

PLANNING COMMISSION RESOLUTION NO. PC - 20-01

A RESOLUTION OF THE CITY OF ARCATA PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL APPROVE THE ARCATA COMMUNITY HEALTH CENTER PROJECT

WHEREAS, the Open Door Community Health Centers originated in the City of Arcata and has provided affordable health care to our rural community; and

WHEREAS, the Open Door Community Health Centers proposes to create a new health care clinic to consolidate two aging and overcrowded facilities currently located in the City of Arcata; and

WHEREAS, the Open Door Community Health Centers submitted a complete application for the development of the Arcata Community Health Center, which requires a Planned Development Permit and Design Review Permit; and

WHEREAS, the City of Arcata obtained a portion of the subject property for the Foster Avenue extension; and

WHEREAS, the City may vacate two unused portions of Sunset Avenue rights of way that are no longer necessary for transportation purposes. The City intends to vacate and relinquish these two areas to Open Door Community Health Centers; and

WHEREAS, the Planning Commission at their January 28, 2020, public hearing received testimony supporting General Plan consistency with the disposition of two unused portions of Sunset Avenue, and

WHEREAS, Open Door Community Health Centers will provide accessible connectivity to local and regional trails; and

WHEREAS, Open Door Community Health Centers will enhance the wetland and riparian areas of Jolly Giant Creek within Shay Park; and

WHEREAS, the City of Arcata does not have a transportation impact fee program, thus must utilize a Development Agreement to collect transportation impact fees from developers identified in the Central Arcata Areawide Traffic Study; and

WHEREAS, Open Door Community Health Centers will contribute transportation impact fees as part of their fair share for future transportation improvements that benefit the community, and

WHEREAS, a Notice of Preparation was prepared pursuant to the California Environmental Quality Act Guidelines (CCR §15082); and

WHEREAS, a Draft Environmental Impact Report (EIR) has been prepared and circulated for 45 days to the State Clearinghouse (SCH #2019080313) and the City held three hearings on the Draft EIR where the public was provided an opportunity to provide comment on the potential environmental impacts of the project; and

WHEREAS, substantive comments to the EIR, regardless of submission date, have been considered, addressed, and either incorporated in the Final EIR or considered in the context of the project approval; and

WHEREAS, at its February 11, 2020, regular meeting, upon hearing and considering all testimony and facts concerning the Final EIR and reviewing the findings established in Guidelines §15091, the Planning Commission found that the project may have a significant impact upon transportation; and

WHEREAS, the Planning Commission found that the mitigation for transportation impacts could not be timely implemented and it would result in interim unavoidable and unmitigated impacts. Despite the interim impact, the EIR includes mitigation to pay a fair share of the improvements necessary to reduce the transportation impacts; and

WHEREAS, the Planning Commission considered the proposed project as well as alternatives as outlined in the Final EIR; and

WHEREAS, at its February 11, 2020, regular meeting, the Planning Commission, upon hearing and considering all testimony and facts on the matter, found that the proposed project, as conditioned and mitigated, balances the community need for rural health care facilities and the design, circulation, and aesthetic impacts of the development; and

WHEREAS, the applicant and the City desire to enter into a Development Agreement pursuant to California Government Code §65864-65869.5 and Arcata Land Use Code §9.72.110 for the purpose of ensuring the development of the public amenities, including development of transportation improvements, wetland mitigation, and the payment of transportation impact fees as outlined in the Development Agreement.

WHEREAS, the Planning Commission considered the discussion points listed in the term sheet (Exhibit 3) for inclusion in the Development Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends that the City Council:

1. Certify that the Arcata Community Health Center Final Environmental Impact Report dated February 7, 2020, SCH #2019080313, incorporated herein by reference:
 - a. Has been completed in compliance with the California Environmental Quality Act (CEQA) and Chapter 9.78 (Environmental Impact Assessment) of the Land Use Code;
 - b. Was reviewed and considered by the Planning Commission prior to recommending approval of the project; and
 - c. Reflects the City's independent judgement and analysis.
2. Adopt the Arcata Community Health Center CEQA Findings of Fact and Statement of Overriding Considerations dated February 7, 2020, incorporated herein by reference:
 - a. Making the Findings of Fact pursuant to Public Resources Code §21081 and State CEQA Guidelines §15091 and the Land Use Code §9.78.170 in the project's Statement of Overriding Considerations; and
 - b. Making the finding that the social and economic benefits of providing affordable, rural health care facility, outweigh the possibility of environmental damage due to transportation impacts at the intersections of Foster and Alliance Avenues and

Sunset Avenue/US Highway 101 North/LK Wood Boulevard pursuant to Public Resources Code §21081.6, and State CEQA Guidelines §15093 and the Land Use Code §9.78.170.C.

FURTHER, BE IT RESOLVED, that the Planning Commission recommends the City Council of the City of Arcata:

1. Approve the Planned Development Permit and Design Review Permit, accept necessary dedications and adopt the Findings of Approval (Exhibit 1) and Conditions of Approval (Exhibit 2); and

FURTHER, BE IT RESOLVED, that pursuant to Land Use Code §9.72.110.G.2, the Planning Commission considered the Development Agreement Term Sheet (Exhibit 3) at a public hearing and finds:

1. That the proposed public benefit, including provision of trails, fair share contribution to transportation improvements, and provision of high quality affordable health care facility warrant the development agreement;
2. Land Use Code §9.72.110.H Development Agreement findings of approval, as drafted herein (Exhibit 1), can be made; and
3. The City Council should consider the discussion points listed in the term sheet (Exhibit 3) for inclusion in the Development Agreement.

FURTHER, BE IT RESOLVED, that the Planning Commission finds the disposition of unused portions of Sunset Avenue consistent with the Arcata General Plan Transportation policies and recommends the City Council of the City of Arcata:

1. Initiate a proceeding to vacate the street easement (Exhibit 4) and in fee parcel (Exhibit 5) adjacent to Sunset Avenue, a City street, pursuant to Streets and Highways Code Section 8320 et seq.

Attest:

Approve:



David Loya,
Community Development Director



Dan Tangney,
Chair Planning Commission

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Resolution No. PC 20-01, passed and adopted at a regular meeting of the Planning Commission of the City of Arcata, County of Humboldt, California, held on February 11, 2020.

PASSED AND ADOPTED THIS 11 day of February, 2020, by the following vote:

AYES: White, Tangney, Vaissade-Elcock, Meyer, Barstow

NOES: None

ABSENT: None

ABSTENTIONS: None



David Loya, Deputy City Clerk,
City of Arcata

Exhibit 1

Draft Findings for Approval - Requires City Council adoption.

The following findings are made in approving the Arcata Community Health Center Planned Development Permit and Design Review Permit, File Number 189-068-PDP-DR. The following findings are based on the Arcata Land Use Code (LUC).

I. FINDINGS OF APPROVAL.

Type "B" Planned Development Permit Findings, per Land Use Code §9.72.070.G.1 and 2:

- a. *The proposed project carries out the policies and intent of the General Plan, Local Coastal Program and any applicable specific plan;*

The subject property is a vacant parcel that formally was a portion of a lumber mill. Other portions of the former mill are developed with the multi-family residential housing (Sunset Terrace) and the Foster Avenue extension. The Arcata Fire District purchased the property and eventually sold the property to the applicant after upgrading their existing fire station in the downtown area. A Minor Use Permit is typically required for the proposed medical office on properties zoned Public Facility. However, the property has the Planned Development Combining zone which requires a Planned Development Permit for new development. Therefore, the applicant seeks a Type "B" Planned Development Permit in lieu of the Minor Use Permit.

The rural community health project is compatible with General Plan policies for public facilities as a semi-public use providing medical services to the community regardless of financial, geographic or social barriers. The Open Door Community Health Centers were founded in Arcata and has expanded to provide medical, dental, and mental health care and education to Humboldt and Del Norte counties, a region that suffers a shortage of access. The proposed medical service development is consistent with General Plan public facility land use policies and the City's infill development policies by concentrating land uses on vacant property. GP: LU-1f; LU-3c; LU-4b; and LU-5a.

The project is also consistent with the City's balanced transportation policies by creating a medical facility with complementary pedestrian, bicycle, private and public motor vehicle opportunities and facilities. The project provides parking consistent with the Land Use Code and incorporates public transportation improvements that support a balanced transportation system that diverts automobile trips to other modes of travel. As part of the Environmental Impact Report and Development Agreement, the applicant shall contribute transportation impact fees for future transportation improvements. GP T-1a – T-1c; T-2a; T-3a –T-3e; T-3g; T-5f - T-5h; T-6c; T-8a and T-8b).

The project does not conflict with any Housing Element policies as new housing is proposed or removed as a result of the project.

The project site does have two small environmentally sensitive habitat areas that will be permanently impacted as a result of the project. However, the project will replace impacted wetlands off-site at a higher ratio in the City's Shay Park. The project creates additional wetland area and connects to other riparian resource areas within Shay Park. Project components and requirements ensure short and long term impacts are minimized with sediment and erosion, low impact development, and stormwater controls. GP: RC-3b - RC-3h; RC-3j and RC-3k.

The project does include energy efficient measures to minimize energy consumption and greenhouse gas for short and long term impacts consistent with the City's resource management policies. GP: RC-8c.

City of Arcata air quality General Plan policies are supported by the in-fill development by reducing vehicle trips, providing an energy efficient design and incorporating best management practices during the construction phase. GP: AQ-1a; AQ-2f.

The medical services, infill development project is consistent with the General Plan Design Element policies. The project adapts to the unusual shape of the parcel as the lot width narrows towards the Sunset Ave. and Foster Ave. roundabout. The building placement is located in the widest portion of the lot with a plaza courtyard facing Foster Ave. The service areas are screened. The project is also compatible with design policies that promote energy efficiency, solar access, and green building design. The building height varies from 13 to 27 feet for the split level structure. The Public Facility zoning district maximum building height is not a set standard, rather the review authority determines acceptable height through their review. The projects overall height is similar to the surrounding residential zoning district's 35' maximum height limit. GP: D-1a; D-1c; D-1e – D-1g; D-1i; D-6a; D-6c; D-7a – D-7d.

b. *Not applicable to Type "B" Planned Development Permits.*

c. *Proper standards and conditions have been imposed to meet public health, safety and welfare;*

Recommended Conditions of Approval ensures basic public health, safety and welfare are met. Conditions include adhering to the recommendations of the Engineering Geologic Report. Limits on the hours of construction will minimize noise impacts to adjacent residential uses from the short term construction activities. Furthermore, the project requires compliance with California Office of Statewide Health Planning and Development standards, a specific set of building codes for medical facilities.

Several Phase I and II Environmental Site Assessments (ESA) were prepared from 2008 to 2019. The Phase II ESA performed by SHN in 1995 indicated low levels (less than 68 parts per million [ppm]) of diesel and motor oil (TPHd and TPHmo) are located on site. Results of the metals analysis did not indicate concentrations were above the State of California Title 22 TTLC or significantly high enough (ten times greater than the Title 22 STLC) to warrant determination of soluble metal concentrations with the exception of chromium concentrations which were comparable to onsite background sample concentrations. The report indicated that "no further sampling is recommended."

The 2019 Phase I prepared by SHN indicated: "Previous subsurface investigation at the site has documented TPHD, TPHMO, and metals in the site soil. The reported concentrations are below applicable screening levels for commercial/industrial properties." City staff confirmed with the author that medical clinics are included in the category of "commercial/industrial properties". The 2019 SHN Phase I recommended a Soil and Ground Water Management Plan be prepared to address environmental risk associated with the presences of TPHD, TPHMO, and metals in the site soil. The Soil and Ground Water Management Plan requirement is incorporated in the recommended Conditions of Approval.

As identified in the Initial Study, the project will cause significant transportation impacts. However, the project is responsible for transportation impact fees to off-set their proportional share of impacts in the area. The transportation intersections of LK Wood and Sunset Blvd, and Alliance Rd and Foster

Ave will require future improvements as a result several neighborhood development projects, including the proposed medical facility.

d. *The proposed project will not circumvent the intent of protecting Environmentally Sensitive Habitat Areas or significant historic resources, and consideration will be given to impacts on areas with steep slopes, waterways, wetlands, or riparian areas, or significant cultural or historic resources meets sensitive habitat area and standards and historic resources;*

Two small wetland areas are located on site and will be permanently filled as a result of the project. The project will not result in a loss of wetlands as proposed mitigation will create a larger wetland area (2:1 ratio) on the Shay Park property. The City does not have a prohibition on filling inland wetlands, but it does require adequate area replaces and enhances the overall functionality of wetlands. Therefore, as a Condition of Approval and mitigation measure the applicant is responsible for developing and implementing an approved Wetland Mitigation and Monitoring Plan that ensures no net loss and enhances the off-site wetland mitigation site. The mitigation will provide off-site replacement wetlands and invasive species removal/enhancement of existing wetlands on City of Arcata property in Shay Park.

A 2019 Biological Investigation Report prepared by Natural Resources Management Corp. concluded:

1) *“During these two surveys, no State or Federally listed species were detected, and no habitat capable of supporting listed species was observed. In addition, this highly disturbed area, immediately adjacent to a current construction site, is proximate to more optimal habitat for migratory songbirds in the Jolly Giant creek watercourse.”*

2) *“No sensitive plant species were found within the survey area. The compacted, gravelly and muddy areas with low vegetative cover did constitute potential habitat for Howell’s montia (*Montia howellii* CRPR 2B.2), but no plants were detected.”*

The project includes a Wetland Mitigation and Monitoring Plan that is required to be implemented prior to final Building Occupancy. Based on the conclusion of the biological report the project will not impact any sensitive plant or animal species.

There are no known significant cultural or historic resources associated with this vacant site. Several Archaeological Reports have been prepared for projects in the immediate area including the Roscoe & Associates 2010 Cultural Resources Assessment for the Rails with Trails project, and the Eidsness 2008 Archaeological Survey Report for the Foster Avenue Extension. Additional on-site trenching was conducted in 2015 under the direction of two qualified local archaeologists (Roscoe and Rich) prior to the development of the Sunset Terrace Apartments located west of the project site. The trenching was conducted in order to understand the potential impacts to resources associated with early EuroArmerican settlements in Union/Arcata. No historic or cultural resources were observed by on-site cultural resource monitors during the ground disturbing activities for the development of the Foster Avenue Extension.

Referral comments for the three Wiyot Tribal Historic Preservation Officers (THPO’s) recommended standard “Inadvertent Discovery” including on-site monitors for ground disturbing activities as a Condition of Approval in case archaeological or paleontological resources, and/or human remains are discovered during ground disturbing activities.

e. The subject site is adequate in terms of size, shape, topography and existing conditions to accommodate the proposed development.

The development is designed by licensed building and landscape architects under consultation of licensed engineers and geologists. The design team has experience in the development of similar medical clinics. The design team adapted the 1.8 acre site conditions to meet the specific needs of the Open Door clinic as well as City of Arcata general plan and zoning standards. The project meets the Public Facility zoning districts development standards including the yard setbacks, lot coverage off-street parking.

§9.72.070.G.2.b-f

b. The proposed project meets the intent of all applicable provisions of this Land Use Code relating to both on-site and off-site improvements that are necessary to accommodate flexibility in site planning and property development and to carry out the purpose, intent, and requirements of this Section and the respective base zoning district, including prescribed development standards and applicable design guidelines;

A Planned Development Permit is required because the property has a Planned Development Combining zone. The proposed project meets the Public Facility development standards and does not require any exceptions to the development standards. As described above, the project will provide wetland mitigation for the loss of on-site wetlands and contribute to future transportation improvements. The project includes the off-site public benefits in the form of a path/trail connecting the Sunset neighborhood and Shay Park area. In addition, project contributes to providing additional bus stops and sidewalks.

c. The proposed project is designed to ensure compatibility with adjacent uses within the zoning district and general neighborhood of the proposed development;

The proposed project is surrounded by the Sunset and Foster roundabout, Sunset residential neighborhood, a new multi-family apartment complex, and the high school sports fields. The project is designed to be compatible with the adjacent uses. The buildings main facade opens to a plaza/courtyard with landscape features. The main entrance channels most employees and clients along Foster Ave and away from the Sunset neighborhood. The building is located along the west property line with limited access doors to ensure privacy for the adjacent apartment buildings. The one and two story building also includes multiple wall planes to break up the bulk and mass. Dark sky friendly outdoor lighting is included to minimize lighting impacts.

d. The proposed project will produce a comprehensive development of superior quality (e.g. appropriate variety of structure placement and orientation opportunities, appropriate mix of structure sizes, high quality architectural design, increased amounts of landscaping and open space, improved solutions to the design and placement of parking facilities, etc.) that might not otherwise occur from more traditional development applications;

The project provides a well-designed, purpose built structure with quality finishes. The project description includes the following guiding design principles: “The proposed health center has been designed with a variety of physical and visual features to balance views and decrease height and intensity in a manner that mirrors the natural topography of the site and surroundings. The design intends to lessen the visual impact of the development by using natural elements and to visually break-up the building using different physical elements. The site entrance off Foster Avenue will lead

to the parking lot and a pull-through patient drop-off/loading area. A plaza area at the main building entrance incorporates resting spaces and a variety of landscape features.

Landscape elements have been incorporated to soften views from adjacent residential neighborhoods and streets. Bio retention cells are integrated into site perimeter and parking lot planting features. The Landscape Plan uses a mix of plant sizes and species, many which are native to the region to screen parking and soften views of the building. Water efficient irrigation will ensure plant survivability and minimize water use.

e. Each proposed exception is justifiable and will result in a more desirable development, and development amenities are provided as identified in Subsection H. The possible exceptions listed in Subsection B (Applicability) may be allowed when the review authority first determines that a specific exception will result in a more desirable development;

No exceptions are proposed.

f. Proper on-site traffic circulation and control is designed into the development to ensure interconnectivity with neighborhoods (i.e. vehicle, pedestrian, and bicycle), and protection for fire suppression and police surveillance equal to or better than what would normally be created by compliance with the minimum setback and parcel width development standards identified in Article 2 (Zoning Districts and Allowable Land Uses).

The main vehicular access for staff and clients will be from an ingress/egress driveway on Foster Ave with another exit only driveway at the end of the proposed drop-off drive lane. Solid waste/recycling/organics, shipping and receiving, and limited staff parking will have access at the back of the building from a driveway on Sunset Ave.

The project includes on-site bike parking and an electric vehicle charging station. Proposed signage includes a monument style entrance sign and signage denoting parking, drop-off, deliveries, etc. The project also includes sidewalks, curb, and gutter along both Foster and Sunset Avenues connecting to existing sidewalks. A pedestrian pathway is proposed along the western project site boundary to provide a connection from the Sunset neighborhood to the sidewalk and trail along Foster Ave. An accessible path of travel is provided through the property to the front entrance. Designs for improvements to an off-site west bound bus stop at the Skate Park are included in the project. Referral comments from the Fire District and Police Department did not identify any concerns regarding fire suppression or police surveillance.

II. DESIGN REVIEW FINDINGS – Land Use Code (LUC) 9.72.040.F

Based in part on the Planned Development Permit Findings above and on the following discussion the proposed medical facility located in the Public Facility zoning district is consistent with the LUC and General Plan design policies and standards.

a. Providing architectural design, building height and massing, and scale that is compatible with other structures on the site and in the immediate neighborhood;

As discussed in section I. §9.72.070.G.2.d above, the project height, scale, and mass is designed for compatibility with the neighborhood. The proposed structure is modern in design that incorporates architectural features to avoid large, unbroken expanses of wall and roof planes. The proposed building utilizes various surfaces, colors, rooflines, wall planes and facades to avoid a single large monolithic building. The setbacks and various wall planes assist in maintaining a small scale building. The project is designed to minimize building height impacts to the predominantly one-, and two-

story single family residential neighborhood north of the project site and the several large multi-family residential structures located west of the site.

- b. *Providing attractive and desirable site layout and design, building arrangement, exterior appearance and setbacks, accessory structures, landscaping, outdoor lighting and signs;*

As discussed in section I. §9.72.070.G.2.d above the project is a well-designed and attractive project that takes into account the site setting, topography, access, and microclimates to ensure compatibility with the neighborhood. The project uses dark sky friendly lighting to minimize impacts to the residential neighborhood. The minimal signs are effective in conveying necessary information and are designed at the pedestrian scale. The landscaping create zones that are designed for the various locations and function to soften the hardscape.

- c. *Providing efficient and safe public access, circulation, and parking;*

The project includes minimal parking and service vehicle deliveries off Sunset Ave to reduce vehicle trips along the collector street. The main entrance is along Foster Ave., an arterial street. The on-site circulation pattern includes one ingress and egress access point from Foster Ave with an additional egress driveway to service client drop off and pick ups. The two driveways on Foster are separated by about 100 feet. A third driveway along Foster Ave provides limited service access for building maintenance. The project includes adequate off-street parking and internal walkways throughout the development. Sidewalks and paths are also proposed to provide both internal and external pedestrian access.

- d. *Providing appropriate open space and landscaping, including the use of water efficient landscaping;*

The project includes open space and landscape areas designed by a licensed architect to create a sense of space while also functioning as a bio retention areas for stormwater controls. Pursuant to the application material, the site landscape plan includes trees, shrubs, groundcover, and water efficient design to enhance project features. The landscape plan incorporates low maintenance and native species that were selected based on specific site conditions and desired function (i.e. wet/dry conditions, visual buffers, etc.). The site entry and parking lot landscape areas soften views into the parking lot from the adjacent neighborhood and perimeter streets. The south facing plaza at the main building entrance is a pedestrian focused area that will include gathering/resting space and plants selected for seasonal interest. The north side of the building has shady, moist conditions and plants were selected for low maintenance and for softening building views from the neighborhood. Bio retention cells are integrated into perimeter and parking lot planting features. As a recommended Condition of Approval the final Landscape Plan shall be reviewed by the Zoning Administrator before and after installation. The trees shall be a 15 gallon or larger in size at the time of planting and include maintenance protocol to ensure plant survivability, replanting as necessary, and water efficient irrigation.

- e. *Showing consistency with the General Plan, Local Coastal Program, and any applicable specific plan; and*

See discussion above for General Plan Findings - Section I. §9.72.070.G.1.a.

f. Complying with any applicable design guidelines or design review policies.

The project is consistent with the following Public Facility design policies as evidenced in the discussion above: GP: D-1a; D-1c; D-1e – D-1g; D-1i; D-6a; D-6c; D-7a – D-7d. The project is designed by licensed professionals that adapted the design to the needs of the medical services development and the existing site conditions.

III. DEVELOPMENT AGREEMENT FINDINGS - LUC § 9.72.110.H

Based in part on the Planned Development Permit and Design Review Findings above and on the following discussion the proposed medical facility located in the Public Facility zoning district is consistent with the LUC and General Plan Development Agreement Findings.

- a. *The development agreement is consistent with the objectives and policies of the General Plan and certified local coastal program.*

As noted in the general plan consistency findings in § I. and II. above, the Development Agreement is consistent with the objectives and policies of the General Plan. The Development Agreement will provide public benefits, including provision of trails, fair share contribution to transportation improvements, and provision of high quality affordable health care facility.

- b. *The development agreement is consistent with the objectives set out in §9.72.110.B.3. §9.72.100.B.3. An application for a development agreement shall only be considered if the application is submitted in conjunction with an application for rezoning, a subdivision, a planned development, or other discretionary planning permit application authorizing the development which is the subject of the proposed development agreement.*

The Development Agreement is under review with concurrent Planned Development Permit and Design Review Permit.

IV. GENERAL PLAN CONSISTENCY FINDING FOR STREET VACATION

California Government Code §65402 requires that the vacation and disposal of real property by a public entity be found consistent with that public entity's general plan.

The most applicable General Plan (GP) policies are related to Transportation and Public Infrastructure. The Transportation policies are intended to address how people and goods move through and around the City in a manner consistent with the community character and environmental protection. The related Public Infrastructure policies are intended to ensure adequate supply and delivery of water, delivery and treatment of wastewater, stormwater controls, and access to other public utilities. While none of the policies state that the City should vacate or abandon streets, City staff recommends the Planning Commission find General Plan consistency with the proposed vacation based on:

- a. General Plan (GP) Policy T-4 (Street and Highway Plan and Policy): maintain an internal street system consistent with Arcata's small-town, nonmetropolitan character and which: 1) efficiently utilizes existing facilities and reduces need for investment in new or expanded street and highway facilities or capacities; 2) improves connectivity of streets to provide for direct routes between origins and destinations; 3) has a high quality of regular maintenance and repair; and 4) maintains a level of service which minimizes delays, but allows for higher levels of congestion during the short peak periods on weekdays.

The City improved transportation infrastructure in this immediate area with the Foster Avenue extension. These improvements reduces the need for new or expanded Sunset Avenue improvements.

- b. According to GP Table T-a (Street Functional Classification Plan) and Policy T-4b, Sunset Avenue is a “minor arterial and arterial street”. Arterial streets are intended to provide a high degree of mobility and serve longer trips within the City. Arterials connect various neighborhoods within Arcata and provide direct connections to the state highway system. Arterials are intended to emphasize traffic movement over access to property.

Sunset Avenue generally serves the Sunset residential neighborhood, but also the Arcata Elementary School and Larson Park. The Foster Avenue extension bypasses the residential neighborhoods near Sunset Avenue, provides a direct arterial connection from Alliance Road to State Route 101, and improves bus routing. The proposed street vacation is unnecessary as the Foster Avenue extension improvements were designed for anticipated future transportation needs.

- c. GP policies support infill and redevelopment activities, and reuse of underutilized properties (GP Policy T-2a and LU-1f).

The vacation is intended to assist with the development of the health clinic in-fill project. The vacated area is undeveloped and in excess of what is necessary for roadway and other transportation purposes.

- d. GP Policy T-4b(2) discusses alternative cross-sections for arterial streets that utilize smaller right-of-way.

The City has adequate right-of-way for Sunset Avenue and related transportation needs. The Foster Avenue extension was a major transportation project that reduced traffic on Sunset Avenue and improved connectivity between the east and west neighborhoods. There are no current or future plans to expand or widen Sunset Avenue.

The project is consistent with the public infrastructure policies as the vacation will include a reservation for public utilities.

V. ENVIRONMENTAL FINDINGS – LUC §9.78.110.C

A Draft Environmental Impact Report (EIR) has been prepared and circulated for 45 days to the State Clearinghouse (SCH #2019080313). A Final EIR, CEQA Facts of Findings, and Statement of Overriding Considerations are included in the Planning Commission February 11, 2020, staff report packet to consider a recommendation to the City Council.

Exhibit 2

Draft CONDITIONS OF APPROVAL – Recommended by the Arcata Planning Commission.

The following Conditions of Approval are adopted for the Arcata Community Health Center Planned Development Permit and Design Review Permit, File Number 189-068-DR.

I. CONDITIONS OF APPROVAL.

A. GENERAL / ONGOING PERMIT CONDITIONS. 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.

All future development shall comply with all applicable zoning standards of the Land Use Code (LUC) as required, or its equivalent, other applicable provisions of the Arcata Municipal Code, the Final Environmental Impact Report, and the Development Agreement.

A-1 **Required Permits.** Applicant shall comply with permit requirements of the City of Arcata's Engineering Department, Building Division, Environmental Services Department, Community Development Department, and Arcata Fire District, as applicable. Applicant shall obtain applicable Building or other required permits (Encroachment, Waste Diversions, Stormwater Control, etc.) prior to commencing construction activities.

Building/Grading Permits will not be issued until the effective date of this Action.

Prior to Building Permit approval, details of infrastructure, drainage and utilities improvements required for the project shall be reviewed and approved by the City of Arcata Engineering Department. NOTE: The applicant shall obtain Encroachment Permits from the Engineering Department for all work performed within the City right-of-way.

A-2 **Community Development Department Fees.** If applicable, the applicant shall pay outstanding Community Development Department fees pursuant to City Council Fee Resolution. Full payment shall be required prior to issuance of any Building Permit.

A-3 **Development Agreement.** The applicant shall execute a Development Agreement with the City.

A-4 **Waste Diversion Plan.** Prior to issuance of a Building Permit the applicant shall submit a construction waste diversion and disposal plan for review and approval by the City's Environmental Services Department. Prior to final Certificate of Occupancy for the medical services facility, the applicant shall submit a final waste diversion and disposal report to the Environmental Services Department based on the actual results.

A-5 **Soil and Groundwater Management Plan.** The applicant shall submit a Soil and Groundwater Management Plan (SGMP) as recommended in the Phase I Environmental Site Assessment (SHN 2019) for review and approval by the Community Development Director. The approved SGMP shall be implemented in all phases of ground disturbing activities for the life of the project. The SGMP shall include a contingency plan for inadvertent discovery of unknown contaminants or the removal of known contaminants. The SMGP shall be incorporated in construction and development documents to address environmental risks associated with TPHD, TPHMO, and metals in site soil pursuant to the SHN 2019 Phase I ESA.

- A-6 **Water Quality.** All development including construction activities related to grading for roadways, drainage, building pads, and storm water facilities, etc. shall comply with the approved Grading Plan, including the Erosion and Sediment Control Plan, and the Stormwater Pollution Prevention Plan (SWPP), and the Soil and Groundwater Management Plan.
- A-7 **Soils and Geologic.** All development shall adhere to the recommendations set forth in the Geological Hazards and Geotechnical Investigation Report – Revision 1, and any approved revisions (SHN January 2019), and any City approved amendments to said report.
- A-8 **Improvement Plans.** Prior to beginning any work, the applicant shall submit Improvement Plans for review and approval by the City Engineer. Signature blocks must be available on all sheets of the plans for the City Engineer. Scale of Improvement Plans shall be 1" = 20' horizontal and 1" = 5' vertical unless prior approval for use of another scale is obtained by the City Engineer.

The size and placement of water and sewer mains, water meters, water and sewer laterals, plumbing for landscape watering, drainage and stormwater facilities, electric vehicle charging stations, electrical and gas meters, PG&E, telephone, cable tv, and all other utilities shall be shown on the plans to the satisfaction of the City Engineer.

Construction details for all facilities shall be shown on a standard sheet in the Improvement Plans, including typicals for water mains, valves, fire hydrants, sewer mains, laterals, cleanouts, manholes, streetlights, low level path lighting, drainage structures and conveyance infrastructure, entrance sign and its lighting as applicable, traffic calming measures, turn around areas, sidewalks, on- and off-site paths, parking areas, including pervious pavers, etc.

Water meters and sewer cleanouts that are intended to be accessible by City forces must be set in the public right-of-way.

Obstructions will not be allowed in the sidewalk, including, but not limited to, fire hydrants, streetlights and mailboxes. Traffic control devices will be allowed in the sidewalk if approved by the City Engineer. Any emergency vehicle turn around areas shall be permanently marked as a "No Parking Area".

- A-9 **Encroachment Permits.** The applicant shall obtain Encroachment Permits from the Engineering Department for all work performed within the City rights-of-way.
- A-10 **Building and Fire Standards.** All development shall adhere to the most recent adopted California Building Code standards, Uniform Building Code, Fire Code, including Office of Statewide Health Planning and Development (if applicable) standards; and meet the requirements of the City Building Official and the Arcata Fire District.

Building Permit plans shall include an interior noise analysis prepared by a qualified individual indicating that interior noise levels will meet either the City's General Plan policies for interior noise levels or those required by the California Building Code, whichever is the most restrictive.

Fire hydrant(s), "No Parking" signs and/or striping, and a turnaround area must be installed to the satisfaction of the Arcata Fire District and the City Engineer. All fire hydrants must meet distance requirements. No parking shall be allowed in any emergency vehicle turn around area.

All roads and access drives shall meet the requirements of the Arcata Fire District and the City Engineer.

- A-11 **Construction Notations.** The following conditions shall apply during grading and construct activities on the site. These conditions shall appear as a notation of on all Building Permit job copies. The Construction Manager/Foreperson is responsible for ensuring all contractors and sub-contractors are aware and in compliance with these conditions.

HOURS OF CONSTRUCTION. The applicant/property owner shall ensure the following hours of construction are follows:

“Construction activity shall be limited to the hours of 8:00 a.m. to 7:00 p.m. on weekdays, and 9:00 a.m. to 7:00 p.m. on Saturdays. No construction activity shall be allowed on Sundays and Holidays.”

ARCHAEOLOGICAL/CULTURAL RESOURCES/HISTORIC PROTOCOL. The applicant/property owner shall ensure the following archaeological/cultural resources/historic protocol are followed:

“CULTURAL RESOURCE MONITOR FOR ALL GROUND DISTURBING ACTIVITIES AND INADVERTENT DISCOVERY OF ARCHAEOLOGICAL/CULTURAL RESOURCES/HISTORIC PROTOCOL.

The property owner or applicant shall retain a qualified cultural resource monitor approved by the Wiyot Tribe, Bear River Band of the Rohnerville Rancheria, and the Blue Lake Rancheria to monitor all ground disturbing activities related to this project site.

Applicant shall contact the three Tribal Historic Preservation Officers or their functional equivalent to set up and implement cultural monitoring contract when a construction schedule has been determined. Advanced coordination with the qualified cultural monitor is required. The applicant shall provide the Arcata Community Development Department written verification for compliance with this Condition.

If cultural or historic 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 shall 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, CA 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 CA Public Resource Code (PRC) 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.”

DUST CONTROL: The applicant/property owner shall ensure the following dust and air quality control measures are followed:

- 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. Limit truck and equipment idling by coordinating fill/spoils transport.
- 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. Sweep streets daily if visible material is carried onto adjacent public streets.
- e. Reuse onsite construction materials as permitted to reduce offsite vehicle trips to landfills.
- f. Construction equipment powered by internal combustion engines will be kept tuned and will use biofuels where feasible to minimize emissions.”

- A-12 **Dedicated Bus Stop.** An Arcata & Mad River Transit Service bus stop shall be developed in a location approved by the City Engineer.
- A-13 **Wetland Mitigation.** The final Wetland Mitigation and Monitoring Plan shall be fully implemented prior to Building Occupancy. The Environmental Services Director may authorize extensions for implementation due to weather conditions or other factors out of the control of the applicant. The applicant shall obtain approvals for the final Wetland Mitigation and Monitoring Plan from resource permitting agencies, including but not limited to, U.S. Army Corps of Engineers, Regional Water Quality Control Board, and Department of Fish and Wildlife.
- A-14 **Recreation Fee for New Construction.** The recreation fee for new construction shall be paid with application for building permits pursuant to Land Use Code Section 9.70.050. The fee shall be based on the City’s fee resolution in effect at the time of application for building permits.
- A-15 **Solid Waste, Recycling, and Organics.** The area designated for the collection of solid waste, recycling, and organic material shall be reviewed and approved by the Environmental Services Department.
- A-16 **Capital Connection Fees.** Capital connection fees must be paid for water and wastewater services as applicable to the satisfaction of the City Engineer. All utilities serving the development shall be located on the subject parcel or utility easements acceptable by the City Engineering Department.
- A-17 **Drainage Fees.** All applicable Drainage Impact and Maintenance fees shall be paid to the satisfaction of the City Engineer.
- A-18 **Transportation Impact Fees and Traffic Study.** All applicable Transportation Impact Fees shall be paid. The timing of payment, maintenance and monitoring schedule shall be identified in the Development Agreement. Prior to final Building Occupancy, the applicant shall pay their fair share of the cost of the preparation of the W-Trans Traffic Study as approved by the City Council on February 17, 2016.

- A-19 **Landscape Plan.** The final Landscape Plan shall be reviewed and approved by the Zoning Administrator prior to and after installation. The approved Landscape Plan shall be installed prior to Building Occupancy. The Landscape Plan shall include tree sizes to 15 gallon or larger in size at the time of planting. The Landscaping shall be maintained to ensure plant survivability, replanting as necessary, and water efficient irrigation over the life of the project.
- A-20 **Maintenance of Construction Site.** The construction site shall be maintained in a clean and orderly condition free of debris, and include an area designated for recycling and re-use.
- A-21 **Project Modifications.** Minor modifications to the Planned Development Permit and Design Review Permit may be made upon review and approval of the Community Development Director. Planning Commission shall be the review authority for project modifications deemed substantial modifications by the Community Development Director. Applicant shall submit applicable City fees and application materials for review of the minor and substantial modifications.
- A-22 **Expiration of Permits.** The Planned Development Permit and Design Review Permit approval will expire in 24 months from the date of the City Council approval unless the permit is vested or an extension is applied for and approved. Time extension applications must be filed in writing not less than 30 days prior to the expiration date.
- A-23 **Inspections.** The applicant and subject property owner shall permit the City of Arcata or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.
- A-24 **Violation Grounds to Revoke Permit.** The violation of any specification or condition of this Planned Development Permit and Design Review Permit shall constitute a violation of the Land Use Code, and may constitute grounds for revocation of this permit.

The following are recommendations only:

Evidence of Meeting the Conditions of Approval. Review the Conditions of Approval carefully. The applicant is responsible for ensuring each Condition of Approval is met; in some cases written evidence is required. Staff advises the applicant work closely with their agents to prepare and submit all evidence for meeting the Conditions of Approval at one time (if possible) in order to expedite the review and lower the review costs. Submit the written evidence to the assigned planner assisting you with your project. Note: In some cases the Conditions of Approval need to be signed off by the appropriate entity prior to the recordation of maps, or the issuance of Building Permits. Therefore it is imperative the applicant plan accordingly.

CITY OF ARCATA

Term Sheet

February 4, 2020

PROJECT NAME: Arcata Community Health Center

PROJECT LOCATION: Foster Avenue (Assessor's Parcel Number (APN): 505-121-031)

PURPOSE: To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the State authorizes the cities to enter into a development agreement with an applicant for a project to establish certain development rights. The applicant of the Arcata Community Health Center project will provide substantial contributions to public transportation improvements that benefit the community.

PROCESS: The Planning Commission will consider the terms of the Development Agreement (Agreement) and make a recommendation to the City Council. The City Council will approve and execute the terms of the Agreement. The Agreement will be entered into only after certification of the Environmental Impact Report and approval of the project.

PROJECT: Development and operation of a new 32,500 square foot, two story, health center with associated parking, lighting, signs, sidewalks and utility infrastructure on a vacant 1.8 acre parcel. The project proposes bus stop improvements at the Arcata Skate Park. Improvements to an off-site wetland mitigation area at Shay Park is proposed for impacts to on-site wetlands. As transportation impact mitigation, a Development Agreement is considered for the project's proportional share of transportation improvement fees to fund future improvements at Foster Ave/Alliance Rd and Sunset Ave/US 101 North/LK Wood Blvd intersections. The project includes a vacation of portions of Sunset Avenue public rights of way which requires General Plan conformance.

The Open Door Community Health Centers, property owner and developer of the Arcata Community Health Center sold portions of their property to assist the City of Arcata in the develop of the Foster Avenue extension. This property conveyance provided adequate rights of way width for the new roadway. In addition, property owner and developer delayed the current project until after the Foster Avenue extension improvements were completed.

PROPERTY OWNER AND DEVELOPER: Open Door Community Health Centers (Developer)

KEY CONDITIONS – DEVELOPER OBLIGATIONS:

1. Comply with all terms and conditions of project approvals.
2. Prior to the issuance of certificate of occupancy, pay to the City of Arcata the fair share of transportation impact fees identified in the Central Arcata Areawide Traffic Study as established by the City Council.

3. Prior to the issuance of certificate of occupancy, provide an up to eight foot wide access easement to the benefit of the City for access along the western property line of APN 505-121-031 from Sunset Avenue to Foster Avenue. The Developer shall install the trail at its cost and dedicate a public egress easement to the City of Arcata. The trail improvement shall be reviewed and approved by the City Engineer prior to acceptance by the City. The value of the easement is considered equal to the value of the wetland mitigation area, for which the exchange will compensate each party.

KEY CONDITIONS – CITY OBLIGATIONS:

1. Comply with all project approvals and cooperate with processing all applications for permits and approvals.
2. Accept the transportation impact fees and retain it in a segregated account to pay for the transportation impact improvements identified in the Environmental Impact Report. Any funds collected may be added to a future Traffic Mitigation Impact Fee program and may be combined with other public and private funding sources to make the improvements. These funds shall neither be refundable nor subject to return, but may not be used for any other purpose by the City.
3. Provide an off-site wetland mitigation area on Shay Park for the project's wetland impacts. City will cooperate with the applicant's wetland mitigation permitting, including coordination with United States Army Corps of Engineers, North Coast Regional Water Quality Control Board, and other resource agencies as necessary. City will allow access to the property to install, maintain, and monitor the wetland consistent with the Mitigation Monitoring and Reporting Program. The value of the wetland mitigation area is considered equal to the value of the easement, for which the exchange will compensate each party.
4. The City will accept and maintain the developed trail and access easement near the western property line.
5. Provide a term of 10 years to guarantee the standards, conditions, etc. in the entitlements received for the project.

EXHIBIT A, PAGE 1

All that real property situated in the northeast quarter of Section 29, Township 6 North, Range 1 East, Humboldt Meridian, County of Humboldt, State of California, described as follows:

Being a portion of the lands of the Open Door Community Health Centers described in Instrument No. 2014-002979-2, Official Records of Humboldt County, said portion described as follows:

BEGINNING at a point on the northerly line of said lands of the Open Door Community Health Centers, at a point which bears South 32°07'40" West 81.07 feet from Corner Note no. 2 shown on Book 72 of Surveys, Page 56, Records of Humboldt County, being a point on a curve, concave southwesterly, having a radius of 324.00 feet, at which point a radial bears South 45°32'13" West, said point also being on the southerly line of Parcel 2 described in the deed from Franke to the State of California recorded April 19, 1974 in Volume 1235, Page 422, Official Records of Humboldt County, being an easement for highway facilities, and relinquished to the City of Arcata by document recorded April 7, 1977 in Volume 1406, Page 403, Official Records of Humboldt County;

THENCE from a tangent bearing of North 44°27'47" West, along said line and along said curve, to the left, northwesterly and westerly a distance of 183.64 feet through a central angle of 32°28'33";

THENCE continuing along said northerly line North 76°56'20" West 168.29 feet to the westerly corner of said highway easement;

THENCE along the southerly line of said easement South 70°18'40" East 272.73 feet to an angle point in said line;

THENCE continuing along said line South 40°43'08" East 71.22 feet;

THENCE North 45°13'08" East 18.15 feet;

THENCE North 42°25'10" East 8.64 feet to the POINT OF BEGINNING;

The BASIS OF BEARINGS for this description is said Book 72 of Surveys, Page 56 (sheet 5), based on ties to said Corner Note 2 and the centerline monument at the roundabout shown thereon, both being 3 ¼" brass caps stamped City of Arcata 2015 Crivelli LS 7015, having a record and measured bearing and distance of South 13°51'32" East 88.43 feet (Book 72 of Surveys, Page 56 - sheet 2), said survey being on a grid basis reporting a convergence angle of -01°23'04" and combination factor of .99989669.

END OF DESCRIPTION

PRELIMINARY _____ Dated 4/1/19

Prepared by David J. Ryan, LS 6212
Professional Land Surveyor

SCALE 1" = 50'

ROSS ST.

SUNSET AVE.

FOSTER AVE.

Corner Note 2
72 R/S 56

S 13°51'32" E
88.43' tie

(A) N 45°13'08" E 18.15'
(B) N 42°25'10" E 8.64'

POINT OF BEGINNING
North line Open Door Community
Health Centers property
S 32°07'40" W 81.07' from
Corner Note no. 2

505-121-31
Open Door
Community Health Centers
2014-002979-2

N 76°56'20" W 168.29
S 70°18'40" E
272.73
Area Vacated

L=188.64'
S 40°43'08" E
R=324.00'
Δ=32°28'33"
71.22

Diagram for vacation of a portion of Sunset Ave.
Lands of OPEN DOOR COMMUNITY HEALTH CENTERS

Being a portion of the highway easement
deeded from Franke to State of California- 1235 OR 422
and relinquished to the city of Arcata via 1406 OR 403

Section 29 T6N R1E HM
SCALE 1' = 50' MARCH 2019
City of Arcata County of Humboldt

This page is for informational purposes. In the event
the information shown hereon conflicts with information
contained on page 1 of this exhibit, page 1 is to be
considered primary.

Dated _____

Prepared by David J. Ryan, LS 6212
Professional Land Surveyor

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EXHIBIT B, PAGE 1

All that real property situated in the northeast quarter of Section 29, Township 6 North, Range 1 East, Humboldt Meridian, County of Humboldt, State of California, described as follows:

Being a portion of Parcel 1 described in Volume 1235, Page 422, Official Records of Humboldt County, being a deed from Franke to the State of California for a public highway recorded April 19, 1974, and relinquished to the City of Arcata by document recorded April 7, 1977 in Volume 1406, Page 403, Official Records of Humboldt County said portion described as follows:

BEGINNING on the northerly line of said Parcel 1, at a point which bears South 32°07'40" West 81.07 feet from Corner Note no. 2 shown on Book 72 of Surveys, Page 56, Records of Humboldt County, being a point on a curve, concave southwesterly, having a radius of 324.00 feet, at which point a radial bears South 45°32'13" West,

THENCE from a tangent bearing of North 44°27'47" West, along said line and along said curve, to the left, northwesterly and westerly a distance of 136.59 feet through a central angle of 24°09'16";

THENCE South 67°57'45" East 48.12 feet;

THENCE South 65°54'18" East 24.16 feet;

THENCE South 59°44'19" East 20.82 feet;

THENCE South 52°58'23" East 29.21 feet to the beginning of a curve concave westerly having a radius of 16.00 feet;

THENCE along said curve, to the right, southerly a distance of 20.94 feet through a central angle of 74°59'29" to the POINT OF BEGINNING;

The BASIS OF BEARINGS for this description is said Book 72 of Surveys, Page 56 (sheet 5), based on ties to said Corner Note 2 and the centerline monument at the roundabout shown thereon, both being 3 1/4" brass caps stamped City of Arcata 2015 Crivelli LS 7015, having a record and measured bearing and distance of South 13°51'32" East 88.43 feet (Book 72 of Surveys, Page 56 - sheet 2), said survey being on a grid basis reporting a convergence angle of -01°23'04" and combination factor of .99989669.

END OF DESCRIPTION

PRELIMINARY _____ Dated 4/1/19

Prepared by David J. Ryan, LS 6212
Professional Land Surveyor



SCALE 1" = 50'

ROSS ST.

SUNSET AVE.

FOSTER AVE.

Corner Note 2
72 R/S 56

S 13°51'32" E
88.43' tie

Δ=74°59'29"
R=16.00'
L=20.94'

S 52°58'23" E
29.21'

S 59°44'19" E
20.82'

S 65°54'18" E
24.16'

S 67°57'45" E
48.12'

POINT OF BEGINNING
Northerly line Parcel 1
1235 OR 422
S 32°07'40" W 81.07' from
Corner Note no. 2

505-121-31
Open Door
Community Health Centers
2014-002979-2

N 76°56'20" W 168.29'
S 70°18'40" E 272.73'

Δ=24°09'16" R=324.00'
L=136.59'
S 40°43'08" E 71.22'

Diagram for vacation/transfer of a portion of Sunset Ave.

Being a portion of a public highway parcel
deeded from Franke to State of California- 1235 OR 422
and relinquished to the city of Arcata via 1406 OR 403

Section 29 T6N R1E HM
SCALE 1" = 50' MARCH 2019
City of Arcata County of Humboldt

This page is for informational purposes. In the event
the information shown hereon conflicts with information
contained on page 1 of this exhibit, page 1 is to be
considered primary.

Dated _____

Prepared by David J. Ryan, LS6212
Professional Land Surveyor