – See Chapter 9.34 (Landscaping) <u>n/a</u>
Parking - See Chapter 9.36 (Parking and Loading)
Signs - See Chapter 9.38 (Signs)
Special Standards - See Section 9.26.060.A

Section 2. Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*; Article 3, *Site Planning and Project Design Standards*, Section 9.36.080, *Adjustment of Parking Requirements* is hereby amended as shown in the following strike through and underscore (unchanged text within the Section or Subsection is omitted and is shown by “* * *”):

SEC. 9.36.080 - Adjustment of Parking Requirements

* * *

- B. Alternative Transportation Parking Reduction** ~~Adjustment of parking.~~ A Minor Use Permit shall be required to alter the number of parking spaces required by Section 9.36.040 (Number of Parking Spaces Required), above based on quantitative information provided by the applicant that documents the need for fewer or more spaces (e.g., sales receipts, alternative transportation developments that are either within 250 feet of a bus stop or within a 1,000 feet ~~1/2 mile (2,640 feet)~~ of a transit center, documentation of customers, available public parking, other peak parking demand, etc.).
- C. Commercial-Central (CC) Parking Reduction** ~~Alternative parking arrangements for the Downtown.~~ No parking spaces are required for development within the Commercial Central (CC) District except when development includes seven (7) or more residential units, then the developer shall provide parking spaces for 1/3 of the total number of proposed units.

1. ~~Other alternatives to the parking requirements of this Chapter, within the C G (Commercial General) Downtown area identified by the General Plan and within the CC (Commercial Central) zoning districts, may be approved by the Director in compliance with the following:~~
 - a. ~~Pay a parking in lieu fee in compliance with Subsection D (parking in lieu fee within the downtown and :HL Combining Zone), below; or~~
 - b. ~~Provide the required parking facilities on another approved site in compliance with Subsection E. (Off site parking allowed), below; or~~
 - c. ~~Provide some other fair share contribution where authorized by the Council.~~
2. ~~The agreement embodying one or a combination of these alternatives, except for Subsection C.1.c, determined to be acceptable to the City Attorney, shall be recorded before the issuance of a Building Permit for the project, or the issuance of a Certificate of Occupancy for a new use in an existing structure.~~

D. Commercial-General (CG) "G" Street Corridor from 11th St. to 18th St. and :HL Combining Zone Parking Reduction.

1. The Historic and Design Review Commission (HDRC) may waive all or a portion of the parking requirements for development within the CG zone on "G" Street from 11th Street to 18th Street with a Minor Use Permit, See Section 9.36.080.C for parking requirements.
2. The HDRC may waive all or a portion of the parking requirements for development on a site with the :HL Combining Zone with a Minor Use Permit, See Section 9.36.080.C for parking requirements.

D. Parking in lieu fee within the Downtown and :HL Combining Zone.

1. ~~CC (Commercial – Central), CG (Commercial – General) in the Downtown area, and :HL Combining Zone. Within the CG Downtown area identified by the General Plan and CC zoning districts and the :HL combining zone, in lieu of providing parking facilities required by this Chapter, the requirements may be satisfied by the payment to the City for each parking space required by this Chapter but not provided by the proposed development project in compliance with the following:~~
 - a. ~~The amount shall be set by the Council, shall properly reflect the estimated cost of the construction of replacement parking, including the acquisition of needed land, and shall be identified in the City's Fee Schedule.~~
 - b. ~~The Council may elect to decline the acceptance of the payment in lieu of providing the required parking facilities on a case by case basis, only if the Council first determines that it is feasible and desirable that the required parking be developed on the subject site.~~
 - c. ~~The payment shall be deposited with the City in a special fund and shall be used for the purpose of acquiring and developing on street and off street parking facilities, or developing and operating transportation alternatives (e.g. bicycle facilities, mass transit, or pedestrian facilities). The annual Capital Improvements Program (CIP) shall identify the location and construction timing of the targeted improvements.~~
 - d. ~~The in lieu fee shall be paid before the issuance of a Building Permit or the issuance of a Certificate of Occupancy for a new use in an existing building.~~

e. ~~The Council shall solicit the recommendation of the Historic and Design Review Commission regarding aesthetics and function of the parking facilities.~~

2. **Fees not transferable.** ~~All parking in lieu fees paid shall be credited to the parcel upon which the use or structure is located, and shall not be transferable to another parcel.~~

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Section 3. Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*; Article 4, *Standards For Specific Land Uses*, Sections 9.42.070 *Child Care Facilities*, and 9.42.110 *Mixed-Use Projects*, are hereby amended as shown in the following strike through and underscore (unchanged text within the Section or Subsection is omitted and is shown by “* * *”):

SEC. 9.42.070 –Child Day Care Facilities

- A. **Applicability.** Where allowed by Article 2 (Zoning Districts and Allowable Land Uses) Child day care facilities shall comply with the standards of this Section. These standards apply in addition to the other provisions of this Land Use Code and requirements imposed by the California Department of Social Services (DSS). DSS Licensing is required for all facilities.
- B. **Definitions.** Definitions of the child day care facilities regulated by this Section are in Article 10 (Glossary) under "Day Care."
- C. **Standards for large family day care homes.** As required by Health and Safety Code Sections 1597.46 et seq., a large family day care home shall be approved if it complies with the following ~~standards~~location requirements:-

1. ~~**Location requirements.**~~In order to avoid the concentration of intensive, non-residential land uses in residential neighborhoods, maintain residential character, and compatibility with adjacent residential uses, no large family day care home shall be located within 300 feet of an existing large family day care home, or child day care center. In no case shall a residential lot be directly abutted by a large family day care center on two or more sides.

2. ~~**Parking.**~~ A large family day care home shall be provided parking and drop off areas as follows:

a. ~~A minimum of two off street parking spaces shall be provided in addition to those required by Section 9.36.040 (Number of Parking Spaces Required) for the single-family dwelling. The driveway may be used to provide these spaces, if the driveway is of sufficient length to accommodate the parking of two vehicles without either blocking any sidewalk or other pedestrian access.~~

b. ~~A home located on a site with no on street parking immediately in front of the site shall provide two off street parking spaces for drop offs in addition to the spaces required by Subsection C.2.a.~~

c. ~~A home located on a street with a speed limit of 30 miles per hour or greater shall provide two off street parking spaces for drop offs in addition to the spaces required by Subsection C.2.a, that are designed to prevent vehicles from backing onto the street (e.g., circular driveway).~~

3. ~~**Outdoor activity areas.**~~

- a. ~~Any side or rear setback areas intended for day care use shall be enclosed with a fence or wall adequate to separate the children from neighboring properties.~~
- b. ~~Outdoor recreation equipment over eight feet in height shall not be located within a required side setback, and shall be set back a minimum of five feet from a rear property line.~~
- 4. ~~Noise.~~ Noise generated from the large family day care home shall not exceed the standards in Section 9.30.050 (Noise).
- 5. ~~Additional standards.~~ Each large family day care home shall comply with applicable building and fire codes, and standards adopted by the State, and Social Services Department licensing requirements (California Code of Regulations, Title 22, Division 2).

D. Standards for ~~child~~ Child and Adult day care centers.

- 1. ~~Fencing.~~ Design Review shall be required for any proposed fencing. ~~Child care facilities are eligible for a fencing exemption that would allow a five foot in height fence to adjoin a street property line. A solid fence at least five feet tall shall be provided around playground areas that border residential properties.~~
- 2. **Parking and loading.**
 - a. ~~Off-street parking shall be provided as required through the use permit process, but shall be a minimum of one space per employee on the largest shift. The size of the parking lot shall be determined by the number of parking spaces required in Table 3-6, "Parking Requirements by Land Use" and by the other standards of Chapter 9.36 "Parking and Loading."~~
 - b. ~~Picking up and dropping off of children shall not create unsafe conditions. Loading and unloading of children from vehicles shall only be allowed in the driveway or in an approved parking area. The actual parking layout may be designed to accommodate the use by providing more loading and unloading spaces and fewer parking spaces provided that at least one parking space is provided for each ten children based on proposed State-licensed capacity.~~
- 3. ~~Noise.~~ Potential noise sources shall be identified during the use permit process, and noise attenuation and sound dampening shall be addressed.
- 3. **Child/Adult day care centers in residential zones.** A child/adult day care center is allowed as a principally permitted use in all residential zones if it is proposed within an existing facility such as a church or fraternal organization, and the existing facility already meets the parking standards required. The development of a child/adult day care facility in a residential zone, not associated with an existing facility, requires a Minor Use Permit.

SEC.9.42.110 – Mixed Use Projects

A. Design Considerations

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- 7. For corner lot mixed-use development within the Commercial Central zoning district, residential units shall not occupy ground floor space within the first 40 feet of floor area measured from each building face adjacent to a public or private street corner.

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D. Site layout and project design standards. Each proposed mixed use project shall comply with the property development standards of the applicable zoning district, and the following requirements.

- 1. Location of units.** Residential units shall not occupy ground floor space within the first 75 feet of floor area measured from each building face adjacent to a public or private street; except within the CC zoning district area where the standards of subsections A.7 shall apply.

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E. Performance standards.

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- ~~**3. Hours of operation.** A mixed use project proposing a commercial component that will operate outside of the hours from 8:00 a.m. to 6:00 p.m. shall require Use Permit approval to ensure that the commercial uses will not negatively impact the residential uses within the project, or any adjacent residential uses.~~

Section 4. Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*; Article 10, *Glossary*, Section 9.100.020 *Definitions of Specialized Terms and Phrases* is hereby amended as shown in the following strike through and underscore (unchanged text within the Section or Subsection is omitted and is shown by “* * *”):

* * *

D. Definitions, "D."

Day Care. Facilities that provide non-medical care and supervision of individuals for periods of less than 24 hours. These facilities include the following, all of which are required to be licensed by the California State Department of Social Services.

- 1. Child Day Care Center.** Commercial or non-profit child day care facilities designed and approved to accommodate 15 or more children. Includes infant centers, preschools, sick-child centers, and school-age day care facilities. These may be operated in conjunction with a school or church facility, or as an independent land use.
- 2. Large Family Day Care Home.** As provided by Health and Safety Code Section 1596.78, a home that regularly provides care, protection, and supervision for ~~seven~~nine to 14 children, inclusive, including children under the age of 10 years who reside in the home, for periods of less than 24 hours per day, while the parents or guardians are away.
- 3. Small Family Day Care Home.** As provided by Health and Safety Code Section 1596.78, a home that provides family day care for eight or fewer children, including children under the age of 10 years who reside in the home.
- 4. Adult Day Care Facility.** A day care facility providing care and supervision for adult clients.

* * *

Section 5. Findings of Approval. Based upon the whole record, information received in public hearings, comments from responsible agencies, the Arcata Planning Commission Staff Reports and Resolution PC-13-07, the following findings are hereby adopted:

- The proposed amendments are consistent with the General Plan in accordance with California Government Code, Section 65860.

2. The proposed amendments would not be detrimental to the public interest, health, safety, or convenience, nor to the welfare of the City.

Section 6. Severability. If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 7. Limitation of Actions. Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 8. CEQA. This ordinance is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061(b)(3) of the CEQA Guidelines. The parking sections can further be considered ministerial per Section 9.78.060(B)(3) of the Land Use Code.

Section 9. Effective Date. This ordinance shall take effect thirty (30) days after its adoption by the City Council.

DATED: November 6, 2013

ATTEST:

/s/ Randal J. Mendosa
City Clerk, City of Arcata

/s/ Shane Brinton
Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of **Ordinance No. 1435**, passed and adopted at a special meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 6th day of November, 2013, by the following vote:

AYES: **Brinton, Ornelas, Stillman, Winkler**

NOES: **None**

ABSENT: **Wheetley**

ABSTENTIONS: **None**

/s/ Randal J. Mendosa
City Clerk, City of Arcata