

CITY OF ARCATA
ACTION OF THE PLANNING COMMISSION

ACTION: Following a public hearing conducted on March 28, 2017, the Planning Commission approved the Design Review Permit for an industrial building and associated site improvements at 5550 West End Road, APN 507-251-020, with the attached Findings and Conditions of Approval.

Project: The applicant proposes to construct a two-story, ±24,413 sf building that will create 10 units for office/industrial use and associated site improvements on the 4.6-acre industrial property. Project improvements include parking, signage, landscaping, Low Impact Development features, outdoor lighting, and solid waste and recycling. The project is the third development phase on the property, which is zoned Industrial Limited and located in Area 1 of the Medical Marijuana Innovation Zone (IL:MMIZ). The property is subject to moderate liquefaction potential.

Application Type: Design Review Permit

Location: 5550 West End Road, Assessor's Parcel Number 507-251-020

Property Owner / Applicant: Axel Properties

File Number: 167-025-DR

Zoning: Industrial Limited with a MMIZ Combining Zone (IL:MMIZ)

General Plan: Industrial - Limited (I-L)

Coastal Status: Not in the Coastal Zone

Environmental: A California Environmental Quality Act (CEQA) categorical exemption was adopted for the project, per §15332 In-Fill Development, Class 32.

Permit Expiration and Activation. This permit shall expire within 24 months from the date of its approval unless said permit is activated. This permit may be extended only as permitted by Arcata Land Use Code (LUC) §9.79.070 Permit Time Limits, Extensions and Expiration, or its equivalent.

Appeals. The actions described herein may be appealed as outlined in Arcata's Land Use Code. Appeals shall be filed with the City Clerk within ten (10) working days following the date of this Action. Appeals shall be submitted on the prescribed form, state the reasons for the appeal, and include the filing fee set by the City Council. Appeal period ends at 5:00 pm on April 11, 2017.

Effective Date: This permit becomes effective on the next working day after the appeal period.

Date of Action: March 28, 2017

ATTEST:


David Loya,
Community Development Director

**FINDINGS AND CONDITIONS OF APPROVAL
OF THE PLANNING COMMISSION**

File Number: 167-025-DR

Axel Properties; Assessor's Parcel Number 507-251-020; 5550 West End Road

Approved March 28, 2017

I. FINDINGS.

The Planning Commission finds that the Phase 3 infill project is compatible with the industrial property, West End Road neighborhood, and will be consistent with previously approved phases. The project meets Arcata General Plan policies and applicable Land Use Code development and Design Review purpose and standards, as the architectural design, arrangement, height, mass, and scale of the infill building is appropriate and harmonious with the site, and will provide safe and efficient site layout, parking, circulation, and access. The project will upgrade the property with an attractive and functional site layout, building design, landscaping, signage, lighting, drainage and service infrastructure.

The Commission finds the project exempt from environmental review based on the California Environmental Quality Act (CEQA) categorical exemptions, pursuant to Section 15332 Class 32 In-Fill Development Projects. The project meets the CEQA Section 15332 Class 32 In-Fill Development Projects exemption based on the following:

- (a) The project is consistent with the applicable General Plan designation and all policies as well as with applicable zoning designation and regulations.*

The project proposes to develop a two-story, infill industrial building and associated site improvements on a currently underutilized industrial property that is zoned and planned for future industrial uses. The project building and site improvements, which include parking, landscaping, and Low Impact Development design, will improve the use, function, circulation, and visual appearance of the industrial property, in accordance with City General Plan policies and Industrial Limited zone and applicable development standards.

- (b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses.*

The infill project is located on a 4.6-acre industrial property that is located within Arcata's city limits. The property is located in the developed West End Road industrial area and is surrounded by industrial zoned properties and uses.

- (c) The project site has no value as habitat for endangered, rare or threatened species.*

The project site has long been used for industrial purposes, primarily truck parking, and is not located in a sensitive or unique habitat area. An existing stormwater facility, located in the southern portion of the parcel and constructed the 1990s, was designed to treat and maintain the property's stormwater onsite. This detention basin is not a designated wetland.

- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*

The project meets City standards for required parking and access, and will provide safe and efficient circulation. Development of the 24,413 sf building will generate an increase in vehicle trips from new tenant businesses, however, levels of traffic are expected to be consistent with that anticipated for future buildout, and with nearby industrial uses. The building will meet state building codes for sound attenuation and noise levels will be consistent with other light industrial activities on-site and in the surrounding industrial neighborhood. Zoning Clearance and Commercial Cannabis Activity Permit review will require ventilation/air filter systems for tenant businesses to meet air quality standards. The project is conditioned on providing stormwater management and LID measures to meet state stormwater and City requirements for drainage, stormwater runoff, and water quality.

(e) The site can be adequately served by all required utilities and public services.

The project is proposed on a developed industrial parcel that is located within city limits and surrounded by urban land uses. The parcel is served by power, telecommunications, and City water and sewer. The property has road access to West End Road, and access to nearby public bus transit.

Arcata Land Use Code §9.38.030.E Sign Permit and Master Sign Plan Findings:

The Commission finds that Phase 3 project signage will meet Land Use Code Chapter 9.38 general and specific sign standards and design criteria in terms of sign design, type, height, location, construction, and materials for the multi-tenant building. Project signage is similar to and consistent with the design theme, sign areas and locations shown for the Master Sign Plan approved for Phases 1 and 2 on the subject property.

II. CONDITIONS OF APPROVAL

A. AUTHORIZED DEVELOPMENT: Approval is granted for:

Phase 3 development consisting of a two story, industrial building and associated site improvements at 5550 West End Road, APN 507-251-020, based on plans dated November 1, 2016, and additional plans and materials received February 6, 2017, and approved by the Planning Commission on March 28, 2017. This authorized development is conditioned as follows.

The property owner/applicant is responsible for having read and understood these Conditions of Approval and shall have these Conditions attached to all building permit and construction contracts associated with the authorized development.

B. PROJECT SPECIFIC CONDITIONS: Property owner/applicant shall obtain Building and other required permits prior to commencing construction activities. Applicant shall comply with permit requirements of the City of Arcata's departments including Engineering, Environmental Services, Community Development, and with the Arcata Fire District, as applicable.

BUILDING.

1. **Building requirements.** The Building Official shall review and approve mechanical, electrical, and structural engineering, ADA-accessible, and other project requirements to meet state and City standards. The Building Official shall determine if the project requires an R1 Report for moderate liquefaction potential identified for the property, per Arcata Land Use Code (LUC) §9.62.020 Table 6-1, Geologic Hazard Land Use Matrix.

COMMUNITY DEVELOPMENT.

2. **Project Modifications.** Deviations from approved Design Review Permit plans may be approved by the Directors of the Community Development and Engineering Departments, and as approved by the Planning Commission on March 28, 2017. Project modifications may include changes in site layout, parking lot surfacing, and landscaping associated with a reduction in parking allowed under Arcata LUC §9.36.040.B multi-tenant parking standards, to reduce impervious paved area to meet state MS4 stormwater requirements.
3. **Discovery of Prehistoric or Archaeological Resources.** If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist, as well as the Tribal Historic Preservation Officers for the Bear River Band Rohnerville Rancheria, Blue Lake Rancheria, and Wiyot Tribe are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to California Public Resource Code (PRC) 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

ENGINEERING.

4. **Engineering requirements.** The City Engineer shall review and approve plans for compliance with state and local stormwater regulations; ADA-accessibility; sewer and water fixtures; and if an Encroachment Permit is required for the project.
5. **Drainage and Stormwater.** Applicant shall submit a drainage plan that meets state MS4 stormwater permit and City requirements, including stormwater controls, calculations, and Low Impact Development features, for review and approval by the City Engineer and Environmental Services Director. The project shall maintain stormwater on-site and treatment to the existing detention basin. Approved project improvements shall not impact easements, including the Humboldt Bay Municipal Water District's easement (see December 6, 2016, letter).

6. **Sewer and Water Infrastructure.** Approved project will require additional sewer and water connections to the City of Arcata's water and sewer line. Applicant shall provide new, expanded connections to the existing manhole located at the south-west corner of the property into the City approved location, as required by the City Engineer. The City will provide a sewer service connection point at the property line, per the City Engineer.

ENVIRONMENTAL SERVICES

7. **Wastewater.** Approved plans for the project shall comply with City pretreatment requirements, including food/grease interceptor systems, and be reviewed and approved by the Environmental Services Department.
8. **Waste Diversion.** The applicant shall submit a construction waste disposal and diversion plan for the project for review and approval by the City's Environmental Services Department. Solid waste and recycling required for the project shall be reviewed and approved by the Environmental Services Department.

C. GENERAL PERMIT CONDITIONS:

1. **Community Development Fees.** The applicant shall pay outstanding Community Development Department fees pursuant to City Council Fee Resolution No. 089-02 and 078-89. Full payment shall be required prior to issuance of any Building Permit associated with the Design Review Application.
2. **Final Inspection.** The Community Development Department must determine that your project has been constructed according to the approved plans prior to the Final Building Inspection. Landscaping and parking, if applicable, must be complete or bonded for prior to receiving the final inspection.
3. **Minor Modifications.** Minor deviations from approved plans may be approved by the Director of the Community Development Department.
4. **Landscaping:**
 - a. Any area left disturbed at the completion of the project may be subject to landscaping requirements including Planning Commission review of the necessary landscaping. This is true, even in areas of the site where landscaping was not initially required.
 - b. If all required landscaping improvements are not completed before approval of a Certificate of Occupancy for the project, depositing a financial security based on \$1.30 per square foot of landscaped area.
 - c. All required landscaping improvements shall be completed within 6 months of approval of a Certificate of Occupancy for this project or the performance bond will be forfeited.

5. **Construction Hours.** The General Plan *Noise Element* Policy N-5d, limits the operation of tools or equipment used in construction, drilling, repair, alteration or demolition to the hours between 8 a.m. and 7 p.m. Monday through Friday, and between 9 a.m. and 7 p.m. on Saturdays. No heavy equipment related construction activities shall be allowed on Sundays or holidays.
6. **Dust Control during Construction:**
 - a. Water all active construction areas twice per day and use erosion control measures to prevent water runoff containing silt and debris from entering the storm drain system.
 - b. Cover trucks hauling soil, sand, and other loose material.
 - c. Pave, water, or apply non-toxic soil stabilizers on unpaved access roads and parking areas.
 - d. Sweep paved access roads and parking areas daily.
 - e. Sweep streets daily if visible material is carried onto adjacent public streets.
7. **Expiration and Activation of Permit.** This permit shall expire within 24 months from the date of its approval unless said permit is activated. “Activated” shall mean when grading/soil disturbing or construction activities authorized by this permit have commenced. This permit may not be extended except as permitted by Arcata Land Use Code (LUC) §9.79.070 Permit Time Limits, Extensions and Expiration, or its equivalent.
8. **APPEALS.** The actions described herein may be appealed per the provisions of Arcata Land Use Code (LUC) Chapter 9.76 Appeals. Appeals shall be filed with the Department or City Clerk, as applicable, within ten (10) business days following the date of the PC action that is being appealed per LUC §9.76.030. Appeals shall be submitted on the prescribed form and shall state the reasons for the appeal. The filing fee set by the City Council shall accompany appeals. The appeal period ends 5:00 pm on April 11, 2017.

EFFECTIVE DATE OF THIS ACTION: This permit becomes effective on the next working day after the appeal period.