

April 15, 2025

# **CITY OF ARCATA COASTAL ZONING ORDINANCE**

Public Review Draft

April 2025



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## Chapter 2.10 – Introduction

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### Sections:

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- 2.10.020 – Effective Date
- 2.10.030 – Authority
- 2.10.040 – Purpose of the Coastal Zoning Ordinance
- 2.10.050 – Applicability
- 2.10.060 – Conflicting Requirements
- 2.10.070 – Interpretation

### **2.10.010 – Title**

Division 2 of the Arcata Municipal Code Title IX shall be known and cited as the “Arcata Coastal Zoning Ordinance” and referred to in this division as the “Coastal Zoning Ordinance.”

### **2.10.020 – Effective Date**

The Coastal Zoning Ordinance takes effect and is in force from and after [XXX].

### **2.10.030 – Authority**

The Coastal Zoning Ordinance is adopted pursuant to Section 65850 of the California Government Code, Division 20 of the Public Resources Code (Coastal Act), and Title 14, Division 5.5 of the California Code of Regulations (California Coastal Commission Regulations).

### **2.10.040 – Purpose of the Coastal Zoning Ordinance**

The Coastal Zoning Ordinance is the City of Arcata Local Coastal Program (LCP) Implementation Plan (IP). The purpose of the Coastal Zoning Ordinance is to implement the Arcata Local Coastal Element in conformance with the Coastal Act. The Local Coastal Element is Arcata’s LCP Land Use Plan as defined in Coastal Act Section 30108.4. Together, the Local Coastal Element and Coastal Zoning Ordinance constitute Arcata’s LCP.

### **2.10.050 – Applicability**

#### **A. Coastal Zone.**

1. The Coastal Zoning Ordinance applies to all existing and proposed development in the Arcata Coastal Zone.
2. The Coastal Zoning Ordinance does not apply to areas outside the Coastal Zone.

- #### **B. Relationship to Land Use Code.**
- The Coastal Zoning Ordinance and the Local Coastal Element are the legal standard of review for action on a proposed Coastal Development Permit (CDP). The Land Use Code is not used as a basis for action on a proposed CDP.

- C. **Compliance Required.** All development in the Arcata Coastal Zone shall comply with the Local Coastal Element, the Coastal Zoning Ordinance, and any approved CDP or other authorization required by the Coastal Zoning Ordinance.
- D. **Approvals Required.** Development in the Coastal Zone may occur only after:
  - 1. All applicable development review and approval processes have been followed;
  - 2. All applicable approvals have been obtained; and
  - 3. All required permits or authorizations to proceed have been issued.
- E. **Governmental Activities.**
  - 1. The Coastal Zoning Ordinance applies to special districts and local, state, or federal governmental agencies to the extent possible under federal law or regulations or the United States Constitution.
  - 2. Public works are subject to the requirements of the Coastal Zoning Ordinance. The City does not have permit authority over public works projects undertaken pursuant to a Coastal Commission-certified public works plan approved by the Coastal Commission under Coastal Act Section 30605.
- F. **Federal Lands.** Federal development on federal lands is not subject to the permit requirement of the Coastal Zoning Ordinance, the City's LCP, or the permit requirements of the California Coastal Act, but is subject to the consistency process provided by the federal Coastal Zone Management Act (CZMA). Non-federal development on federal lands may be subject to both the CZMA consistency process, and the requirements of the Coastal Zoning Ordinance and the Coastal Act to the extent allowed by law.
- G. **Other Regulations.** Compliance with the Coastal Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.

#### 2.10.060 – Conflicting Requirements

The Zoning Administrator has the authority to resolve conflicts between the Coastal Zoning Ordinance and other regulations as described in this section.

- A. **Conflict with Federal Regulations.** Where the Coastal Zoning Ordinance conflicts with federal laws, higher law shall control over lower law unless local variation is permitted.
- B. **Conflicts with Coastal Land Use Element.** Where the Coastal Zoning Ordinance conflicts with the Local Coastal Element, the Local Coastal Element shall control.
- C. **Conflicts with Other City Regulations.** Where the Coastal Zoning Ordinance conflicts with any uncertified portion of the General Plan, a Specific Plan, or other City ordinances, resolutions, or regulations that are not part of the certified LCP, the Coastal Zoning Ordinance and supporting Local Coastal Element policies shall control.



**2.10.070 – Interpretation**

- A. **Coastal Resource Protection.** The Coastal Zoning Ordinance shall be interpreted to accomplish the purposes of and carry out the objectives and policies of the Coastal Act, including in terms of best protecting coastal resources.
- B. **Authority.**
1. The Zoning Administrator has the authority to interpret the Coastal Zoning Ordinance.
  2. When the Zoning Administrator determines that the meaning or applicability of any Coastal Zoning Ordinance requirement is subject to interpretation, the Zoning Administrator may issue an official interpretation. The Zoning Administrator may also refer any issue of interpretation to the Planning Commission as needed for their determination.
  3. Interpretations of the Zoning Administrator may be appealed to the Planning Commission, and interpretations of the Planning Commission may be appealed to the City Council.
  4. The Coastal Commission has the authority to interpret the Coastal Zoning Ordinance on appeals of City decisions, resolutions of disputes, and any other matters where the Coastal Commission has authority pursuant to the Coastal Act.
- C. **Review Authority Discretion.** Where the Coastal Zoning Ordinance grants City discretion to impose requirements, this same discretion shall apply to the Coastal Commission when acting on an appealed CDP decision.
- D. **Language.**
1. When used in the Coastal Zoning Ordinance, the words "shall," "must," "will," "is to," and "are to" are always mandatory.
  2. "Should" is not mandatory but is strongly recommended; and "may" is permissive.
  3. The present tense includes the past and future tenses; and the future tense includes the present.
  4. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise.
  5. The words "includes" and "including" shall mean "including but not limited to."
- E. **Time limits.**
1. Whenever a number of days is specified in the Coastal Zoning Ordinance, or in any permit, condition of approval, or notice provided in compliance with the Coastal Zoning Ordinance, unless otherwise specified, the number of days is construed as calendar days.

2. A time limit extends to 5 p.m. on the following working day where the last of the specified number of days falls on a weekend or holiday.
- F. **Rounding.** When rounding numbers for determination of a specific standard, all increments of 0.5 and greater are rounded up to the next whole number and increments less than 0.5 are rounded down.
- G. **State Law Requirements.** Where the Coastal Zoning Ordinance references applicable provisions of state law (for example, the Government Code, Coastal Act, Subdivision Map Act, or Public Resources Code), the reference shall be construed to be to the applicable state law provisions as they may be amended from time to time.

## Chapter 2.12 – Planning and Locating Development

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### Sections:

- 2.12.010 – Chapter Purpose
- 2.12.020 – Coastal Combining Zone Districts
- 2.12.030 – Purpose of Coastal Combining Zone Districts
- 2.12.040 – Allowed Land Uses
- 2.12.050 – Development Standards

### 2.12.010 – Chapter Purpose

This chapter establishes coastal combining zone districts, identifies allowed land uses, and establishes maximum intensity standards for development within the districts.

### 2.12.020 – Coastal Combining Zone Districts

- A. **General.** Arcata’s Coastal Zone is divided into coastal combining zone districts to implement the General Plan Coastal Land Use Element.
- B. **Coastal Combining Zone Districts.**
  - 1. Table 2.12-1 lists the coastal combining zone districts and the corresponding land use designations in the Coastal Land Use Element.
  - 2. A coastal combining zone district may be combined with one or more other combining zone district.

**TABLE 2.2-1: COASTAL COMBINING ZONE DISTRICTS AND CORRESPONDING COASTAL LAND USE ELEMENT DESIGNATIONS**

Symbol	District Name	Local Coastal Element Designation
<b>Agriculture and Natural Resource Districts</b>		
:CA	Agricultural	Coastal Agricultural
:CROS	Resource & Open Space Lands	Coastal Resource & Open Space Lands
<b>Residential Districts</b>		
:CRVL	Residential Very Low Density	Coastal Residential Very Low Density
:CRL	Residential Low Density	Coastal Residential Low Density
:CRM	Residential Medium Density	Coastal Residential Medium Density
:CRH	Residential High Density	Coastal Residential High Density
<b>Commercial and Mixed-Use Districts</b>		
:CCC	Commercial Central	Coastal Commercial Central

Symbol	District Name	Local Coastal Element Designation
:CMU	Mixed Use	Coastal Mixed Use
<b>Gateway Districts</b>		
:GB	Gateway Barrel	Coastal Mixed Use
:GH	Gateway Hub	Coastal Mixed Use
:GC	Gateway Corridor	Coastal Mixed Use
:GN	Gateway Neighborhood	Coastal Mixed Use
<b>Industrial Districts</b>		
:CI	Industrial	Coastal Industrial
<b>Other Districts</b>		
:CPF	Public Facility	Coastal Public Facility

**C. Coastal Zoning Map.**

1. The Coastal Zoning Map (Figure 1) establishes the boundaries of coastal combining zone districts in Arcata.
2. The Coastal Zoning Map including all legends, symbols, notations, references, and other information shown on the maps, is incorporated by reference and made a part of the Coastal Zoning Ordinance.
3. The Coastal Zoning Map is kept, maintained, and updated electronically by the Department and are available for viewing by the public at Department offices and on the official City of Arcata website. The official location of the Coastal Zone boundary is as shown on maps established and maintained by the California Coastal Commission.
4. The Coastal Zoning Map may be amended in accordance with procedures established in Chapter 2.34 (Local Coastal Program Amendments).

**D. Streets and Rights-of-Way.** Streets and rights-of-way do not have a coastal zoning designation. All uses specified in the Streets and Highways Code, on deeds or easements, or that are typical of rights-of-way are principally permitted uses. Such uses include, but are not limited to;

1. Travel lanes for motorized and non-motorized vehicles, including trails and bikeways;
2. Underground utilities, including sewer, water, gas, electric, data, and telecommunications;
3. Aboveground utilities, including electric, data, and telecommunications; and
4. Transportation related signage, signaling, lighting, and landscaping;

### 2.12.030 – Purpose of Coastal Combining Zone Districts

#### A. Agriculture and Natural Resource Districts.

1. **Agricultural (:CA) District.** The :CA district protects and conserves agricultural lands and supports agricultural activities as an important contributor to the local and regional economy.
2. **Resource and Open Space Lands (:CROS) District.** The :CROS district protects unique and sensitive natural resources and allows for the managed production of resources in a manner that protects the coastal environment.

#### B. Residential Districts.

1. **Residential Very Low Density (:CRVL) District.** The :CRVL district accommodates very low density residential uses and other compatible uses to protect natural resources and preserve the semi-rural character of areas adjacent to agricultural and open space lands.
2. **Residential Low Density (:CRL) District.** The :CRL district provides an area for single-family homes on individual lots, limited multifamily housing, and other uses compatible with a low-density residential environment.
3. **Residential Medium Density (:CRM) District.** The :CRM district provides an area a range of housing types, including single-family homes, duplexes, townhouses, co-housing, low density apartments and other compatible uses.
4. **Residential High Density (:CRH) District.** The :CRH district provides an area for a range housing types, including high-density multi-family housing and other compatible uses.

#### C. Commercial and Mixed-Use Districts.

1. **Commercial Central (:CCC) District.** The :CCC district promotes a pedestrian-oriented environment in the Plaza area with a diversity of land uses supporting a variety of day and night activities.
2. **Mixed Use (:CMU) District.** The :CMU district provides for flexibility in allowed development to serve the present and future needs of residents, businesses, and visitors.
3. **Industrial (:CI) District.** The :CI district supports a diverse and resilient local economy, encourage new business investment, and retain of quality jobs for Arcata residents.

#### D. Gateway Districts.

1. **Gateway Barrel (:CGB) District** The :CGB district envisions a high-density walkable residential campus with internal circulation based primarily on bicycle and pedestrian modes of travel.
2. **Gateway Hub (:CGH) District** The :CGH district provides a vibrant, high-intensity

mixed-use area anchored by the Creamery building.

3. **Gateway Corridor (:CGC) District** The :CGC district accommodates active, inviting, high-intensity, mixed-use development along major bicycle and vehicular gateways into the City.
4. **Gateway Neighborhood (:CGN) District.** The :CGN district provides a transition from the high-intensity Gateway districts to lower intensity residential uses outside of the Gateway Area Plan boundary.
- E. **Public Facility (:PF) District.** The :CPF district provides locations for public facilities owned or operated by governmental entities (e.g., public utilities) and privately owned uses that serve a quasi-public function or are institutional in character (e.g., private schools, religious facilities).
- F. **Commercial Visitor Serving (:CCV).** The :CCV applies to areas where visitor-serving land uses are allowed in addition to uses permitted in the base zoning district in order to facilitate the gradual transition of existing land uses to new visitor-serving and coastal-dependent uses.

#### 2.12.040 – Allowed Land Uses

##### A. General.

1. Table 2.12-2 identifies allowed land uses in the coastal combining zone districts. Notations within these tables have the following meanings:
  - a. **Principally Permitted Uses.** A “P” means the use is allowed by right.
  - b. **Allowable Uses.** An “A” means the use is allowed with a discretionary permit.
  - c. **Uses Not Allowed.** A “-” (dash) means a use is not allowed
  - d. **Additional Use Limitations.** An “\*” (asterisk) means additional use limitations in Section 2.12.040.C apply.
2. Allowed land uses in the “Gateway” column in Table 2.12-2 apply to all gateway districts listed in Table 2.12-1.

**TABLE 2.12-2: ALLOWED USES**

P = Principally Permitted Use A = Allowable Use - = Prohibited Use * = Additional Use Limitations Apply	Combining Zone Districts											Additional Use Limitations
	:CA	:CROS	:CRVL	:CRL	:CRM	:CRH	:CCC	:CMU	Gateway	:CI	:CPF	
<b>Agricultural and Open Space Uses</b>												
Agriculture	P	P*	P	P	P	P	P	P	P*	-	P	2.12.040.C.1
Resource Protection and Restoration	P	P	P	P	P	P	P	P	P	P	P	
<b>Recreation, Education, and Public Assembly Uses</b>												
Cemeteries	-	-	P	P	P	P	-	-		-	A	
Cultural Institutions	-	-	-	-	-	-	P	P	P	P	P	
Non-Commercial Places of Assembly	-	-	P	P	P	P	P	P	P	-	P	
Parks, Playgrounds, and Recreation	P*	A*	P	P	P	P	P	P	P	P	P	2.12.040.C.2
Schools	-	-	P	P	P	P	P	P	P	P	P	
<b>Residential Uses</b>												
Mobile Home Park	-	-	A	A	A	A	-	-	-	-	-	
Multi-family Housing	P*	-	P*	P*	P	P	P	P	P	P*	P*	2.12.040.C.3
Single family Housing	P*	-	P*	P	P	P	P	P	P*	P*	P*	
<b>Commercial and Service Uses</b>												
Bars and Nightclubs	-	-	-	-	-	-	A	A	P	A	-	
Heavy Commercial	-	-	-	-	-	-	P	P	P*	P	P*	2.12.040.C.5
Day Care Center	-	-	P	P	P	P	P	P	P	P	P	
Housing for Homeless	-	-	P	P	P	P	P	P	P	P	P	
Homeless Services	-	-	-	-	-	-	-	A	P	A	P	
Lodging	P*	A*	P*	P*	P*	P*	P	P	P	-	-	2.12.040.C.6
Offices	-	-	P*	P*	P*	P*	P	P	P	P	P*	
Medical Services	-	-	P*	P*	P*	P*	P	P	P	-	P	2.12.040.C.8
Public Safety Facilities	-	-	-	-	-	-	-	-	P	-	P	
Retail	-	-	A*	A*	A*	A*	P	P	P*	P	P*	2.12.040.C.9
General Services	-	-	-	-	-	-	P	P	P*	P	-	
<b>Industrial Uses</b>												
Light industrial	-	-	-	-	-	-	P	P	P	P	-	
Moderate Industrial	-	-	-	-	-	-	-	P	A	P	-	
Heavy Industrial	-	-	-	-	-	-	-	A	-	A	-	
Storage, Warehouses, Wholesale & Distribution	-	-	-	-	-	-	p*	P	A*	P	-	2.12.040.C.11
<b>Transportation and Infrastructure</b>												
Transportation and Freight Facilities	-	-	-	-	-	-	p*	P	P*	P	P*	2.12.040.C.12
Utility Infrastructure	A	A	P	P	P	P	P	P	P	P	P	
Utility Facilities	-	-	A	A	A	A	A	A	A	P	P	

- B. **Accessory Uses.** Uses that are incidental, subordinate, and accessory to an allowed use are principally permitted in all coastal combining zone districts.
- C. **Additional Use Limitations.**
  - 1. **Agriculture.**
    - a. **:CROS District:** Limited to ocean-dependent aquaculture.
    - b. **Gateway Districts:** Limited to community gardens.
  - 2. **Parks, Playgrounds, and Recreation.**
    - a. **:CA District:** Limited to non-vehicular recreational activities such as hiking, riding, and fishing that do not require permanent structures, facilities, or foundation. Uses may not interfere with adjacent agricultural uses or limit potential of the site to return to agricultural uses, or displace wildlife utilizing the area, especially in seasonal wetlands.
    - b. **:CROS District:** Limited to coastal access trails, boat launching facilities, boat houses, and marinas.
  - 3. **Multi-family Housing.**
    - a. **:CA, :CRVL Districts:** Maximum 2 units per parcel.
    - b. **:CRL District:** Max 9 units per parcel.
    - c. **:CI District:** Limited to group quarters and caretaker units. No other residential uses permitted.
    - d. **:CPF Districts:** Limited to group quarters, residential care facilities, and caretaker units allowed. No other residential uses permitted.
  - 4. **Single Family Housing.**
    - a. **:CA, :CRVL Districts:** Maximum 2 units per parcel.
    - b. **Gateway Districts:** Limited to existing single-family dwellings. New single-family dwellings are not permitted.
    - c. **:CI District:** Limited to group quarters and caretaker units. No other residential uses permitted.
    - d. **:CPF District:** Limited to group quarters, residential care facilities, and caretaker units allowed. No other residential uses permitted.
  - 5. **Heavy Commercial.**
    - a. **Gateway Districts:** Construction yards are prohibited.
    - b. **:CPF District:** Limited to recycling collection facilities.
  - 6. **Lodging.**
    - a. **:CA District:** Limited to bed & breakfast inns.
    - b. **:CROS District:** Limited to campgrounds and hostels.



- c. **:CRVL, :CRL, :CRM, :CRH Districts:** Limited to bed & breakfast inns and hostels.
- 7. **Offices.**
  - a. **:CRVL, :CRL, :CRM, :CRH, :CCV Districts:** Allowed only as accessory use.
  - b. **:CPF District:** Limited to governmental offices.
- 8. **Medical Services.**
  - a. **:CRVL, :CRL, :CRM, :CRH Districts:** Limited to extended care medical facilities.
- 9. **Retail.**
  - a. **:CRVL, :CRL, :CRM, :CRH Districts:** Limited to convenience stores 3,500 square feet or less selling merchandise to meet shopping needs of nearby residents.
  - b. **Gateway Districts:** Retail with 20,000 square feet or more of floor area is an allowable use. Service stations, fuel dealers, and auto/vehicle sales and rental lots are prohibited.
  - c. **:CPF District:** Limited to restaurants, cafes, coffee shops.
- 10. **General Services.**
  - a. **Gateway Districts:** Expansion of an existing vehicle service is an allowable use. New vehicle services are prohibited.
- 11. **Storage, Warehouses, Wholesale & Distribution.**
  - a. **:CCC District:** Limited to business records storage only.
  - b. **Gateway Districts:** Personal storage and warehouse are prohibited as a primary use.
- 12. **Transportation and Freight Facilities.**
  - a. **:CCC, :CPF, Gateway Districts:** Limited to transit stations and terminals.
- D. **Commercial Visitor Serving (:CCV) .**
  - 1. In addition to the land uses allowable in the base coastal combining zone districts, the following land uses are principally permitted ("P") in the :CCV :
    - a. Resource Protection and Restoration
    - b. Cultural Institutions
    - c. Non-Commercial Places of Assembly
    - d. Parks, Playgrounds, and Recreation
    - e. Housing for Homeless
    - f. Lodging
    - g. Offices as an accessory use
    - h. Medical services
    - i. Retail

- j. General services
  - k. Transportation and freight facilities
  - l. Utility infrastructure
2. In addition to the land uses allowable in the base coastal combining zone districts, the following land uses are allowable (“A”) in the :CCV:
- a. Bars and nightclubs
  - b. Utility facilities

**E. Unlisted Uses.**

1. A proposed land use that is not listed in Table 2.12-2, or in 2.12.040 C through D, inclusive, is allowed if Zoning Administrator determines that the proposed use is similar to and compatible with a listed use in the district.
2. The Zoning Administrator may determine that a proposed use is similar to and compatible with a listed use if all of the following findings are made:
  - a. The characteristics of and activities associated with the use are similar to one or more of the listed uses.
  - b. The use will not involve a greater intensity than the uses listed in the district
  - c. The use will be consistent with the purposes of the district.
  - d. The use will be consistent with the Local Coastal Element of the General Plan and applicable requirements of the Coastal Zoning Ordinance.
  - e. The use will be compatible with the other uses allowed in the district.
  - f. The use is not listed as allowable in another district.
3. A determination that a use qualifies as a “similar use” and the findings supporting the determination shall be in writing.
4. When the Zoning Administrator determines that a proposed, but unlisted use is similar to a listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, whether a CDP is required, and what other standards and requirements of the Coastal Zoning Ordinance apply.

- F. Other Permits and Approval.** In addition to a CDP, proposed development may require other permits and approvals as specified in the Land Use Code.

**2.12.050 – Development Standards**

- A. Intensity.** Tables 2.12-3, 2.12-4 and 2.12-5 show the maximum intensity standards for the coastal combining zone districts.

**TABLE 12.2-3: INTENSITY STANDARDS IN THE AGRICULTURE, NATURAL RESOURCE, AND RESIDENTIAL DISTRICTS**

	Coastal Zoning Districts [1]					
	:CRVL	:CRL	:CRM	:CRH	:CA	:CROS
Lot Area, Minimum	-	-	-	-	60 acres	60 acres
Residential Density, Maximum	2 du/acre	7.5 du/acre, not to exceed 9 units	30 du/acre	60 du/acre	1 du/60 acres	None allowed
Lot Coverage, Maximum	20%	50%	60%	70%	10%	-
Height, Maximum	35'	35'	50'	50'	35'	35'

[1] “-” means not specified in Coastal Zoning Ordinance.

**TABLE 12.2-4: INTENSITY STANDARDS IN THE COMMERCIAL, MIXED-USE, AND PUBLIC FACILITIES DISTRICTS**

	Coastal Zoning Districts				
	:CCC	:CMU	:CCV	:CI	:CPF
FAR, Maximum	5.0	5.0	3.0	3.0	1.5
Setbacks					
Front	0'	10'	10'	10'	0'
Interior Side	0'	0'	0'	0'	0'
Street Side	0'	10'	10'	10'	0'
Rear	0'	0'	0'	0'	0'
Height, Maximum	60'	60'	45'	45'	[1]

[1] As determined by review authority.

**TABLE 12.2-5: INTENSITY STANDARDS IN THE GATEWAY DISTRICTS**

	Coastal Zoning Districts			
	:CGB	:CGH	:CGC	:CGN
Setbacks				
Front	10'	10'	10'	10'
Interior Side	0'	0'	0'	5'
Street Side	10'	10'	10'	10'
Rear	0'	0'	0'	10'
Height, Maximum	80'	70'	60'	50'

- B. **Parking.** Off-street parking for new development shall be provided to the extent necessary to adequately serve the development and ensure that the development does not adversely impact public access to the coast. The review authority may reduce or waive parking requirements for transit-oriented development (TOD) and projects that incorporate alternative/active transportation amenities.

- C. **By-Right Exceptions.** The following exceptions to standards in Tables 12.2-3, 12.2-4 and 12.2-5 are allowed by right without the need to obtain a CDP unless otherwise required by the proposed development.
1. **Setback Projections.** Building features such as balconies, decks, porches, stairways, bay windows, chimneys, eaves, and awnings may project into required setbacks provided the feature does not project into ESHA or a required ESHA buffer.
  2. **Height Projections.** Building features such as chimneys, mechanical equipment, spires, and towers may exceed the height limit by up to 20 percent of the allowed building height.
- D. **Modifications Requiring a Coastal Development Permit.**
1. **Permitted Modifications.**
    - a. Modifications to lot coverage, setback, height and parking requirements in Tables 12.2-3, 12.2-4 and 12.2-5 are allowed with a CDP.
    - b. Development standards modified by state law for housing production are allowed by-right unless the modification has the potential to adversely impact coastal resources as determined by the Zoning Administrator, in which case a CDP is required.
  2. **Findings.** To approve the CDP, the review authority must make all of the following findings:
    - a. The modification will be compatible with adjacent structures.
    - b. The modification is consistent with the purpose of the coastal combining district, the Coastal Zoning Ordinance, and the LCP.
    - c. The modification will not deprive neighboring property owners of the reasonable economic use and/or enjoyment of their property.
    - d. The modification will not be materially detrimental to the public health, safety, or welfare.
    - e. The modification will not result in development that blocks or significantly impedes public access to the coast.
    - f. The modification will not substantially block or disrupt views of a scenic resource as identified in Chapter 2.28 (Scenic and Visual Resources) in a manner that significantly diminishes the public enjoyment of the scenic resource.
    - g. The modification will not result in development that has an adverse effect on coastal resources, including wetlands, sensitive habitat, vegetation, and wildlife species.
- E. **Development Adjacent to Prime Agricultural Land.** To approve a CDP for development adjacent to prime agricultural lands, the review authority must find that the development will not diminish the potential productivity of the adjacent prime agricultural land.

## Chapter 2.14 – General Development Standards

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### Sections:

- 2.14.010 – Chapter Purpose
- 2.14.020 – Accessory Dwelling Units
- 2.14.030 – Fencing and Walls
- 2.14.040 – Screening
- 2.14.050 – Landscaping
- 2.14.060 – Signs
- 2.14.070 – Outdoor Lighting
- 2.14.080 – Land Divisions
- 2.14.090 – Rural Land Divisions

### **2.14.010 – Chapter Purpose**

This chapter establishes standards to protect coastal resources that apply in all districts in the Coastal Zone.

### **2.14.020 – Accessory Dwelling Units**

#### **A. General.**

1. Accessory dwelling units are permitted in the Coastal Zone as provided in Government Code Sections 66310 through 66342.
2. In cases of conflict between the Coastal Zoning Ordinance and Government Code Sections 66310 through 66342, the Government Code governs.

#### **B. Permit Requirement.**

1. A proposed accessory dwelling unit in the Coastal Zone may require a Coastal Development Permit (CDP) as specified by Chapter 2.16 (Coastal Development Permit). The City shall approve the CDP ministerially if the proposed accessory dwelling unit complies with the Coastal Zoning Ordinance. A public hearing is not required.
2. The City may issue a CDP waiver pursuant to Section 2.16.090 (Waiver for De Minimis Development) for a proposed accessory dwelling unit in the Coastal Zone. The CDP waiver shall comply with all requirements in Section 2.16.090 that apply to other types of development with the exception that the City may issue a CDP waiver for an accessory dwelling unit both within and outside of locations where City decisions are appealable to the Coastal Commission.

**2.14.030 – Fencing and Walls****A. Maximum Height.**

1. The maximum height of fences and walls is as follows:
  - a. 3 feet for fences and walls:
    - (1) Within a required front or street side setback; and
    - (2) Within 5 feet of a street property line
  - b. 6 feet in all other locations
2. The review authority may grant an exception to the maximum height in paragraph (1) above upon finding that:
  - a. The exception will not substantially block or disrupt views of a scenic resource as identified in Chapter 2.28 (Scenic and Visual Resources); and
  - b. The exception will not result in development that has an adverse effect on coastal resources, including wetlands, sensitive habitat, vegetation, and wildlife species.

**B. Prohibited Materials.**

1. The following fence and wall materials are prohibited
  - a. Barbed wire or electrified fences, except within the :CA and :CROS districts;
  - b. Razor or concertina wire;
  - c. Chain link and other wire fencing within the front and street side yards except in the :CI, and :CPF districts;; and
  - d. Nails, broken glass, or other sharp objects on the top of fences or walls.
2. The review authority may allow fence materials prohibited under paragraph (1) above if necessary for animal control, garden protection, special security needs, or required by a City, State, or Federal law or regulation.

- C. Permit Application.** If proposed development requires a CDP and includes new fences or walls, the application shall include sufficient information to determine compliance with the standards in this section

**2.14.040 – Screening**

- A. When Required.** Screening in compliance with Subsection B (Standards) is required to screen outdoor mechanical equipment, loading docks, and solid waste and recycling areas from the view of public rights-of-way.
- B. Standards.** Where required by Subsection A above, screening shall be provided as follows.

1. The screen shall consist of a solid wall of masonry, wood, or similar durable material, a minimum of 6 feet in height.
2. A landscaping strip with a minimum width of 5 feet shall be installed between any screening wall and a public street.
3. The screening requirements of this subsection may be waived if the review authority determines that:
  - a. The relationship of the proposed uses makes the required screening unnecessary;
  - b. The intent of this section can be successfully met by means of alternative screening methods;
  - c. Physical constraints on the site make the required screening infeasible; or
  - d. The physical characteristics of the site or adjoining parcels make the required screening unnecessary.

#### **2.14.050 – Landscaping**

##### **A. Landscaping Plan.**

1. **When Required.** A landscape plan shall be submitted as part of a CDP application when necessary to verify compliance with the standards in this section, as determined by the Director.
2. **Content.** Landscape plans shall contain:
  - a. Drawings and specifications identifying the location, name, size, and quantity of all proposed plant materials;
  - b. Other information necessary to verify compliance with the standards in this section, as determined by the Director.

##### **B. Landscaping Standards.**

1. **Invasive Species.**
  - a. **Planting Invasive Species Prohibited.** Any planting of invasive plant species is prohibited.
  - b. **Removal of Invasive Species.** As a condition of CDP approval, the review authority may require the removal of existing invasive species from the property.
  - c. **Invasive Species Defined.** As used in this section, “invasive plant species” means any plant species:
    - (1) With a “High” rating in the California Invasive Plant Council’s Cal-IPC inventory of invasive plants;

- (2) Listed as problematic and/or invasive by the California Native Plant Society or the California Invasive Plant Council; and/or
- (3) Listed as a “noxious weed” by the State of California or the U.S. Federal Government.

## 2. **Parking Lot Landscaping.**

- a. **Perimeter Parking Lot Landscaping.** All surface parking areas shall be screened from streets and open areas between the parking area and the public street shall be landscaped as follows:
    - (1) A parking area proposed or existing adjacent to a public street shall be designed with a landscaped planting strip between the street right-of-way and parking area with a minimum depth of 6 feet.
    - (2) Landscaping within the planting strip shall be designed and maintained to screen cars from view from the street to a minimum height of 36 inches.
    - (3) Screening materials may include a combination of plant materials, earth berms, solid decorative masonry walls, raised planters, or other screening devices that are determined by the review authority to meet the intent of this requirement.
  - b. **Interior Parking Lot Landscaping.** Multi-family, commercial, and industrial uses shall provide landscaping within each outdoor parking area at a minimum ratio of 10 percent of the gross area of the parking lot.
3. **View Impacts.** New landscaping shall not result in a significant adverse impact to a protected view as defined in Chapter 2.28 (Scenic and Visual Resources). A significant adverse impact to a protected view occurs when landscaping substantially blocks or disrupts views of a scenic resource in a manner that significantly diminishes the public enjoyment of that scenic resource.
4. **Irrigation System.** All landscaped areas for commercial, industrial, and multi-family development shall include an automatic irrigation system.

### 2.14.060 – Signs

- A. **CDP Requirement.** All signs are subject to the coastal development permit requirements outlined in Chapter 2.16.
- B. **Prohibited Signs.** The following signs are prohibited in the Coastal Zone:
  - 1. Billboards and other types of off-site signs
  - 2. Digital, flashing, or other similar signs, including signs with moving or changing text and or images.



- C. Approval Criteria.** To approve a CDP for a sign, the review authority must make the findings in Section 2.16.130 (Findings for Approval) and the following additional findings:
1. The proposed sign would not substantially block, disrupt, or detract from public views of a scenic resource as identified in Chapter 2.28 (Scenic and Visual Resources) in a manner that significantly diminishes the public enjoyment of the scenic resource.
  2. The proposed sign is visually compatible with the character of the surrounding area.
  3. The proposed sign would not reduce public recreational access to the coast.
- D. Sign Placement on Lots.** Signs shall comply with setback requirement of the applicable coastal zoning district, except for freestanding signs, which may be located within a required front or street side setback.
- E. Illumination.**
1. Sign lighting shall be designed to minimize light and glare on surrounding right-of-way.
  2. External light sources shall be directed and shielded so that they do not produce glare on any object other than the sign, and/or off the site of the sign.
  3. Sign illumination shall not blink, flash, flutter, or change light intensity, brightness, or color.
- F. Sign Materials and Maintenance.**
1. Signs materials shall be durable and capable of withstanding weathering over the life of the sign with reasonable maintenance.
  2. Signs shall be maintained in good repair and functioning properly at all times.
  3. Any repair to a sign shall be of equal or better quality of materials and design as the original sign.
  4. When a sign is removed or replaced, all brackets, poles, and other supports that are no longer required shall be removed, and unpainted areas shall be painted to match the adjacent portion of the structure or the sign support structure.
- G. Nonconforming Signs.**
1. A sign nonconforming to this section may continue its use as a sign if it was legally established in compliance with all applicable regulations in effect at the time it was established.
  2. A nonconforming sign shall be removed or brought into compliance with this chapter in the following situations:
    - a. The use advertised by the sign has ceased to function for a period of ninety days or more.
    - b. The sign has sustained at least fifty percent damage to its structure.

- c. The sign is located on a remodeled building facade.
- d. The sign is relocated to a different lot or building.
- e. The sign is a billboard established prior to July 1, 2025, and extant on July 1, 2040, after which time the sign must be removed in compliance with 2.14.060.B.

## **2.14.070 – Outdoor Lighting**

### **A. Lighting Plan.**

- 1. A lighting plan shall be submitted as part of a CDP application when necessary to verify compliance with the standards in this section, as determined by the Director.
- 2. Lighting plans shall show the proposed location, types, and intensity of external lights.

### **B. Lighting Standards.**

#### **1. Scenic Resources.**

- a. All outdoor lighting fixtures shall be shielded or recessed to reduce light bleed to adjoining properties and the public right-of-way by:
  - (1) Ensuring that the light source (e.g., bulb, etc.) is not visible from off the site at a viewing elevation of 6 feet; and
  - (2) Confining glare and reflections within the boundaries of the site to the maximum extent feasible.
- b. Lighting for commercial or industrial parking areas shall be limited to the minimum number of fixtures and illumination levels necessary for safety as determined by the review authority.
- c. All light fixtures shall be directed downward and away from adjoining properties and public rights-of-way, so that no on-site light fixture directly illuminates an area off the site.
- d. All fixtures shall meet the International Dark Sky Association's requirements for reducing waste of ambient light ("dark sky compliant") and shall comply with the California Green Building Standards Code.

- 2. **Energy Efficiency.** Outdoor lighting shall utilize energy-efficient (high pressure sodium, metal halide, low pressure sodium, hard-wired compact fluorescent, or other lighting technology that is of equal or greater efficiency) fixtures and lamps.

#### **3. ESHA Protection.**

- a. Exterior lighting shall be shielded and directed away from ESHA and required ESHA buffers to prevent disruption of feeding, nesting, and other behavior patterns of wildlife inhabiting the ESHA.

- b. The review authority may require a photometric study as part of an application for a CDP upon determining that proposed exterior lighting may negatively impact ESHA.
- 4. **Wireless Telecommunication Facilities.** Wireless telecommunication facilities shall not be lighted unless required by federal or state law. Any lighting shall be sited and designed to minimize impacts to environmentally sensitive habitat area and wildlife, including bird-strike impacts.

#### 2.14.080 – Land Divisions

##### A. CDP Requirement.

- 1. All subdivisions, lot splits, lot line adjustments, lot mergers, and any other division of land are considered development subject to CDP requirements in Chapter 2.16 (Coastal Development Permits).
- 2. A CDP for a land division shall be approved concurrent with or prior to any permit or approval granted pursuant to the California Subdivision Map Act.

- B. Findings.** To approve a CDP for a land division, the review authority must find that that the land division will allow for development that will comply with all applicable requirements of the Local Coastal Program.

#### 2.14.090 – Rural Land Divisions

##### A. Applicability.

- 1. This section applies to rural land divisions, including both major and minor subdivisions, outside of the Urban Services Boundary.
- 2. This section does not apply to lot line adjustments or the lease of a parcel for agricultural use.

- B. When Allowed.** A rural land divisions is allowed only when 50 percent of the useable parcels in the area have been developed and the created parcels would not be smaller than the average size of the surrounding parcels.

- C. Determining Compliance.** The following criteria shall be used to determine when the conditions in Subdivision B (When Allowed) have been met.

##### 1. Study Area.

- a. A study shall be made of all parcels within one-quarter mile of the exterior bounds of the property being subdivided.
- b. The study area may be reduced to exclude:

- (1) Parcels with land use, zoning designations, or other characteristics markedly dissimilar to the subject property; and
  - (2) Parcels outside of a readily identifiable neighborhood area as delineated by a perimeter of major streets or other cultural or natural features.
2. **Usable Parcels.** “Useable parcels” means all legal lots of record within the study area, excluding:
  - a. Parcels committed to agricultural use and designated as such on the Coastal Zoning Map;
  - b. Parcels committed to timberland and designated as such on the Coastal Zoning Map; and
  - c. Parcels or parts of parcels committed to natural resource conservation purposes.
3. **Developed Parcels.** A parcel is considered “developed” if the parcel contains one or more permanent structures occupied by or designed to be occupied by a land use other than an agricultural or open space/natural resource use.
4. **Average Parcel Size.** “Average size” of surrounding parcels means either:
  - a. The arithmetic mean of parcels in the study area; or
  - b. The mode or the median size of parcels in the study area if the majority of parcels are of a similar size and a very few parcels skew the mean to create an average that is not representative of the typical parcel size in the study area.
5. **Survey Required.** A survey is required to determined compliance with this section. The City will process the subdivision application only if the survey shows that 50 percent or more of the useable parcels in the area the study area have been developed

## Chapter 2.16 – Coastal Development Permits

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### Sections:

- 2.16.010 – Chapter Purpose
- 2.16.020 – Permit Required
- 2.16.030 – Permit Jurisdiction
- 2.16.040 – Review Authority
- 2.16.050 – Exempt Projects
- 2.16.060 – Waiver for De Minimis Development
- 2.16.070 – Permit Requirement for Illegal Development
- 2.16.080 – Application Submittal
- 2.16.090 – Determining Permit Requirements
- 2.16.100 – Additional Permits
- 2.16.110 – Application Review
- 2.16.120 – Public Notice
- 2.16.130 – Public Hearings
- 2.16.140 – Findings for Approval
- 2.16.150 – Conditions of Approval
- 2.16.160 – Appeals
- 2.16.170 – Notice of Final Action
- 2.16.180 – Effective Date of Permits
- 2.16.190 – Time Limits and Extensions
- 2.16.200 – Permit Amendments
- 2.16.210 – Emergency Permits
- 2.16.220 – Enforcement and Penalties

### **2.16.010 – Chapter Purpose**

This chapter identifies when a Coastal Development Permit (CDP) is required, the agency responsible for approving the permit, and the procedures for CDP applications.

### **2.16.020 – Permit Required**

- A. **When Required.** All development in the Coastal Zone requires a CDP, except for:
1. Projects exempt from CDP requirements as identified in Subsection 2.16.050 (Exempt Projects);
  2. De minimis development waived from CDP requirements in accordance with Section 2.16.070 (Waiver for De Minimis Development); and

3. Categories of development excluded from CDP requirements as identified in any Categorical Exclusions granted by the Coastal Commission.
- B. Projects Bisected by Coastal Zone.** Where a parcel containing a proposed project site is physically located both within and outside the Coastal Zone, the following procedures apply:
1. In the case of any division of land, a CDP is required for new lots where any portion of new a lot line is in the Coastal Zone. In such instance, City review for conformance with this section is confined to only those lots or portions of lots located within the Coastal Zone.
  2. For any development partially in the Coastal Zone, a CDP is required for the entirety of the development located both within and outside of the Coastal Zone.
  3. For any development located entirely outside of the Coastal Zone on a parcel bisected by the Coastal Zone Boundary, a CDP is not required.

#### **2.16.030 – Permit Jurisdiction**

- A. City of Arcata.** The City of Arcata reviews and takes action on CDPs for all development within the Coastal Zone except for:
1. Development subject to Coastal Commission permit jurisdiction as described in Subsection B (Coastal Commission) below; and
  2. Public works projects subject to a Coastal Commission certified public works plan under Coastal Act Section 30605.
- B. Coastal Commission.**
1. The Coastal Commission reviews and takes action on all CDPs for development on tidelands, submerged lands, and public trust lands as described in California Public Resources Code Section 30519(b), and in other cases where the Coastal Commission retains permit jurisdiction as provided in the Coastal Act.
  2. Areas of Coastal Commission permit jurisdiction areas are generally depicted on the Figure C-1-1 of the Local Coastal Element,
- C. Projects Bisected by City and Coastal Commission Jurisdiction.**
1. Where a proposed development is located within both the Coastal Commission's and City's CDP jurisdictions, a CDP is required by both the City and the Coastal Commission.
  2. Alternatively, if the applicant, the City, and the Coastal Commission agree in writing, the Coastal Commission can process a consolidated CDP application pursuant to the procedures in Coastal Act Section 30601.3.
- D. Development Previously Approved by the Coastal Commission.**

1. Development previously authorized by a Coastal Commission-issued CDP, Amendment, or Waiver remains under the jurisdiction of the Coastal Commission for the purposes of condition compliance, amendment, and revocation.
2. Any additional development proposed on a parcel with a Coastal Commission authorization shall be under City permitting jurisdiction pursuant to an application for a new CDP, provided that the Coastal Commission determines through the project referral process that the development is not contrary to any terms or conditions of the previous Commission authorization; or would not be more appropriately processed through a Commission authorization as an amendment to a CDP for development that is not yet completed.

#### **2.16.040 – Review Authority**

##### **A. Zoning Administrator.**

1. The Zoning Administrator takes action on CDP applications where both of the following apply:
  - a. The development is a principally permitted use as identified in Table 2.12-2 in Chapter 2.12 (Planning and Locating New Development).
  - b. The development does not require other approval by the Planning Commission or City Council.
2. The Zoning Administrator may refer any CDP application to the Planning Commission for review and final decision.

##### **B. Planning Commission.**

1. The Planning Commission takes action on all CDP applications when one or more applies:
  - a. The development is an allowed use as identified in Table 2.12-2 in Chapter 2.12 (Planning and Locating New Development).
  - b. The development requires other approval by the Planning Commission.
  - c. The application was referred to the Planning Commission by the Zoning Administrator.
2. The Planning Commission may refer a CDP application to the City Council for review and final decision.

##### **C. City Council.** The City Council takes action on all CDP applications where:

1. The development requires other approval by the City Council; or
2. The application was referred to the City Council by the Planning Commission.

**2.16.050 – Exempt Projects**

The following projects do not require a CDP.

**A. Existing Single-Family Residences.**

1. Improvements to existing single-family residences except as noted in Paragraph (2) below. This exemption includes improvements to fixtures and structures directly attached to the residence, landscaping, and structures normally associated with a single-family residence, such as garages, swimming pools, fences, and storage sheds.
2. This exemption does not apply to:
  - a. Improvements to a single-family residence if the residence and/or improvement is located on a beach, in a wetland, seaward of the mean high tide line, in an environmentally sensitive habitat area, or in an area designated highly scenic in the LCP (none currently designated).
  - b. Any significant alteration of landforms including removal or placement of vegetation on a beach, wetland, or sand dune, or in environmentally sensitive habitat areas.
  - c. The expansion or construction of water wells or septic systems.
  - d. On property not included in subsection A.1 above that is located between the sea and the first public road paralleling the sea, or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated by the City or Coastal Commission (none currently designated), when one of the following circumstances apply:
    - (1) Improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure.
    - (2) An additional improvement of 10 percent floor area or less where an improvement to the structure had previously been undertaken pursuant to this section or Public Resources Code section 30610(a)
    - (3) An increase in height by more than 10 percent of an existing structure and/or any significant non-attached structure such as garages, fences, shoreline protective works or docks.
  - e. Areas having a critically short water supply as declared by resolution of the Coastal Commission, construction of major water-using development not essential to residential use such as swimming pools, or construction or extension of landscape irrigation systems.



- f. Any improvement to a single-family residence where the development permit issued for the original structure by the Coastal Commission or City indicated that any future improvements would require a CDP.
- g. Guest houses, as defined in Chapter 2.36 (Glossary), or self-contained residential units associated with a single-family residence.

**B. Other Existing Structures.**

1. Improvements to an existing structure, other than a single-family residence or a public works facility, including landscaping and all fixtures and other structures directly attached to the structure.
2. This exception does not include:
  - a. Improvement to any structure if the structure or the improvement is located on a beach; in a wetland, stream, or lake; seaward of the mean high tide line; in an area designated as highly scenic in the LCP.
  - b. Any significant alteration of landforms including removal or placement of vegetation on a beach, in a wetland or stream, in a highly scenic area, or in an environmentally sensitive habitat area.
  - c. The expansion or construction of water wells or septic systems.
  - d. On property not included in subsection B.1 above that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resource areas as designated by the City or Coastal Commission, when one of the following circumstances apply:
    - (1) An improvement that would result in an increase of 11 percent or more of internal floor area of the existing structure.
    - (2) an additional improvement of 10 percent floor area or less where an improvement to the structure has previously been undertaken pursuant to this section
    - (3) An increase in height by more than 10 percent of an existing structure or any significant non-attached structure such as garages, fences, shoreline protective works or docks.
  - e. Any improvement to a structure where the CDP issued for the original structure by the City or the Coastal Commission indicated that any future improvements would require a CDP.
  - f. Any improvement to a structure which changes the intensity of use of the structure.

- g. Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold including but not limited to a condominium conversion, stock cooperative conversion or motel/hotel timesharing conversion.

**C. Repair and Maintenance Activities.**

1. Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities.
2. This exception does not include:
  - a. Any method of repair or maintenance of a seawall, revetment, breakwater, groin, culvert, outfall, or similar shoreline work that involves:
    - (1) Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;
    - (2) The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work except for agricultural dikes within enclosed bays or estuaries;
    - (3) The replacement of 20 percent or more of the materials of an existing structure with materials of a different kind; or
    - (4) The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area, or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams.
  - b. Any method of routine maintenance dredging that involves:
    - (1) The dredging of 100,000 cubic yards or more within a 12-month period;
    - (2) The placement of dredged spoils of any quantity within an environmentally sensitive habitat area, on any sand area, within 50 feet of an environmentally sensitive habitat area, or within 20 feet of coastal waters or streams; or
    - (3) The removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the City or the Coastal Commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access or public recreational use.

- c. Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of an environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that include:
    - (1) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials;
    - (2) The presence, whether temporary or permanent, of mechanized equipment or construction materials.
  - d. The provisions of this section are not applicable to those activities specifically described as exempt from CDP requirements in the document entitled Repair, Maintenance and Utility Hookups, adopted by the Coastal Commission on September 5, 1978, unless a proposed activity will have a risk of substantial adverse impact on public access, environmentally sensitive habitat area, wetlands, or public views to the ocean, as determined by the Zoning Administrator.
  - e. Unless destroyed by natural disaster, the replacement of 50 percent or more of a single-family residence, (as measured by 50 percent of the exterior walls), seawall, revetment, breakwater, groin or any other structure is not repair and maintenance but instead constitutes a replacement structure requiring a CDP.
- D. **Utility Connections.** The installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development which has been granted a valid CDP; provided, however, that the City may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.
- E. **Replacement of Destroyed Structures.**
- 1. The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure:
    - a. Must conform to applicable zoning requirements in effect at time of application;
    - b. Must be for the same use as the destroyed structure;
    - c. May not exceed the floor area, height, or bulk of the destroyed structure by more than 10 percent; and
    - d. Must be sited in the same location on the affected property as the destroyed structure.
  - 2. As used in this subsection, “disaster” means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner; “bulk” means total interior cubic volume as measured from the exterior surface of the

structure; and “structure” includes landscaping and any erosion control structure or device which is similar to that which existed prior to the disaster.

**F. Conversion of Existing Multi-Unit Residential Structures.**

1. The conversion of any existing multi-unit residential structure to a time-share project, estate, or use, as defined in Section 11212 of the Business and Professions Code.
2. If any improvement to an existing structure is otherwise exempt from the permit requirements of this chapter, no CDP is required for that improvement on the basis that it is to be made in connection with any conversion exempt pursuant to this subdivision.
3. The division of a multi-unit residential structure into condominiums, as defined in Section 783 of the Civil Code, is be considered a time-share project, estate, or use for purposes of this section.

**G. Temporary Events.**

1. Temporary events which meet all of the following criteria:
  - a. The event will not occupy any portion of a publicly or privately-owned sandy beach or park area, public pier, public beach parking area and there is no potential for adverse effect on sensitive coastal resources.
  - b. A fee will not be charged for general public admission and/or seating where no fee is currently charged for use of the same area (not including booth or entry fees); or if a fee is charged, it is for preferred seating only and more than 75 percent of the provided seating capacity is available free of charge for general public use.
  - c. The proposed event has been reviewed in advance by the City and it has been determined that it meets the following criteria:
    - (1) The event will result in no adverse impact on opportunities for public use of or access to the area due to the proposed location and/or timing of the event, either individually or together with other development or temporary events scheduled before or after the particular event.
    - (2) There will be no direct or indirect impacts from the event and its associated activities or access requirements on environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources.
    - (3) The event has not previously required a CDP to address and monitor associated impacts to coastal resources.
2. Temporary events not meeting the criteria in Subsection H.1 above require a CDP.

- H. **Emergency Work.** Immediate emergency work necessary to protect life or property or immediate emergency repairs to public service facilities necessary to maintain service as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code.
- I. **Emergency Highway Projects.** Emergency projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway, except for an officially designated state scenic highway, within the existing right-of-way of the highway, damaged as a result of fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide within one year of the damage.
- J. **Maintenance Dredging of Navigation Channels.** Maintenance dredging of existing navigation channels or moving dredged material from those channels to a disposal area outside the Coastal Zone, pursuant to a permit from the United States Army Corps of Engineers.
- K. **Nuisance Abatement.** Measures necessary to abate a public nuisance.
- L. **Emergency Response.** If a state of emergency is declared by the Governor and the City Manager and/or City Council, development necessary to meet community needs caused by the emergency.

#### **2.16.060 – Waiver for De Minimis Development**

- A. **Authority.** The Zoning Administrator may waive the requirement for a CDP for any de minimis development as provided in this section.
- B. **Eligibility.** To be eligible for a de minimis determination, proposed development must be subject to City permit jurisdiction.
- C. **Criteria.**
  - 1. The Zoning Administrator may determine development to be de minimis if the development:
    - a. Involves no potential for any adverse effect, either individually or cumulatively, on coastal resources; and
    - b. Is consistent with the LCP.
  - 2. The Zoning Administrator may not determine development to be de minimis if the project:
    - a. Raises questions as to conformity with the LCP; or
    - b. Involves divisions of land including condominiums.

3. Notwithstanding Paragraphs 1 and 2 above, development in a Gateway district consistent with the Coastal Zoning Code is considered de minimis development and does not require a CDP.
- D. **Form of Determination.** The Zoning Administrator's determination shall be made in writing and based upon factual evidence.
- E. **Public Notice.** The Department shall provide public notice of a pending de minimis decision as described below.
  1. **Content of Public Notice.** The notice shall contain the following information:
    - a. A general description of the proposed project and location.
    - b. A statement that the development is within the Coastal Zone.
    - c. The name of the applicant.
    - d. The date of filing of the application and the name of the applicant.
    - e. The City's application number assigned to the project.
    - f. The date at which the waiver may become effective.
    - g. A brief description of the procedures for public comment and City decision on the application.
  2. **Notice Delivery.** Public notice shall be provided by first class mail to the following recipients:
    - a. The applicant.
    - b. All persons who have filed with the City a written request for notice.
    - c. All property owners and residents within 300 feet of the perimeters of the parcel containing the project.
    - d. The Coastal Commission.
- F. **Report to the City Council.**
  1. Within 10 days of receiving public notice of a pending de minimis decision, any person may request a report from the Zoning Administrator to the City Council on the project for which the waiver is proposed.
  2. A description of the project for which the waiver is proposed shall be available for public inspection at the Department public counter and at the City Council meeting during which the waivers is reported. The project description shall be made available upon release of the City Council agenda and shall remain available until after the Council hearing, at minimum.

3. A waiver shall not take effect until after the Zoning Administrator's report to the City Council. If two members of the City Council so request, such issuance shall not be effective and, instead, an application for a CDP shall be processed in accordance with all applicable CDP requirements.
- G. **Waiver Expiration.** A de minimis waiver shall expire and be of no further force and effect if the authorized development is not completed within two years of the effective date of the waiver.

#### **2.16.070 – Permit Requirement for Illegal Development**

- A. **Unpermitted Development.** Development that was not legally established (i.e. with a Coastal Development Permit) after the effective date of Proposition 20 (i.e., February 1, 1973) for property within 1,000 yards of the mean high tide, or the Coastal Act of 1976 (i.e., January 1, 1977) for all Coastal Zone property, whichever is applicable, constitutes "unpermitted development" for purposes of this chapter. In addition, development undertaken inconsistent with the terms and conditions of an approved CDP (or an approved waiver or amendment) is also not lawfully established or authorized development and constitutes unpermitted development. Both categories of unpermitted development may be subject to enforcement action by the City of Arcata and/or the Coastal Commission.
- B. **Compliance Required.** If development is proposed on a site with unpermitted development, then such application may only be approved if it resolves all permitting and coastal resource issues associated with the unpermitted development, including through removal of all or part of the unpermitted development or retention of such development if it can be found consistent with the policies and standards of the LCP and the public access and recreation policies of the Coastal Act, if applicable. If the unpermitted development cannot be found consistent, the unpermitted development must be abated and any affected areas restored to the condition before the unpermitted development was undertaken or pursuant to the terms of a valid restoration order.

#### **2.16.080 – Application Submittal**

- A. **Application Contents.** A CDP application shall be made in writing and on a form provided by the Department and shall be filed with all fees, information, and materials required by the Department.
- B. **Eligibility for filing.** An application may only be filed by:
  1. The property owner;
  2. A property tenant;
  3. An authorized agent of the property owner or tenant;

4. A person under contract or with an exclusive option to purchase the property; or
  5. Any other person who can demonstrate a legal right, interest, or other entitlement to use the property for the proposed development.
- C. **Concurrent Filing.** Application for a CDP shall be made concurrently with application for any other permits or approvals required by the Land Use Code.
- D. **Application Resubmittals.** For a period of 12 months following the denial of a CDP, the City may not accept an application for the same or substantially similar proposed project for the same site, unless the denial or revocation was made without prejudice, and so stated in the record.

#### **2.16.090 – Determining Permit Requirements**

##### **A. City Determination.**

1. After receiving a CDP application, the Zoning Administrator shall review the application to determine if the proposed development is:
  - a. Exempt from CDP requirements as identified in Subsection 2.16.050 (Exempt Projects);
  - b. Categorically excluded from CDP requirements as identified in Subsection 2.16.060 (Categorical Exclusions);
  - c. Waived from CDP requirements as de minimis development in accordance with Section 2.16.070 (Waiver for De Minimis Development); and/or
  - d. Appealable or non-appealable to the Coastal Commission as provided in Subsection 2.16.170.B (Development Appealable to the Coastal Commission).
2. The Zoning Administrator shall make a determination as soon as possible after receiving the permit application, and in all cases before the Department deems the application complete for processing.
3. The determination shall be made with reference to the certified Local Coastal Program, including any maps, land use designations, and zoning ordinances which are adopted as part of the LCP.

##### **B. Notification of Determination.**

1. The Department shall inform the applicant and the Coastal Commission in writing of the Zoning Administrator's determination prior to:
  - a. Providing notice of any potential permit action; or
  - b. Allowing any activity without a permit for exemptions or exclusions.



2. The Department's written notification shall also identify the City's notice and hearing requirements for the proposed project, if any.

**C. Coastal Commission Review.**

1. If the Coastal Commission Executive Director chooses to review Zoning Administrator's determination, the City shall provide the Executive Director with a copy of the application and determination of permit requirement.
2. If the Executive Director's determination of permit requirement is the same as the Zoning Administrator's determination, that determination shall become final and no further challenge is available.
3. If the Executive Director's determination conflicts with the Zoning Administrator's determination and the conflict cannot be resolved in a reasonable time, the Executive Director shall notify the Zoning Administrator in writing within 10 working days of receipt of the determination. The Coastal Commission will hold a hearing to resolve the dispute in accordance with Coastal Commission regulations.

**2.16.100 – Additional Permits**

The review of a CDP application shall be processed concurrently with any other discretionary permit application required by the City. The City may not grant any other discretionary approvals for a proposed project that conflict with this chapter. Other discretionary approvals become effective only after a CDP is approved and becomes effective as required by this chapter.

**2.16.110 – Application Review**

- A. **Initial Review.** The Department shall review each application for completeness and accuracy before it is accepted as being complete and officially filed.
- B. **Basis for Completeness Determination.** The Department's determination of completeness shall be based on the City's list of required application contents and any additional written instructions provided to the applicant in any pre- application conference, and/or during the initial application review period.
- C. **Applicant Notification.** Within 30 calendar days of application filing, the Department shall inform the applicant that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information is required.
- D. **Submittal of Additional Information.**
  1. When the Department determines that an application is incomplete, the applicant must submit additional required information in writing.

2. Resubmitted information is subject to a new 30-day period of review for completeness.

**E. Environmental information.** After accepting an application as complete, the Zoning Administrator may request the applicant to submit additional information for the environmental review of the project in compliance with the California Environmental Quality Act (CEQA).

#### **2.16.120 – Public Notice**

- A. Notice of Public Hearing.** When a CDP requires a public hearing, the Department shall provide public notice as described in this subsection. Public notice for a CDP may be combined with notices for other required City permits and approvals.
1. **Notice Delivery.** Notice of public hearing shall be provided by first class mail at least seven days before the scheduled hearing to the following recipients:
    - a. The applicant.
    - b. All persons who have filed with the City Clerk a written request for notice.
    - c. All property owners and residents within 100 feet of the perimeter of the parcel on which the development is proposed.
    - d. The Coastal Commission.
  2. **Notice Contents.** The notice shall contain the following information:
    - a. A statement that the development is within the Coastal Zone.
    - b. The date of filing of the application.
    - c. The name of the applicant.
    - d. The City's application number assigned to the project.
    - e. A description of the development and its proposed location.
    - f. The date, time, and place of the hearing.
    - g. A brief description of the procedures for public comment and City decision on the application.
    - h. Opportunity for local and Coastal Commission appeals of decision, including fees if required.
- B. Notice of Pending Action.** For a CDP that does not require a public hearing, public notice shall be given in accordance with Subsection A (Notice of Public Hearing) above, except that the notice shall state:
1. The date the Zoning Administrator will act on the application; and

2. Public comments submitted by mail or other means will be considered by the Zoning Administrator prior to making a decision.

### **2.16.130 – Public Hearings**

#### **A. When Required.**

1. A public hearing is required for a CDP application when:
  - a. The decision may be appealed to the Coastal Commission as identified in Subsection 2.16.170.B (Appeals to Coastal Commission);
  - b. The CDP is being processed with another permit that requires a public hearing; or
  - c. The CDP review authority is the Planning Commission or the City Council.
2. A CDP application for an accessory dwelling unit in any area of the city does not require a public hearing.

#### **B. Waivers of Public Hearing for Minor Development.**

1. The Zoning Administrator may waive the requirement for a public hearing for a project that meets the definition of minor development under Coastal Act Section 30624.9. To be considered minor development, the Zoning Administrator must determine that the project:
  - a. Is consistent with the certified Local Coastal Program;
  - b. Requires no discretionary City approval other than a CDP; and
  - c. Has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.
2. Public notice of the hearing waiver shall be given in accordance with Subsection 2.16.130.A (Notice of Public Hearing), except that the notice shall state the following:
  - a. The City will hold a public hearing for the application only upon receiving written request for a hearing within 15 working days for the date the notice was sent; and
  - b. Failure by a person to request a public hearing may result in the loss of that person's ability to appeal to the commission any action taken by a local government on a CDP application.
3. If the Department receives a request for a public hearing by the specified date, a public hearing shall be held on the date identified in the notice.
4. If no request for a public hearing is received by the specified date, the City shall act on the application without a public hearing.

#### **C. Time and Place of Hearing.** A public hearing shall be held at the date, time, and place for which notice was given.

- D. Staff Report.** The Zoning Administrator shall provide a written recommendation to the review authority as to whether the application should be approved, approved subject to conditions, or denied.
- E. Public Comment.** All hearings must be open to the public with opportunity to provide comment and/or testimony in accordance with established procedures.
- F. Continued Hearing.**
1. A hearing may be continued without further notice, provided that the review authority announces the date, time, and place to which the hearing will be continued before the adjournment or recess of the hearing.
  2. If the review authority continues a hearing to a date or time not specific, the item shall be re-noticed in the same manner as required by Section 2.16.130 (Public Notice).
- G. Decision.**
1. After the close of a public hearing, the review authority may:
    - a. Approve, approve with conditions, or deny the application;
    - b. Continue the hearing; or
    - c. Make a recommendation to another review authority if the review authority does not make the final decision on the application.
  2. For applications acted on by the Zoning Administrator, the Zoning Administrator may refer the application to the Planning Commission for a final determination.

#### **2.16.140 – Findings for Approval**

- A. LCP Conformance.** To approve a CDP, the review authority must find that the proposed development conforms with the LCP.
- B. Public Access and Recreation.** For development between the nearest public road and the shoreline, the Planning Commission must also find that the development is in conformity with the public access and public recreation policies of Coastal Act Chapter 3 (commencing with Section 30200).

#### **2.16.150 – Conditions of Approval**

The review authority may impose reasonable conditions on the approval of a CDP to ensure that the proposed development is consistent with the LCP.

#### **2.16.160 – Appeals**

- A. Local Appeals.**

1. **Appeal Body.** A CDP decision may be appealed follows:
  - a. Zoning Administrator decisions may be appealed to the Planning Commission.
  - b. Planning Commission decisions may be appealed to the City Council.
2. **Appeal Submittal.** Appeals shall be submitted in writing on a form provided by the City within ten working days of the decision. No appeal fee is required.
3. **Public Hearing.** All appeals shall be heard at a public hearing with notice provided in accordance with Subsection 2.16.130.A (Notice of Public Hearing).

**B. Appeals to the Coastal Commission.**

1. **Appealable Decisions.** The following City decisions may be appealed to the Coastal Commission:
  - a. A final approval decision by the City on a CDP application for:
    - (1) Projects located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
    - (2) Projects located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream.
  - b. A final approval or denial decision by the City on a CDP application for a major public works project or a major energy facility located anywhere in the Coastal Zone.
2. **Eligibility.**
  - a. Appeals to the Coastal Commission may be filed by the project applicant, any aggrieved person, or any two members of the Coastal Commission.
  - b. As provided by Public Resources Code Section 30801, an aggrieved person is anyone who, in person or through an explicitly identified representative, appeared at a public hearing in connection with the decision or appeal of any development, or who by other appropriate means before a hearing, informed the City of the nature of their concerns, unless for good cause was unable to do either.
3. **Timing of Appeal.** Appeals must be submitted to the Coastal Commission within 10 working days of Coastal Commission receipt of a complete notice of final action.
4. **Exhaustion of Local Appeal.** City decisions may be appealed to the Coastal Commission only after an appellant has exhausted all local appeals pursuant to Subsection A (Local Appeals) above, except that exhaustion of all local appeals is not required if any of the following occur:

- a. The City requires an appellant to appeal to more local appellate bodies than have been certified as appellate bodies for CDPs in the Coastal Zone.
  - b. An appellant was denied the right of the initial local appeal by a City ordinance which restricts the class of persons who may appeal a local decision.
  - c. An appellant was denied the right of local appeal because City notice and hearing procedures for the development did not comply with this title.
  - d. The City required an appeal fee for the filing or processing of the appeal.
5. **Grounds for Appeal.** Grounds for appeal of an approved or denied CDP are limited to the following:
- a. For approval, that the development does not conform to the standards set forth in the LCP, or the development does not conform to the public access policies of the Coastal Act.
  - b. An appeal of a denial of a permit for a major public works shall be limited to an allegation that the development conforms to the standards set forth in the LCP and the public access policies of the Coastal Act.
6. **Notice to City.** An appellant shall notify the City at the time an appeal is filed with the Coastal Commission. Failure to notify the City may be grounds for Coastal Commission dismissal of the appeal.
7. **Effect of Appeal.** Once an appeal is filed with the Coastal Commission in conformance with this subsection, the operation and effect of the City's action is stayed and the City may not issue any development permits for the proposed project until the Coastal Commission takes final action on the appeal.

#### 2.16.170 – Notice of Final Action

- A. **When City Action is Final.** The City's action on a CDP becomes final when all local rights of appeal have been exhausted per Section 2.16.170.A (Local Appeals).
- B. **Notice Provided.** Within seven calendar days of a final decision on a CDP application, the City shall provide written notice of its action by first class mail to:
  - 1. The applicant;
  - 2. The Coastal Commission; and
  - 3. Any other persons who have requested notice.
- C. **Notice Contents.** The notice sent to all parties shall at a minimum include a cover sheet or memo summarizing the relevant action information, and the notice sent to the Coastal Commission shall include that cover sheet/memo, as well as additional supporting materials that further explain and define the action taken, as follows:

1. **Cover Sheet/Memo.** The cover sheet/memo shall be dated and shall clearly identify the following information:
  - a. All project applicants and project representatives, their address(es), and other contact information.
  - b. Project description and location.
  - c. All local appeal periods and disposition of any local appeals filed.
  - d. Whether the City's decision is appealable to the Coastal Commission, the reasons for why it is or is not, and procedures for appeal to the Coastal Commission.
  - e. A list of all additional supporting materials provided to the Coastal Commission (see Subsection 2 below).
  - f. All recipients of the notice.
2. **Additional Supporting Materials to the Coastal Commission.** The additional supporting materials shall include at a minimum the following:
  - a. The final adopted findings and final adopted conditions.
  - b. The final staff report.
  - c. The approved project plans.
  - d. All other substantive documents cited and/or relied upon in the decision including CEQA documents, technical reports (e.g., geologic, geotechnical, biological), correspondence, and similar documents.

#### **2.16.180 – Effective Date of Permits**

- A. **Development Not Appealable to Coastal Commission.** For CDP decisions that are not appealable to the Coastal Commission, the CDP becomes effective:
  1. After the local 10-day appeal period has ended with no valid appeal being filed; and
  2. After the City's notice of final action has been received by the Coastal Commission in compliance with Section 2.16.180 (Notice of Final Action).
- B. **Development Appealable to Coastal Commission.** For CDP decisions that are appealable to the Coastal Commission, the CDP becomes effective either:
  1. After the Coastal Commission's 10-day appeal period has ended with no valid appeal being filed, or
  2. Following Coastal Commission final action on an appeal, subject to any terms and conditions of such action.

**2.16.190 – Time Limits and Extensions**

**A. Time Limits.** A CDP expires two years after approval if not exercised. A CDP is exercised when:

1. A building permit is issued and construction has commenced;
2. A certificate of occupancy is issued; or
3. The land use is established.

**B. Effect of Expiration.**

1. An expired CDP is void and of no further force and effect. An applicant retains no rights previously granted under an expired CDP.
2. To establish development allowed by an expired permit, an applicant must apply for and receive approval of a new CDP.

**C. Permit Extensions.**

1. The City may approve up to a two-year extension for a CDP set to expire under Subsection A (Time Limits) above.
2. The applicant shall submit to the Department a written extension request no later than 30 days before the permit expiration date. The request must be accompanied by all fees, information, and materials required by the Department.
3. Filing a written extension request suspends the CDP expiration until the review authority acts on the request. Building, grading, or other construction-related permits associated with the CDP may not be issued during the suspension period.
4. The review authority that originally approved the CDP shall act on the extension request. The review authority may approve the extension upon finding that the applicant has proceeded in good faith and has exercised due diligence in efforts to exercise the CDP in a timely manner. The burden of proof is on the applicant to demonstrate that the CDP should be extended
5. A CDP extension is considered an amendment to the approved CDP for purpose of public notice, hearings, and appeals.

**2.16.200 – Permit Amendments**

When a CDP is issued and in effect, the permit may be amended in the same manner required for the initial approval. A change to an approved project requires an amendment to its CDP. Amendment requests are subject to the public notice, hearing, and appeal requirements as the initial approval. An amendment to the CDP is not required for minor changes to an approved project that are de minimus, consistent with the original approval, and do not impact coastal resources.



**2.16.210 – Emergency Permits**

- A. **Purpose.** An Emergency CDP is a Zoning Administrator-level approval to quickly allow development necessary to address problems resulting from a natural disaster or serious accident.
- B. **Eligibility.** To be eligible for an Emergency CDP, a project must be undertaken as an emergency measure to prevent loss or damage to life, health or property, or to restore, repair, or maintain public works, utilities and services during and immediately following a natural disaster or serious accident.
- C. **City Jurisdiction Only.** The Zoning Administrator may issue an Emergency CDP only for development under City permit jurisdiction. An Emergency CDP for development subject to Coastal Commission permit jurisdiction as identified in as described in California Public Resources Code Section 30519(b) must be approved by the Coastal Commission.
- D. **Review Authority.** The Zoning Administrator reviews and takes action on Emergency CDPs.
- E. **Application.** An application for an Emergency Permit shall be filed with the Zoning Administrator in writing if time allows, or in person or by telephone if time does not allow.
- F. **Required information.** The applicant shall report to the Zoning Administrator the following information, either during or as soon after the emergency as possible:
  - 1. The date, nature, and location of the emergency.
  - 2. The cause of the emergency, insofar as this can be established.
  - 3. The remedial, protective, or preventative work required to deal with the emergency.
  - 4. The circumstances during the emergency that appeared to justify the courses of action taken, including the probable consequences of failing to take action.
  - 5. All available technical reports and project plans.
- G. **Verification of Emergency.** The Zoning Administrator or other designated local official shall verify the facts, including the existence and nature of the emergency, as time allows.
- H. **Public Notice.** If time allows, the Zoning Administrator shall provide public notice of the proposed emergency action, with the extent and type of notice determined on the basis of the nature of the emergency itself.
- I. **Approval Criteria.** The Zoning Administrator may grant an Emergency CDP upon finding that:
  - 1. An emergency exists that requires action more quickly than allowed by the procedures for a regular CDP.
  - 2. The development can and will be completed within 30 days unless otherwise specified by the Emergency CDP.

3. Public comment on the proposed emergency action has been reviewed, if time allows.
  4. The work proposed is consistent with the LCP.
- J. **Limitations on Allowed Development.** The emergency work authorized under approval of an emergency permit shall be limited to activities necessary to protect the endangered structure or essential public structure.
- K. **Conditions.** The Zoning Administrator may attach reasonable terms and conditions to the granting of an Emergency CDP, including an expiration date and the necessity for a regular permit application by a specified date. At a minimum, all Emergency CDPs shall include the following conditions:
1. The Emergency CDP shall be voided if the approved activity is not undertaken within a reasonable time period as determined by the Zoning Administrator.
  2. The Emergency CDP shall expire 60 days following its issuance, or alternative time period as determined by the Zoning Administrator. Any work completed outside of this time period requires a regular CDP approval unless an extension is granted by the City for good cause.
  3. The emergency development authorized by the Emergency CDP is only temporary, and may remain only with approval of a regular CDP.
  4. The applicant shall submit an application for a regular CDP within 30 days of completion of construction authorized by the Emergency CDP, or alternative time period as determined by Zoning Administrator. The application shall include all information and materials required by the Department, including photographs (if available) showing the project site before, during, and after emergency construction.
  5. If the applicant does not apply for or obtain a regular CDP within the specified time period, the emergency development may be subject to enforcement action in accordance with Section 2.16.230 (Enforcement and Penalties).
- L. **Reporting of Emergency Permit.**
1. The Zoning Administrator shall report in writing the issuance of an Emergency CDP to the Coastal Commission within five working days of permit issuance.
  2. The Zoning Administrator shall report to the Planning Commission and City Council the issuance of an Emergency CDP at the first scheduled meeting after permit issuance.
- M. **Temporary Approval.**
1. All emergency development authorized under an Emergency Permit is considered temporary. Within 60 days of the issuance of the Emergency Permit, the applicant must either:

- a. Remove the emergency development and restore the affected area to its pre-development condition; or
  - b. Apply for a CDP to permanently allow the emergency development.
2. The Zoning Administrator may extend the 60-day time limit in paragraph (1) above to a maximum of 180 days for good cause.

**2.16.220 – Enforcement and Penalties**

Development that occurs without a required CDP or in conflict with an approved CDP is a violation of the Coastal Zoning Ordinance. The City may take legal action as necessary to correct this violation including remedies identified in Chapter 9 of the Coastal Act.

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## Chapter 2.18 – Water Quality and Marine Resources

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### Sections:

2.18.010 – Chapter Purpose

2.18.020 – Storm Water Pollution Prevention Plan

2.18.030 – Post-Development Runoff Plan

### 2.18.010 – Chapter Purpose

This chapter protects the biological productivity of coastal waters by:

- A. Requiring Storm Water Pollution Prevention Plans (SWPPP) when necessary to minimize construction-related water quality and hydrology impacts;
- B. Requiring Post-Development Runoff Plans (PDRP) when necessary to minimize stormwater pollution and changes in runoff flows from a site after development is completed; and
- C. Establishing water quality protection standards that apply to all development requiring a Coastal Development Permit (CDP).

### 2.18.020 – Storm Water Pollution Prevention Plan

- A. **When Required.** A Storm Water Pollution Prevention Plan (SWPPP) is required for proposed development where the Zoning Administrator determines that construction has the potential for adverse water quality or hydrologic impacts to coastal waters, streams, wetlands, estuaries, and lakes. For the purposes of this subsection, construction includes clearing, grading, or other activities that involve ground disturbance; building, reconstructing, or demolishing a structure; and creation or replacement of impervious surfaces.
- B. **Plan Submittal.**
  - 1. When required, an applicant shall submit a preliminary SWPPP during the Department's initial review of the CDP application and shall submit a final SWPPP for approval prior to construction.
  - 2. The information provided to address SWPPP requirements may be submitted as a standalone document, or incorporated into the other permit application materials.
  - 3. Any changes to the final SWPPP after issuance of the CDP requires Zoning Administrator approval.
- C. **Plan Contents.** The SWPPP shall include the following:
  - 1. **Construction Site Plan Map.** A map delineating the construction site, construction

phasing boundaries, and the location of all temporary construction-phase best management practices (BMPs).

2. **Construction Phasing Schedule.** A construction phasing schedule, if applicable, with a description and timeline of significant land disturbance activities.
3. **BMP Description.** A description of BMPs to minimize pollution of runoff and coastal waters. Best Management Practices required by the City can be obtained from the Environmental Services Department by requesting the BMP manual appropriate to a commercial or industrial activity from the BMP Manual. Additional BMPs shall be included as needed to:
  - a. Minimize soil erosion and the discharge of sediment off site or to coastal waters;
  - b. Minimize the discharge of other pollutants resulting from construction activities (such as chemicals, vehicle fluids, petroleum products, asphalt and cement compounds, trash, and debris) off site or to coastal waters;
  - c. Retain, infiltrate, or treat non-stormwater runoff resulting from construction activities;
  - d. Stabilize the soil on graded or disturbed areas;
  - e. Minimize land disturbance during construction and phase grading activities;
  - f. Minimize the damage or removal of noninvasive vegetation;
  - g. Conduct fueling and maintenance of construction equipment away from coastal waters, drainage courses, and storm drain inlets; and
  - h. Prevent construction chemicals or materials from entering coastal waters.
4. **Schedule of BMP Installation and Construction Phasing.** A schedule for installation and removal of temporary erosion and sedimentation control BMPs, and identification of temporary BMPs that will be converted to permanent post-development BMPs.
5. **BMP Management Plan.** A description and schedule for the inspection, training, operation, and maintenance of construction-phase BMPs, including temporary erosion and sedimentation control BMPs, as needed to ensure that the coastal development permit's water quality requirements are met.
6. **Additional Information.** Additional information as required by the Zoning Administrator to achieve the purpose of this chapter.

#### **2.18.030 – Post-Development Runoff Plan**

##### **A. When Required.**

1. A Post-Development Runoff Plan (PDRP) is required for proposed development where the Zoning Administrator determines that, after construction is completed, the

development has the potential for adverse water quality or hydrologic impacts to coastal waters, streams, wetlands, estuaries, and lakes.

2. In all cases a PDRP is required for the following types of projects:
  - a. Development that creates and/or replaces a cumulative site total of 20,000 square feet or more of impervious surface area.
  - b. Development of a vehicle service facility, including a retail gasoline outlet, commercial car wash, or vehicle repair facility.
  - c. Development of a street, road, or highway facility that creates a cumulative site total of 15,000 square feet or more of impervious surface area.
  - d. Development of a restaurant that creates and/or replaces a cumulative site total of 15,000 square feet or more of impervious surface area.
  - e. Development of a commercial or industrial outdoor storage area that creates and/or replaces a cumulative site total of 15,000 square feet or more of impervious surface area, where used for storage of materials that may potentially contribute pollutants to coastal waters or the storm drain system.
  - f. Commercial or industrial development with a potential for generating a high pollutant load that may potentially enter coastal waters or the storm drain system.
  - g. Development on land where the soil has been contaminated by a previous land use, and where the contaminated soil has the potential to be eroded or to discharge the contaminants into runoff or coastal waters.
  - h. Development that creates and/or replaces a cumulative site total of 2,500 square feet or more of impervious surface area, if the development is located within 100 feet of coastal waters or discharges directly to coastal waters.

**B. Plan Submittal.**

1. A PDRP shall be prepared by a California-licensed professional (e.g., registered professional civil engineer, geotechnical engineer, geologist, engineering geologist, hydrogeologist, or landscape architect) qualified to complete this work.
2. When required, an applicant shall submit a preliminary PDRP during the Department's initial review of the CDP application, and shall submit a final PDRP for approval prior to construction.
3. Any changes to the final PDRP after issuance of the CDP requires Zoning Administrator approval.

**C. Plan Contents.** The PDRP shall include the following:

1. **PDRP Site Plan.** A site plan showing post-development structural BMPs, stormwater

conveyances and discharges, structures, pavements, and utilities, with flow and slope breaks appropriate to identify post-development flow and drainage patterns.

2. **Identification of Pollutants Potentially Generated.** Identification of pollutants potentially generated by the proposed development that could be transported off the site by runoff.
3. **Estimate of Changes in Impervious and Semi-Pervious Surface Areas.** An estimate of the proposed changes in impervious surface area on the site, including pre-project and post-project impervious coverage area and the percentage of the property covered with impervious surfaces. Include an estimate of the proposed changes in the amount of directly connected impervious areas, which drain directly into the storm drain system without first flowing across permeable areas. Also include an estimate of changes in site coverage with permeable or semi-permeable pavements.
4. **BMP Description.** A description of BMPs to minimize stormwater pollution and post-development changes in runoff flows from the development. BMPs shall be included as needed to:
  - a. Minimize post-development changes in the runoff flow regime;
  - b. Minimize the transport of pollutants in runoff from the development;
  - c. Address runoff from impervious and semi-pervious surfaces;
  - d. Prevent adverse impacts to environmentally sensitive habitat areas (ESHA) from runoff;
  - e. Minimize discharges of dry weather runoff to coastal waters;
  - f. Minimize adverse impacts of discharges from stormwater outfalls;
  - g. Prevent erosion at stormwater outlets; and
  - h. Protect coastal water quality for the life of the development.
5. **LID Strategies.** A description of the low impact development (LID) approach to stormwater management to preserve the natural hydrologic functions of the site and minimize post-development changes in the site's runoff flow regime. LID site design strategies may include:
  - a. Protecting and restoring natural hydrologic features;
  - b. Preserving or enhancing vegetation;
  - c. Maintaining or enhancing on-site infiltration;
  - d. Minimize impervious surface area; and
  - e. Conveying runoff from impervious surfaces into permeable areas in a nonerosive manner.



6. **BMP Schedule.** A schedule for installation or implementation of all post-development BMPs.
7. **BMP Management.** A description of the ongoing management of post-development BMPs (including operation, maintenance, inspection, and training) that will be performed for the life of the development, as needed for the BMPs to function properly.
8. **Additional Information.** Additional information as required by the Zoning Administrator to achieve the purpose of this section.

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## Chapter 2.20 – Biological Resources & Environmentally Sensitive Habitat

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### Sections:

- 2.20.010 – Chapter Purpose
- 2.20.020 – Biological Assessment
- 2.20.030 – Environmental Buffer Areas
- 2.20.040 – Wetlands and Other Water Areas
- 2.20.050 – Mitigation and Monitoring
- 2.20.060 – Takings Exceptions

### 2.20.010 – Chapter Purpose

This chapter establishes standards to protect coastal waters, wetlands, and environmentally sensitive habitat areas (ESHA).

### 2.20.020 – Biological Assessment

#### A. Initial Screening.

1. The Department shall conduct an initial screening of all proposed development to determine the potential presence of ESHA.
2. The initial screening shall include a review of reports, resource maps, aerial photographs, site inspection, and additional materials as necessary to determine the presence of ESHA.

#### B. Assessment Required.

1. A biological assessment is required if:
  - a. The initial screening finds the potential for ESHA within 100 feet of any construction, grading, or other site disturbance included as portion of the proposed project; and
  - b. The Zoning Administrator determines that the development may adversely impact ESHA.
2. The biological assessment shall be prepared by a qualified biologist and shall:
  - a. Describe the ESHA on the site or potentially affected by the project;
  - b. Discuss the project's potential adverse impacts on the ESHA; and
  - c. Recommend measures to avoid or minimize these potential impacts.

- C. **Resource Agency Consultation.** Prior to action on the application, the Department shall refer the biological assessment to appropriate state and federal resource agencies for review and comment. The Department shall consider comments from resource agencies, if received, when determining if proposed development may adversely impact ESHA.

### 2.20.030 – Environmental Buffer Areas

- A. **Buffer Required.** An environmental buffer area (EBA) is required to separate permitted development from ESHA.
- B. **Buffer Width.**
1. **Minimum Width.**
    - a. Minimum required EBA widths are shown in Table 2.20-1.
    - b. A required EBA width may be reduced if the applicant can demonstrate, after consultation with the Zoning Administrator, that the reduced buffer would be adequate to protect the adjacent ESHA.

**TABLE 2.20-1: MINIMUM ENVIRONMENTAL BUFFER AREA WIDTH**

ESHA	Minimum EBA Width
<b>Streams</b>	
Adjacent to existing development	25 ft. or the area bounded by the FEMA Flood Zone A [1]
In an undeveloped area	100 ft. or the area bounded by the FEMA Flood Zone A, whichever is greater
With riparian vegetation exceeding 100 ft. from top of bank	All of the riparian vegetation to a maximum of 250 ft.
<b>Wetlands</b>	
Adjacent to existing development	50 ft.
In an undeveloped area	100 ft.
Artificial wetlands (e.g., detention basins and treatment wetlands created for stormwater management purposes)	0 ft. to a maximum of 5 ft.
<b>All other ESHA [2]</b>	
Adjacent to existing development	50 ft.
In an undeveloped area	100 ft.

Notes:

[1] For streams adjacent to existing development, the City may reduce the ESHA buffer to less than 25 feet in association with stream day lighting (restoration) projects.

[2] See definition of Environmentally Sensitive Habitat Areas in Chapter 2.36 (Glossary) for areas considered ESHA.

2. **Increased Width.** An increased EBA width may be required by the review authority where necessary to ensure the biological integrity and preservation of the adjacent ESHA.
3. **Variable Buffer Widths.** The review authority may allow variable ESHA buffer widths to accommodate unique site conditions if the total ESHA buffer area is greater than the area under a fixed EBA width (ex. 100' x 100' = 10,000 sq. ft. is the minimum EBA).

C. **Buffer Land Uses.**

1. Allowable uses in an EBA are limited to uses that will sustain biological productivity, protect against any significant disruption of habitat values, and maintain or enhance the ESHA functional capacity.
2. Allowable land uses and development in an EBA are limited to the following:
  - a. ESHA restoration or enhancement projects.
  - b. Agricultural uses (including community gardens) determined compatible with maintenance of the ESHA and not exceeding 50 percent of the EBA and not within 25 feet of the ESHA boundary.
  - c. Fencing along the ESHA boundaries to prevent degradation of the ESHA by livestock or other adjacent use.
  - d. Maintenance of existing roads, driveways, and structures.
  - e. Construction of public road crossing a stream.
  - f. Forest management practices as permitted by the State of California.
  - g. Construction and maintenance of foot trails for public access on public lands.
  - h. Maintenance of drainage ditches when compatible with wetland function.
  - i. Construction and maintenance of utility lines.
  - j. Development allowed by an Emergency CDP where there is no feasible less environmentally damaging alternative and where feasible mitigation measures have been provided to minimize adverse environmental effects.
  - k. Removal of sediment and vegetation for flood control purposes when authorized by the Zoning Administrator.
  - l. Public coastal access improvements.
  - m. Minor modification of existing, serviceable structures.
  - n. Public coastal access improvements.

- o. Construction of new detention basins or low-impact development (LID) features not exceeding 50 percent of the EBA and not within 25 feet of the ESHA boundary.

#### **2.20.040 – Wetlands and Other Water Areas**

A. **Protection Required.** Development shall protect, maintain, and, where feasible, restore the biological productivity and the quality of coastal waters, streams, wetlands, and estuaries.

B. **Filing, Dredging, and Diking Projects.**

1. The diking, filling, or dredging of open coastal waters, wetlands, and estuaries is permitted only when:
  - a. There is no feasible, less environmentally damaging alternative; and
  - b. Feasible mitigation measures have been provided to minimize adverse environmental effects.
2. The diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary.
3. Allowed diking, filling, and dredging is limited to the following:
  - a. New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
  - b. Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
  - c. In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.
  - d. Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
  - e. Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
  - f. Restoration purposes.
  - g. Nature study, aquaculture, or similar resource dependent activities.
4. Dredged Material Disposal.
  - a. Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation.

- b. Dredge spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems.
- c. Dredge spoils suitable for shoreline erosions replacement or enhancement shall be prioritized in the sea level rise protection area shown in Coastal Land Use Element Figure 8-2.

#### 2.20.050 – Mitigation and Monitoring

- A. **When Required.** Mitigation and monitoring programs are required when impacts to ESHA cannot be fully avoided through the implementation of siting and design alternatives.
- B. **Mitigation and Monitoring Program.** Mitigation and monitoring programs shall include the following components:
  - 1. Statement of measurable mitigation goals.
  - 2. Description of the specific mitigation measures.
  - 3. Description of the methods to be used to implement the mitigation measures, including drawings, maps, or illustrations necessary to adequately describe proposed mitigation.
  - 4. Time of year that the project and mitigation measures will be implemented.
  - 5. Description of a mitigation monitoring plan to document that each mitigation measure has been implemented and that on an annual basis reports whether the goal has been successfully achieved for five years.
  - 6. Description of remediation measures (contingency plan) that will be employed if at three years the mitigation has not achieved its goal.
  - 7. Identification of the parties responsible for implementing and enforcing the mitigation measures.
- C. **Landscaping.** Where new landscaping is included as part of development, only locally native species may be planted in ESHA and ESBA. Locally native species means a species that existed in Arcata prior to European contact.
- D. **Habitat Creation/Restoration.** Mitigation for impacts to ESHA shall be in the form of habitat creation or substantial restoration. The mitigation shall occur on site wherever possible. Off-site mitigation measures shall only be approved when it is not feasible to fully mitigate impacts on site.
- E. **Mitigation Ratios.** Table 2.20-2 shows required mitigation ratios of acreage restored/created to acreage impacted.

**TABLE 2.20-2: MITIGATION RATIOS**

Habitat	Ratio
<b>Wetland</b>	1:1 to 10:1 as determined by the review authority
<b>All other habitat</b>	
On-site	1:1
Off-site mitigation	2:1

**F. Wetland Mitigation.**

1. Wetland mitigation may consist of creating and maintaining a new wetland of equal or greater biological function and value than the wetland proposed to be filled.
2. Off-site and/or out-of-kind wetland mitigation requires a higher replacement ratio than on-site and/or in-kind mitigation.
3. For restoration and enhancement projects, a 1:1 mitigation ratio may be acceptable if the review authority finds that the project achieves a net benefit in wetland habitat value.

- G. Timing.** To the extent feasible, mitigation measures shall be implemented prior to or simultaneously with construction of the approved development and shall be completed within six months of project completion or alternative date specified in the CDP.

**H. Protection Guarantee.**

1. Required habitat preservation shall be guaranteed through a deed restriction, grant of fee interest or easement, offer of dedication, or other comparable method. The protection guarantee shall identify the precise location and area to be set aside for preservation along with evidence of the legal ability over that area to restrict that area and/or convey a property interest in that area.
2. Prior to the approval of a CDP, the method and form of the protection guarantee shall be approved by City Attorney. The protection guarantee shall be recorded in the office of the County Recorder prior to the issuance of any development permits.
3. A management plan and funding plan is required to ensure appropriate management of the habitat area in perpetuity and shall be reviewed and approved by the City prior to the issuance of development permits.

- I. Monitoring.** Monitoring of mitigation measures shall be for a period of sufficient time to determine if mitigation objectives and performance standards are being met. Midcourse corrections shall be implemented if necessary to meet the mitigation goals.

1. Monitoring shall be conducted a period of not more than five years following completion, unless the Zoning Administrator determines that a longer mitigation



monitoring schedule is appropriate. If performance standards are not met by the specified monitoring period, the monitoring period shall be extended until the standards are met or the applicant shall submit an amendment application proposing alternative mitigation measures and implement the approved changes.

2. Monitoring reports that document the success or failure of the mitigation shall be provided to the Department annually and at the conclusion of the monitoring period.
3. The restoration shall be considered successful after the success criteria have been met for a period of at least three years with no remediation or maintenance activities other than weeding. Once considered successful, monitoring is no longer required.

#### **2.20.060 – Takings Exceptions**

The City Council may grant an exception to any requirement in this chapter to avoid a taking of property under the Constitutions of the United States and the State of California. The applicant bears the burden of proof to demonstrate to the satisfaction of the City Council, with clear and convincing evidence, that the exception is necessary to avoid a taking. If such an exception is granted it shall be granted so as to allow only the minimum deviation necessary to avoid a taking.

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## Chapter 2.22 – Coastal Hazards

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### Sections:

2.22.010 – Chapter Purpose

2.22.020 – Coastal Hazards Assessment

2.22.030 – Shoreline Protective Devices

### 2.22.010 – Chapter Purpose

This chapter establishes requirements to reduce risks to life and property in areas subject to coastal hazards.

### 2.22.020 – Coastal Hazards Assessment

#### A. Initial Screening.

1. The Department shall conduct an initial screening of all development applications to determine if the site may be subject to coastal hazards. As used in this chapter, coastal hazards means the following:
  - a. Geologic and seismic hazards including Alquist-Priolo earthquake hazard zones, landslides, liquefaction, and unstable slopes.
  - b. Shoreline retreat and coastal erosion.
  - c. Flooding.
  - d. Tsunami inundation.
  - e. Wildland and urban fire.
2. The initial screening shall include a review of reports, resource maps, aerial photographs, site inspection, and additional materials as necessary to determine if the site is subject coastal hazards.

#### B. Report Required.

1. A coastal hazards report is required if the initial screening finds that the proposed development may be subject to coastal hazards. A coastal hazards report is not required if the Zoning Administrator determined that the proposed development is located and designed in a manner that clearly avoids all hazards on the site and will not increase or exacerbate hazards in surrounding areas.
2. The coastal hazards report shall be prepared by a licensed Certified Engineering Geologist (CEG), Geotechnical Engineer (GE), Civil Engineer, or other qualified professional with necessary expertise in hazards as determined by the Zoning Administrator.
3. The coastal hazards report shall:
  - a. Identify the potential impacts of coastal hazards on the proposed development; and

- b. Recommend mitigation measures that are needed to ensure that the project is consistent with the Coastal Zoning Ordinance and Local Coastal Element.
- C. **Resource Agency Consultation.** Prior to action on the application, the Department shall refer the coastal hazards report to appropriate state and federal resource agencies for review and comment.

### 2.22.030 – Shoreline Protective Devices

- A. **Repair and Maintenance.** Routine monitoring, repair, and maintenance of shoreline protective devices is allowed without a CDP.
- B. **Applications.** Applications for shoreline protective devices shall be accompanied by the following information:
  - 1. **Permit History.**
    - a. A description of the permitting history of the structure (and associated development) for which the proposed shoreline protective device is sought, as well as the permitting history for any existing device protecting the structure.
    - b. The permitting history shall identify the date of the construction, the configuration at that time, any subsequent projects that altered their initial installation configuration, and any associated coastal development permits, as available.
    - c. All CDPs authorizing such development since 1972 must be identified.
  - 2. **Coastal Hazards Threat.**
    - a. Information about the degree of the coastal hazards threat and risk to the existing structure that is warranting the proposed project.
    - b. The analysis shall include supporting geotechnical information including normal and maximum tidal surges, wave conditions (including maximum expected wave height), storm conditions, erosion rates with/without the device, and other applicable coastal processes at this location and the larger area.
  - 3. **Coastal Processes.** A wave runup study describing the device's design wave height, maximum expected wave height, frequency of overtopping, and normal and maximum tidal ranges.
  - 4. **Feasibility/Effectiveness Analysis.** An analysis of the ability of the hard shoreline protective device to block the landward retreat of the shoreline and protect development from coastal hazards given existing and projected future conditions. The analysis shall consider whether a "tipping point" has been reached in a specific location where it is no longer feasible to construct and maintain hard shoreline protective devices that protect development from coastal flooding and erosion.
  - 5. **Cost/Benefit Analysis.** An analysis of the financial cost of installing and maintaining the hard shoreline protective device relative to the economic and social benefits to the community.

6. **Impact Analysis.** An impact analysis that describes over a 20-year period impacts to public access, habitat, scenic resources, and other coastal resources.
  7. **Alternatives Analysis.**
    - a. An alternatives analysis of potential options that could be used to achieve the project goals while maximizing the value of the shoreline (e.g., aesthetic, recreational/access, habitat).
    - b. These alternatives may include (but are not limited to) the use of soft protective strategies such as beach nourishment or stabilization using vegetation, managed retreat strategies, and a no action option.
    - c. The descriptions of these alternatives shall include expected lifespans, reasons why they may or may not be feasible (e.g., engineering, site specific wave and shoreline conditions, economics, etc.), and information about the environmental impacts of the feasible alternatives.
  8. **Mitigation Plan.** A Mitigation Plan with feasible measures to mitigate adverse impacts to coastal resources resulting from the hard shoreline protective structure.
  9. **Maintenance and Monitoring Plan.** A Maintenance and Monitoring Plan consistent with Section 2.22.030.D (Maintenance and Monitoring).
- C. **Standards.**
1. Shoreline protective devices shall be designed and sited to:
    - a. Eliminate or mitigate adverse impacts to coastal resources;
    - b. Minimize alteration of natural shoreline processes;
    - c. Provide for public access to State tidelands and recreational areas and facilities;
    - d. Minimize visual impacts and maximize the enjoyment of the natural shoreline environment;
    - e. Eliminate or mitigate adverse impacts on local shoreline sand supply;
    - f. Have the smallest footprint necessary; and
    - g. Cause no reduction in public access, use, or enjoyment of the natural shoreline environment, and preserve or provide access to public recreational lands and facilities.
  2. Wetland dredging and fill required to maintain or establish shoreline structures and protective devices shall be minimized and mitigated to the extent feasible and practicable. Preservation of upland and emergent palustrine fresh water wetland areas in mapped potential inundation zones for future migration of coastal wetlands, such as salt marsh and mud flat, is acceptable mitigation at a 2:1 ratio.
  3. The shoreline protective device must be the least environmentally damaging feasible alternative to protect existing structures or new coastal-dependent uses.
- D. **Maintenance and Monitoring**

1. Structures shall be maintained in a structurally sound manner and in their approved states, including that the color, texture and undulations of the surfaces.
2. Any failing portion of the structure or related improvements shall be repaired or removed retrieved that might otherwise substantially impair the aesthetic qualities of the area.
3. The structure shall be inspected annually or more often as needed for signs of failure or displaced structural components.

## Chapter 2.24 – Sea Level Rise Adaptation

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### Sections:

2.24.010 – Chapter Purpose

2.24.020 – All Sea Level Rise Adaptation Zones

2.24.030 – Within Sea Level Rise Adaptation Zone 1

2.24.040 – Within Sea Level Rise Adaptation Zone 2

### 2.24.010 – Chapter Purpose

This chapter contains requirements for development to reduce exposure to coastal hazards resulting from sea level rise.

### 2.24.020 – All Sea Level Rise Adaptation Zones

A. **Applicability.** The standards in this section apply to development located in all sea level sea rise adaptation zones shown in Coastal Land Use Element Figure 8-2.

B. **Standards.**

1. **Deed Restriction.** A CDP approval shall contain a condition requiring the applicant to record a deed restriction acknowledging that:
  - a. The property is located in a sea level rise adaptation zone; and
  - b. The property owner assumes all risk and responsibility for damage to the property due to hazards resulting from sea level rise.
2. **Acknowledgement and Release of Liability.** A CDP approval shall contain a condition requiring the applicant to sign an acknowledgement that the property is located in a sea level rise adaptation zone, release of City liability, and hold harmless agreement including a waiver of the right to sue the City in the event that the property is damaged due to hazards resulting from sea level rise.
3. **Real Estate Disclosure.** A CDP approval shall contain a condition requiring the property owner to disclose to prospective buyers prior to closing escrow:
  - a. Any permit conditions related to sea level rise,
  - b. Any property defects or vulnerabilities, including information about known current and potential future vulnerabilities to sea level rise.

### 2.24.030 – Within Sea Level Rise Adaptation Zone 1

- A. **Applicability.** The standards in this section apply to development located within Sea Level Rise Adaptation Zone 1 shown in Coastal Land Use Element Figure 8-2.
- B. **Standards.**
  - 1. **Protective Device Easements.** As a condition of CDP approval, the City may require easements for future sea level rise protective devices.
  - 2. **Building Elevations.** The minimum required top of slab elevation for interior living area of a new structure shall be the elevation as determined by the City to which the area is designed to be protected by existing and future planned sea level protective devices.
- C. **Shoreline Protective Devices.** New shoreline protective devices and the augmentation of existing shoreline protective devices beyond ordinary repair and/or maintenance are allowed to protect existing and new development within the Sea Level Rise Adaptation Zone 1.

#### 2.24.040 – Within Sea Level Rise Adaptation Zone 2

- A. **Applicability.**
  - 1. The requirements in this section apply to all new structures and redeveloped existing structures located within Sea Level Rise Adaptation Zone 2 shown in Coastal Land Use Element Figure 8-2.
  - 2. As used in this section, redevelopment means any of the following:
    - a. Replacement of 50 percent or more of an existing structure.
    - b. Improvements costing more than 50 percent of the appraised value of the existing structure.
    - c. Replacement of major structural components such as the foundation or exterior walls.
- B. **Nonconformities.**
  - 1. When a structure nonconforming to this section is redeveloped, the structure shall be brought into full conformance with all applicable requirements in this section.
  - 2. All alterations are measured cumulatively over time from [the date of the Commission's certification of this LCP] when determining if a proposed project qualifies as redevelopment.
- C. **Sea Level Rise Hazards Report.**
  - 1. **Report Required.** A sea level rise hazards report is required for proposed development requiring a CDP. The CDP will specify the design life for the specific development, between 50 and 100 years, which will guide the recommendations in the project-specific report.



2. **Report Methodology.** The sea level rise hazards report shall:
  - a. Be prepared by a licensed civil engineer with expertise in coastal engineering and geomorphology;
  - b. Be based on the best available science and sea level rise projections existing at the time a project application is deemed complete; and
  - c. Utilize the high projection of sea level rise for the lifetime of the development.
3. **Report Contents.** The sea level rise hazards report shall discuss the following:
  - a. **Existing and Future Conditions.** Current site conditions and projected future site conditions accounting for sea level rise over the anticipated lifetime of the project, including:
    - (1) Inland extent of flooding and wave run-up associated with extreme tidal conditions and storm events; and
    - (2) Shoreline erosion rates, both long-term and episodic.
  - b. **Sea Level Rise Impacts.** Potential sea level rise impacts over the lifetime of the proposed development (50 to 100 years), including impacts on the project caused by erosion, episodic and long-term shoreline retreat, flooding, inundation, storm waves, high seas, tidal scour, and tsunamis.
  - c. **Development Impacts.** Foreseeable effects that the development will have on coastal resources over time (including in terms of impacts on public access, natural landforms, and public views) as project impacts change over time due to sea level rise.
  - d. **Mitigation Analysis.** Options to avoid or reduce sea level rise impacts on site, including a discussion of technical feasibility, expected costs, and the degree of protection provided by each option.
  - e. **Recommendations.** Recommendations for project compliance with Subsection D (Standards) below and applicable coastal hazard policies in the Local Coastal Element, including:
    - (1) Development location on the site;
    - (2) Minimum building elevation;
    - (3) Flood protection measures;
    - (4) Building and foundation design to accommodate future removal or relocation; and
    - (5) Other measures to minimize sea level rise impacts, if applicable.

**D. Standards.**

1. **Development Location.**
  - a. **Development Prohibited in V Zones.** Development is prohibited in the Coastal Flooding (V Zones) shown on the FIRM Map.
  - b. **Locate Outside of Hazard Area.** Where possible, new development shall be located outside of hazardous areas such that they will not be endangered by sea level rise impacts over the life of the development without the use of a hard shoreline protective device. The CDP will specify the design life for the specific development, between 50 and 100 years.
  - c. **Clustered Development.** Development shall be clustered where feasible in areas least affected by sea level rise impacts.
2. **Building Elevation.** The minimum required top of slab elevation for interior living area of a new structure shall be as determined necessary by the sea level rise hazards report to minimize hazards associated with sea level rise over the design life of the structure.
3. **Flood Protection Measures.**
  - a. Development shall incorporate site-specific flood protection measures as determined necessary by the sea level rise hazards report to minimize hazards associated with sea level rise over the design life of the structure. Required measures may include waterproofing, flood shields, watertight doors, moveable floodwalls, partitions, water-resistive sealant devices, sandbagging and other similar flood-proofing techniques.
  - b. Flood protection measures shall not create adverse direct and/or indirect cumulative impacts either on-site or off-site.
4. **Accommodating Future Building Removal.** Where site conditions allow, building foundations and other building elements shall be designed to allow for future building removal or relocation outside of areas subject to sea level rise hazards.
5. **Triggers for Building Removal.** The CDP for a new structure shall include a condition of approval requiring the removal or relocation the structure when:
  - a. Mean higher high tide is within two feet of the finished floor elevation; or
  - b. The Building Official prohibits occupancy, whichever occurs first.
6. **Existing Shoreline Protective Structures.**
  - a. Augmentation of existing shoreline protective devices beyond ordinary repair and/or maintenance is allowed only if the device is required to protect existing uses or serve a new coastal-dependent use.

- b. When development is removed or relocated as required by this section, any associated hard shoreline protective structures shall be removed to allow natural processes and responses to sea level rise.
- c. Removal of shoreline protective devices requires a CDP.
- d. If removal is not feasible, the property owner shall waive any rights to retain the protective device to protect any structure other than the one that existed at the time that the protective device was constructed or permitted.

**7. New Shoreline Protective Structures.**

- a. New shoreline protective devices are allowed only if the device is required to protect existing uses or serve a new coastal-dependent use.
  - b. Hard shoreline protective devices are allowed only if no other feasible, less environmentally damaging alternative is available, such as relocation, beach nourishment, eco-levees, non-structural drainage and native landscape improvements, or other similar nonstructural options.
- 8. Subdivisions.** Subdivisions that create new lots within a Sea Level Rise Adaptation Zone 2 are allowed only if the lots are created for public trust benefit.
- 9. Real Estate Disclosure.** Sellers of real estate shall disclose any permit conditions related to coastal hazards, or property defects or vulnerabilities, including information about known current and potential future vulnerabilities to sea level rise, to prospective buyers prior to closing escrow.

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## Chapter 2.26 – Public Access

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### Sections:

- 2.26.010 – Chapter Purpose
- 2.26.020 – New Public Access
- 2.26.030 – Existing Public Access
- 2.26.040 – Access Design Standards
- 2.26.050 – Access Restrictions
- 2.26.060 – Access Management and Maintenance Plan
- 2.26.070 – Temporary Public Access Impacts

### 2.26.010 – Chapter Purpose

This chapter establishes requirements to maximize public access, for all people, to and along the coast.

### 2.26.020 – New Public Access

#### A. Access Requirements.

1. New development located between the Bay and the first public road shall provide vertical (perpendicular) access from the public road and lateral access along the shoreline:
  - a. In the locations shown in Local Coastal Element Figure 9-1; and/or
  - b. Where the review authority determines that public access is necessary to mitigate impacts of the development on public access and there is no feasible, less environmentally damaging alternative that would avoid impacts on public access.
2. Impacts on public access include, but are not limited to:
  - a. Intensification of land use resulting in impacts on the available capacity of existing public access facilities;
  - b. Creation of physical or psychological obstructions deterring existing public access acquired through use or legislative authorization;
  - c. Obstruction of public views (visual access); and
  - d. Creation or intensification of conflicts between private land uses and public access

3. As used in Section 2.26.020, “new development” does not include the following types of projects:
  - a. Replacement of a structure destroyed by a disaster pursuant to the provisions of subdivision (g) of Coastal Act Section 30610.
  - b. The demolition and reconstruction of a single-family residence, provided that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.
  - c. Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.
  - d. Any repair or maintenance activity for which the City has determined, pursuant to Coastal Act Section 30610, that a CDP will not be required unless the City determines that the activity will have an adverse impact on lateral public access along the beach.
- B. **Exceptions to On-Site Access Requirements.** The requirement for onsite access may be waived by the review authority based upon the specific finding that providing public access would be inappropriate because:
  1. It would be inconsistent with public safety or the protection of fragile coastal resources;
  2. Adequate access exists within a quarter of a mile of the site; or
  3. Access would adversely affect agriculture.
- C. **CDP Applications.**
  1. A CDP application for new development located between the Bay and the first public road shall include a site plan showing the location of the property and proposed development in relation to the shoreline, tidelands, submerged lands and public trust lands.
  2. All easements and/or other similar restrictions associated with the property shall be mapped, and the associated legal document provided. Any evidence of historic public use should also be indicated.
- D. **Access Title and Guarantee.**
  1. Where public coastal access is required, new development shall require, if feasible, guarantee of the access through a recorded grant of easement or fee interest to either:

- a. The City of Arcata; or
  - b. A designated public agency or private nonprofit association acceptable to the City with the resources and authorization to accept the easement and operate and maintain the public accessway.
- 2. If direct dedication is not feasible, guarantee of access may be provided through a 20-year irrevocable offer to dedicate the required easement.
- 3. Conditions of CDP approval requiring a guarantee of public access shall:
  - a. Describe what development or activities can take place in the accessway and/or restricted portion of the parcel;
  - b. Identify the required method for drafting and recording the legal document;
  - c. Require the easement, or other legal document, be recorded free of prior liens and encumbrances that may affect the interest being conveyed; and
  - d. Identify required measures to ensure long-term coastal access (e.g., maintenance of improvements, prohibited activities).
- 4. After recordation of documents guaranteeing access, the City shall forward a copy of the permit conditions, findings of approval, and the legal documents pertaining to public access to the Coastal Commission.
- E. **Timing of Access Implementation.** The type and extent of access to be dedicated, and/or constructed and maintained, as well as the method by which its continuing availability for public use is to be guaranteed, shall be established at the time of CDP approval.
  - 1. Dedication/guarantee of public access shall occur before issuance of construction permits.
  - 2. Construction of improvements shall occur at the same time as construction of the approved development unless another time is established through a condition of CDP approval.
  - 3. Following dedication of public access, the property owner shall not interfere with use by the public of the areas subject to the dedication before or after acceptance by the responsible entity.
- F. **Signs.** At the City's discretion, the City or the developer shall install coastal access signage and pavement markings consistent with adopted standards and concurrent with coastal access development.

#### 2.26.030 – Existing Public Access

- A. **Protecting Existing Public Access.** New development shall not reduce and shall maintain public coastal access at a level equal to or greater than the level of existing prior to the development. This requirement applies to designated existing public coastal accessways

shown in Local Coastal Element Figure C-9-1 as well as any existing access to tidal waters acquired through use or legislative authorization.

**B. Maximizing Existing Public Access.**

1. When justified by project impacts on coastal access, new development shall improve and enhance on-site designated existing public coastal access points identified in Local Coastal Element Figure C-9-1. Improvements and enhancements include, but are not limited to:
  - a. Widening existing accessways to conform with current standards or as needed to accommodate present and foreseeable future demand;
  - b. Creating new on-street parking spaces by closing curb cutouts or other methods;
  - c. Adding wayfinding signage consistent with City standards to encourage public use of the shoreline and recreational facilities;
  - d. Expanding of hours of public use; and
  - e. Removing gates, fences, barriers, or other structures where they inhibit public access to and along the shoreline or recreational facilities.
2. Where it is not feasible or appropriate to provide public access on-site, new development shall require off-site mitigation to mitigate any impacts of the development on public access. Off-site mitigation may include paying in-lieu fees and/or providing off-site improvements or enhancements identified in 2.26.030.B.1.

**C. City-Controlled Accessways.** A CDP is required to close, abandon, or render unusable by the public an existing accessway which is owned, operated, maintained, or otherwise controlled by the City.

**2.26.040 – Access Design Standards**

- A. Design Objectives.** As appropriate, accessways and trails should be sited and designed to:
1. Minimize alteration of natural landforms, conform to the existing contours of the land, and be subordinate to the character of their setting;
  2. Prevent unwarranted hazards to the land and public safety;
  3. Provide for the privacy of adjoining residences and to minimize conflicts with adjacent or nearby established uses;
  4. Prevent damage to sensitive coastal resource areas;
  5. Provide direct connection to other public access trails or areas;
  6. Support access for pedestrians, bicycles, bus transit, and private vehicles;



7. Provide connections to trailheads, parking areas, vertical shoreline access points, inland trail segments, and transit stops at reasonable intervals;
  8. Maximize scenic view opportunities; and
  9. Integrate with shoreline protective structures (e.g., build trail on top of shoreline protective structure).
- B. **Parking.** Sufficient vehicle and bicycle parking, either on-site or on-street within a ¼ mile, shall be available to serve accessways and trails.
  - C. **Sidewalk and Pathway Gaps.** New development shall complete sidewalk or pathway gaps when located within or contiguous to the development site.
  - D. **Open and Unobstructed.** Public access shall be open and unobstructed. Development designed to restrict public access to and along the shoreline (e.g., barriers, gates, guardhouses, private streets) is prohibited. The City may specify hours during which access is closed to the public as provided in Section 2.26.050 (Access Restrictions).
  - E. **Encroachments Prohibited.** Encroachments or the installation of non-access-related private improvements into public accessways are prohibited. This requirement applies to designated existing public coastal accessways shown in Local Coastal Element Figure C-9-1 as well as any existing access to tidal waters acquired through use or legislative authorization.
  - F. **Location in Setback Areas.** Public access easements may be provided within required minimum property line setback areas.
  - G. **Sensitive Areas.** Public access improvements shall be sited, designed, and maintained to avoid or, if avoidance is infeasible, minimize impacts to environmentally sensitive habitat areas (ESHAs), wetlands, riparian habitats, and other sensitive resource areas in compliance with Chapter 2.20 (Biological Resources and Environmentally Sensitive Habitat).
  - H. **Universal Access.** Unless determined infeasible by the review authority, coastal accessways shall be designed to accommodate physically disabled persons. If access to physically disabled persons cannot be feasibly provided, a visual access for physically disabled persons shall be provided.

#### **2.26.050 – Access Restrictions**

- A. **Types of Restrictions.** The City may impose restrictions on coastal access, including but not limited to:
  1. Hours during which the access may be closed to public use by gates or signed regulations;
  2. Installation of barriers to protect resources; and
  3. Prohibition of access to animals, bicycles, or other personal effects with potential to damage resources or result in safety concerns at that location.

- B. **When Allowed.** The City may impose coastal access restrictions only when justified by:
1. Site characteristics, including topographic and geologic conditions;
  2. The intensity of use and the capacity of the site to sustain the use;
  3. The fragility of natural resource areas; and
  4. The need to protect the privacy or security of residential development.
- C. **CDP Required.** Coastal access restrictions as allowed by this section require a CDP. The review authority may approve the CDP only when:
1. The restriction is necessary for one of the reasons in Subsection B (When Allowed) of this section;
  2. No other feasible alternative exists;
  3. The time and extent of the restriction is minimized;
  4. Access impacts are mitigated to the maximum extent feasible; and
  5. The need for the restriction is periodically reassessed to ensure maximum access.

#### **2.26.060 – Access Management and Maintenance Plan**

- A. **Plan Requirement.** As a condition of CDP approval of a new accessway, the City may require a management and maintenance plan prior to opening the accessway to public use.
- B. **Plan Contents.** If required, the plan shall include measures to:
1. Ensure the accessway is properly managed and maintained to allow for ongoing public access consistent with this chapter; and
  2. Minimize potential conflicts between public access use and other uses on or immediately adjacent to the site.

#### **2.26.070 – Temporary Public Access Impacts**

- A. **Plan Requirement.** Development that may temporarily impact public access shall provide a public access management plan designed to identify and limit temporary impacts to public access.
- B. **Plan Contents.** If required, the plan shall:
1. Identify measures to avoid disruption during peak use times where feasible;
  2. Minimize road and trail closures;
  3. Identify alternative access routes where feasible;
  4. Identify methods to communicate closures and alternative routes to the public; and
  5. Identify measures needed to provide for public safety.

## Chapter 2.28 – Scenic and Visual Resources

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### Sections:

- 2.28.010 – Chapter Purpose
- 2.28.020 – Definitions
- 2.28.030 – Applicability
- 2.28.040 – Visual Impact Analysis
- 2.28.050 – Action on Application

### 2.28.010 – Chapter Purpose

This chapter establishes standards to protect the scenic and visual qualities of coastal areas.

### 2.28.020 – Definitions

When used in this section, the following terms are defined as follows:

#### A. **Scenic Resource.** “Scenic resource” means any of the following:

1. Open waters of Arcata Bay.
2. Habitat areas and natural features along the shoreline, including coastal marshes, estuaries, sloughs, and mudflats.
3. Visually prominent natural features visible from the coastal zone, including agricultural lands, gulches, forested slopes, hillsides, ridgelines and mountain tops.
4. Designated national and state historic landmarks and the Arcata Plaza Area historic district.

#### B. **Protected View.** “Protected view” means a public view of a scenic resource from the following vantage points as shown in Coastal Land Use Element Figure 10-1:

1. Designated scenic roadways.
2. Designated vista points.
3. Designated scenic trail segments.

### 2.28.030 – Applicability

This chapter applies to proposed development, including land divisions, visible from a publicly accessible vantage point.

### 2.28.040 – Visual Impact Analysis

#### A. **Initial Evaluation.**

1. The Department shall review proposed development identified in Section 2.28.030 (Applicability) to evaluate potential visual impacts resulting from the development.
2. If the Department determines that the development may block or disrupt public enjoyment of a protected view or adversely impact a scenic resource, a visual impact

analysis shall be prepared at the applicant's expense.

**B. Analysis Components.** When required, the visual impact analysis shall include the following:

1. A map showing location of proposed development in relation to the potentially impacted scenic resources and the viewpoint(s) selected for analysis.
2. A description of all protected views and scenic resources that could be impacted by the proposed development.
3. Illustrations, photographs, and/or simulations as required by the Department to accurately demonstrate visual impacts. Required materials may include information on exterior building materials and a visual survey of the character of the surrounding area.
4. An evaluation of potential impacts to visual resources.
5. A discussion of potential measures to avoid or reduce the visual impacts.

**C. Analysis Methodology.** The visual impact analysis shall be prepared in the following manner:

1. The visual impact analysis only considers potential impacts to views from public vantage points. Private view impacts are not evaluated.
2. Viewpoints are selected by the Department as needed to fully evaluate potential impacts.
3. Evaluated viewpoints shall be from the centerline of the street or trail at an elevation of four feet above the ground surface.
4. If the visual impact analysis is prepared by the applicant, the Department may require peer review of the analysis at the applicant's expense.

**D. Story Poles.** The Department may require the applicant to install story poles if needed to evaluate potential visual impacts.

**2.28.050 – Action on Application**

**A. Consideration of Visual Impact Analysis.** The review authority shall review and consider the visual impact analysis when acting on the CDP application for the proposed development.

**B. Findings.** To approve the CDP for proposed development visible from a publicly accessible vantage point, the review authority must make the findings in Section 2.16.150 (Findings for Approval) and find that the development:

1. Has been designed and sited to protect public views of scenic resources;
2. Minimizes alteration of natural landforms;
3. Is visually compatible with the character of surrounding areas; and
4. Restores and enhances the visual quality in visually degraded areas, where feasible.

**C. Conditions of Approval.** The review authority may attach conditions of approval as needed to avoid, minimize, or mitigate impacts to scenic resources. Conditions may address development design features including but not limited to building height, width, bulk, and

placement on the site.

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## 2.30 – Archaeological and Cultural Resources

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### Sections:

- 2.30.010 – Chapter Purpose
- 2.30.020 – Applicability
- 2.30.030 – Initial Project Screening
- 2.30.040 – Cultural Resources Report
- 2.30.050 – Resource Protection Measures

### 2.30.010 – Chapter Purpose

This chapter establishes regulations to protect and preserve archaeological, tribal cultural, and paleontological resources.

### 2.30.020 – Applicability

The requirements in this chapter apply to all Coastal Development Permit (CDP) applications that involve grading, excavation, or other ground-disturbing activity proposed at four feet of depth or greater.

### 2.30.030 – Initial Project Screening

- A. **Initial Screening Required.** The Department shall screen CDP applications to determine if the project may have an adverse impact on an archaeological, paleontological, and/or Native American tribal cultural resource.
- B. **Information Sources.** The Department shall conduct screening using any or all of the following:
  - 1. Comments and recommendations from culturally affiliated Native American Tribes and Tribal Historic Preservation Officers (THPOs), including the Wiyot Tribe, the Bear River Band of the Rohnerville Rancheria, and the Blue Lake Rancheria
  - 2. Information from the Northwest Information Center.
  - 3. Report of a Native American culturally sensitive location by the Native American Heritage Commission.
  - 4. Archaeological and/or Native American culturally sensitive locations compiled for the City by the Northwest Information Center and/or other reputable sources.

**2.30.040 – Cultural Resources Report**

- A. **When Required.** A cultural resources report shall be prepared prior to project approval if:
1. Initial project screening concludes that the project location is sensitive for potentially significant archaeological, paleontological, and/or Native American tribal cultural resources;
  2. The project has potential to adversely impact these resources; and
  3. Inadvertent discovery protocol described in Section 2.30.050.B (Discovery of Archeological or Paleontological Resources) is not sufficient to protect these resources as determined by the Zoning Administrator in consultation with local area THPOs.
- B. **Report Contents.** The cultural resources report shall be prepared by a qualified archaeologist/paleontologist and shall include the following:
1. Site information including location, parcel number, address, owner, applicant, parcel size, location of structures or improvements, and applicable maps.
  2. Review of relevant scientific literature and any available past archeological reports describing archeological and/or Native American tribal cultural resources on the site or on adjacent lands.
  3. Searches of the California Historical Resources Information System and Native American Heritage Commission Sacred Lands File.
  4. Documentation of consultation with appropriate tribes as required by state law.
  5. Date and findings of a preliminary archaeological reconnaissance.
  6. Discussion of potential adverse impacts on archaeological resources.
  7. Recommendations for further archaeological surveys, if necessary.
  8. Recommended mitigation, minimization, and/or avoidance measures to avoid or minimize potential adverse impacts to significant archeological and/or Native American tribal cultural resources.
- C. **Report Implementation.** Measures to avoid or minimize potential adverse impacts to archeological and/or Native American tribal cultural resources as recommended in the cultural resources report shall be incorporated as conditions of project approval as deemed necessary and appropriate by the decision-maker in consultation with local area THPOs.

**2.30.050 – Resource Protection Measures**

- A. **Monitoring Construction.** When a qualified professional archeologist determines that archaeological resources are likely to be present at a construction site, or when requested by a local Wiyot tribe, a registered professional archaeologist or Tribal monitor shall monitor excavation and other soil disturbing activities during construction.



**B. Discovery of Archeological or Paleontological Resources.**

1. If archaeological or paleontological resources are encountered or suspected during construction, work shall immediately be halted or redirected to an area with no known resources, and the City shall be notified.
2. The City shall evaluate the nature, extent, and importance of any discoveries or suspected resources based upon input from a registered professional archaeologist or paleontologist, an affected local tribe, and the State Historic Preservation Officer.
3. If the City determines resources to be important or unique, the City shall require a registered professional archaeologist or paleontologist to prepare a mitigation plan and, if feasible, redirect grading and/or excavation activities to an area with no resources until such time as adequate mitigation measures are implemented to protect or preserve the identified important or unique resources.
4. The City shall determine whether the development or mitigation measures require a new or amended Coastal Development Permit. Activities that may adversely impact these resources shall not resume without written authorization from the City that construction may proceed.

**C. Inadvertent Discovery of Human Remains and Grave Goods.** All development shall comply with California Health and Safety Code Section 7050.5 and other state and federal law concerning the discovery of Native American human remains and grave goods.

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## Chapter 2.32 – Agricultural Resources

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### Sections:

- 2.32.010 – Chapter Purpose
- 2.32.020 – Applicability
- 2.32.030 – Agricultural Conversions
- 2.32.040 – Subdivisions
- 2.32.050 – Development Standards

### 2.32.010 – Chapter Purpose

This chapter establishes standards to preserve and protect productive agricultural land in the Coastal Zone.

### 2.32.020 – Applicability

The requirements in this chapter apply to all development in the Agricultural (:CA) coastal zoning district. Requirements specific to prime agricultural lands as mapped in Local Coastal Element Figure C-12-1 apply only to prime agricultural lands zoned :CA as shown in the Coastal Zoning map.

### 2.32.030 – Agricultural Conversions

- A. **Prime Agricultural Lands.** The following requirements apply to prime agricultural lands as mapped in Figure C-12-1 that are zoned :CA as shown in the Coastal Zoning Map.
  - 1. **Reports.** For proposed conversions of prime agricultural lands to non-agricultural uses, the Department shall require the applicant to submit an economic feasibility evaluation consistent with Coastal Act Section 30241.5. The evaluation shall be prepared by a qualified professional with expertise in agricultural economics. The City shall also require the applicant to submit a report demonstrating that the conversion will not diminish the productivity of adjacent prime agricultural lands. The Department may approve the proposed conversion only after approving the reports.
  - 2. **Findings.** To approve the conversion of prime agricultural lands to non-agricultural uses, the review authority must make the following findings:
    - a. One or both of the following is true:
      - (1) The viability of existing agricultural use is already severely limited by conflicts with urban uses.
      - (2) The conversion would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

- b. Public service and facility expansions and non-agricultural development will not impair agricultural viability on surrounding lands, either through increased assessment costs or degraded air and water quality.
  - c. To the extent feasible, lands not suited for agriculture have been developed prior to the conversion of agricultural lands.
  - d. The non-agricultural development will be located either:
    - (1) Within, contiguous with, or in close proximity to existing developed areas able to accommodate the new development; or
    - (2) In other areas with adequate public services and where it will not have significant adverse impacts, either individually or cumulatively, on coastal resources.
- 3. **Mitigation.** The City may require the purchase of an agricultural conservation easement, payment of in-lieu fee, or other similar mitigation to compensate for impacts resulting from the conversion of prime agricultural land to non-agricultural uses.
- B. **Non-Prime Agricultural Land.** To approve the conversion of :CA lands with non-prime agricultural land to nonagricultural uses, the review authority must make the following findings:
  - 1. One or both of the following is true:
    - a. Continued or renewed agricultural use is not feasible.
    - b. The conversion would preserve prime agricultural land or will be located either:
      - (1) Within, contiguous with, or in close proximity to existing developed areas able to accommodate the new development; or
      - (2) In other areas with adequate public services and where it will not have significant adverse impacts, either individually or cumulatively, on coastal resources.
  - 2. The conversion will be compatible with continued agricultural use on surrounding lands.

#### 2.32.040 – Subdivisions

- A. **All Agricultural Land.** All subdivisions of agricultural land must comply with Section 2.14.090 (Rural Land Divisions).
- B. **Prime Agricultural Lands – Continuation of Agricultural Use.**
  - 1. For a proposed subdivision of :CA lands with prime agricultural soils as mapped on Figure C-12-1 where the land will remain in agricultural use, the applicant must submit

a continued viability report and economic management plan prepared by a qualified professional demonstrating that the subdivided land will remain viable for, and actively engaged in, agricultural use.

2. The review authority may approve the subdivision only upon finding that:
  - a. The subdivided parcel sizes will remain viable for agricultural use at the subdivided parcel size; and
  - b. The subdivision will not diminish the agricultural productivity of the land.
- C. **Prime Agricultural Lands – Conversions to Non-Agricultural Use.** A subdivision that is part of a conversion to a non-agricultural use approved may be approved consistent with 2.32.030 (Agricultural Conversions).
- D. **Residential Development.** Otherwise permissible residential development, whether for farm dwellings or farm labor housing, shall not be allowed to diminish current or future agricultural use of the property, or of adjacent lands suitable for agriculture.

#### 2.32.050 – Development Standards

All development on :CA lands shall comply with the following standards.

- A. **Agriculture as Primary Use.** Development shall be appurtenant to, and not interfere with, the primary use of the site as a productive agricultural unit.
- B. **Maximize Amount of Agricultural Land.** Development shall retain the maximum feasible amount of agriculturally designated lands available for existing or potential agricultural production. Agricultural buffers and the clustering of development shall minimize land use conflicts and protect agricultural activities.
- C. **Water Resources.** On-site water resources shall be protected through sizing non-agricultural development to ensure that adequate water resources are available to the site, to maintain habitat values, and serve both the development and existing and proposed agricultural operations.
- D. **Growth Inducement.** Extension of urban sewer and water services to support on-site agricultural operations or other uses is prohibited, except that reclaimed wastewater may be used for agricultural enhancement.
- E. **Roads and Driveways.** Development shall site and design roads and driveways to be the minimum width and length necessary, to ensure that the road and driveways will not adversely affect agricultural productivity on the site or on adjoining lands, and designed to avoid unnecessary cut and fill, particularly by conforming to natural landforms
- F. **Soil Protection.** Development shall:
  1. Minimize alteration of landforms to the greatest amount feasible;

2. Minimize potential adverse impacts from erosion, sedimentation, and the entrainment of silt and soils materials; and
3. Salvage and stockpile removed productive topsoil for reuse.

## Chapter 2.34 – Local Coastal Program Amendments

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### Sections:

- 2.34.010 – Chapter Purpose
- 2.34.020 – Processing, Notice, and Hearing
- 2.34.030 – Planning Commission Action on Amendment
- 2.34.040 – Council Action on Amendment
- 2.34.050 – Findings
- 2.34.060 – Certification by Coastal Commission Required

### 2.34.010 – Chapter Purpose

This chapter provides procedures to amend the Local Coastal Program including the Coastal Zoning Ordinance, Local Coastal Element, and Coastal Zoning Map.

### 2.34.020 – Processing, Notice, and Hearing

#### A. Initiation.

1. **Local Coastal Element or Coastal Zoning Map.** A Local Coastal Element or Coastal Zoning Map amendment may only be initiated by: (1) the City Council; (2) the Planning Commission; or (3) the owner or authorized agent of property for which the amendment is sought by filing an amendment application. If the property is under more than one ownership, all of the owners or their authorized agents shall join in filing the application.
2. **Coastal Zoning Ordinance.** A Coastal Zoning Ordinance amendment may only be initiated by: (1) the Council; (2) the Planning Commission; or (3) by Council action to adopt an urgency measure as an interim ordinance in compliance with State law (Government Code Section 65858).

B. **Application Filing and Processing.** The application shall be accompanied by the information identified in the Department handout for amendment applications. A Local Coastal Element amendment shall involve consultation with pertinent Tribal Governments per the requirements of Senate Bill 18 (SB18) of 2004.

C. **Public Hearings Required.** The Planning Commission and City Council shall each conduct one or more noticed public hearings regarding the amendment application.

D. **Notice of Hearings.** Public hearing notice shall comply with Government Code Section 65090 et seq and as follows:

1. Notice of the public hearings shall be published at least once in at least one newspaper of general circulation within the jurisdiction of the local agency which is conducting the proceeding at least 10 days prior to the hearing.
2. The notice shall include the date, time and place of the public hearing, the identity of the hearing body or officer, a general explanation of the matter to be considered, and a general description of the location of the real property, if any, that is the subject of the hearing. Public hearing notice shall comply with Government Code Section 65090 et seq

#### **2.34.030 – Planning Commission Action on Amendment**

The Planning Commission shall forward a written recommendation, and reasons for the recommendation, to the City Council whether to approve, approve in modified form, or disapprove the proposed amendment, based on the findings identified in Section 2.34.050 (Findings).

#### **2.34.040 – Council Action on Amendment**

- A. **Action to Approve/Disapprove.** Upon receipt of the Planning Commission's recommendation, the City Council shall approve, approve in modified form, or disapprove the proposed amendment based on the findings identified in Section 2.34.050 (Findings).
- B. **Referral to Planning Commission.** If the City Council proposes to adopt a substantial modification to the amendment not previously considered by the Planning Commission during its hearings, the proposed modification shall be first referred to the Planning Commission for its recommendation, in compliance with State law (Government Code Sections 65356 [General Plan amendments] and 65857 [Coastal Zoning Ordinance/Zoning Map amendments]).

#### **2.34.050 – Findings**

An amendment to the Coastal Land Use Plan, the Zoning Map, or this Coastal Zoning Ordinance may be approved only if all of the following findings are made, as applicable to the type of amendment.

##### **A. Findings for Local Coastal Element Amendments.**

1. The proposed amendment is consistent with all other provisions of the General Plan.
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
3. The affected site(s) is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for proposed or anticipated uses and/or development.



**B. Findings for Coastal Zoning Map and Coastal Zoning Ordinance Text Amendments.**

1. The proposed amendment is consistent with the Local Coastal Element.
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

**C. Additional finding for Zoning Map amendments:** The affected site(s) is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designation and proposed or anticipated uses and/or development.**2.34.060 – Certification by Coastal Commission Required**

An amendment to the Local Coastal Program including the Coastal Land Use Element, land use designations, Coastal Zoning Ordinance, and Coastal Zoning map shall not take effect until the amendment has been certified by the Coastal Commission in compliance with the Coastal Act.

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## Chapter 2.36 – Glossary

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### Sections:

2.36.010 – Chapter Purpose

2.36.020 – Allowed Uses

2.36.030 – Definitions

### 2.36.010 – Chapter Purpose

This section defines terms and phrases used in the Zoning Code that are technical or specialized, or which may not reflect common usage. If any definitions in this section conflict with others in the Municipal Code, these definitions control in the Zoning Code. If a word is not defined in the Zoning Code, the Zoning Administrator determines the appropriate definition.

### 2.36.020 – Allowed Uses

The definitions in this section define terms used in the allowed use table (Table 2.12-12) in Chapter 2.12 (Planning and Locating New Development). These definitions apply only to allowed uses in Chapter 2.12 of the Coastal Zoning Ordinance. If a definition in this section conflicts with a definition in the Land Use Code, the definition in this section governs and controls only in the Coastal Zoning Ordinance.

#### A. **Agricultural and Open Space Uses.**

1. **Agriculture.** Use of land or ocean waters for the production of food and fiber. Includes growing crops, horticulture, orchards, vineyards, wineries, community gardens, animal grazing, animal keeping, aquaculture, forestry, agricultural processing, creameries, cannabis cultivation, produce stands, greenhouses and nurseries, farmers markets, and agricultural structures such as barns, silos, and windmills.
2. **Resource Protection and Restoration.** Lands and management activities dedicated to the protection and conservation of natural resources, such as aquatic environments, wetland and sensitive riparian habitat, water recharge areas, and rare or endangered plant or animal habitat. Includes marine and wildlife preserves, fisheries, and the management of estuarine waters of Humboldt Bay for fish and wildlife habitat and nature study.

#### B. **Recreation, Education, and Public Assembly Uses.**

1. **Cemeteries.** An interment establishment engaged in subdividing property into cemetery lots and offering burial plots or air space for sale. Includes animal cemeteries; cemetery, mausoleum, crematorium and columbarium operations; and full-service mortuaries and funeral parlors accessory to a cemetery or columbarium.

2. **Cultural Institutions.** Public or non-profit institutions that support and contribute to the cultural development of the community and provide community-serving programs and services on-site. Includes libraries, museums, performing art centers (primarily non-retail), public auditorium, aquariums, zoos, environmental education centers, non-profit art centers and galleries, and botanical gardens.
3. **Non-Commercial Places of Assembly.** Facilities that provides space for public or private meetings or gatherings. Includes places of worship, fraternal lodges, meeting space for clubs and other membership organizations, social halls, union halls, and non-profit banquet centers.
4. **Parks, Playgrounds, and Recreation.** Publicly owned and operated parks and playgrounds providing open space and/or recreational opportunities to the public. Includes athletic fields, picnic areas, tennis courts, tot lots, public equestrian facilities and stables, golf courses, coastal access trails, boat launching facilities, boat houses, marinas, Interpretive centers, non-commercial recreation centers, non-vehicular recreation, and public sports and recreation complexes.
5. **Schools.** A public or private academic educational institution. Includes elementary, middle, and junior high schools; high schools; community colleges, colleges, and universities; business and vocational schools boarding school; military academies; schools providing specialized education/training (e.g., music schools, language schools)

C. **Residential Uses.**

1. **Mobile Home Park.** Any site that is planned and improved to accommodate three or more mobile homes used for residential purposes, or on which three or more mobile home lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes.
2. **Multi-family Housing.** A dwelling unit that is part of a structure containing two or more dwelling units excluding accessory dwelling units. Includes duplexes, triplexes, fourplexes; apartments (five or more units under one ownership in a single building); transitional housing; permanent supportive housing; residential care facilities; group quarters; single room occupancy housing; caretaker units; farmworker housing for agriculture activities on site; mobile homes outside of mobile home park; residential accessory uses and structures including accessory dwelling units, home occupations, accessory retail and services, and family day care.
3. **Single family Housing.** A building designed for and/or occupied exclusively by one family. Includes factory-built, modular housing units, constructed in compliance with the Uniform Building Code (UBC); mobile homes outside of mobile home park; transitional housing and supportive housing serving six or fewer persons; residential

care facilities; group quarters within a single-family home; caretaker units; farmworker housing for agriculture activities on site; residential accessory uses and structures including accessory dwelling units, home occupations, accessory retail and services, and family day care.

**D. Commercial and Service Uses.**

1. **Bars and Nightclubs.** A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery ("brew-pub"), and other beverage tasting facilities. A night club is a facility serving alcoholic beverages for on-site consumption, and providing entertainment, examples of which include live music and/or dancing, comedy, etc.
2. **Heavy Commercial.** Commercial establishments providing goods and services to other businesses and/or engaged in heavy commercial activities that could impact neighboring properties. Includes contractor supply businesses, building contractors, large equipment repair, commercial dry-cleaning/laundry services, security services, custodial services, business-serving printers, taxi and delivery services, private ambulance dispatch services, property maintenance contractors, plumbing supply stores, media production, reverse vending machines, small recycling collection facilities, research and development, non-medical laboratories.
3. **Day Care Centers.** State-licensed facilities that provide non-medical care and supervision of individuals for periods of less than 24 hours. Includes nursery schools, day nurseries, child care centers, infant day care centers, cooperative day care centers, and adult day programs.
4. **Housing for Homeless.** A facility that provides immediate and short-term housing and supplemental services for the homeless.
5. **Homeless Services.** A facility that provides services primarily to homeless clients other than emergency shelter and short-term housing. Includes facilities that provides services such as hot meals, food boxes, food distribution, showers, laundry facilities, clothing, transportation, television, mail and phone contact services, support groups, and service referrals.
6. **Lodging.** A commercial establishment providing overnight accommodations to transient patrons for 30 consecutive calendar days or less. Includes hotels, motels, hostels, bed & breakfast inns, campgrounds, and recreational vehicle (RV) parks. Lodging establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests and the general public.

7. **Offices.** A place of employment occupied by the employees of a businesses or organizations. Includes professional offices (e.g., attorneys, engineers, accountants), government offices, data and information processing offices, and offices providing services directly to customers (e.g. insurance agent offices, real estate offices).
8. **Medical Services.** Facilities providing medical care to patients. Includes doctor offices, dentists, chiropractors, urgent care clinics, pit-patient care facilities, extended care facilities, skilled nursing facilities, nursing homes, hospitals.
9. **Public Safety Facility.** A facility operated by a public agency for public safety purposes. Includes fire stations, other fire prevention and fire-fighting facilities, police and sheriff substations and headquarters, and interim incarceration facilities.
10. **Retail.** Stores and shops selling merchandise and food to the public. Includes grocery stores, markets, liquor stores, bakeries, drug stores, convenience stores, restaurants, cafes, coffee shops, auto and vehicle sales and rental, building and landscape materials sales, cannabis retail sales and service, construction and heavy equipment sales and rental, farm supply and feed store, farmers market/produce stands, fuel dealers (propane for home and farm use, etc.), furniture and appliance stores, mobile home and large vehicle sales, pet shops, second hand stores, service stations, and shopping centers.
11. **General Services.** Establishments providing non-medical services to individuals as a primary use. Includes beauty salons and barber shops, dry cleaning pick up stores, household item repairs, vehicle repair and service, laundromats, locksmiths, massage, tailors, fortune tellers, tattoo and body piercing services, hot tubs for hourly rental, pawnshops, undertaking services commercial recreation, veterinary clinics, animal hospital, kennels and animal boarding, social service organizations. These uses may also include accessory retail sales of products related to the services provided.

**E. Industrial Uses.**

1. **Industrial, Light.** Manufacturing and industrial activities that produces little or no noise, odor, fumes, dust, smoke, dirt, refuse, vibration, glare, and/or air or water pollution detectable beyond the interior walls of the facility and is unlikely to cause significant impacts on surrounding land uses. Products are commonly produced from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products. Includes artisan/craft product manufacturing; clothing and fabric product manufacturing; electronics, equipment, and appliance manufacturing; food and beverage product manufacturing not including retail bakeries; furniture/fixtures manufacturing, cabinet shop; handcraft industries, small-scale manufacturing; paper product manufacturing not including pulp manufacturing; photo/film processing lab; and wineries, breweries and distilleries.

2. **Industrial, Moderate.** A facility accommodating manufacturing processes and/or industrial activities where the intensity and/or scale of operations is greater than those classified under Manufacturing Light but where impacts on surrounding land uses or the community can typically be mitigated to acceptable levels. Includes mall scale (under an acre) lumber and wood product manufacturing; machinery manufacturing; metal products fabrication, machine and welding shops; manufacturing of motor vehicles and transportation equipment; stone and cut stone product manufacturing; structural clay and pottery product manufacturing, recycling processing, recycling scrap and dismantling yards, commercial composting.
  3. **Industrial, Heavy.** A facility accommodating manufacturing processes and/or industrial activities where the intensity and/or scale of operations may cause significant impacts on surrounding land uses or the community. Includes chemical and glass product manufacturing; concrete, gypsum, and plaster product manufacturing; solid waste disposal transfer stations, biodiesel production paving and roofing materials manufacturing; petroleum refining and related industries; plastics, other synthetics, and rubber product manufacturing; primary metal industries; pulp and pulp product manufacturing; textile and leather product manufacturing; and large scale lumber and wood product manufacturing over an acre.
  4. **Storage, Warehouses, Wholesale & Distribution.** Establishments engaged in storage, warehousing, and distribution of goods as a primary use. Includes personal storage facilities (mini-storage); storage of business records; cold storage; storage of goods by moving companies; sale of merchandise to retailers, contractors and business users; merchant wholesalers; storage, processing, packaging, and shipping facilities for mail order and e-commerce retail establishments.
- F. **Transportation, Communications and Infrastructure Uses.**
1. **Transportation and Freight Facilities.** Facilities where the transfer and movement of people and freight by cars, buses, truck, trains, boats, helicopters, airplanes, and other vehicles is the primary use. Includes parking facilities (public or commercial); transit stations and terminals; truck and freight terminal; truck stops; ambulance, taxi, and limousine dispatch facilities; heliports; airports.
  2. **Utility Infrastructure.** Infrastructure to transmit, distribute, or convey a public utility or communication service directly to customers. Includes pipelines for water, natural gas, and sewage collection and disposal; facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company; telephone, telegraph, cable television and other communications transmission facilities utilizing direct physical conduits; radio and TV transmission facilities.
  3. **Utility Facilities.** A fixed-base structure or facility providing a utility service to the general public. Includes power generating plants, electric substations and switching stations; pumping stations, sewage treatment plants and storage, reservoirs, settling

ponds and disposal fields storage tanks, corporation and maintenance yards, natural gas regulating and distribution facilities, public water system wells, telephone switching facilities.

### 2.36.030 – Definitions

- A. **Terms Defined.** Terms used in the Coastal Zoning Ordinance are defined as follows. Definitions that differ from definitions in the Land Use Code are in the definition. If a definition in this section conflicts with a definition in the Land Use Code, the definition in this section governs and controls only in the Coastal Zoning Ordinance.
1. **Accessory Dwelling Unit.** An attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons on the same parcel as a single-family dwelling is situated. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation. An accessory dwelling unit shall include: an efficiency unit as defined in Section 17958.1 of the Health and Safety Code, and a manufactured home as defined in Section 18007 of the Health and Safety Code.
  2. **Accessory Use.** A use customarily incidental to, related and clearly subordinate to a primary use on the same parcel, which does not alter the primary use.
  3. **Acre, Gross.** The entire acreage of a site calculated to the centerline of proposed bounding streets and to the edge of the right-of-way of existing or dedicated streets.
  4. **Aggrieved Person.** Any person who, in person or through a representative, appeared at a City public hearing in connection with the decision or action on a CDP that is appealed, or who, by other appropriate means prior to a hearing informed the City of the nature of their concerns, or who for good cause was unable to do either. "Aggrieved Person" includes the applicant for a CDP.
  5. **Aquaculture.** A form of agriculture as defined in Section 17 of the Fish and Game Code. Aquaculture products are agricultural products, and aquaculture facilities and land uses shall be treated as agricultural facilities and land uses in all planning and permit-issuing decisions governed by the Coastal Zoning Ordinance.
  6. **Bed and Breakfast Inn (B&B).** A residential structure with one or more bedrooms rented for overnight lodging, where meals may be provided subject to applicable Environmental Health Department regulations.
  7. **Billboard.** A sign which meets any one or more of the following criteria:
    - a. A permanent structure sign which is used for the display of off-site commercial messages;
    - b. A permanent structure sign which constitutes a principal, separate or secondary use, as opposed to an accessory use, of the parcel on which it is located;



- c. An outdoor sign used as advertising for hire, e.g., on which display space is made available to parties, other than the owner or operator of the sign or occupant of the parcel (not including those who rent space from the sign owner, when such space is on the same parcel as the sign), in exchange for a rent, fee or other consideration; or
  - d. An off-site outdoor advertising sign on which space is leased or rented.
- 8. **Boat Launching Facility.** An area with facilities and equipment for the placement of boats in the ocean. May include launching ramps, hoists, piers, and onshore parking areas for boat trailers and other vehicles.
- 9. **Campground.** A site used or intended for use for temporary occupancy by persons traveling by automobile or otherwise, which may include individual campsites, but where utility hookups for recreational vehicles are not provided.
- 10. **Coastal Access Trail.** A public walkway providing pedestrian access to, or along, the ocean coastline (vertical or lateral access respectively).
- 11. **Coastal Act.** The California Coastal Act of 1976, as amended.
- 12. **Coastal-dependent Development or Use.** Any development or use which requires a site on, or adjacent to, the sea to be able to function at all.
- 13. **Coastal-related Development.** Any use that is dependent on a coastal-dependent development or use.
- 14. **Coastal Emergency.** A sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.
- 15. **Coastal Hazards.** Include, but are not limited to, episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, tidal scour, coastal flooding, liquefaction, and the interaction of same.
- 16. **Coastal Land Use Element (CLUE).** The portion of the Arcata General Plan included as part of the certified Land Use Plan (LUP) of the Local Coastal Program of the City of Arcata.
- 17. **Coastal Resources.** Include, but are not limited to, public access and public access facilities and opportunities, recreation areas and recreational facilities and opportunities (including for recreational water-oriented activities), public views, natural landforms, marine resources, watercourses (e.g., rivers, streams, creeks, etc.) and their related corridors, waterbodies (e.g., wetlands, estuaries, lakes, etc.) and their related uplands, ground water resources, biological resources, environmentally sensitive habitat areas, agricultural lands, and archaeological and paleontological resources.

18. **Coastal Zone.** The geographic zone adjacent to the shoreline, the land and water area boundaries of which are determined by the California Coastal Act of 1976, as amended
19. **Coastal Zoning Ordinance.** Division 2 of Title IX of the Arcata Municipal Code, certified as part of the Implementation Plan of the City of Arcata Local Coastal Program
20. **Density, Residential.** The number of permanent residential dwelling units per gross acre of land.
21. **Department.** The City of Arcata Community and Development Department.
22. **Developer.** Any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities which seeks City approvals for all or part of a development project. Developer includes owner.
23. **Development.** Any of the following, whether on land or in or under water:
  - a. The placement or erection of any solid material or structure.
  - b. Discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste.
  - c. Grading, removing, dredging, mining or extraction of any materials.
  - d. Change in the density or intensity of use of land, including, but not limited to, subdivisions, and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use.
  - e. Change in the intensity of use of water, or access thereto.
  - f. Construction, reconstruction, demolition or alteration in the size of any structure, including any facility of any private, public or municipal utility.
  - g. The removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973.
24. **Development Standards.** Specific requirements in a zoning ordinance that governs building and development as distinguished from use restrictions. For example, Development Standards would include the following site-design regulations: lot area, width, and depth; floor area ratio; site coverage; buildable area; topography development constraints; height; landscaping; parking; and signage.
25. **Dwelling Unit.** A room or group of rooms (including sleeping, eating, cooking, and sanitation facilities, but not more than one kitchen), that constitutes an independent housekeeping unit, occupied or intended for occupancy by one household on a long-term basis.

26. **Energy Facility.** Any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy.
27. **Environmental Buffer Area (EBA).** An area of land separating all permitted development from adjacent sensitive habitat, streams and wetlands. The purpose of the buffer area is to prevent any degradation of the ecological functions provided by the area as a result of the development.
28. **Environmentally Sensitive Habitat Areas (ESHA).**
- a. Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. In addition, the following areas are categorically ESHA as identified in Arcata's LCP:
    - (1) Rivers, creeks, sloughs, and associated riparian habitats including Jacoby Creek, Beith Creek, Grotzman Creek, Campbell Creek, Jolly Giant Creek, Janes Creek, Gannon Slough, Butcher Slough, and McDaniel Slough.
    - (2) Wetlands, estuaries, and associated riparian habitats including Arcata Bay, Mad River Slough, Liscom Slough, Butcher Slough, and the Arcata Marsh and Wildlife Sanctuary.
    - (3) Other unique habitat areas including water bird rookeries; shorebird concentration sites; habitat for all rare, threatened, or endangered fully protected, and special concern plant and animal species and natural communities on federal or state lists; and plant species appearing on the California Native Plant Society List "1b" and "2" lists.
29. **Extended Care Medical Facilities.** A facility, licensed as a skilled nursing facility by the State of California, that provides twenty-four-hour medical, convalescent or chronic care to individuals who are unable to care for themselves by reason of advanced age, chronic illness, or infirmity.
30. **Farmed Wetland.** A wetland that has been diked or drained to prevent the saturated soil conditions that would normally occur, to conduct agricultural activities (e.g., grazing), that do not require the most productive agricultural soils. These lands would typically revert to freshwater, brackish, or saltwater marsh should the dike barriers be removed. In their present state, these lands are frequently covered by shallow water during the rainy season.
31. **Feasible.** Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

32. **Fill.** Earth or any other substance or material, including pilings placed for the purposes of erecting structures thereon, placed in a submerged area.
33. **Floor Area.** The sum of the horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including any space where the floor-to-ceiling height is less than six feet.
34. **Floor Area Ratio (FAR).** The gross floor area permitted on a site divided by the total net area of the site, expressed in decimals to one or two places.
35. **Grading.** Any excavating, filling, or any combination thereof.
36. **Guest House.** A detached structure accessory to a single-family dwelling, accommodating living/sleeping quarters, but without kitchen or cooking facilities.
37. **Hard Shoreline Protective Device.** Engineered features such as seawalls, revetments, dikes and levees, roads, and trails that protect against coastal hazards by blocking the landward retreat of the shoreline.
38. **Hotel or Motel.** A facility with guest rooms or suites, with or without kitchen facilities, rented to the general public for transient lodging. Also includes accessory services and guest facilities such as restaurants, meeting facilities, personal services, swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc.
39. **Hostel.** Overnight lodging in dormitories or shared rooms with shared bathroom facilities.
40. **Infrastructure.** Public services and facilities, such as sewage-disposal systems, water-supply systems, other utility systems, and roads.
41. **Intensification of Use.** A change in the use of a structure or site where the operating characteristics of the use generates more activity on the site, or requires more development on the site such as additional parking spaces.
42. **Lot Coverage.** The percentage of total site area occupied by structures, parking, pavement and driveways. Structure or building coverage includes the primary structure, all accessory structures (e.g., carports, garages, patio covers, storage sheds, trash dumpster enclosures, etc.) and any covered feature. Structure/building coverage is measured from exterior wall to exterior wall. Planted parking strips and pervious pavers are not counted as site coverage.
43. **Low Impact Development (LID).** A stormwater management approach with the basic principle that rainfall be managed and retained at the source using uniformly distributed decentralized micro-scale controls to capture, treat and infiltrate stormwater runoff on site to maintain the site's pre-development runoff characteristics.

44. **Nonconforming Structure.** A structure that was legally constructed prior to the effective date of the Coastal Zoning Ordinance, but does not comply with the development standards and other applicable requirements of the Coastal Zoning Ordinance.
45. **Nonconforming Use.** A use of land and/or a structure (either conforming or nonconforming) that was legally established and maintained prior to the effective date of the Coastal Zoning Ordinance, but does not conform to the current Coastal Zoning Ordinance requirements for allowable land uses within the applicable coastal combining district.
46. **Non-vehicular Recreation.** The use of land by the public, with or without charge, for recreation that does not include motorized vehicles. Parking for motor vehicles may be provided.
47. **Off-Site.** An activity or accessory use that is related to a specific primary use, but is not located on the same site as the primary use.
48. **Open Space Land.** Any parcel or area of land or water that is essentially unimproved and devoted to an open space use for the purposes of (1) the preservation of natural resources, (2) the managed production of resources, (3) outdoor recreation, or (4) public health and safety.
49. **Primary Use.** The main purpose for which a site is developed and occupied, including the activities that are conducted on the site a majority of the hours during which activities occur.
50. **Prime Agricultural Land.** Those lands defined in paragraph (1), (2), (3), or (4) of subdivision (c) of Section 51201 of the Government Code. This definition differs from the definition on the Land Use Code.
51. **Public Trust Lands.** Lands to which California received title upon its admission to the Union and that are held by virtue of its sovereignty under the authority of the California State Lands Commission. These are lands under navigable waters including the ocean and navigable streams, and include lands formerly under water.
52. **Public Works.** Any of the following:
  - a. All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities.
  - b. All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities. For purposes of this division, neither the Ports of Hueneme, Long Beach, Los Angeles,

nor San Diego Unified Port District nor any of the developments within these ports shall be considered public works.

- c. All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.
  - d. All community college facilities.
53. **Recreational Use.** The use of land by the public, with or without charge, for walking, hiking, picnicking, camping, swimming, boating, fishing, hunting, or other outdoor games or sports for which facilities are provided for public participation.
54. **Recreational Vehicle (RV) Park.** A site where one or more lots are used, or are intended to be used, by persons with recreational vehicles or tents. Recreational vehicle parks may include public restrooms, water, sewer, and electric hookups to each lot and are intended as a higher density, more intensively developed use than campgrounds. May include accessory retail uses where they are clearly incidental and intended to serve RV park patrons only.
55. **Redevelopment.** Development involving an existing structure that consists of one or more of the following:
- a. Alteration (including interior and/or exterior remodeling and renovations, demolition or partial demolition, etc.) of 50 percent or more of major structural components (including exterior walls, floor and roof structure, and foundation) considered individually (i.e., percentages are calculated by the individual structural component being altered, and are not additive between different structural components);
  - b. Additions and alterations to such development that lead to a 50% or more increase in floor area for the development; and/or
  - c. Additions and alterations to such development that costs 50% or more of the market value of the existing structure before construction. Changes to floor area and individual major structural components and the costs of such changes are measured cumulatively over time starting from January 1, 1977, with deduction for inflation and depreciation (i.e., 50% in 1977 dollars less depreciation).
56. **Restaurant.** A retail business selling ready-to-eat food and/or beverages for on- or off-premise
57. **Review Authority.** The individual or official City body (Zoning Administrator, Planning Commission, or City Council) identified by this Coastal Zoning Ordinance as having the responsibility and authority to review, and approve or deny a CDP application or other required approval.

58. **Riparian Areas.** Vegetative and wildlife areas adjacent to perennial and intermittent streams. Riparian areas are delineated by the existence of plant species normally found near freshwater.
59. **Sea.** The Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding non-estuarine rivers, streams, tributaries, creeks, and flood control and drainage channels.
60. **Setback.** The minimum distance required between a structure and a lot line.
- a. **Front Setback.** The minimum distance required between the front lot line and the primary structure.
  - b. **Rear Setback.** The minimum distance required between a rear lot line and the primary structure.
  - c. **Side Setback.** The minimum distance required between the front and rear yards.
61. **Sign.** A structure, device, figure, display, message placard, or other contrivance excluding merchandise display, or any part thereof, located outdoors or indoors, that is designed, constructed, intended, or used to provide information, convey an idea, to direct or attract attention to an object, person, institution, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Does not include murals, paintings and other works of art that are not intended to otherwise convey information, advertise or identify any business or product.
62. **Sign Area.** The entire area within a perimeter defined by a continuous line composed of right angles using no more than four lines which enclose the extreme limits of lettering, logo, trademark, or other graphic representation.
63. **Sign, Digital.** A sign that displays a visual image using liquid crystal cells or other types of light emitting diodes (LEDs), or their functional equivalent, where the image can be easily changed, typically by remote control or computer programming. Also known as Electronic Message Center (EMC) signs.
64. **Sign Height.** The vertical distance from the uppermost point used in measuring the area of a sign to the average grade immediately below the sign, including its base or the top of the nearest curb of the street on which the sign fronts, whichever measurement is the greatest.
65. **Sign, Off-Site.** A sign identifying a use, facility, service, or product which is not located, sold, or manufactured on the same premise as the sign or which identifies a use, service, or product by a brand name which, although sold or manufactured on the premise, does not constitute the principal item for sale or manufactured on the premise. Includes billboards as defined in this chapter.

- 66. **Site.** A parcel or adjoining parcels under single ownership or single control, considered a unit for the purposes of development or other use.
- 67. **Stream.** Streams in the Coastal Zone, perennial or intermittent, which are mapped by the United States Geological Survey (USGS) in the National Hydrographic Dataset. Includes streams and waterways governed by the Arcata Creeks Management Plan, as amended, including McDaniel Slough, Gannon Slough and Butcher Slough. This definition differs from the definition on the Land Use Code.
- 68. **Stream or Creek Bank.** The point where the break in slope occurs between a stream channel and surrounding topography.
- 69. **Structure.** Anything constructed or erected, the use of which requires attachment to the ground or attachment to something located on the ground. The term "structure" includes "signs" and "buildings," but does not include swimming pools, fences, walls used as fences, pens or corrals.
- 70. **Top of Bank.** The furthest break in slope of the bank to each side of a creek. Where the top of the bank is not clearly defined by an obvious break in slope, the City Engineer shall determine the location of the top of bank.
- 71. **Vacation Rental.** Rental of a primary residence, a second unit, or a room in a residence on a seasonal or short-term basis.
- 72. **Watercourse.** Natural or once natural flowing (perennially or intermittently) water including rivers, streams, and creeks. Includes natural waterways that have been channelized, but does not include manmade channels, ditches, and underground drainage and sewage systems.
- 73. **Watershed.** The total area above a given point on a watercourse that contributes water to its flow; the entire region drained by a waterway or watercourse that drains into a lake, or reservoir.
- 74. **Wetland.** Lands within the Coastal Zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens. This definition differs from the definition on the Land Use Code.
- 75. **Zoning Administrator.** The City of Arcata Community Development Director, or designee of the Director.
- B. **Terms Not Defined.** Terms not defined in this section shall be interpreted to give this chapter its most reasonable meaning and application, consistent with the Coastal Act and applicable state and federal law.