

CALIFORNIA COASTAL COMMISSION

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Th 13d

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Staff:	Jim Baskin
Staff Report:	November 21, 2003
Hearing Date:	December 11, 2003
Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: **1-03-053**

APPLICANT: **Robert Kirkpatrick**

PROJECT LOCATION: 100 H Street, Arcata, Humboldt County. (APNs
503-224-54)

PROJECT DESCRIPTION: Demolish existing commercial structures and
construct a two-story, eight-unit residential rental
apartment complex on a portion of a 30,198-square-
foot parcel.

GENERAL PLAN DESIGNATION: Residential Medium Density (R-M).

ZONING DESIGNATION: Coastal Residential Medium Density (C-R-M)

LOCAL APPROVALS RECEIVED: City of Arcata Design Assistance Committee
Review No. 001-078-DR and City of Arcata Coastal
Development Permit No. 001-053-CDP.

SUBSTANTIVE FILE City of Arcata LCP
DOCUMENTS:

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval with special conditions of the proposed multi-family residential project. The proposed project involves: (1) the demolition of approximately 6,932 square-feet of existing commercial structures comprising a glazing shop and mini-storage and removal of approximately 8,654 square-feet of asphaltic-concrete pavement; (2) construction of an eight-unit, two-story rental apartment complex entailing 8,220 square-feet of residential floor area and eight garage-enclosed off-street parking spaces within an approximately 4,760-square-foot structural footprint area, extending to a total height of 24½ feet; (3) installation of exterior site amenities, including 560 square feet of fenced ground-floor-level private patio areas, 280 square-feet of second story balcony decking, bicycle storage facilities and trash enclosures; (4) paving approximately 4,189 square-feet of access drive and off-street guest parking area and 700 square-feet of sidewalks; and (5) installation of landscaping within an approximately 6,817-square-foot area (see Exhibit No. 4).

The project site is surrounded by existing development on all sides and has double-frontage on two, fully improved city street rights-of-way with water, sewer, and storm drain infrastructure, and public utilities in place. The redevelopment/in-fill nature of the project together with its location inland from the shoreline of Humboldt Bay within a neighborhood planned and zoned for multi-family residential development raise few issues of Coastal Act consistency. Nonetheless, to ensure that polluted stormwater runoff from the project site does not contribute to cumulative significant adverse impacts to coastal waterways, staff recommends that the Commission attach Special Condition Nos. 1-3.

These recommended conditions would require that: (1) all construction related debris associated with the demolition / site preparation phase of the project be promptly removed from the site and taken to an appropriate disposal facility licensed to receive construction wastes; (2) an erosion and runoff control plan and revised site plan be submitted for the review and approval of the Executive Director that includes water quality best management practices to be used during both during construction and during the life of the project to minimize impacts to coastal water quality; and (3) deed restrictions be recorded providing future owners with constructive notice of the requirements attached to approval of the coastal development permit.

Staff believes the proposed project as conditioned is consistent with the Coastal Act and recommends approval of the proposed project with the above-identified conditions.

STAFF NOTES

1. **Jurisdiction and Standard of Review.**

The proposed project is located within the incorporated boundaries of the City of Arcata within the developed urbanized portion of the town known as the "South of Samoa" neighborhood. The City of Arcata has a certified LCP, but those portions of the project site on filled former tidelands subject to the public trust are within the Commission's coastal development permit jurisdiction. These portions correspond to roughly the western half of the property that would contain the majority of the proposed apartment complex and site improvements (see Exhibit No. 3). All other portions of the project site are within the City of Arcata's permit jurisdiction. The City has already approved a coastal development permit for those portions of the project. The City's approval was not appealed to the Commission.

The standard of review that the Commission must apply to the portion of the project segments within its permit jurisdiction is the Chapter 3 policies of the Coastal Act.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION

The staff recommends that the Commission adopt the following resolution:

Motion:

I move that the Commission approve Coastal Development Permit No. 1-03-053 pursuant to the staff recommendation.

Staff Recommendation of Approval:

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of the majority of the Commissioners present.

Resolution to Approve Permit:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that

would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS: See attached.

III. SPECIAL CONDITIONS:

1. Construction Responsibilities and Debris Removal

The permittee shall comply with the following construction-related requirements:

- (a) No construction materials, debris, or waste shall be placed or stored where it may be subject to entering waters of Butchers Slough or Humboldt Bay; and
- (b) All construction debris, including general wastes from the demolition of the commercial buildings and excavated asphaltic-concrete paving at the site, shall be removed and disposed of in an upland location outside of the coastal zone or at an approved disposal facility.

2. Erosion and Run-Off Control Plans

A. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. 1-03-053, the applicant shall submit, for review and approval of the Executive Director, a plan for erosion and run-off control.

1. EROSION CONTROL PLAN

- (a) The erosion control plan shall demonstrate that:
 - (1) During construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and coastal resources from ground disturbance-related sedimentation;
 - (2) The following temporary erosion control measures, as described in detail within in the "California Storm Water Best Management Commercial-Industrial and Construction Activity Handbooks, developed by Camp, Dresser & McKee, *et al.* for the Storm Water Quality Association (<http://www.cabmphandbooks.com/>), shall be used during construction: *Structure Construction and Painting* (CA3), *Material Delivery and Storage* (CA10), *Scheduling* (ESC1), *Mulching* (ESC11), *Stabilized Construction Entrance*

- (ESC24), *Silt Fences* (ESC50), *Straw Bale Barriers* (ESC51), and *Storm Drain Inlet Protection* (ESC53);
- (3) Following construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and coastal resources associated with entrainment of nonpoint-source pollutants from roofs, pavement, sidewalks, and other impervious surfaces; and
 - (4) The following permanent erosion control measures, as described in detail within in the "California Storm Water Best Management Construction Activity Handbook, developed by Camp, Dresser & McKee, *et al.* for the Storm Water Quality Association (<http://www.cabmphandbooks.com/>), shall be installed: *Preservation of Existing Vegetation* (ESC2), and *Seeding and Planting* (ESC10).
- (b) The plan shall include, at a minimum, the following components:
- (1) A narrative report describing all temporary run-off and erosion control measures to be used during construction and all permanent erosion control measures to be installed for permanent erosion control.
 - (2) A site plan showing the location of all temporary erosion control measures.
 - (3) A schedule for installation and removal of the temporary erosion control measures.
 - (4) A site plan showing the location of all permanent erosion control measures.
 - (5) A schedule for installation and maintenance of the permanent erosion control measures.

2. RUN-OFF CONTROL PLAN

- (a) The run-off control plan shall demonstrate that:
- (1) Runoff from the project shall not increase sedimentation into coastal waters;
 - (2) Runoff from all roofs, patios, driveways and other impervious surfaces on the site shall be collected and discharged into an infiltration interceptor to avoid ponding or erosion either on or off the site. The system shall be designed to treat or filter stormwater runoff from each storm, up to and including the 85th percentile, 24-hour storm event;
 - (3) The following temporary runoff control measures, as described in detail within in the "California Storm Water Best Management Commercial-Industrial and Construction Activity Handbooks,

developed by Camp, Dresser & McKee, *et al.* for the Storm Water Quality Association (<http://www.cabmphandbooks.com/>), shall be used during construction: *Paving Operations* (CA2), *Structure Construction and Painting* (CA3), *Material Delivery and Storage* (CA10), *Solid Waste Management* (CA20); *Hazardous Waste Management* (CA21), *Concrete Waste Management* (CA23), *Sanitary/Septic Waste Management* (CA24), *Vehicle and Equipment Cleaning* (CA30), *Vehicle and Equipment Fueling* (CA31), and *Employee/Subcontractor Training* (CA40); and

- (4) The following permanent runoff control measures, as described in detail within in the "California Storm Water Best Management Commercial-Industrial and Construction Activity Handbooks, developed by Camp, Dresser & McKee, *et al.* for the Storm Water Quality Association (<http://www.cabmphandbooks.com/>), shall be installed: *Non-Stormwater Discharges to Drains* (SC1), *Buildings and Grounds Maintenance* (SC10), *Employee Training* (SC14), *Material Use* (CA11), and *Spill Prevention and Control* (CA12).

(b) The plan shall include, at a minimum, the following components:

- (1) A narrative report describing all temporary runoff control measures to be used during construction and all permanent runoff control measures to be installed for permanent runoff control;
- (2) A site plan showing the location of all temporary runoff control measures;
- (3) A schedule for installation and removal of the temporary runoff control measures;
- (4) A site plan showing the location of all permanent runoff control measures;
- (5) A schedule for installation and maintenance of the drainage media infiltration interceptor and/or oil/water separators;
- (6) A site plan showing finished grades (at 1-foot contour intervals) and drainage improvements; and

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Deed Restriction

PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. 1-03-053, the applicant shall submit to the Executive Director for review and approval

documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS.

The Commission hereby finds and declares as follows:

A. Site Description.

The applicant proposes to construct a multi-family residential apartment complex within the "South of Samoa" neighborhood area of the City of Arcata between G and H Streets, at 100 H Street. (See Exhibit Nos. 1-2.) Much of the eight block area that makes up the portion of Arcata lying south of State Route 255 (Samoa Boulevard) is situated on former tidelands that made up the northern fringes of the Arcata Bay lobe of Humboldt Bay prior to its reclamation in the late 1800s. The former salt marshes in this area adjoining Butchers Slough, the channel conveying flows from the Jolly Giant Creek watershed, were filled beginning in 1870. (See Exhibit No. 3.) Butcher Slough is approximately 150 feet west the project site, across South "H" Street and a row of lots developed with a mix of industrial-commercial and single-family residential uses. Butchers Slough was the subject of an extensive stream restoration and enhancement project undertaken by the City in 2002 (see CDP No. 1-02-020). There are no wetlands, special-status plant or animal habitat, or other environmentally sensitive habitat areas within the project area itself.

The project site is situated on a relatively flat $\pm\frac{3}{4}$ -acre "L"-shaped parcel lying between South "G" and "H" Streets, at an elevation of approximately +6 feet above mean sea level (msl) referenced from the National Geodetic Vertical Datum (NGVD) (see Exhibit No. 4). At present, the parcel is extensively developed with a 3,320-square-foot mini-storage building along its northern side and a suite of attached, single-story general commercial shops and professional office spaces, comprising approximately 8,200-square-feet of structural coverage, along the eastern and southeastern sides. With the exception of small strips of open space yard areas in the form of lawns along the northern, northeastern, and

southeastern sides of the property totaling approximately 3,370-square-feet, the remaining 11,400-square-foot bulk of the site is paved in either asphaltic-concrete or Portland cement-concrete as off-street parking and loading areas.

In addition to the general-commercial and professional office uses that will remain on the eastern side of the site after completion of the project, the project parcel is adjoined by a mixture of individual residences, multi-family apartment complexes, and automotive repair shops.

The subject property is designated Coastal Residential Medium Density (C-R-M) under the City's certified LCP. An entry to the Butchers Slough Restoration Area / Arcata Marsh and Wildlife Sanctuary lies approximately 300 feet south-southwest of the site across South "H" Street, providing coastal access and recreational amenities for hiking, cycling, bird-watching, and boating.

B. Project Description.

The project entails the extensive redevelopment of the western two-thirds of this 30,198-square-foot parcel including the razing of two of the existing commercial buildings on the site, removal of paved parking and loading areas, and construction of an eight-unit, two-story apartment complex with a landscaped periphery.

Demolition of Existing Structures / Site Preparation Work

In preparation for construction of the apartments, the 24' x 142' wood-framed mini-storage building along the parcel's northern side and the 42' x 86' wood-framed glazing shop portion of the attached commercial suite on the southern side of the property will be demolished. In addition, approximately 8,654-square-feet of asphaltic-concrete paving between these buildings will be excavated and removed. After completion of this phase, an approximately 18,231-square-foot area of the site will be made vacant for the proposed development. No changes will occur along the eastern side of the parcel fronting on South "G" Street. The existing general commercial / professional office uses will remain unchanged.

Construction of Apartment Complex

Once all of the construction and excavation debris has been removed from the site, construction of the multi-unit apartment building would commence. The apartment building would consist of a two-story structure constructed within a 4,760-square-foot building envelope extending to an overall 24½-foot height. The first floor would consist of two studio apartments and two two-bedroom apartments, ranging from 388 to 700 square feet in size, and four, attached 22-foot x 22-foot two-car garages along the northern side of the building. The second floor would consist of four two-bedroom apartments, each roughly 865 square feet in size.

Exterior Site Improvements

In addition to interior living spaces, Arcata's zoning code requires that multi-family residential developments include *pro rata* amounts of private open space in the form of either enclosed ground-level patios or upper-story decks. The applicant proposes to construct four 140-square-foot patios along the south side of the building. The patios would be enclosed with 4-foot-high wooden fencing and located on either side of the two duplex entries to the ground-floor units. Four 70-square-foot enclosed decks would also be constructed on the south side of the building to serve the four upper-story units. In addition to the private open space amenities, the applicant would also develop approximately 4,189-square-feet of asphalt-concrete paved access driveway from the site's South "H" Street frontage to the eight garage spaces and four additional off-street parking spaces along the northern side of the proposed apartment building. A covered 40-square-foot trash enclosure would also be constructed along the north side of the apartment building.

Landscaping

Once all of structural improvements are in-place, the remaining open areas on the parcel would be landscaped. The landscape plan developed for the proposed project details the planting of numerous trees, shrubs, perennials, and vines within the 6,817 square-feet of open spaces and planting strips surrounding the apartment complex and along the South "H" Street frontage. To conform with the City's standards for providing common areas and landscaped open space associated with multi-family residential development, the applicant proposes to create bark-covered "sitting" and "community garden" areas along the southern side of the parcel in front of the apartment building (see Exhibit No. 5).

C. New Development

1. Summary of Coastal Act Provisions

Section 30250(a) of the Coastal Act states in applicable part that:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The intent of this policy is to direct development toward areas where community services are provided and potential impacts to resources are minimized.

2. Discussion

The proposed development is situated within a multi-family residential zoning district where apartments as a form of "residential units" not exceeding two-stories are allowed as a principally-permitted use. The project is located in a developed area that is adequately served with water, sewer, public road infrastructure and other municipal services. In addition, electrical, natural gas, and telecommunication public utilities are available from either of the parcels street frontages.

Based on the above conditions, the proposed development is consistent with Coastal Act Section 30250(a) to the extent that it is located in a developed area with adequate water, sewer, utility, transportation, and other public service capabilities, and as conditioned herein, will not have significant adverse effects, either individually or cumulatively, on coastal resources. Therefore, Commission finds that the proposed project is consistent with Section 30250 of the Coastal Act.

D. Protection of Environmentally Sensitive Habitat Areas and Water Quality From Storm Water and Polluted Runoff Impacts

1. Summary of Coastal Act Provisions

Section 30231 of the Coastal Act addresses the protection of coastal water quality in conjunction with development and other land use activities. Section 30231 reads:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantially interference with the surface water flow, encouraging, wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.
(emphasis added)

2. Discussion

Runoff from the project site flows via "H" Street to Butchers Slough, which in turn flows to Arcata Bay. The proposed development would impact the water quality of these water bodies both during construction and after project completion.

Water Quality Impacts from Project Construction

Demolition of the existing structures and excavation of the site to remove pavement for construction of the proposed apartment complex development would expose demolition debris and loosened soil to stormwater runoff. Stormwater runoff flowing across the site could entrain loose soil materials that could in turn drain out onto the adjoining street

frontage and eventually enter flow into Butchers Slough and Arcata Bay, adversely affecting water quality.

The project description identifies several preventative measures to avoid the construction-related impacts identified above (see Exhibit No.7). These measures include management of solid wastes produced during demolition and construction, mulching exposed soil areas on the site to prevent erosion from rainfall events, placing straw bale barriers around the perimeter of the site to intercept entrained sediment, and preserving existing vegetation at the site. Though these measures would serve to reduce potential stormwater runoff related impacts, several other best management practices could feasibly be employed during the development construction phase that would further reduce potential water quality impacts. For example, additional efforts could be taken to train construction workers in the proper handling and storage of building materials, restrict concrete delivery truck wash-out locations, and protocols established for preventing and cleaning-up hazardous materials spills.

Accordingly, the Commission attaches Special Condition Nos. 1 and 2. Special Condition No. 1 requires that efforts be taken to ensure that in the handling and storage of construction materials, demolition debris, and other wastes no such materials be allowed to enter the waters of Butchers Slough or Humboldt Bay. Special Condition No. 1 further requires that all debris and waste be removed from the project site and disposed of in an upland location outside of the coastal zone or at an approved disposal facility. Special Condition No. 2 requires approval of final erosion and runoff plans prior to permit issuance, incorporating both the measures proposed by the applicant, as well as additional actions identified by the Commission staff. The plans are required to ensure that appropriate best management practices (BMPs) to control runoff and prevent spills are implemented in light of expected precipitation events or construction mishaps. These BMPs include such measures as timing the construction to occur during times with low probability of storm events, use of earthen diking, straw bales and debris fencing barriers to intercept and divert any stormwater runoff that may occur away from the excavation area, mulching and re-seeding the area upon completion of demolition- and construction-related ground disturbing activities, and training of employees in the use of BMPs.

Water Quality Impacts from Completed Project

Currently, approximately 91% of the project site is covered in impervious surfaces in the form of buildings, and paved parking and loading areas. Site drainage that does not otherwise infiltrate into these unpaved portions of the site sheet-flows from the roofs, parking lots, and other impervious surfaces into a curbside gutters along the site's South "G" and "H" Street frontages. These flows then continue to the south approximately 400 feet to the southwest corner of Assessor Parcel No. 503-224-46, where South "H" Street makes a right-angle turn eastwardly, enter a drop-inlet and pass diagonally under South "H" Street before being discharged through a tide gate into a channel of Butchers Slough at the northeast corner of the Arcata Marsh and Wildlife Sanctuary (AM&WS) (see Exhibit No. 4).

Arcata Bay, its feeder creeks and the surrounding agricultural, public facility, and open space lands provide habitat for a diversity of wildlife. The AM&WS/Butchers Slough Restoration Area is habitat for a wide variety of resident and migratory waterfowl, shorebirds, wading birds, songbirds, and raptors. A smaller number of mammals, amphibians and reptiles also inhabit the area. Several species of fish are found in the project vicinity including the tidewater goby (*Eucyclogobius newberryi*), a federally-listed endangered species, *coho* salmon (*Oncorhynchus kisutch*), listed as endangered federally and as a threatened species in California, steelhead (*Oncorhynchus mykiss*) a state-listed threatened species, and coastal cutthroat trout (*Oncorhynchus clarki*), a California species-of-special-concern. Numerous avian species are known to commonly roost and forage at the site include the northern harrier (*Circus cyaneus*), white-tailed kite (*Elanus leucurus*), Great blue heron (*Ardea herodias*), Snowy egret (*Egretta thula*), and Black-crowned night heron (*Nycticorax nycticorax*).

Pollutants within stormwater runoff from multi-family residential uses have the potential to degrade the water quality of the aquatic environment. Parking lots contain pollutants such as heavy metals, oil and grease, and polycyclic aromatic hydrocarbons that deposit on these surfaces from motor vehicle traffic. In addition, outdoor maintenance equipment, routine washing, re-painting, and carpet steam-cleaning have the potential to contribute metals, oil and grease, solvents, phosphates, and suspended solids to the stormwater conveyance system.

The proposed project includes measures in its design to mitigate stormwater runoff impacts from impervious surfaces, mainly through the creation of landscaped areas on the site where precipitation could percolate into the ground and undergo bio-filtration rather than being conveyed into the municipal storm drainage facilities and then discharged without any treatment into coastal waters. Upon completion of construction, impervious coverage of the 30,198-square-foot parcel would be reduced from 27,553 square-feet to 19,942-square-feet or from roughly 91% to approximately 66% of the site. Runoff from the apartment roof downspouts and the sidewalk would be directed to landscaped areas where the flows could infiltrate into the ground. Runoff from the approximately 4,189 square-feet of access driveway, exterior parking spaces, and trash enclosure area would however, continue to follow the existing drainage pattern, sheet-flowing westerly down the driveway and pass through a grated trench drain into the gutter on the east side of South "H" Street where it would be conveyed on into Butchers Slough.

For development projects other than single-family residences where the project improvements would result in stormwater runoff that has the potential to contain entrained pollutants that could adversely impact coastal waters, the Commission generally attaches a special condition to the coastal development permit requiring the permittee to provide appropriate best management practices in the form of on-site infiltration interceptors or retention basins to prevent impacts to coastal water quality.

The Commission notes that for this particular development proposal, site conditions preclude the use of on-site infiltration interceptors or retention basins to treat stormwater runoff from the project parcel. Installation of a subsurface gravel infiltration gallery or an oil water separator is not feasible at this site due to the high groundwater table on this low flat parcel and the fact that the grades for stormwater drainage in the adjoining street are at elevations nearly the same as the elevations of the subject parcel. In high-volume traffic areas such as multi-family residential apartment complexes, the use of permeable pavement within parking lots is generally not recommended as the porosity of the pavement is rapidly clogged from the increased vehicular traffic activity. In addition, the shallow depth-to-groundwater and soil characteristics underlying the site do not allow permeable pavement to adequately function.

Even without the use of on-site infiltration interceptors or retention basins, the project as conditioned would greatly reduce water quality impacts from the impacts of the current use of the site. The proposed project would significantly reduce the overall amount of impervious surface at the site by removing sizable quantities of asphalt paving and installing considerable landscaped areas on the parcel. As noted above, approximately 66% of the site would be covered with impervious surfaces instead of 91%, as currently is the case. In addition, the runoff from the vast majority of impervious surfaces (19,942 square feet) would be routed to landscaped areas where the runoff could percolate into the ground and undergo bio-filtration. The runoff from only approximately 4,189 square feet or 14% of the project site would not be routed through the landscaped area. This runoff from the access drive and exterior parking areas would be conveyed through a trench drain grate which would help prevent litter and other solid wastes from being carried offsite. Moreover, special conditions have been attached the permit approval to assure that stormwater runoff from the demolition, excavation, and construction sites will not result in water quality impacts. Therefore, the Commission finds that as conditioned, the project is consistent with Section 30231 as the biological productivity and quality of coastal waters will be maintained.

E. Visual Resources

1. Summary of Coastal Act Provisions

Section 30251 of the Coastal Act states that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance, and requires in applicable part that permitted development be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to restore and enhance where feasible the quality of visually degraded areas, and to be visually compatible with the character of surrounding areas.

2. Discussion.

The project is located within an urbanized neighborhood one city-block inland from the closest (coastal stream) shoreline. The area is developed with a mixture of single- and multi-family residential, general-commercial, professional office, and public facility uses. Structures housing these uses range in size and bulk from single-story homes of approximately 1,000 square-feet to two-story apartment buildings with several thousand square-feet of floor area. Building styles are similar diverse, consisting of an assortment of wood-frame and metal structures topped by flat, gabled, and hip roofs with a variety of exterior finishes. The subject property is currently developed with an assortment of commercial uses conducted in buildings constructed over 50 years ago. Those businesses within the apartment project area have been closed to business for some time. As a result of the age of the buildings, their present state of upkeep, and their shuttered status, the site has somewhat of a blighted appearance compared to other portions of the South of Samoa neighborhood area.

The proposed project would entail the development of a 24½-foot-high, two-story, eight unit apartment building within a 4,760-square-foot building envelope and associated peripheral private & shared open space amenities, and off-street parking improvements. The proposed end-gabled, wood-framed building would be constructed with lap-board siding with barge-board trim, and topped with architectural-grade asphalt-composite shingles (see Exhibit No. 5). Grading of the site would involve alteration of natural landforms and would effectively match the pre-project grade upon completion of the project.

The project would approximate in scale and bulk other development in the immediate area. Construction of the site improvements would involve no alteration of natural landforms. Further, as the proposed project would result in new residential buildings of a contemporary design and appearance that would match that of more recent nearby development, the project would incrementally improvement the overall look of the surrounding area. In addition, given the variety of building types and styles in the South of Samoa neighborhood, the character of the surrounding area could best be described as "eclectic." The Commission therefore finds that as: (1) views to and along the ocean have been protected through the project being located well inland of the coast; (2) natural landform alteration would be minimized; (3) the quality of visually degraded areas would be restored and enhanced where feasible; and (4) the new development would be visually compatible with the character of surrounding areas, the proposed project as conditioned is consistent with Coastal Act Section 30251.

F. Public Trust Lands.

As former tidelands, the project site is located in an area subject to the public trust. Therefore, to ensure that the applicant has the necessary authority to undertake all aspects of the project on these public lands, the Commission attaches Special Condition No. 4, which requires that the project be reviewed and where necessary approved by the State Lands Commission prior to the issuance of a permit.

H. California Environmental Quality Act.

Section 13906 of the Commission's administrative regulation requires Coastal Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as modified by any conditions of approval, is consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are any feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect the proposed development may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. As discussed above, the proposed project has been conditioned to be consistent with the policies of the Coastal Act. The findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. Mitigation measures that will minimize or avoid all significant adverse environmental impacts have been required. As conditioned, there are no other feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act to conform to CEQA.

EXHIBITS:

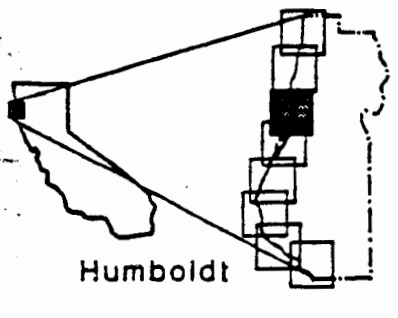
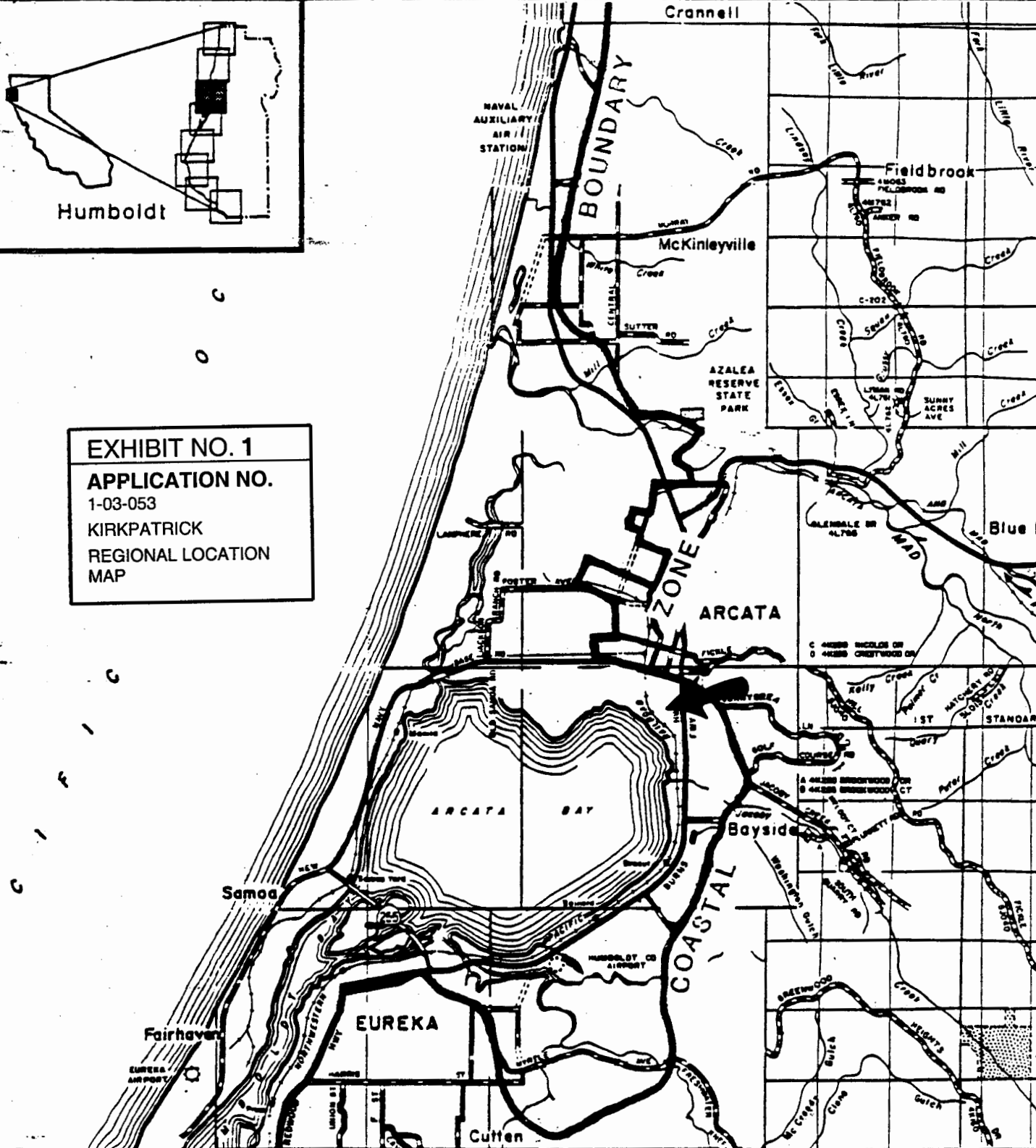
1. Regional Location Map
2. Vicinity Map
3. Jurisdiction Boundary Determination No. BD-44-2001
4. Humboldt County Assessors Parcel Map No. 503-22
5. Project Site, Elevation, and Landscaping Plans
6. Review Agency Correspondence
7. Water Quality BMPs

APPENDIX A

STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable amount of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director of the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

A B C D E F G H I J K L M N O



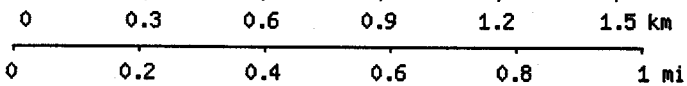
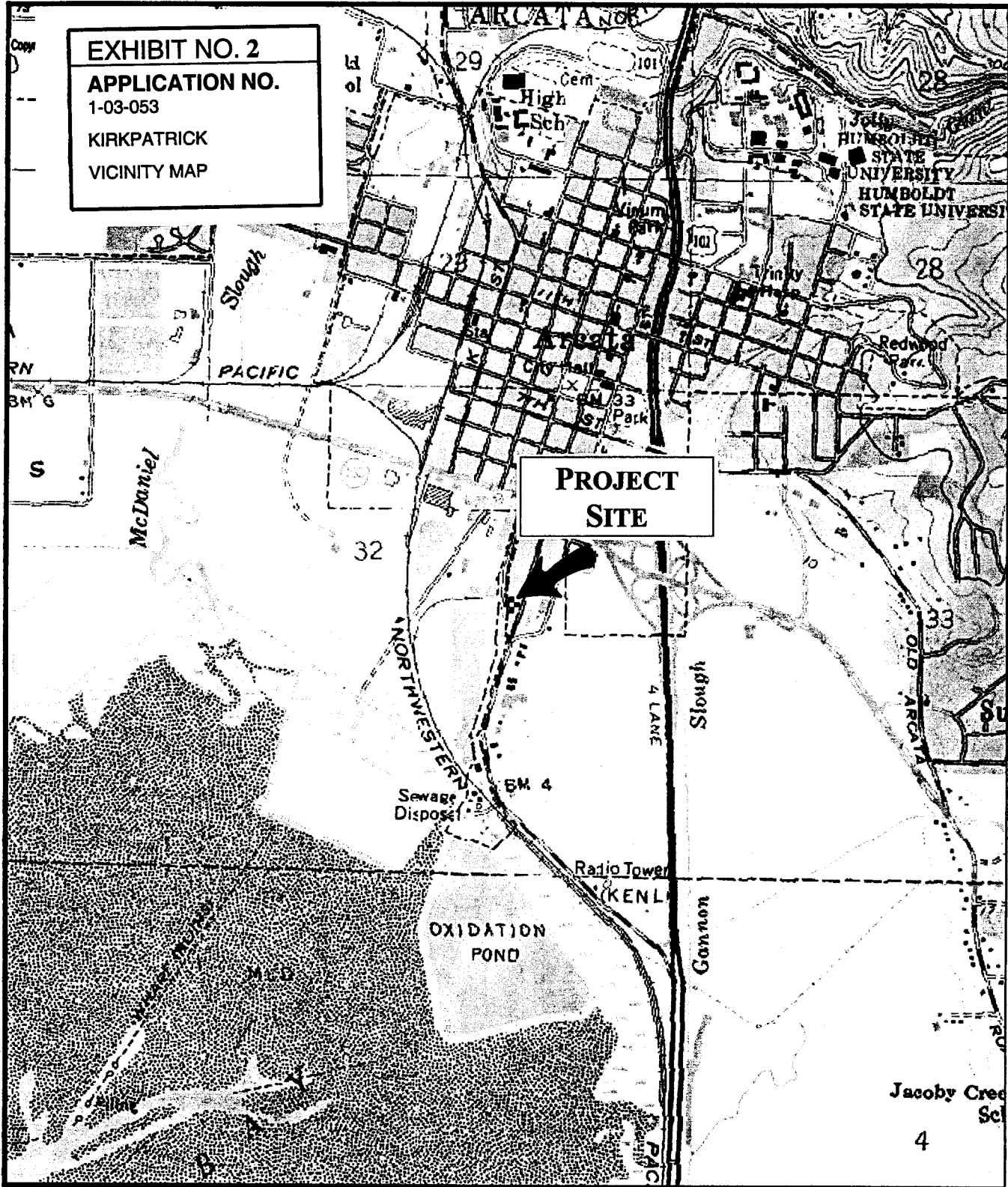
Humboldt

EXHIBIT NO. 1
APPLICATION NO.
 1-03-053
 KIRKPATRICK
 REGIONAL LOCATION
 MAP

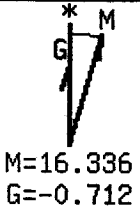
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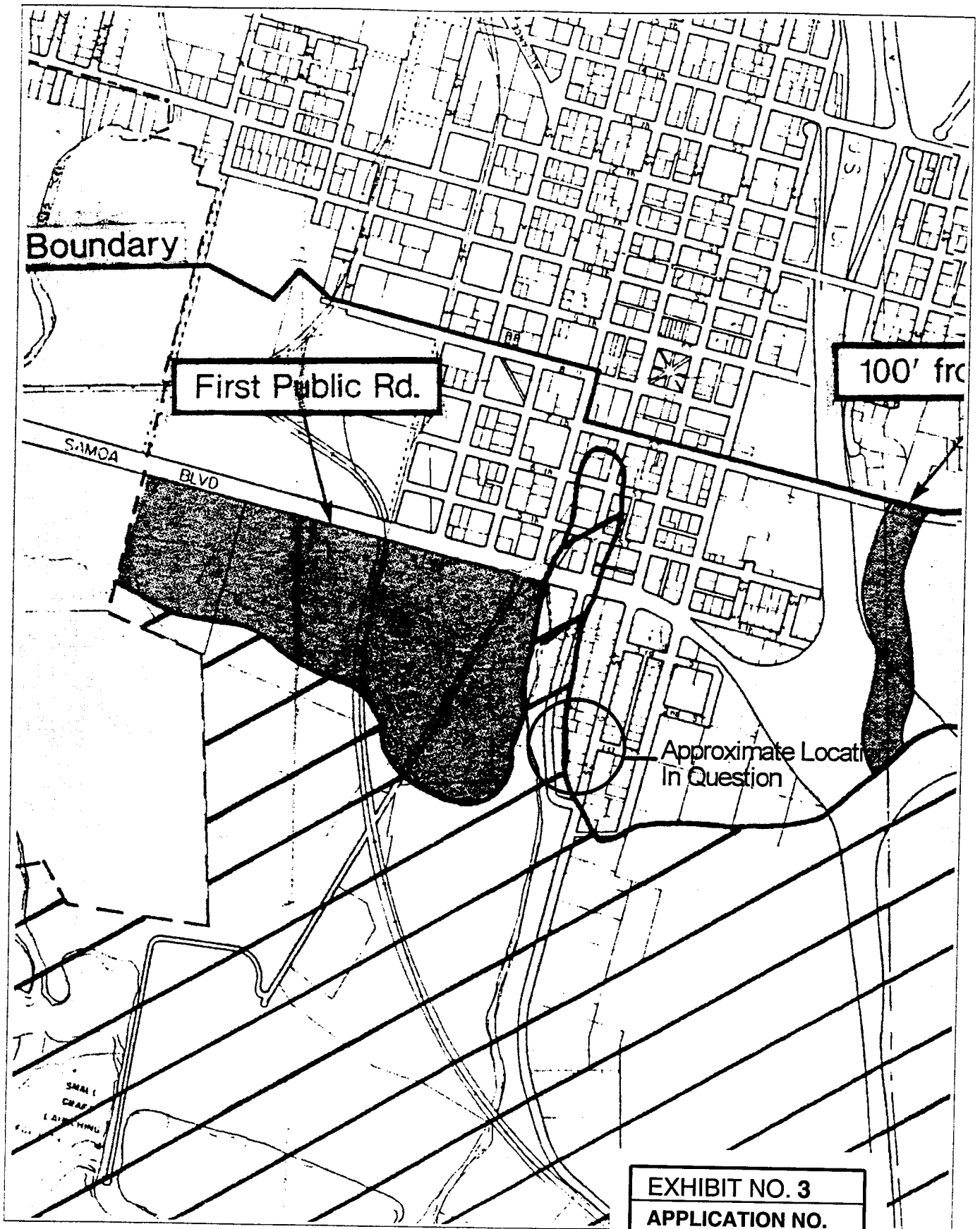


EXHIBIT NO. 2
APPLICATION NO.
 1-03-053
KIRKPATRICK
VICINITY MAP



Map center is UTM 10 408234E 4524016N (WGS84/NAD83)
ARCATA SOUTH quadrangle - TopoZone Pro elevation display
 Projection is UTM Zone 10 NAD83 Datum





BD No. 44-2001
 APN 503-224-54
 Humboldt County

Portion of Post-LCP Certification
 Permit and Appeal Jurisdiction
 Map, City of Arcata

EXHIBIT NO. 3

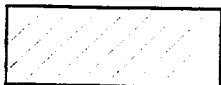
APPLICATION NO.

1-03-053

KIRKPATRICK

JURISDICTION BOUNDARY
 DETERMINATION NO.

BD-44-2001 (1 of 2)



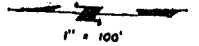
Coastal Commission Permit Jurisdiction



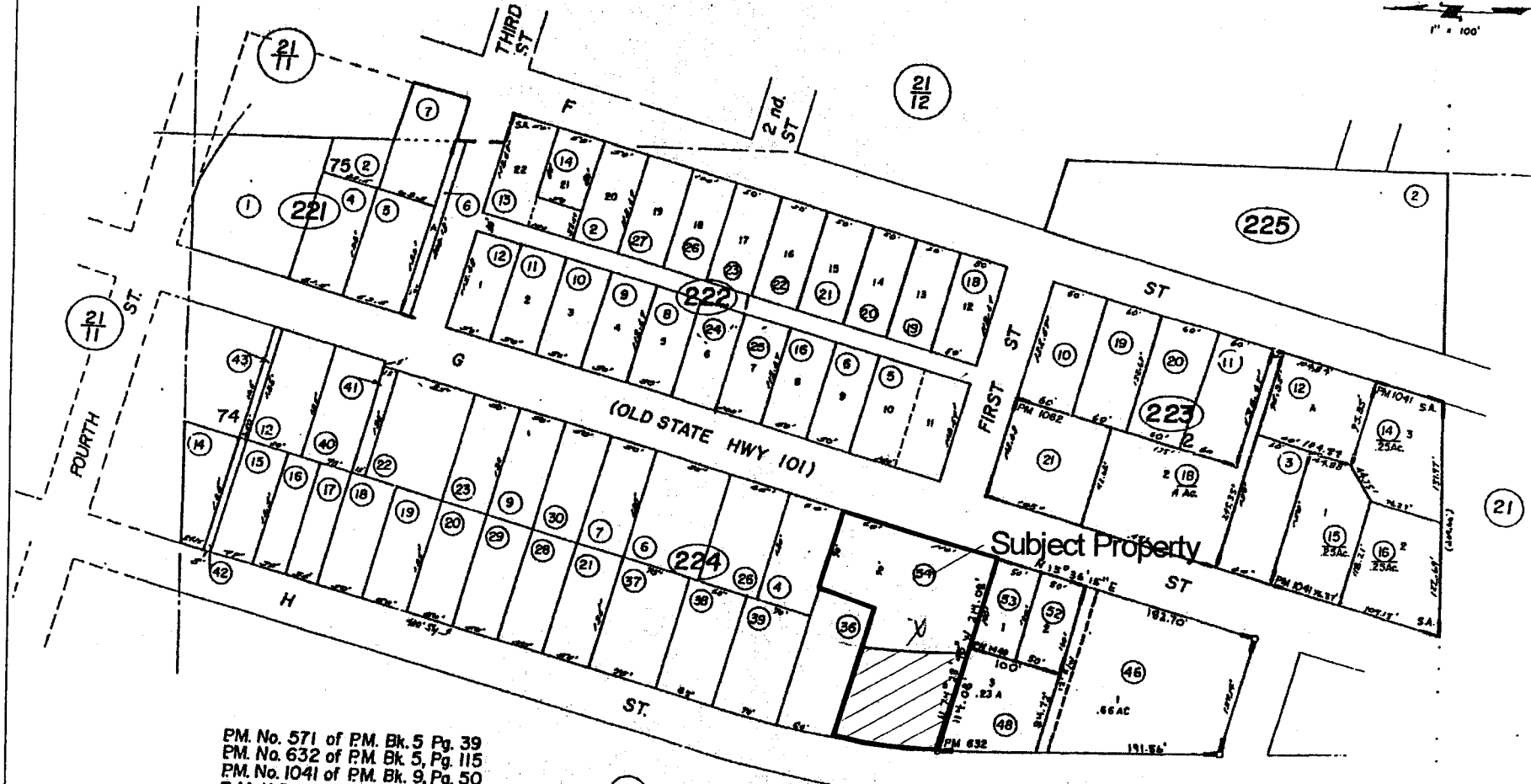
Exhibit 1

POR. SW 1/4 OF NE 1/4 SEC 32, T6N, R1E

503-22



2 of 2



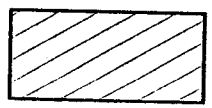
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 PM. No. 632 of PM. Bk. 5, Pg. 115
 PM. No. 1041 of PM. Bk. 9, Pg. 50
 R.M. 11 Pg. 65 South Arcata Add.
 PM. No. 1052 of PM. Bk. 9, Pg. 82
 PM. No. 1449 of PM. Bk. 12, Pg. 124

Assessor's Maps Bk. 503-Pg. 22
 County of Humboldt, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses
 Assessor's Parcel Numbers Shown in Circles

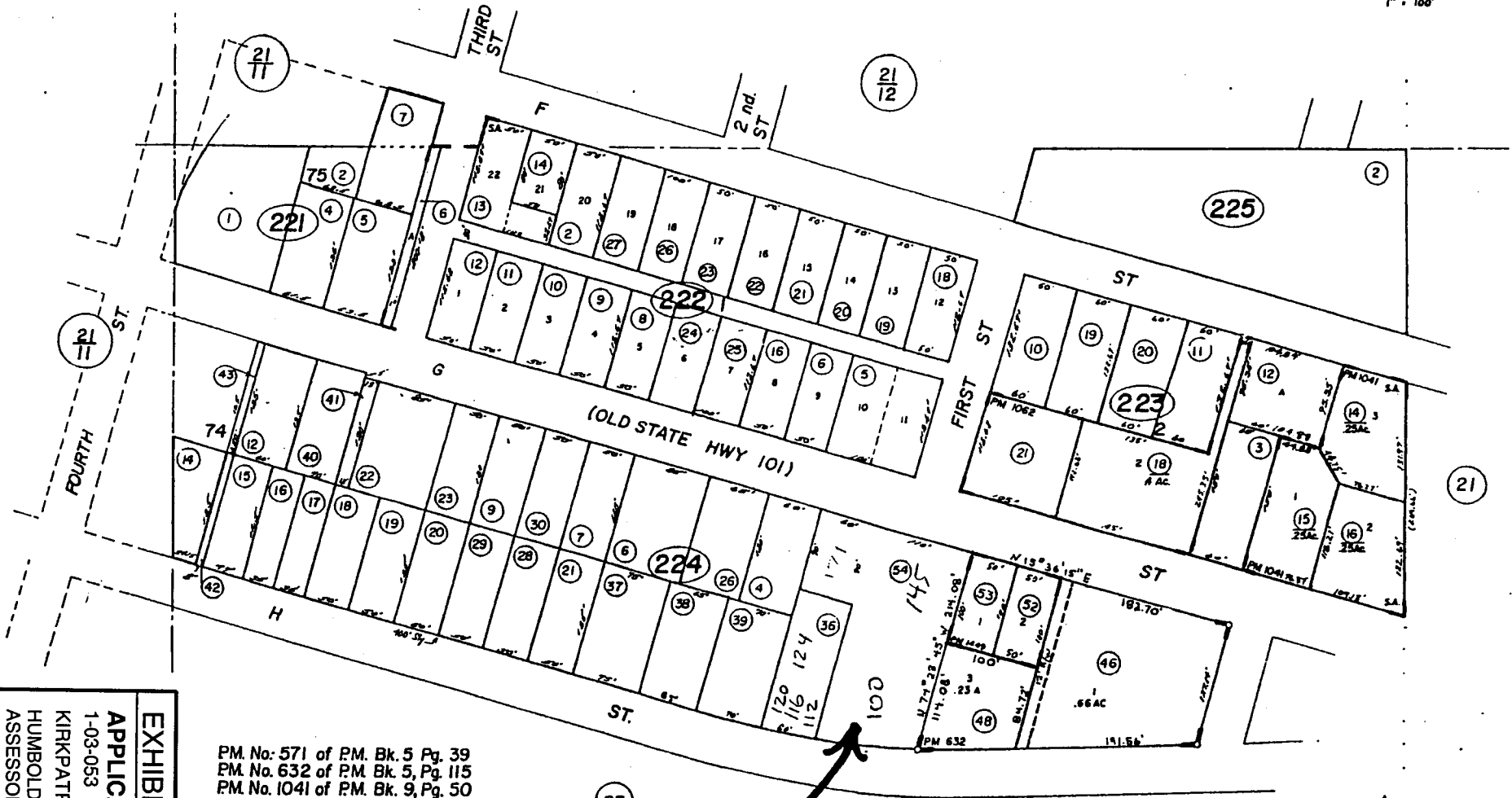
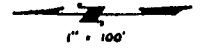
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BD No. 44-2001
 APN 503-224-54
 Humboldt County



Coastal Commission Jurisdiction

Exhibit 2



PM. No. 571 of PM. Bk. 5 Pg. 39
 PM. No. 632 of PM. Bk. 5, Pg. 115
 PM. No. 1041 of PM. Bk. 9, Pg. 50
 R.M. 11 Pg. 65 South Arcata Add.
 PM. No. 1062 of PM. Bk. 9, Pg. 82
 PM. No. 1449 of PM. Bk. 12, Pg. 124

Assessor's Maps Bk. 503 - Pg. 22
 County of Humboldt, Calif.

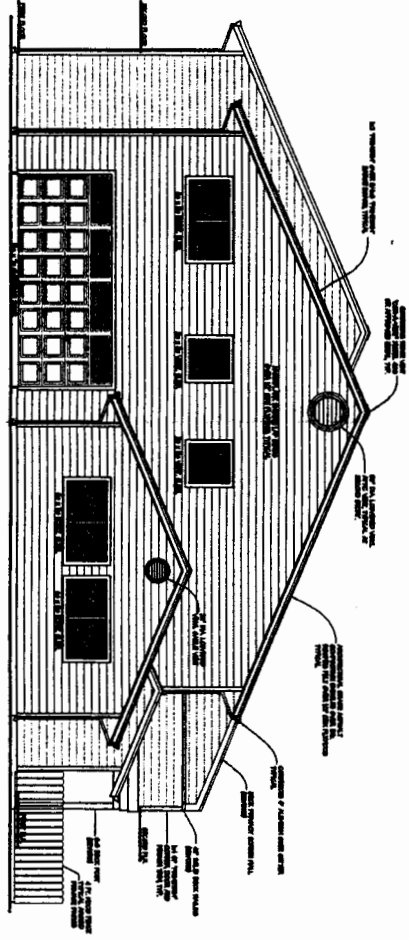
NOTE - Assessor's Block Numbers Shown in Ellipses
 Assessor's Parcel Numbers Shown in Circles

100 H Street
 A.P.# 503-224-54

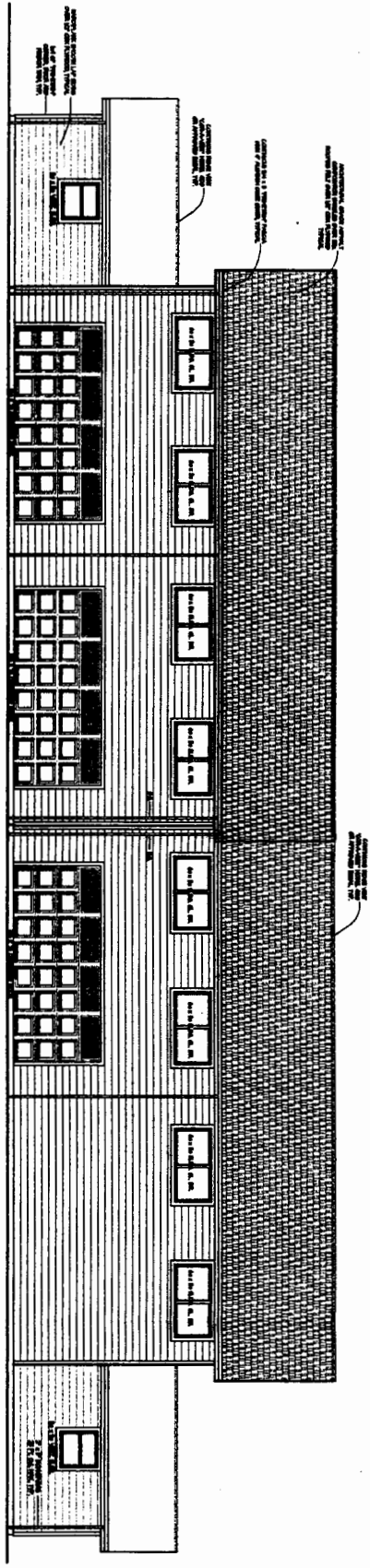
EXHIBIT NO. 4
APPLICATION NO.
 1-03-053
 KIRKPATRICK
 HUMBOLDT COUNTY
 ASSESSOR'S PARCEL
 MAP NO. 503-22

2/13

EAST (H STREET) ELEVATION



NORTH ELEVATION



DATE	BY	REVISION

Joyce Plath Design
 31 South G Street Arcata, California 95501
 Phone: (707) 822-1860 e-mail: joyceplath@aol.com

3 UNIT APARTMENT BUILDING
 for
ROBERT KIRKPATRICK
 100 H STREET ARCATA CALIFORNIA
 A.P.N. 305-224-34

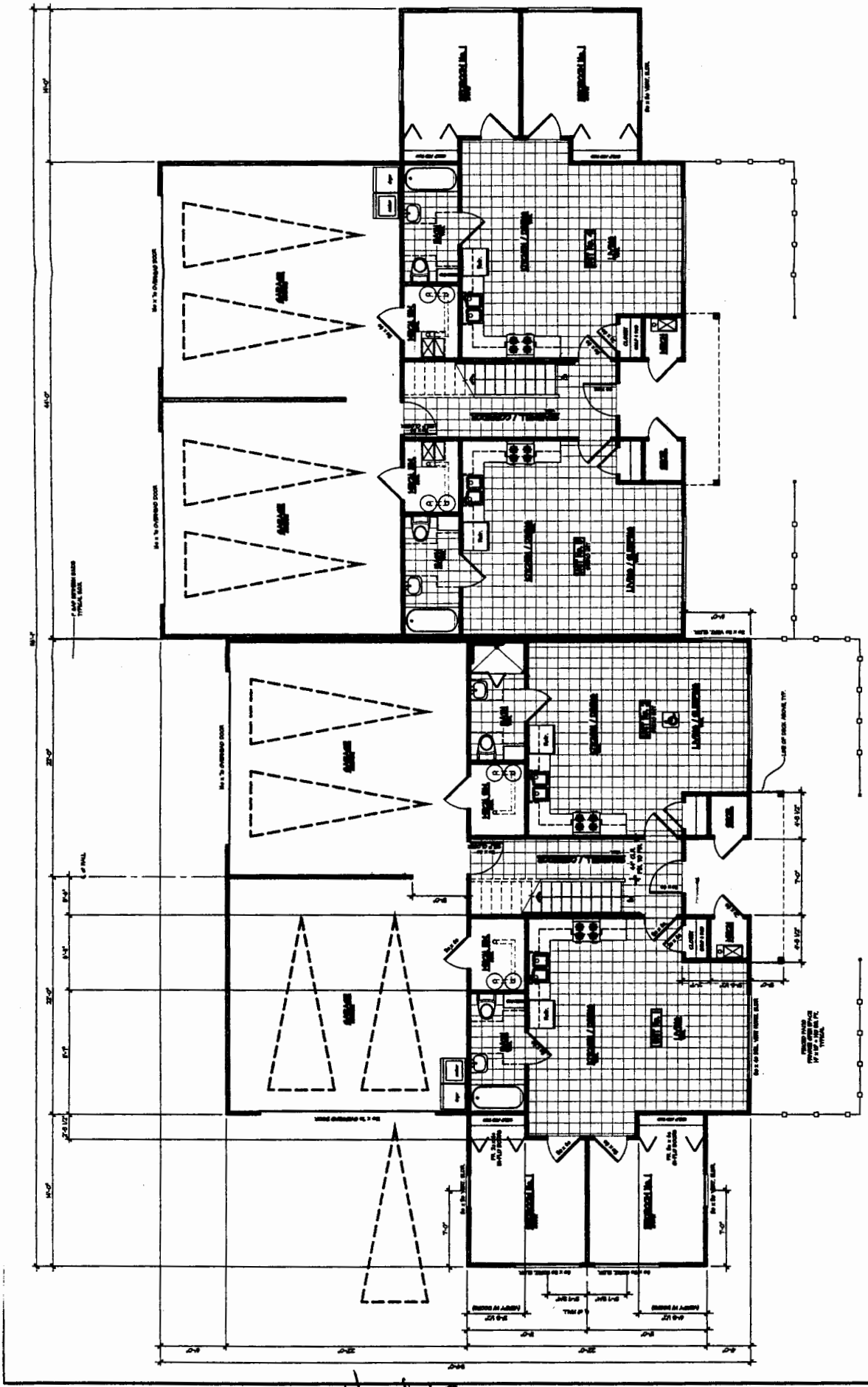
A24

DATE	BY	APP'D

2 UNIT APARTMENT BUILDING
 for
ROBERT KIRKPATRICK
 ARCAVA CALIFORNIA
 100 N STREET
 ARK 503-234-84

Joyce Plath Design
 Arcata, California 95501
 e-mail: joyceplath@aol.com
 Phone: (707) 822-1860
 31 South G Street

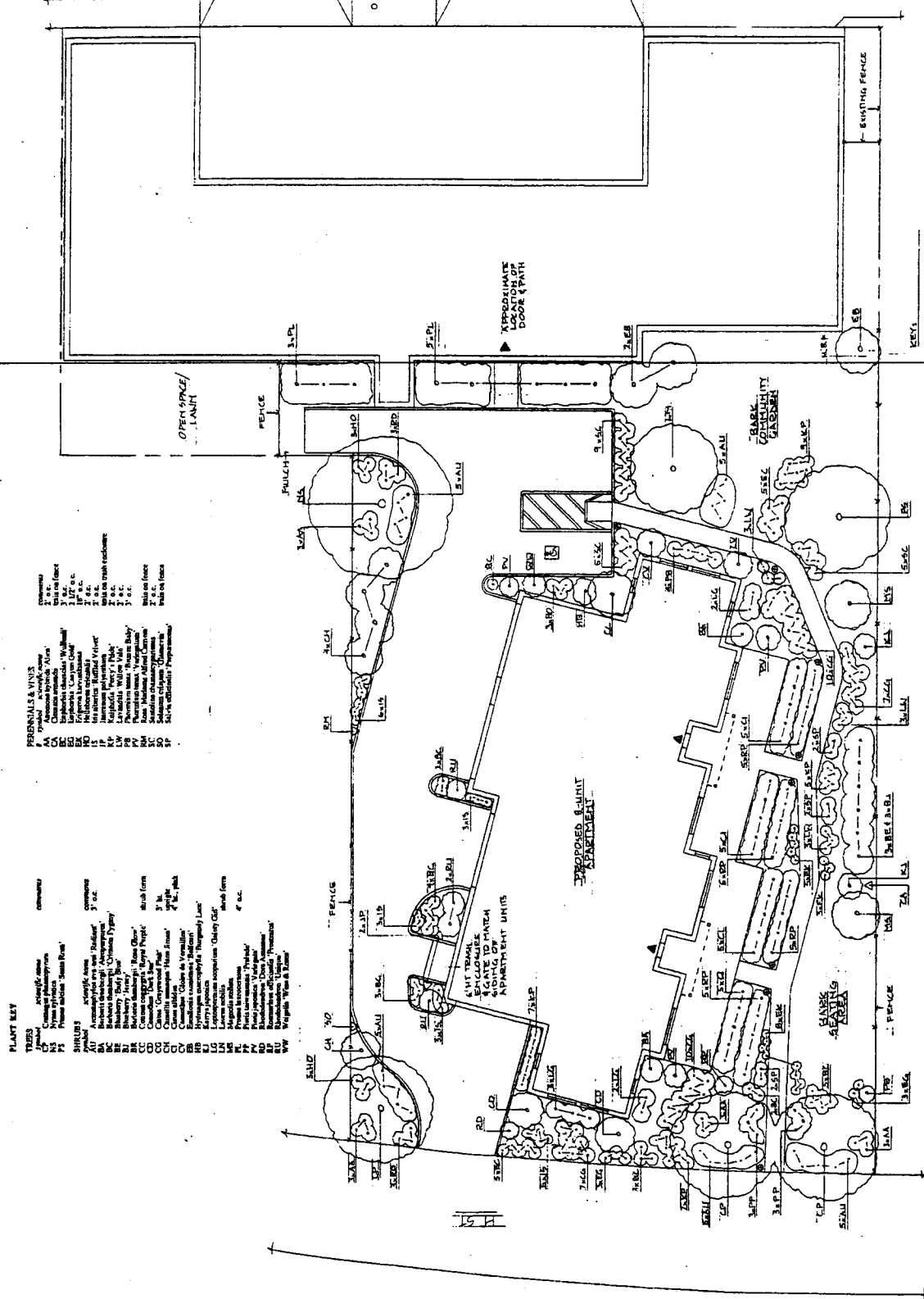
PROJECT: **A21**
 NO. 0-0
 DATE: 11/20/07
 DRAWN BY: JPL
 CHECKED BY: JPL



FIRST FLOOR PLAN

- NOTES:
1. DIMENSIONS AND FEATURES SHOWN FOR UNIT NO. 1 ARE TYPICAL FOR ALL UNITS THIS IS FOR ILLUSTRATION PURPOSES ONLY.
 2. FINISHES ARE AS SHOWN ON SHEET A21 UNLESS OTHERWISE NOTED.
 3. UNITS 2 AND 3 ARE SIMILAR TO UNIT 1.
 4. UNITS 4 AND 5 ARE SIMILAR TO UNIT 1.
 5. FLOOR FINISHES AS SPECIFIED FOR UNIT NO. 1 ARE SIMILAR THROUGHOUT.

4 of 12



- PLANT LIST**
- | TREES | scientific name | comments |
|--------|---------------------|---------------------|
| CA 70 | Quercus agrifolia | Native oak |
| CA 71 | Quercus laevis | Live oak |
| CA 72 | Quercus engelmannii | California live oak |
| CA 73 | Quercus lobata | Red oak |
| CA 74 | Quercus agrifolia | Native oak |
| CA 75 | Quercus agrifolia | Native oak |
| CA 76 | Quercus agrifolia | Native oak |
| CA 77 | Quercus agrifolia | Native oak |
| CA 78 | Quercus agrifolia | Native oak |
| CA 79 | Quercus agrifolia | Native oak |
| CA 80 | Quercus agrifolia | Native oak |
| CA 81 | Quercus agrifolia | Native oak |
| CA 82 | Quercus agrifolia | Native oak |
| CA 83 | Quercus agrifolia | Native oak |
| CA 84 | Quercus agrifolia | Native oak |
| CA 85 | Quercus agrifolia | Native oak |
| CA 86 | Quercus agrifolia | Native oak |
| CA 87 | Quercus agrifolia | Native oak |
| CA 88 | Quercus agrifolia | Native oak |
| CA 89 | Quercus agrifolia | Native oak |
| CA 90 | Quercus agrifolia | Native oak |
| CA 91 | Quercus agrifolia | Native oak |
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| CA 93 | Quercus agrifolia | Native oak |
| CA 94 | Quercus agrifolia | Native oak |
| CA 95 | Quercus agrifolia | Native oak |
| CA 96 | Quercus agrifolia | Native oak |
| CA 97 | Quercus agrifolia | Native oak |
| CA 98 | Quercus agrifolia | Native oak |
| CA 99 | Quercus agrifolia | Native oak |
| CA 100 | Quercus agrifolia | Native oak |

6912

**8-UNIT APARTMENT COMPLEX
for ROBERT KIRKPATRICK**

ARCATA CALIFORNIA

PLANTING SPECIFICATIONS

A. Scope: The work to be done includes all labor, equipment and materials necessary to properly complete the work as shown on the Plan and as specified in this division. No change will be allowed without the approval of the Owner. The Landscape Contractor shall verify all dimensions in the field and notify the Landscape Designer or Owner of any discrepancies prior to planting.

B. Area: All exterior ground areas except areas indicated on Plan as not a part of this contract shall be planted as shown on drawings.

C. Protection: The Landscape Contractor shall provide protection against and assume full responsibility for damage done to any paving, structures, or previous site work during the course of the work.

D. Accuracy of Drawings: Due to the scale of drawings, it is not possible to indicate exact location of plant materials. The Contractor shall carefully investigate the finished conditions affecting all of his work and plan his work accordingly to meet such conditions. Drawings are generally diagrammatic and indicative of the work to be installed. The work shall be installed in such a manner as to avoid conflicts between irrigation systems and architectural or engineering features.

E. Substitutions: Substitutions will not be permitted. If proof is submitted to the Landscape Designer that any plant specified is not obtainable, a proposal will be considered for use of nearest equivalent size or variety with an equitable adjustment of contract price. Such proof shall be substantiated and submitted in writing within fourteen (14) working days after signing of the Contract.

F. Inspection of Plant Material: Plants shall be subject to inspection and approval at nursery or upon delivery for conformity to specification requirements as to quality, size and variety.

G. Materials:

1. **Top Soil:** friable loam free from subsoil, roots, grass, excessive amount of weeds, stones and foreign matter; acidity range (pH) of 5.5 to 7.5; containing a minimum of 4% and a maximum of 25% organic matter.

2. **Commercial Fertilizer:** 16-6-8 commercial fertilizer, pelleted, 16-6-4.

3. **Tree and Shrub Fertilizer:** Agriform (20-10-5) Plant Tablets (21 gram). Do not fertilize Rhododendrons, except with Rhododendron fertilizer.

4. **Fertilizer:** Any balanced (14-14-14) fertilizer to be applied to plants smaller than 1 gal. in size at a rate suggested by manufacturers' written instructions; thereafter to be applied to all plantings at the beginning of each growing season.

5. **Rhododendron Fertilizer:** Any fertilizer specifically for Rhododendrons.

6. **Soil Amendment:** Nitrogen stabilized wood residual, organic compost, sawdust/manure mixture or accepted equal.

7. **Root Hormone:** Vit. B-1 (*Ortho-Upstart*) or approved equal.

8. **Iron Sulfate**

9. **Single Super Phosphate:** May substitute *Super Bloom* or similar amendment high in phosphate.

10. **Redwood Soil Conditioner**

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11. Mulch: Four (4) inches of fir pathway bark to be used in all planting areas, and in seating and community garden areas.

12. Weed Mat: *Dewitt Pro-5* weed barrier, or equal, to be used under bark seating and community garden areas only.

13. Trash Enclosure: 6' ht., to be constructed of siding to match apartment units, and capped with 2" x 4", as shown on Plan. Paint to match apartments.

14. Fencing: Owner's choice of materials and design, as shown on Plan.

15. Trees, Plants and Ground Covers: Species and size for nursery stock identified in Plan. Any substitutions must be approved by Landscape Designer or Owner. All plants supplied by Landscape Contractor shall be healthy, shapely, well-rooted, and of a size "standard for industry". All plants are subject to approval by Owner. A list of plants as shown on the Plan and their quantities and sizes is shown on the Planting List at the end of these specifications.

16. Irrigation: Landscape Contractor shall install irrigation system that will meet the water requirements of all planting beds as shown on Plan. Materials and methods to be used in constructing the irrigation system shall conform to the applicable provisions of the *Uniform Plumbing Code*, the *National Electrical Code* and all codes properly governing these activities at the location of the work. All irrigation material and workmanship shall be guaranteed for one year from date of final acceptance. Contractor shall specify materials to be used including # of valves, a backflow prevention device, filter, and timer prior to starting the job and, upon completion of work, Contractor shall provide Owner with As-Built Drawings showing exact locations of all mains, branches and valves as installed. All irrigation parts to be *Toro* or approved equal.

17. PVC Sleeves: 3" PVC pipe to be installed for irrigation and/or power capabilities as necessary.

18. Hose Bib: Add hose bib to Community Garden area. Site in field.

19. Path Lights: Owner's choice.

H. SITE PREPARATION:

1. Grading and Drainage:

- a. Landscape Contractor shall be responsible for correct finished planting grades.
- b. Areas around foundation of building to drain away at 1/4" per foot.
- c. Finish grade at edge of planting beds to be 2" below surrounding areas to allow room for mulch.
- d. All planting beds to be 2" - 3" higher in center than on edges.
- e. Final grading is to be approved by Owner prior to planting.

2. Soil Preparation and Fertilization:

a. Cultivation of Soil: All planting areas shall be tilled to a minimum of 4" depth, leaving soil in a loose, uniform consistency before adding topsoil and amendments. Any miscellaneous debris and rocks over three (3) inches in size shall be removed.

b. Fertilizer applied at the rate of 30 pounds per 1,000 square feet and a mixture of top soil and soil amendments at the rate of 6 cubic yards per 1,000 square feet shall be cultivated into top four (4) inches of existing soil in all planting areas.

3. Backfill Mix: Prepare soil mix for backfill of planting pits in accordance with the following mix per cubic yard.

Topsoil	1/2 yd
Soil amendment	1/2 yd
16-16-16 fertilizer	3 lbs
Iron sulfate	1 lb
Single super phosphate	2 lbs

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a. The above prepared soil mix shall be mixed in an area adjacent to the planting work and shall be accurately proportioned using a suitable measuring container. Protect mix from water until it has been placed as backfill around plants. This soil mix can be used for all plantings, except Rhododendrons.

b. Owner may wish to substitute a mix of equal parts soil amendment, topsoil, and well rotted steer manure for smaller planting jobs.

I. INSTALLATION:

1. Any planting near water supply fixtures, transformers, etc., is to be located so as not to affect their operation.

2. To test for poor drainage, dig a planting hole about two feet deep in a low spot of area to be planted. Saturate area around hole, and fill hole with water. If the water doesn't leach away within several hours, then some form of drainage will need to be installed before planting begins.

3. Layout and Excavation of Planting Areas: Excavate tree, shrub, and groundcover pits to the following dimensions:

a. Trees less than 4" caliper and Shrubs: Excavate pits to a width 6" greater in any dimension than rootball or container, and 6" greater in depth.

b. Perennials and Vines: Place plants at indicated spacing, in staggered rows, and at same depth as in container. Spread 2" of mulch around base, being careful to not smother plant.

4. Subsoil removal: Remove subgrade soils from the upper topsoil portions and mix in with backfill mix. Loosen subgrade in pits to a depth of 3". Thoroughly scarify sides of all planting pits.

5. Planting: All plants shall be planted approximately in the center of their holes, root crown level with the surrounding grade. Roots shall be spread to rest in a natural growing position. All backfilled soil shall be pushed into the holes around roots and firmed sufficiently to force out all air pockets. During storage and planting, roots shall be protected from drying out at all times.

6. Fertilizer Placement (1 gal. or larger): The Landscape Contractor shall provide and install *Agriform* Planting Tablets around all container plants at the following rate: one (1) per one gallon plant, two (2) per 5 gallon and three (3) per 15 gal. Do not use Tablets for smaller plantings or Rhododendrons.

7. Fertilizer Placement (4" pot or smaller): Add balanced fertilizer at the rate suggested by the manufacturer to all plants smaller than 1 gal. size. Thereafter, apply to all plants at the beginning of each growing season.

8. Rhododendron Planting: Plant all Rhododendron species in a mix of 75% redwood soil conditioner and 25% soil amendment. Fertilize with a Rhododendron fertilizer according to manufacturers' instructions.

9. Backfill and Watering: Set plants in backfill mixture to such a depth that the top of the plant ball will be flush with finished grade. Backfill the remainder of hole with backfill mixture and soak thoroughly. Water backfill until saturated to the full depth of the hole. Pour *Ortho Upstart* (Vitamin B-1) over the surface of plant basin at double the manufacturer's directions at the end of each day of planting.

10. Irrigation System: Contractor shall schedule an appointment with the Owner for an inspection of irrigation system prior to installing mulch. All dripped areas shall have been on for at least two hours prior to inspection.

11. Mulching: Cover all unplanted areas in planting beds with 4" mulch, as indicated on Plan and Specifications. Bring mulch to within a few inches of each plant, allowing some uncovered area around the base of the plants.

J. Guarantee and Replacement:

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1. Contractor shall guarantee all plants, except for "acts of nature", for one (1) year from date of final acceptance.

2. Contractor shall replace all dead plants and plants not in a vigorous condition as soon as directed by Landscape Designer or Owner. Plants used for replacement must be of the same kind and size as specified, planted, and maintained as outlined above. All replacement of plants shall be done before the final acceptance.

3. Landscape Contractor shall guarantee the irrigation system through the first full year of operation. As-built drawings and instructions on equipment shall be provided to Owner at the end of the job.

4. Landscape Contractor shall guarantee drainage away from foundation of buildings and hard surfaces.

5. All replacement of plants or irrigation system as outlined above shall be at the sole expense of the Contractor.

8-UNIT APARTMENT BUILDING
for ROBERT KIRKPATRICK

ARCATA CALIFORNIA

PLANT LIST

TREES

#	symbol	scientific name	size	comments
3	CP	Crataegus phaenopyrum	15 gal.	
1	NS	Nyssa sylvatica	15 gal.	
1	PS	Prunus salicina 'Santa Rosa'	bareroot or 15 gal.	

SHRUBS

#	symbol	scientific name	size	comments
25	AU	Arctostaphylos uva-ursi 'Radiant'	1 gal.	3' o.c.
2	BA	Berberis thunbergii 'Atropurpurea'	5 gal.	
25	BC	Berberis thunbergii 'Crimson Pygmy'	1 gal.	
3	BE	Blueberry 'Early Blue'	bareroot or 1 gal.	
3	BJ	Blueberry 'Jersey'	bareroot or 1 gal.	
1	BR	Berberis thunbergii 'Rose Glow'	1 gal.	
1	CC	Cotinus coggygia 'Royal Purple'	5 gal.	shrub form
2	CD	Ceanothus 'Dark Star'	5 gal.	
34	CG	Cistus 'Grayswood Pink'	1 gal.	3' ht.
5	CH	Camellia sasanqua 'Hana Jiman'	5 gal.	upright
20	CI	Cistus albidus	1 gal.	4' ht., pink
2	CV	Ceanothus 'Gloire de Versailles'	5 gal.	
3	EB	Escallonia exoniensis 'Balfouri'	5 gal.	
1	HB	Hydrangea macrophylla 'Burgandy Lace'	5 gal.	
2	KJ	Kerrya japonica	1 gal.	
7	LG	Leptospermum scoparium 'Gaiety Girl'	5 gal.	
1	LN	Laurus nobilis	5 gal.	shrub form
2	MS	Magnolia stellata	5 gal.	
8	PL	Prunus laurocerasus	5 gal.	4' o.c.
6	PP	Pieris taiwanensis 'Prelude'	1 gal.	
1	PV	Pieris japonica 'Variegata'	5 gal.	
7	RD	Rhododendron 'Dora Amateus'	2-3 gal.	
20	RP	Rosmarinus officinalis 'Prostratus'	1 gal.	
4	RU	Rhododendron 'Unique'	5 gal.	
1	WW	Weigelia 'Wine & Roses'	5 gal.	

PERENNIALS & VINES

#	symbol	scientific name	size	comments
12	AA	Anemone hybrida 'Alice'	1 gal.	2' o.c.
1	CA	Clematis armandii	1 gal.	train on fence
5	EC	Euphorbia characias 'Wulfenii'	1 gal.	3' o.c.
6	EG	Euphorbia 'Canyon Gold'	1 gal.	2 1/2' o.c.
16	EK	Erigeron karvinskianus	1 gal.	18" o.c.
9	HO	Helleborus orientalis	1 gal.	2' o.c.
20	IS	Iris siberica 'Ruffled Velvet'	bulb or 1 gal.	2' o.c.
2	JP	Jasminum polyanthum	1 gal.	train on trash enclosure
28	KP	Kniphofia 'Percy's Pride'	1 gal.	2' o.c.
9	LW	Lavandula 'Willow Vale'	1 gal.	2' o.c.
5	PB	Phormium tenax 'Bronze Baby'	1 gal.	3' o.c.

RECEIVED

APR 09 2001

City of Arcata
Planning & Building Dept.

11 of 12

2	PV	Phormium tenax 'Variegatum'	1 gal.	
1	RM	Rosa 'Madame Alfred Carriere'	1 gal.	train on fence
19	SC	Santolina chamaecyparissus	1 gal.	2' o.c.
1	SO	Solanum crispum 'Glasnevin'	1 gal.	train on fence
6	SP	Salvia officinalis 'Purpurascens'	1 gal.	2' o.c.

Note: Plant sizes are suggestions only. Owner may wish to substitute sizes due to availability or cost considerations.

Plant List by Design/Work, 826-7292.

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CITY OF ARCATA
ACTION OF THE ZONING ADMINISTRATOR

Following a public hearing on December 19, 2002, the Zoning Administrator approved a Coastal Development Permit for the project noted below.

PROJECT INFORMATION

Project: Coastal Development Permit to construct an 8-unit, two-story apartment building with associated parking provided on the ground floor of the proposed structure. The site currently contains commercial businesses. The existing storage buildings on site will be demolished as part of this project.

Application Type: Coastal Development Permit (CDP)
Location: 100 "H" Street, & 145 "G" Street AP# 503-224-054
Owner/Applicant: Robert Kirkpatrick
File Number: 001-053-CDP
Zoning and GP: Coastal Residential Medium Density (C-R-M)
Coastal Status: In the Coastal Zone, portion City of Arcata jurisdiction, portion California Coastal Commission jurisdiction

Environmental: The proposed project is exempt from CEQA under Class 32, 15332.
App. Received: January 23, 2001
App. Complete: July 29, 2002

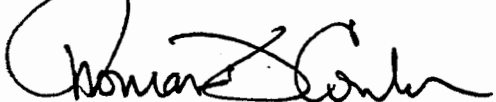
FINDINGS: The project is approved based on the Findings stated in Exhibit 1, which is available for review at the Community Development Department.

CONDITIONS OF APPROVAL: The approval is subject to the conditions stated in Exhibit 2, which is available for review at the Community Development Department.

APPEALS: The action of the Zoning Administrator with respect to this project may be appealed to the Planning Commission. Appeals shall be filed in the office of the Community Development Department within ten (10) working days following the Coastal Commission's receipt of the final local notice of the appropriate review authority's decision. Appeals shall be addressed to the Planning Commission on the prescribed form, shall state the reasons for the appeal, and shall be accompanied by the applicable filing fee. The appeal period to the Arcata Planning Commission for this action ends at 5:00 p.m. on January 09, 2003.

DATE APPROVED: December 19, 2002
DATE OF THIS NOTICE: December 20, 2002
EFFECTIVE DATE OF PERMIT: January 10, 2003
EXPIRATION DATE OF PERMIT: January 10, 2004

ATTEST:



Thomas D. Conlon
Community Development Department Director

EXHIBIT NO. 6
APPLICATION NO. 1-03-053 KIRKPATRICK REVIEW AGENCY CORRESPONDENCE (1 of 7)

CC: Owner, Applicant
Coastal Commission

EXHIBIT 1

File # 001-053-CDP
Kirkpatrick Coastal Development Permit

CONDITIONS OF APPROVAL

[Approved by the Zoning Administrator on December 19, 2002]

The Coastal Development Permit, file #001-053-CDP, to demolish the existing storage buildings and to construct an 8-unit, two-story apartment building with associated parking provided on the ground floor of the proposed structure, is approved subject to the conditions set forth herein. The conditions of approval are arranged according to the timing of compliance and the City department that establishes compliance.

- A. AUTHORIZED USES AND DEVELOPMENT:** Approval is granted for a Coastal Development Permit to demolish the existing storage buildings and to construct a new 8-unit, two-story apartment complex with associated parking provided on the ground floor of the proposed structure.
- B. PRIOR TO ISSUANCE OF ANY BUILDING PERMIT:** The following conditions shall apply prior to any building permit for the project:

Community Development Department:

- B-1 STATE COASTAL DEVELOPMENT PERMIT OR WAIVER THEREOF.** Prior to issuance of any demolition or building permit, the applicant shall obtain an approved Coastal Development Permit or Waiver thereof from the California Coastal Commission.
- B-2 DEMOLITION PERMIT REQUIRED.** A demolition permit shall be obtained prior to removal of the existing storage building on site. Staff recommends recycling of all discarded recyclable materials and reuse of any salvageable materials for the proposed residential building.
- B-3 BUILDING PERMIT REQUIRED.** Any necessary building permits shall be obtained prior to commencing construction on the project.
- B-4 DESIGN REVIEW COMPLIANCE** The subject project shall comply with the approval of the Design Review Commission (DRC) of April 18, 2001, or as subsequently modified by the DRC. Building or grading permits for the project will not be issued until staff verifies such compliance.
- B-5 DESIGN CRITERIA FOR EXTERIOR LIGHTING.** All exterior lighting shall be shielded or otherwise directed in order to minimize ambient diffusion to neighboring parcels to the fullest extent possible without reducing the project sites resident's nighttime safety.
- B-6 COASTAL DEVELOPMENT PERMIT COMPLIANCE.** Plans submitted for building permits shall comply with the conditions of approval of the Coastal Development Permit.

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C. DURING CONSTRUCTION

Community Development Department

C-1 HOURS OF CONSTRUCTION. 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 5:00 p.m. on Saturdays. In addition, hours of operation of heavy equipment (for example: cement and grading equipment) during any construction shall be limited to the hours of 8:00 a.m. to 5:00 p.m. weekdays. Heavy equipment related construction activities shall not be allowed on Saturdays, Sundays and/or holidays.

C-2 DUST CONTROL DURING CONSTRUCTION. On any day when soil moisture conditions allow dust to be generated, the ground shall be watered as necessary to minimize evolution of dust.

D. PRIOR TO OCCUPANCY. The following general conditions shall be met prior to occupancy of the building and commencing operation of the approved use.

Community Development Department

D-1 INSPECTION AND CERTIFICATE OF OCCUPANCY. Following project completion, and prior to occupancy of the premises and commencing operation, the applicant shall obtain inspection and approval by the City Building Inspector.

D-2 INSPECTION TO ESTABLISH COMPLIANCE WITH COASTAL DEVELOPMENT PERMIT AND DESIGN REVIEW APPROVAL. Prior to occupancy of the building, the applicant shall obtain an inspection by planning staff to establish compliance with the conditions stated herein.

E. EFFECTIVE DATE AND EXPIRATION OF PERMITS

Community Development/Building Department:

E-1. PERMIT ACTIVATION AND EXPIRATION. This Coastal Development Permit shall expire one (1) year from the date of its issuance unless said permit is activated. "Activated" shall mean when a building permit is issued and construction commenced. This permit may not be extended except as permitted by the Arcata Land Use and Development Guide (LUDG) section 1-0402.7 (or its equivalent).

E-2 VIOLATION GROUNDS TO REVOKE PERMIT. The violation of any specification or condition of this Coastal Development Permit shall constitute a violation of the Land Use and Development Guide and may constitute grounds for revocation of this permit.

E-3 INSPECTIONS. The applicant and subject property owner are to 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.

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FINDINGS FOR APPROVAL

[As approved by the Zoning Administrator on December 19, 2002]

The following findings are made in approving the Coastal Development Permit, file # 001-053-CDP. The findings are written in *italics*. A discussion of how the finding can be made, for the project request, will follow the stated criteria. This discussion will be bracketed ([]) and in normal type.

I. REQUIRED COASTAL DEVELOPMENT PERMIT FINDINGS PER LUDG SECTION 1-0408.4.***I-A The proposed development conforms to the Certified Local Coastal Program.***

[The proposed development will not restrict public access to the shoreline or increase the potential for adverse affects to coastal resources. 45 persons for net acre is identified as the maximum density for the Residential Medium Density zoning district. The proposed project will provide for populating the project parcel with 8 residential units thereby providing potential residency 22 persons within 31,700 square feet (30 per acre) therefore less than the maximum permitted density.]

I-B For development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, the development is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act.

[The project site is not between the nearest public road and the sea or shoreline of any water body in the coastal zone; therefore, this finding is not required.]

II. REQUIRED NON-CONFORMING SITE CONDITIONS FINDINGS PER LUDG SECTION 1-0310.6***II-A A change of use or building floor area on a lot which is nonconforming as to site conditions may only occur where the following condition is met: a) The nonconforming conditions are not changed in a way that results in a greater degree of nonconformity.***

[The proposed development will change the use of the project site. The existing development does not conform to the development standards with respect to open space and parking. The proposed development plan proposes to increase the proportion of open space allocated thereby lessening the existing degree of nonconformity. The proposed development also provides adequate parking for the proposed new use and will not increase the severity of the nonconformity with respect to parking.]

III. ENVIRONMENTAL FINDINGS.

The proposed project is exempt from CEQA under Class 32, 15332:

Class 32 Section 15332 of the California Environmental Quality Act (CEQA) exempts, "*In-fill Development Projects: In-fill development projects characterized as in-fill development meeting the conditions described in this section. (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses (c) The project site has no value as habitat for endangered, rare or threatened species (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality (e) The site can be adequately served by all required utilities and public services.*"

[The proposed project complies will all applicable general plan and zoning designation policies and is consistent with those policies not directly related to the project. The proposed project parcel (0.72-acre) is less than one acre in size. The project site is currently developed, therefore the proposed development would not further degrade the site or effect the site's value for endangered, rare, or threatened species' habitat. The proposed use of the project site would not significantly increase factors leading to traffic, noise, air quality or water quality. The proposed project provides adequate parking for the possible increased vehicular traffic to the proposed development site. The site is currently serviced by all required utilities and public services.]

ENVIRONMENTAL COMPLIANCE: Kirkpatrick Multi-Family Residential Project

The California Environmental Quality Act (CEQA) allows environmental review exemptions, including categorical exemptions, under certain conditions. A Class 32 Categorical Exemption applies to certain infill development projects in urban areas. The guidelines specify the conditions that apply to this exemption. The following are the criteria (a through e) for this exemption, followed by the applicable conditions of the proposed use.

Guidelines Section 15332 In-fill Development Projects

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- (a) **The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulation.**
The project is within the "South of Samoa" neighborhood, an area designated for residential development. The City's General Plan designation and zoning for the site is Residential Medium Density (R-M). The R-M land use designation allows medium density residential unit types that typically include duplexes, townhouses, co-housing, low-density apartments, and modular housing located in mobile home parks (Arcata General Plan: 2020).
- (b) **The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.**
The proposed use is located within Arcata City limits and is 0.77 acres (31,700 square feet) in size. The site is surrounded by urban development that includes residential and commercial uses. The property presently contains a 8,388 square foot building which houses commercial uses. Parking for the site is provided by a 3,312 square foot lot on the east side of the parcel along G Street.
- (c) **The project site has no value as habitat for endangered, rare or threatened species.**
The site is completely developed with buildings, pavement, and other improvements. It has no habitat value in its current condition.
- (d) **Approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality.**

Traffic: The site is located at the intersection of G and H Streets. The proposed use of the site would generate more traffic than the current use. Standard calculations for average weekday trip generation per dwelling unit is 9.57 per day (Trip Generation (6th Edition, Volume 1), Institute of Transportation Engineers, 1997). Based on this calculation, the proposed use would generate, on average, approximately 77 trips per day.

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The signalized intersections accessing the site are G and H Streets at Samoa Blvd. The Arcata General Plan: 2020 specifies these intersections as having existing and projected level of service (LOS) A and volume to capacity ratios of less than one during afternoon peak hours. The additional 77 generated trips will maintain this level of service.

The most recent traffic counts for these intersections were conducted by Caltrans on March 22, 1994. Traffic counts for H Street from 6 a.m. to 6 p.m. were 681 vehicles traveling southbound onto H Street, and 300 vehicles traveling northbound from H Street. Traffic counts for G Street from 6 a.m. to 6 p.m. were 1,129 vehicles traveling southbound onto G Street, and 983 vehicles traveling northbound from G Street. The higher counts on G Street are due to it being a designated truck route and accessing Highway 101 to the south.

The City of Arcata has traffic counts for average daily trips on G Street south of Samoa Blvd. The count for G Street between 1st Street and Rotary Park (formerly 3rd Street) is 3000 (1991); the count from South G at the Arcata Marsh Interpretive Center is 2300 ADT (1995) (pers. comm. Dell Hillger, City of Arcata Public Works). The proposed use will not significantly increase these existing traffic volumes.

Noise: Project related noise impacts include short-term construction noise, and typical residential noise. Construction hours and noise levels are regulated by the General Plan. Existing sounds from the use of the site as a mini-storage would be replaced by sounds from typical residential activity, such as conservations, music, etc. No extra-ordinary construction techniques (e.g., pile foundations) generating higher than expected noise levels are proposed. There is no noise ordinance for this area.

Air quality: Project related air quality impacts include short-term construction emissions (gas and diesel powered equipment) and residential vehicle traffic. No wood burning fireplaces are proposed for the project. Construction techniques that minimize emissions, such as operating equipment with proper pollution control devices, will be used. Projected vehicle trips will be consistent with residential generation rates projected for the site in the General Plan.

Water quality: All site drainage would be directed to existing inlets which flow to the City's storm drain system. No other activities are proposed which would adversely affect water quality.

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

Authority Cited: Section 21083. Public Resources Code. Reference: Section 21084. Public Resources Code.

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RECEIVED

OCT 29 2003

CALIFORNIA
COASTAL COMMISSION

October 28, 2003

Jim Baskin
Coastal Planner, North Coast District Office
California Coastal Commission
710 E Street, Suite 200
Eureka, CA 95501

Regarding: Addendum to Robert Kirkpatrick CDP Application

Dear Jim,

Per your request, enclosed is a description of the Best Management Practices (BMPs) to be used during the construction phase of Robert Kirkpatrick's proposed project at 100 H Street, Arcata, California. One or more (or an equally effective alternative) of the following BMPs will be used to ensure effective erosion control, sediment control, and construction waste management. These BMPs, which come from the *California Stormwater Best Management Practice Construction Handbook*, are also recommended by the City of Arcata's Environmental Services Department. (The handbook's BMP numbers are shown in parenthesis.)

Solid Waste Management: The contractor will prevent or reduce the discharge of pollutants to City's drainage system from solid or construction waste by providing designated waste collection areas and containers, arranging for regular disposal, and training employees and subcontractors. The contractor will make sure that construction waste is collected, removed, and disposed of only at authorized disposal areas (BMP WM-5).

Straw Mulch: The contractor will place a uniform layer of straw onto exposed soil and incorporate it into the soil to protect soil surface from the impact of rainfall, preventing soil particles from becoming dislodged (BMP EC-6).

Straw Bale Barrier: The contractor will place a series of straw bales on a level contour to intercept and pond sheet flows, allowing sediment to settle out (BMP SE-9).

Preservation of Existing Vegetation: The contractor will plan to preserve as much existing vegetation as possible in order to minimize removing or injuring existing trees, vines, shrubs, and grasses that protect soil from erosion (BMP EC-2).

Additionally, construction activities will be planned, to the greatest extent feasible, during the dry season in order to maximize erosion and sediment control.

Complete descriptions, suitable applications, limitations, and implementation instructions of these BMPs can be found at <http://www.cabmphandbooks.com/Construction.asp>.

If you have any questions or comments, please contact me at the number below.

Sincerely,


Oona Smith

cc: Robert Kirkpatrick

EXHIBIT NO. 7
APPLICATION NO. 1-03-053
KIRKPATRICK
WATER QUALITY BMPs

