

ORDINANCE NO. 1513

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING ZONING REGULATIONS PERTAINING TO DESIGN REVIEW AUTHORITY AND PROCESS

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

Section 1. Zoning text Amendment, Sections 9.10.030 and 9.10.050. Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Section 9000, *Land Use Code*, Article 1, *Land Use Code Applicability*, *Chapter 9.10, Purpose and Applicability of Land Use Code*, *Sections 9.10.030, Responsibility for Administration, and 9.10.050, Rules of Interpretation*, are hereby amended as shown in the following strike through and double underscore text (unchanged text is omitted and is shown by “* * *”):

9.10.030 Responsibility for Administration

A. **Responsible bodies and individuals.** This Land Use Code shall be administered by: the Arcata City Council, hereafter referred to as the "Council;" the Planning Commission; the Community Development Director, referred to as the "Director;" the Zoning Administrator (who shall be the Director or the designee of the Director); ~~the Historic and Design Review Commission, referred to as "HDRC;"~~ the Environmental Coordinator (who shall be the Director or the designee of the Director, such as the Public Works Director, the Director of Environmental Services, or a Senior Planner); and the Community Development Department, hereafter referred to as the "Department."

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9.10.050 Rules of Interpretation

A. **Authority.** The Zoning Administrator has the authority to interpret any provision of this Land Use Code. Whenever the Zoning Administrator determines that the meaning or applicability of any Land Use Code requirement is subject to interpretation, the Zoning Administrator may issue an official interpretation. The Zoning Administrator may also refer any issue of interpretation to the Planning Commission ~~or HDRC, as appropriate~~ for their determination. Interpretations may be appealed in compliance with Chapter 9.76 (Appeals).

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Section 2. Amendment to Table 2-10, Section 9.26.030. Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Section 9000, *Land Use Code*, Article 2, *Zoning Districts and Allowable Land Uses*, Section 9.26.030, *Commercial, Industrial, And Public Facility Zoning District Allowable Land Uses*, is hereby amended by revisions in Table 2-10 as shown in the following strike through and bold double underscore text (unchanged text within the Table is omitted and is shown by “* * *”):

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							
	PERMIT REQUIRED BY DISTRICT							Specific Use Regulations	
	CC	CG	CV	CM	IL	IL-2	IG	PF	

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RETAIL TRADE (2)

Accessory retail uses	P	P	P	P	P	P	—	P	9.42.020
Artisan shop	P	P	P	P	P	P	—	—	
Auto and vehicle sales and rental	—	UP	MUP	—	P	MUP(8)	—	—	
Auto parts sales with no installation services	P	P	P	P	P	P	—	—	
Building and landscape materials sales - Indoor	—	MUP	MUP	MUP	P	P	—	—	
Building and landscape materials sales - Outdoor	—	MUP	—	—	P	P	—	—	
Construction and heavy equipment sales and rental	—	MUP	MUP	—	P	MUP	—	—	
Convenience store	P	P	P	P	MUP	MUP	—	—	
Drive-through retail	—	UP	UP	—	—	MUP(7)	—	—	9.42.080
Farm supply and feed store	—	P	P	—	P	P	—	—	
Farmers market / Produce stands	P	P	P	P	—	P	—	P	
Fuel dealer (propane for home and farm use, etc.)	—	MUP	MUP	MUP	MUP	UP	MUP	—	
Furniture, furnishings and appliance store	P	P	P	P	P	P	—	—	
General retail - Less than 20,000 sf	P	P	—	P	MUP	P	—	—	
General retail - 20,000 to less than 30,000	MUP	P	—	P	MUP	MUP	—	—	
General retail - 30,000 sf or more	UP	UP	—	UP	UP	UP	—	—	
Mobile food eating and beverage drinking vendors	P	P	P	P	P	P	P	P	9.42.140
Mobile home, boat, or RV sales	—	—	MUP	—	P	MUP(8)	—	—	
Outdoor retail sales and activities	P	P	<u>P</u> MUP	P	<u>P</u> MUP	P	<u>MUP</u>	<u>MUP</u>	9.42.140
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Section 3. Zoning Text Amendment, Section 9.28.060. Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Section 9000, *Land Use Code*, Article 2, *Zoning Districts and Allowable Land Uses*, Chapter 9.28, *Combining Zones*, Section 9.28.060
Neighborhood Conservation Area (:NCA) Combining Zone, is hereby amended as shown in the following strike through and double underscore text (unchanged text is omitted and is shown by “* * *”):

9.28.060 Neighborhood Conservation Area (:NCA) Combining Zone

A Purpose. The :NCA combining zone is applied to areas identified by General Plan Policy H-4, to ensure that new construction, modifications or alterations ~~of~~to structures and site

layouts are harmonious with existing neighborhood character, and that historical resources are protected.

- B. Applicability.** The :NCA combining zone may be combined with any primary zoning district established by Section 9.12.020 (Zoning Map and Zoning Districts).
- C. Land use and development standards.** Proposed development and new land uses on a site within the :NCA combining zone shall comply with the requirements of the primary zoning district, all other applicable provisions of this Land Use Code, and the provisions of this Section.
- D. Design Review Requirements.** The Design Review process shall be required for new construction and alteration ~~each structure~~ proposed within a Neighborhood Conservation Area (NCA) including single family structures, historic structures, and as identified in Land Use Code existing structures with exterior alterations or renovations except as exempted in SubsSection 9.72.040. (B)(7)(b) of this Land Use Code.
 - 1. Considerations for review.** When reviewing a project within the :NCA combining zone, the review authority shall consider the following elements:
 - a. The height and mass of new structures should be roughly consistent with those of adjacent buildings;
 - b. New structures should not violate an established rhythm along the street—"rhythm" refers to the relationship of building masses to the spaces between them;
 - c. Certain basic architectural design elements of the new structures could reflect those of the old; for example, the facade of a new structure might be consistent with a basic vertical or horizontal orientation of the facades of its neighbors, or a new structure could have the same roof shape as surrounding buildings, or a new structure could borrow the front facade concepts that are found within the neighborhood.
 - d. Landscape elements, such as walks, fences, and planting masses should be encouraged to preserve or extend continuity between structures—large trees and shrubs should be preserved.
 - e. New development should take into account the location and design of existing off street parking conditions within the neighborhood, such as driveways and garages.
 - 2. Findings required for approval.** Design Review approval within the :NCA combining zone shall require that the review authority first find that the design of the proposed structure, alteration or addition is compatible with and does not destroy the historical or architectural character of the property and the neighborhood conservation area.

Section 4. Zoning Text Amendment, Section 9.34.040. Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Section 9000, *Land Use Code*, Article 3, *Site Planning and Project Design Standards*, Chapter 9.34, *Landscaping Standards*, Section

9.34.040, *Landscape and Irrigation Plans*, is hereby amended as shown in the following strike through and double underscore text (unchanged text is omitted and is shown by “* * *”):

9.34.040 Landscape and Irrigation Plans

A. **Landscape Plan.** A Landscape Plan shall be submitted as part of each application for new development, or the significant expansion (e.g., 50 percent or more of floor area) or redevelopment of an existing use, as determined by the Director. The Landscape Plan shall be submitted with the application for a Building Permit. The Landscape Plan shall be approved by the ~~Historic and Design Review Commission~~Review Authority before the issuance of a Building Permit.

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Section 5. Zoning Text Amendment, Sections 9.36.080 and 9.36.090 . Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Section 9000, *Land Use Code*, Article 3, *Site Planning and Project Design Standards*, Chapter 9.36, *Parking and Loading*, Sections 9.36.080, *Adjustment of Parking Standards*, and 9.36.090, *Parking Design and Development Standards*, are hereby amended as shown in the following strike through and double underscore text (unchanged text is omitted and is shown by “* * *”):

9.36.080 Adjustment of Parking Requirements

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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)~~ The Review Authority 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 subsection (C) of this Section for parking requirements.
2. ~~The HDRC~~ Review Authority 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 subsection (C) of this Section for parking requirements.

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9.36.090 Parking Design and Development Standards

Required parking areas shall be designed, constructed, and maintained in compliance with the following.

* * *

G. **Striping and identification.**

1. Parking spaces shall be clearly outlined with four-inch wide lines painted on the parking surface or with alternative materials as approved by the Director of Public Works.

2. The striping shall be continuously maintained in a clear and visible manner in compliance with the approved plans.
3. The re-striping of any parking space or lot shall require Design Review, the prior approval of a re-striping plan by the Historic and Design Review Commission.

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Section 6. Zoning Text Amendment, Sections 9.38.020 and 9.38.020. Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Section 9000, *Land Use Code*, Article 3, *Site Planning and Project Design Standards*, Chapter 9.38, *Signs*, Sections 9.38.020, *Applicability*, and 9.38.030, *Sign Permit and Master Sign Permit Requirements*, are hereby amended as shown in the following strike through and double underscore text (unchanged text is omitted and is shown by “* * *”):

9.38.020 Applicability

* * *

C. **Historical signs.** An existing sign found to be of historical significance by the Council on the basis of a recommendation of the Historic Landmarks Committee or Planning Commission and Design Review Commission is exempt from the provisions of this Chapter after the Council has adopted findings indicating that the sign has specific historic value.

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9.38.030 Sign Permit and Master Sign Plan Requirements

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B. Review authority.

1. **Director.** The Director shall review and approve sign permit applications in compliance with the findings required by Subsection E. (Findings for approval), except as provided by Subsection B.2. The Review Authority for Director may also refer a sign permit application is as identified in Land Use Code Section 9.72.040 (Design Review) to the Historic and Design Review Commission for review and decision, as part of a development project that is otherwise subject to Design Review, or as a sign permit application that is not part of a larger project.
2. **Design Review.** Design Review shall be required for:
 - a. Master sSign pPlans in compliance with the findings required in Subsection E. (Findings for approval);
 - b. Sign permit applications proposing signs over 20 square feet in area, or proposing a sign that will increase the total sign area on a site to over 20 square feet; and
 - c. All signs for nonresidential uses in residential zoning districts, except signs for home occupations of two square feet maximum.

- d. All signs located in Neighborhood Conservation Areas or on historic structures or sites.

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- D. **Master sSign pPlans.** In order to achieve variety and to encourage good design, the Review Authority may grant exceptions to the design requirements of this section may be permitted by the Historic and Design Review Commission, subject to a Master Sign Plan. Such exemptions may include, but are not limited to: height, area, location or illumination. In no case shall a sign prohibited in this Chapter be permitted, nor shall an exception be allowed that is detrimental to the health and safety of the community. The Master Sign Plan is intended to serve special and unique needs as listed below and is not an exemption or variance from the regulations of this Article. Subsequent sign applications meeting the approved Master Sign Plan design standards may exempt the property owner from Design Review.

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Section 7. Zoning Text Amendment, Sections 9.42.030 and 9.42.140. Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Section 9000, *Land Use Code*, Article 4, Chapter 9.42, *Standards for Specific Land Uses*, Sections 9.42.030, *Accessory Structures*, and 9.42.140, *Outdoor Retail Displays and Sales* are hereby amended by the revisions to the text as shown in the following strike through and double underscore text (unchanged text is omitted and is shown by “* * *”):

9.42.030 Accessory Structures

* * *

- E. **Historic and Design Review.** An accessory structure that is located in front of or that exceeds the height of the primary structure shall be reviewed by the Historic and Design Review CommissionReview Authority as identified in Land Use Code Section 9.72.040 (Design Review).

9.42.140 Outdoor Retail Displays and Sales

- A. **Applicability.** The provisions of this Section apply to mobile and permanent facilities for outdoor display, sales (e.g., garden nurseries, lumber yards, mobile retail vendors, news and flower stands, and similar uses where merchandise is displayed for sale), and outdoor dining areas, where allowed by Article 2 (Zoning Districts and Allowable Land Uses).
- B. **Mobile retail vendor outdoor displays and sales.** Mobile vendor outdoor displays and sales shall include, but are not limited to, the following: mobile eating and drinking food and beverage vendors, mobile prepared food vendors, mobile flower vendors, and other mobile merchandise vendors. These and similar activities are not allowed to operate as a business within a public right of way unless an Encroachment Permit is obtained.

1. Mobile outdoor retail vendors and activities that require Design Review shall consider the following:

- a. Location of vendor, outdoor dining areas, signs, setbacks, parking and access ways, circulation, and customer queuing on the property;
2. Exemption. Vendors that locate for less than one hour per day at a particular site are exempt from Subsection (B)(1)(a).
1. **Additional requirements for mobile eating and drinking vendors.** Mobile eating and drinking vendors include, but are not limited to, sandwich wagons, recreational vehicle cafes, hot dog wagons, ice cream wagons, and similar uses. These activities are allowed subject to the following standards for each vendor:
 - a. **Design Review.** Design Review shall be required to consider site layout, signs, and setbacks, as well as other impacts from site design and operation.
 - b. **Exemption.** Mobile vendors that locate for less than one hour per day at a particular site are exempt from subsection (B)(1)(a) of this Section.

C. Permanent outdoor displays and sales. The permanent outdoor display and sale of merchandise is allowed subject to the following standards.

1. Outdoor display and sales areas shall not encroach into required setback areas or the public right of way. In zoning districts where no setback area is required, the outdoor sales area shall be set back a minimum of 10 feet from adjoining property lines unless otherwise allowed through a Minor Use Permit approval.
2. Displayed merchandise shall occupy an fixed, specifically approved, location that does not disrupt the normal function of the site or its circulation, and does not encroach upon driveways, landscaped areas, parking spaces, or pedestrian walkways. A display shall not obstruct intersection visibility or otherwise create hazards for pedestrian or vehicle traffic.
3. The outdoor display and sales area shall be directly related to a business occupying a permanent structure on the subject parcel.
4. The review authority may require that outdoor sales and activity areas other than vehicle sales lots, produce stands, and nursery product sales be screened from the view of adjoining public rights-of-way by decorative walls, fences, or landscaping.
5. Signs for the vendor shall comply with Chapter 9.38 Sign standards. Additional signs, beyond those normally allowed for the subject use, shall not be provided as a result of the outdoor display and sales area.
6. The design, materials, and construction of the approved vendor stand shall be compatible with adjacent properties and meet city standards.
7. Vendor stands shall be maintained in clean and neat condition, and be in good repair at all times.

D. News and flower stands.

1. **Location requirements.** A news or flower stand shall:

- a. Be located parallel and abutting the wall of a structure if located in the downtown area.
- b. In the case of a privately owned stand, it shall not be located within three feet of a display window of any structure abutting the sidewalk, or so as to interfere with or restrict the reasonable use of the window for display purposes.
- e. The activity shall not be located within a public right of way unless an Encroachment Permit is obtained.

2. **Design and construction requirements.**

- a. A permanent stand shall be soundly constructed of wood, metal, or other suitable permanent material, and designed in a manner and color to be compatible with the adjacent structures whether the stand is opened or closed. Security doors shall be designed as an integral part of the structure.
- b. Shelving shall not exceed eight feet in height nor two feet in depth.

3. **Maintenance.** The news and flower stand shall be maintained in a clean and neat condition and in good repair, at all times.

4. **Signs.**

- a. The stands shall not be used for advertising or publicity purposes. Signs shall be for identification only, with size and design in compliance with Chapter 9.38 (Signs).

The owners or operators of the outdoor news or flower stand shall display, in a place readily visible to the public, a telephone number and address where the owners may be reached.

5. **Additional product sales.** In addition to the sale of newspapers, magazines, and other periodicals, for newsstands, and flowers and plants, for flower stands, the owners or operators may sell other related accessory products, not to exceed 10 percent of the total merchandise displayed.

E.D. Outdoor dining areas.

1. An outdoor dining area may be allowed accessory and incidental to a restaurant with indoor eating area on the same site, ; provided, the outdoor eating area shall also comply with the parking requirements of Section 9.36.040 for restaurants.
2. An outdoor eating area within the public right-of-way shall require Design Review and an Encroachment Permit in addition to Minor Use Permit approval, and shall use only City approved furniture and enclosures. In no event shall sidewalk passage be reduced to below shall meet ADA standards.
3. Signs shall comply with Chapter 9.38.

F.E. Produce stands. This Section establishes standards for the development and operation of produce stands, where allowed by Article 2 (Zoning Districts and Allowable Land Uses). Produce stands are also similar in use to that of a Farmers Market.

1. **Products.** Sales from a produce stand shall be limited to agricultural products such as ~~vegetables, fruits, nuts, firewood, etc.~~
2. **Maximum size.** A produce stand shall ~~not exceed~~ be a maximum 400 square feet in floor area, ~~or dimensions of 20 feet on each side with a maximum and a height of 15 feet, unless it is~~ Produce stands located in the Agricultural and Resource Zoning Districts ~~where the may have a maximum floor area can reach of~~ 1,000 square feet.
3. ~~Access. The location and type of access to a public road from the produce stand site shall require an Encroachment Permit and the approval of the Public Works Director.~~

Section 8. Zoning Text Amendment, Sections 9.53.010, 9.53.020, 9.53.030, 9.53.040, 9.43.050, 9.53.060, 9.53.070, 9.53.080, 9.53.090, 9.53.100, and Table of Contents. Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Section 9000, *Land Use Code*, Article 5, *Resource Management*, Chapter 9.53, *Historical Resource Protection*, Table of Contents, and Sections 9.53.010, *Purpose*, 9.53.020, *Applicability*, 9.53.030, *Review Authority*, 9.53.040, *Historical Resources Eligibility, Listing and Management*, 9.43.050, *Alteration of Historic Structures, Districts and Neighborhoods*, 9.53.060, *Demolition or Removal*, 9.53.070, *Rehabilitation Incentives*, 9.53.080, *Duty to Maintain and Repair*, 9.53.090, *Unsafe or Dangerous Condition*, and 9.53.100, *Inadvertent Archaeological Discoveries* are hereby amended as shown in the following strike through and double underscore text (unchanged text is omitted and is shown by “* * *”):

Chapter 9.53 Historical Resource Preservation

Sections:

- 9.53.010 Purpose
- 9.53.020 Applicability
- 9.53.030 Review Authority
- 9.53.040 Historical Resources Eligibility, Listing and Management
- 9.53.050 Alteration of Historic Structures, Districts and Neighborhoods
- 9.53.060 Demolition or ~~Removal~~Relocation
- 9.53.070 Rehabilitation Incentives
- 9.53.080 Duty to Maintain and Repair
- 9.53.090 Unsafe or Dangerous Condition
- 9.53.100 Inadvertent Archaeological Discoveries

9.53.010 Purpose

- A. Protect and ~~P~~reserve ~~H~~istorical ~~R~~esources listed on or eligible for listing on the California Register of Historical Resources, including all manner of properties: buildings, structures, sites (prehistoric, historic, traditional ethnic and Native American), objects, districts, and cultural landscapes.
- B. Implement the process of designation and preservation of property within the :HL combining zone (Section 9.28.040) by protecting sites and structures identified by the

City as culturally, architecturally, and/or historically significant, that contribute to Arcata's historical character and identity, and that should be preserved and/or restored.

- C. Prevent the demolition of any existing building or portion of a building without first evaluating whether it contributes significantly to the historical or architectural character of the City or neighborhood, and to ensure consideration of the potential for preservation of buildings found to contribute significantly to that character, in compliance with General Plan Policy H-5a. Identify and encourage the retention of structures that could qualify as historical resources but are not currently designated.
- D. Implement the California State Historic Building Code (SHBC) for qualified historical buildings.
- E. Promote the stabilization of neighborhoods and areas of the City, promote the increase in economic and financial benefits to the City and its inhabitants, and the growth of tourist trade and interest.
- F. Ensure development that respects, complements and enhances historic architectural styles, and maintains the scale and character of and thereby stabilizes neighborhoods, districts, and areas of cultural importance. Protect and preserve the Arcata Plaza and surrounding the older structures that border the adjacent streets that help define the Plaza's character. Ensure Assure that new construction, modifications or alterations to of noteworthy potentially historic structures, and significant changes to other structures are harmonious with the existing character of Neighborhood Conservation Areas (NCA).
- G. Conserve valuable building materials, historic fabric and energy resources by promoting preservation and adaptive use of historical resources.
- H. Promote historical and architectural reviews by the Review Authority~~Historic and Design Review Commission~~ on of projects that affecting historical resources.

9.53.020 Applicability

This section identifies ~~the various~~ projects that may be subject to historic reviews in addition to ~~all of the~~ other planning permit or approval requirements of this Land Use Code and the Municipal Code.

A. Affected activities.

1. **Period of Significance.** Any historical resource that is at least 50 years old shall be subject to the requirements of this Chapter.
2. **Construction or alteration within the :HL (Historic Landmark) combining zone.** No person shall alter the exterior of, construct, or construct improvements to, relocate structures or demolish any structures that are designated within a :HL combining zone (Section 9.28.040), except in compliance with this Chapter.
3. **Noteworthy and Potentially Historic Structures.** Structures that could qualify as historical resources shall be identified and processed as outlined in the Arcata General Plan: 2020 Policies H-2 and applicable Land Use Code standards ~~through H-2f.~~

4. **Plaza Area Historic District.** The Plaza Area Historic District, as identified in Figure HP-a from the Arcata General Plan: 2020, shall be protected and preserved as outlined in General Plan Policies H-3a through H-3g.
5. **Neighborhood Conservation Areas (NCAs).** ~~No person shall construct, modify or relocate any historic structures within a Neighborhood Conservation Area shall only be constructed, modified or relocated except in compliance with this eChapter 9.53, and Land Use Code Section 9.72.040 (Design Review).~~
6. **Demolition of any structures in the City.** ~~All demolition of structures in No person shall demolish any structure within the City shall be reviewed and approved by the Review Authority, except in compliance with this Chapter and Land Use Code Section 9.72.040.~~
7. **Ground Disturbing Projects.** All ground disturbing projects including those by the City will be subject to review in compliance with this Chapter.
8. **Adoption of or amendments to the General Plan or to specific plans, and designation of Open Space.** In compliance with Senate Bill 18 (SB18) of 2004, such actions shall involve consultations with pertinent Tribal Governments.

B. Relationship to CEQA. Decisions by the City in compliance with this Chapter are "discretionary" and relate to "discretionary projects" as ~~defined~~ these terms are used in the California Environmental Quality Act (CEQA). See Section 9.78 (Environmental Impact Assessment) for a listing of "ministerial" projects that are statutorily exempt from CEQA review. ~~CEQA requires analysis by the City, as the lead agency under CEQA, shall analyze and to~~ determine if a proposed project will cause significant impacts to historical resources including archaeological and Native American Traditional Cultural Places.

9.53.030 Review Authority

This Section assigns responsibilities for review, recommendations, and decisions on the approvals required by this Chapter to the following bodies, in addition to the responsibilities of the Planning Commission and Council. Projects subject to this Chapter shall also meet Land Use Code Sections 9.70 Table 7-1 (Permit Authority), 9.72.040 (Design Review Authority), and 9.74.20 (Public Hearings).

A. Planning Historic and Design Review Commission. The Planning Historic and Design Review Commission (PCHDRC) as established by the Council for the purposes of this Chapter, shall conduct historic reviews on Historic Landmark properties; review and make recommendations on historical resource designations; and review historical resource reports; and implement the historic preservation policies of the Policy H1-4 (Historical Landmarks Commission) of General Plan: 2020. The PC may refer any project review to the Historic Landmark Committee for a recommendation.

Duties of the Planning CommissionHDRC shall include but not be limited to:

1. Recommendations for designation of historical resources, and conducting or facilitating historical resource inventories and surveys, and developing historic preservation design guidelines.

2. Review of demolition applications relating to designated Historic Landmark (:HL) properties and potentially eligible historic resources.
3. Review of any changes to a :HL designated historical resource that could have an effect on the property's historic character and integrity that includeing:
 - a. Any exterior alterations that propose including changes to historic materials, features to be preserved, architectural elements including fenestration, bulk, and massing; additions; and/or the construction of a new structure on the property.
 - b. Interior alterations that would significantly affect the structure's exterior appearance.
 - c. Any addition to a :HL designated structure.
 - d. Construction of a new structure on a :HL designated site.
4. Review of all exterior alterations that require building permits to Noteworthy Structures, and possible review of buildings constructed within the Period of Significance including changes in types of materials and additions.
5. Review of all proposed development, including exterior alterations, and additions to structures located within the Arcata Plaza Historic District.
6. Review of all proposed development, exterior alterations, and additions to potentially eligible historic or contributing structures proposed within a Neighborhood Conservation Area, or new structures in an NCA deemed by the Director to determine that the design will be incompatible with and does not destroy the historical or architectural character of the property and the surrounding NCA.
7. Develop historic preservation design guidelines.

B. Zoning Administrator (ZA). The Zoning Administrator (ZA) may approve minor modifications to potentially historic properties that comply with General Plan Historical Preservation policies, Land Use Code standards, and adopted design guidelines and Department handouts. Refer to Land Use Code Section 9.72.040.C pursuant to Table 7-1 for project categories and review authority.

C. Administrative Review. The Director or its designee may conduct administrative review of minor, CEQA exempt projects involving designated or potentially historic resources that meet 1:1 in-kind replacement, and demolition or removal of structures that are not potentially historic. Administrative review would not require noticing.

D. Historic Landmarks Committee. The City's Historic Landmarks Committee (HLC) is identified as the referral and recommending body who shall assist, where applicable and on request, the City Council, Planning Commission, and Zoning Administrator in review of projects involving historic or potentially historic resources, designations, historic reports, cultural resource protection, demolition, or other resource issues.

Historical Sites Society. The Historical Sites Society of Arcata (HSSA) is hereby recognized as a non-profit membership organization interested in historic preservation and local history.

EC. **North-west Coastal Information Center (NCWIC).** The NCWIC of the California Historical Resources Information System and the City of Arcata will enter into a Memorandum of Agreement (MOAAgreement) no later than six months from the finalization of this Land Use eCode. The duties of the NCIC and the City will be established in the MOAAgreement and may include:

1. Providing pertinent records of recorded historical resources on file to the City.
2. Drafting and providing pertinent, current sensitivity historical resource base maps to the City.

FD. **Native American Tribal Governments.** Within six months of the finalization of this land use code, the City will enter into agreements with, at a minimum, the Wiyot Tribe and the Blue Lake Rancheria for consultations. The duties of the Native American Tribal Governments will be established in the MOAAgreement and may include: The City shall refer projects which have the potential to impact cultural, tribal, or historic resources to the ~~three~~ Wiyot-area Tribal Heritage Preservation Officers (THPOs) ~~of the Blue Lake Rancheria, the Bear River Band of the Rohnerville Rancheria, and the Wiyot Tribe~~, including:

1. Review of, adoption of, or amendments to the General Plan, Local Coastal Plan and ~~to~~ Specific Plans, and the designation of open space ~~that~~which contains Native American traditional cultural places.
2. Review of the MOAAgreement between the City and the NCWIC.
3. Review of ~~City projects and~~ discretionary projects within the City that have the potential to cause significant impacts to historical, archaeological, and/or cultural resources.
4. Review of the preservation of, or the mitigation of impacts to, places, features and objects described in Sections 5097.9 and 5097.995 of the Public Resources Code (cultural places).
5. Establishing a protocol for notification of post-review of Native American discoveries per Subsection 9.53.100.C.

GE. **City of Arcata, Department of Community Development.**

1. The City shall assign the responsibility of historical resources review in compliance with this cChapter to the ~~Department of~~ Community Development Department.
2. The City shall obtain and update every six months, listings within the City on the Sacred Lands Inventory maintained by the State of California Native American Heritage Commission.

HF. **Appeals.** ~~The~~ dDecisions of the Review AuthorityHDRC shall be appealable to the Planning Commission and/or Council in accordance with Section Chapter 9.76 (Appeals).

9.53.040 Historical Resources Eligibility, Listing, and Management

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B. Procedure for designation of a Historic Landmark, Historic District, Cultural Landscape or Neighborhood Conservation Area. The application for the designation of a district, site, area, or structure may be initiated by the owner, ~~HSSA~~, City Council, or Planning Commission ~~or HDRC~~. If initiated by the ~~HSSA~~ or the City, the owner shall be notified and will be able to contest the process.

1. **Significance Criteria for listing.** In order to be eligible for listing, a district, site, area or structure should retain historical integrity and meet one or more of the following criteria:
 - a. The building, site or area is a significant representative of a distinct architectural period, type, style, or way of life.
 - b. The building, site or area is at least 50 years old, or in rare cases has achieved architectural or cultural significance in less than 50 years.
 - c. The building, site or area is connected with a person or event important to local, state or national history.
 - d. The architect or builder is famous or well-recognized.
 - e. The building's style, construction method, materials, or finishes are unusual or significant.
 - f. The building contains original materials or craftsmanship of high or unusual value.
 - g. The building or site's unique location or ~~singular~~ physical characteristic(s) represent an established ~~and familiar~~ visual feature or ~~landmark is~~ characteristic of a neighborhood, community, or the City.
2. **Referral.** The City shall refer a proposed :HL combining zone, district, Neighborhood Conservation Area, or cultural landscape designation for review and comment to the ~~HSSA~~ Historic Landmarks Committee.
3. **Notice and hearing.** Public notice shall be provided, and public hearings on a proposed rezoning to designate a :HL combining zone, historic district, Neighborhood Conservation Area, or cultural landscape shall be conducted by the ~~HDRC~~, Planning Commission, after receiving a recommendation from the HLC, and the City Council in compliance with Chapter 9.92 Amendments and 9.74 Public Hearings. In addition, notice of the hearings shall be provided to the Historic Sites Society of Arcata~~HSSA~~, property owners, and adjacent property owners.
4. **Notice of designation.** When a historical resource has been designated by the City Council, the City Clerk shall promptly notify the owners of the affected property and record notification of the designation with the County Recorder's office in compliance with State law, per Public Resource Code 5029(b).
5. **Content of ordinance.** Each designating ordinance shall include:
 - a. A description of the characteristics of the historical resource that justify the designation as identified in Section 9.53.040.B.1, a list of any

particular features that should be preserved or restored, and the location and boundaries of the resource site;

- b. In the case of the application of the :HL combining zone to multiple sites, the designating ordinance shall specify which structures within the combining zone are to be protected by the designation, and list proposed uses allowed as incentives; and
- c. The designating ordinance may also require the review of proposed changes in major architectural features of a publicly owned historic resource.

6. **Pending Applications.** No application for a permit to construct, alter, demolish, or relocate a structure that is proposed for historical resource designation, filed after the designation process has been initiated in compliance with Section 9.53.040.B, shall be approved without compliance with this Chapter while the proceedings are pending.
7. **Removal of designation.** The Council may amend or rescind the application of the :HL combining zone to a property only through rezoning in compliance with Chapter 9.92 (Amendments).

C. **Procedure for designation of a Noteworthy Structure.** HDRC The Planning Commission shall recommend to the Council by resolution the inclusion of specified structures to the City's "Noteworthy Structures" list, to encourage their retention. Noteworthy Structures are those that may be eligible for Historic Landmark designation and may not have complete documentation as to their historical or architectural merit. Owners of properties listed as having Noteworthy Structures are encouraged to apply for designation within the :HL combining zone.

1. **Criteria for listing.** In order to be eligible for listing, a structure should have at least one of the following attributes:
 - a. Significant representative of a particular architectural style;
 - b. Significant representative of a period in the City's historic development;
 - c. Associated with the social history of the City;
 - d. Of unusual or special design character, as determined by the HDRC; or
 - e. Contributing structure to a Neighborhood Conservation Area.
2. **Notification.** The HDRC Review Authority shall notify the owners of property being considered for placement on the list, and shall provide notice and conduct a public hearing in compliance with Chapter 9.74 (Public Hearings) prior to listing a structure, so that the owners shall be given the opportunity to contest and appeal the proposed listing.
3. **Effect of listing.** HDRC Design Review approval shall be required for any exterior alteration of a Noteworthy Structure, when or if alterations require a Bbuilding Ppermit, including changes in types of materials and additions. Rehabilitation incentives for Noteworthy Structures are listed in Section

9.53.070.C.1. No application for a permit to construct, alter, demolish or relocate a structure that is proposed for Noteworthy Structure designation, filed after the listing process has been initiated in compliance with Section 9.53.040.C, shall be approved without compliance with this Chapter while proceedings are pending.

4. **Removal from list.** The ~~HDRC~~ Planning Commission may recommend to the Council to remove a structure from the City's Noteworthy Structures List through the same process as described by this Section for including a structure on the list. The property owner may also initiate this process ~~through the HDRC~~.

D. Procedure for the identification, recordation, evaluation and management of an archaeological site or Native American Traditional Cultural Property (TCP).

1. **Screening Process (to determine if a focused study will be required):** The City of Arcata will screen discretionary project applications (per CEQA) and those actions or projects proposed by the City to determine if the project may have a significant impact on an archaeological site(s) and/or Native American Traditional Cultural Properties(s) that qualify for inclusion, or are listed on the California Register of Historical Resources. Because the inventory of these types of historical properties is incomplete, the City shall take into consideration the comments and recommendations from knowledgeable information sources to determine (1) if a project falls within a sensitive location, and (2) a cultural resources study will be required for CEQA review and/or project planning. The screening process shall involve the following information sources:
 - a. **North-Coastal Wwest Information Center (NWCIC):** Recommendations from the NWCIC, based on project specific record searches conducted under a Memorandum of Agreement (AgreementMOA) between the NWCIC and the City;
 - b. **Tribal Review:** Comments and recommendations from culturally affiliated Native American Tribes, including, but not necessarily limited to, the Wiyot Tribe, the Bear River Band of the Rohnerville Rancheria, and the Blue Lake Rancheria. (theThe Tribal Historic Preservation Officer (THPO) for each Tribe will have the opportunity for review and comment on proposed projects via circulation of the CEQA Checklist distributed to agencies);
 - c. **Native American Heritage Commission (NAHC) or Heritage Commission:** Report of a Native American culturally sensitive location by the Native American Heritage CommissionNAHC based on its confidential Sacred Lands File records;
 - d. **Sensitivity Maps:** Archaeological and/or Native American culturally sensitive locations compiled for the City by the THPOs, NWCIC and/or other reputable sources; and
 - e. **Historic Landmarks Committee and Design Review Commission (HDRC) (HLC):** Comments received from HDRC HLC member(s).

2. **Cultural Resource Study Phases Under CEQA.** If project screening concludes that the project location is sensitive for potentially significant archaeological sites and/or a Native American Traditional Cultural Property TCP's and the project has potential to cause significant impacts to historical resources, then the City shall require the applicant to retain a qualified professional to conduct one or more phased studies as follows:

a. **Phase I - Identify Cultural Resources.** This phase generally involves four steps as follows:

- (1) A formal records search at the NWIC and background research about the area of study (e.g., ethnography, land-use history);
- (2) An archaeological field survey guided by a research design;
- (3) Consultations with knowledgeable persons having heritage ties to the cultural resources, including the updated list of Native American ~~tribes~~ and organizations recommended by the Native American Heritage Commission; and
- (4) A written report that meets professional standards of the California Office of Historic Preservation.

b. **Phase II - Evaluate the Significance of Cultural Resources.** If Cultural Resources are identified in Phase I, only impacts to significant cultural resources determined eligible for inclusion on the California Register of Historical Resources (or eligible for or listed in the National Register of Historic Places) will be considered under the CEQA environmental review process. For a cultural resource (i.e., building, site, structure, object, or district) to qualify for the California Register, it must have integrity and meet one or more of the following criteria:

- (1) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- (2) Is associated with the lives of persons important in our past;
- (3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- (4) Has yielded, or may be likely to yield, information important in prehistory or history.

c. **Phase III - Management of Archaeological Resources and Native American Traditional Cultural Places.** If the results of the Phase I and II research show that the project area contains a significant cultural resource and it is determined by the City that the project will cause damage to such a resource, any number of the following may be recommended or required by the City, in conjunction with consultation with ~~tribal~~ governments and possibly with the California Office of Historic Preservation:

- (1) Modification of the project to avoid impacts to the cultural resources.
- (2) Development of easements or other deed restrictions.
- (3) After appropriate archaeological testing, capping or covering the cultural resources with a soil layer before construction.
- (4) Designation of Open Space to incorporate cultural resources.
- (5) Mitigation of adverse impacts through archaeological excavations that meet professional standards to salvage data that would otherwise be lost during construction activities.
- (6) Professional monitors during construction activities.

3. **Confidentiality.** Certain archaeological site information, including specific site locations, is considered confidential information excluded from public disclosure. Access to this information is specified in Appendix 6, Record Management and Access Policy Historical Resources Records, of the Information Procedural Manual of the California Historic Resources Information System.

9.53.050 Alteration of Historic Structures, Districts, and Neighborhoods

A. Purpose. The requirements of this Section are intended to protect historical resources including but not limited to buildings constructed within the Period of Significance, Historic Landmarks, Noteworthy Structures, Historic Districts, or Neighborhood Conservation Areas from unnecessary and/or inappropriate alterations, including reconstruction, new construction, additions, repairs, restoration, rehabilitation, or replacement not in compliance with the Secretary of the Interior's Standards. General Plan: 2020 Policies H-1e, H-1f, H-2d, H-2e, H-3d, H-3e, H-4c, and H-4e shall guide proposed alterations where applicable.

B. Applicability.

1. **Activities requiring Design Review by HDRC.** The Review Authority identified in Land Use Code Section 9.70 Table 7-1, 9.53.030, and 9.72.040.C Table 7-2 shall review the following projects ~~activities will require review by HDRC:~~
 - a. The exterior alteration of any structures within the HL combining zone, Plaza Area Historic District, Neighborhood Conservation Area, ~~or Historic District, and any Noteworthy Structures~~, buildings constructed within the Period of Significance, or other historical resources ~~whether previously identified or not as per CEQA (Section 15064.5 (a)(4) that require~~ing a building permit or other discretionary permit from the City.
 - b. New structures or additions ~~Construction of a new building~~ on a parcel with a designated Historic Landmark, Noteworthy Structure, building or other ~~potentially historical~~ resource that dates within the Period of Significance, or located in a Neighborhood Conservation Area and/or Historic District.

2. **Relationship to other City approvals.** ~~HDRC~~ Design Review approval shall be required ~~from the identified Review Authority~~ in addition to any other permits required by this Land Use Code, and shall accompany any permit or any work ~~that~~ otherwise altering the architectural features or appearance of the historical resource.

C. Review aAuthority and CEQA. Alterations shall be reviewed, and approved or disapproved by the ~~identified Review Authority~~~~HDRC~~ in compliance with CEQA, per Sections 15064.5(a)(4) or Section 15331.

D. Notification of the Historical Sites Society of Arcata. The City shall notify the Historical Sites Society of Arcata of all ~~HDRC~~ meetings considering alterations.

E. Application Requirements and Procedures. An application for ~~Design~~ ~~HDRC~~ ~~r~~Review shall be filed with the Community Development Department (“the Department”). The application shall include the information and materials required by Community Development ~~the~~ Department (CDD) handouts. Once ~~the Department~~~~CDD~~ determines that the application is complete and there is a project involving resources as identified in Subsection 9.53.050.B.1.a. above, the ~~Department~~~~CDD~~ shall request that the Review Authority~~HDRC~~ examine the application and conduct a historic review of the property.

F. Project Review and dDecision. A ~~HDRC~~ ~~r~~Review ~~of a project~~ shall be completed and acted upon in the same manner as specified by Section 9.72.040 (Design Review). The Zoning Administrator or Planning Commission may require referral of a project involving historic resources to the Historic Landmarks Committee for review and recommendations.

1. **Standards for review.** In evaluating alteration applications, the Review Authority~~HDRC~~ shall consider the applicable eligibility criteria in Section 9.72.040, as well as any features to be preserved, uses, or other conditions specified in a consultant’s historical resources report and/or recommendations from the Historic Landmarks Committee, and may consider comments from the HSSA. Proposed solar heating and cooling devices, energy collecting devices, windmills, or other similar structures shall be subject to Design Review guidelines.
2. **Required findings.** The approval of an application to alter buildings constructed within the Plaza Area Historic District, Period of Significance, Historic Landmarks, Noteworthy Structures, potentially historic resources, Historic Districts, or Neighborhood Conservation Areas shall require that the Review Authority~~HDRC~~ first find that all development and exterior alterations maintain the historical integrity of the resource, and that the change is compatible with and does not destroy the historical or architectural character of the property and the immediate neighborhood.
3. **Substantial hardship.** The Review Authority ~~HDRC~~ may approve an application for an alteration that may have a negative impact to an historic resource if an owner can present the following facts to the Review Authority~~HDRC~~:

- a. That failure to approve an application will result in immediate and substantial hardship because of conditions peculiar to the historical resource;
- b. That the conditions have not been created by an act of the owner; and
- c. That damage to the owner of the property is unreasonable in comparison to the benefit conferred to the community.

In the approval process for an alteration based on a substantial hardship, the Review Authority~~HDRC~~ shall not consider personal, family, or financial difficulties, loss of reasonable prospective profits, and neighboring violations as justifiable hardships.

9.53.060 Demolition or Relocation~~Removal~~

Any demolition or relocation~~removal~~ of a Historic Landmark or other potentially historic structure ~~that requires a building permit within the City~~ shall first be approved require ~~HDRC to review a demolition or moving permit, as applicable, and~~ in compliance with the requirements of this Section and CEQA, and Section 9.72.040 (Design Review). This Section shall not apply to non-historic structures, which shall be administratively reviewed.

- A. Notification of application.** When an application is filed for a ~~Demolition or relocation projects within an :HL combining zone, or for Historic Landmarks, Noteworthy Structures, or potentially historic resources eligible for listing, shall be reviewed and noticed in accordance with the historic resource preservation (demolition and removal) policies of the General Plan and Land Use Code Sections 9.72.040 (Design Review) and 9.74 (Public Hearings)~~ or moving permit, the Director shall notify the ~~HDRC at their next regularly scheduled meeting, and by mail to all property owners within a 300 foot radius (500 foot radius for projects not subject to CEQA exemptions)~~, and to the Historical Sites Society of Arcata.
- B. Required delay of action.** The demolition or relocation~~removal~~ of an structure ~~designated with the :HL designated structure~~ is prohibited during the 180 days following the date that an application for demolition or relocation moving is approved by the Planning Commission~~HDRC~~, unless the delay time period is waived by the Planning Commission~~HDRC~~ in compliance with Subsection B.2. The purpose of this automatic delay is to provide sufficient time for steps necessary to preserve the structure.
 - 1. Extension of time period.** The Council may require that the delay period for demolition or relocation~~removal~~ for of a structure designated :HL structure ~~may~~ be extended for up to an additional 180 days after first finding that it is ~~extremely~~ probable that, within the additional time period:
 - a. Satisfactory arrangements can be made to relocate the structure to an acceptable site, or
 - b. A qualified public or private buyer will be found to purchase the structure.

The Council shall take action to extend the delay period at a public hearing, no later than 30 days prior to the expiration of the original 180 day time period. The total delay period shall be no more than 12 months from the date the application

for a demolition or ~~relocation~~~~moving~~ permit for a ~~structure~~ designated :HL ~~structure~~ is filed with the Department.

2. **Waiver of time period.** The owner of a designated Historic Landmark may request that the ~~Planning Commission~~~~HDRC~~ issue a waiver of any or all of the time period delaying demolition or ~~relocation~~~~removal~~. The ~~Planning Commission~~~~HDRC~~ may grant a waiver only after first finding that:
 - a. Only in rare cases, satisfactory arrangements have been made to relocate the structure to an acceptable site after it has gone through the permitting process for a demolition or ~~relocation~~~~removal~~;
 - b. The structure has been substantially destroyed by fire, wind, flood, earthquake, or other calamity as identified through Section 9.72.050 (Emergency Permit) so that it is of no further historic or architectural value to the community;
 - c. The demolition or ~~relocation~~~~removal~~ is of an ~~incidental accessory~~ ~~outbuilding or other~~ structure that does not contribute to the historic resource or;
 - d. The action is the demolition of a portion of the structure that does not contribute to the historic resource.

C. Findings for Demolition. Prior to ~~its~~ decision to approve demolition or relocation of a :HL designated or potentially historic structure, the ~~HDRC Review Authority~~ shall consider the recommendations of the ~~Historic Landmarks Committee unless a project is determined to not be a potentially historic resource, per Section 9.72.040. Historical Sites Society of Arcata or its designated representative~~. The applicant shall be required to submit a demolition plan showing those portions proposed to be demolished or relocated. ~~TEither of~~ the following findings shall be required to approve the demolition or relocation permit:

1. The building does not contribute significantly to the historical or architectural character of the neighborhood or the City; or
2. Although the building does have historical or architectural merit, it:
 - a. Has sustained substantial damage to key structural components, and
 - b. There are no feasible alternatives to demolition of the building that will not cause unusual and extreme economic hardship.

D. Economic Evidence. In order to determine if unusual and extreme economic hardship exists, the ~~Review Authority~~~~HDRC~~ shall evaluate such financial information as set below, which shall be submitted in any application to demolish a structure that dates within the Period of Significance:

1. For all property:
 - a. The amount paid for the property:

- b. The date of purchase, the party from whom purchased, and a description of the business or family relationship, if any, between the owner and the person from whom the property was purchased;
- c. The cost of any improvements since purchase by the applicant and date incurred;
- d. The assessed value of the land, and improvements thereon, according to the most recent County assessments;
- e. Real estate taxes for the previous two years;
- f. Annual debt service, if any, for the previous two years;
- g. All appraisals obtained within the previous five years by the owner or applicant in connection with his or her purchase, financing or ownership of the property;
- h. Any listing of the property for sale or rent, price asked and offers received, if any;
- i. Any consideration by the owner for profitable and adaptive uses for the property, including renovation studies, plans, and bids, if any; and

2. For income producing property:

- a. Annual gross income from the property for the previous four years;
- b. Record of itemized operating and maintenance expenses for the previous four years;
- c. Annual cash flow for the previous four years.

9.53.070 Rehabilitation Incentives

* * *

C. Types of incentives allowed.

- 1. **General Incentives.** The following incentives, include but not limited to, shall be eligible for each site and structure designated within the :HL combining zone and for Noteworthy Structures.
 - a. Exemption from the requirements of this Land Use Code to provide any additional off-street parking, except for structural additions of 200 square feet or larger.
 - b. Exemption, for existing nonconforming uses, from the limitations of Chapter 9.90 (Nonconforming Uses, Structures, and Parcels) pertaining to non-conforming structures and site conditions.
 - c. Compliance with the State Historic Building Code and portions of the California Building Uniform Code for Building Conservation, rather than the current edition of the stateUniform Building Code.
 - d. At the option of the City, conservation easements for facades that may provide tax advantages to the donor, as approved by the City.

- e. At the option of the City, facade rehabilitation grants or loans, ~~through the Community Development Agency~~, for designated historic commercial structures, to the extent available and as approved by the City.
2. **Specific incentives for structures and sites within the :HL district.** The Council may grant any or all of the following rehabilitation incentives to a site or structure that is designated within the :HL combining zone, in addition to the incentives in Subsection C.1.
 - a. **Adaptive reuse.** In order to encourage the economic viability and preservation of Historic Landmark Structures in the residential zoning districts, this Section provides for the occupancy of Historic Landmark Structures within the :HL combining zone by land uses that are not otherwise allowed within the primary residential zoning district.
 - b. **Allowable land uses.** The following uses may be allowed if the proposed use and structure comply with all applicable requirements of Articles 2, 3, and 4 of this Land Use Code, and if the review authority makes the findings required by Subsection D.2.b.
 - (1) RVL zone: Multi-family housing.
 - (2) RL, RM, and RH zones: Multi-family housing; Medical services - Doctor Office (no private clinics, labs, pharmacies, or boutiques); Office - Business/Service; and Office - Professional. Other compatible commercial land uses may be reviewed and allowed as project incentives by the Planning Commission.
 - c. **Fee waivers.** Permit fee waivers;
 - d. **Mills Act Property Tax Abatement Program:**
 - ~~e.~~ **State and Federal Incentives.** Other incentives may include Federal Rehabilitation Tax Credits; ~~and the~~ California Heritage Fund Grant Program, ~~and the~~ Mills Act Property Tax Abatement Program. The HRA and Council do not have jurisdiction over all these funding sources. For instance, ~~private parties and non profits can apply for Federal Rehabilitation Tax Credits and/or funds from the California Heritage Fund Grant program without HRA or Council approval.~~
 - f. **Other incentives.** Other incentives deemed necessary to encourage preservation, as approved by the City Council.

D. Review and approval of specific incentives for rehabilitation projects.

1. **Hearing and action by the Planning Commission**~~HDRC~~ and Council.
 - a. The Planning Commission~~HDRC~~ shall hold a public hearing to determine the eligibility of a property for any of the specific incentives for rehabilitation projects identified ~~in Subsections C.1 and C.2, above~~ and shall provide a written recommendations to the Council regarding to approve or disapprove any specific incentives.

- b. The Council shall hold a public hearing to consider the recommendation of the ~~HDRC~~Planning Commission to approve or disapprove any incentives.
 - c. Notice of the public hearings shall be provided, and ~~the hearings shall be~~ conducted in compliance with Chapter 9.74 (Public Hearings) ~~and include a notice to the Historical Sites Society of Areata~~.
2. **Required findings for approval.** The Planning Commission~~HDRC~~ may recommend, and the Council may grant specific incentives for rehabilitation projects, ~~only~~ after first making all of the following findings:
 - a. **Findings for all incentives.**
 - (1) Each granted incentive ~~to be granted~~ compensates the property owner for the rehabilitation project;
 - (2) ~~No a~~Approved incentives ~~will~~ not impair the aesthetic, architectural, or historic integrity of the resource; and
 - (3) ~~No proposed i~~Incentives ~~will~~ not be detrimental to the public health, safety, or general welfare.
 - b. **Findings for adaptive reuse.** In addition to the above findings ~~for incentives~~, the Planning Commission~~HDRC~~ and Council shall make the following findings for the approval of adaptive reuse:
 - (1) The change of use will occupy no more floor area than the original use;
 - (2) The proposed use will not significantly ~~impact~~impair the exterior architectural character of the existing or adjoining properties; and
 - (3) The change of use will result in:
 - (a) Substantial rehabilitation of significant architectural features ~~if they have been altered~~;
 - (b) Substantial rehabilitation of the exterior appearance of the resource; and
 - (c) A maintenance plan that will ensure the upkeep and continued maintenance of the historic resource.
3. **Conditions of approval.** In approving adaptive reuse incentives, the Council may impose any conditions of approval deemed reasonable and necessary to ensure compatibility between the new use and the surrounding area.

9.53.080 Duty to Maintain and Repair

If periodic maintenance and upkeep is not performed and the historical resource falls into disrepair, the disrepair shall not be used as justification for demolition, or any other alteration inconsistent with the provisions of this Chapter. Lien procedures through the nuisance abatement process, as outlined in Section 9.90.070, may be considered by the City to address a demolition

by neglect. The Review Authority ~~may~~ ~~HDRC~~ can provide recommendations to the Council on nuisance abatement requests.

9.53.090 Unsafe or Dangerous Condition

A. Correcting an Unsafe or Dangerous Condition. The provisions of this Chapter shall not prevent measures of construction, alteration, or demolition that are necessary to correct an unsafe or dangerous condition of a structure, other feature or part of a historical resource where:

1. The condition has been declared unsafe or dangerous by the ~~Chief Building Official~~ or the Fire Marshal; and
2. The proposed measures have been declared necessary by the ~~Building Official~~ to correct the unsafe or dangerous condition; and
3. The proposed measures are done with due regard for preservation of the appearance of the structure.

B. Removing a Damaged Resource. If more than 75% of a historic resource or other feature is damaged by fire, or other calamity to an extent that, in the opinion of the Building Official it cannot be reasonably repaired and restored, it may be removed in compliance with all applicable provisions of this Land Use Code and the Municipal Code.

9.53.100 Inadvertent Archaeological Discoveries

The following ~~s~~Standard ~~e~~Operating ~~p~~Procedures (~~SOPs~~) for handling "post-review" of inadvertent archaeological discoveries shall be adopted for all phases and aspects of work carried out by or for the City of Arcata and at the discretion of the City Community Development Department, attached as a Condition to Permits approved pursuant to CEQA. The intent is to avoid or minimize direct or indirect impacts to significant archaeological or Native American discoveries that may qualify for inclusion in the California Register of Historical Resources and the National Register of Historic Places.

A. Notification of Discoveries. The Director shall be notified immediately upon the inadvertent discovery of an archaeological find or the inadvertent discovery of Native American remains and /or grave goods.

B. Establish List of Qualified Professional Archaeologists. For City of Arcata ~~P~~rojects, the City shall make arrangements for the on-call services of one or more qualified archaeologists, using the list of qualified archaeologists provided by the ~~Northwest~~Coastal Information Center. These professionals will provide services as needed by the City to conduct rapid assessments of potentially significant archaeological finds discovered during city projects. CEQA Project Applicants will be provided the ~~Northwest~~Coastal Information Center list of qualified professional consultants to contact in the event that archaeological materials are encountered in a "post-review" scenario.

C. Establish Protocol for Notifying Wiyot Tribal Representatives of Native American Discoveries. A component of the agreement developed under 9.53.030.D will be the specification of a protocol for the notification of Wiyot ~~t~~Tribal governments in cases of inadvertent discoveries of Native American cultural resources.

D. Standard Operating Procedures (SOP) for Inadvertent Archaeological Discovery (General) Ground-disturbing activities shall be immediately stopped if potentially significant historic or archaeological materials are discovered. Examples include, but are not limited to, concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian, arrow points, ground stone mortars and pestles), culturally altered ash-stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials, and historic structure remains such as stone-lined building foundations, wells or privy pits. Ground-disturbing project activities may continue in other areas that are outside the discovery locale.

1. An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the Contractor Foreman or authorized representative, or party who made the discovery and initiated these Standard Operating Procedures, or if on-site at the time of discovery, by the Monitoring Archaeologist.
2. The discovery locale shall be secured (e.g., 24-hour surveillance) as directed by the City if considered prudent to avoid further disturbances.
3. The Contractor Foreman or authorized representative, or party who made the discovery and initiated these Standard Operating Procedures, shall be responsible for immediately contacting by telephone the parties listed below to report the find and initiate the consultation process for its treatment and disposition:
 - a. The City's authorized Point-of-Contact (POC) and City Manager;
 - b. The Contractor's authorized Point Of Contact;
 - c. Authorized Point Of Contact of applicable agencies;
 - d. Tribal representative.

In addition, in cases where a known or suspected Native American burial or skeletal remains are uncovered, the Standard Operating Procedures under paragraph E shall also be followed and the following contacts shall be notified:

- a. The Coroner of the county where the discovery is made; and
- b. The Native American Heritage Commission (NAHC) in Sacramento (916-653-4082).
4. Ground-disturbing project work at the find locality shall be suspended temporarily while the City, its Lead Archaeologist, State Office of Historic Preservation (OHP) staff, and other applicable parties consult about appropriate treatment and disposition of the find. Should Native American remains be encountered, the provisions of State laws shall apply (see below). The Treatment Plan shall reference appropriate laws and include provisions for analyses, reporting, and final disposition of data recovery documentation and any collected artifacts or other archaeological constituents.
5. The City's officers, employees and agents, including Contractors, shall be obligated to protect significant cultural resource discoveries and may be subject to

prosecution if applicable State or Federal laws are violated. In no event shall unauthorized persons collect artifacts.

6. Any and all inadvertent discoveries shall be considered strictly confidential, with information about their location and nature being disclosed only to those with a need to know. The City's authorized representative shall be responsible for coordinating any requests by or contacts to the media about a discovery.
7. Standard Operating Procedures shall be communicated to the City's field work force including its Contractors, employees, officers or agents, and such communications may be made through weekly tailgate safety briefings.
8. Ground-disturbing work at a discovery locale may not be resumed until authorized by the City's Point Of Contact.

E. Standard Operating Procedures (SOP) for Inadvertent Discovery of Human Remains and Grave Goods. The following policies and procedures for treatment and disposition of inadvertently discovered human remains shall apply:

1. If human remains are encountered, they shall be treated with dignity and respect as due to them. Discovery of Native American remains is a very sensitive issue and serious concern of affiliated Native Americans. Information about such a discovery shall be held in confidence by all project personnel on a need-to-know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs and around artifacts shall be upheld.
2. Violators of Section 7050.5 of the California Health and Safety Code may be subject to prosecution to the full extent of applicable law (felony offense).
3. In the event that known or suspected Native American remains are encountered, the above procedures of Standard Operating Procedures, paragraph D, for Inadvertent Archaeological Discovery (General) shall be followed including notifications to those identified in D.3, in addition to the provisions of California law (Section 7050.5 of the California Health and Safety Code and Section 5097.98 of the California Public Resources Code), as follows:
 - a. The Coroner has two working days to examine the remains after being notified of the discovery. If the remains are Native American, the Coroner has 24 hours to notify the Native American Heritage Commission.
 - b. The Native American Heritage CommissionNAHC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD) of the deceased Native American. (Note: Native American Heritage CommissionNAHC policy holds that the Native American Monitor will not be designated the Most Likely DescendantMLD.)
 - c. Within 24 hours of their notification by the Native American Heritage CommissionNAHC, the Most Likely DescendantMLD will be granted permission by NCRA the landowner (pursuant to PRC Section 5097.98) to inspect the discovery site if they so choose.

- d. Within 24 hours of their notification by the Native American Heritage Commission~~NAHC~~, the Most Likely Descendant~~MLD~~ may recommend to the City's Point Of Contact~~POC~~ means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The recommendation may include the scientific removal and non-destructive or destructive analysis of human remains and items associated with Native American burials. Only those osteological analyses (if any) recommended by the Most Likely Descendant~~MLD~~ may be considered and carried out.
- e. Whenever the Native American Heritage Commission~~NAHC~~ is unable to identify a Most Likely Descendant~~MLD~~, or the Most Likely Descendant~~MLD~~ identified fails to make a recommendation, or the City's Point of Contact (POC) rejects the recommendation of the Most Likely Descendant~~MLD~~ and mediation between the parties by the Native American Heritage Commission~~NAHC~~ fails to provide measures acceptable to the landowner (PRC Section 5097.98) ~~NCRA~~, ~~NCRA~~ the landowner shall cause the re-burial of the human remains and associated grave offerings with appropriate dignity on the property in a location not subject to further subsurface disturbance.

F. Standard Operating Procedures (SOP) for Documenting Inadvertent Archaeological Discoveries.

- 1. The Contractor Foreman or authorized representative, or party who made the discovery and initiated these Standard Operating Procedures~~SOP~~, shall make written notes available to the City describing: the circumstances, date, time, location and nature of the discovery; date and time each Point Of Contact~~POC~~ was informed about the discovery; and when and how security measures were implemented.
- 2. The City's Point Of Contact~~POC~~ shall prepare or authorize the preparation of a summary report which shall include: the time and nature of the discovery; who and when parties were notified; outcome of consultations with appropriate agencies and Native American representatives; how, when and by whom the approved Treatment Plan was carried out; and final disposition of any collected archaeological specimens.

* * *

G. Filing with the California Historical Resources Information System (CHRIS). Final Data Recovery Reports along with updated standard California site record forms (DPR 523 series) shall be filed at the appropriate Information Center of the California Historical Resources Information System (~~CHRIS~~).

H. Sacred Sites Inventory. Confidential information concerning the discovery location, treatment and final disposition of Native American remains shall be forwarded to the Sacred Sites Inventory maintained by the Native American Heritage Commission~~NAHC~~.

Section 9. Amendment to Table 7-1, Section 9.70.020. Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Section 9000, *Land Use Code*, Article 7, *Planning Permit Procedures*, Chapter 9.70, *Permit Application Filing and Processing*, Section 9.70.020, Table 7-1, *Review Authority* is hereby amended as shown in the following strike through and double underscore text (unchanged text is omitted and is shown by “* * *”):

9.70.020 Authority for Land Use and Zoning Decisions

Table 7-1 (Review Authority) identifies the review authority responsible for reviewing and making decisions on each type of application required by this Land Use Code.

TABLE 7-1 Review Authority	PROCEDURE IS IN SECTION:	ROLE OF REVIEW AUTHORITY (1)			
		Zoning Administrator	Historic & Design Review Commission	Planning Commission	City Council
TYPE OF DECISION					

ADMINISTRATIVE AND LEGISLATIVE

Land Use Code Amendment	9.92			Recommend	Decision
General Plan Amendment	9.92			Recommend	Decision
Historic Designations	9.53		RecommenD	Recommend	Decision
Interpretation	9.10.050	Decision (2)		Appeal	Appeal
Local Coastal Program Amendment	9.92			(3)	(3)
Zoning Map Amendment	9.92			Recommend	Decision
Development Agreement	9.72.110			Recommend	Decision

PLANNING PERMIT/DEVELOPMENT APPROVAL

Alterations & Demolition	9.53	<u>Decision</u> <u>(2 and 4)</u>	Decision	<u>Decision</u> Appeal <u>(4)</u>	Appeal
Coastal <u>Development</u> Permit (CP)	9.72.030	(3)		(3)	(4)(3)
Design Review (DR)	9.72.040	<u>Decision</u> (4)	Decision	Decision/ Appeal (5)(4)	Appeal
Emergency Permit	9.72.050	Decision (2)		Appeal	Appeal
Hillside Development Permit	9.72.070	Decision (2)		Appeal	Appeal
Sign Permit, Master Sign Plan	9.38.030	<u>Decision</u> (4) Recommend	Decision	<u>Appeal</u> (4)	Appeal
Minor Use Permit (MUP)	9.72.080	Decision (2)		Appeal	Appeal
Tree Removal Permit	9.58.050	Decision (2)		Appeal	Appeal
Planned Development Permit (PD)	9.72.070	Decision (2)		Decision	Appeal
Sign Permit	9.38.030	Decision (2)	Decision		Appeal
Use Permit (UP)	9.72.080	Recommend		Decision	Appeal
Variance	9.72.090		RecommenD	Decision	Appeal
Zoning Clearance	9.72.100	Issuance		Appeal	Appeal

Notes:

- (1) "Recommend" means that the review authority makes a recommendation to a higher decision-making body; "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Chapter 9.76 (Appeals).
- (2) The Zoning Administrator may defer action and refer the request to the Planning Commission, so that the Planning Commission may instead make the decision.
- (3) Coastal Development Permits shall be reviewed as required in the City's certified Local Coastal Program LCP.
- (4) ~~Coastal Permits are either approved by the City or the California Coastal Commission or both depending on the location of the project. Some City decisions on Coastal Permits can be appealed to the Coastal Commission. See the City's LCP for more information.~~
- (5) ~~(4) Refer to Section 9.72.040.C for the Review Authority decision making body.~~

Section 10. Zoning Text Amendment. New Table 7-2 and Figure 7-1, Sections

9.72.040, 9.72.080. Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Section 9000, *Land Use Code*, Article 7, *Planning Permit Procedures*, Chapter 9.72, *Permit Approval or Disapproval*, Section 9.72.040, *Design Review*, is hereby amended by revisions to the text and insertion of a new Table 7-2, *Design Review Authority*, and new Figure 7-1, *Districts and Areas Subject to Design Review*, after Subsection 9.72.040.C and before Subsection 9.72.040.D, and Section 9.72.080, *Use Permit and Minor Use Permit*, is hereby amended as shown in the following strike through and double underscore text (unchanged text is omitted and is shown by “* * *”):

9.72.040 Design Review

A. Purpose. Design Review is intended to ensure that the design of proposed development and new land uses assists in maintaining and enhancing the natural beauty, historic, and rural character of the community. Therefore, the goals and purposes of these procedures and requirements are to:

1. Promote the orderly and harmonious development of the City;
- ~~2. Create design guidelines for new and historic buildings;~~
- ~~3. Ensure that new development is designed to preserve important natural features and scenic resources;~~
- ~~4. Promote building designs that are well suited to their functions and sites;~~
- ~~5. Initiate and review a City wide historic resource inventory;~~
- ~~6. Create visual environments which are of high aesthetic quality and variety;~~
- ~~7. Achieve maximum benefit from natural environmental settings;~~
- ~~8. Ensure that new buildings are designed to fit appropriately within the existing neighborhood context;~~
- ~~9. Encourage diversity in building design, rather than repetitive design in new subdivisions;~~
- ~~10. Promote stability of land values and desirability of investment in the City;~~
- ~~11. Incorporate green renewable building concepts and features (e.g., maximum use of energy efficiency, insulation, native landscaping, natural lighting, permeable~~

~~surfaces around structures, recycled materials and recycling, solar access, use of toxic free materials, and minimizing construction waste generation~~) into new and renovated structures; and

~~1210.~~ Recognize and preserve historic resources within the City.

B. Applicability. Design Review shall be required in addition to all of the other planning permit or approval requirements of this Land Use Code and the Municipal Code unless exempt pursuant to Section 9.72.040.H. The provisions of this Section and the requirements for Design Review shall apply to proposed projects that require a building permit and/or as identified in the following sections, in the following manner: Projects shall comply with applicable Land Use Code Zoning District and development standards, Department Design Review checklists and handouts, and be consistent with adopted design guidelines and General Plan policies. Refer to Land Use Code Section 9.70.040 Table 7-1, and Section 9.72.040.C Table 7-2 and Figure 7-1 for Design Review Authority in and outside specified districts.

1. Neighborhood Conservation Areas (NCAs) and specific districts. Design Review is required for structures proposed in a Neighborhood Conservation Area and specified districts, including alterations and additions to single family houses, historic resources, potentially historic resources, and new infill residential development except for design review projects identified as exempt under Section 9.72.040.H.

2. Historic District and potentially historic structures. Design Review is required for alterations that require a building permit to structures within the Plaza Area Historic District as well as the district itself (Figure 7-1), designated historic resources (:HL), and potentially historic resources including but are not limited to:

- a. Exterior alterations, including additions and changes in materials to a structure.
- b. Interior alterations that may affect the structure's exterior appearance.
- c. New construction on a parcel with a designated Historic Landmark.

Nothing in this section shall be interpreted to require a Design Review permit for interior alterations that do not affect the exterior appearance.

3. Demolition. Design Review is required for demolition projects in the City. Demolition projects shall meet applicable City demolition standards, policies, procedures, and Department checklists and handouts and meet Chapter 9.53. Demolition review in relation to an historic resource shall be per Section 9.53.060 (Demolition or Relocation).

4. New Construction. Design Review is required for new construction, alterations, and additions located in the City that require a building permit, except for projects identified as exempt in Section 9.72.040.H. See Section 9.72.040.C Table 7-2 for project categories and review authority.

5. Other projects. The Community Development Director may require Design

Review for a project if it is determined that the proposed design, siting, construction, land use, or parcels may cause a significant effect on solar access or the aesthetic character of the City or neighborhood. Modifications to site standards require a Minor Use Permit pursuant to Section 9.72.080 (Use Permits and Minor Use Permits).

1. **New construction.** Design Review shall be required for all new construction in the City, including all structural modifications in exterior appearance, including paved areas, revegetation plans, and all other exterior work and signs which require a permit from the City, except as exempted in Subsection 9.72.040(B)(7) of this Land Use Code.
2. **Historic districts and structures.** Design Review shall be required for any changes to a: ~~HL designated historic resource, noteworthy structure, or a building within the Period of Significance that has been determined historically significant by the City, but not limited to:~~
 - a. Any exterior alterations, including changes in materials.
 - b. Interior alterations that would affect the exterior appearance.
 - c. Any addition to a structure.
 - d. Any construction on a parcel with a designated Historic Landmark.
3. **Neighborhood Conservation Area (NCA).** The Design Review process shall be required for each structure proposed within a Neighborhood Conservation Area (NCA), including single family houses, historic structures, and existing structures with exterior alterations or renovations except as exempted in Subsection 9.72.040(B)(7)(b) of this Land Use Code. Before approval, the Historic and Design Review Commission shall make a finding that the design will be compatible with the existing character of the NCA.
4. **Recycling, solid waste, and outdoor storage.** Design Review shall be required for all outside storage including recycling and solid waste areas as specified in Section 9.30.100 (Solid Waste/Recyclable Materials Storage).
5. **Loading areas.** Design Review shall be required for all new or altered loading areas.
6. **Other projects requiring Design Review.** The Director, Building Inspector, or Director of Public Works may choose to submit any application for development to the Historic and Design Review Commission when they determine that the proposed construction, land use, or parcels may cause a significant effect upon solar access or the aesthetic character of the City, area, or neighborhood.
7. **Exemptions.** The following projects shall be exempt from the requirements for Design Review as noted:
 - a. **Exemption for single family structures and secondary units.** A new single family structure, secondary unit, or an addition or alteration to an existing single family structure or secondary unit shall be exempt from the requirements for Design Review, except as required in subsections

~~(B)(2) and (3) of this Section.~~

b. ~~Minor repairs consisting of in-kind one to one replacements.~~

~~The above exemptions shall not apply if the Zoning Administrator determines that the proposed construction may require modification to fit in with the site or existing unit, and / or neighborhood.~~

C. Review authority for Design Review. Design Review shall be conducted by the ~~Historic and Design Review Commission (HDRC) or Planning Commission, the Zoning Administrator, or the Director pursuant to Section 9.72.040.C, Table 7-2, Review Authority as established by the Council~~. The ~~HDRC Review Authority~~ may choose to defer action and refer any Design Review application to ~~a higher body~~ the Planning Commission for hearing and decision. ~~Hearings shall be noticed pursuant to Section 9.74.020 (Public Hearings)~~. Administrative Review as identified in Table 7-2 shall be ministerially reviewed by the Director or its designee. Any project may be referred to the City's Historic Landmarks Committee for a recommendation at the discretion of the review authority.

1. **Type "A" Design Review.** Type "A" Design Review shall be approved or disapproved by the HDRC for those projects that do not have a concurrent application for which the Planning Commission is the review authority.
2. **Type "B" Design Review.** Type "B" Design Review shall be approved or disapproved by the Planning Commission for all projects not determined to be Type "A". As per subsection (H)(2) of this Section, the HDRC shall provide a recommendation to the Planning Commission for all Type "B" Design Review applications.
3. **Type "C" Design Review.** Type "C" Design Review shall be required for those projects resulting from a request for modification of site standards as authorized by Section 9.72.080.B (Use Permit and Minor Use Permit) and shall be approved or disapproved by the HDRC.

TABLE 7-2 Design Review Authority	<u>A</u> Administrative <u>ZA</u> Zoning Administrator <u>PC</u> Planning Commission — Exempt from Design Review
PROJECT CATEGORY	REVIEW REQUIRED BY SPECIFIC DISTRICT*
	<u>PA</u> <u>CC</u> <u>NCA</u> <u>CM</u> <u>CW</u>

EXISTING STRUCTURES – Rehabilitation, Repair, Alterations (not an Historic Resource):					
<u>1:1 in-kind replacement</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
Commercial, Industrial:					
<u>2,500 sf or less</u>	<u>PC</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>2,500 sf or greater</u>	<u>PC</u>	<u>PC</u>	<u>ZA</u>	<u>A</u>	<u>A</u>
<u>Storefront or street front alterations</u>	<u>PC</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
Single Family Residential:					
<u>1,000 sf or less</u>	<u>PC</u>	<u>A</u>	<u>A</u>	<u>≡</u>	<u>≡</u>
<u>1,000 sf or greater</u>	<u>PC</u>	<u>PC</u>	<u>ZA</u>	<u>A</u>	<u>≡</u>
Multi-Family Residential:					
<u>Alterations, minor accessory structures</u>	<u>PC</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
					<u>9.30 and 9.42</u>
NEW CONSTRUCTION – New Structures and Additions (not Historic Resource):					
Commercial, Industrial Structures:					
<u>2,500 sf or less, and incidental structures</u>	<u>PC</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>2,500 – 10,000 sf</u>	<u>PC</u>	<u>ZA</u>	<u>ZA</u>	<u>A</u>	<u>A</u>
<u>Over 10,000 sf</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>ZA</u>	<u>ZA</u>
Single Family Residential Structures:					
<u>1,000 sf or less</u>	<u>PC</u>	<u>ZA</u>	<u>ZA</u>	<u>A</u>	<u>≡</u>
<u>1,000 sf or greater</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>A</u>	<u>A</u>
<u>Accessory Dwelling Unit</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
Multi-Family Residential Structures:					
<u>Up to 8 units or 10,000 sf (or greater)</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>ZA</u>	<u>ZA</u>
<u>10,000 sf or 8 units or greater</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>ZA</u>
					<u>9.30 and 9.42</u>
DEMOLITION					
<u>Not historic structures</u>	<u>PC</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Landmark, potential historic resource</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>
					<u>9.53 and 9.72.040</u>
HISTORIC RESOURCES (HR) – Alterations:					
<u>Minor modifications, meet guidelines or 1:1 in-kind</u>	<u>PC</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Major rehab, alterations, additions, new structures</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>
					<u>9.53 and 9.72.040</u>

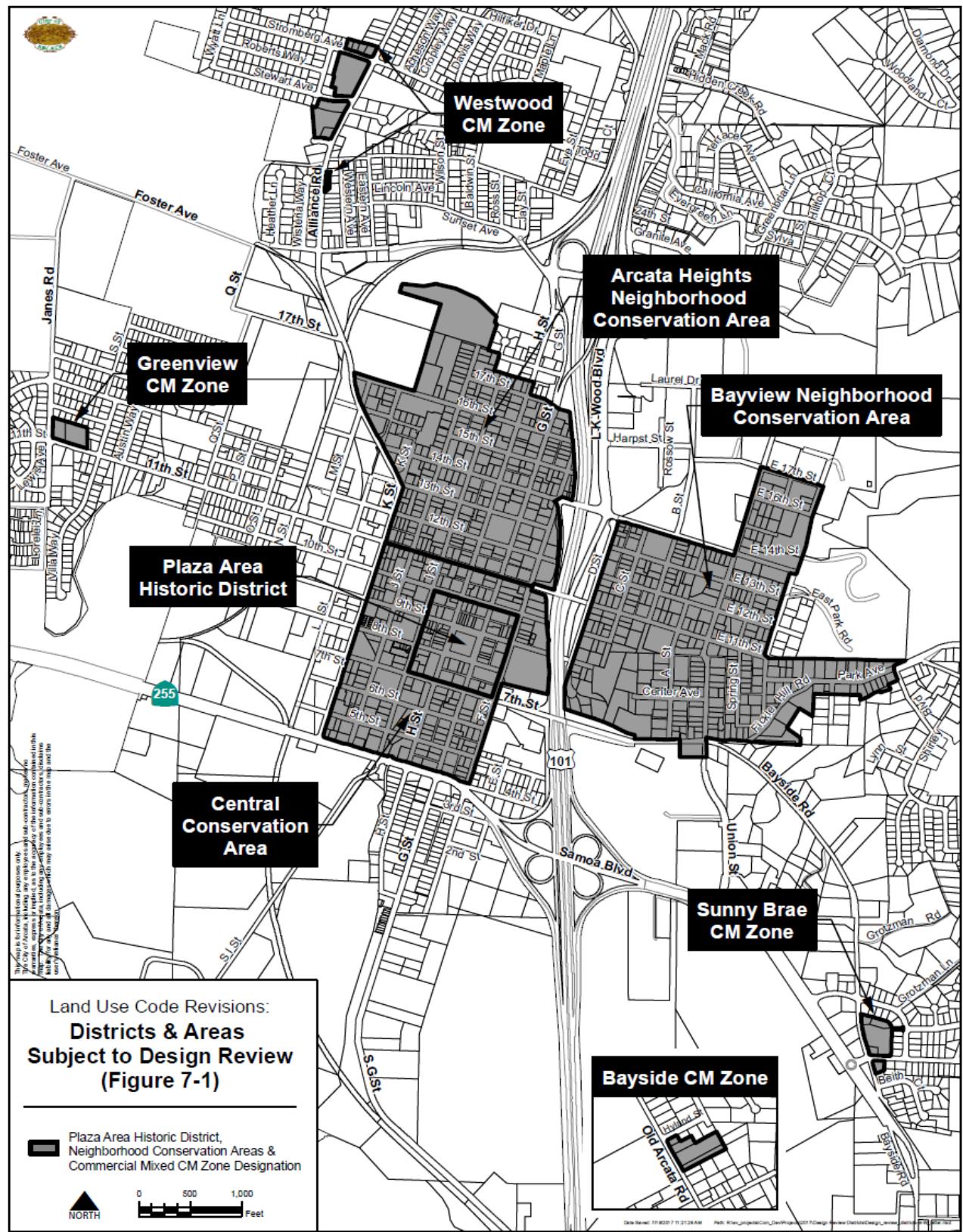
TABLE 7-2 Design Review Authority	<u>A</u> Administrative <u>ZA</u> Zoning Administrator <u>PC</u> Planning Commission — Exempt from Design Review
PROJECT CATEGORY	REVIEW REQUIRED BY SPECIFIC DISTRICT
	<u>PA</u> <u>CC</u> <u>NCA</u> <u>CM</u> <u>CW</u>

SIGNS					
<u>Minor signage</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Master Sign Plan</u>	<u>PC</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
SERVICE INFRASTRUCTURE AND SITE MODIFICATIONS					
<u>500 sf or less</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>500 sf or greater</u>	<u>PC</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Outdoor retail sales (mobile vendors)</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>

***DESIGN REVIEW DISTRICTS AS DEPICTED IN FIGURE 7-1**

<u>PA</u>	<u>Plaza Area Historic District (Arcata Plaza)</u>
<u>CC</u>	<u>Downtown Central Commercial (including Central Conservation Area)</u>
<u>NCA</u>	<u>Bayview and Arcata Heights Neighborhood Conservation Area (including Northtown and the Commercial General zone)</u>
<u>CM</u>	<u>Commercial - Mixed Use Center district (neighborhood centers)</u>
<u>CW</u>	<u>City-Wide. Outside of specific districts</u>

Figure 7-1 – Districts and Areas Subject to Design Review



D. Application filing and processing. An application for a Design Review shall be prepared, filed, and processed in compliance with Chapter 9.70 (Permit Application Filing and Processing). The application shall be accompanied by the include information identified in the Department handouts for Design Review applications.

E. Preliminary Design Review.

1. **Request for advice.** An application for Preliminary Design Review may be filed to request the advice of the ~~Historic and Design Review Planning~~ Commission or ~~their designated review authority~~ before filing an application for formal City action or permit issuance.
2. **Design Review authority discretion.** ~~The Review Authority~~ ~~The Historic and Design Review Commission~~ may choose to not provide Preliminary Design Review.
3. **Effect of review.** Preliminary Design Review is advisory only and shall not be considered as a formal approval or disapproval.

F. FindingsStandards for Design Review. ~~In addition to the purposes of this Section identified in Subsection A., above, the Review Authority~~ ~~Historic and Design Review Commission~~ shall ensure that the project complies with Section 9.72.040 (Design Review) (A) (Purpose), and is consistent with this Section and Subsection 9.28.060 (:NCA Combining zone) (D)(1) (Considerations for review within the NCA) by:

1. Providing architectural design, building height and massing, and scale ~~that is appropriate and compatible with other structures on the site and in the immediate neighborhood vicinity of the site;~~
2. Providing attractive and desirable site layout and design, ~~including, but not limited to,~~ building arrangement, exterior appearance and setbacks, ~~accessory structures~~ ~~drainage, fences and walls, grading, landscaping, outdoor lighting, and signs, etc.;~~
3. Providing efficient and safe public access, circulation, and parking;
4. Providing appropriate open space and landscaping, including the use of water efficient landscaping;
5. Showing consistency with the General Plan, Local Coastal Program, and any applicable specific plan; and
6. Complying with any applicable design guidelines or design review policies.

G. Project review and noticing. Each application for Design Review shall be reviewed by the ~~Review Authority~~ ~~HDRC~~ to ensure that the proposal complies with all applicable requirements of this Land Use Code. ~~Design Review hearings shall be noticed in accordance with Sections 9.74 (Public Hearings) and 9.78 (Environmental Impact Reports).~~ ~~Each project will be listed on an agenda that will be posted at City Hall at least 72 hours in advance of the meeting.~~ ~~Any project referred to the HDRC as a result of subsection (B)(2) or (B)(3) of this Section shall require the applicant to post a notice of a pending permit at least 72 hours in advance of the meeting, on site and along public~~

~~streets within 100 feet of the subject site's boundaries and in at least three public places in the City, in compliance with the Department's handout on public hearing requirements. Otherwise, the following projects shall be noticed in compliance with Chapter 9.74 (Public Hearings).~~

1. **Type "B" Design Review projects.** Any Design Review projects referred to the Planning Commission per subsection (C)(2) of this Section.
2. **Type "C" Design Review projects.** Any Design Review projects resulting from a request for modification of site standards as authorized by Section 9.72.080.B. (Use Permit and Minor Use Permit).
3. **Subsection (B)(6) projects.** Any project referred to Design Review per subsection (B)(6) of this Section.
4. **Director determination.** Any Design Review project determined by the Director to have potential to cause an adverse effect upon the aesthetic character of a Neighborhood Conservation Area or a building within the Period of Significance that has been determined historically significant by the City.

H. Exemptions. The following projects shall be exempt from the requirements for Design Review:

- a. Minor repairs consisting of in-kind, one-to-one replacements.
- b. New single-family structures, accessory structures associated with a single-family structure, or an addition or alteration to an existing single-family structure or associated accessory structure, except historic resources and within an NCA.
- c. Notwithstanding this Section or Section 9.42.030, Accessory Structures, a new Accessory Dwelling Unit that complies with the adopted Accessory Dwelling Unit Design Guidelines, Building and Fire Code, and setback requirements of Section 9.24, shall be ministerially approved.

The above exemptions shall not apply if the Zoning Administrator determines that the proposed construction does not meet City standards and/or may require modification to fit in with the site, existing structure, and / or neighborhood.

H. Historic and Design Review Commission action.

1. **Approval or disapproval.** For projects not subject to review by the Planning Commission or City Council, the HDRC may approve or disapprove the design as submitted, or suggest alterations, changes, or modifications as appropriate, or impose conditions, all in compliance with the standards identified in this Section, and additional standards as may be adopted and published by the HDRC from time to time.
2. **Recommendation.** For projects subject to review and approval by the Planning Commission or City Council (e.g. Planned Developments, Conditional Use Permits, and Subdivisions), the HDRC shall provide a recommendation to the decision making body. HDRC review shall be conducted prior to review by the Planning Commission or City Council. If the Planning Commission or City Council determines that significant changes have occurred to a major

~~development, the project will be referred back to the HDRC for final recommendations prior to action by the decision-making body.~~

3. ~~Deadline for Design Review authority action.~~ The HDRC shall act upon each application within two meetings or 30 days, whichever comes later, from the first consideration of the proposal, unless the applicant consents to further continuances.

I. **Conditions of aApproval.** The Historic and Design Review Authority may impose any conditions deemed reasonable and necessary to carry out the purpose of this Section. The violation of any condition so imposed shall constitute a violation of this Section and may constitute grounds for revocation.

I.J. **Post decision procedures and Appeals.** The procedures and requirements in Chapter 9.76 (Appeals), Chapter 9.79 (Permit Implementation, Time Limits, and Extensions), and those related to revocation in Article 9 (Land Use Code Administration), shall apply following the decision on an Design Review application for Design Review.

9.72.080 Use Permit and Minor Use Permit

A. **Purpose.** A Use Permit or Minor Use Permit provides a process for reviewing uses and activities that may be appropriate in the applicable zoning district, but whose effects on site and surroundings cannot be determined before being proposed for a specific site.

B. **Applicability.** A Use Permit or Minor Use Permit is required to authorize a proposed land use identified by Article 2 (Zoning Districts and Allowable Land Uses) as being allowable in the applicable zoning district subject to the approval of a Use Permit or Minor Use Permit.

Where a Minor Use Permit is required for modifications of site standards only, the Zoning Administrator shall review the project's proposed modifications and exceptions in accordance with the Review Authority, standards and process identified determine if a Type "C" Design Review permit may be processed in lieu of the Minor Use Permit. For those site standard modifications, the project will be subject to in Land Use Code Section 9.72.040(C)(3) (Design Review).

C. **Review authority.**

1. **Use Permit.** A Use Permit shall be approved or disapproved by the Planning Commission.
2. **Minor Use Permit.** A Minor Use Permit shall be approved or disapproved by the Zoning Administrator, provided that:
 - a. The Zoning Administrator may choose to defer action and refer any Minor Use Permit application to the Planning Commission for hearing and decision; and
 - b. A Minor Use Permit for modification of site standards may be issued by the Zoning Administrator for projects that require up to a Mitigated Negative Declaration environmental review, as established by Council,

~~and to meet Section 9.72.040 (Design Review), only if the proposed project is exempt from CEQA. If the proposed project is not statutorily or categorically exempt from CEQA, the application shall be referred to the Planning Commission for hearing and decision.~~

* * *

E. Project review, notice, and hearing. Each application shall be reviewed by the Zoning Administrator to ensure that the proposal complies with all applicable requirements of this Land Use Code.

* * *

2. **Minor Use Permit.** The Zoning Administrator or Planning Commission, consistent with ~~s~~Subsection (C) of this Section, shall conduct a public hearing on an application for a Minor Use Permit before reaching a decision on the application. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 9.74 (Public Hearings).

- a. **Content of public notice.** The notice shall state that the Zoning Administrator or Planning Commission, consistent with ~~s~~Subsection (C) of this Section, will conduct a public hearing to approve or disapprove the Minor Use Permit application on a date specified in the notice.
- b. **Report to the Planning Commission.** The Zoning Administrator decision on a Minor Use Permit shall be reported to the Planning Commission at the next available Planning Commission hearing within the appeal period of the decision on a Minor Use Permit.

F. Findings and decision. The review authority may approve a Use Permit or Minor Use Permit only after first finding all of the following:

1. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Land Use Code and the Municipal Code or is a nonconforming use in compliance with ~~s~~Subsection 9.90.020A.1;

* * *

Section 11. Zoning Text Amendment, Sections 9.74.020, 9.74.050, and 9.74.090. Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Section 9000, *Land Use Code*, Article 7, *Planning Permit Procedures*, Chapter 9.74, *Public Hearings*, Sections 9.74.020, *Notice of Hearing*, 9.74.050, *Scheduling of Hearing*, and 9.74.090, *Effective Date of Decision*, are hereby amended by the revisions to the text as shown in the following strike through and double underscore text (unchanged text is omitted and is shown by “* * *”):

9.74.020 Notice of Hearing

When this Land Use Code requires a public hearing before a decision on a permit, or for another matter, the public shall be provided notice of the hearing in compliance with State law (Government Code Sections 65090, 65091, 65094 and 66451.3, and Public Resources Code 21000 et seq.), and as required by this Chapter.

* * *

B. Method of notice distribution. Notice of a public hearing required by this Chapter for a planning permit, amendment, or appeal shall be given as follows, as required by State law (Government Code Sections 65090 and 65091).

1. **Mailing.** Notice shall be mailed or delivered at least 10 days before the hearing to the following:
 - a. **Site owners.** The owners of the property being considered in the application, or the owner's agent, and the applicant;
 - b. **Local agencies.** Each local agency expected to provide schools, water, or other essential facilities or services to the project, whose ability to provide the facilities and services may be significantly affected;
 - c. **Nearby property owners.** All owners of real property as shown on the latest County equalized assessment roll, within a radius of 300500 feet of the exterior boundaries of the parcel that is the subject of the hearing; and any other person whose property might, in the judgment of the Zoning Administrator, be affected by the proposed project;
 - d. ~~Projects not exempt from CEQA. For projects not exempt from CEQA, all owners of real property as shown on the latest County equalized assessment roll, within a radius of 500 feet of the exterior boundaries of the parcel that is the subject hearing;~~
 - ed. ~~Nearby residents. If the proposed development is within the Coastal Zone, e~~ **Residents** of each dwelling unit within 100 feet of the exterior boundaries of the parcel that is the subject of the hearing;
 - fe. **Persons requesting notice.** Any person who has filed a written request for notice with the Zoning Administrator and has paid the required fee for the notice; and
 - gf. **Coastal Commission.** The Coastal Commission, if the proposed development is within the Coastal Zone.
2. **Additional required notice.** If the notice is mailed as identified in Subsection B.1., above, then the notice shall also either be:
 - a. **Published.** Published at least once in a local newspaper of general circulation within the City at least 10 days before the hearing; or
 - b. **Posted.** Posted by the applicant, at least 10 days before the hearing, on site and along public streets within 100 feet of the subject site's boundaries and in at least ~~three~~two other public places in the City, in compliance with the Department's handout on public hearing requirements.

* * *

9.74.050 Scheduling of Hearing

After the completion of any environmental documents required by the California Environmental Quality Act (CEQA) and Chapter 9.78 (Environmental Impact Assessment) and a Department

staff report, a matter requiring a public hearing shall be scheduled on the next available Zoning Administrator, ~~Historic and Design Review Commission~~, Planning Commission, or Council agenda (as applicable) reserved for public hearings, but no sooner than any minimum time period established by State law.

9.74.090 Effective Date of Decision

A decision of the Zoning Administrator, ~~Historic and Design Review Commission~~, or Planning Commission in compliance with Chapter 9.72 (Permit Approval or Disapproval) is final and effective on the 11th day following the decision unless an appeal is filed in compliance with Chapter 9.76 (Appeals).

Section 12. Zoning Text Amendment, Sections 9.76.010, 9.76.020 and 9.76.040. Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Section 9000, *Land Use Code*, Article 7, *Planning Permit Procedures*, Chapter 9.76, *Appeals*, Sections 9.76.010, *Purpose of Chapter*, 9.76.020, *Appeal Subjects and Jurisdiction*, and 9.76.030, *Filing and Processing of Appeals*, are hereby amended as shown in the following strike through and double underscore text (unchanged text is omitted and is shown by “* * *”):

9.76.010 Purpose of Chapter

This Chapter establishes procedures for the appeal and review of determinations and decisions of the Flood Plain Administrator, Director, Zoning Administrator, ~~Historic and Design Review Commission~~, or Planning Commission.

9.76.020 Appeal Subjects and Jurisdiction

* * *

B. Planning permit and hearing decisions.

1. **Director.** A determination, interpretation, or decision of the Director under the provisions of this Land Use Code may be appealed to the Planning Commission.
2. **Flood Plain Administrator.** A determination, interpretation, or decision by the Flood Plain Administrator in compliance with Title VIII, Chapter 4, may be appealed to the Planning Commission.
3. **Zoning Administrator.** A determination, interpretation, or decision by the Zoning Administrator may be appealed to the Planning Commission.
4. ~~Historic and Design Review Commission. A decision of the Historic and Design Review Commission may be appealed to the Planning Commission and/or Council per Table 7.1 (Review Authority).~~
54. **Planning Commission.** A decision of the Planning Commission may be appealed to the Council.

9.76.030 Filing and Processing of Appeals

A. **Eligibility.** Appeals to and reviews of decisions made in compliance with this Land Use Code may be initiated by the following individuals and bodies.

1. **Aggrieved persons.** An appeal may be filed by an aggrieved person, as defined in ~~Section 7.69.040.A~~, except that in the case of a decision on a Minor Use Permit, Use Permit, Variance, and/or other Planning Commission decision that followed a public hearing. An appeal may only be filed by an aggrieved person who, in person or through a representative, appeared at the public hearing in connection with the decision being appealed, or who otherwise informed the City in writing of the nature of their concerns before the hearing.
2. **Commission review.** The Planning Commission may choose to review a determination by the Director or Flood Plain Administrator, or a decision by the Zoning Administrator or ~~Historic and Design Review Commission~~.

 - a. A member of the Planning Commission may request the opportunity to discuss any decision previously rendered; however, a majority vote of the Planning Commission is required to initiate an appeal of the decision.
 - b. Upon a majority vote by the Planning Commission to initiate an appeal, the Director shall schedule the matter for hearing.

3. **Council review.** The Council may choose to review a determination by the Director or Flood Plain Administrator, or a decision by the Zoning Administrator, ~~Historic and Design Review Commission~~, or the Planning Commission.

* * *

Section 13. Zoning Text Amendment, Section 9.90.050. Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Section 9000, *Land Use Code*, Article 9, *Land Use Code Administration*, Chapter 9.90, *Nonconforming Uses, Structures, and Parcels*, Section 9.90.050, *Exemptions*, is hereby amended as shown in the following strike through and double underscore text (unchanged text is omitted and is shown by “* * *”):

9.90.050 Exemptions

A. **Historic structure.** A nonconforming structure of historical significance may be altered or enlarged without increasing the degree of nonconformity with the approval of the ~~Planning Commission~~Historic and Design Review Commission (PCHDRC). A nonconforming structure of historical significance may be altered or enlarged without conforming to current setback provisions with Planned Development Permit approval granted by the Planning Commission in compliance Section 9.72.070 with a recommendation from the ~~Historic Landmarks Committee~~HDRC; provided that the historic structure is:

* * *

Section 14. Zoning Text Amendment, Section 9.96.070. Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Section 9000, *Land Use Code*, Article 9,

Land Use Code Administration, Chapter 9.96, Enforcement and Penalties, Section 9.96.070, Permit Revocation or Modification, is hereby amended as shown in the following strike through and double underscore text (unchanged text is omitted and is shown by “ * *”):*

9.96.070 Permit Revocation or Modification

* * *

E. Review authority action.

1. **Permits.** A land use permit or approval may be revoked or modified by the ~~Review Authority~~ (e.g., Zoning Administrator, ~~Historic and Design Review Authority~~, Planning Commission, or Council) that originally approved the permit, if the review authority first makes any one of the following findings:

* * *

Section 15. Zoning Text Amendment, Section 9.100. Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Section 9000, *Land Use Code*, Article 10, *Land Use Code Administration*, Chapter 9.100, *Glossary*, is hereby amended as shown in the following strike through and double underscore text (unchanged text is omitted and is shown by “* * *”):

9.100.020 Definitions of Specialized Terms and Phrases

* * *

Accessory Dwelling Unit. An attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes an efficiency unit, as defined in Section 17958.1 of Health and Safety Code and a manufactured home, as defined in Section 18007 of the Health and Safety Code. See also, Residential Accessory Use or Structure and Second Unit.

* * *

Second Unit. A second permanent dwelling that is accessory to a primary dwelling on the same site. A second unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation, and parking, and, if attached to the primary dwelling, is provided access separate from the primary dwelling. See Accessory Dwelling Unit

* * *

Service Infrastructure. Small structures and infrastructure incidental to the primary structures on a site, which include, but are not limited to, mechanical equipment, solid waste and recycling enclosures, fencing, walls and gates, outdoor storage, and lighting. Service infrastructure also includes site structures, including but not limited to paving and surfacing, parking, loading, Americans with Disabilities Act site improvements, landscaping, and Low Impact Development features.

* * *

Section 16. Findings of Approval. Based upon the whole record, information received in public hearings, comments from responsible agencies, and the Arcata Planning Commission recommendation PC-17-04, dated June 13, 2017, the following findings are hereby adopted:

1. The proposed amendments are consistent with the General Plan in accordance with California Government Code, Section 65860; and
3. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and

Section 17. California Environmental Quality Act (CEQA) Determination. This Ordinance is subject to the California Environmental Quality Act (CEQA) Guidelines §15061(b)(3) general rule and will not have a significant effect on the environment. The amendment changes the review authority for various design review permits, which ultimately govern the scale, mass, bulking, arrangement, and design of structures consistent with the City's adopted Design Element of the General Plan. The change in review authority for certain permits does not change the level of environmental impact associated with this permit review. Under both current and new regulation, each individual permit is required to evaluate project level environmental impact. Therefore, the amendment does not have the potential to effect the environment.

Section 18. 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 19. 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 20. Effective Date. This ordinance shall take effect 30 days after adoption.

DATED: February 6, 2019

ATTEST:

/s/ Bridget Dory
City Clerk, City of Arcata

APPROVED:

/s/ Brett Watson
Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1513, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 6th day of February, 2019, by the following vote:

AYES: WINKLER, PEREIRA, PITINO

NOES: WATSON, ORNELAS

ABSENT: NONE

ABSTENTIONS: NONE

/s/ Bridget Dory
City Clerk, City of Arcata