



City of Arcata Community Development Department

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www.cityofarcata.org

USE PERMIT

OVERVIEW

The City of Arcata is divided into various zoning districts. Each zoning district has uses which are permitted by right, and other uses which are conditionally permitted. All conditionally permitted uses require a Use Permit or Minor Use Permit.

The purpose of a Use Permit is to allow review of compatible uses which need special consideration, and to ensure that the project will not cause problems for the neighborhood; City or state facilities, such as roads, sewer or water systems, schools and parks; or public services such as police and fire protection. The use cannot cause serious public health, safety or welfare problems nor have an adverse impact on the environment.

HOW TO APPLY

Use Permit applications are available at the Community Development Department, or on the Department's website at www.cityofarcata.org. Staff can assist you with the materials needed for a complete application packet. Submit the completed application packet along with the application fee to the Department for processing.

THE PROCESS

Step 1: Application Filing and Initial Review

Once your application has been submitted and fees collected, Staff will perform an initial application review. Please follow the attached checklist carefully when preparing your application as this is what staff relies on to determine completeness. Should your application be found incomplete, you or your designated agent will be contacted and advised what items must be submitted before processing can continue.

Preliminary Review Option: Applicants can pay a fee to get the permit review process started rather than waiting until all required items are submitted for staff to begin review of your project. This will provide you with an assessment of how the proposed use complies with applicable standards. The application must be complete to proceed beyond that.

Step 2: Environmental Review

The assigned planner will review the project in accordance with the California Environmental Quality Act (CEQA) to determine if the project is statutorily or categorically exempt from CEQA, or if it is subject to CEQA and further environmental review is required. If the project is exempt from CEQA, then Step 2 is complete. If the project is not exempt from CEQA, then an initial study will be prepared, which determines the required environmental document that must be prepared and circulated for agency and public comment.

Step 3: Department and Agency Referrals

Once your application has been accepted as complete, the assigned planner will send copies of your application materials to other City departments and public agencies having jurisdiction or authority over your project. If the responding Departments or agencies identify issues to be resolved prior to the continued processing of your application, or if additional information is required by those Departments or agencies, you or your designated agent will be advised as to what is needed. These Department and agency comments may affect the form and content of the environmental document.

Step 4: Planning Commission/ Zoning Administrator Staff Report

Staff will prepare a written report that describes the proposed project, discusses the legal findings, presents staff's recommendations, and lists conditions for approval. The findings will determine whether the location and the use is in accord with the objectives and purposes of the code and the zoning district in which the site is located; that the use will not be detrimental to the public health, safety, or welfare; and the proposed use is consistent with the City's General Plan or Local Coastal Program (§ 9.72.080 F.). A copy of the staff report will be sent to you prior to the public hearing.

Step 5: Conditions of Approval

In approving a Use Permit or Minor Use Permit, the review authority may impose any conditions (e.g. the placement, height, nature and extent of use, buffers, landscaping and maintenance, off-site improvements, hours of operation etc.) deemed reasonable and necessary for Land Use Code compliance and ensure that the proposed use meets required findings. The violation of any required condition may constitute grounds for permit revocation.

Step 6: Public Notice and Hearing

The Planning Commission is the review authority for a Use Permit; the Zoning Administrator may approve or disapprove a Minor Use Permit provided the project is exempt from CEQA. The Zoning Administrator may choose to defer action and refer any Minor Use Permit application to the Planning Commission for hearing and decision.

The notice for a Minor Use permit will state that the Zoning Administrator will decide whether to approve or disapprove the application on a date specified in the notice, and that a public hearing will be held only if requested in writing by any interested person prior to that date. If a public hearing is requested, the Zoning Administrator will refer the application to the Planning Commission for hearing and decision (§ 9.72.080 E.).

A Notice of Public Hearing will be sent to all property owners within 300 feet of your property if the project is exempt from CEQA. For projects not exempt from CEQA, notice will be sent to all property owners within 500 feet of your property. The notice, which must be mailed at least 10 calendar days prior to the hearing will state the date, time, and place for the public hearing. You and/or your agent should attend the public hearing in case there are project specific questions. At the public hearing, any person may present verbal and/or written testimony for or against the project. The review authority will take into account the whole record, including all of the public testimony before making their decision. The review authority may make a decision at the hearing, or may continue the matter if more information is needed.

Step 7: Appeals

Zoning Administrator actions are appealable to the Planning Commission and Planning Commission actions are appealable to the City Council by you as the applicant, or any other adversely affected person.

Appeals to the Planning Commission must be filed with the Community Development Department; appeals to the City Council must be filed with the City Clerk both within 10 calendar days of the actual date of the final decision. Appeals must be submitted in writing and be accompanied by the required fees.

EXPIRATION OF PERMITS

Any permit not exercised within 12 months of approval shall expire and become void, unless a condition of approval or other provision of the Land Use Code establishes a different time limit, or where an extension of time is approved in compliance with Land Use Code § 9.79.070.

Use Permit Application Checklist

For Staff Use Only

Minor Use

Use Permit

Initials: _____

Visit the Community Development page at www.cityofarcata.org. Select the Land Use Code from the menu and then see § 9.72.080 for complete Use and Minor Use permit regulations.

- Preliminary Review Option: Applicants can pay a fee to get the permit review process started rather than waiting until all required items are submitted for staff to begin review of your project.

The following items must be submitted along with a completed and signed application form. **Incomplete or inaccurate information will cause a delay in permit processing.**

- Application form with signatures of all owners of the affected parcels.
- Application fee as indicated on the application form.
- Eight (8) copies of a plot (site) plan containing the information shown on the plot plan checklist. Additional copies may be required for agency distribution.
- Floor plans and architectural elevations (3 copies, and one copy 11"x17" or smaller).
- To request an exemption from the California Environmental Quality Act (CEQA), submit justification and evidence to support a CEQA exemption; or
- For projects not exempt from CEQA, submit a CEQA checklist. See staff for a Negative Declaration or Environmental Impact Report determination.
- One paper copy and one electronic copy compatible with MS WORD of a complete detailed description of the proposed use that includes but is not necessarily limited to the following:
 - Days and hours of operation (example Mon. – Fri. 8 a.m. to 5 p.m.).
 - Total number of employees, and number on the largest shift.
 - Estimated maximum number of customers per day and per hour.
 - Estimated number of pick-ups and deliveries per day.
 - Floor area of use in square feet. Outside use area if applicable.
 - Number of on-site parking spaces **existing** and **proposed**.
 - Projected growth of the business.
 - Permanency of the project (seasonal, permanent, or temporary).
 - A description of any by-products or proposed discharge the project will generate, and the method of disposal.
 - Information about whether the use will generate noise, glare, dust, odor, or involve the handling of toxic substances.
 - A description of the use of public facilities such as roads, water and sewer systems.
 - Include any additional information necessary to review the project's community impacts.
- Written responses for each Conditional Use Permit Finding (§ 9.72.080.F). One paper copy and one electronic copy compatible with MS WORD.
- If exterior changes are proposed to the building or site, the project may be subject to Historic and Design Review approval. Provide the information required in the Historic and Design Review checklist.
- R1 or R2 Geologic Report, if applicable. See staff for determination.
- Cultural Resource Review - Refer to the latest fee schedule and make checks payable to: NCIC (North Coastal Information Center).

Subject to changes or additions at any time. Applications may require additional information for continued processing.