

ORDINANCE NO. 1528

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA DESIGNATING THE CHAPMAN HOUSE A HISTORIC LANDMARK

WHEREAS, the City of Arcata desires to promote preservation of structures and sites that are representative of the various periods of the City's social and physical development, encourage owners of eligible structures to seek landmark designation, and promote interest in and appreciation of the value of Arcata's history and its heritage of historic buildings as identified in the General Plan Historic Preservation Element; and

WHEREAS, the Chapman House is on the National Historic Register, has been identified in the several historic reports as an important example of both architecture and persons associated with Arcata's history, and has been significantly restored by the current owner; and

WHEREAS, the Arcata Planning Commission recommended designating the Chapman House, located at 974 10th Street (APN 021-143-015) a local historic landmark, and allowing several incentives;

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

SECTION 1. Amendment of the Zoning Map

Section 9.12.020, Zoning Map and Zoning Districts, of Chapter 9.12 of the Arcata Land Use Code, Title IX of the Arcata Municipal Code, said section being the Zoning Map, is hereby amended as follows:

The property identified as the Project Area on Exhibit 1, attached hereto and incorporated herein, is hereby rezoned from Residential Low Density with Neighborhood Conservation Area (RL:NCA) to Residential Low Density with Neighborhood Conservation Area, and Historic Landmark Combining Zones (RL:NCA:HL).

SECTION 2. Historic Designation

Pursuant to Land Use Code Section 9.53.040, Historical Resources Eligibility, Listing, and Management, the Chapman House located at 974 10th Street (APN 021-143-015) is hereby a City of Arcata Historic Landmark with characteristics of the historical resource that justify the designation, features to be preserved and conditions to be met as described in Exhibit 2.

Pursuant to Land Use Code Section 9.53.070, Rehabilitation Incentives, the property receives the incentives for preservation and rehabilitation described in Exhibit 3. Conditions of Approval pursuant to Exhibit 3 apply.

SECTION 3. Findings of Approval

Based upon the whole record, information received in public hearings and the Arcata Planning Commission Resolution PC-19-09 recommending approval, the following findings are hereby adopted.

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

- a. *The proposed amendment is consistent with the General Plan in accordance with the California Government Code, Section 65860.*

Policy H-1b of the Arcata General Plan includes the criteria for local Historic Landmark designations. This Policy was adopted city-wide to address the designation of historic resources. Criteria for listing include the structure being particularly representative of a distinct architectural period, type, style, or way of life; being connected with a person or event important to local history; and containing original materials or workmanship of high or unusual value. The Chapman House has already been listed on the National Register of Historic Places, and was determined to be eligible for listing due to its association with a locally significant person (John Grinnel Chapman) and its locally significant example of Italianate residential architecture. The request to designate the Chapman House as a local historic landmark was reviewed by the Historic Landmarks Committee and the Planning Commission and was determined to be consistent with the General Plan's criteria for listing.

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

Protection of the public health, safety, and welfare is interpreted to include prevention of destruction or disuse of structures of special historic, architectural, or aesthetic interest or value. The Chapman House is a structure of special character and is representative of a particular era in Arcata's past; the :HL combining zone will discourage decay and disuse, and promote the economic utilization of the structure which is in the public interest.

- c. *The affected site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designation and proposed or anticipated uses and/or development.*

The site is physically suitable for the proposed uses as a vacation rental/residence, as it has been used for residential purposes for many years, is located adjacent to the City's commercial center, and will ensure the ongoing maintenance of the historic resource remains financially viable for years to come. Uses permitted for future adaptive reuse as part of this approval are limited to common uses present in the adjacent central commercial zone, which will ensure compatibility with surrounding uses. The site is currently served by utilities. The site maintenance plan required for all principally permitted adaptive reuse at the site will ensure future proposed uses will be physically appropriate for the site and existing utilities will be adequate to serve the proposed use. The use permit required for all conditionally permitted adaptive reuse at the site will also ensure future proposed uses will be physically appropriate for the site and existing utilities will be adequate to serve the proposed use.

2. Findings required for all Historic Incentives:

- a. *Each granted incentive compensates the property owner for the rehabilitation project.*

Requested incentives include: a Mills Act Agreement; expansion of allowed uses including commercial/office use types; and waivers of eligible planning/building permit fees related to rehabilitation of the property's character-defining features. Each requested incentive will offset the costs of rehabilitating the structure, at different times in the future of operating and maintaining the site.

b. Approved incentives will not impair the aesthetic, architectural, or historic integrity of the resource.

Requested incentives include: a Mills Act Agreement; expansion of allowed uses including commercial/office use types; and waivers of eligible planning/building permit fees related to rehabilitation of the property's character-defining features. As the majority of the rehabilitation work at the site has been undertaken in the last two years, it is clear based on submitted site photos and supporting information that the requested Mills Act agreement and fee waivers will not impair the aesthetic, architectural, or historic integrity of the resource. The expansion of allowed uses at the site will be required to adhere to the adaptive use requirements included in §9.53.070 D.2.b of the Land Use Code, in particular provisions requiring future uses will ensure the continued maintenance of the resource and will not significantly impact the exterior architectural character of the existing or adjoining properties as conditioned. Waiving parking requirements at the site will ensure the site is not altered to make room for parking to serve future uses, which may impact the character of the site.

c. Incentives will not be detrimental to the public health, safety, or general welfare.

As the majority of the rehabilitation work at the site has been undertaken in the last two years, it is clear based on current site conditions that the requested Mills Act agreement and fee waivers will not affect public health, safety, or welfare. All future allowed use types will be subject to review by the Community Development Director to ensure a less than significant impact to the resource and the immediate surroundings as conditioned. Waiving parking requirements will not directly impact the health, safety, or welfare of the public, and will mirror parking and circulation patterns of the adjacent central commercial zone district.

SECTION 4. Environmental Review

The Council hereby determines that the project qualifies for a Categorical Exemption from the California Environmental Quality Act (CEQA) per Sections 15301 and 15331 of the CEQA Guidelines. Section 15331 exempts “*the operation, maintenance, permitting, or minor alteration of existing structures, involving negligible or no expansion of existing or former use*”. Section 15331 exempts, “*projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring and Reconstructing Historic Buildings.*”

SECTION 5. Severability

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

SECTION 6. 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 7. Effective Date

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

DATED: February 19, 2020

ATTEST:

APPROVED:

/s/ Bridget Dory
City Clerk, City of Arcata

/s/ Michael Winkler
Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1528, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 19th day of February, 2020, by the following vote:

AYES: WINKLER, PITINO, ORNELAS, WATSON

NOES: NONE

ABSENT: PEREIRA

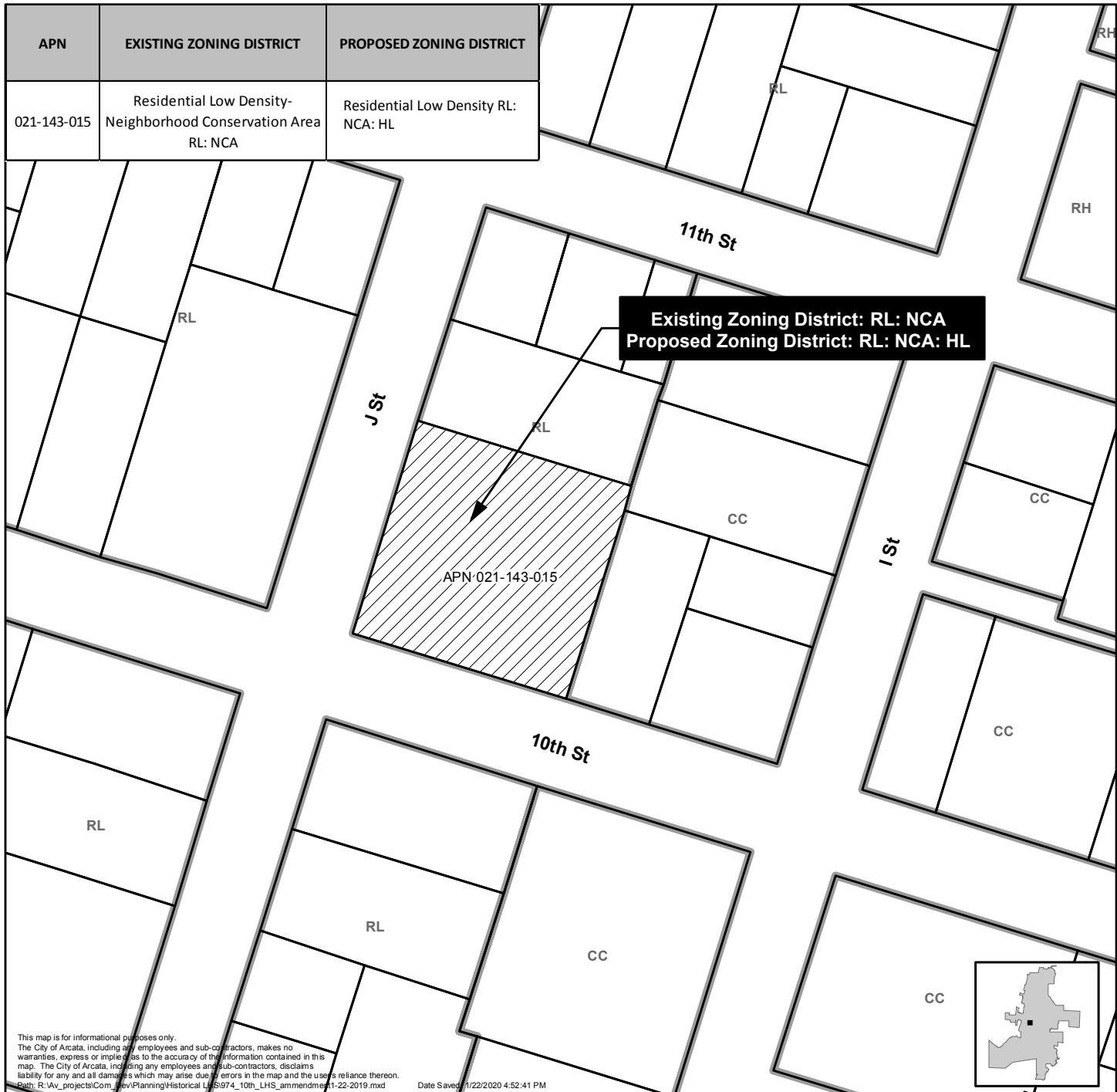
ABSTENTIONS: NONE

/s/ Bridget Dory
City Clerk, City of Arcata



City of Arcata

A ZONING CODE MAP AMENDMENT TO ADD THE HISTORIC LANDMARK [:HL] COMBINING ZONE TO ASSESSOR'S PARCEL NUMBER [APN] 021-143-015

**Legend**

Proposed Zoning Designation Change
 Existing Zoning Designation

City of Arcata Parcel



0 25 50 Feet

EXHIBIT 2

CHAPMAN HOUSE CHARACTERISTICS THAT JUSTIFY HISTORIC LANDMARK

DESIGNATION. The following significance criteria per Land Use Code Section 9.53.040.B.1, pertain to the Historic Landmark Designation of the Chapman House at 974 10th Street:

1. The building is representative of a distinct architectural period, type, style or way of life.
2. The building is at least 50 years old.
3. The building's style, construction method, materials, or finishes are unusual or significant.
4. The building, site, or area is connected with a person important to local history.

CHAPMAN HOUSE FEATURES TO BE PRESERVED. The Historic Landmark Combining

Zone shall be applied to the "Chapman House" at 974 10th Street, Arcata at AP# 021-143-015, with the existing and re-constructed exterior features to be preserved as follows:

1. V-Rustic Siding
2. Decorative frieze and brackets
3. Widow's (captain's) walk balustrade
4. Portico roof balustrade
5. Two chimney tops
6. Wood sash windows
7. Decorative window hood molds
8. Decorative wooden moldings
9. Transom windows above portico entry and interior upstairs doors
10. Boxed portico columns

CONDITIONS OF APPROVAL

1. **DESIGN REVIEW APPROVAL.** Planning Commission approval will be required for changes proposed to the exterior of the structure, or for any development proposed on the parcel as required by §9.72.040 of the Land Use Code. The Historic Landmarks Committee (HLC) may also be asked to review proposed site modifications at the discretion of the Planning Commission and staff.
2. **REQUIREMENTS RELATED TO FUTURE ADAPTIVE REUSE.** The applicant's requested use types are hereby granted for future occupancy of the site. All future changes in use at the site that take advantage of the expanded uses listed below shall adhere to the requirements of §9.53.070 D.2.b of the Arcata Land Use Code (Adaptive Reuse of Historic Resources). Prior to operation, the business and property owners shall submit a site maintenance plan and a written statement finding the proposed use will not significantly impact the exterior character of the existing or neighboring properties, or be detrimental to the public health, safety, or welfare. The maintenance plan and statement of non-significant impact shall be submitted to the Community Development Director and must be deemed sufficient prior to issuance of a business license and/or certificate of occupancy for the proposed business.
 - a. Authorized principally permitted uses at the site (in addition to those principally permitted in the Residential-Low Density Zone) as a result of this project are limited to the following uses types. The following use types, if operated on site, will not be required to provide parking on site.

1. Vacation Rental
2. Office-Accessory, Business/Service, Government, Processing, Professional
3. Medical Service – Doctor Office
4. General Retail-less than 20,000 sf
5. Library, Museum, Gallery
6. Personal Services (non-restricted)
7. Residential Care Facility (6 or fewer clients)
8. Multifamily Housing
9. Other similar and compatible uses as determined by the Community Development Director.

b. Authorized conditionally permitted uses at the site (in addition to those principally permitted in the Residential-Low Density Zone) as a result of this project are limited to the following. Applicable use permit fees will apply. The following use types, if operated on site, will not be required to provide parking on site.

1. Bar, Tavern, Pub
2. Restaurant, Café, Coffee shop

3. **DISCOVERY OF PREHISTORIC OR ARCHAEOLOGICAL RESOURCES.** Should concentrations of archaeological or paleontological materials be encountered during construction or grading operations, all ground-disturbing work shall be temporarily halted on the site and the Community Development Department contacted. Work near the archaeological finds shall not be resumed until a qualified archaeologist has evaluated the materials and offered recommendations for further action. Prehistoric materials which could be encountered include: obsidian or chert flakes or tools, locally darkened midden, groundstone artifacts, depositions of shell, dietary bone, and human burials. Should human remains be uncovered, State law requires excavation is halted in the immediate area and that the County Coroner be contacted immediately. Should the Coroner determine that the remains are likely those of a Native American, the California Native American Heritage Commission must be contacted within 24 hours of identification. The Heritage Commission consults with the most likely Native American descendants to determine the appropriate treatment of the remains.

It is known that the site may contain a privy and/or other waste disposal sites on or off-site which could contain significant resources associated with early settlement. If located, all ground-disturbing work shall be temporarily halted on the site and the Community Development Department contacted.

EXHIBIT 3

INCENTIVES: To promote continued rehabilitation and maintenance of the Chapman House in the City of Arcata, the following incentives shall apply to the site:

- Mills Act designation.
- Fee waiver for planning and building permits related to staff cost-recovery not to exceed \$8,000. Waived fees will exclude pass through, capital expense, and direct expense fees.
- Future adaptive reuse, limited to the following requested use types:

Principally permitted:

1. Vacation Rental
2. Office-Accessory, Business/Service, Government, Processing, Professional
3. Medical Service – Doctor Office
4. General Retail-less than 20,000 sf
5. Library, Museum, Gallery
6. Personal Services (non-restricted)
7. Residential Care Facility (6 or fewer clients)
8. Multifamily Housing
9. Other similar and compatible uses as determined by the Community Development Director.

Conditionally permitted:

1. Bar, Tavern, Pub
2. Restaurant, Café, Coffee shop