

## **ORDINANCE NO. 1495**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING THE SMITH-MCKENZIE HOUSE LANDMARK HISTORIC PROPERTY COMBINING ZONE (LHP-83-09)**

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

**WHEREAS**, on February 15, 1984, the City Council for the City of Arcata adopted Ordinance No. 1041 whereby the property located at 1619 H Street, Arcata, California, (APN 020-091-003) containing the structure known as the “Smith-McKenzie House,” was rezoned to include the Landmark and Historic Preservation combining zone (R-L:LHP), designated No. LHP-83-09; and

**WHEREAS**, the Smith-McKenzie House has fallen into disrepair over the last 10 years; and

**WHEREAS**, the City of Arcata Land Use Code (LUC) Section 9.53.070 provides incentives to encourage the maintenance, preservation, and rehabilitation of designated Historic Landmarks; and

**WHEREAS**, incentives authorized by LUC 9.53.070 include, among others, allowing for the following:

1. Multi-family housing in the Residential Low Density zoning district;
2. Permit fee and other waivers; and
3. Participation in the City’s Mills Act Tax Abatement Program; and

**WHEREAS**, on October 24, 2017, the City of Arcata Planning Commission adopted Resolution No. PC-17-05 recommending that the City Council grant some or all of the incentives listed above, amend the LHP zoning designation, and issue a Design Review Permit for restoration and rehabilitation of the Smith-McKenzie House (the “Project”); and

**WHEREAS**, the Project proposes to increase the residential density of the property through the conversion of the existing residence and portion of rear shop and construction of a two-unit residence to provide a total of five units in a Residential Low Density zoning district; and

**WHEREAS**, the Council seeks to amend the Smith-McKenzie House Landmark and Historic Preservation combining zone designation LHP-83-09 to incorporate the design, siting, density, and features to be preserved as part of the Project approved by Design Review Permit No. 178-011-DR, and to approve appropriate incentives as permitted pursuant to LUC section 9.53.70; no other changes to the zoning or land use maps are intended by this action; and

**WHEREAS**, concurrent with adoption of this Ordinance No. 1495, the City Council approves Design Review Permit No. 178-011-DR for the Project.

**Section 1. Amendment to combing zone LHP-83-09.** Ordinance 1041, Amending Section 1-0203 of Article 2, Chapter 1 of the Land Use and Development Guide as adopted by Ordinance No. 884, is hereby amended by replacement in its entirety of Exhibit A, Historic Designation Number LHP-83-09 with the following:

### **FEATURES TO BE PRESERVED**

Smith-McKenzie House: Wide frieze, cornice returns, capital topped corner boards, bracketed moulded window hoods over four-paned windows, enclosed front porch with two-paned windows on east and south sides, original porch posts and cutout brackets, recessed front door with panes of glass above wood panels, south side roof gable with returns, recessed side entrance with round window, small addition on north side containing four-paned windows, and single 12-paned window in upper gable at rear of house.

Body Shop: Low gable roof, wide-groove ship-lap siding, false front, large nine-paned windows on east and west sides along with the smaller four-paned window on the west side.

Garage: Sliding doors and large, nine-paned windows, and gable roofline without eaves and very small returns.

**Section 2. Historic preservation incentives.** The following incentives allowed pursuant to the Land Use Code (LUC) Section 9.53.070.C.2, *Specific incentives for structures and sites within the :HL district*, are hereby granted to the Project applicant to assist in the rehabilitation and preservation of the Smith-McKenzie House:

1. The site may be developed to a total of five residential units;
2. Building permit review and inspection fees, excluding any pass-through or capital expense fees, in an amount not to exceed \$16,943.00 are waived;
3. Planning permit fees, excluding any pass-through or direct expense fees, in an amount not to exceed \$4,400.00 are waived;
4. The recreation fee for new construction in an amount not to exceed \$3,657.00 is waived;
5. Payment of remaining permit fees, including capital connection fees, is deferred until the issuance of a Certificate of Occupancy for the final construction phase of the Project;
6. The Project applicant may enter into a payment plan for the remaining permit fees identified in #5 above, which may not exceed 5 years to make complete payment;
7. The Project qualifies for the Mills Act Property Tax Abatement Program.
  - a. The application fee in the amount of \$450.00 for participation in the Mills Act Property Tax Abatement Program is waived;

- b. A Mills Act Property Tax Abatement Program contract in an amount not to exceed \$50,000 over 10 years is approved; and
- c. The Council authorizes the City Attorney to draft and the City Manager to execute said Mill Act Property Tax Abatement Program contract.

**Section 3. Findings for all Incentives.** Findings for Historic Preservation Incentives pursuant to Land Use Code §9.53.070.D.2.a, *Findings for all Incentives*, are hereby adopted as follows:

- 1. *Each incentive to be granted compensates the property owner for the rehabilitation project;*

The proposed incentives will compensate the property owner for the rehabilitation of the designated Landmark as described in his Return on Investment worksheet, on file with the City of Arcata Community Development Department. The cash saved by having fees waived and by entering into a Mills Act contract will be used in the construction and ongoing maintenance of the resource. Furthermore, the additional density will provide additional revenue to further ensure that the resource is managed appropriately.

- 2. *No approved incentive will impair the aesthetic, architectural, or historical integrity of the resources; and*

To ensure that none of the proposed incentives or the Project in its entirety will impair the aesthetic, architectural, or historical integrity of the resource, a Historic Resources Report was prepared by a qualified historic preservation consultant to review these potential impacts (Macdonald, June 2017). In the opinion of the author, *the proposed project is an excellent example of preservation and innovative design.*

- 3. *No proposed incentive will be detrimental to the public's health, safety, or general welfare.*

All aspects of the proposed rehabilitation and new construction will be required to meet current Building Code through the issuance of Building Permits and standard inspections. The development will be connected to City water and sewer services and it not located within an area of geologic, flood or high fire hazard.

**Section 4. Zoning Map and Land Use Code Text Amendments.** Findings pursuant to Land Use Code §9.92.050.B, *Findings for Zoning Map and Land Use Code Text Amendments*, are hereby adopted as follows:

- 1. Findings required for all Zoning Map and Land Use Code text amendments:

- a. *The proposed amendment is consistent with the General Plan;*

The increase in density is consistent with the build-out in the surrounding neighborhood and will retain the single-family residential look as the parcel is large and can physically accommodate the units. The General Plan's Historic Preservation Element Guiding Principles and Goals that the Project is consistent with are bolded below:

**A. Promote preservation of structures and sites that are representative of the various periods of the city's social and physical development.**

This settlement period (1850-1885) house represents the earliest style of architecture to be constructed in Arcata by Euro-American settlers. Some of the key features include: *the upright-and-wing layout, classic cornice returns and decorative bracketed window shelves on the gable portion. Two turned posts and cutout brackets at the front entrance are remnants of the open veranda that once extended across the wing.* (Reflections, Van Kirk, 1979)

**B. Preserve the historical character of the Plaza and the surrounding commercial district.**

Not applicable. The property is not located on or within the Plaza district or the surrounding commercial district.

**C. Encourage owners of eligible structures to seek historic landmark status and to invest in restoration efforts.**

The property owner, Mr. Daggett, requested Landmark status in 1983. In 1984, the City Council adopted Ordinance 1041 creating the designation for the McKenzie-Smith House and recognizing features to be preserved. Over the last 30+ years, the property has fallen into disrepair. Now the same owner seeks to utilize the incentives for maintenance and preservation that are offered in §9.53.070 of the Land Use Code.

**D. Conserve the many examples of early residential building styles found in the city's older neighborhoods, from Bayside to Arcata Heights.**

This property is located in the Arcata Heights Neighborhood Conservation Area. Through the issuance of the financial incentives that the applicant is seeking, he will better be able to conserve the meaningful aspects of the historic resource.

**E. Assure that new construction and additions to existing historically-designated buildings maintain the character and livability of the historic neighborhoods.**

The proposed alterations and new construction have been reviewed by a qualified historic consultant and the City's Historic Landmarks Committee, both of which concur that the project, as proposed, will maintain the character and livability of the historic neighborhood and of the resource itself.

**F. Promote interest in and appreciation of the value of Arcata's history and its heritage of historic buildings.**

The rehabilitation and preservation of this property will assist the City in its outreach efforts to the general public about the importance of Arcata's architectural environment as an asset in terms of tourism, adaptive reuse, and housing opportunities.

**G. Encourage tourism and economic development through historic resource preservation.**

See F. above.

**H. Prevent destruction of archaeological and cultural resources and assure that any artifacts receive proper disposition.**

The Wiyot tribe has concluded that this neighborhood is an area of concern in terms of the potential for discovery of cultural and/or historical resources. The owner has engaged the local area Tribal Historic Preservation Officers (THPO) to conduct a site reconnaissance with spot screening and sampling prior to ground disturbing activities related to the issuance of Building Permits (sewer/water lateral installation, new foundation for relocated structure, grading, etc.). If any artifacts are discovered, protocols for reporting are in place.

- b. *The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.*

The proposed rehabilitation and new development using three of the historic preservation incentives identified in the Land Use Code will not be a detriment to the public interest, health, safety, welfare, convenience or welfare of the City. It will provide additional housing within a mixed residential neighborhood and within walking distance to Arcata High, Humboldt State, the Plaza and many other amenities while preserving a Landmark and reducing a nonconforming use situation. All construction will be in compliance with the latest adopted Building Code.

2. Additional finding for Zoning Map amendments: *The affected site(s) is physically suitable (including absence of physical constraints, access, and compatibility with adjoining land uses, and provision of utilities) for the requested zoning designation and proposed or anticipated uses and/or development.*

The subject property is flat, served by public water, sewer and roads, is outside the Alquist-Priolo Fault Zone and not within 100' of any other mapped faults, is outside the mapped FEMA Flood Zone, and is not within a liquefaction zone. Although the property is in a neighborhood that's planned and zoned RL, there are many nonconforming multi-family developments in all directions. This type of infill residential development will be compatible with adjoining land uses.

**Section 5. 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 6. Environmental Review.** The project qualifies for both the Class 31 – Historical Resource Restoration/ Rehabilitation and the Class 32 – Infill Development, Categorical Exemptions under the California Environmental Quality Act (CEQA). The project proposes a site layout, building design and scope of work that will repair, stabilize, rehabilitate and reconstruct structures to preserve and maintain historic resources on the Historic Landmark property while complying with the Secretary of the Interior's Standards and Guidelines. Consistent with the Class 32 exemption, the project will add a two-unit residence on an underutilized area of the property, meet City policies and standards, and will not have a significant adverse effect on the neighborhood.

**Section 7. Effective Date.** This ordinance shall take effect 30 days after adoption.

**DATED:** February 7, 2018

**ATTEST:**

**APPROVED:**

/s/ Bridget Dory\  
City Clerk, City of Arcata

/s/ Sofia Pereira  
Mayor, City of Arcata

### **CLERK'S CERTIFICATE**

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1495, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 7<sup>th</sup> day of February, 2018, by the following vote:

**AYES: PEREIRA, WATSON, ORNELAS**

**NOES: NONE**

**ABSENT: PITINO, WINKLER**

**ABSTENTIONS: NONE**

/s/ Bridget Dory  
City Clerk, City of Arcata