

ORDINANCE NO. 1432

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING THE ARCATA MUNICIPAL CODE, ZONING REGULATIONS PERTAINING TO LAND USE AND ZONING STANDARDS IN THE COASTAL ZONE

TITLE IX—PLANNING AND ZONING CHAPTER 1—LAND USE AND DEVELOPMENT GUIDE

ARTICLE 1—LAND USE CODE APPLICABILITY

SECTION 9.10.010—PURPOSES OF LAND USE CODE

**SECTION 9.10.020—AUTHORITY, RELATIONSHIP TO GENERAL PLAN AND
LOCAL COASTAL PROGRAM**

SECTION 9.10.040—APPLICABILITY OF THE LAND USE CODE

SECTION 9.12.020—ZONING MAP AND ZONING DISTRICTS

ARTICLE 2—ZONING DISTRICTS AND ALLOWABLE LAND USE

**SECTION 9.22.030—AGRICULTURAL AND RESOURCE DISTRICT ALLOWABLE
LAND USES**

SECTION 9.28.010—COMBINING ZONES PURPOSE

SECTION 9.28.030—COASTAL ZONE COMBINING ZONE (REPEALED)

SECTION 9.28.050—NATURAL HAZARDS (:NH) COMBINING ZONE

ARTICLE 3—SITE PLANNING AND PROJECT DESIGN STANDARDS

SECTION 9.34.020—LANDSCAPING STANDARDS

ARTICLE 4—STANDARDS FOR SPECIFIC LAND USES

SECTION 9.42.200—HOUSING FOR HOMELESS

ARTICLE 5—RESOURCE MANAGEMENT

SECTION 9.59.040—APPLICATION REQUIREMENTS

SECTION 9.59.050—STREAM CONSERVATION AND MANAGEMENT

ARTICLE 6—SITE DEVELOPMENT REGULATIONS

SECTION 9.60.070—STANDARDS FOR FLOOD HAZARD REDUCTION

SECTION 9.62.030—REPORT CONTENTS

SECTION 9.62.040—DEVELOPMENT STANDARDS

SECTION 9.64.050—GRADING PERMIT REQUIREMENTS

ARTICLE 7—PLANNING PERMIT PROCEDURES

SECTION 9.70.020—AUTHORITY FOR LAND USE AND ZONING DECISIONS

SECTION 9.70.060—INITIAL APPLICATION REVIEW

SECTION 9.72.030—COASTAL PERMIT

SECTION 9.72.040—DESIGN REVIEW

**SECTION 9.74.030—WAIVER OF PUBLIC HEARING ON COASTAL PERMIT FOR
MINOR DEVELOPMENT (REPEALED)**

**SECTION 9.74.040—NOTICE OF NON-APPEALABLE DEVELOPMENT
(REPEALED)**

SECTION 9.76.030—FILING AND PROCESSING OF APPEALS

SECTION 9.76.040—APPEALS TO THE COASTAL COMMISSION (REPEALED)

SECTION 9.79.020—EFFECTIVE DATE OF PERMITS

**SECTION 9.79.030—FINAL CITY ACTION ON A PLANNING PERMIT WITHIN
THE COASTAL ZONE (REPEALED)**

ARTICLE 9 – LAND USE CODE ADMINISTRATION

**SECTION 9.92.070—AMENDMENTS TO THE LOCAL COASTAL PROGRAM
(REPEALED)**

The City Council of the City of Arcata does hereby ordain as follows:

Section 1: Title IX, *Planning and Zoning*, Chapter 1, *Land Use and Development Guide*, is hereby amended by changing the Chapter title to “Planning and Zoning Standards,” and amending Sections 9000, 9001, and 9002 as shown in the following strike through and underscore:

**CHAPTER 1—LAND USE AND DEVELOPMENT GUIDE PLANNING AND ZONING
STANDARDS**

SEC. 9000. Land Use and Development Guide

The provisions of the ~~Land Use and Development Guide~~Land Use Code, as adopted by the City Council of the City of Arcata by Ordinance 8841377, adopted on ~~December 1, 1976~~ September 3, 2008, and all revisions, supplements and amendments ~~heretofore thereto~~ and hereafter adopted by the City Council are hereby adopted ~~and the Land Use and Development Guide is adopted as a whole in their entirety~~.

SEC. 9001. Deposit of copies.

One copy of the ~~Land Use and Development Guide~~Land Use Code shall be filed, for use and examination by the public, in the office of the City Clerk.

SEC. 9002. Violations as infractions.

Any person firm or corporation, whether as principal, agent, employee or otherwise, violating any provisions of this Title shall be guilty of ~~a misdemeanor or an infraction and upon conviction thereof, shall be punished by~~ (1) a fine of not more than One Hundred Dollars (\$100.00) for a first violation; (2) a fine not exceeding Two Hundred Dollars (\$200.00) for a second violation of the same provision with one (1) year; (3) a fine not exceeding Five Hundred Dollars (\$500.00) for each additional violation of the same provision within one year. Such person, firm or corporation, shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this Title is committed, continued or permitted by such person firm or corporation, and shall be punishable as herein provided at the election of the City and/or its prosecuting official, and upon conviction thereof, shall be punishable by the applicable fine as established by the Council or Court.

Section 2. Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Article 1, *Land Use Applicability*, Section 9.10.010, *Purposes of Land Use Code*, 9.10.020, *Authority, Relationship to General Plan and Local Coastal Program*, and 9.10.040, *Applicability of the Land Use Code*, are hereby amended as shown in the following strike through and underscore (unchanged text within the Section or Subsection is omitted and is shown by “* * *”):

SEC. 9.10.010—Purposes of Land Use Code

Title 9 of the Arcata Municipal Code constitutes the City of Arcata Land Use Code, hereafter referred to as "this Land Use Code." These regulations carry out the policies of the Arcata General Plan ~~and Local Coastal Program~~ by classifying and regulating the uses of land and structures within the City, consistent with the General Plan ~~and the Local Coastal Program~~. This Land Use Code is adopted to protect and to promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents, and businesses in the City. More specifically, the purposes of this Land Use Code are to:

- A.** Provide standards and guidelines for the continuing orderly growth and development of the City that will assist in protecting the character and community identity of Arcata;
- B.** Conserve and protect the City's natural beauty and setting, including waterways, hills and trees, scenic vistas, and historic and environmental resources;
- C.** Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewerage, energy, and other public facilities and utilities;
- D.** Minimize automobile congestion by promoting bicycle/ pedestrian-oriented development, safe, calm and effective traffic circulation, and adequate off-street parking facilities; and
- E.** Ensure compatibility between different types of development and land use.

SEC. 9.10.020—Authority, Relationship to General Plan and Local Coastal Program

- A. Authority.** The regulations within this Land Use Code are enacted based on the authority vested in the City of Arcata by the State of California, including but not limited to: the California Constitution; the Planning and Zoning Law (Government Code Section 65000 et seq.); ~~the California Coastal Act (Public Resources Code Section 30000 et seq.)~~; the Subdivision Map Act (Government Code Section 66410 et seq.); and the California Environmental Quality Act (Public Resources Code Section 21000 et seq.).
- B. Consistency with General Plan and Local Coastal Program (LCP).** This Land Use Code is a primary implementation tool used by the City to carry out the goals, objectives, and policies of the Arcata General Plan ~~and Local Coastal Program (LCP)~~. The Arcata City Council intends that all provisions of this Land Use Code be consistent with the General Plan ~~and Local Coastal Program~~, and that any land use, subdivision, or development approved in compliance with these regulations will also be consistent with the General Plan and Local Coastal Program (where applicable).
- C. LCP provisions.** ~~The following provisions of this Land Use Code constitute the City's ordinances for the implementation of the Arcata LCP, in compliance with the California Coastal Act:~~

~~Article 1—Land Use Code Applicability~~

~~Article 2—Zoning Districts and Allowable Land Uses~~

~~Article 5—Resource Management~~

~~Article 6—Site Development Regulations~~

~~Section 9.72.030—Coastal Permit~~

~~Section 9.72.050—Emergency Permit~~

~~Chapter 9.74—Public Hearings~~

~~Chapter 9.76—Appeals~~

C. Consistency with Local Coastal Program (LCP). The City of Arcata's certified LCP is the basis for analysis of all Coastal Development Permits (CDP's) and is the source for determining whether development will have an impact on coastal resources. This Land Use Code will not be used for analysis of CDP's. All development within the coastal zone shall comply with the City's certified LCP, the General Plan 2020 and this Land Use Code (LUC). If a conflict arises between this LUC and the LCP during review of any development within the coastal zone, the standards in the LCP shall apply. The following comparison table shows the comparison between the Coastal Land Use and Development Guide (CLUDG) zoning and the Land Use Code zoning designations.

City of Arcata Coastal LUDG and Land Use Code Zoning Designation Comparison

<u>Coastal LUDG</u>	<u>Land Use Code</u>
<u>Coastal – Natural Resource Protection (C –NRP)</u>	<u>Natural Resource - Timber Production (NR-TP)</u> <u>Natural Resource - Public Trust (NR-PT)</u>
<u>Coastal – Agricultural Exclusive (C-A-E)</u>	<u>Agricultural - Exclusive (A-E)</u>
<u>Coastal – Residential Agriculture (C-R-A)</u>	<u>Agriculture - Residential (A-R)</u>
<u>Coastal - Rural Residential (C-R-R)</u>	<u>Agriculture - Residential (A-R)</u>
<u>Coastal – Forest Hillside (C-F/H)</u>	<u>Residential - Very Low Density (R-VL)</u>
<u>Coastal – Rural Residential (C-R-R)</u>	<u>Residential - Very Low Density (R-VL)</u>
<u>Coastal – Residential Low Density (C-R-L)</u>	<u>Residential - Low Density (R-L)</u>
<u>Coastal – Residential Medium Density (C-R-M)</u>	<u>Residential - Medium Density (R-M)</u>
<u>Coastal – Residential Medium High (C-RMH)</u>	<u>Residential - High Density (R-H)</u>
<u>Coastal – Residential High Density (C-R-H)</u>	<u>Residential - High Density (R-H)</u>
<u>Coastal – General Commercial (C-G-C)</u>	<u>Commercial-General (C-G)</u> <u>Commercial Mixed (C-M)</u>
<u>Coastal – Central Business District (C-CBD)</u>	<u>Commercial-Central (C-C)</u>
<u>Coastal – Thoroughfare Commercial (C-C-T)</u>	<u>Commercial- Visitor Serving (C-V)</u>
<u>Coastal – Industrial Commercial (C-I-C)</u>	<u>Industrial-Limited (I-L)</u>
<u>Coastal – Heavy Industrial (C-H-I)</u>	<u>Industrial-General (I-G)</u>
<u>Coastal – Public Facility (C-P-F)</u>	<u>Public Facility (PF)</u>
<u>Coastal – Public Facility – Parks (C-P-F Parks)</u>	

SEC.9.10.040—Applicability of the Land Use Code

* * *

F. Conflicting requirements:

- 1. Land Use Code and Municipal Code provisions.** If conflicts occur between requirements of this Land Use Code, or between this Land Use Code and the Arcata Municipal Code, or other regulations of the City, the most restrictive shall apply. For development within the coastal zone, if conflicts occur between this Land Use Code and the City's certified LCP, the LCP shall prevail.

2. **Development Agreements or Specific Plans.** If conflicts occur between the requirements of this Land Use Code and standards adopted as part of any development agreement or applicable specific plan, the requirements of the development agreement or specific plan shall apply.
3. **Private agreements.** This Land Use Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction (for example, CC&Rs), without affecting the applicability of any agreement or restriction. The City shall not enforce any private covenant or agreement unless it is a party to the covenant or agreement, or a portion thereof.

G. Federal, State, and Local Agencies.

* * *

H. Other requirements may apply.

* * *

Section 3: Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Article 1, *Zoning Districts and Allowable Land Uses*, Section 9.12.020 *Table 1-1 Zoning Districts*, and the *Zoning Map*, are hereby amended as shown in the following strike through and underscore (unchanged text within the Section or Subsection is omitted and is shown by “* * *”):

SEC 9.12.020—Zoning Map and Zoning Districts

The Council hereby adopts the City of Arcata Zoning Map (hereinafter referred to as the “Zoning Map”), which is on file with the Department. The Zoning Map is hereby incorporated into this Land Use Code by reference as though it were fully included here.

The Zoning Map is hereby amended by Exhibit “1,” attached hereto and incorporated herein, and the property identified in Exhibit 1 is hereby rezoned as shown in Exhibit 1.

- A. **Zoning districts established.** The City of Arcata shall divide the zoning districts that implement the Arcata General Plan. The zoning districts shown in Table 1-1 are hereby established, and shall be shown on the Zoning Map. The purposes and requirements of each zoning district are in Article 2 (Zoning Districts and Allowable Uses).

* * *

TABLE 1-1—ZONING DISTRICTS

Zoning District Symbol	Name of Zoning District	General Plan Designation Implemented by Zoning District
* * *		
Combining Zones		
:CZ	Coastal Zone	All
* * *	* * *	* * *

* * *

Section 4: Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Article 2, *Zoning Districts and Allowable Land Uses*, Sections 9.22.030, *Agricultural and Resource District Allowable Land Uses*, 9.28.010, *Purpose*, and 9.28.050, *Natural Hazards (:NH) Combining Zone*, are hereby amended as shown in the following strike through and underscore (unchanged text within the Section or Subsection is omitted and is shown by “* * *”):

SEC.9.22.030—Agricultural and Resource District Allowable Land Uses

- A. **Allowable uses and planning permit requirements.** Table 2-1 identifies the uses of land allowed by this Land Use Code in each agricultural and resource zoning district, and the planning permit required to establish each use, in compliance with Section 9.20.030 (Allowable Land Uses and Permit Requirements).
- B. **Allowable uses within the Coastal Zone.** The land uses identified by Table 2-1 as allowable in each agricultural and resource zoning district are also allowed within the Coastal Zone, except where the land uses allowed in the Coastal Zone are separately listed (as in the case of the AE zoning district). **Diked and Former Tidelands.** Land uses proposed on diked or otherwise reclaimed former tidelands are also subject to the limitations in Section 9.22.060 (Agricultural and Resource District Land Use Limitations) and the City’s LCP.

* * *

TABLE 2-1 Allowed Land Uses and Permit Requirements for Agricultural and Resource Zoning Districts	P	Permitted Use, Zoning Clearance required				
	MUP	Minor Use Permit required				
	UP	Use Permit required				
	S	Permit determined by specific use regulations				
	—	Use not allowed				
LAND USE (1)		PERMIT REQUIRED BY DISTRICT			Specific Use Regulations	
		AE	AE-CZ	AR		NR-TP

AGRICULTURAL & OPEN SPACE USES

Agricultural accessory structure, 4,000 sf or less	P	P	MUP	MUP	MUP	9.22.060, 9.42.030
Agricultural accessory structure, larger than 4,000 sf	MUP	MUP	MUP	MUP	MUP	
Agricultural cultivation - Medical marijuana	UP	UP	—	—	—	9.42.105
Agricultural processing - Very low impact	P	P	P	P	P	
Agricultural processing - Low impact	MUP	MUP	MUP	MUP	MUP	
Agricultural Processing - Moderate impact	UP	UP	UP	—	—	

Animal keeping	S	S	S	S	9.22.060, 9.42.050
Aquaculture - Ocean dependent	—	MUP	—	MUP	MUP
Commercial greenhouse - Perimeter foundation, 1,000 sf or less	P	MUP	MUP	—	—
Commercial greenhouse - Perimeter foundation, larger than 1,000 sf	MUP	MUP	MUP	—	—
Commercial greenhouse - Slab foundation	UP	—	UP	—	—
Commercial greenhouse - Soil dependent, 1,000 sf or less	P	P	P	—	9.22.060
Commercial greenhouse - Soil dependent, larger than 1,000 sf	MUP	MUP	MUP	—	—
Crop production, horticulture, orchard, vineyard	P(2)	P(2)	P(2)	P(2)	9.22.060
Forestry	MUP	—	MUP	P(2)	—
Nature preserves, habitat and wetland restoration	P(2)	P(2)	P(2)	P(2)	9.22.060
Winery	UP	UP	UP	—	—

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Boat launching facility	—	MUP	—	—	UP	9.22.060
Coastal access trail	P	P	P	—	P	9.22.060
Equestrian facility, maintaining 8 or fewer horses	P	MUP	UP	—	—	9.42.050
Equestrian facility, maintaining 9 or more horses	MUP	MUP	UP	—	—	9.42.050
Interpretive center	—	—	—	UP	UP	9.22.060
Non-vehicular recreation	P	P	P	P	P	9.22.060
Meeting facility, public or private	—	—	UP	UP	UP	
Parks and playgrounds	—	—	MUP	UP	UP	

RESIDENTIAL USES

Farmworker housing for agriculture activities on site	UP	UP	UP	—	—	
Home occupation	P	P	P	P	P	9.42.090
Mobile home - Outside of mobile home park	P	P	P	P	P	9.42.120
Residential accessory use or structure	P	P	P	—	—	9.42.030
Residential care facility, 6 or fewer clients	MUP	MUP	P	—	—	
Second unit	P	P	P	—	—	9.42.030
Single-family dwelling	P	P	P	P	P	

RETAIL TRADE

Mobile vendors	MUP	MUP	MUP	MUP	MUP	
Produce stand, 1,000 sf maximum	MUP	MUP	MUP	MUP	MUP	9.42.140F

SERVICES

Child day care - Large family day care home	P	P	P	P	P	9.42.070C
Child day care - Small family day care home	P	P	P	P	P	
Lodging - Bed & breakfast inn (B&B) inn, 5 or fewer rooms	P	P	P	—	—	9.42.060
Lodging - Bed & breakfast inn (B&B) inn, 6 or more rooms	MUP	MUP	MUP	—	—	9.42.060
Lodging - Campground	—	—	—	UP	UP	
Lodging - Hostel	—	—	—	UP	UP	

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE

Utility facility	UP	UP	UP	UP	UP	
Utility infrastructure	MUP	MUP	UP	UP	UP	
Windmill for electricity generation	MUP	MUP	UP	UP	UP	9.42.190

Key to Zoning District Symbols

AE	Agriculture - Exclusive	NR-TP	Natural Resource - Timber Production		
AE-CZ	Agriculture - Exclusive - Coastal Zone	NR-PT	Natural Resource - Public Trust		
AR	Agriculture - Residential				

Notes:

- (1) See Article 10 for land use definitions.
- (2) Zoning Clearance not required.

* * *

SEC.9.28.010—Purpose

The provisions of this Chapter regulate development and new land uses in the combining zones established by Section 9.12.020 (Zoning Map and Zoning Districts). Combining zones are applied to property in conjunction with a primary zoning district (for example, RVL:~~CZ~~-NH on the Zoning Map would indicate that a site is designated Residential - Very Low Density (RVL), and is also within the ~~Coastal Zone~~Natural Hazards Combining Zone (:NH)), to note where important site, environmental, safety, compatibility, and/or design issues require particular attention in project planning and design. The combining zones provide guidance for development within the combining zones through standards that apply to proposed development in addition to the standards and regulations of the primary zoning district.

* * *

SEC.9.28.050—Natural Hazards (:NH) Combining Zone

* * *

D. Land use limitations. Any land use normally allowed as a permitted or conditional use in the primary zoning district by this Article may be allowed within the :NH combining zone, subject to the requirements of this Section, except as follows.

- 1. Conditional uses.** The following uses may be permitted with Use Permit approval (Section 9.72.080 - Use Permit and Minor Use Permit):
 - a. Uses that are allowed by this Article in the primary zoning district with Use Permit approval; and
 - b. The construction of levees, dikes or other flood structures designed to protect property from natural flood hazards. Within the Coastal Zone, these structures shall comply with the requirements of ~~Section 9.22.030 (Agricultural and Resource District Allowable Land Uses), and Chapter 9.59 (Environmentally Sensitive Habitat Area Protection and Preservation)~~the City's LCP.
- 2. Critical facilities.** Critical facilities within the :NH combining zone are limited as follows.
 - a. **Critical facilities defined.** For the purposes of this Section, the following are considered critical facilities:
 - (1) **Hazardous facilities.** Hazardous substance storage reservoirs, including gasoline, natural gas, oil, industrial waste, and any other substances on the EPA list of hazardous substances.
 - (2) **Essential facilities.** Hospitals, fire and police stations, emergency control centers, power plants, power substations, designated emergency communication facilities, schools and other similar uses that must be available to operate after an emergency.
 - (3) **High risk facilities.** Auditoriums, hotels, large motels, major office buildings, theaters, high density apartments, and other similar uses that accommodate large numbers of people.

b. Prohibited areas. Critical facilities are prohibited in:

- (1) The High Liquefaction Hazard Area (Category I) as shown in Seismic Safety Element.; and
- (2) Coastal High Hazard Areas (Tsunami), as defined in ~~Article 10 (Glossary), the City's LCP.~~

c. Design standards.

* * *

Section 5: Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Article 2 *Zoning Districts and Allowable Land Use*, Section 9.28.030, *Coastal Zone (CZ) Combining Zone*, is hereby repealed in its entirety, and the Article 2 “Table of Contents” is hereby amended to reflect the repeal of Section 9.28.030.

Section 6: Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Article 3, *Site Planning and Project Design Standards*, Section 9.34.020, *Applicability*, is hereby amended as shown in the following strike through and underscore (unchanged text within the Section or Subsection is omitted and is shown by “* * *”):

SEC.9.34.020—Applicability

* * *

B. Existing development. The approval of a Minor Use Permit, Use Permit, Planned Development Permit, Grading Permit, Variance, ~~Coastal Permit~~, or application for Design Review for physical alterations and/or a change in use within an existing development may include conditions of approval requiring the upgrading of nonconforming landscaping to comply with specific landscaping and irrigation requirements of this Chapter.

Section 7: Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Article 4, *Standards for Specific Land Uses*, Section 9.42.200, *Housing For Homeless*, is hereby amended as shown in the following strike through and underscore (unchanged text within the Section or Subsection is omitted and is shown by “* * *”):

SEC.9.42.200—Housing for Homeless

* * *

A. Permit and application requirements. A facility locating in a zone specified in Article 2 shall require a Use Permit as specified in Article 2. A facility locating in the combining zone per section 9.28.110 (Figure 2-23), with residential units located above nonresidential uses or at ground level behind the street-fronting nonresidential uses pursuant to Section 9.42.110 (a) shall be principally permitted, ~~and shall not require a Coastal Development Permit. Except as provided for in California Government Code Section 65589.5(e), no discretionary permit shall be required from the City.~~ A facility shall require Design Review in compliance with Section 9.72.040 and the item shall be noticed as outlined in Section 9.74.

* * *

Section 8: Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Article 5, *Resource Management*, Sections 9.59.040, *Application Requirements*, 9.59.050, *Stream Conservation and Management*, and 9.59.070, *Project Review Procedures*, are hereby amended as shown in the following strike through and underscore (unchanged text within the Section or Subsection is omitted and is shown by “* * *”):

SEC.9.59.040—Application Requirements

Where there is a question regarding the presence of an ESHA, its boundary location, or the applicable EBA dimensions in accordance with this Chapter, the public or private applicant shall provide the City with a Biological Assessment containing the following information:

* * *

E. Wetlands delineation shall be based upon detailed field investigation of hydrology, soils and biota conducted by a qualified professional. The procedures for delineating wetlands are specified in the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands, USACOE 1987." The City's definition of wetlands utilizes a two-parameter protocol; a wetland includes those lands where two or more of the following characteristics are present, where one is a source of water (surface or subsurface) that is present for sufficient periods, and the second is to promote either the formation of hydric soils or growth of hydrophytic plant species. In the Coastal Zone, the presence of wetlands is presumed generally upon the presence of only one of the above parameters; wetland delineations shall be completed in accordance with the LCP. a wetland can be delineated in the absence of hydric soils or growth of hydrophytic plant species by locating the boundary between land that is flooded or saturated as some time during years of normal precipitation, and the land that is not (CCR 13577);

* * *

I. An impact analysis of the proposed development shall be prepared that provides a mitigation and monitoring plan for all potential impacts to ESHA in compliance with Chapter 9.78 (Environmental Review Procedures) and include the following:

1. Time of year that the project and mitigation measures will be implemented.
2. Description of each component of the proposed activities; access, grading, fill, construction, mitigation, monitoring, etc.
3. Description of proposed activities affect(s) to the ESHA.
4. Statement of measurable mitigation goals.
5. Description of a feasible mitigation measures to avoid or reduce any proposed activities' adverse affect(s).
6. On-site ESHA mitigation shall be greater than a 1:1 ratio.
7. Off-site ESHA mitigation ratio shall be a ~~minimum of 4:1 in the Coastal Zone and minimum of 2:1 elsewhere~~.

8. Description of the methods to be used to implement the mitigation measure, including drawings, maps, or illustrations necessary to adequately describe proposed mitigation.
9. 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.
10. Description of remediation measures (contingency plan) that will be employed if at 3 years the mitigation has not achieved its goal.
11. Identification of ESHA restoration opportunities.

SEC. 9.59.050—Stream Conservation and Management

Stream (to include all watercourses described in the General Plan Policy RC_1d and in Section 9.59.010) conservation and management shall enhance, maintain, and restore the biological integrity of entire watercourses (headwaters to mouth) and associated riparian habitat as natural features in the City's landscape. The following requirements will apply to proposed development and new land uses on property within the Stream Protection combining zone (:SP) which encompasses the ESHA and its EBA that is shown on the Protected Watercourse Map of the Resource Conservation and Management Element of the General Plan (Figure RC-a).

* * *

B. Allowable uses and activities within :SP shall sustain biological productivity (PRC 30230), protect against any significant disruption of habitat values (PRC 30240), and shall maintain or enhance the functional capacity (PRC 30233). Allowable land uses and activities within a :SP shall be limited to the following, in compliance with all other applicable requirements of this Chapter 9.59 and the General Plan policies RC-1 and RC-2. Any proposed land use, development, or removal of vegetation that is not listed below shall be prohibited. For projects located within the coastal zone, refer to the City's certified LCP.

1. Outside the Coastal Zone:

- 1a. Agricultural uses (including community gardens) determined to be compatible with maintenance of watercourse and riparian resources shall not exceed 50 percent of the setback area and not within 25 feet of the top of bank;
- 2b. Fencing along property boundaries and along :SP boundaries to prevent bank erosion and degradation of natural riparian vegetation by livestock;
- 3e. Maintenance of existing roads, driveways, and structures;
- 4d. Construction of public road crossings;
- 5e. Forest management practices as permitted by the State of California or Arcata's Forest Management Plan;
- 6f. Construction and maintenance of foot trails for public access on public lands;
- 7g. Construction and maintenance of utility lines;
- 8h. ESHA restoration and enhancement projects;
- 9i. Emergency or preventive (where there is no feasible less environmentally damaging alternative) and where feasible mitigation measures have been provided to minimize adverse environmental effects (PRC 30233) removal of sediment and vegetation for flood control purposes when authorized by the City Environmental Services Director; and
- 10j. Construction of new detention basins shall not exceed 50 percent of the setback area and not within 25 feet of the top of bank;

11. Public coastal access improvements; and
12. Boat launching facilities.

2. In the Coastal Zone:

- a. The uses and activities listed in Subsection B.1;
- b. Public coastal access improvements; and
- c. Boat launching facilities.

3213. Exceptions. If restrictions(s) in this Subsection would result in an undeveloped legal parcel, not on Public Trust Lands, created prior to the effective date of General Plan 2020, being made unusable in its entirety for any use allowed by the General Plan and this Land Use Code, exceptions to that restrictions(s) may be granted through Use Permit approval to allow a reasonable economic use of the parcel, provided that there is no feasible less environmentally damaging alternative, and feasible mitigation measures have been provided to minimize adverse environmental effects (PRC 3023) of the proposed use.

SEC.9.59.070—Project Review Procedures

All development that may affect an ESHA shall be reviewed in compliance with Sections 9.59.020 "Applicability" and 9.59.040 "Application Requirements" as well as the following procedures, in addition to the other procedures required by this Land Use Code for any required discretionary permit.

A. Initiation. Upon receiving an application for an action subject to discretionary approval, the Zoning Administrator shall determine whether a Biological Assessment is required based on the location of the proposed action with respect to an ESHA.

1. For development outside the Coastal Zone and not requiring any permits other than Building Permits, this determination shall comply with Section 9.72.100 (Zoning Clearance).
2. For development within the Coastal Zone, the determination shall occur as part of the review of a Coastal Development Permit approval application in compliance with Section 9.72.030 (Coastal Development Permits), or in compliance with Section 9.72.100 (Zoning Clearance) if no Coastal Development Permit is required the City's LCP.

* * *

Section 9: Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Article 6, *Site Development Regulations*, Sections 9.60.070, *Standards for Flood Hazard Reduction*, 9.62.030, *Report Contents*, 9.62.040, *Geologic Hazard Review Development Standards* and 9.64.050, *Grading Permit Requirements* are hereby amended as shown in the following strike through and underscore (unchanged text within the Section or Subsection is omitted and is shown by “* * *”):

SEC.9.60.070—Standards for Flood Hazard Reduction

* * *

G. Coastal High Hazard Areas. Unless allowed by the City's LCP, exempted by General Plan: 2020 policies PS 4b, and PS 4g, it is the general policy of the City not to allow any development in the area identified as Coastal Flooding (V Zones) on the FIRM Map.

* * *

SEC.9.62.030—Report Contents

* * *

D. Supplementary information for reports required for development in the Coastal Zone.

1. Historic, current, and foreseeable shoreline erosion, including investigation of recorded land surveys in addition to the use of historic maps and photographs, where available and possible changes in shoreline configuration and sand transport;
2. Ground and surface water conditions and variations, including hydrologic changes caused by the development (e.g., introduction of sewage effluent and irrigation water to groundwater systems; alterations in surface drainage);
3. Potential erodibility of the site and mitigating measures to be used to ensure minimized erosion problems, both during and after construction (e.g., drainage and landscaping design);
4. Detailed mitigation measures or alternative solutions for avoiding potential impacts; and
5. Professional conclusions as to whether the project can be designed so that it would neither be subject to nor contribute to significant geologic instability throughout the life span of the project.

6. Any additional information required by the City's certified LCP.

E. Qualifications of preparers.

* * *

SEC.9.62.040—Development Standards

* * *

C. Coastal Zone standards. Within the Coastal Zone, the following shall also apply:

1. Developments shall be sited and designed to minimize stability and structural hazards for their expected economic life spans while minimizing alteration of natural land forms;
2. Bluff and shoreline developments (including related storm run off, irrigation, wastewater disposal and other activities and facilities accompanying the development) shall not create nor contribute significantly to problems of erosion or geologic instability on the site or non-surrounding geological hazardous areas;
3. Alteration of shoreline features and bluff tops, faces, or bases by excavation or other means shall be minimized. Retaining walls shall be allowed only to stabilize slopes, not for sea walls.

SEC.9.64.050—Grading Permit Requirements

* * *

D. Grading and clearing in the Coastal Zone. Proposed grading in the Coastal Zone shall be reviewed under the City's LCP. require Coastal Development Permit approval in compliance with

~~Chapter 9.59 (Environmentally Sensitive Habitat Areas Protection and Preservation) and Section 9.72.030 (Coastal Permits), except as provided for in Subsection 9.64.050.B, 1, 2, 6, 7, 8, or 9.~~

* * *

Section 10: Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Article 7 *Planning Permit Procedures*, Section 9.70.020, *Authority for Land Use and Zoning Decisions*, Section 9.70.060, *Initial Application Review*, 9.72.030, *Coastal Permit*, 9.72.040, *Design Review*, 9.76.030, *Filing and Processing of Appeals*, and 9.79.020, *Effective Date of Permits*, are hereby amended as shown in the following strike through and underscore (unchanged text within the Section or Subsection is omitted and is shown by “* * *”):

SEC. 9.70.020—Authority for Land Use and Zoning Decisions

Table 7-1 (Review Authority) identifies the review authority responsible for reviewing and making decisions on each type of application required by this Land Use Code.

Table 7-1—Review Authority

Type of Decision	Procedure is in Section:	Role of Review Authority (1)			
		Zoning Administrator	Historic & Design Review Commission	Planning Commission	City Council

Administrative and Legislative

Land Use Code Amendment	9.92			Recommend	Decision
General Plan Amendment	9.92			Recommend	Decision
Historic Designations	9.53		Recommend	Recommend	Decision
Interpretation	9.10.050	Decision (2)		Appeal	Appeal
Local Coastal Program Amendment	9.92			Recommend (3)	Decision (3)
Zoning Map Amendment	9.92			Recommend	Decision
Development Agreement	9.72.110			Recommend	Decision

Planning Permit/Development Approval

Alterations & Demolitions	9.53		Decision	Appeal	Appeal
Coastal Permit (CP)	9.72.030	Decision (3)		Decision (3)	Appeal (4)
Design Review (DR)	9.72.040		Decision	Decision/ Appeal (5)	Appeal
Emergency Permit	9.72.050	Decision (2)		Appeal	Appeal

Hillside Development Permit	9.52.070	Decision(2)		Appeal	Appeal
Master Sign Plan	9.38.030	Recommend	Decision		Appeal
Minor Use Permit (MUP)	9.72.080	Decision (2)		Appeal	Appeal
Tree Removal Permit	9.58.050	Decision (2)		Appeal	Appeal
Planned Development Permit (PD)	9.72.070	Decision (2)		Decision	Appeal
Sign Permit	9.38.030	Decision (2)	Decision		Appeal
Use Permit (UP)	9.72.080	Recommend		Decision	Appeal
Variance	9.72.090		Decision	Decision	Appeal
Zoning Clearance	9.72.100	Issuance		Appeal	Appeal

Notes:

- (1) "Recommend" means that the review authority makes a recommendation to a higher decision making body; "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Chapter 9.76 (Appeals).
- (2) The Zoning Administrator may defer action and refer the request to the Planning Commission, so that the Planning Commission may instead make the decision.
- (3) ~~The Zoning Administrator may act on a Coastal Permit application that is not required to have a public hearing, in compliance with Section 9.72.030 (Coastal Permits). Coastal Development Permits shall be reviewed as required in the City's certified LCP.~~
- (4) Coastal Permits are either approved by the City or the California Coastal Commission or both depending on the location of the project. Some City decisions on Coastal Permits can be appealed to the Coastal Commission. See the City's LCP for more information.
- (5) Refer to Section 9.72.040.C for the decision making body.

SEC.9.70.060—Initial Application Review

After acceptance of a complete application, the project shall be reviewed as required by the California Environmental Quality Act (CEQA) and Chapter 9.78 (Environmental Impact Assessment).

* * *

B. Determination of Coastal Permit notice and hearing procedures. For projects proposed within the Coastal Zone, the Zoning Administrator shall ~~review the City's certified LCP to determine make the determination required by Section 9.72.030.D.2 (Coastal Permits Determination of permit category)~~ as to whether the development is categorically excluded, non-appealable, or appealable for the purposes of notice, hearing, and appeal procedures, at the same time that completeness review occurs in compliance with Subsection A., above.

C. Referral of Application.

* * *

SEC. 9.72.030—Coastal Development Permit

A. Purpose. This Section provides procedures for the review of the configuration, design, location, and potential impacts of proposed development, a new land use, or subdivision, to

~~evaluate its compliance with the City's Local Coastal Program (LCP). Coastal Development Permit policies are contained within the City's LCP. All development that requires a Coastal Development Permit within the coastal zone shall conform with the City's LCP.~~

B. Applicability – Coastal Permit required. A Coastal Permit shall be required for all of the following when proposed within the Coastal Zone, unless exempted by Subsection C. (Exempt projects):

- 1. Allowable uses and structures.** Coastal Permit approval shall be required for all proposed uses and structures allowed in the applicable zoning district by Article 2 (Zoning Districts and Allowable Land Uses) for which a Building Permit is required, and for any proposed subdivision.
- 2. Alterations to existing structures.** Coastal Permit approval shall be required for:
 - a. Alterations subject to conditions of approval.** Any improvement to a structure where the permit issued for the original structure by the City or Coastal Commission required permit approval for any future improvements;
 - b. Alterations within appealable areas.** Within an area where a City Coastal Permit decision may be appealed to the Coastal Commission, any addition to an existing structure that would increase the interior floor area by 10 percent or more; or an addition of 10 percent or less, where an improvement to the structure had previously occurred in compliance with this Section; and/or the construction of an additional story (including a loft) in an existing structure;
 - c. Changes in intensity.** Any improvement to a structure which increases or decreases the intensity of use of the structure, as determined by the Zoning Administrator;
 - d. Conversions.** Any improvements in conjunction with the conversion of an existing structure from a multi-family residential rental or visitor serving commercial use to a use involving a fee ownership or long term leasehold, including a condominium conversion, stock cooperative conversion, or motel/hotel time sharing conversion; and
 - e. Historic structures.** Any alteration, addition, to or demolition of any designated historic structure, or structure within a designated historic area that would require a Building Permit. Maintenance or repair to restore the structure to its original architectural character shall not require a Coastal Permit.
- 3. Demolition.** Coastal Permit approval may be required for the demolition of existing residential, commercial, and other principal structures located in environmentally sensitive areas determined by the Zoning Administrator.
- 4. Landform alteration.** Coastal Permit approval shall be required for any significant alteration of land forms including removal or placement of vegetation on a beach wetland or sand dune, or within 100 feet of the edge of a coastal bluff or stream, or in areas of natural vegetation designated by the LCP as a land habitat of extreme, high, or moderate sensitivity.
- 5. Reconstruction.** An existing dwelling damaged or destroyed by natural disaster or as a result of an emergency may be rebuilt; provided, the floor area of the new structure shall not exceed that of the destroyed structure by more than 10 percent, and the new structure is in the same location as the destroyed structure. A floor area increase of more than 10 percent

~~or a change in the location of the structure shall require a Coastal Permit to ensure that improvements are sited and designed to minimize impacts on coastal resources. The new structure shall not exceed the height of the previous structure, or the maximum height allowed by the applicable zoning district, whichever is more restrictive.~~

- ~~6. **Shoreline structures.** Coastal Permit approval shall be required for improvements to any structure on a beach, stream, wetland, or seaward of the mean high waterline as established by the U.S. Coast and Geodetic Survey, and for repair and maintenance activities involving seawalls and similar shoreline structures.~~
- ~~7. **State and local agency projects, other projects.** Coastal Permit approval shall be required for all projects including those of State and local public agencies not exempted by this Section or not otherwise requiring a Coastal Permit.~~

C. Exempt projects. The following projects shall not require a Coastal Permit.

- ~~1. **Alterations to existing structures.** The following improvements and additions to existing structures are exempt from Coastal Permit requirements, except as provided in Subsection B., above.~~
 - ~~a. Fixtures and other structures, including decks, directly attached to the structure;~~
 - ~~b. Residential accessory uses on the same site as an approved residential use, including, garages, fences and storage sheds, swimming pools; but not including guest houses over 400 square feet, or self contained residential units;~~
 - ~~c. Landscaping on the lot; and~~
 - ~~d. Additions resulting in an increase of less than 10 percent of the interior floor area of an existing structure.~~
- ~~2. **Categorical exclusions.**~~
 - ~~a. Projects specifically designated as categorically excluded from the requirement for a Coastal Permit by Coastal Act Sections 30610(d) and (f) and implementing regulations are exempt from Coastal Permit requirements.~~
 - ~~b. The Zoning Administrator shall maintain a list of projects determined to be categorically excluded from the requirements of this Section for a Coastal Permit.~~
 - ~~c. The list shall be available for public inspection and shall include the applicant's name, project description and location, and the date of the Zoning Administrator's determination, and at a minimum, the list shall include the following:~~
 - ~~(1) Permit uses in all zones;~~
 - ~~(2) Ministerial projects;~~
 - ~~(3) Modifications up to 10% of their original requirement; one per five year period per site;~~
 - ~~(4) Minor public works projects costing less than \$90,000 (2006 base) with allowances for inflation;~~
 - ~~(5) Grading except in Environmentally Sensitive Habitat Areas;~~

- (6) Lot line adjustments;
- (7) Parcel mergers;
- (8) Agricultural accessory structures; and
- (9) Temporary events.

3. **Repair and maintenance.** A Coastal Permit shall not be required for repair and maintenance activities that do not result in the addition to or enlargement or expansion of the object of repair or maintenance, except that the repair and maintenance of shoreline structures shall require a Coastal Permit.
4. **Subdivisions.** A Coastal Permit shall not be required for Tentative Maps brought about in connection with the purchase of land by a public agency for recreational purposes which are consistent with Coastal Act Section 30106.

D. Coastal Permit filing and initial processing.

1. **Application filing and processing.** An application for a Coastal Permit shall be completed, filed, and processed in compliance with Chapter 9.70 (Permit Application Filing and Processing). The application shall be accompanied by the information identified in the Department handout for Coastal Permit applications. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection F. (Decision on Coastal Permits), below.
2. **Determination of permit category.** The Zoning Administrator shall determine if the proposed project requires a Coastal Permit and, if so, determine whether the project is categorically excluded, is non-appealable, or does or does not require a public hearing.
 - a. **Categorical exclusion.** A determination that a project is categorically excluded shall comply with Subsection C.2 (Exempt Projects—Categorical Exclusions).
 - b. **Public hearing applications.** A public hearing shall be required when:
 - (1) These regulations, or other applicable provision of the Municipal Code requires a public hearing or other discretionary action on the permit application by the review authority; or
 - (2) The project is defined as appealable by Coastal Act Section 30603(a).
3. **Appeal of permit category determination.** The Zoning Administrator's determination of Coastal Permit category in compliance with this Subsection may be appealed in compliance with Chapter 9.76 (Appeals), and California Code of Regulations Section 13569.
4. **Non-hearing applications.** A public hearing shall not be required when these regulations or other applicable provision of the Municipal Code does not require a public hearing or other discretionary action on the permit application by the review authority, or is not appealable as defined by Coastal Act Section 30603(a).

E. Project review, notice, and hearing. Each Coastal Permit application shall be analyzed by the Zoning Administrator to ensure that the application complies with this Section.

1. When a public hearing is required by this Section, the Planning Commission or Council, as applicable, shall conduct a public hearing on an application for a Coastal Permit before the

approval or disapproval of the permit.

2. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 9.74 (Public Hearings).

F. Decision on Coastal Permits.

1. **Review authority.**

- a. **Zoning Administrator.** A non hearing Coastal Permit application shall be approved or disapproved by the Zoning Administrator. The Zoning Administrator may instead defer action and refer the application to the Planning Commission.
- b. **Commission or Council.** A Coastal Permit application that is required by this Section to have a public hearing shall be approved or disapproved by the Planning Commission or Council, as applicable.

2. **Findings.** The review authority shall approve a Coastal Permit only after first finding that:

- a. The project complies with all applicable provisions of the Local Coastal Program and these regulations; and
- b. The applicant has provided written proof of current availability of water and sewer service from the applicable providers.

The findings shall reference applicable policies of the Local Coastal Program where appropriate.

G. Conditions of approval. In approving a Coastal Permit, the review authority may impose any conditions deemed reasonable and necessary to ensure that the approval will comply with the findings required by Subsection F. (Decision on Coastal Permits).

H. Post decision procedures. The procedures and requirements in Chapters 9.76 (Appeals) and 9.79 (Permit Implementation, Time Limits, and Extensions), and those related to revocation in Article 9 (Land Use Code Administration), shall apply following the decision on a Coastal Permit application.

SEC.9.72.040 – Design Review

* * *

B. Applicability. Design Review shall be required in addition to all of the other planning permit or approval requirements of this Land Use Code and the Municipal Code. The provisions of this Section and the requirements for Design Review shall apply to proposed projects in the following manner.

* * *

7. **Exemptions.** The following projects shall be exempt from the requirements for Design Review as noted:

- a. **Exemption for single-family structures and secondary units.** A new single-family structure, secondary unit, or an addition or alteration to an existing single-family structure or secondary unit shall be exempt from the requirements for Design Review,

except as required in Subsection 9.72.040(B)(2) and (3) or within a Coastal Scenic Area.

* * *

SEC.9.76.030—Filing and Processing of Appeals

A. Eligibility. Appeals to, and reviews of decisions made in compliance with this Land Use Code may be initiated by the following individuals and bodies.

* * *

3. Council review. The Council may choose to review a determination by the Director or Flood Plain Administrator, or a decision by the Zoning Administrator, Historic and Design Review Commission, or Planning Commission.

- a. A member of the Council may request the opportunity to discuss any decision previously rendered; however, a majority vote of the Council is required to initiate an appeal of the decision.
- b. Upon a majority vote by the Council to initiate an appeal, the City Clerk shall schedule the matter for hearing.
- c. ~~Except for a decision on development within the Coastal Zone (see Section 9.76.040, below), the decision of the Council on an appeal shall be final and shall become effective upon adoption of the resolution by the Council.~~

B. Timing and form of appeal. An appeal shall be in writing and shall specifically state the pertinent facts and the basis for the appeal.

1. General appeals. An appeal shall be filed with the Department or City Clerk, as applicable, within 10 business days of the actual date of the final decision. Appeals addressed to the Planning Commission shall be filed with the Department; appeals addressed to the Council shall be filed with the City Clerk. An appeal shall be accompanied by the required filing fee identified in the City's Fee Schedule.

2. Appeal by Coastal Commissioners. ~~An appeal to a City decision on an appealable development within the Coastal Zone by two Coastal Commissioners shall be filed within 10 business days of the North Coast office of the Coastal Commission receiving the notice of final City action required by Section 9.79.030 (Final City Action on Planning Permit in the Coastal Zone).~~

* * *

F. Effective date of appeal decision.

- 1. Planning Commission decision.** A decision by the Planning Commission is effective on the 11th business day after the decision, when no appeal to the decision has been filed with the Council.
- 2. Council decision.** A decision by the Council is effective on the date of the decision, ~~except in the case of a development that is appealable to the Coastal Commission in~~

compliance with Section 9.76.040 (Appeals to the Coastal Commission).

G. ~~Notice of final action on appeals within the Coastal Zone.~~ Where an appeal has been filed and decided on a project that is appealable to the Coastal Commission in compliance with Section 9.76.040 (Appeals to the Coastal Commission), the City shall provide a Notice of Final Action.

HG. Withdrawal of an appeal of a Planning Commission decision. After filing, an appeal of a Planning Commission decision shall not be withdrawn except with the consent of the Council.

SEC.9.79.020 – Effective Date of Permits

A. ~~Non-appealable development.~~ The approval of a planning permit for a project that is not appealable to the Coastal Commission shall become effective on the 11th business day following the actual date of application approval by the appropriate review authority, where no appeal of the review authority's action has been filed in compliance with Chapter 9.76 (Appeals).

B. ~~Appealable development.~~ The approval of a planning permit for a project that is appealable to the Coastal Commission shall become effective upon the expiration of the Coastal Commission 10 business day appeal period which begins the day after the receipt by the North Coast office of the California Coastal Commission of adequate notice of final action, and where no appeal of the review authority's action has been filed by two Coastal Commissioners, the applicant, or any aggrieved person in compliance with the Coastal Act, and where no local appeal has been filed within 10 business days of the date of the decision by the review authority in compliance with Chapter 9.76 (Appeals).

Section 11. Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Article 7 *Planning Permit Procedures*, Sections 9.74.030, *Waiver of Public Hearing on Coastal Permit for Minor Development*, 9.74.040, *Notice of Non-Appealable Development*, and 9.76.040, *Appeals to the Coastal Commission*, 9.79.030, *Final City Action on a Planning Permit within the Coastal Zone*, are hereby repealed in their entirety, and the Article 7 “Table of Contents” is hereby amended to reflect the repeal of Sections 9.74.030, 9.74.040, 9.76.040, and 9.79.030.

Section 12. Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Article 9 *Land Use Code Administration*, Section 9.92.070, *Amendments to the Local Coastal Program*, is hereby repealed in its entirety, and the Article 9 “Table of Contents” is hereby amended to reflect the repeal of Section 9.92.070.

Section 13. Findings of Approval. Based upon the whole record, information received in public hearings, comments from responsible agencies, the Arcata Planning Commission Staff Reports and Resolution PC-13-04, the following findings are hereby adopted:

1. The proposed amendments are consistent with the General Plan in accordance with California Government Code, Section 65860.
2. The proposed amendments would not be detrimental to the public interest, health, safety, or convenience, nor to the welfare of the City.

Section 14. Severability. If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 15. Limitation of Actions. Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 16. CEQA. This ordinance is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Section 17. Effective Date. This ordinance shall take effect thirty (30) days after its adoption by the City Council.

DATED: November 20, 2013

ATTEST:

/s/ Randal J. Mendosa
City Clerk, City of Arcata

APPROVED:

/s/ Shane Brinton
Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of **Ordinance No. 1432**, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, held on the 20th day of November, 2013, by the following vote:

AYES: BRINTON, WHEETLEY, ORNELAS, STILLMAN, WINKLER

NOES: NONE

ABSENT: NONE

ABSTENTIONS: NONE

/s/ Shane Brinton
City Clerk, City of Arcata