

## ORDINANCE NO. 1121

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING SECTION 1-0223, (NATURAL HAZARDS OVERLAY) SECTION 4-030 (GEOLOGIC HAZARD REVIEW), AND SECTION 4-050 (FLOOD HAZARD REVIEW) OF THE LAND USE AND DEVELOPMENT GUIDE AS ADOPTED BY ORDINANCE NO. 1071.

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

Chapter 1, Article 2, Section 1-0223, Chapter 4, Article 4, and Chapter 4, Article 5 of the Land Use and Development Guide is hereby amended as indicated by Exhibit A attached. Said amendments make revisions to the Natural Hazard Overlay Zone, the Geologic Hazard Review Procedure and the Flood Hazard Review Procedures.

This Ordinance will take effect thirty (30) days after its approval by the Mayor.

DATED: April 6, 1988

ATTEST:

Alise Harris  
City Clerk, City of Arcata

APPROVED:

Victor Green  
Mayor, City of Arcata

## Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1121 passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County on the 20th day of April, 1988 by the following vote:

AYES: GAST, GREEN, PENNISI, REDMOND, SCHaub

NOES: NONE

ABSENT: NONE

Alise Harris  
City Clerk, City of Arcata

Section 1-0223 NATURAL HAZARDS COMBINING OR :NH DISTRICTSection 1-0223.1 Statement of Purpose

The purpose of the :NH District is to regulate land use in areas subject to natural hazards. Such regulation is intended to protect lives and property from destruction and damage, to protect the community from the cost which may be incurred when unstable or premature development occurs in such areas, and to allow uses which are appropriate in such areas.

Section 1-0223.2 Scope

The natural hazards addressed by the :NH District are flooding, liquefaction, severe slope stability hazards and fault-rupture. The :NH District also implements Federal Emergency Management Agency (FEMA) and California Department of Water Resources regulations for flood control, and the Alquist Priolo Special Studies Zone Act of 1972.

The District may be combined with any other district and the following regulations shall apply in any Principal District with which an :NH District is combined.

Section 1-0223.3 Applicability

The :NH District shall be combined with the Principal District in the following areas:

## (a) Surface Rupture Hazard Areas:

1. The Alquist-Priolo Special Study Zone, as delineated on the Seismic Safety Element, 1985 Arcata General Plan (NGI, May 1987), Plate A.
2. All land within 300 feet of a Potentially Active Thrust Fault, as delineated on the Seismic Safety Element, 1985 Arcata General Plan (NGI, May 1987), Plate A.

## (b) Landslide Hazard Area: areas identified as having high landslide risk, as delineated on the Seismic Safety Element, 1985 Arcata General Plan (NGI, May 1987), Plate C, Category I.

## (c) Liquefaction Hazard Area: areas identified as having high liquefaction potential, as delineated on the Seismic Safety Element, 1985 Arcata General Plan (NGI, May 1987), Plate B, Category I.

## (d) Special Flood Hazard Areas: Zones A as delineated on the Flood Insurance Rate Map (FIRM), adopted by reference per Section 4-0505.1.

The Natural Hazards Combining District is applied only in the highest risk categories for the purpose of alerting property owners, potential

buyers and other interested parties that a high potential for risk exists. Geologic or other studies may be required in lesser risk categories depending on the project proposed.

Site-Specific reports prepared in accordance with the requirements of this Article shall be considered amendments to the Seismic Safety Element Maps (Plates A through D) when a conflict between the general map and the site-specific report is found.

A permit shall be required before any structure or land shall hereafter be constructed, located, extended, converted, or altered. No permits will be issued until all standards and requirements of this section are met. Review procedures for development for :NH Zones is set forth, by type of hazard, in Chapter IV: Unified Development Procedures, of the Land Use and Development Guide

Section 1-0223.4 Permitted Uses. Uses normally permitted in the Principal District shall be permitted in the :NH District subject to the standards and requirements specified in Section

Section 1-0223.5 Conditionally Permitted Uses. The following uses may be permitted upon the granting of a conditional use permit pursuant to the procedures in Section 1-0402:

- (a) Those uses which require a conditional use permit in the Principal District.
- (b) Construction of levees or dikes or other flood structures designed to protect property from natural flood. If within Coastal Zone areas, these structures must meet the criteria as specified in Section 1-0312 of this Chapter; Diking, Filling or Dredging of Coastal Areas.

Section 1-0223.6 Definition of Critical Facilities.

For the purposes of this Article, the following are designated as critical facilities:

- (a) Hazardous Facilities; Hazardous substance storage reservoirs, including gasoline, natural gas, oil, industrial wastes, and another substance on the EPA list of hazardous substances.
- (b) Essential Facilities; hospitals, fire and police stations, emergency control centers, power plants, power substations, designated emergency communication facilities, schools and other similar uses which must be available to operate after a major public emergency.
- (c) High Risk Facilities; Auditoriums, hotels, large motels, major office buildings, theaters, high density apartments, and other

AMENDMENT TO THE LAND USE AND DEVELOPMENT GUIDE TO INCORPORATE CHANGES PROPOSED IN 1987 SEISMIC SAFETY ELEMENT

ARTICLE 3: GEOLOGIC HAZARD REVIEW PROCEDURE

Section 4-0301 PURPOSE

The purpose of this Article is to protect the health, safety, and welfare of the residents of Arcata by minimizing the risk from carrying out development in areas subject to geologic and/or seismic hazard.

Section 40302 GEOLOGIC HAZARDS LAND USE MATRIX

The Geologic Hazards Land Use Matrix (Figure X) shall apply throughout the City of Arcata. Engineering geologic and/or soil engineering reports shall be required for new development according to the schedule indicated in the Matrix.

- (a) 'R1' Report Requirements: An engineering geologic report and a soil engineering report shall be prepared for the classes of development and hazard areas indicated by 'R1' in the Geologic Hazards Land Use Matrix.
- (b) 'R2' Report Requirements: An engineering geologic report shall be prepared for the classes of development and hazard areas indicated by an 'R2' in the Geologic Hazards Land Use Matrix.
- (c) 'D' Discretionary Report Requirements: The Chief Building Official and/or City Engineer shall determine report requirements for the classes of development and hazard areas indicated by a 'D' in the Geologic Hazards Land Use Matrix. The criteria for determining whether or not a report is required when it is designated in the Geologic Hazard Matrix as discretionary include the following; however, where evaluation of the items listed below is inconclusive, a statement is required by a registered engineer that a geologic or soil report is not required for the safety of the project:
  - 1. Criteria for requiring a report shall include:
    - A. A site visit by the building inspector;
    - B. A review of geologic maps and reports covering the area;
    - C. An evaluation of the potential for the development to adversely affect adjacent property or improvements;
    - D. Consideration of the degree of public exposure to risk;

similar uses which generate a high concentration of persons.

Section 1-0223.7      Restrictions on Critical Facilities.

- (a) Critical Facilities are prohibited in the High Liquifaction Hazard Areas (Category I as shown on Plate B of the Seismic Safety Element).
- (b) Critical Facilities should be designed to function at peak efficiency after a magnitude 7.7 earthquake in the Mad River Fault Zone.
- (c) Site specific investigations, as indicated by the Geologic Hazards Land Use Matrix, should be required prior to the construction of Critical Facilities .

If it is found that engineering techniques cannot mitigate the hazards to within acceptable risk levels, appropriate with the intended land use, the location of the proposed development should be reconsidered.

- (d) Critical Facilities are prohibited in Coastal High Hazard Areas (Tsunami), as defined by Section 4-0504 (f), per Section 4-0509.6 (Chapter IV Article 5).

- E. A consideration of the size and scale of the proposed development; or
  - F. For development within the Coastal Zone, a consideration of certified local coastal plan policies.
2. A Soil Engineering Report is indicated when one or more of the following conditions exist or are proposed:
- A. Depth (or height) of cut or fill is three (3) feet or greater;
  - B. Fill is used to support structural footings;
  - C. Engineered cut or fill is required;
  - D. Soils are or may be subject to significant shrink-swell
  - E. Project area is underlain by material that may be subject to settlement or subsidence.
3. An engineering geologic report is indicated when one or more of the following conditions exist or are proposed:
- A. Finish cut or fill slope faces with vertical heights in excess of 10 feet;
  - B. On-site natural slopes steeper than five (5) horizontal to one (1) vertical;
  - C. Existing cut slopes having a vertical height in excess of ten (10) feet;
  - D. Existing stream banks in excess of ten (10) feet;
  - E. Significant existing or suspected seismic hazards;
  - F. Areas that are underlain by landslides or soil creep or by rock material susceptible to landslide or creep activity;
  - G. Areas that are underlain by materials that may be subject to settlement or subsidence; or
  - H. Areas subject to drifting or loose sand.
- (d) Report Waiver: The report requirements of subsections 2 (a) and (b) may be waived or the contents modified by the Chief Building Official when:
1. An adequate geologic and/or soil assessment at a suitable scale already exists for similar project measures on the site proposed for development.

## GEOLOGIC HAZARD LAND USE MATRIX

BUILDING TYPE/LAND USE			Earthquake Shaking Hazard	Fault Rupture Hazard*		Slope Stability Hazard**				Liquefaction Potential***		
				SSZ	PAF	Low	High	Low	High	Low	High	High
CRITICAL	Hazardous	Hazardous substance storage, reservoirs, natural gas storage tanks.	R1	R2	R2	D	D	R1	R1	R1	R1	P
	Essential	Hospitals, fire and police stations, emergency control centers, power plants, power and communication substations, schools, theaters										
	Private	Auditoriums, hotels, large motels, major office buildings, high density residential										
NON CRITICAL	Moderate Risk	Residential structures on existing lots with footing loads greater than typical two story wood frame dwellings or residential structures with three stories or more	D	R2	D	D	D	R2	R1	D	R1	R1
		Major Subdivisions										
	Low Risk	Heavy Industrial	R2	R2	R2	D	R2	R2	R1	R1	R1	R1
		Multi-family structures greater than 4-plexes										
		Minor Subdivisions	D	R2	D	D	D	R2	R1	D	R1	R1
		Light industrial, warehousing, commercial										
		Residential wood frame structures two stories or less on existing lots	D	D	D	D	D	R2	R2	D	D	D

P - Development Prohibited

R1 - Engineering geologic report and soils engineering report required. Engineering geologic report must be prepared by a Certified Engineering Geologist.

Soil engineering report may be prepared by a Registered Civil Engineer® with appropriate geotechnical knowledge and experience or by a Certified Engineering Geologist® with appropriate geotechnical knowledge and experience.

R2 - Engineering geologic report required.

Engineering geologic report may be prepared by a Registered Geologist® with appropriate geotechnical knowledge and experience.

D - Report requirement is left to the discretion of City Building Inspector.

\* - SSZ Refers to Alquist-Priolo Special Study Zone.

PAF Refers to Potentially Active Fault.

See Fault Map and text.

\*\* - See Slope Stability Hazard Map.

\*\*\* - See Liquefaction Potential Map.

○ - All registrations and certifications must be licensed by the State of California.

5. Professional conclusions as to whether the project can be designed so that it will neither be subject to nor contribute to significant geologic instability throughout the life span of the project.
- (c) Qualifications of Preparers: The engineering geologic report shall be prepared by a certified engineering geologist licensed in the State of California. The soil engineering report shall be prepared by a registered civil engineer licensed in the State of California having appropriate geotechnical knowledge and experience or by a certified engineering geologist licensed in the State of California and having appropriate geotechnical knowledge and experience.
- (d) Consultation: It is incumbent upon the project engineer to consult a registered geologist should it become apparent that an adequate subdivision design or structural solution requires additional geologic input. If, after preliminary investigation of the project site and the surrounding terrain, the engineer concludes that no geologic consultation is required, the engineer shall provide a written statement that such an evaluation is not required. It is incumbent upon the project geologist to recommend a soils engineering report shall be prepared when it becomes apparent that soils mechanics analyses are needed.

#### Section 40304 DEVELOPMENT STANDARDS

- (a) The applicant shall either provide additional information as recommended by the geologic and/or soils report, or modify the proposed development to avoid identified areas of significant geologic hazard. The proposed development shall be sited, designed and constructed in accordance with the recommendations of the report(s) in order to minimize risk to life and property on the project site and for any other affected properties.
- (b) Projects shall be constructed in accordance with Uniform Building Code Section 2312, Earthquake Regulations, as a minimum. As referred to in UBC Section 2312, the seismic zone boundaries shall be defined as follows: UBC Seismic Zone 4 applies south and west of the Grogan Fault. The Grogan Fault is located approximately 15 miles northeast of Arcata.
- (c) 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 runoff, irrigation, wastewater disposal and other activities and facilities accompanying such development) shall not

2. Reports are not indicated under the criteria listed in subsection 2 (c)

#### Section 40303 CONTENTS OF REPORTS

- (a) Engineering Geologic Report: The above required engineering geologic reports, 'R1' and 'R2' shall provide a geological reconnaissance and evaluation of the project site and surrounding terrain. The degree of analysis should be appropriate to the degree of potential risk presented by the site and the magnitude of the proposed project. Reports shall be prepared in accordance with the California Division of Mines and Geology Note #44, "Recommended Guidelines for Preparing Engineering Geology Reports". CDMG Notes #37, #43 and #49 shall be utilized as applicable when seismic or fault rupture hazards are identified as concerns.

In citing the CDMG Notes, it is not the intent of the City to seek lengthy dissertations on the area geology, but rather to provide uniform outlines to serve as checklists with points to be discussed as applicable.

- (b) Soil Engineering Report: The above required soil engineering report shall describe the nature and/or layout of the proposed development. The report shall include the locations and logs of test borings and percolation test results if on-site sewage disposal is proposed. The report shall delineate areas or issues of concern which require additional engineering or geologic evaluation. These reports shall, as a minimum, be prepared in accordance with the Uniform Building Code Appendix Chapter 70, Excavation and Grading, and/or Chapter 29, Excavations, Foundations and Retaining Walls, as applicable.

- (c) Supplementary Information for Reports for Development located in the Coastal Zone (where applicable).

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 shore configuration and sand transport;
2. Ground and surface water conditions and variations, including hydrologic changes caused by the development (i.e., introduction of sewage effluent and irrigation water to the groundwater system; alterations in surface drainage);
3. Potential erodibility of site and mitigating measures to be used to ensure minimized erosion problems during and after construction (i.e., landscaping and drainage design);
4. Detailed mitigation measures or alternative solutions for avoiding potential impacts; and

Section 4-0305 ALQUIST-PRIOLO SPECIAL STUDY ZONE

**PURPOSE:** The purpose of the Alquist-Priolo Special Study Zone is to determine potential surface fault rupture hazards and minimize damage during an earthquake event. This Section addresses geologic reporting requirements, development limitations, exemptions and project review procedures to satisfy the State of California mandated Alquist-Priolo Special Study Zones Act. The maps developed by the State which show traces of active faults and establish Special Study Zones and the Policies and Criteria of the Alquist-Priolo Act are hereby declared to be part of this Section. Maps prepared for the Seismic Safety Element of the Arcata General Plan are also declared to be a part of this Section.

- (a) **General.** The construction of subdivisions, land divisions, building or structures near a known active fault and regulated by this Code shall be permitted as set forth in this section.
- (b) **Scope.** The provisions of this section shall apply at the time of filing of an application for any subdivision of land subject to the Subdivision Map Act which contemplates the eventual construction of structures for human occupancy. These provisions shall also apply to applications for planned developments, conditional use permits, site development permits, or building permits for any development and structures intended for human occupancy. This Section is not intended to supplant the geologic investigations required by Chapter 70, Uniform Building Code.
- (c) **Geologist.** For the purpose of this section, a geologist shall be a Registered Geologist, licensed by the State Board of Registration for Geologists and Geophysicists to practice geology in California.
- (d) **Known Active Faults.** For the purpose of this section, known active faults are faults which have been active during Holocene Time (Approximately the last 11,000 years).
- (e) **Construction Limitations.** No building or structure to be used for human occupancy shall be constructed over or within 50 feet of the trace of a known active fault which is shown on maps maintained by the City of Arcata.
- (f) The location(s) or non-existence of the trace of a known active fault shall be determined by the geologist preparing the geologic report for the site(s), when the proposed subdivision or building site is within a study zone as designated by the Alquist-Priolo Act or the Seismic Safety Element of the General Plan.

create nor contribute significantly to problems of erosion or geologic instability on the site or on surrounding geologically 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.

3. Alterations, additions, or repairs to an existing structure provided that aggregate value of such work does not exceed 50 percent of the value of the existing structure and does not adversely effect the structural integrity of the structure. Value shall be determined as Replacement in Kind as defined in the Uniform Building Code. No change shall be permitted in use or character of occupancy, which results in the conversion of a building or structure from one not intended for human occupancy to one which is so intended, unless the building or structure complies with the provisions of the Act.
  4. Swimming pools, decorative walls, fences, non-occupancy accessory uses and minor work of a similar nature. New improvements of this type will not be included in the valuation totals for Section 4-0305(i)(3).
- (j) Waivers: Section 2623 of the Act states "...If the city or county (having jurisdiction over the lands) finds that no undue (fault) hazard...exists, the geologic report on such hazard may be waived, with approval of the State Geologist." The location of the proposed development or structure may be approved following such waiver. The State Geologist will approve waiver requests only after receiving the State Waiver Form (Appendix D; Fault-Rupture Hazards Zones in California, Special Publication #42, pp 25.) completed by the City Geologist and the property owner, and accompanied by supporting statements and data in writing that would justify approval of the waiver request.
- (k) Buildings within an active fault zone and areas indicated by the Seismic Safety Element of the General Plan shall be designed to resist the earthquake forces prescribed by the Uniform Building Code. Construction activities will also incorporate the recommendations contained in the geological and/or geologic/seismic hazards report pertaining to, but not limited to, ground ruptures, liquefaction, landslides, or settlement due to seismic compaction, etcetera.
- (l) Maps of Active Faults. The City of Arcata shall maintain and make available to the public, maps showing the location of known active faults. When geologic investigations, mapping, aerial photographs, or other acceptable data showing the presence, absence, or more precise location of a known active fault are made available to the City, the reports shall be submitted to the State Geologist.
- (m) Appeals. Any person aggrieved by a decision of any city official, agency, board, or commission rendered pursuant to the Alquist-Priolo Act, this ordinance, or the City's Seismic Safety Element to the General Plan may appeal such decision in accordance with Section 1-0405.3 Appeals, of the Land Use and Development Guide.
- (n) Fees. The City shall require the project applicant to pay all costs for the City to contract for the review of the special

- (g) In those cases when a geologist has not otherwise made an accurate evaluation as determined by City of Arcata review, the city shall require the geologist to perform subsurface exploration for the purpose of determining the absence or presence of a known active fault. Such subsurface exploration will be required if a lack of distinguishable fault features in the vicinity prevents the geologist from determining by a site examination, review of available aerial photographs, or by other means that the fault trace does or does not underlie or exist within 50 feet of the proposed building. Subsurface exploration will be to a sufficient depth to verify faulting within the Holocene Age (11,000 YBP). The City of Arcata may require a more extensive investigation by the geologist as evidence to the absence of a known active fault trace prior to the issuance of a permit for Group A, B, E, H, I, and R occupancies in the City's most recently adopted uniform Building Code. A geologist registered in the State of California, within or retained by the City must evaluate the geologic reports required herein and advise the body having jurisdiction and authority.
- (h) Geologic/Seismic Report Requirements. All reports submitted for projects within an active fault zone will contain all the information identified on pp. 22-24 in Fault-Rupture Hazard Zones in California, Special Publication #42 (March, 1980) issued by the California Division of Mines and Geology, or the most recent equivalent. Changes to these requirements can be made by the City's Geologist with the consent of the Director of Community Development.
- (i) Exceptions: The provisions of this Section for Geologic/Seismic Reporting Requirements do not apply to:
1. Structures not intended or used for human occupancy. A structure for human occupancy is a building as defined by the Uniform Building Code, which is expected to have a human occupancy rate of more than 2,000 man hours per year.
  2. A single-family wood frame dwelling not exceeding two stories when such dwelling is not part of a development of four or more dwellings. A mobile home whose body width exceeds eight feet shall be considered to be a single family wood dwelling not exceeding two stories. Construction of dwellings will not be permitted over a previously identified "Known Active Fault" Trace.

## ARTICLE 5: FLOOD HAZARD REVIEW PROCEDURES

### Section 4-0501 PURPOSE

The purpose of this article is to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
6. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. To insure that potential buyers are notified that property is in an area of special flood hazard; and
8. To insure that those who occupy the areas of special flood hazard assume responsibility for their actions.

### Section 4-0502 AUTHORIZATION

The Legislature of the State of California has in Government Code Sections 65302, 65560 and 65800 conferred upon local government units authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. This Article also implements regulations to meet Federal Emergency Management Agency (FEMA) requirements for managing flood hazards.

### Section 4-0503 FINDINGS OF FACT

1. The flood hazard areas of City of Arcata are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

study zone report by a licensed geologist, mailing fees, duplication costs, and public notification expenses. The City will provide a written estimate to the project application from the City's retained geologist for the cost of the review plus related expenses. The applicant shall pay the full estimate at the time of project submittal, with a refund of surplus funds to be made after the appeals period is completed.

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway Walls are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any building to which they might be carried by flood waters. A breakaway wall shall have a safe design loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
2. The elevated portion of the building shall not incur structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

Coastal High Hazard Area is the area subject to high velocity waters, including coastal and tidal inundation or tsunamis. The area is designated on a Flood Insurance Rate Map (FIRM) as Zone VI-V30, VE or V.

Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Flood, or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of flood waters, (2) the unusual and rapid accumulation or runoff of surface waters from any source, and/or (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this definition.

Flood Boundary, and Floodway Map means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

Flood Insurance Rate Map (FIRM) means the official map on which the Federal Emergency Management Agency or Federal Insurance Ad-

2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

#### Section 4-0504 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this Article includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, and other development which may increase flood damage; and,
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

#### Section 4-0505 DEFINITIONS

Unless specifically defined in this Section, words or phrases used in this Article shall be interpreted so as to give them the meaning they have in common usage and to give this Article its most reasonable application.

Appeal means a request for a review of the Floodplain Administrator's interpretation of any provision of this Article or a request for a variance.

Area of Shallow Flooding means a designated AO, AH or Zone on the Flood Insurance Rate Map (FIRM). The base flood depth range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

Base Flood means the flood having a one percent chance of being equalled or exceeded in any given year (also called the "100-year flood").

required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured Home Park, or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.

Mean Sea Level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referred.

New Construction means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by this community.

One Hundred Year Flood or 100-year Flood means a flood which has a one percent annual probability of being equalled or exceeded. It is identical to the "base flood," which will be the term used throughout this Article.

Person means an individual or his agent, firm, partnership, association or corporation, or agent of the aforementioned groups, or this state or its agencies or political subdivisions.

Remedy a Violation means to bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the Article or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

Riverine means relating to, formed by, or resembling a river (including tributaries), street, brook, etc.

Sand Dunes means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special Flood Hazard Area (SFHA) means an area having special flood or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, VO, V1-V30, VE or V.

Start of Construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any

ministration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study means the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

Floodplain Management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain Management Regulations means zoning Articles, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to "Regulatory floodway."

Functionally Dependent Use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Article.

Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the

## Section 4-0506 GENERAL PROVISIONS

### Section 4-0506.1 Basis for Establishing Areas of Special Flood Hazards.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) or the Federal Insurance Administration in a scientific and engineering report entitled "Flood Insurance Study" for City of Arcata dated November 2, 1982, with an accompanying Flood Insurance Rate Map (FIRM), as amended, is hereby adopted by reference and declared to be a part of the City of Arcata Land Use and Development Guide, and this Article. This Flood Insurance Study is the minimum area of applicability of this Article and may be supplemented by studies for other areas which allow implementation of this Article and which are recommended to the City of Arcata by the Floodplain Administrator. The Flood Insurance Study is is on file at the Community Development Department of the City of Arcata

### Section 4-0506.2 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Article and other applicable regulations. Violations of the provisions of this Article by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the City of Arcata from taking such lawful action as is necessary to prevent or remedy any violation.

### Section 4-0506.3 Abrogation and Greater Restrictions.

This Article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Article and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

### Section 4-0506.4 Interpretation.

In the interpretation and application of this Article, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and,
- (c) Deemed neither to limit nor repeal any other powers granted under state statutes.

work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as a clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Structure means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial Improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) before the improvement or repair is started; or
- (2) if the structure has been damaged, and is being restored, before the damage occurred.

For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- (1) any project for improvement of a structure to comply state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
- (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Variance means a grant of relief from the requirements of this Article which permits construction in a manner that would otherwise be prohibited by this Article.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Article is presumed to be in violation until such time as that documentation is provided.

Section 4-0508 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The City Engineer is hereby appointed to administer and implement this Article by granting or denying development permits in accordance with its provisions.

Section 4-0509 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

The duties and responsibilities of the floodplain administrator shall include, but not be limited to:

(a) Permit Review.

1. Review all development permits to determine that the permit requirements of this Article have been satisfied;
2. All other required state and federal permits have been obtained;
3. The site is reasonably safe from flooding.
4. The proposed development does not adversely affect the carrying capacity of the floodway. For purposes of this Article, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point.

(b) Whenever a watercourse is to be altered or relocated:

1. Notify adjacent communities and the California Department of Water Resources prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;
2. Require that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.

(c) Obtain and maintain for public inspection and make available as needed:

1. the certification required in Section 4-0510.1 (c) (floor elevations);
2. the certification required in Section 4-0510.1 (c) (elevations in areas of shallow flooding);

#### Section 4-0506.5 Warning and Disclaimer of Liability.

The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Article does not imply that land outside the areas of special flood hazards, or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of City of Arcata, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

#### Section 4-0506.6 Severability.

This Article and the various parts thereof are hereby declared to be severable. Should any section of this Article be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

### Section 4-0507 ADMINISTRATION

#### Section 4-0507.1 Development Permits Necessary.

A Development Permit shall be obtained before construction or development begins within any area of special flood hazards (Section 4-0506.1). Application for a Development Permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (a) Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; in Zone A0 or V0, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures; and
- (b) Proposed elevation in relation to mean sea level to which any structure will be floodproofed; and
- (c) All appropriate certifications required by this Article; and
- (d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(b) Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
4. Within Zones AH or AO, adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures are required.

(c) Elevation and Floodproofing - Residential Construction:

Upon completion of construction to the following standards, the elevation of the lowest floor, including basement, shall be certified by a registered professional engineer or surveyor, or verified by the Building Inspector, to be properly elevated. Such certification or verification shall be provided to the Floodplain Administrator:

1. New construction and substantial improvement of any structure in a flood hazard area as shown on the FIRM map shall have the lowest floor, including basement, elevated to or above the base flood elevation. Nonresidential structures may meet the standards in Section 4-0510.1 (d).
2. New construction and substantial improvement of any structure in Zone AH or AO or shall have the lowest floor, including basement, elevated at least as high as the depth number in feet above the highest adjacent grade, or two feet if no depth number is specified.
3. All new construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
  - a. Either a minimum of two openings having a total net area of not less than one square inch for every

3. the certification required in Section 4-0510.1 (d) (elevation or floodproofing of nonresidential structures);
  4. the certification required in Section 4-0510.1 (c) 3. a. or 4-0510.1 (c) 3. b. (wet floodproofing standard);
  5. the certified elevation required in Section 4-0510.3 (b) (subdivision standards);
  6. the certification required in Section 4-0510.5 (a) (floodway encroachments); and
  7. the certification required in Section 4-0510.4 (b) 4. or 4-0510.4 (c) (manufactured homes and manufactured home parks).
- (d) Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards, (for example, where there appears to be conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 4-0511.1.
- (e) When base flood elevation data has not been provided in accordance with Section 4-0506.1, the Flood Administrator shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state, or other source, in the administration and review process.
- (f) Take action to remedy violations of this Article as specified in Section 4-0506.2 herein.

#### Section 4-0510 PROVISIONS FOR FLOOD HAZARD REDUCTION.

##### Section 4-0510.1 Standards of Construction.

In all areas of special flood hazards the following standards are required:

(a) Anchoring

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. All manufactured homes shall meet the anchoring standards of Section 4-0510.4 (b).

Section 4-0510.3 Standards for Subdivisions.

- (a) All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.
- (b) All final subdivision plans will provide the elevation of proposed structure(s) and pads. If the site is filled above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator and must show that flood discharge exiting the development after construction is equal to or less than the flood discharge at the location prior to the development.
- (c) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (d) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (e) All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

Section 4-0510.4 Standards for Manufactured Homes and Manufactured Home Parks and Subdivisions.

(a) Placement of Manufactured Homes

All new and replacement manufactured homes, and additions to manufactured homes, shall be elevated so that the lowest floor is one (1) foot above the base flood elevation except in existing manufactured home parks.

The following standards are required for (a) manufactured homes not placed in manufactured home parks or subdivisions, (b) new manufactured home parks or subdivisions, (c) expansions to existing manufactured home parks or subdivisions, and (d) repair, reconstruction, or improvements to existing manufactured home parks or subdivisions that equal or exceed 50 percent of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement commenced.

1. Adequate surface drainage and access for a hauler shall be provided.
2. All manufactured homes shall be placed on pads or lots elevated on compacted fill or on pilings so that the lowest floor of the manufactured home is at or above the base flood level. If elevated on pilings:
  - the lots shall be large enough to permit steps;
  - the pilings shall be placed in stable soil no more than ten feet apart, and;

square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; or

- b. Be certified to comply with a local floodproofing standard approved by the Federal Insurance Administration.
4. Manufactured homes shall also meet the standards in Section 4-0510.4.

(d) **Elevation and Floodproofing - Nonresidential Construction:**

Nonresidential construction, together with attendant utility and sanitary facilities, shall either be elevated at least one (1) foot above the base flood elevation, or:

1. be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water; and
2. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, and;
3. be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.

(e) Restroom and appurtenant facilities constructed in conjunction with public parks and recreational developments shall be located and constructed in accordance with applicable health and building requirements and regulations and shall be designed to withstand inundations due to floods.

Section 4-0510.2 Standards for Utilities.

- (a) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.
- (b) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Floodplain Administrator:

Section 4-0510.5 Floodways.

Located within areas of special flood hazard established in Section 4-0506.1 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (a) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (b) If Section 4-0510.5 is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of this Article.

4-0510.6 Coastal High Hazard Areas.

It is the policy of the City of Arcata not to allow any development in the area identified as Coastal Flooding (V Zones) on the FIRM Map.

Section 4-0510.7 Exceptions.

Improvement, repair, or reconstruction of existing residential buildings and structures or existing nonresidential buildings and structures where the cost of said improvement, repair, or reconstruction does not equal or exceed fifty percent (50%) of the market value of the structure shall not be subject to the standards and requirements specified in Section 4-0510. In all circumstances, exceptions may be made only in accordance with the requirements set forth in Variance Procedures, Section 4-0511 of this Article, pursuant to Section 60.6 of the National Flood Insurance Program Regulations, Federal Emergency Management Agency, Federal Insurance Administration and in Title 14 of the California Administrative Code for Coastal Zone Areas.

Section 4-0510.8 Mudslide Prone Areas.

The City of Arcata does not contain mudslide prone areas designated M on the Flood Insurance Rate Map.

- reinforcement shall be provided for pilings more than six (6) feet above the ground level.
- 3. No manufactured home shall be placed in a floodway except in an existing manufactured home park or existing manufactured home subdivision.

(b) Anchoring.

All manufactured homes and additions to manufactured homes shall be anchored to a permanent foundation system to resist flotation, collapse, or lateral movement by one of the following methods:

- 1. by providing an anchoring system designed to withstand horizontal forces of 15 pounds per square foot and uplift forces of 9 pounds per square foot; or
- 2. by the anchoring of the unit's system, designed to be in compliance with the Department of Housing and Development Manufactured Home Construction and Safety Standards;
- 3. by providing over-the-top and frame ties to ground anchors.

Specifically:

- Over-the-top ties shall be provided at each of the four corners of a manufactured home, with two additional ties per side at intermediate locations. Manufactured homes less than 50-feet long require only one additional tie per side.
  - For manufactured homes more than 50 feet, frame ties shall be provided at each corner of the home, with five additional ties per side at intermediate points.
  - Manufactured homes fifty (50) feet long require only four additional ties per side; and all components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
4. Certification meeting the standards above is required of the installer or state agency responsible for regulating the placement, installation, and anchoring of individual manufactured home units.

- (c) Upon completion of construction, to the standards of Section 4-0510.4, the elevation of the lowest floor shall be certified by a registered professional engineer or surveyor, or verified by the Building Inspector, to be properly elevated. Such certification or verification shall be provided to the

11. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.
- (d) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 4-0511.1 (c) 1. through 4-0511.1 (c) 11. have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- (e) Upon consideration of the factors of Section 4-0511.1 (c) and the purposes of this Article, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Article.
- (f) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

Section 4-0511.2 Conditions for Variances.

- (a) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic Places of the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- (b) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (d) Variances shall only be issued upon:
1. a showing of good and sufficient cause;
  2. a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
  3. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of, the public, or conflict with existing local laws or ordinances.
- (e) Variances may be issued for new construction and substantial improvements and for other development necessary for the

Section 4-0511 VARIANCE PROCEDURE.

Section 4-0511.1 Appeal Board.

- (a) The Planning Commission of the City of Arcata shall hear and decide appeals and requests for variances from the requirements of this Article.
- (b) The Planning Commission of the City of Arcata shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Article.
- (c) In passing upon such applications, the Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Article, and:
  - 1. the danger that materials may be swept onto other lands to the injury of others;
  - 2. the danger of life and property due to flooding or erosion damage;
  - 3. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  - 4. the importance of the services provided by the proposed facility to the community;
  - 5. the necessity to the facility of a waterfront location, where applicable;
  - 6. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - 7. the compatibility of the proposed use with existing and anticipated development;
  - 8. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - 9. the safety of access to the property in time of flood for ordinary and emergency vehicles;
  - 10. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,

conduct of a functionally dependent use provided that the provisions of Sections 4-0511.2 (a) through 4-0511.2 (d) are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

- (f) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the regulatory flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. A copy of the notice shall be recorded by the Floodplain Board in the office of the Humboldt County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

Section 4-0511.3 Hearings.

Appeals and variances pursuant to Section 4-0511 shall be pursuant to Article 1 Section 1-0405 of the Arcata Land Use and Development Guide.

RESOLUTION NO. 890-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA APPROVING AN AMENDMENT OF THE ARCATA GENERAL PLAN AND ZONING LAND USE MAP FOR A PROPERTY AT THE SOUTHEAST CORNER OF SAMOA AND I STREETS AND CERTIFYING THE RELATED NEGATIVE DECLARATION FOR COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, the City Council of the City of Arcata adopted a General Plan on December 20, 1975; and

WHEREAS, the City Council recognized the necessity of amending the Plan from time to time to reflect changing needs; and

WHEREAS, after holding an advertised public hearing, the City Council has found that amendment of the General Plan is warranted by the data presented; and

WHEREAS, the Planning Commission of the City of Arcata approved the General Plan Amendment and Negative Declarations and sent its recommendation to the City Council through adoption of Resolution No. PC-89-15.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Arcata approves the Negative Declaration prepared on the proposed amendment and approves the General Plan Map change shown on Exhibit "A" to this Resolution.

DATED: October 18, 1989

ATTEST:

APPROVED:

Alie Harris  
City Clerk, City of Arcata

Walter Green  
Mayor, City of Arcata

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Resolution No. 890-22 passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California held on the 18th day of October, 1989, by the following vote:

AYES: Gast, Green, Pennisi, Redmond, Schaub

NOES: None

ABSENT: None

Alie Harris  
City Clerk, City of Arcata

RESOLUTION NO. 890-25

A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF ARCATA APPROVING AMENDMENT NO. 1  
OF THE ARCATA LOCAL COASTAL PLAN.

WHEREAS, the City Council of the City of Arcata adopted a Local Coastal Plan on May 3, 1989; and

WHEREAS, the City Council and the State of California recognize the necessity of amending the Plan from time to time to reflect changing needs; and

WHEREAS, after holding an advertised public hearing, the City Council has found that amendment of the Local Coastal Plan is warranted by the data presented; and

WHEREAS, the Planning Commission of the City of Arcata approved the Local Coastal Plan Amendment and sent its recommendation to the City Council through adoption of Resolution No. PC-89-17.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Arcata approves the Local Coastal Plan amendments to the Coastal Land Use and Development Guide and the Map change shown on Exhibit "A" to this Resolution; and

BE IT FURTHER RESOLVED that the Director of Community Development is directed to forward a copy of this resolution and said amendment to the California Coastal Commission pursuant to the provisions of Public Resources Code Sections 30000 et seq

BE IT FURTHER RESOLVED that the following findings are hereby made:

1. The Arcata Local Coastal Program is intended to be carried out in a manner fully in conformity with the provisions of the Public Resources Code Section 30000 et seq.

2. For purposes of State Certification of the City's Local Coastal Program, this amendment is submitted as a program that will take effect automatically after Coastal Commission approval without further local review.

DATED: November 1, 1989

ATTEST:

Alie Harris  
City Clerk, City of Arcata

APPROVED:

Wita Green  
Mayor, City of Arcata

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Resolution No.890-25 passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California held on the 1st day of November, 1989, by the following vote:

AYES: Gast, Green, Pennisi, Redmond, Schaub

NOES: None

ABSENT: None

Alie Harris  
City Clerk, City of Arcata

RESOLUTION NO. 890-34

A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF ARCATA APPROVING AMENDMENT NO. 1  
OF THE ARCATA LOCAL COASTAL PLAN.

WHEREAS, the City Council of the City of Arcata adopted a Local Coastal Plan on May 3, 1989; and

WHEREAS, the City Council and the State of California recognize the necessity of amending the Plan from time to time to reflect changing needs; and

WHEREAS, after holding an advertised public hearing, the City Council has found that amendment of the Local Coastal Plan is warranted by the data presented; and

WHEREAS, the Planning Commission of the City of Arcata approved the Local Coastal Plan Amendment and sent its recommendation to the City Council through adoption of Resolution No. PC-89-17.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Arcata approves the Local Coastal Plan amendments to the Coastal Land Use and Development Guide and the Map change shown on Exhibit "A" to this Resolution; and

BE IT FURTHER RESOLVED that the Director of Community Development is directed to forward a copy of this resolution and said amendment to the California Coastal Commission pursuant to the provisions of Public Resources Code Sections 30000 et seq.

BE IT FURTHER RESOLVED that the following findings are hereby made:

1. The Arcata Local Coastal Program is intended to be carried out in a manner fully in conformity with the provisions of the Public Resources Code Section 30000 et seq.

2. For purposes of State Certification of the City's Local Coastal Program, this amendment is submitted as a program that will take effect automatically after Coastal Commission approval without further local review.

DATED: January 17, 1989

ATTEST:

Alvin Harris  
\_\_\_\_\_  
City Clerk, City of Arcata

APPROVED:

Jeff Melde  
\_\_\_\_\_  
Mayor, City of Arcata

Clerk's Certificate

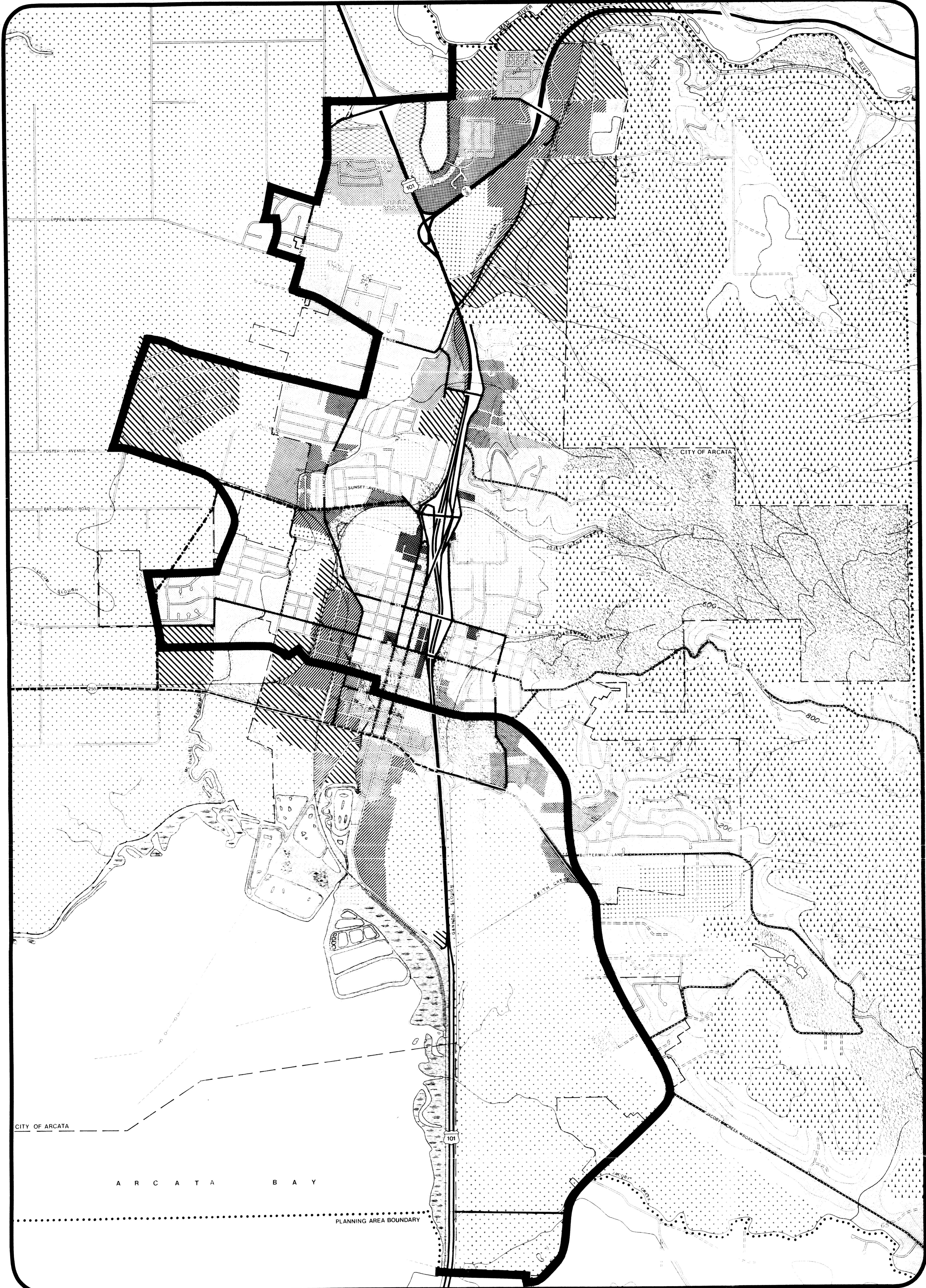
I hereby certify that the foregoing is a true and correct copy of Resolution No.890-34 passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California held on the 17th day of January, 1990, by the following vote:

AYES: Gast, Lee, Pennisi, Redmond, Schaub

NOES: None

ABSENT: None

Alvin Harris  
\_\_\_\_\_  
City Clerk, City of Arcata



## LEGEND

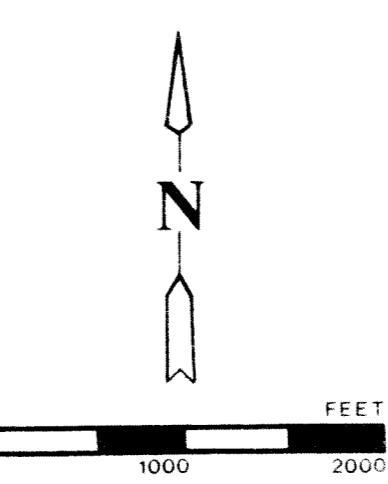
- RESIDENTIAL**
- (F-H) Forest Hillside
  - (R-E) Residential Estates
  - (R-R) Rural Residential
  - (R-L) Low Density Residential
  - (R-M) Medium Density Residential
  - (R-H) High Density Residential

- COMMERCIAL**
- (CBD) Central Business District
  - (C-G) General Commercial
  - (C-T) Thoroughfare Commercial
- INDUSTRIAL**
- (I-C) Industrial Commercial
  - (I-H) Heavy Industrial

- AGRICULTURE**
- (A-E) Agriculture Exclusive
  - (R-A) Residential Agriculture
- PUBLIC**
- (P-F) Public Facility
  - (P-P) Public Facility (Parks)
  - (N-R) Natural Resource Protection
- CIRCULATION**
- Type I: Freeway
  - Type I: Non-Freeway
  - Local Arterial
  - Local Arterial (Tentative)
  - Collector

## CITY OF ARCATA, CALIFORNIA

**COASTAL  
GENERAL  
PLAN  
& ZONING  
LAND  
USE MAP**



ORDINANCE NO. 1163

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING SECTION 1-203, ZONING MAP, OF ARTICLE 2 CHAPTER 1 OF THE ARCATA LAND USE AND DEVELOPMENT GUIDE AS ADOPTED BY ORDINANCE NO. 1071 AND AMENDING SECTION 1-203, COASTAL ZONING MAP, OF ARTICLE 2 CHAPTER 1 OF THE ARCATA COASTAL LAND USE AND DEVELOPMENT GUIDE AS ADOPTED BY ORDINANCE NO. 1151.

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

Section 1: The property described in Exhibit "A" is hereby rezoned from Coastal Agriculture Exclusive:Flood Control to Coastal Public Facility (Parks):Flood Control.

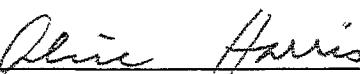
Section 2: Section 1-0203 of Article 2 of Chapter 1 of the Arcata Land Use and Development Guide, the Districting or Zoning Map, is hereby amended in accordance with Section 1 above.

Section 3: Section 1-0203 of Article 2 of Chapter 1 of the Arcata Coastal Land Use and Development Guide, the Districting or Coastal Zoning Map, is hereby amended in accordance with Section 1 above.

This Ordinance will take effect thirty (30) days after its approval by the Mayor with respect to the Arcata Land Use and Development Guide, and upon adoption, by the Arcata City Council, of a resolution accepting Coastal Commission approval, with respect to the Arcata Coastal Land Use and Development Guide.

DATED: June 20, 1990

ATTEST:

  
Alice Harris  
City Clerk, City of Arcata

APPROVED:

  
\_\_\_\_\_  
Mayor, City of Arcata

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1163 passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County on the 20th day of June, 1990, by the following vote:

AYES: Canning, Ornelas, Pennisi, Schaub

NOES: None

ABSENT: Lee

*Alice Harris*  
\_\_\_\_\_  
City Clerk, City of Arcata

Coastal Agriculture  
Exclusive to Coastal Public  
Facility (Parks)

Little League

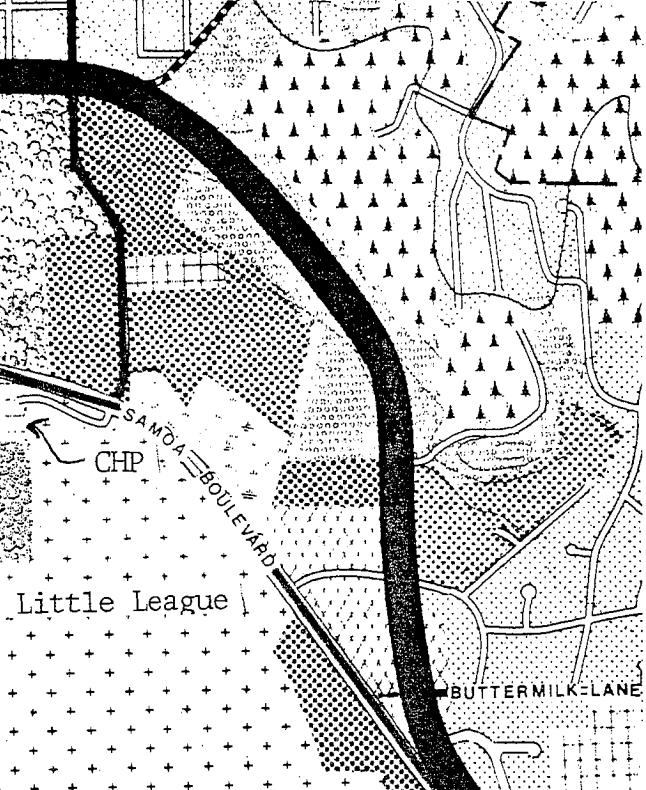
BEITH CREEK

BUTTERMILK LANE

CHP

BEITH CREEK

GANNON SLough



1" = 1000'

RESOLUTION 890-63

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA APPROVING AMENDMENT NO. 33 TO THE ARCATA GENERAL PLAN AND ZONING LAND USE MAP AND AMENDMENT NO. 2 OF THE ARCATA LOCAL COASTAL PLAN FOR A TWO-ACRE AREA ADJACENT TO THE LITTLE LEAGUE BASEBALL FACILITY, AND ADOPTING THE RELATED NEGATIVE DECLARATION FOR COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, the City Council of the City of Arcata adopted a General Plan on December 20, 1975; and

WHEREAS, the City Council of the City of Arcata adopted a Local Coastal Plan on May 3, 1989; and

WHEREAS, the City Council and the State of California recognize the necessity of amending the General Plan and Local Coastal Plan from time to time to reflect changing needs; and

WHEREAS, after holding an advertised public hearing, the City Council has found that said amendment amendment of the General Plan and Local Coastal Plan is warranted by the data presented; and

WHEREAS, the Planning Commission of the City of Arcata approved the General Plan and Local Coastal Plan Amendment and Negative Declarations and sent its recommendation to the City Council through adoption of Resolution No. PC-90-08.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Arcata approves Negative Declaration prepared on the proposed amendment and approves the Coastal General Plan and Zoning Map change shown on Exhibit "A" to this Resolution.

BE IT FURTHER RESOLVED that the Director of Community Development is directed to forward a copy of this resolution and said amendment to the California Coastal Commission pursuant to the provisions of Public Resources Code Sections 30000 et seq; and

BE IT FURTHER RESOLVED that the following findings are hereby made:

1. The Arcata Local Coastal Program is intended to be carried out

in a manner fully in conformity with the provisions of the Public Resources Code Section 30000 et seq.

2. For purposes of State Certification of the City's Local Coastal Program, this amendment is submitted as a program that shall take effect immediately upon adoption, by the City Council, of a Resolution accepting Coastal Commission approval of said amendment. The amendment shall be effective immediately upon adoption of said resolution but shall not be effective until such local review and adoption, following Coastal Commission approval, has taken place.

DATED: JUNE 12, 1990

ATTEST:

Alia Harris  
City Clerk, City of Arcata

APPROVED:

O. K. Schub  
Mayor, City of Arcata

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Resolution No. 890-63 passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California held on the 6th day of June, 1990, by the following vote:

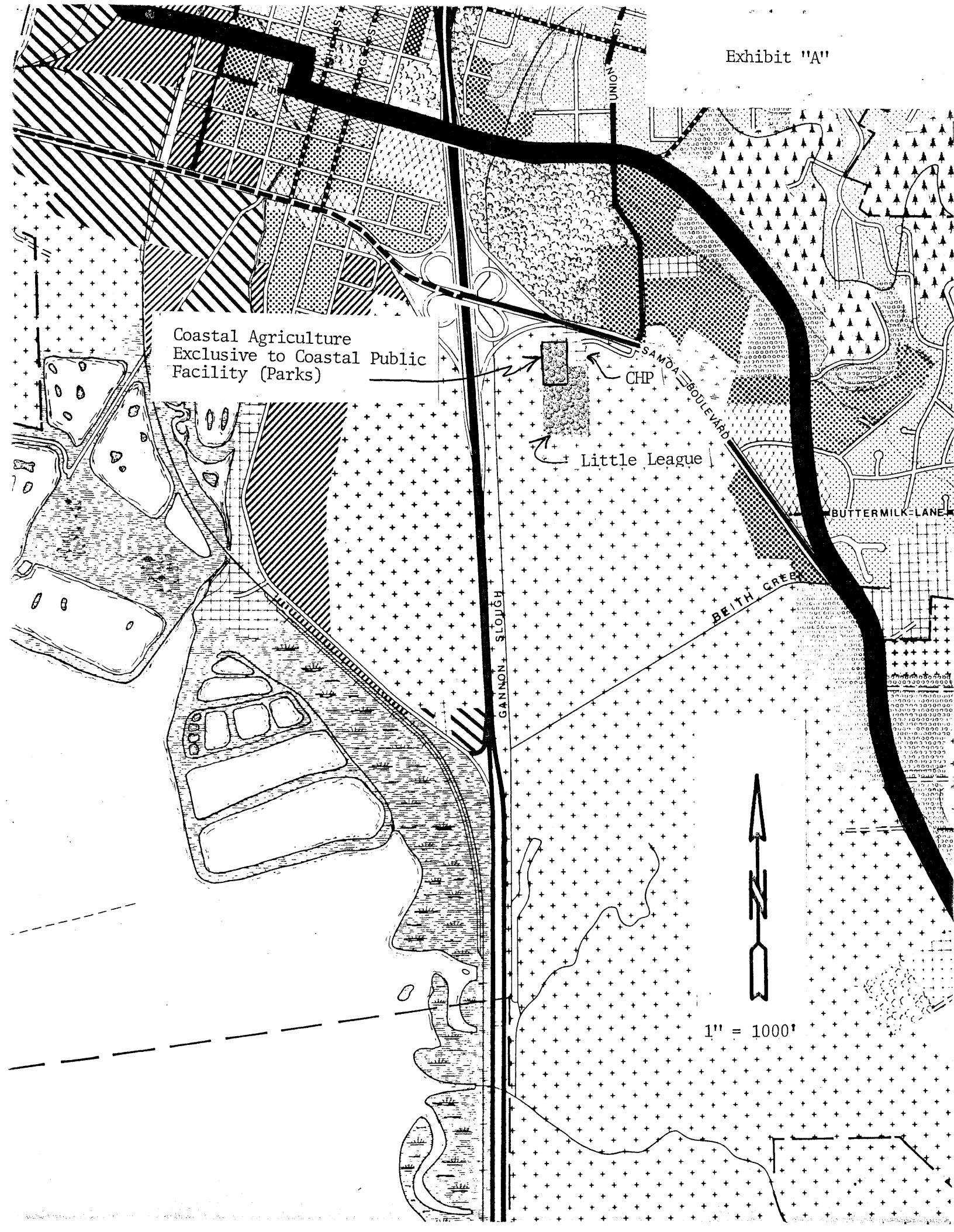
AYES: Canning, Lee, Ornelas, Pennisi, Schaub

NOES: None

ABSENT: None

Alia Harris  
City Clerk, City of Arcata

Exhibit "A"



RESOLUTION 901-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA ACCEPTING COASTAL COMMISSION CERTIFICATION OF AMENDMENT NO. 2 OF THE ARCATA LOCAL COASTAL PLAN FOR A TWO-ACRE AREA ADJACENT TO THE LITTLE LEAGUE BASEBALL FACILITY.

WHEREAS, the City Council of the City of Arcata adopted Amendment No. 33 to the Arcata General Plan and Zoning Land Use Map and Amendment No. 2 to the Arcata Local Coastal Plan on June 12, 1990; and

WHEREAS, said amendment redesignates and rezones an approximately two-acre area from "A-E" to "P-F" as shown on Exhibit "A"; and

WHEREAS, the amendment to the Arcata Local Coastal Plan required certification by the California Coastal Commission; and

WHEREAS, the California Coastal Commission approved said Local Coastal Plan amendment on August 9, 1990 and adopted findings on September 11, 1990 to reflect that approval; and

WHEREAS, the City Council of the City of Arcata, in adopting Local Coastal Plan Amendment No. 2 by Resolution 890-63, specified that said amendment shall take effect upon adoption, by the City Council, of a resolution accepting Coastal Commission approval of said amendment.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Arcata accepts the Coastal Commission approval set forth in Exhibit "B" and findings as set forth in Exhibit "C."

BE IT FURTHER RESOLVED that the City of Arcata agrees to issue Coastal Development Permits subject to the provisions in the attached Exhibits "B" and "C."

BE IT FURTHER RESOLVED that the Director of Community Development is directed to forward a copy of this resolution to the California Coastal Commission.

made:

BE IT FURTHER RESOLVED that the following findings are hereby

1. The Arcata Local Coastal Program is intended to be carried out in a manner fully in conformity with the provisions of the Public Resources Code Section 30000 et seq.
2. For purposes of State Certification of the City's Local Coastal Program, the amendment is intended as a program that shall take effect immediately upon effective certification by the California Coastal Commission.

DATED: OCTOBER 3, 1990

ATTEST:

Alie Harris  
City Clerk, City of Arcata

APPROVED:

G. K. Tom  
Mayor, City of Arcata

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Resolution No. 901-24 passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California held on the 3rd day of October, 1990, by the following vote:

AYES: Canning, Lee, Ornelas, Pennisi, Schaub

NOES: None

ABSENT: None

Alie Harris  
City Clerk, City of Arcata

Exhibit "A"

Coastal Agriculture  
Exclusive to Coastal Public  
Facility (Parks)

Little League

GANNON + SLOUGH

SAMOA BOULEVARD  
CHP

BUTTERMILK LANE  
BEITH CREEK

1" = 1000'

CALIFORNIA COASTAL COMMISSION

631 HOWARD STREET, 4TH FLOOR  
SAN FRANCISCO, CA 94105  
(415) 543-8555

September 17, 1990

RECEIVED

SEP 21 1990

City of Arcata  
Planning & Building Dept.

Victor Schaub, Mayor  
City of Arcata  
736 F Street  
Arcata, CA 95521

RE: Approval of City of Arcata LCP Amendment No. 2-90,  
redesignation/rezoning of parcel South of Samoa Blvd.,  
east of 101, (Brizard, Little League)

Dear Mayor Schaub:

On August 9, 1990, the Coastal Commission approved LCP Amendment No. 2-90 by a vote of 11-0, and on September 11, 1990, the Commission adopted findings to reflect that approval.

This letter formally transmits to you the resolution of certification, pursuant to Section 13544 of the California Administrative Regulations. Effective certification of the amendment to the City's Local Coastal Program will occur after the City acknowledges receipt of the resolution of certification.

We look forward to receiving the City Council's resolution acknowledging receipt of the Commission's resolution of certification for this LCP Amendment and agreement by the City to issue coastal development permits subject to the provisions in this Amendment so that it may be effectively certified.

Please feel free to contact Steve Scholl of my staff if you have any questions.

Sincerely,  
  
PETER M. DOUGLAS  
Executive Director

cc: Steve Lashbrook, Community Development Director

PMD/LL/prb  
5106P

Revised Findings to reflect  
Commission Action of August 9, 1990

CITY OF ARCATA LOCAL COASTAL PROGRAM AMENDMENT  
MAJOR AMENDMENT #2-90

A. APPROVAL OF LAND USE PLAN AMENDMENT #2-90 AS SUBMITTED

The following resolution was adopted by the Commission on August 9, 1990:

RESOLUTION I:

The Commission hereby approves Amendment #2-90 to the Land Use Plan of the City of Arcata Local Coastal Program for the specific reasons discussed in the following findings on the grounds that it meets the requirements of Chapter 3 of the Coastal Act. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen the significant adverse environmental effects which the approval of this amendment would have on the environment.

B. FINDINGS FOR APPROVAL OF THE LAND USE PLAN AMENDMENT

1. Amendment/Site Description

The proposed amendment would redesignate and rezone a two acre area from Agriculture Exclusive to Public Facility. This two acre area is part of a 45 acre parcel designated and zoned Agriculture Exclusive, is a farmed wetland and is currently used for cattle grazing. The site is located just east of U.S. 101, south of Samoa Boulevard.

The amendment site, while covered by the City of Arcata's LCP, lies within the Commission's area of original jurisdiction. Therefore, when a project is proposed, a coastal permit will have to be obtained from the Coastal Commission and the standard of review will be the Coastal Act.

2. Site History

The amendment site and the remaining 43 acre farmed wetland area have been the subject of several permit hearings before both the Regional and State Commissions. In 1979, the State Commission approved a land division creating a 5.75 acre parcel, to be used for baseball, and a 45 acre parcel, to remain in farmed wetlands (A-459-78, Arcata Midget-Babe Ruth League and Brizard Company). In an attempt to balance the needs of the community and the mandate to protect wetlands and agricultural lands, the Commission found that the land division and conversion of 5.75 acres to a ballfield was allowable only if the remaining land was restricted to prevent further subdivisions or conversions. The Commission tied these restrictions to either the then forthcoming LCP or

to 1990, whichever came first. As the LCP was certified nine years later in 1988 and as it confirmed the Commission's decision nine years earlier to provide permanent protection of the subject site, the recorded deed restriction preventing subdivision or conversion remains intact. By approval of the present LCP amendment, the Commission recognizes that that deed restriction is superseded.

### 3. Agriculture

Section 30242 of the Coastal Act states:

All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

The amendment site is currently designated Agriculture Exclusive. It is a part of a 45 acre farmed wetland parcel, currently being used for cattle grazing, and is contiguous with over 760 acres of farmed wetlands that are in agricultural grazing production. East of this area, across U.S. 101, is another large agricultural grazing area, containing over 75 acres of farmed wetlands. (see Exhibit 2)

The University of California's Cooperative Extension in Humboldt County reviewed the soils on the amendment site. According to their letter of May 22, 1978, the northern two-thirds of the site is the Loleta soil series (storie index 72) and the southern third is Bayside series (storie index 49). Additional soils information submitted by the Arcata Senior and Little League identified that the soils are Loleta silt loam, 0-3 percent slope. Therefore, while this site is not considered prime agricultural land, Section 30242 of the Coastal Act applies as this amendment proposes to convert "other suitable agricultural lands." In its submittal, the City did not present any evidence to find consistency with Section 30242, in that the area proposed for conversion is currently being grazed and there is no evidence that continued grazing is infeasible. As there is no adjacent prime land, subsection (2) does not apply.

Section 30250 of the Coastal Act requires the concentration of development. The amendment site is contiguous with 760 acres of other agricultural land which is totally enclosed by U.S. 101 on the west and Samoa Boulevard on the north, east and south. There is a small ring of residential development along the edge of these agricultural lands, directly adjacent to Samoa Boulevard, including two acres used by the California Highway Patrol office directly to the east of the amendment site, and the Commission approved a 5.75 acre

ballfield (A-459-79) directly south of the site. Therefore, conversion of this site to a public facility use is consistent with Section 30250 as it is directly adjacent to another Public Facility - the ballfield.

In approving the redesignation, the Commission notes that the ultimate use of the site will be for a ballfield. As such a use does not permanently alter the soil or preclude future grazing on the site, the Commission finds the amendment consistent with Sections 30242 and 30250 of the Coastal Act.

#### 4. Wetlands

Section 30233 of the Coastal Act states in part:

The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(5) 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.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary.

The two acre amendment site meets the definition of a wetland. Both by a site specific review during LCP certification in 1988 and by comments during the CEQA Review process in March 1990, the California Department of Fish and Game staff has determined that this area is a seasonal wetland. The Commission has concurred with this determination previously under Permit A-459-78. Therefore, use of this site is severely limited by Coastal Act policies.

Coastal Act Section 30121 defines wetlands as land "which may be covered periodically or permanently with shallow water." Wetland areas, which include marshes, mudflats and lagoons, serve many functions: to serve as nutrient sources and genetic reservoirs; to provide some of the world's richest wildlife habitats; and to absorb pollutants and storm energy.

Wetlands are highly diverse and productive. The combination of shallow and deep water, and the variety of vegetation and substrates produce far greater possibilities for wildlife feeding, nesting and resting than is found in less diverse areas. Individual wetlands may be inhabited by hundreds of species of birds, mammals, fish and smaller organisms. Abundant microorganisms serve as food for crabs, clams, oysters, and mussels which live in the tidal flats.

Wetland's natural abundance draws people for recreation such as clamming, bird watching and fishing. Fish such as the king and silver salmon and steelhead trout live much of their lives in the ocean but return to freshwater to spawn. Commercially important fish such as herring, anchovy and California halibut are also found in California's estuaries.

The agricultural bottomlands, such as those at the amendment site, provide feeding, resting, and nesting habitats for a large variety of birds. Species have been estimated between 176 (ERC, 1974) and 129 (Hoff, 1979). The agricultural lands are especially important to shorebirds, waterbirds, raptors, upland game birds, and songbirds. In the Eureka-Arcata bottoms, plowed fields, heavily grazed pasture, croplands, sloughs, and marshes have been found to support the highest diversity and abundance of birds (Hoff, 1979). Waterfowl commonly use pastures for feeding and nesting, particularly during wet periods. The agricultural bottomlands and grasslands also provide habitat for a variety of mammals including raccoon, beaver, muskrat, bats, meadow vole, moles, gophers, rabbits, regy fox, skunk and black-tailed deer.

The Commission also notes that the historic size of Humboldt Bay wetlands have been reduced by over 60% (from 27,000 acres to 11,525 acres). In addition, Commission-approved development projects from 1973 thorough 1989, will result in a net loss of 23.81 acres of wetlands in Humboldt Bay when all these projects are constructed.

The City has not submitted any evidence that the site is not a wetland. As stated above, in certifying the LCP, all the wetlands within the City were surveyed and mapped. The amendment site was mapped as being all wetland.

The Commission notes that the City's approval is based upon the finding that with mitigation, i.e. removal of grazing on an adjacent acre, that the ballfield will not adversely affect the area, as it is not prime land, and that seasonal use as a ballfield would have no greater impact than seasonal grazing. The Commission concurs with the finding that grazing activities impact a wetland area on about the same scale as a ballfield. The Commission therefore finds that as the eventual use of the site as a ballfield will not permanently alter the soil and thus the site will still be defined as a wetland, the amendment is consistent with Section 30233 of the Coastal Act.

The following resolution was adopted by the Commission on August 9, 1990:

RESOLUTION II:

The Commission hereby approves Amendment #2-90 to the Implementation Plan of the City of Arcata Local Coastal Program for the specific reasons discussed in the following findings on the grounds that it does conform with and is adequate to carry out the provisions of the certified Land Use Plan. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the approval of the amendment would have on the environment.

C. FINDINGS FOR APPROVAL OF THE IMPLEMENTATION PLAN SUBMITTED

The Commission finds that the proposed rezoning from Agriculture Exclusive to Public Facility adequately implements the land use designation of Public Facility. The City's LCP maps combine both land use designation and zoning; thus the site is consistently designated and zoned "PF" Public Facility.

LL/mem/prb/ltc  
7455P

ORDINANCE NO. 1175

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF ARCATA AMENDING SECTION 1-0306 OF THE  
LAND USE AND DEVELOPMENT GUIDE

The City Council of the City of Arcata ordains as follows:

NOTE: Wording to be deleted is shown in [brackets] with strikeovers. New wording is shown with underlines.

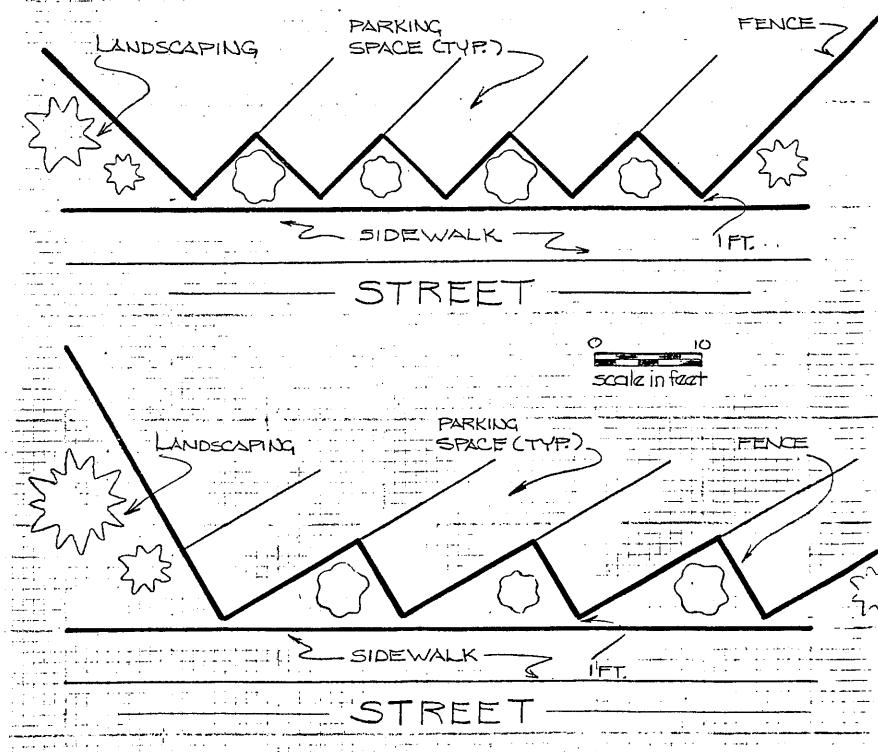
SECTION 1: Section 1-0306 of the Land Use and Development Guide is hereby amended as follows:

Section 1-0306 LANDSCAPING AND SCREENING

1-0306.2 (G) Parking Lot Landscaping.

A screening device shall be required along all interior property lines for all off-street parking spaces abutting a residential use. Said screening shall be not less than six (6) feet in height as measured from the top of the existing adjacent street curb, or where no curb exists, as measured from the average cross section elevation of the street. Said screening shall be a wall, [or grill or constructed of solid fencing material or of] dense landscaping, or solid fence. All off-street parking areas having two (2) or more spaces, shall be provided with screening and landscaping according to the following standards:

1. Parking lots located within twenty (20) feet of a street right-of-way shall be screened from the street by a landscaped strip of not less than five (5) feet in width and a visually solid fence or hedge three (3) feet in height on the side of the landscaped strip opposite the street. As an alternative, however, landscaping and screening may be provided per the following diagrams, if approved by the Design Assistance Committee:



2. One (1) tree shall be provided for every eight (8) parking spaces, except that parking areas of five (5) or more spaces shall also require at least one (1) tree. Said trees shall be planted [in tree wells of at least four-by-four feet (4' x 4')] in locations approved by the Design Assistance Committee, and shall be provided with a means of irrigation and maintained in a living condition. Off-street parking areas for multi-family dwellings shall be screened from street view by the means of berthing, landscaping, fencing, or some combination thereof.

3. All planters and tree wells shall be [enclosed] protected by a curb composed of concrete or other durable material not less than six (6) inches in height as measured from the top of the adjacent street curb, or, where no curb exists, as measured from the average cross section elevation. An equivalent barrier, sufficient to protect the landscaping from automobiles, shall be considered adequate to meet this requirement.

4. In the case of existing parking lots to serve existing structures in the Central Business District or Industrial-Commercial Zone, where such structures are nonconforming as to setback requirements, the standards of subsections 1, 2, and 3, above, shall not be applied to sides of the parking lot on which the building setback is nonconforming. Except, however, that the fence or hedge required by subsections 1 shall be no less conforming than the existing building.

#### 1-0306.2 (f) Area Screening Requirements.

1. Dense landscaping or solid wall or fence of a minimum height of six (6) feet shall be provided:

(ii) To screen any open area used for the storage of goods, materials, or wastes from view from abutting properties and from public rights-of-way. All openings for accessways shall be provided with solid gates or other devices constructed of view-obscuring materials. Except, however, that such screening requirements may be waived by the Zoning Administrator on approval of a conditional use permit for the purpose. Such use permits shall only be granted in those cases where the goods, materials, or wastes would be visible only from other properties within commercial, industrial, or public facility zones.

#### 1-0306.2 (j) Height Requirements.

1. The maximum height of screening, fencing, or landscaping primarily intended or designed for fencing purposes shall not exceed three (3) feet in any zone within [six (6)] five (5) feet of a street right-of-way or within the triangular vision clearance yards as defined in Section 1-0302.4, except as provided below:

a. Licensed day care centers and pre-schools may have visually open fences of up to five (5) feet in height adjoining a street property line. Said fences shall be removed, or otherwise brought into conformance with these requirements, at such time as that property is no longer used as a day care facility or pre-school.

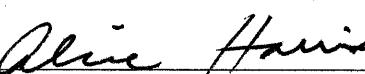
b. In the Central Business District fences, walls, or landscaping shall be permitted at any location where a building wall would be permitted by setback requirements.

SECTION 2: The portions of this Ordinance which apply solely to properties outside of the California Coastal Zone shall take effect thirty (30) days after its approval by the Mayor. Portions of this Ordinance applying to properties within the California Coastal Zone shall take effect, by Resolution, upon City Council acceptance of the Coastal Commission Certification of this action.

INTRODUCED: April 3, 1991

DATED: April 17, 1991

ATTEST:

  
\_\_\_\_\_  
Alice Harris  
City Clerk, City of Arcata

APPROVED:

  
\_\_\_\_\_  
K. G. Canning  
Mayor, City of Arcata

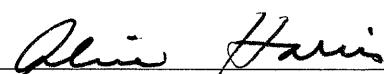
Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Ordinance Number 1175 passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, on the 17th day of April, 1991.

AYES: Canning, Lee, Ornelas, Pennisi

NOES: Schaub

ABSENT: None

  
\_\_\_\_\_  
Alice Harris  
City Clerk, City of Arcata



ORDINANCE NO. 1174

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING SECTION 1-203 OF ARTICLE 2 CHAPTER 1 OF THE LAND USE AND DEVELOPMENT GUIDE AS ADOPTED BY ORDINANCE NO. 1071.

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

Section 1: The property described in Exhibit "A," identifying the property at the southwest corner of Sixth and I Streets and further identified as Assessor's Parcel Number 21-166-03, is hereby rezoned from C-R-M, Coastal Residential Medium Density to C-CBD, Coastal Central Business District Commercial.

Section 2: Section 1-0203 of Article 2 of Chapter 1 of the Arcata Land Use and Development Guide, the Districting or Zoning Map, is hereby amended in accordance with Section 1 above.

This Ordinance will take effect upon Council acceptance, by Resolution, of Coastal Commission Certification of the change but in no case shall this ordinance take effect sooner than thirty (30) days after its approval by the Mayor.

INTRODUCED: February 6th, 1991

DATED: February 20, 1991

ATTEST:

  
\_\_\_\_\_  
Alvin Harris  
City Clerk, City of Arcata

APPROVED:

  
\_\_\_\_\_  
RH Smead  
Mayor, City of Arcata

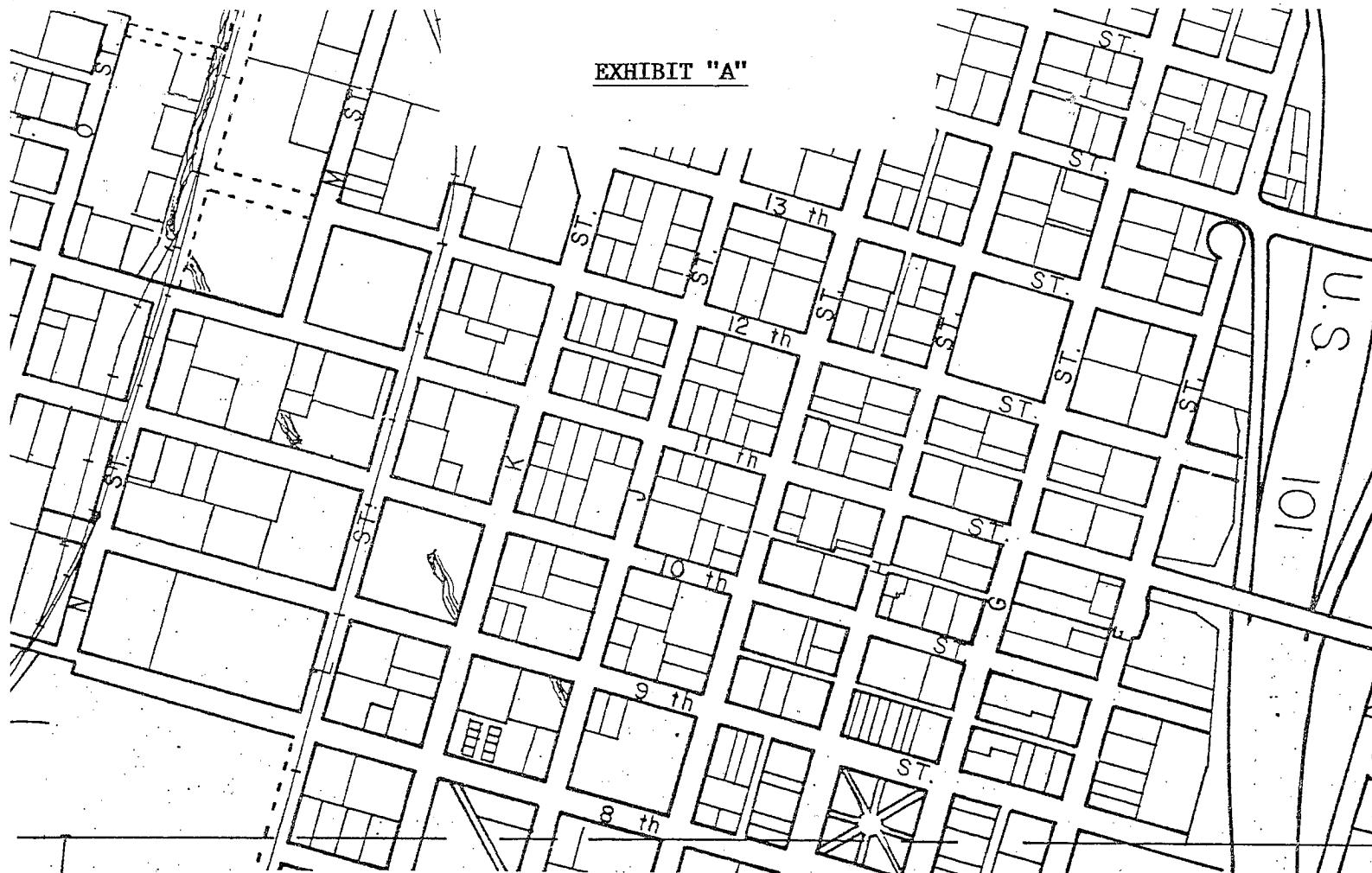
Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1174 passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County on the 20th day of January, 1991, by the following vote:

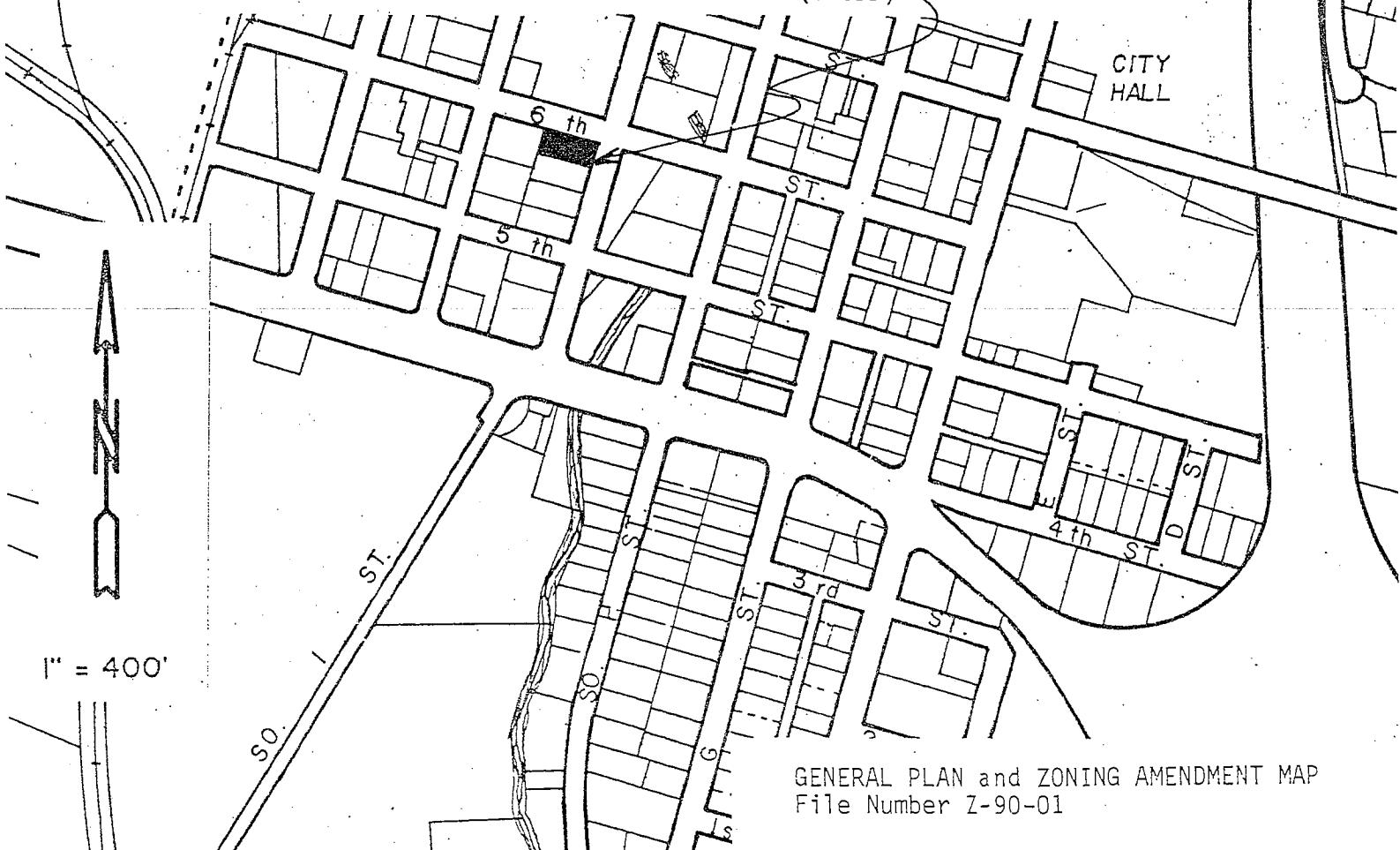
AYES: CANNING, LEE, ORNELAS, PENNISI, SCHAUB  
NOES: NONE  
ABSENT: NONE

Alvin Harris  
City Clerk, City of Arcata

EXHIBIT "A"



Area to be changed from Coastal Residential Medium-Density (C-R-M) to  
Coastal Central Business District Commercial (C-CBD)



RESOLUTION 901-58

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA APPROVING AMENDMENT NO. 3 TO THE ARCATA LOCAL COASTAL PLAN FOR GENERAL PLAN AMENDMENT NO. 35 AND ORDINANCES NO. 1174 AND 1175.

WHEREAS, the City Council of the City of Arcata adopted a Local Coastal Plan on May 3, 1989; and

WHEREAS, the City Council and the State of California recognize the necessity of amending the Local Coastal Plan from time to time to reflect changing needs; and

WHEREAS, after holding advertised public hearings, the City Council adopted General Plan amendment No. 35 and related Negative Declaration on February 6, 1991 and adopted related Ordinance 1174 on February 20, 1991 in order to rezone the Busch Geotechnical Consultants property further described in EXHIBIT "A" from C-R-M Coastal Residential Medium Density to C-CBD Coastal Central Business District Commercial; and

WHEREAS, after holding advertised public hearings, the City Council adopted Ordinance 1175 and related Negative Declaration on April 22, 1991, amending text of the Arcata Coastal Land Use and Development Guide (CLUDG) to modify screening and fencing requirements, said modifications being attached as EXHIBIT "B".

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Arcata requests that the California Coastal Commission approve amendments to the Arcata Local Coastal Plan for the amendments described in this Resolution; and

BE IT FURTHER RESOLVED that the Director of Community Development is directed to forward a copy of this resolution and said amendment to the California Coastal Commission pursuant to the provisions of Public Resources Code Sections 30000 et seq; and

BE IT FURTHER RESOLVED that the following findings are hereby made:

1. The Arcata Local Coastal Program is intended to be carried out in a manner fully in conformity with the provisions of the Public Resources Code Section 30000 et seq.

2. For purposes of State Certification of the City's Local Coastal Program, these amendments are submitted as a program that shall take effect immediately upon adoption, by the City Council, of a Resolution accepting Coastal Commission approval of said amendments.

DATED: May 1, 1991

ATTEST:

Alie Harris  
City Clerk, City of Arcata

APPROVED:

Ch. K. Hall  
Mayor, City of Arcata

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Resolution No. 901-58 passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California held on the 1st day of May, 1991, by the following vote:

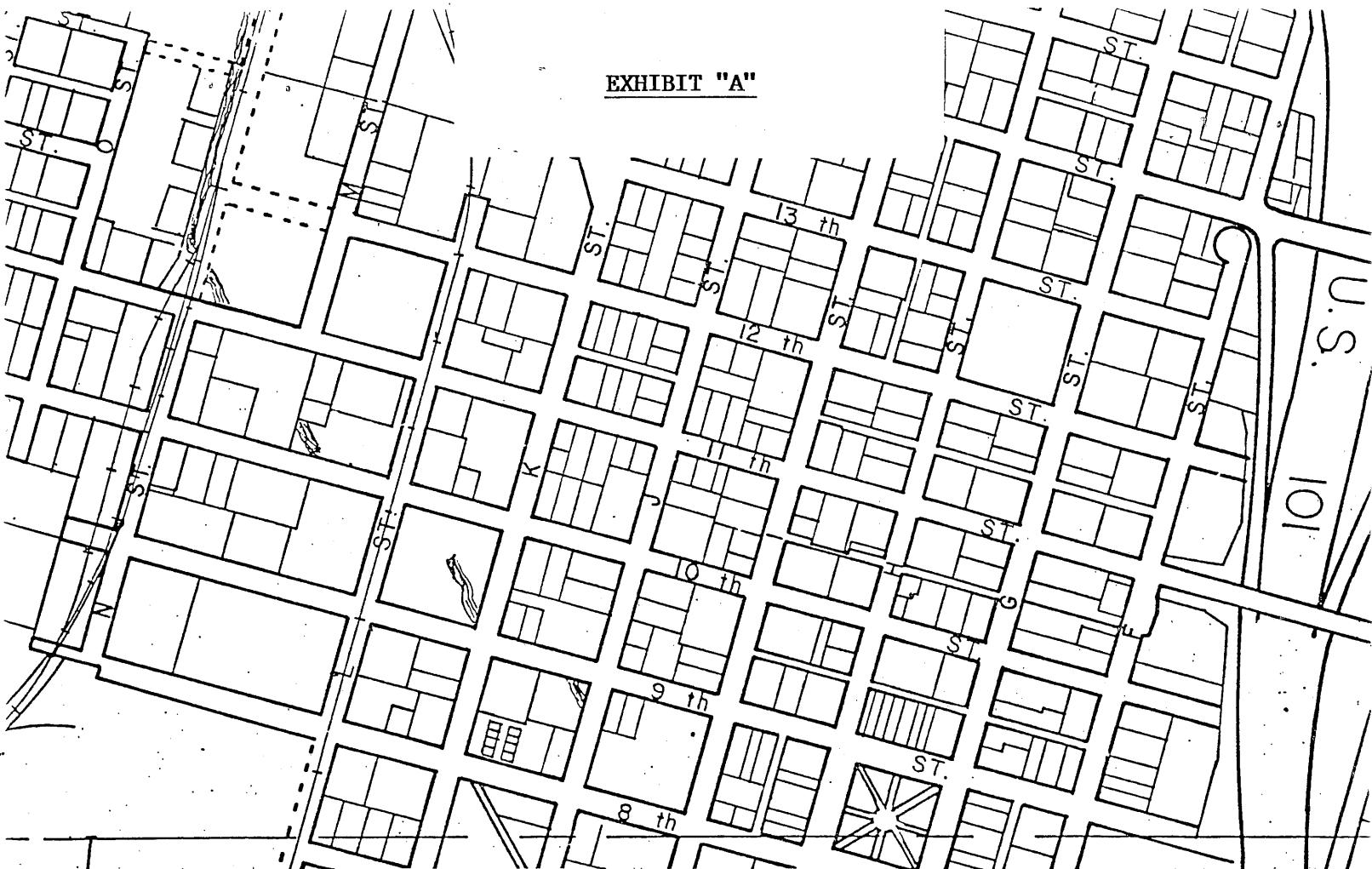
AYES: Canning, Lee, Ornelas, Pennisi, Schaub

NOES: None

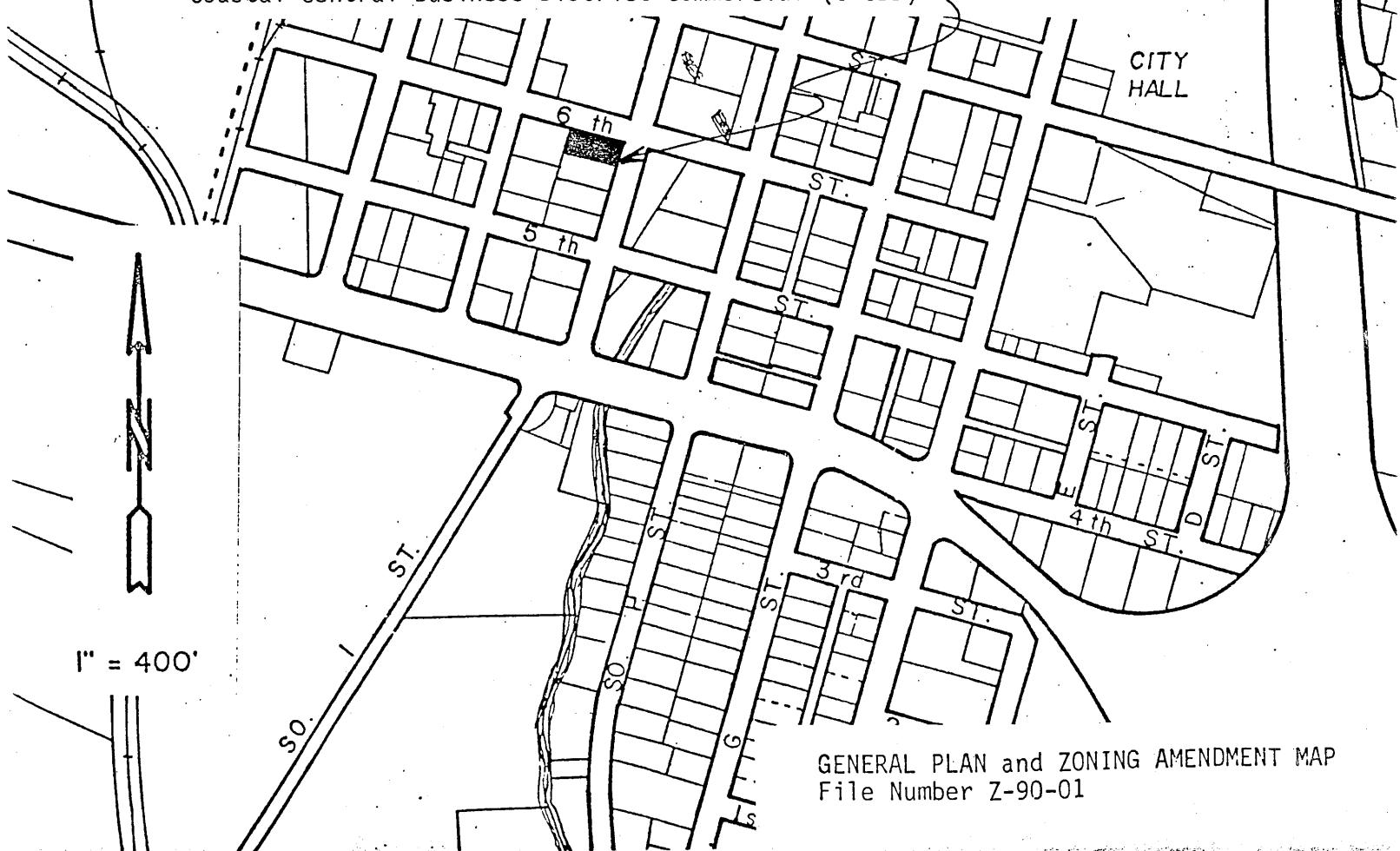
ABSENT: None

Alie Harris  
City Clerk, City of Arcata

**EXHIBIT "A"**



Area to be changed from Coastal Residential Medium-Density (C-R-M) to Coastal Central Business District Commercial (C-CBD)



GENERAL PLAN and ZONING AMENDMENT MAP  
File Number Z-90-01

EXHIBIT "B"

NOTE: Wording to be deleted is shown in [brackets] with ~~strikeovers~~. New wording is shown with underlines.

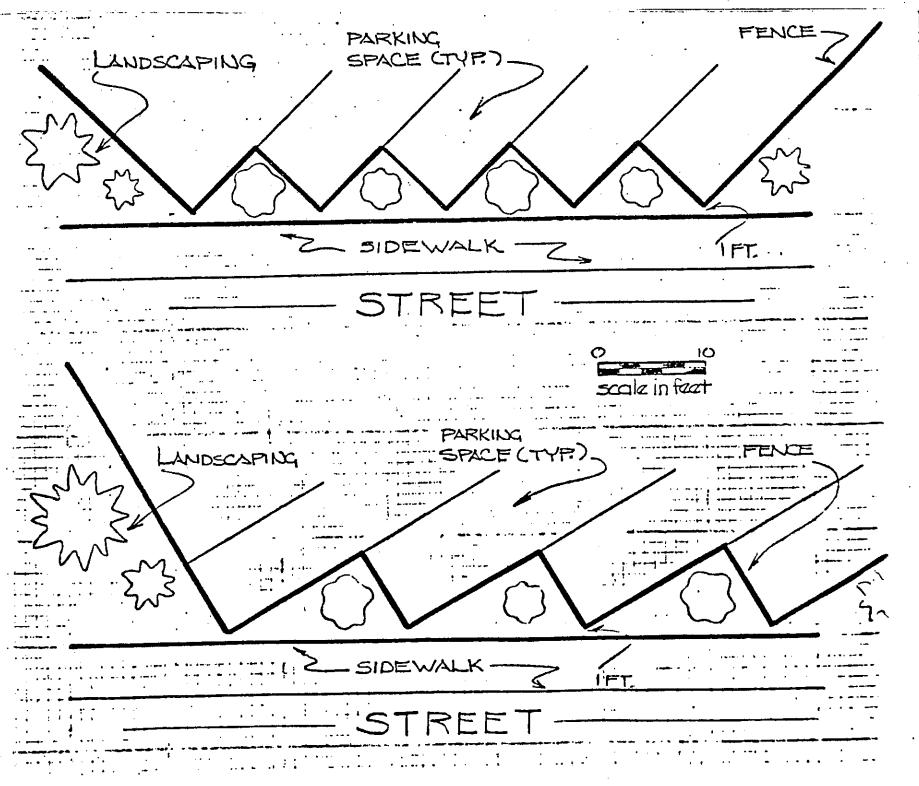
SECTION 1: Section 1-0306 of the Land Use and Development Guide is hereby amended as follows:

Section 1-0306 LANDSCAPING AND SCREENING

1-0306.2 (G) Parking Lot Landscaping.

A screening device shall be required along all interior property lines for all off-street parking spaces abutting a residential use. Said screening shall be not less than six (6) feet in height as measured from the top of the existing adjacent street curb, or where no curb exists, as measured from the average cross section elevation of the street. Said screening shall be a wall, [or grill or constructed of solid fencing material or of] dense landscaping, or solid fence. All off-street parking areas having two (2) or more spaces, shall be provided with screening and landscaping according to the following standards:

1. Parking lots located within twenty (20) feet of a street right-of-way shall be screened from the street by a landscaped strip of not less than five (5) feet in width and a visually solid fence or hedge three (3) feet in height on the side of the landscaped strip opposite the street. As an alternative, however, landscaping and screening may be provided per the following diagrams, if approved by the Design Assistance Committee:



2. One (1) tree shall be provided for every eight (8) parking spaces, except that parking areas of five (5) or more spaces shall also require at least one (1) tree. Said trees shall be planted [in tree wells of at least four-by-four feet (4' x 4')] in locations approved by the Design Assistance Committee, and shall be provided with a means of irrigation and maintained in a living condition. Off-street parking areas for multi-family dwellings shall be screened from street view by the means of berthing, landscaping, fencing, or some combination thereof.

3. All planters and tree wells shall be [enclosed] protected by a curb composed of concrete or other durable material not less than six (6) inches in height as measured from the top of the adjacent street curb, or, where no curb exists, as measured from the average cross section elevation. An equivalent barrier, sufficient to protect the landscaping from automobiles, shall be considered adequate to meet this requirement.

4. In the case of existing parking lots to serve existing structures in the Central Business District or Industrial-Commercial Zone, where such structures are nonconforming as to setback requirements, the standards of subsections 1, 2, and 3, above, shall not be applied to sides of the parking lot on which the building setback is nonconforming. Except, however, that the fence or hedge required by subsections 1 shall be no less conforming than the existing building.

#### 1-0306.2 (f) Area Screening Requirements.

1. Dense landscaping or solid wall or fence of a minimum height of six (6) feet shall be provided:

(ii) To screen any open area used for the storage of goods, materials, or wastes from view from abutting properties and from public rights-of-way. All openings for accessways shall be provided with solid gates or other devices constructed of view-obscuring materials. Except, however, that such screening requirements may be waived by the Zoning Administrator on approval of a conditional use permit for the purpose. Such use permits shall only be granted in those cases where the goods, materials, or wastes would be visible only from other properties within commercial, industrial, or public facility zones.

#### 1-0306.2 (j) Height Requirements.

1. The maximum height of screening, fencing, or landscaping primarily intended or designed for fencing purposes shall not exceed three (3) feet in any zone within [six (6)] five (5) feet of a street right-of-way or within the triangular vision clearance yards as defined in Section 1-0302.4, except as provided below:

a. Licensed day care centers and pre-schools may have visually open fences of up to five (5) feet in height adjoining a street property line. Said fences shall be removed, or otherwise brought into conformance with these requirements, at such time as that property is no longer used as a day care facility or pre-school.

b. In the Central Business District fences, walls, or landscaping shall be permitted at any location where a building wall would be permitted by setback requirements.

## RESOLUTION NO. 901-50

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA APPROVING AMENDMENT NO. 35 OF THE ARCATA GENERAL PLAN AND CERTIFYING THE RELATED NEGATIVE DECLARATION FOR COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, the City Council of the City of Arcata adopted a General Plan on December 20, 1975; and

WHEREAS, the City Council recognized the necessity of amending the Plan from time to time to reflect changing needs; and

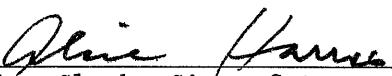
WHEREAS, after holding an advertised public hearing, the City Council has found that amendment of the General Plan is warranted by the data presented; and

WHEREAS, the Planning Commission of the City of Arcata, on January 22, 1991, approved the General Plan Amendment and Negative Declarations and sent its recommendation to the City Council through adoption of Resolution No. PC-91-03.

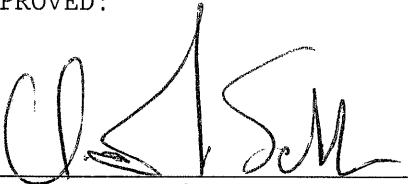
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Arcata approves the Negative Declaration prepared on the proposed amendment and approves the General Plan Map change shown on Exhibit "A" to this Resolution, said exhibit identifying the property at the southwest corner of Sixth and I Streets and further identified as Assessor's Parcel Number 21-166-03.

DATED: February 6, 1991

ATTEST:

  
\_\_\_\_\_  
Alice Hayes  
City Clerk, City of Arcata

APPROVED:

  
\_\_\_\_\_  
Mayor, City of Arcata

## Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Resolution No. 901-50 passed and adopted at a regular meeting of the City Council of the

City of Arcata, Humboldt County, California held on the 6th day of February, 1991, by the following vote:

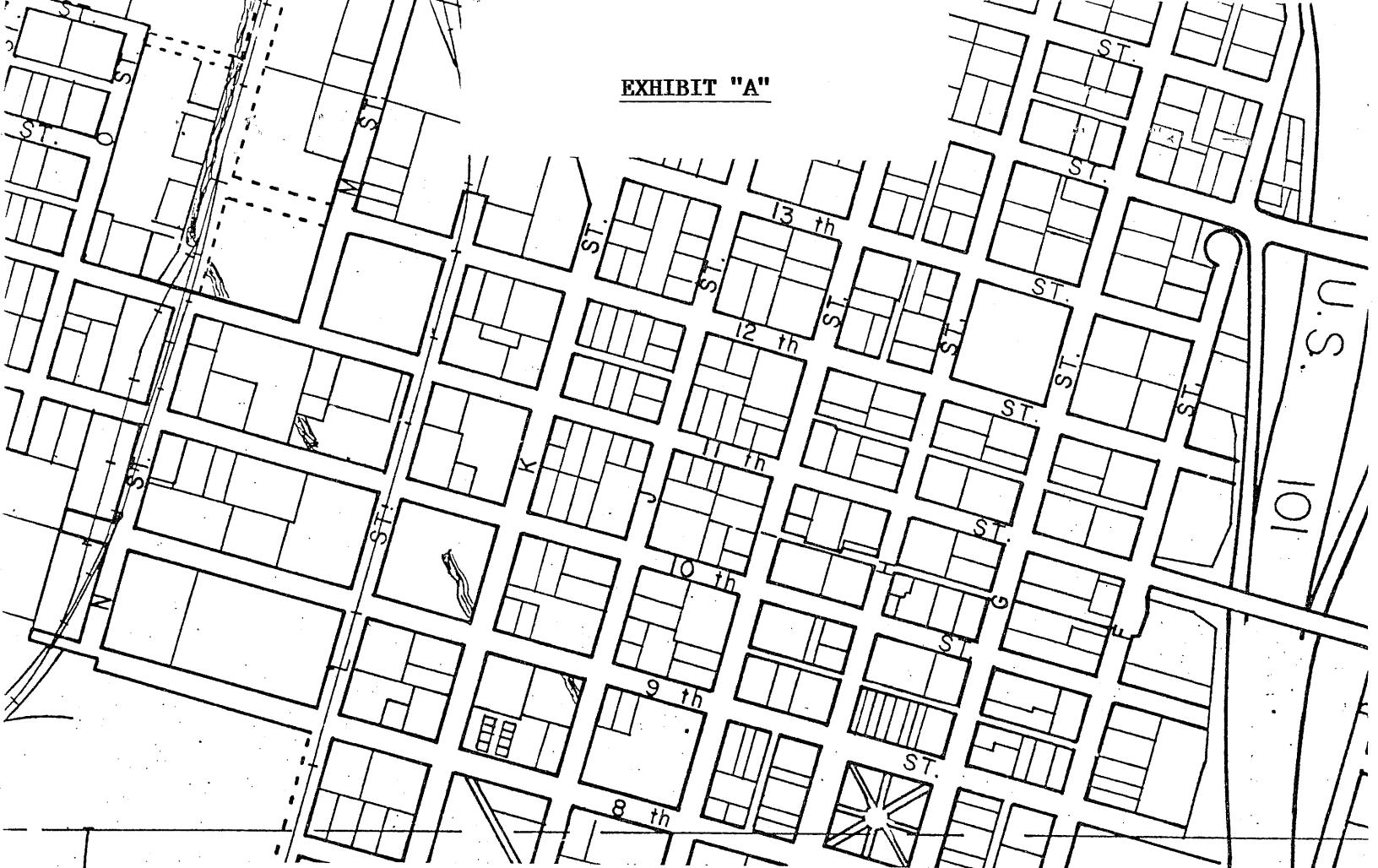
AYES: Canning, Lee, Ornelas, Schaub

NOES: None

ABSENT: Pennisi

Alice Harris  
City Clerk, City of Arcata

EXHIBIT "A"



Area to be changed from Coastal Residential Medium-Density (C-R-M) to  
Coastal Central Business District Commercial (C-CBD)



1" = 400'

GENERAL PLAN and ZONING AMENDMENT MAP  
File Number Z-90-01

## ORDINANCE NO. 1182

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING SECTIONS 1-0219 AND 1-0220, OF ARTICLE 2 CHAPTER 1 OF THE ARCATA LAND USE AND DEVELOPMENT GUIDE AS ADOPTED BY ORDINANCE NO. 1071 AND AMENDING 1-0219 AND 1-0220, OF ARTICLE 2 CHAPTER 1 OF THE ARCATA COASTAL LAND USE AND DEVELOPMENT GUIDE AS ADOPTED BY ORDINANCE NO. 1151; AND ADOPTING THE RELATED NEGATIVE DECLARATION FOR COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

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

Section 1: Sections 1-0219 and 1-0220 of Article 2 of Chapter 1 of the Arcata Land Use and Development Guide, for the I-C, Industrial Commercial and I-H, Heavy Industrial Zones, respectively, are hereby amended in accordance with Exhibit A.

Section 2: Sections 1-0219 and 1-0220 Article 2 of Chapter 1 of the Arcata Coastal Land Use and Development Guide, for the C-I-C, Coastal Industrial Commercial and C-I-H, Coastal Heavy Industrial Zones, respectively, are hereby amended in accordance with Exhibit A.

Section 3: In addition to those findings required by LUDG Section 1-0403.3 to amend the LUDG, the following additional findings are adopted:

- That the proposed changes will have no significant adverse impacts on fish and wildlife resources.
- That the proposed changes will not adversely impact coastal resources or the public's opportunity to gain access or enjoy such resources.

This Ordinance will take effect thirty (30) days after its approval by the Mayor with respect to the Arcata Land Use and Development Guide, and immediately upon California Coastal Commission approval, with respect to the Arcata Coastal Land Use and Development Guide.

INTRODUCED: DECEMBER 4, 1991

ADOPTED: December 18, 1991

ATTEST:

Alie Harris  
City Clerk, City of Arcata

APPROVED:

W. J. Sull.  
Mayor, City of Arcata

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1182 passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County on the 18th day of December 1991, by the following vote:

AYES: Canning, Ornelas, Pennisi, Schaub

NOES: None

ABSENT: Lee

Alie Harris  
City Clerk, City of Arcata

## EXHIBIT A

Proposed new language is underlined, language to be deleted is shown with [strike-overs].

Section 1-0219 INDUSTRIAL-COMMERCIAL OR I-C DISTRICT

The purpose of the I-C District is to provide a compatible and convenient environment for intensive commercial services and activities and light manufacturing operations. The following specific regulations and the general rules set forth in Sections 1-0301 to 1-0310 shall apply in the I-C District.

Section 1-0219.1 Permitted Uses. The following uses are permitted in the I-C District:

[{(a) Commercial Uses}]

- Gas Stations.
- Auto and truck, storage, parts sales, service and repair--includes tire recapping, body and fender shops, spray painting, car washes, etc. Does not include wrecking yards.
- Repair Service--cleaning and repair of household items, furniture, and appliances. [Excludes automobile repair.]
- Research and Development.
- Wholesale/Warehousing.
- Mini-storage.
- Manufacturing--except those uses defined as Heavy Manufacturing
- Ambulance, limosine, or taxi service.
- Recycling center or compost operation, meeting the screening requirements of Section 1-0306.2.
- Agriculture--includes farming and grazing activities, and accessory uses such as barns, silos, and windmills.
- Animal hospital, kennel, or grooming parlor.
- Caretaker's Quarters--residential occupancy in connection with a principal nonresidential activity on the same lot, but only if the residents are required to remain on the premises for protection, scientific observation, or comparable technical purposes and may continue for a period not to exceed the duration of the principal use. Such

occupancy may occur in a mobilehome.

- Construction/Farm Sales and rentals --excludes small-scale stores such as hardware and paint stores; includes lumber yards, tractor and irrigation equipment sales, heavy equipment repair and other farm supply stores.
- Construction Services--plumbers, building contractors, carpenters, electricians, etc.
- Business office, providing services to businesses located on the same lot or to surrounding businesses in the zone.
- Community Care Facilities to serve six (6) or fewer persons, or Limited Child Care serving twelve (12) or fewer children, in conjunction with an approved or legal nonconforming residential use.

Section 1-0219.2 Conditionally Permitted Uses. The following uses may be permitted upon the granting of a conditional use permit pursuant to the procedures in Section 1-0402:

Reviewable by Zoning Administrator:

- [ (a) Rural Uses ]
  - [Agriculture--includes farming and grazing activities, and accessory uses such as barns, silos, and windmills.]
- [ (b) (a) Commercial Uses
  - General Retail Sales.
  - Personal Services.
  - General Business Offices
  - Restaurants/Bars.
  - [ Construction/Farm Sales--excludes small-scale stores such as hardware and paint stores; includes lumber yards, tractor and irrigation equipment sales, heavy equipment repair and other farm supply stores.]
  - [ Construction Services--plumbers, building contractors, carpentry, electricians, etc.]
  - [ Animal Hospitals and Kennels.]
  - Commercial Parking Lots.
  - Flea Markets.

- Indoor Commercial Recreation.
- Outdoor Commercial Recreation.
- [ Recreation Vehicle Parks.]
- Bus or Truck[ing] Terminals.
- [ Caretaker's Quarters--residential occupancy in connection with a principal nonresidential activity on the same lot, but only if the residents are required to remain on the premises for protection, scientific observation, or comparable technical purposes and may continue for a period not to exceed the duration of the principal use. Such occupancy may occur in a mobilehome.]

(b) Public and Quasi-public Uses

- [ Limited Child] Day Care Centers.
- Utilities--substations, radio and TV transmission facilities, reservoirs, storage tanks, pumping stations, sewage treatment plants, and corporation and storage yards.
- Communications and Transportation--telephone and telegraph offices; radio and TV stations; bus terminals, and heliports.

Planning Commission Review

(a) Commercial Uses.

- Recreational vehicle parks.
- Auto/Boat/Trailer Sales and Rentals.
- Other Business.

(b) Residential Uses.

- Residential uses, other than caretakers. Shall only be approved when the following findings are made:
  1. The requirements of the Noise Element of the General Plan will be met;
  2. The development will have no significant adverse impacts on existing or anticipated business activities in the vicinity;
  3. Residential uses will not become the predominant uses of the I-C zoned properties in the area.

4. Adequate Provisions have been made to assure that all prospective occupants of residential uses will be notified that they are moving into an industrial area, within which a variety of industrial and commercial activities occur which will not be regarded as a nuisance.

Community Care Facilities to serve seven (7) or more people in conjunction with a residential use.

Section 1-0219.3 Other Regulations.

- (a) Minimum Lot Area: Ten Thousand (10,000) square feet.
- (b) Minimum Lot Width: Sixty (60) feet.
- (c) Maximum Lot Depth: Four times lot width.
- (d) Minimum Yards: Ten (10) feet from any property line adjoining a street right-of-way, ten (10) from any property line adjoining a nonresidentially zoned property, twenty (20) feet from any property line adjoining a residentially zoned property. See further standards in Section 1-0302.
- (e) Maximum Height Limit: Forty five (45) feet.
- (f) Off-street Parking: As prescribed in Section 1-0303.
- (g) Off-street Loading: As prescribed in Section 1-0304.
- (h) Signs: As prescribed in Section 1-0305.
- (i) Landscaping and Screening: Ten (10) percent of lot area, as prescribed in Section 1-0306.
- (j) Accessory Buildings and Uses: As prescribed in Section 1-0307.
- (k) Review Procedures: As prescribed in Chapter IV of the Land Use and Development Guide.

Section 1-0219.4 Performance Standards. Same as in Section 1-0220.4.

Proposed language is underlined, language to be deleted is shown with [strike-overs].

Section 1-0220 HEAVY-INDUSTRIAL OR H-I DISTRICT

The purpose of the H-I District is to provide sufficient area for lumber milling and other heavy manufacturing operations as well as other industrial uses and compatible intensive commercial activities. The following specific regulations and the general rules set forth in Sections 1-0301 to 1-0310 shall apply in the H-I District.

Section 1-0220.1 Permitted Uses. The following uses are permitted in the H-I District:

(a) Commercial Uses

- Gas Stations.
- Auto and truck service, storage and repair--includes tire recapping, body and fender shops, spray painting, bus and truck terminals, etc. Does not include wrecking yards.
- Repair Service--cleaning and repair of household items, furniture, and appliances. [ Excludes automobile repair. ]
- Construction Services--plumbers, building contractors, carpentry, electricians, architectural offices, etc.
- Construction/Farm Sales--excludes small-scale stores such as hardware and paint stores; includes lumber yards, tractor and irrigation equipment sales, heavy equipment repair and other farm supply stores.

(b) Industrial Uses.

- Research and Development.
- Wholesale/Warehousing.
- Mini-storage.
- Manufacturing--except those uses defined as Heavy Manufacturing
- Recycling center or compost operation, meeting the screening requirements of Section 1-0306.2.
- Caretaker's Quarters--residential occupancy in connection with a principal nonresidential activity on the same lot, but only if the residents are required to remain on the premises for protection, scientific observation, or

comparable technical purposes and may continue for a period not to exceed the duration of the principal use. Such occupancy may occur in a mobilehome.

(c) Rural Uses

- Agriculture--includes farming and grazing activities, and accessory uses such as barns, silos, and windmills.

Section 1-0220.2 Conditionally Permitted Uses. The following uses may be permitted upon the granting of a conditional use permit pursuant to the procedures in Section 1-0402:

Reviewable by Zoning Administrator:

[{a} Rural Uses

- Agriculture--includes farming and grazing activities, and accessory uses such as barns, silos, and windmills.]

[{b}] (a) Commercial Uses

- Indoor Commercial Recreation.
- Outdoor Commercial Recreation.
- [ Trucking Terminals.]
- [ Caretaker's Quarters--residential occupancy in connection with a principal nonresidential activity on the same lot, but only if the residents are required to remain on the premises for protection, scientific observation, or comparable technical purposes and may continue for a period not to exceed the duration of the principal use. Such occupancy may occur in a mobilehome.]

[{e} Industrial Uses:

- Heavy Manufacturing--lumber milling, log decks, salvage yards, animal products processing, smelting and reduction of metallic ores; manufacturing, refining, and storage of petroleum products; acids; cement; concrete; asphaltic products; and similar operations with the potential to produce dust, gas, noise or other emissions.]

[{d}] (b) Public and Quasi-public Uses

- [ Limited Child] Day Care Centers.
- Utilities--substations, radio and TV transmission facilities, reservoirs, storage tanks, pumping stations, sewage treatment plants, and corporation and storage yards.

- Communications and Transportation--telephone and telegraph offices; radio and TV stations; bus terminals, and heliports.

Planning Commission Review

(a) Commercial Uses.

- Auto/Boat/Trailer Sales and Rentals.
- Other Business, excluding general retail sales unless such activities are conducted primarily to provide service to uses permitted in the zone.

(b) Industrial Uses.

- Heavy Manufacturing--lumber milling, log decks, salvage or wrecking yards, animal products processing, smelting and reduction of metallic ores; manufacturing, refining, and storage of petroleum products, acids, cement, concrete, asphaltic products, and similar operations with the potential to produce dust, gas, noise or other emissions.

Section 1-0220.3 Other Regulations

- (a) Minimum Lot Area: One (1) acre.
- (b) Minimum Lot Width: One hundred (100) feet.
- (c) Maximum Lot Depth: Four times lot width.
- (d) Minimum Yards: Twenty five (25) feet from any property line adjoining a street right-of-way, ten (10) from any property line adjoining a nonresidentially zoned property, twenty five (25) feet from any property line adjoining a residentially zoned property. See further standards in Section 1-0302.
- (e) Maximum Height Limit: Fifty (50) feet.
- (f) Off-street Parking: As prescribed in Section 1-0303.
- (g) Off-street Loading: As prescribed in Section 1-0304.
- (h) Signs: As prescribed in Section 1-0305.
- (i) Landscaping and Screening: Ten (10) percent of lot area, as prescribed in Section 1-0306.
- (j) Accessory Buildings and Uses: As prescribed in Section 1-0307.
- (k) Review Procedures: As prescribed in Chapter IV of the Land Use and Development Guide.

Section 1-0220.4 Performance Standards. No Building Permit for any industrial use shall be issued until the Director of Community Development has determined that the proposed use will be in conformance with the Performance Standards included in this Subsection. The Director of Community Development shall require that sufficiently detailed plans for, and descriptions of, the industrial activities to be undertaken are submitted for assessment in the required Environmental Review to be carried out pursuant to Chapter IV of the Land Use and Development Guide.

(a) Standards Relating to Impacts on Established Residential Areas

that they do not exceed the ambient noise level by more than 5 dB(A), or comprise over 70 dB(A) maximum in any residential area during daytime operations or 65 dB(A) maximum in any residential area during nighttime operations (7:00 p.m. to 7:00 a.m.), or exceed 60 dB(A), L50.

- (2) Lights. No bright or flashing lights shall be visible in a residential district.
- (3) Airborne Emissions. All development shall conform to the maximum permissible emission standards established by the Humboldt County Air Pollution Control District.
- (4) Water Quality. The Humboldt Bay Wastewater Authority shall evaluate liquid waste to be disposed into its sewer system to determine its capacity to provide treatment. Any liquid waste to be discharged to the municipal sanitary sewer system shall meet the standards for such discharges specified by the City of Arcata. Industries not hooking up to the municipal sewer system are subject to quality standards administered by the North Coast Regional Water Quality Control Board.
- (5) Traffic. New development shall demonstrate that it will not substantially increase truck traffic on residential streets. Trucks over five tons shall not be permitted on local residential streets.
- (6) Vibrations. No perceptible vibrations shall be permitted off the building site.
- (7) Electronic Interference. No visual or audible interference of radio or television reception by operations shall be permitted.
- (8) Flammable Materials. No operations involving the use or storage of flammable materials shall be permitted adjacent to any residential area.

(b) Standards Relating to Impacts on Non-Residential Areas

- (1) Noise. Mitigating measures shall be required where necessary to insure that noise generated by industrial operations does not exceed 70 dB(A) anywhere off the site premises, except under provisions of a temporary use permit.
- (2) Lights. No restrictions.
- (3) Airborne Emissions. Same as Section 1-0220.3(a)(3).
- (4) Water Quality. Same as Section 1-0220.3(a)(4).
- (5) Traffic. No restrictions.
- (6) Vibrations. No perceptible vibrations shall be permitted that interfere with adjacent land uses.
- (7) Electronic Interference. Same as Section 1-0220.3(a)(7).
- (8) Flammable Materials. All operations which involve storage, use or transport of flammable materials or gases must be conducted in a manner which meets with the approval of the Fire Chief; all facilities must contain such emergency protection and fire fighting equipment as are deemed necessary by the Fire Chief.

RESOLUTION 912-36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA APPROVING AN AMENDMENT TO THE ARCATA GENERAL PLAN AND ADOPTING THE RELATED NEGATIVE DECLARATION FOR COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, the City Council of the City of Arcata adopted a General Plan on December 20, 1975; and

WHEREAS, the City Council and the State of California recognize the necessity of amending the General Plan from time to time to reflect changing needs; and

WHEREAS, after holding an advertised public hearing, the City Council has found that said amendment of the General Plan is warranted by the data presented; and

WHEREAS, the Planning Commission of the City of Arcata approved the General Plan and Negative Declarations and sent its recommendation to the City Council through adoption of Resolution No. PG-91-21.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Arcata approves Negative Declaration prepared on the proposed amendment and approves General Plan Amendment shown on Exhibit "A" to this Resolution.

DATED: December 4, 1991

ATTEST:

Alie Harris  
City Clerk, City of Arcata

APPROVED:

  
\_\_\_\_\_  
Dick Schell  
Mayor, City of Arcata

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Resolution No. 912-36 passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California held on the 4th day of December, 1991, by the following vote:

AYES: Canning, Lee, Pennisi, Schaub

NOES: None

ABSENT: Ornelas

Alice Harris  
City Clerk, City of Arcata

## EXHIBIT A

### GENERAL PLAN - ECONOMIC ENVIRONMENT CHAPTER

#### GENERAL PLAN MAP

NOTE: Proposed new text is shown with underlines.

The Industrial-Commercial land use designation includes most areas which were previously shown as Heavy Commercial and some of the areas previously shown as Industrial. This designation is intended to provide attractive industrial areas suitable for light manufacturing and limited commercial uses. Heavy industrial uses which by necessity produce noise, odors, heavy truck traffic or dust would not be permitted in this designation. The Industrial-Commercial land use designation includes auto sales, service and repair, mobile home, truck and tractor sales, warehousing, and wholesaling establishments, day care centers intended to provide services to people working in the area, outdoor sales and storage lots, light industrial activities when conducted within a building and similar uses. Some retail sales uses and services will be allowed, particularly those involving sales predominantly to businesses or repair as an accessory use. Limited residential uses may also be permitted on a case-by-case basis, provided that they do not limit the viability of the area for commercial and industrial development. The major areas of Industrial-Commercial use would be west of K Street, south of G Street, one area near the 299/Giuntoli Lane interchange and the Aldergrove Industrial Park.

The Heavy Industrial land use designation indicates areas which are appropriate for heavy manufacturing, large scale wood processing and storage, auto wrecking and junk yards and all other industrial operations, as well as day care centers providing services to people working in the area. Some industrial operations generate noise, odors, or traffic which make them incompatible neighbors with residential or most commercial uses.

RESOLUTION 912-37

A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF SUBMITTING ORDINANCE 1182 TO THE  
CALIFORNIA COASTAL COMMISSION.

WHEREAS, the City Council of the City of Arcata adopted a Local Coastal Program on May 3, 1989; and

WHEREAS, the Arcata Coastal Land Use and Development Guide (CLUDG) implements the Local Coastal Program; and

WHEREAS, the City Council and the State of California recognize the necessity of amending the General Plan and Local Coastal Program from time to time to reflect changing needs; and

WHEREAS, after holding an advertised public hearing, the City Council adopted Ordinance 1182 amending the Arcata Coastal Land Use and Development Guide (LUDG), Attached as EXHIBIT A.

WHEREAS, in adopting Ordinance 1182, the City Council adopted the following finding:

*"That the proposed changes will not adversely impact coastal resources or the public's opportunity to gain access or enjoy such resources."*

NOW, THEREFORE, BE IT RESOLVED that the City Council of the directs the Director of Community Development to forward a copy of this resolution and said amendment to the California Coastal Commission pursuant to the provisions of Public Resources Code Sections 30000 et seq; and

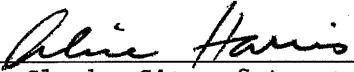
BE IT FURTHER RESOLVED that the following findings are hereby made:

1. The Arcata Local Coastal Program is intended to be carried out in a manner fully in conformity with the provisions of the Public Resources Code Section 30000 et seq.

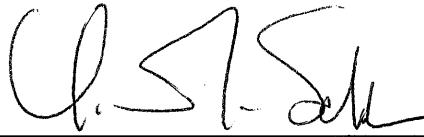
2. For purposes of State Certification of the City's Local Coastal Program, this amendment is submitted as a program that shall take effect immediately Coastal Commission approval of said amendment.

DATED: DECEMBER 18, 1992

ATTEST:

  
Alice Harris  
City Clerk, City of Arcata

APPROVED:

  
J. S. S.  
Mayor, City of Arcata

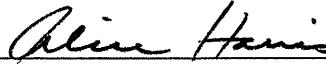
## Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Resolution No. 912-37 passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County on the 18th day of December, 1991, by the by the following vote:

AYES: Canning, Ornelas, Pennisi, Schaub

NOES: None

ABSENT: Lee

  
Alice Harris  
City Clerk, City of Arcata

RESOLUTION NO. 923-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA ACKNOWLEDGING THAT A GENERAL PLAN TEXT AMENDMENT INCLUDES TEXT AMENDMENTS TO THE LAND USE PLAN OF THE ARCATA COASTAL PLAN.

WHEREAS, the City Council of the City of Arcata adopted a General Plan on December 20, 1975; and

WHEREAS, the City Council of the City of Arcata adopted a Local Coastal Plan on May 3, 1989; and

WHEREAS, after holding duly advertised public hearings, the City Council amended the General Plan by Resolution 912-36 on December 4, 1991; and

WHEREAS, after reviewing the record of the previous public hearing, the City Council has found that the said amendment was clearly intended to include corresponding changes to the Land Use Plan of the Arcata Local Coastal Plan, said changes being those described in Exhibit "A"; and

WHEREAS, the Planning Commission of the City of Arcata made the same finding after reviewing its record for this matter at a meeting conducted on July 14, 1992, and recommended that the City Council take this action;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Arcata acknowledges that the changes described in Exhibit "A" shall be included in the amendments approved by the City in Resolution 912-36, to be submitted to the California Coastal Commission for certification.

BE IT FURTHER RESOLVED that the Director of Community Development is directed to forward a copy of this resolution and said amendment to the California Coastal Commission pursuant to the provisions of Public Resources Code Sections 30000 et seq; and

BE IT FURTHER RESOLVED that the findings adopted by the City Council in approving Resolution 912-36 also apply in this resolution.

Exhibit "A"

The following zoning description was initially prepared several years ago. The uses permitted in each of the two industrial zones at that time were generally consistent with those allowed in the same industrial zone categories outside the Coastal Zone. Since that time, the City has conducted a City-wide survey of the existing uses within the industrial zones, including those inside and outside of the Coastal Zone. In 1991, the City adopted General Plan and Zoning text amendments which recognized many of the uses which already exist in industrial zones.

Proposed new language is shown with underlines. Language to be deleted is [bracketed and stricken through].

EXISTING CONDITIONS [excerpt; beginning page M-3]

Current Zoning

Industrial land south of Samoa Boulevard is flanked by agricultural land to the west, by agricultural land and residential to the east, and by marsh to the south. The marsh is zoned Natural Resource Protection.

Between Samoa Boulevard and the Coastal Zone boundary, industrial land borders agricultural zoning to the west and commercial zoning to the east. The industrial area outside City Limits and within the Coastal Zone is surrounded by agricultural land on three sides and residential land on the north.

Industrial zoned land within the Coastal Zone and City Limits is in the Industrial Commercial or Heavy Industrial Zoning Districts. Industrial Commercial zoning district permits a mixture of commercial and industrial activities, with the more intensive uses requiring a conditional use permit. [general manufacturing, research and development, and wholesale/warehousing uses: Agricultural, commercial, heavy industrial, and public uses may also be permitted in this zone upon the granting of a conditional use permit.] All industrial uses must conform to a series of performance standards that deal with noise, lights, airborne emissions, water quality, traffic, vibrations, electronic interference, and flammable materials. The Heavy Industrial district [does not allow] allows relatively few commercial uses but does allow lumber milling and other heavy industrial uses with a Use Permit.

The 22-acre parcel located within the Coastal Zone but not within the City limits is zoned Limited Industrial or M-L by Humboldt County. The County's M-L Zone is intended to apply to areas in which light manufacturing and heavy commercial uses of the non-nuisance type and large administrative facilities are the desirable predominant uses.

Policy Recommendations [new Policy M-3 to be added]

M-3 New residential uses, other than caretaker's quarters, shall only be permitted in industrial areas where the potential impacts on the residents have been addressed and the residents themselves will not create hardships for the operators of the industries. Special Use Permit criteria have been developed to implement this Policy.

DATED: July 15, 1992

ATTEST:

Alvin Harris  
City Clerk, City of Arcata

APPROVED:

A. S. Smith  
Mayor, City of Arcata

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Resolution No. 923-07 passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California held on the 15th day of July, 1992, by the following vote:

AYES: Blaser, Canning, Ornelas, Pellatz, Schaub

NOES: None

ABSENT: None

Alvin Harris  
City Clerk, City of Arcata

## ORDINANCE NO. 1211

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING SECTION 1-203, THE COASTAL ZONING MAP, OF ARTICLE 2 CHAPTER 1 OF THE ARCATA COASTAL LAND USE AND DEVELOPMENT GUIDE AS ADOPTED BY ORDINANCE NO. 1151.

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

Section 1: The property identified as *project site* on Exhibit "A" is hereby rezoned from Coastal-Residential Medium Density to Coastal-Central Business District Commercial. Said property is further identified as the following nine parcels between Seventh Street and the alley between Fifth and Sixth Streets, and between F and G Streets:

588 F Street	21-116-06	historical structure with apartment units
607 F Street	21-115-07	office (former residential structure)
637 F Street	21-115-06	residence
560 G Street	21-116-02	residence
590 G Street	21-116-03	commercial ( <i>Hole in the Wall Sandwiches</i> )
614 G Street	21-115-01	residence
643 G Street	21-115-08	residential duplex
639 Sixth St.	21-116-05	commercial ( <i>Bob Johnson's Paint</i> )
659 Sixth St.	21-116-04	residence

Section 3: Section 1-0203 of Article 2 of Chapter 1 of the Arcata Coastal Land Use and Development Guide, the Districting or Coastal Zoning Map, is hereby amended in accordance with Section 1 above.

This Ordinance will take effect thirty (30) days after its approval by the Mayor with respect to the Arcata Land Use and Development Guide, and immediately upon Coastal Commission approval, with respect to the Arcata Coastal Land Use and Development Guide, whichever date is later.

INTRODUCED: August 4, 1993

DATED: August 18, 1993

ATTEST:

Dine Harris  
City Clerk, City of Arcata

APPROVED:

Ch. A. Sk  
Mayor, City of Arcata

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1211 passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County on the 18th day of August, 1993, by the following vote:

AYES: Blaser, Canning, Ornelas, Pellatz, Schaub

NOES: None

ABSENT: None

Alvin Harris  
City Clerk, City of Arcata

EXHIBIT "A"

[Ordinance 1211]



ORDINANCE NO. 1212

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING SECTION 1-203, THE COASTAL ZONING MAP, OF ARTICLE 2 CHAPTER 1 OF THE ARCATA COASTAL LAND USE AND DEVELOPMENT GUIDE AS ADOPTED BY ORDINANCE NO. 1151 RELATING TO AN LHP DESIGNATION OF THE EDDY-GREEN HOUSE.

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

Section 1: The property identified as *project site* on Exhibit "A" is hereby rezoned from Coastal-Residential Medium-High Density (C-R-MH) to Coastal-Residential Medium-High Density with Landmark Historic Preservation Combining District (C-R-MH:LHP) is described as follows:

*Eddy-Green House; 987 Eighth Street; AP# 21-151-01; with features to be preserved and conditions to be met as described in the attached Exhibit "B."*

Section 3: Section 1-0203 of Article 2 of Chapter 1 of the Arcata Coastal Land Use and Development Guide, the Districting or Coastal Zoning Map, is hereby amended in accordance with Section 1 above.

This Ordinance will take effect thirty (30) days after its approval by the Mayor with respect to the Arcata Land Use and Development Guide, and immediately upon Coastal Commission approval, with respect to the Arcata Coastal Land Use and Development Guide, whichever date is later.

INTRODUCED: August 4, 1993

DATED: August 18, 1993

ATTEST:

Alie Harris  
\_\_\_\_\_  
City Clerk, City of Arcata

APPROVED:

Chris Smith  
\_\_\_\_\_  
Mayor, City of Arcata

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1212 passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County on the 18th day of August, 1993, by the following vote:

AYES: Blaser, Canning, Ornelas, Pellatz, Schaub

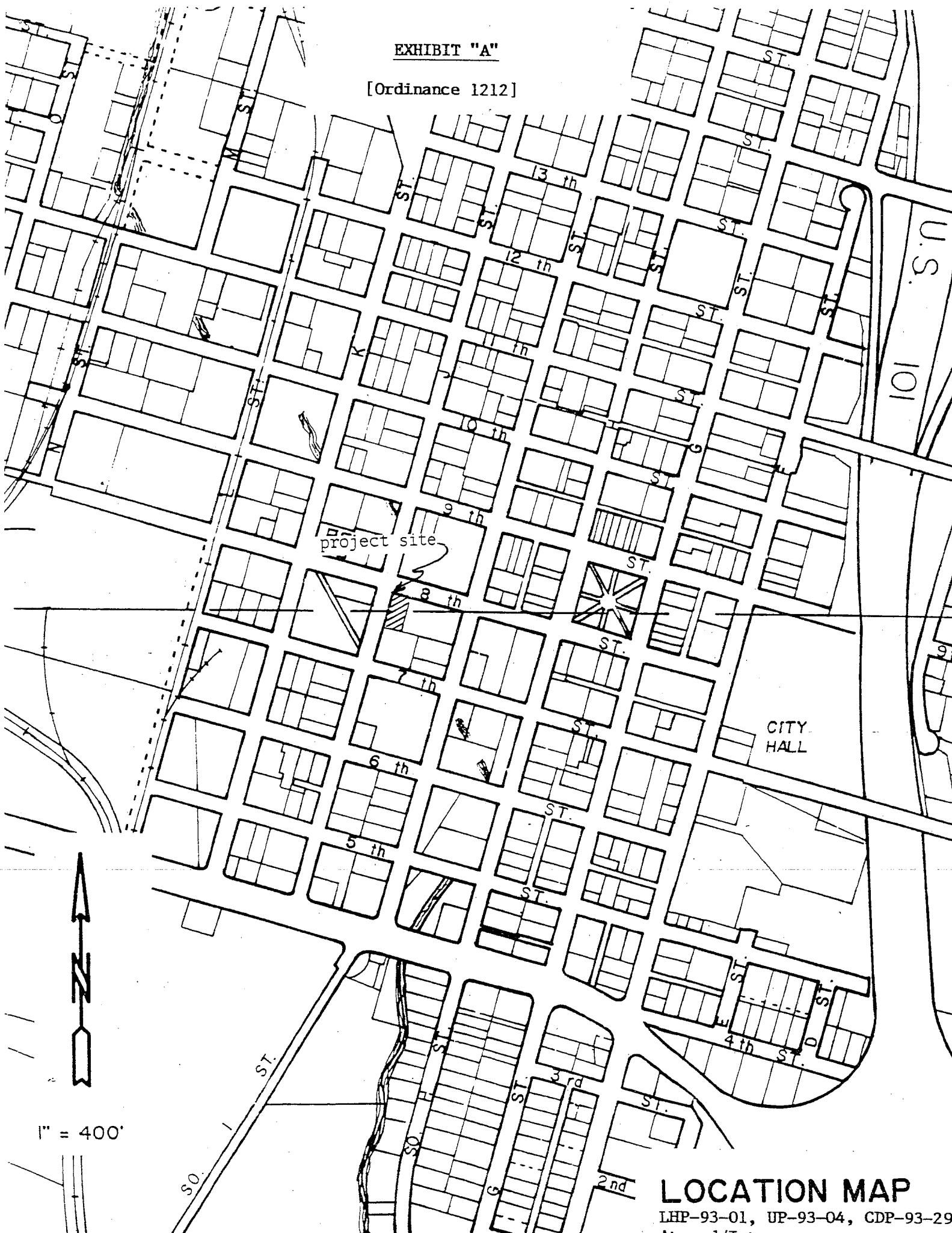
NOES: None

ABSENT: None

Alie Harris  
City Clerk, City of Arcata

EXHIBIT "A"

[Ordinance 1212]



LOCATION MAP

LHP-93-01, UP-93-04, CDP-93-29

EXHIBIT "B"

FEATURES TO BE PRESERVED AND CONDITIONS TO BE MET FOR THE EDDY-GREEN HOUSE

1. The Landmark Historic Preservation Combining District shall be applied to the Eddy-Green House at 887 and 887-1/2 Ninth Street, AP# 21-154-01, with the features to be preserved, removed, and restored, as follows:

**THE 1902 I-HOUSE (the front *GREEN HOUSE*)**

Existing Exterior Architectural Features To Be Preserved:

1. Existing rectangular shape, depth, and placement of building (18'x29').
2. Wide-grooved horizontal siding.
3. Street signs on the northwest corner of the house.
4. Existing boxed cornice and fascia boards.
5. Vertical end boards at the corner of the building.
6. Existing piercings for windows and doors.
7. Existing trim for windows and doors.
8. Four existing wood sash windows in the upstairs gable ends.
9. Gable roof shape. A modern skylight proposed for the rear (south) side of the roof is an architecturally acceptable solution for admitting light to the central hallway. This piercing would not be visible from the front facade, and due to the two-story height, would not be easily seen from the ground level.

Exterior Architectural Features To Be Restored:

10. Replace the chimney stack recently removed for seismic safety. Stack may be non-functional, for appearance only. The existing or similar bricks should be used. Since the recently removed stack was partially missing, the restored stack should be appropriate to the date and style of the house. A model would be the chimney stack on the *Phillips House Museum*.
11. Gabled Front Porch shall be built where former porch was located ("shadow" lines of the porch still exist on the facade). The new porch should be modeled after the gabled front porch on the house at the south corner of Eleventh and D Streets; without the exposed Craftsman-style rafter tails. Pediment on the porch would include wide-grooved horizontal siding.
12. Replace aluminum windows with double-hung windows, with "ogee" trim

on the sash. Windows shall be sized to fit piercings in the house; upper-story windows are a model. Upper and lower panes to be the same size.

13. Replace existing front door with a new wooden front door with glass upper. New door to be modeled after the front door on the house across the street at 789 J street, without the Neoclassical detail decorations. An acceptable architectural alternative would be to retain the existing door and remove the upper two panels to enlarge the opening for the glass upper. The existing molding around the sides and bottom of the present opening would need to remain intact and similarly styled molding added to the upper extension of the existing opening. The opening needs to have a glass and not a plastic upper.
14. The two street signs on the northwest corner of the house need to be restored. The existing white paint needs to be carefully removed so that the signage beneath is revealed and not destroyed.

Existing Exterior Architectural Features To Be Removed:

15. Remove existing molding attached to the fascia board above the three front (north) upstairs windows.
16. Remove all plastic shutters.
17. Remove the brown vinyl gutter attached to the cornice on the front facade and replace with a white vinyl gutter that would appear less obtrusive.
18. Remove the existing flower box below the upstairs windows on the east gable end. This measure will help preserve the siding.
19. Recommendation only: remove the two small upstairs windows on the rear facade and replace with wide-grooved horizontal shiplap siding. This would enhance the architectural integrity of the building. Applicant has indicated intention to remove one of the windows, but retain the window located in the existing bedroom as it admits a significant amount of light.

**HALL-AND-PARLOR HOUSE (the rear EDDY HOUSE)**

Existing Exterior Architectural Features To BE Preserved:

20. Existing rectangular shape, depth, and placement of building as illustrated in the report for Landmark Designation dated June 30, 1993.
21. Catslide roof shape. Two modern skylights proposed for the west side of the roof, facing J Street, is a negotiated solution to admitting light into dark rooms. This piercing would not be as architecturally obtrusive as it could be for the reason that the negotiated solution locates the skylights on an added portion of

the structure that is not as architecturally significant as the main Hall-and-Parlor structure.

22. Narrow-grooved horizontal siding.
23. Existing porch configuration. The porch railing is not historic and could be removed or retained at the owner's discretion.
24. Existing piercings for windows and doors.
25. Existing trim and shelf molding for windows and doors.
26. The transom light above the front door. Remove the existing trim board above the transom and restore the shelf molding that was there as indicated by paint marks. The molding should resemble the shelf molding above the existing windows.

Exterior Architectural Features To Be Removed and Replaced:

27. Replace existing aluminum sash windows on the east, south and north facades with six-over-six light windows. These windows can be modeled after the sash windows found on the Phillips House Museum.
  28. Recommendation only: replace the two aluminum sash windows on the west facade as noted in 8. This is only a recommendation because these piercings were not historical to the exterior facade. The six-over-six light windows would greatly enhance the historic integrity of the building.
  29. Remove all plastic shutters (front, east side).
  30. Remove the existing front door on the east facade. Replace with a wooden paneled door similar to the front door on the west facade of the Phillips House Museum.
  31. Remove three 5-1/2" x 1-1/2" boards nailed to the top of the deck railing.
  32. Remove the brown vinyl gutter on the west facade of the building facing J Street. Replace with a white vinyl gutter that would appear less obtrusive.
2. Items 10 - 18, 27, and 29 - 30, noted in Condition 1, above, shall be completed within a 2-year period, after which the LHP designation would be void unless restoration is complete. Work which is not completed at the time the Certificate of Occupancy is issued for the approved office use shall require a bond or other form of security deposit for the estimated cost of the remaining work.
3. Design Assistance Committee approval will be required for all changes proposed to the exterior of the structure, other than those indicated in condition 1.

Conditions pertaining to Use Permit/Coastal Development Permit:

4. A Conditional Use Permit and Coastal Development Permit is approved to use the structure for office use with no retail sales, minimal-to-no services provided to customers at site, and having no more than ten (10) employees at the site. These permits shall be effective upon effective date of the Landmark Historic Preservation Combining District described in Condition 1.

The description for use by *Internews*, received 06/18/93, is considered to be an approved use under this use permit. The approved use shall include four off-street parking spaces, such as those shown on plans approved 07/07/93 by the Design Assistance Committee (DA-93-23).

5. Building Permits are required for all construction.
6. Except as noted in Condition 7, the conditional use permit shall be granted for an indefinite period of time, shall run with the land and shall continue to be valid upon change of ownership of the site or structure for which this permit is granted.
7. This conditional use permit shall expire one (1) year from the date of its issuance in the event that the site is not occupied by the use for which this permit was granted. In this case, issuance shall occur on the effective date of the Landmark Historic Preservation Combining District (:LHP) described in Condition 1.

Occupancy shall be considered to have occurred upon the applicant's receiving a building permit. This permit may not be extended except as permitted by CLUDG section 1-0402.7.

8. The violation of any specification or condition of this conditional use permit shall constitute a violation of the CLUDG and may constitute grounds for revocation of this permit.
9. The applicant and subject property owner are to permit the City of Arcata or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activity being performed under the authority of this permit is in accordance with the terms and conditions prescribed herein.
10. Applicant shall comply with all applicable requirements of the Arcata Coastal Land Use and Development Guide.
11. Any proposed expansion of the use shall require Planning Commission approval. Change to a different use (use not meeting description in the first paragraph of Condition 4) than that approved will also require Planning Commission review and approval of the expanded use.

## RESOLUTION NO. 934-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA APPROVING AN AMENDMENT TO THE ARCATA COASTAL GENERAL PLAN & LAND USE MAP AND AMENDMENT NO. 43 TO THE ARCATA GENERAL PLAN AND CERTIFYING THE RELATED NEGATIVE DECLARATION FOR COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, the City Council of the City of Arcata adopted a General Plan on December 20, 1975; and

WHEREAS, the City Council of the City of Arcata adopted a Local Coastal Plan on May 3, 1989; and

WHEREAS, the Arcata Coastal General Plan & Zoning Land Use Map is a part of the Arcata General Plan and Arcata Local Coastal Plan; and

WHEREAS, the City Council and the State of California recognize the necessity of amending the General Plan and Local Coastal Plan from time to time to reflect changing needs; and

WHEREAS, after holding an advertised public hearing, the City Council has found that said amendment of the General Plan and Local Coastal Plan is warranted by the data presented; and

WHEREAS, the Planning Commission of the City of Arcata approved the General Plan and Local Coastal Plan Amendment and Negative Declaration and sent its recommendation, with findings and conditions, to the City Council through adoption of Resolution No. PC-93-06.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Arcata approves the Negative Declaration prepared on the proposed amendment and approves the Coastal General Plan and Zoning Map change from *Coastal-Residential Medium Density* to *Coastal-Central Business District Commercial* for the area identified as *project site* on Exhibit "A" to this Resolution, said exhibit identifying the following properties between Seventh Street and the alley between Fifth and Sixth Streets, and between F and G Streets:

588 F Street	21-116-06	historical structure with apartment units
607 F Street	21-115-07	office (former residential structure)
637 F Street	21-115-06	residence
560 G Street	21-116-02	residence

590 G Street 21-116-03 commercial (*Hole in the Wall Sandwiches*)  
614 G Street 21-115-01 residence  
643 G Street 21-115-08 residential duplex  
639 Sixth St. 21-116-05 commercial (*Bob Johnson's Paint*)  
659 Sixth St. 21-116-04 residence

BE IT FURTHER RESOLVED that the Director of Community Development is directed to forward a copy of this resolution and said amendment to the California Coastal Commission pursuant to the provisions of Public Resources Code Sections 30000 et seq; and

DATED: August 4, 1993

ATTEST:

APPROVED:

Alice Harris

City Clerk, City of Arcata

Synal Caw

Mayor, City of Arcata

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Resolution No. 934-11 passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California held on the 4th day of August, 1993, by the following vote:

AYES: Blaser, Canning, Ornelas, Pellatz

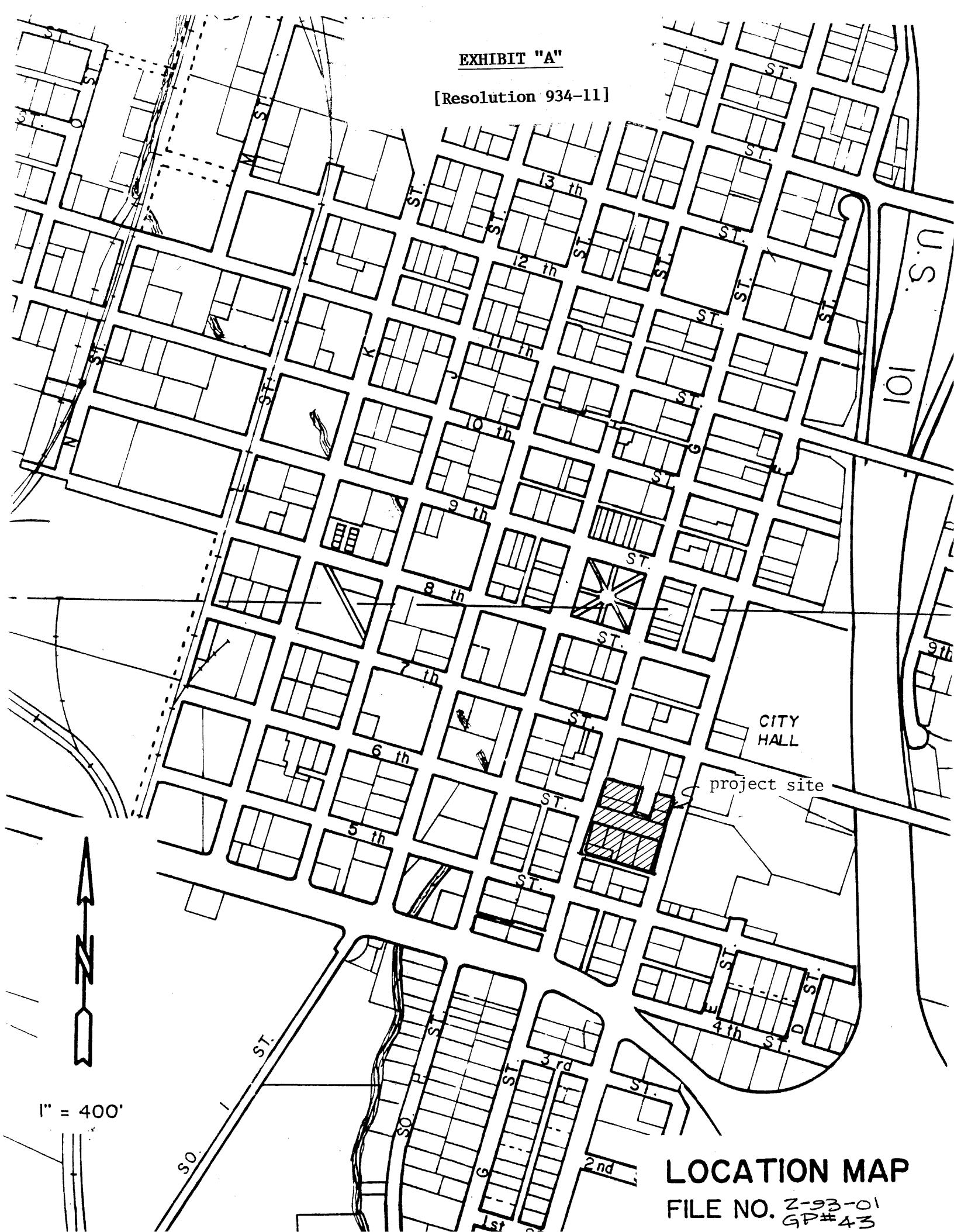
NOES: None

ABSENT: Schaub

Alice Harris  
City Clerk, City of Arcata

**EXHIBIT "A"**

[Resolution 934-11]



## LOCATION MAP

FILE NO. Z-93-01  
GP#43

RESOLUTION 934-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA REQUESTING THAT THE CALIFORNIA COASTAL COMMISSION APPROVE AMENDMENT NO. 6 TO THE ARCATA LOCAL COASTAL PLAN AS REPRESENTED BY RESOLUTION NO. 934-11 AND ORDINANCES 1211 AND 1212.

WHEREAS, the City Council of the City of Arcata adopted a Local Coastal Plan on May 3, 1989; and

WHEREAS, the City Council and the State of California recognize the necessity of amending the Local Coastal Plan from time to time to reflect changing needs; and

WHEREAS, after holding advertised public hearings, the City Council adopted Resolution 934-11 approving General Plan Amendment No. 43 and the related Negative Declaration on August 4, 1993; and adopted the related Ordinance 1211 on August 18, 1993 in order to rezone the nine-parcel area identified as *project site* on Exhibit "A" to said Resolution and Ordinance; and

WHEREAS, after holding advertised public hearings, the City Council adopted Ordinance 1212 on August 18, 1993 and adopted the related Categorical Exemption from CEQA in order to apply the *Landmark Historic Preservation Combining District* to the property at 987 Eighth Street containing the *Eddy-Green* house and identified as *project site* on Exhibit "A" to said Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Arcata requests that the California Coastal Commission approve the amendments to the Arcata Local Coastal Plan described in this Resolution.

BE IT FURTHER RESOLVED that the following findings are hereby made:

1. The Arcata Local Coastal Program is intended to be carried out in a manner fully in conformity with the provisions of the Public Resources Code Section 30000 et seq.
2. For purposes of State Certification of the City's Local Coastal Program, this amendment is submitted as a program that shall take effect immediately upon Coastal Commission approval of said amendment.

DATED: August 18, 1993

ATTEST:

Alie Harris  
City Clerk, City of Arcata

APPROVED:

Clifford S. M.  
Mayor, City of Arcata

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Resolution No. 934-12 passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California held on the 18th day of August, 1993, by the following vote:

AYES: Blaser, Canning, Ornelas, Pellatz, Schaub

NOES: None

ABSENT: None

Alie Harris  
City Clerk, City of Arcata

ORDINANCE NO. 1220

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING SECTION 1-203, THE COASTAL ZONING MAP, OF ARTICLE 2 CHAPTER 1 OF THE ARCATA COASTAL LAND USE AND DEVELOPMENT GUIDE AS ADOPTED BY ORDINANCE NO. 1151 RELATING TO AN LHP DESIGNATION OF THE O'GRADY HOUSE.

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

Section 1: The property identified as *project site* on Exhibit "A" is hereby rezoned from Coastal-Residential Low Density (C-R-L) to Coastal-Residential Low Density with *Landmark Historic Preservation Combining District (C-R-L:LHP)* is described as follows:

*O'Grady House; 1630 27th Street; AP# 507-331-46; with features to be preserved and conditions to be met as described in the attached Exhibit "B."*

Section 3: Section 1-0203 of Article 2 of Chapter 1 of the Arcata Coastal Land Use and Development Guide, the Districting or Coastal Zoning Map, is hereby amended in accordance with Section 1 above.

This Ordinance will take effect thirty (30) days after its approval by the Mayor with respect to the Arcata Land Use and Development Guide, and immediately upon Coastal Commission approval, with respect to the Arcata Coastal Land Use and Development Guide, whichever date is later.

INTRODUCED: December 1, 1993

DATED: January 5, 1994

ATTEST:

Alie Harris  
\_\_\_\_\_  
City Clerk, City of Arcata

APPROVED:

U. A. S. S.  
\_\_\_\_\_  
Mayor, City of Arcata

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1220 passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County on the 5th day of January, 1994, by the following vote:

AYES: Blaser, Ornelas, Pellatz, Schaub

NOES: None

ABSENT: None

ABSTENTION: Canning

Alvin Harris  
City Clerk, City of Arcata

EXHIBIT "A"  
Ordinance 1220

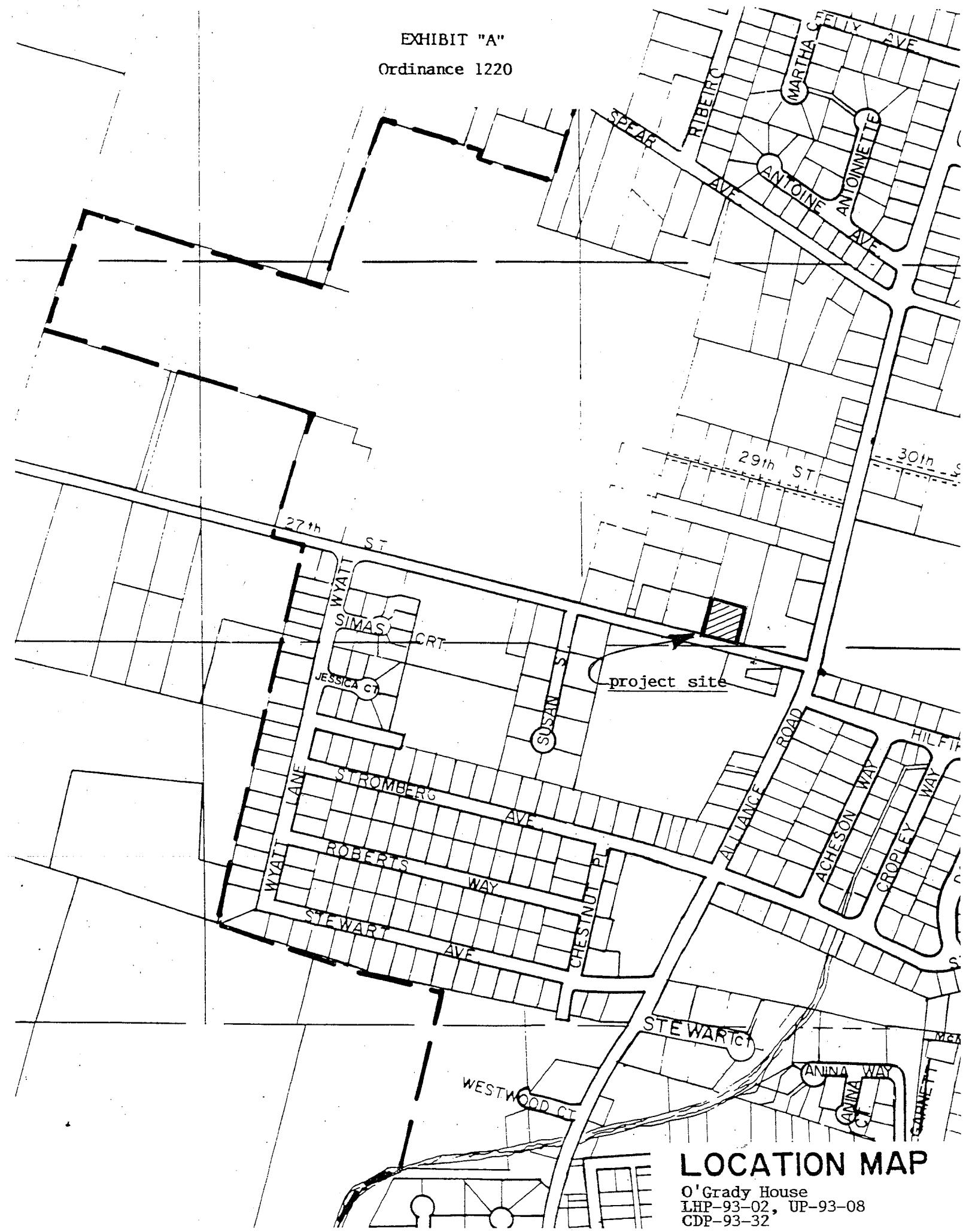


EXHIBIT "B"

FEATURES TO BE PRESERVED AND CONDITIONS TO BE MET FOR THE O'GRADY HOUSE

1. The Landmark Historic Preservation Combining District shall be applied to the O'Grady House at 1630 27th Street, 507-331-46, with the features to be preserved, as noted by the Cultural Resources Consultant in the Historical Report: *Landmark Designation for 1630 27th Street* (11/17/93), as follows:
  - Pyramidal shape of roof.
  - In situ placement of house on original site.
  - wide-grooved horizontal siding.
  - Boxed cornice with decorative brackets.
  - Six-over-six light, wooden sash windows (six total).
  - Glass enclosed front porch with stationary divided-light windows.
  - existing front door (French).
  - Existing porch door with glass upper.
  - [recommendation only] Old yard plants such as the apple tree in back, large deciduous tree in front, and mature roses.
  - [recommendation only] Hand-carved wooden fireplace mantel.
  - [recommendation only] Original wooden threshold, with wear pattern, leading from the kitchen to the back addition.
2. Design Assistance Committee approval will be required for any changes proposed to the exterior of the structure.

RESOLUTION 934-34

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA REQUESTING THAT THE CALIFORNIA COASTAL COMMISSION APPROVE AMENDMENT NO. 7 TO THE ARCATA LOCAL COASTAL PLAN AS REPRESENTED BY ORDINANCE 1220.

WHEREAS, the City Council of the City of Arcata adopted a Local Coastal Plan on May 3, 1989; and

WHEREAS, the City Council and the State of California recognize the necessity of amending the Local Coastal Plan from time to time to reflect changing needs; and

WHEREAS, after holding advertised public hearings, the City Council adopted Ordinance 1220 on January 5, 1994, and adopted the related Categorical Exemption from CEQA in order to apply the *Landmark Historic Preservation Combining District* to the property at 1630 27th Street containing the *O'Grady* house, Assessor's Parcel Number 507-331-46, and further identified on Exhibit "A."

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Arcata requests that the California Coastal Commission approve the amendments to the Arcata Local Coastal Plan described in this Resolution.

BE IT FURTHER RESOLVED that the following findings are hereby made:

1. The Arcata Local Coastal Program is intended to be carried out in a manner fully in conformity with the provisions of the Public Resources Code Section 30000 et seq.
2. For purposes of State Certification of the City's Local Coastal Program, this amendment is submitted as a program that shall take effect immediately upon Coastal Commission approval of said amendment.

DATED: January 5, 1994

ATTEST:

APPROVED:

Alie Harris  
City Clerk, City of Arcata

J. A. Smith  
Mayor, City of Arcata

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Resolution No. 934-34 passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California held on the 5th day of January, 1994, by the following vote:

AYES: Blaser, Ornelas, Pellatz, Schaub

NOES: None

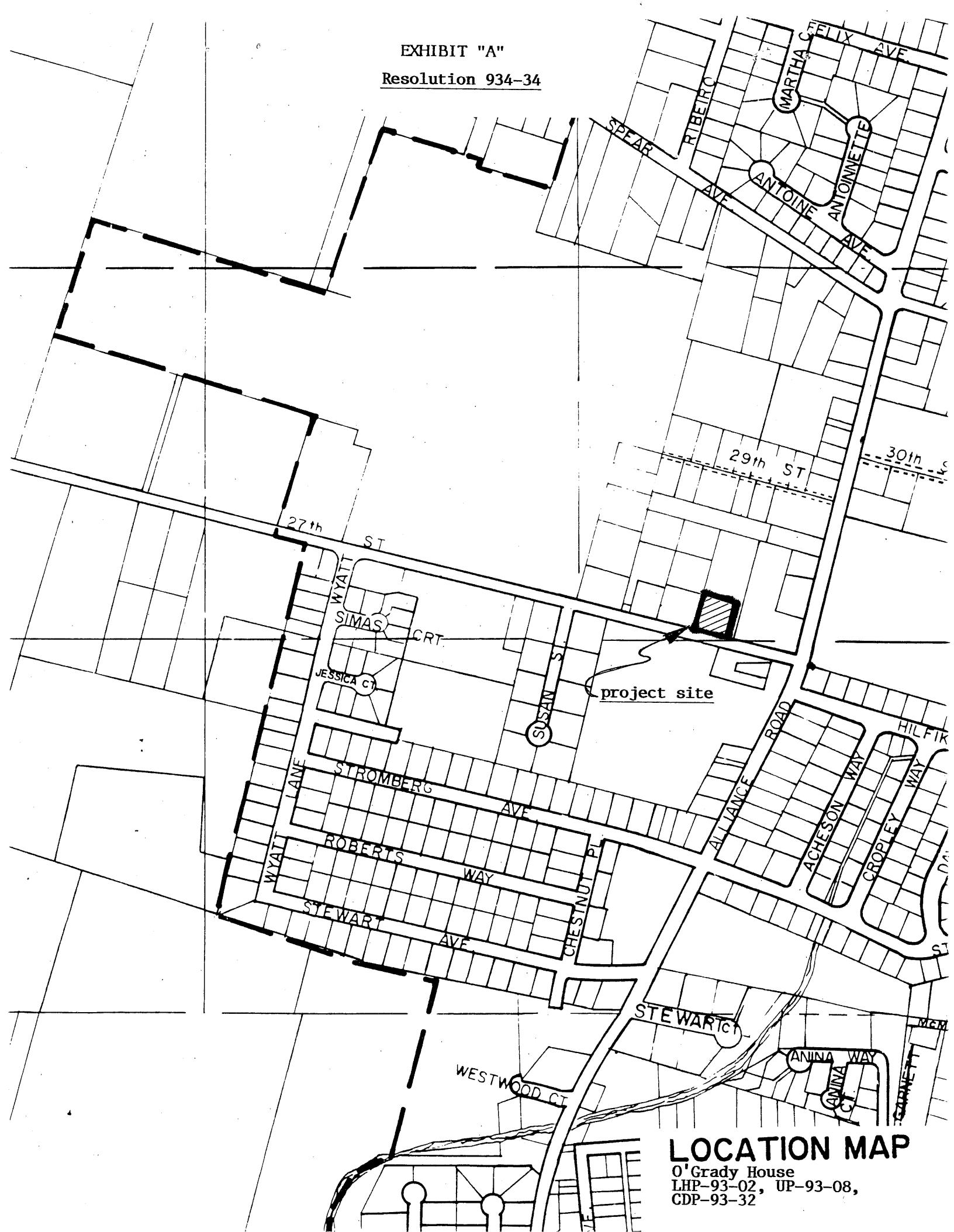
ABSENT: None

ABSTENTION: Canning

Alie Harris  
City Clerk, City of Arcata

EXHIBIT "A"

Resolution 934-34



**LOCATION MAP**

O'Grady House  
LHP-93-02, UP-93-08,  
CDP-93-32

ORDINANCE NO. 1222

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING SECTION 1-203, THE COASTAL ZONING MAP, OF ARTICLE 2 CHAPTER 1 OF THE ARCATA COASTAL LAND USE AND DEVELOPMENT GUIDE AS ADOPTED BY ORDINANCE NO. 1151, RELATING TO THE MARSH COMMONS PROJECT

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

Section 1: The property identified as project site on Exhibit "A" is hereby rezoned from *Coastal Industrial Commercial (C-I-C)* to *Coastal Residential Medium-Density with Planned Development Combining District (C-R-M:PD)*.

Section 2: Section 1-0203 of Article 2 of Chapter 1 of the Arcata Coastal Land Use and Development Guide, the Districting or Zoning Map, is hereby amended in accordance with Section 1 above.

This Ordinance will take effect thirty (30) days after its approval by the Mayor with respect to the Arcata Land Use and Development Guide, and immediately upon Coastal Commission approval, with respect to the Arcata Coastal Land Use and Development Guide, whichever date is later.

INTRODUCED: February 16, 1994

ADOPTED: March 2, 1994  
ATTEST:

APPROVED:

Alie Harris

City Clerk, City of Arcata

Alie S. Smith

Mayor, City of Arcata

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1222, passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County on the 2nd day of March, 1994, by the following vote:

AYES: Blaser, Canning, Ornelas, Pellatz, Schaub

NOES: None

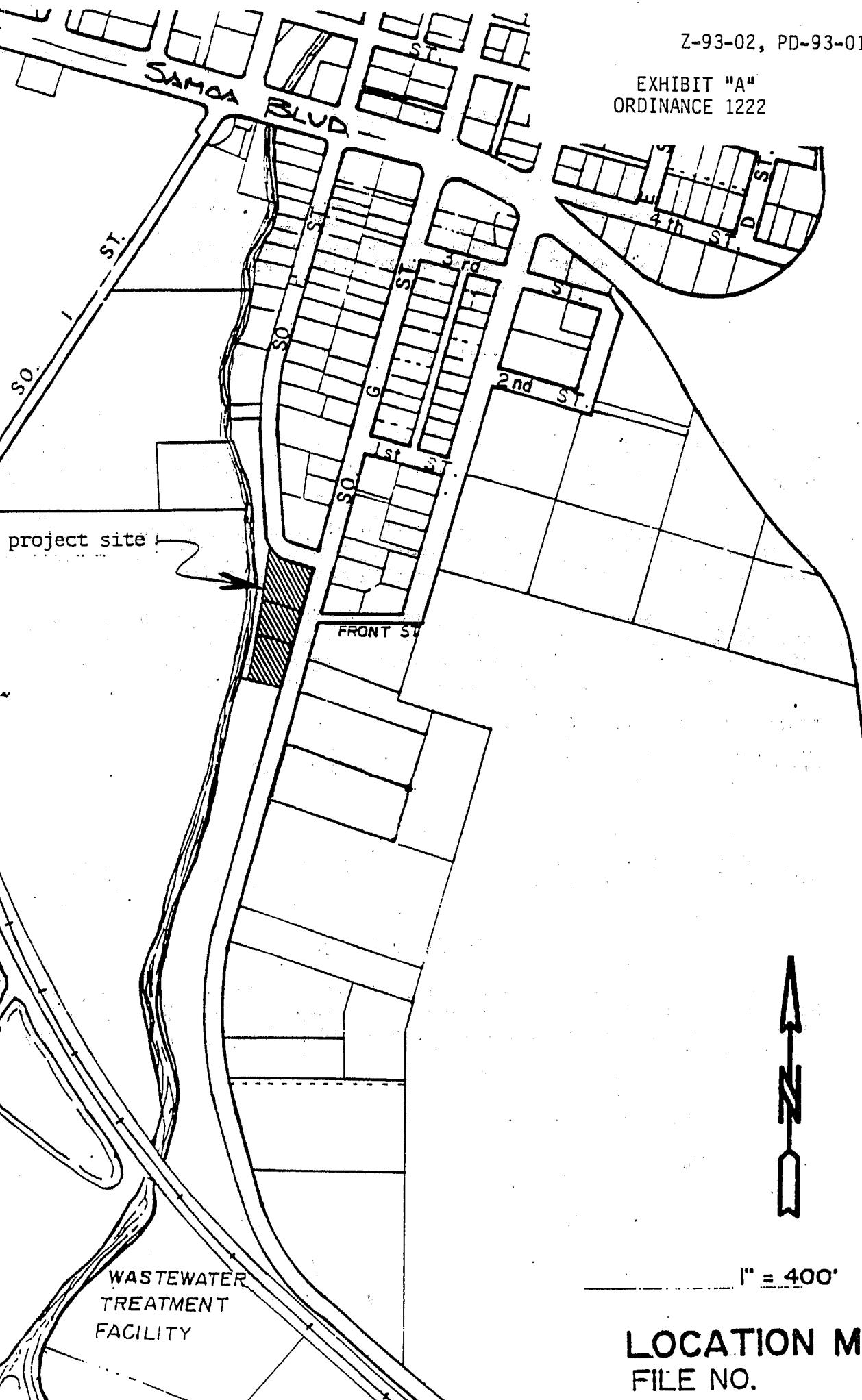
ABSENT: None

ABSTENTIONS: None

Alie Harris  
City Clerk, City of Arcata

Z-93-02, PD-93-01.

EXHIBIT "A"  
ORDINANCE 1222



## RESOLUTION NO. 934-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA APPROVING AMENDMENT NO. 44 OF THE ARCATA GENERAL PLAN AND RELATED AMENDMENTS TO THE ARCATA LOCAL COASTAL PROGRAM, AND CERTIFYING THE RELATED NEGATIVE DECLARATION FOR COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, the City Council of the City of Arcata adopted a General Plan on December 20, 1975; and

WHEREAS, the City Council of the City of Arcata adopted a Local Coastal Plan on May 3, 1989; and

WHEREAS, the City Council recognized the necessity of amending the Plan from time to time to reflect changing needs; and

WHEREAS, the General Plan amendment request is to redesignate the subject parcels from Coastal Industrial Commercial to Coastal Residential Medium Density; and

WHEREAS, the subject parcels are identified on Exhibit A; and

WHEREAS, after holding an advertised public hearing, the City Council has found that amendment of the General Plan is warranted by the data presented; and

WHEREAS, the Planning Commission of the City of Arcata approved the General Plan Amendment and Negative Declarations and sent its recommendation to the City Council through adoption of Resolution No. PC-94-02

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Arcata approves the Negative Declaration prepared on the proposed amendment and approves the General Plan Map change described above.

BE IT FURTHER RESOLVED that the amendment approved by this resolution will take effect immediately upon Coastal Commission approval.

DATED: February 16, 1994

ATTEST:

Alie Harris  
City Clerk, City of Arcata

APPROVED:

Ch. J. G. M.  
Mayor, City of Arcata

## Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Resolution No. 934-45 passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California held on the 16th day of February, 1994, by the following vote:

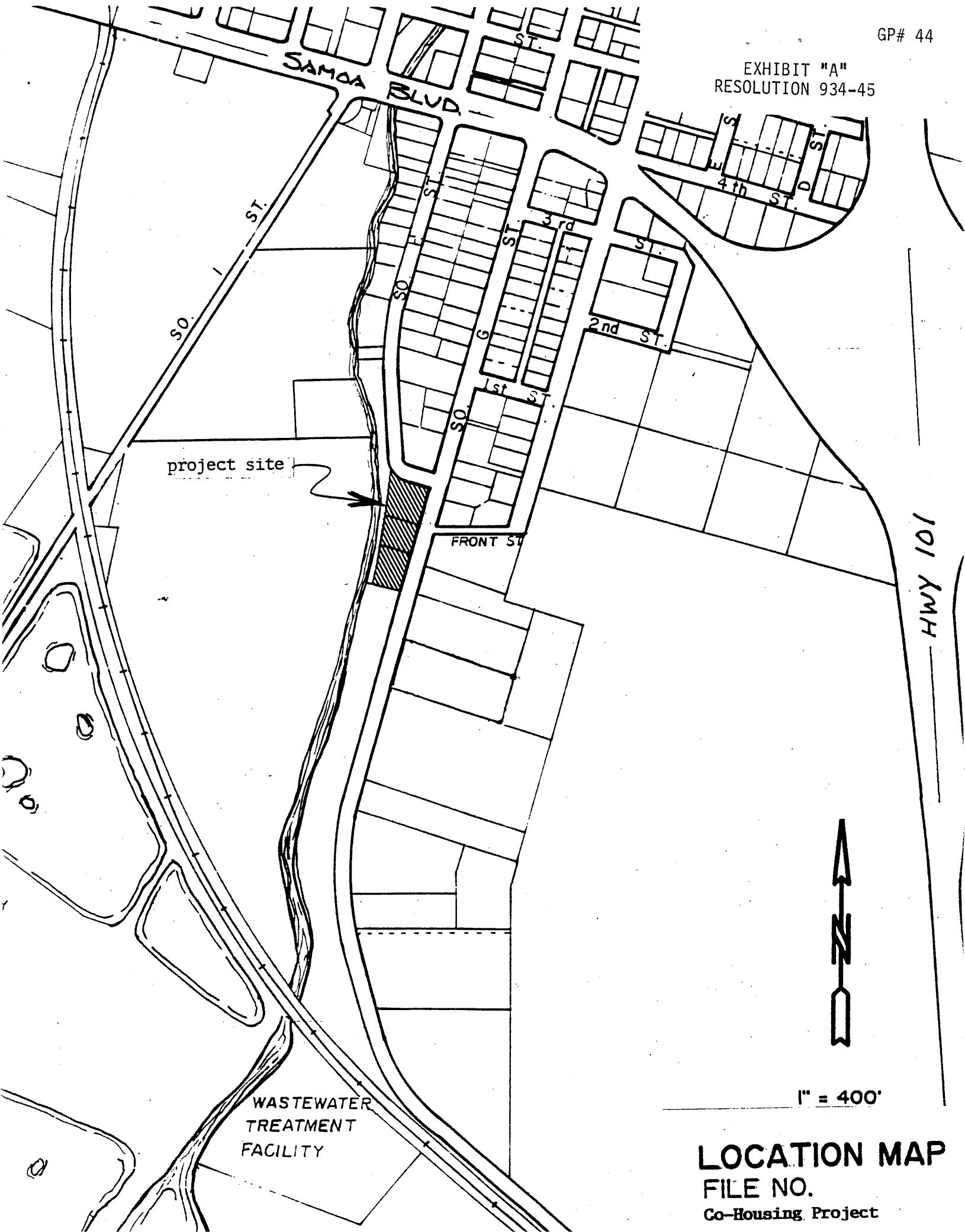
AYES: Blaser, Canning, Ornelas, Pellatz, Schaub

NOES: None

ABSENT: None

ABSTENTIONS: None

Alie Harris  
City Clerk, City of Arcata

EXHIBIT "A"  
RESOLUTION 934-45

1" = 400'

LOCATION MAP  
FILE NO.  
Co-Housing Project

RESOLUTION 934-46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA REQUESTING THAT THE CALIFORNIA COASTAL COMMISSION APPROVE AMENDMENT NO. 8 TO THE ARCATA LOCAL COASTAL PLAN AS REPRESENTED BY RESOLUTION 934-45 AND ORDINANCE 1222.

WHEREAS, the City Council of the City of Arcata adopted a Local Coastal Plan on May 3, 1989; and

WHEREAS, the City Council and the State of California recognize the necessity of amending the Local Coastal Plan from time to time to reflect changing needs; and

WHEREAS, after holding advertised public hearings, the City Council adopted Resolution 934-45 on February 16, 1994 and Ordinance 1222 on March 2, 1994, and adopted the related *Negative Declaration* in order to amend the *Arcata Coastal General Plan & Zoning Land Use Map* and rezone the property identified as "project site" on Exhibit "A" from *Coastal Industrial Commercial (C-I-C)* to *Coastal Residential Medium-Density with Planned Development Combining District (C-R-M:PD)*.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Arcata requests that the California Coastal Commission approve the amendments to the Arcata Local Coastal Plan described in this Resolution.

BE IT FURTHER RESOLVED that the following findings are hereby made:

1. The Arcata Local Coastal Program is intended to be carried out in a manner fully in conformity with the provisions of the Public Resources Code Section 30000 et seq.
2. For purposes of State Certification of the City's Local Coastal Program, this amendment is submitted as a program that shall take effect immediately upon Coastal Commission approval of said amendment.

DATED: March 2, 1994

ATTEST:

APPROVED:

Alvin Harris  
City Clerk, City of Arcata

Ch. A. Smith  
Mayor, City of Arcata

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Resolution No. 934-46 passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California held on the 2nd day of March, 1994, by the following vote:

AYES: BLASER, CANNING, ORNELAS, PELLATZ, SCHAUB

NOES: NONE

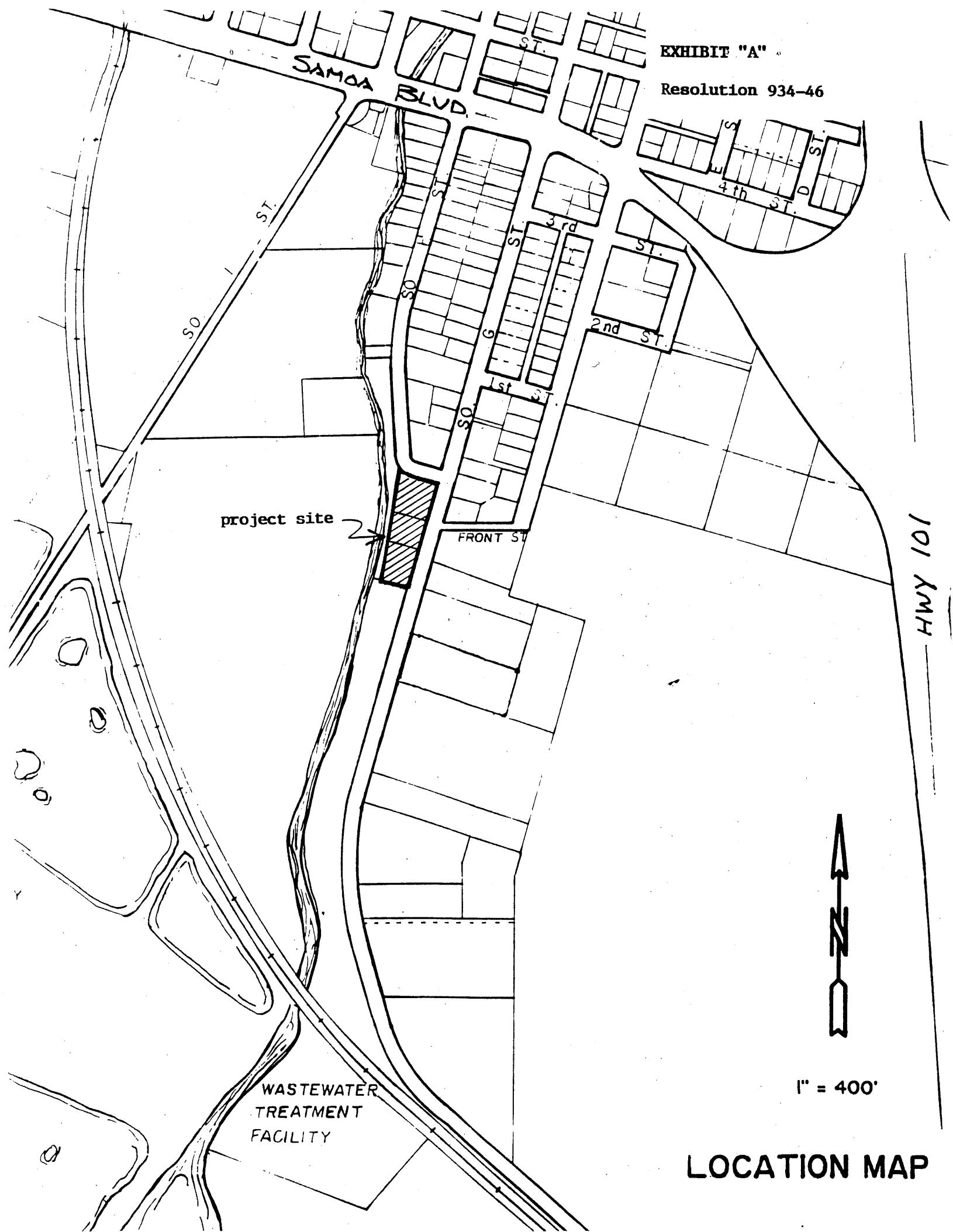
ABSENT: NONE

ABSTENTIONS: NONE

Alvin Harris  
City Clerk, City of Arcata

EXHIBIT "A"

Resolution 934-46



ORDINANCE NO. 1071

AN ORDINANCE OF THE CITY OF ARCATA ADOPTING A REVISED  
LAND USE AND DEVELOPMENT GUIDE FOR THE CITY.

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

Section 1: Ordinance No. 884 (Title IX of the Arcata Municipal Code); and all subsequent amendments thereto adopted prior to November 6, 1985, are hereby repealed.

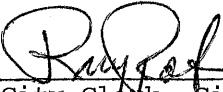
Section 2: That document known as the Arcata Land Use and Development Guide and attached hereto as Exhibit "A" is hereby adopted in its entirety.

Section 3: This ordinance shall take effect thirty (30) days after passage and adoption.

This Ordinance will take effect thirty (30) days after its approval by the Mayor.

DATED: November 20, 1985

ATTEST:

  
\_\_\_\_\_  
City Clerk, City of Arcata

APPROVED:

  
\_\_\_\_\_  
Mayor, City of Arcata

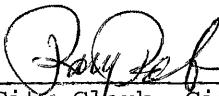
Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Ordinance Number 1071 passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County on the 6th day of November, 1985, by the following vote:

AYES: FULKERSON, GAST, GREEN

NOES: NONE

ABSENT: LEIKER, PENNISI

  
\_\_\_\_\_  
City Clerk, City of Arcata

## PROOF OF PUBLICATION

(2015.5 C.C.P.)

This space is for the County Clerk's Filing Stamp

STATE OF CALIFORNIA

County of Humboldt

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of **THE ARCATA UNION**, a newspaper of general circulation, printed and published weekly in the City of Arcata, County of Humboldt, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Humboldt, State of California, under the date of July 1, 1952, Case Number 27016; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit;

12-12

all in the year 19 85

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Arcata, California,

this Twelfth day of Dec., 19 85

*C. Gedrick*  
Signature

Proof of Publication of  
City of Arcata  
Ordinance No. 1071

No. 368

**ORDINANCE NO. 1071**  
AN ORDINANCE OF THE CITY OF  
ARCATA ADOPTING A REVISED  
LAND USE AND DEVELOPMENT  
GUIDE FOR THE CITY.

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

**Section 1:** Ordinance No. 884 (Title IX of the Arcata Municipal Code) and all subsequent amendments thereto adopted prior to November 6, 1985, are hereby repealed.

**Section 2:** That document known as the Arcata Land Use and Development Guide and attached hereto as Exhibit "A" is hereby adopted in its entirety.

**Section 3:** This ordinance shall take effect thirty (30) days after passage and adoption.

This ordinance will take effect thirty (30) days after its approval by the Mayor.

DATED: November 20, 1985

ATTEST:

Rory Robinson

City Clerk, City of Arcata

APPROVED:

Julie Fulkeron

Mayor, City of Arcata

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Ordinance Number 1071 passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County on the 6th day of November, 1985, by the following vote:

AYES: FULKERON, GAST, GREEN

NOES: NONE

ABSENT: LEIKER, PENNISI

Rory Robinson

City Clerk, City of Arcata

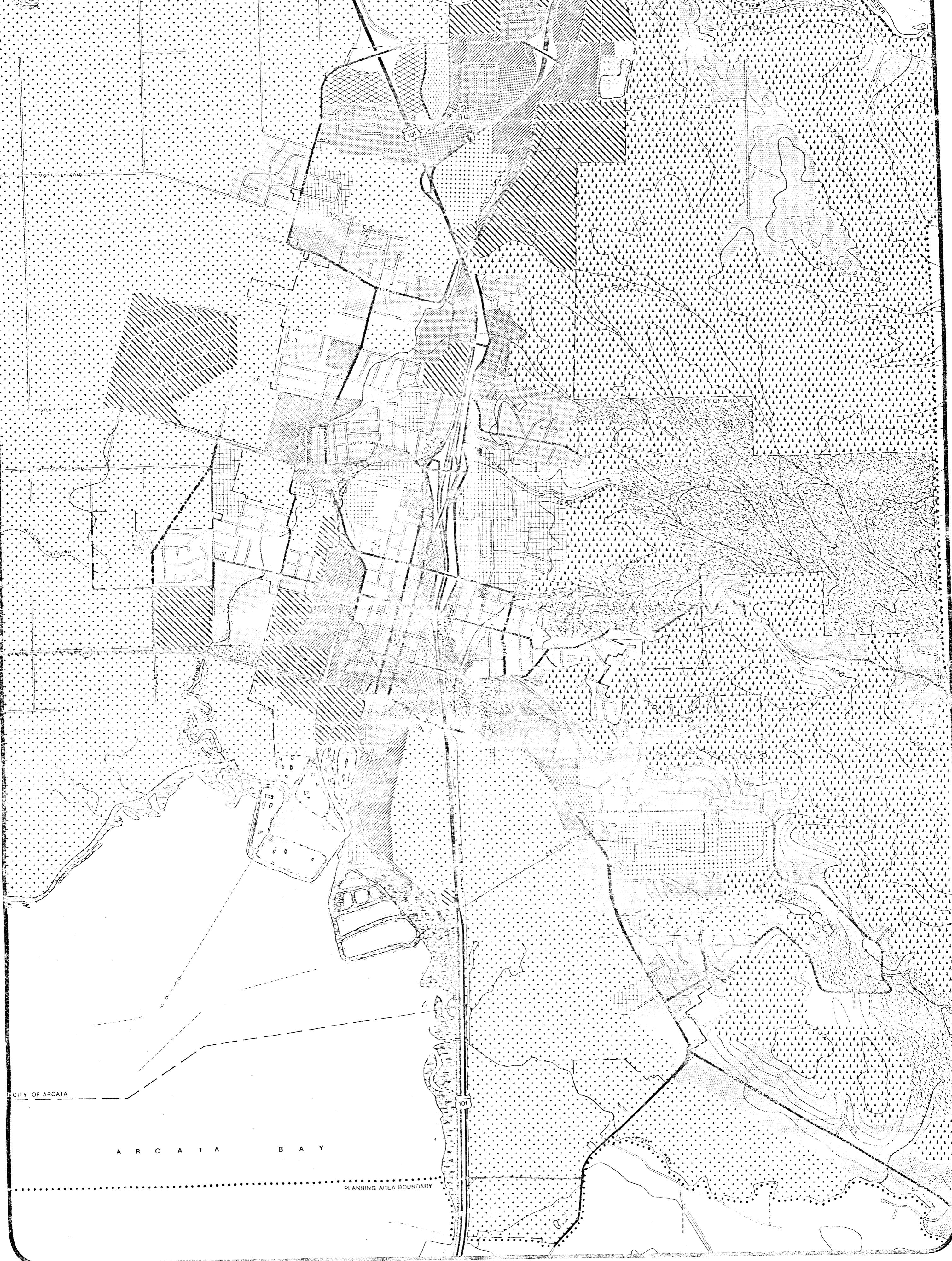
\*NOTE: THE FULL TEXT OF THE  
ORDINANCE, EXHIBIT  
A DESCRIBED ABOVE WILL BE  
PUBLISHED AS A SUPPLEMENT  
TO THE UNION ON JANUARY 16,  
1986.

12-12-11

*RECEIVED  
CITY OF ARCATA  
CLERK - 1985*

*DEC 13 1985*

*AM  
7, 8, 9, 10, 11, 12, 1, 2, 3, 4, 5, 6  
PM*



## LEGEND

### RESIDENTIAL

- (F-H) Forest Hillside
- (R-E) Residential Estates
- (R-R) Rural Residential
- (R-L) Low Density Residential
- (R-M) Medium Density Residential
- (D-H) Medium High Density Residential

### AGRICULTURE

- (A-E) Agriculture Exclusive
- (R-A) Residential Agriculture

### COMMERCIAL

- (CBD) Central Business District
- (C-G) General Commercial
- (C-T) Thoroughfare Commercial

### INDUSTRIAL

- (I-C) Industrial Commercial

### PUBLIC

- (P-F) Public Facility
- (P) Public Facility (Parks)
- (N-R) Natural Resource Protection

### CIRCULATION

- Type I, Freeway
- Type I, Non-Freeway
- Local Arterial
- Local Arterial (Tentative Location)

**CITY OF  
ARCATA,  
CALIFORNIA**

**COPY**

**1985  
GENERAL  
PLAN  
& ZONING  
LAND  
USE MAP**



RESOLUTION NO. 934-51

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA INITIATING REQUEST TO ANNEX NINE PARCELS, PLUS A PART OF ANOTHER PARCEL, NEAR THE WESTERN PORTION OF SPEAR AVENUE, TO THE CITY OF ARCATA, AND ADOPTING A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT.

WHEREAS, the City of Arcata initiated an application to annex eight parcels plus a portion of another parcel (the remainder of which is already within City limits), south of Spear Avenue near the western end, and one parcel north of Spear Avenue at the corner of Janes Road, and further described as assessor's parcel numbers 507-321-01, 507-321-02, 507-321-04, 507-321-05, 507-321-06, 507-321-07, 507-321-08, 507-321-09, and 507-191-24, plus a portion of 507-203-56, to the City of Arcata; and shown on Exhibit "A" to this Resolution.

WHEREAS, said property is within the City of Arcata *Urban Services Boundary* as identified by Appendix J in the Arcata General Plan; and

WHEREAS, said property is within the City of Arcata *Sphere of Influence* as adopted by the Local Agency Formation Commission (LAFCo) on 12/04/79; and

WHEREAS, said property is included in the *Arcata General Plan and Zoning Land Use Map* and thereby has a valid General Plan designation and pre-zoning district.

WHEREAS, an Initial Study was prepared, and the Planning Commission and the City Council have reviewed the Initial Study and found that it meets the requirements of the California Environmental Quality Act; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Arcata finds that the proposed annexation will not have a significant effect on the environment, and therefore adopts a Negative Declaration of Environmental Impact; and

THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Arcata directs Community Development Department staff to submit an application to LAFCo requesting the annexation of the property identified as AP#s 507-321-01, 507-321-02, 507-321-04, 507-321-05, 507-321-06, 507-321-07, 507-321-08, 507-321-09, and 507-191-24, plus a portion of 507-203-56, and shown in Exhibit "A".

DATED: April 6, 1994

ATTEST:

Alvin Harris  
City Clerk, City of Arcata

APPROVED:

John S. Smith  
Mayor, City of Arcata

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Resolution No. 934-51, passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California held on the 6th day of April, 1994, by the following vote:

AYES: Blaser, Canning, Ornelas, Pellatz, Schaub

NOES: None

ABSENT: None

ABSTENTIONS: None

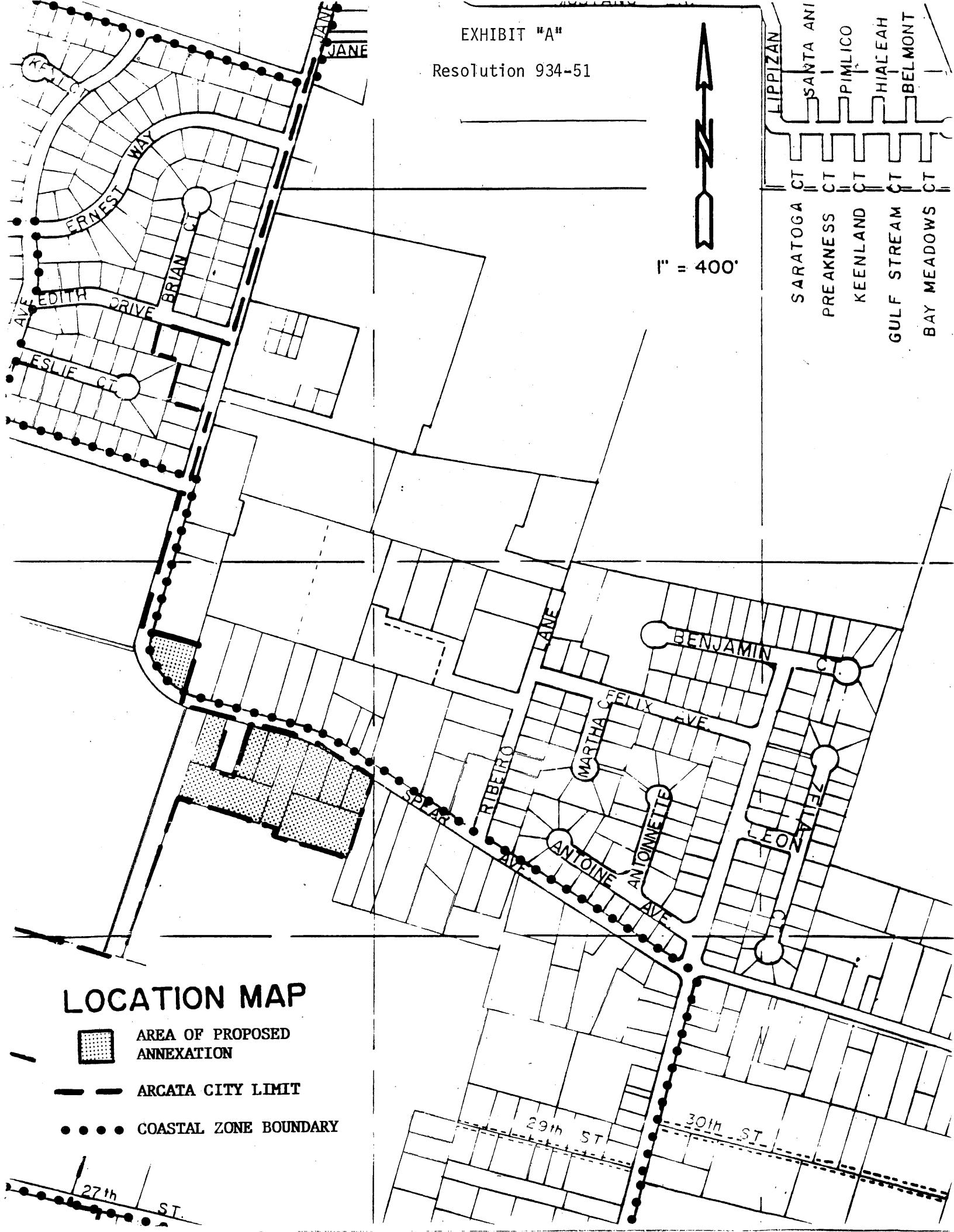
Alice Harris  
City Clerk, City of Arcata

EXHIBIT "A"

Resolution 934-51

" = 400'

LIPPIZAN CT SANTA ANA CT PIMICO CT HIALEAH CT BELMONT CT  
SARATOGA CT PREAKNESS CT KEENLAND CT GULF STREAM CT BAY MEADOWS CT



## LOCATION MAP



AREA OF PROPOSED  
ANNEXATION

— ARCATA CITY LIMIT

•••• COASTAL ZONE BOUNDARY

RESOLUTION NO. 945-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA ORDERING THE ANNEXATION OF NINE PARCELS, PLUS A PART OF ANOTHER PARCEL, NEAR THE WESTERN PORTION OF SPEAR AVENUE, TO THE CITY OF ARCATA, AND APPROVING THE RELATED AMENDMENT TO THE ARCATA LOCAL COASTAL PROGRAM.

WHEREAS, the Spear Avenue Annexation has been approved by the Local Agency Formation Commission by their Resolution 94-03; and

WHEREAS, the Local Agency Formation Commission has authorized the City of Arcata, as conducting authority, to proceed with said annexation after notice, hearing and/or election and that said annexation is in conformance with the provisions of the Cortese-Knox Local Government Reorganization Act of 1985; and

WHEREAS, sufficient protests to warrant an election have not been received; and

WHEREAS, the City Council of the City of Arcata adopted a Local Coastal Plan on May 3, 1989; and

WHEREAS, the City Council recognized the necessity of amending the Plan from time to time to reflect changing needs; and

WHEREAS, the Spear Avenue Annexation will amend the Local Coastal Plan by adding those parcels in the Coastal Zone to the Arcata Local Coastal Plan, to be zoned C-R-R, Coastal Rural Residential, per City of Arcata pre-zoning, adopted on December 30, 1975; and

WHEREAS, after holding an advertised public hearing, the City Council has found that said annexation and related amendment of the Local Coastal Plan is warranted by the data presented; and

WHEREAS, the City Council of the City of Arcata adopted a Negative Declaration for the proposal by Resolution 934-51 on April 6, 1994; and

WHEREAS, the subject parcels are identified on Exhibit "A" and described on Exhibit "B"; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Arcata orders the annexation of the property identified as AP#s 507-321-01, 507-321-02, 507-321-04, 507-321-05, 507-321-06, 507-321-07, 507-321-08, 507-321-09, and 507-191-24, plus a portion of 507-203-56, and shown in Exhibit "A"; and

BE IT FURTHER RESOLVED that the City Council of the City of Arcata approves the related Local Coastal Program amendment, to include in the City of Arcata's Local Coastal Plan, the eight parcels south of Spear Avenue, (plus a portion of another parcel which is also south of Spear Avenue), and further described as AP#s 507-321-01, 507-321-02, 507-321-04, 507-321-05, 507-321-06, 507-321-07, 507-321-08, 507-321-09, and a portion of 507-203-56, and shown in Exhibit "A"; and

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be submitted by the City Clerk to the Executive Officer of the Local Agency Formation Commission, together with a remittance to cover fees required by Government Code Section 54902.5; and

BE IT FURTHER RESOLVED that the Director of Community Development is directed to forward a copy of this resolution and said amendment to the California Coastal Commission pursuant to the provisions of Public Resources Code Sections 30000 et seq; and

BE IT FURTHER RESOLVED that the Arcata Local Coastal Program is intended to be carried out in a manner fully in conformity with the provisions of the Public Resources Code Section 30000 et seq; and

BE IT FURTHER RESOLVED that the Local Coastal Plan amendment approved by this resolution will take effect upon Coastal Commission approval and upon State Board of Equalization certification of the annexation.

DATED: September 21, 1994

ATTEST:

Alie Harris  
City Clerk, City of Arcata

APPROVED:

Ch. J. Sch  
Mayor, City of Arcata

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Resolution No. 945-13, passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California, held on the 21st day of September, 1994, by the following vote:

AYES: Blaser, Canning, Ornelas, Pellatz, Schaub

NOES: None

ABSENT: NONE

Alie Harris  
City Clerk, City of Arcata

RESOLUTION 945-13  
EXHIBIT "A"

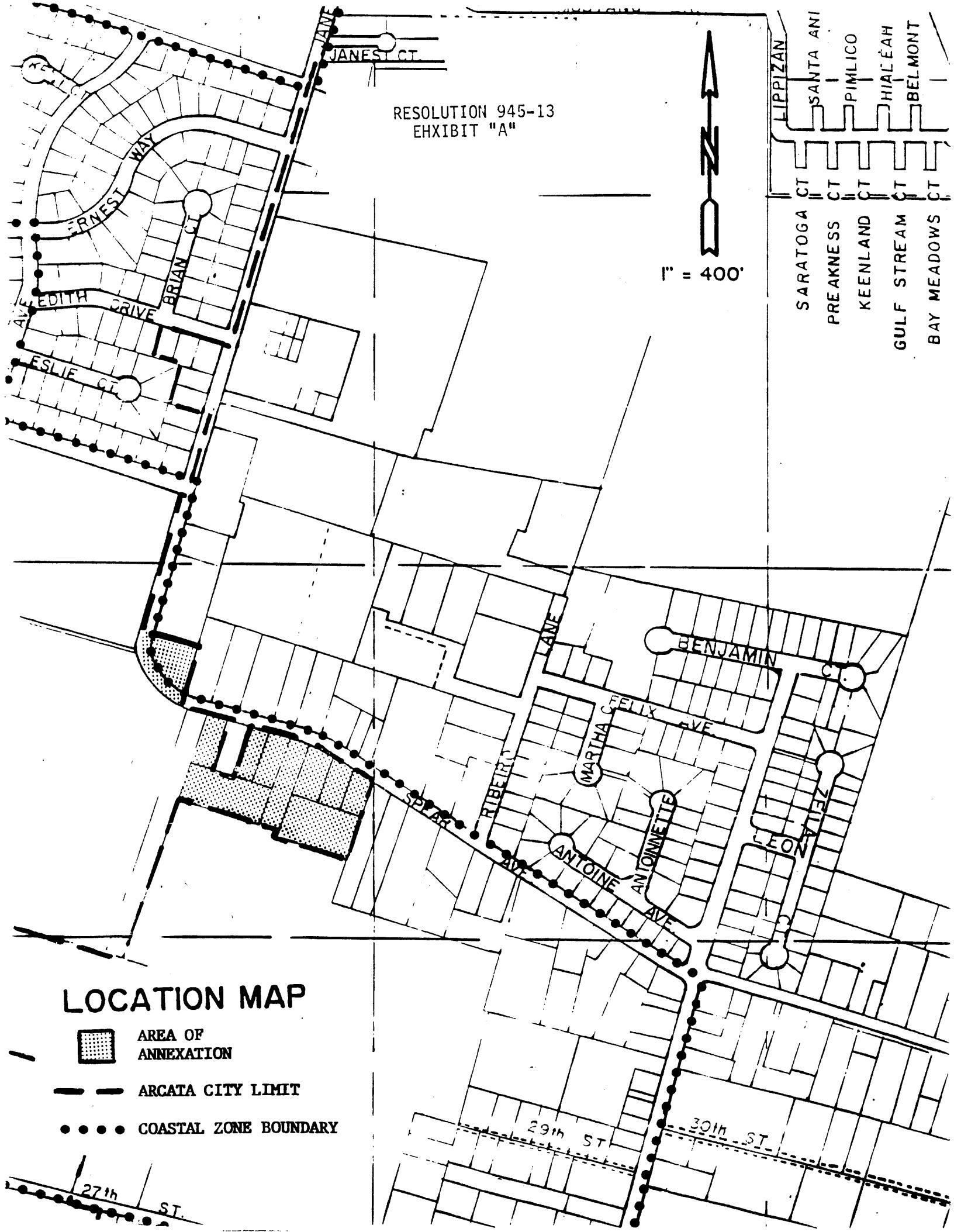
1" = 400'



LIPPIZAN	SANTA ANA
CT	CT
PREAKNESS	PIMICO
CT	CHALÉAH
KEENLAND	CT
CT	BELMONT
GULF STREAM	CT
CT	BAY MEADOWS

## LOCATION MAP

- AREA OF ANNEXATION
- ARCATA CITY LIMIT
- COASTAL ZONE BOUNDARY



LEGAL DESCRIPTION  
SPEAR AVENUE ANNEXATION

PARCEL ONE

That real property situated in the County of Humboldt, State of California, described as follows:

BEGINNING on the southerly line of Spear Avenue, at the northwest corner of Lot 3 of the Souza Subdivision, according to the map thereof on file in the office of the Recorder of Humboldt County in Book 12 of Maps, page 121;

thence, South 18 degrees 04 minutes, 30 seconds West, along the westerly line of said lot, 200 feet, to the southwest corner thereof;

thence, South 17 degrees 38 minutes West, along the westerly line of the lands of Coelho, as conveyed by Deed recorded June 23, 1992 in Book 1992 of Official Records, at Page 17985, Humboldt County Records, 147.40 feet, to the southwest corner of said lands;

thence, South 72 degrees 16 minutes East, along the southerly line of said Coelho lands, 295.54 feet, to the southeast corner thereof;

thence, continuing, South 72 degrees 16 minutes East, 60 feet, more or less, to a point on the westerly line of the lands of Trout as conveyed by Deed recorded September 24, 1991 in Book 1991 of Official Records, at Page 21984, Humboldt County Records;

thence, South 17 degrees 38 minutes West, along last said westerly line, 28 feet, more or less, to the southwest corner of said Trout lands;

thence, South 72 degrees 16 minutes East, along the southerly line of said Trout Lands, 248.45 feet, to the southeast corner thereof;

thence, North 17 degrees 44 minutes East, along the easterly line of said Trout Lands, 175.4 feet, to the southeast corner of Lot 1 of said subdivision;

thence, North 18 degrees 04 minutes 30 seconds East, 142.83 feet to the northeast corner of Lot 1 of said Souza Subdivision, at the southerly line of Spear Avenue;

thence, North 56 degrees 09 minutes West, along the southerly line of Spear Avenue, 79.13 feet, to an angle point therein;

thence, North 60 degrees 06 minutes 30 seconds West, continuing along last said southerly line, 237 feet, to an angle point therein;

thence, North 74 degrees 16 minutes West, 295.80 feet to the point of BEGINNING;

EXCEPTING from PARCEL ONE above the property which has already been annexed, described as follows:

BEGINNING on the South line of Spear Avenue at the northeast corner of Lot 3 of the Souza Subdivision, according to the map thereof on file in the office of the County Recorder of said County in Book 12 of Maps, page 121;

thence, North 74 degrees 16 minutes West, along said Spear Avenue, 73.65 feet;

thence, South 18 degrees 04 minutes 30 seconds West, 203 feet to the southerly line of said lot;

thence, along said south line, South 71 degrees 55 minutes 30 seconds East, 73.88 feet to the Southeast corner of said lot;

thence, North 18 degrees 04 minutes 30 seconds East along the East line of said lot, 206 feet to the point of BEGINNING.

APN	507-321-01
	507-321-02
	507-321-04
	507-321-05
	507-321-06
	507-321-07
	507-321-08
	507-321-09
	507-203-56, Portion

### PARCEL TWO

That portion of the Southeast Quarter of the Northwest Quarter of Section 20, Township 6 North, Range 1 East, Humboldt Meridian, described as follows:

BEGINNING at an angle point of intersection of the East line of Janes Road with the North line of Spear Avenue running through said Section 20, distant 1719.5 feet South and 855.1 feet West from the Quarter Section corner on the North line of said Section 20;

thence, North 16 degrees 39 minutes East, along the east line of Janes Road, 392 feet more or less, to the most westerly corner of the land conveyed to Vernon E. Freeman and wife, by Deed recorded April 28, 1945 in Book 273, page 264, of Deeds in the office of the County Recorder of said County;

thence, South 16 degrees 39 minutes West, along said east line, 180 feet, to the **TRUE POINT OF BEGINNING**;

thence, South 74 degrees 54 minutes East, parallel with the north line of Spear Avenue, 147 feet;

thence, South 16 degrees 39 minutes West, 212 feet, more or less, to the North line of Spear Avenue;

thence, along said north line of Spear Avenue, North 74 degrees 54 minutes West, 147 feet to the east line of said Janes Road;

thence, North 16 degrees 39 minutes East, along said Spear Avenue, 212 feet more or less to the **TRUE POINT OF BEGINNING**;

APN 507-191-24

**PARCEL THREE**

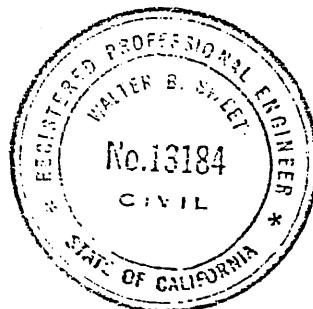
That portion of the Southeast Quarter of the Northwest Quarter of Section 20, Township 6 North, Range 1 East, Humboldt Meridian, described as follows:

That portion of the 50 foot-wide road (Janes Road and Spear Avenue) as described in the Document found in Volume 230 of Official Records at page 521, Humboldt County Records, said portion lying westerly of the southerly prolongation of the East line of the land as described in the deed recorded as instrument No. 1992-22701-2, Humboldt County Records, and southerly of the westerly prolongation of the north line of said lands.

(no APN for road)

Description Prepared by:

*Walter B. Sweet*  
Walter B. Sweet, R.C.E. 13,184  
License Expires 3-31-97



July 21, 1994  
Job No. 92-3646.1

ORDINANCE NO. 1246

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA  
AMENDING CERTAIN SECTIONS OF THE ARCATA LAND USE AND  
DEVELOPMENT GUIDE (LUDG), TITLE IX OF THE ARCATA  
MUNICIPAL CODE, IN ORDER TO COMPLY WITH MODIFICATIONS  
REQUIRED BY THE CALIFORNIA COASTAL COMMISSION;  
AND ADOPTING THE RELATED NEGATIVE DECLARATION.

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

Section 1: Amendment of LUDG Subsection 1-0228.4 (i).

Subsection 1-0228.4 (i) of SECTION 1-0228 WETLAND AND CREEK PROTECTION COMBINING OR :WCP ZONE, ARTICLE 2, CHAPTER 1 of the Arcata Land Use and Development Guide, is hereby amended to read as follows:

- (i) Wetland(s): those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

In the Coastal Zone, wetlands shall be defined as lands where the water table is at, or near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent or drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salt or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep water habitats.

Section 2: Amendment of LUDG Subsections 1-0408.2 (b) (8) and (9).

Subsections 1-0408.2 (b) (8) and (9) of SECTION 1-0408 COASTAL DEVELOPMENT PERMITS, ARTICLE 4, CHAPTER 1 of the Arcata Land Use and Development Guide, is hereby amended to read as follows:

8. Changes, expansion or restoration of a residential or non-residential non-conforming use, as allowed in subsections 1-0310.4 (Nonconforming Residential Uses and Structures) and 1-0310.5 (Nonresidential Nonconforming Uses and Structures).

Section 3: Amendment of LUDG Subsections 1-0410.3(d)(2) and (3).

Subsections 1-0410.3 (d)(2) and (3) of SECTION 1-0410 HEARINGS AND APPEALS FOR COASTAL DEVELOPMENT PERMITS, ARTICLE 4, CHAPTER 1 of the Arcata Land Use and Development Guide, is hereby amended to read as follows:

- (2) The grounds for an appeal pursuant to subdivision (1) of subsection 1-0410.3 (d) Appealable Areas and Types of Development, above, shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program and the public access policies set forth in the public access policies of the Coastal Act.
- (3) Any action described in subdivision (1) of subsection 1-0410.3 (d) Appealable Areas and Types of Development, above, shall become final after the tenth working day unless an appeal is filed within that time.

Section 4: Amendment of LUDG Subsections 10309.1, 1-0309.3 and 1-0309.5 (b).

Subsections 10309.1, 1-0309.3 and 1-0309.5 (b) of SECTION 1-0309 DENSITY BONUS, ARTICLE 3, CHAPTER 1 of the Arcata Land Use and Development Guide, is hereby amended to read as follows:

Section 1-0309.1 Purpose.

These regulations are intended to encourage the provision of housing for people with moderate, low, or very low incomes, through a system of development density incentives in areas of Arcata not located in the Coastal Zone.

Section 1-0309.3 Application.

These provisions shall apply to all new residential developments located in the Forest/Hillside (F/H); Rural Residential (R-R); Low Density (R-L); Medium Density (R-M); Medium-High Density (R-MH); or High Density (R-H) residential districts. Additionally, the density bonus provisions for developments for the handicapped and elderly (subsection 1-0309.12 Special Density Bonus Provisions for Housing Developments to Serve the Handicapped or Elderly) shall also apply in the Central Business District (CBD).

Section 1-0309.5 Density Bonus Schedule.

- (b) The minimum average lot size allowed in the F-H, R-R, and R-L zones, shall be decreased by twenty (20) percent, provided that at least twenty (20) percent of the lots in the proposed land division are provided for housing to serve low or moderate income persons. Such reservation may occur by providing the reserved lots, without charge, to a nonprofit

housing provider which has been approved by the City of Arcata or by the construction and sale or rental of dwelling units at prices or rent levels which are affordable by persons of low or moderate incomes.

Section 5: Amendment of LUDG Subsections 1-0408.4.

Subsection 1-0408.4 of SECTION 1- 0408 COASTAL DEVELOPMENT PERMITS, ARTICLE 4, CHAPTER 1 of the Arcata Land Use and Development Guide, is hereby amended to read as follows:

Section 1-0408.4 Findings.

A Coastal Development Permit may only be granted if the development conforms with the certified Local Coastal Program. In addition, for development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act.

Section 6: Amendment of LUDG Subsections 1-0408.6 (f).

Subsection 1-0408.6 (f) of SECTION 1-0408 COASTAL DEVELOPMENT PERMITS, ARTICLE 4, CHAPTER 1 of the Arcata Land Use and Development Guide, is hereby amended to read as follows:

- (f) Exception. When immediate action by a person or public agency performing a public service is required to protect life and public property from imminent danger or to restore, repair, or maintain public works, utilities, or services destroyed, damaged, or interrupted by natural disaster, serious accident, or in other cases of emergency, the requirements of obtaining any permit under this chapter may only be waived upon notifying the Executive Director of the Coastal Commission of the type and location of the work within three days of the disaster or discovery of the danger, whichever occurs first. Nothing in this section authorizes permanent erection of structures valued at more than twenty-five thousand dollars (\$25,000).

Section 7: Amendment of LUDG Subsections 1-0410.2(d).

Subsections 1-0410.2 (d) of SECTION 1-0410 HEARINGS AND APPEALS FOR COASTAL DEVELOPMENT PERMITS, ARTICLE 4, CHAPTER 1 of the Arcata Land Use and Development Guide, is hereby amended to read as follows:

- (d) Appeal Period. For Coastal Development Permits, the decision of the Zoning Administrator, Planning Commission or City Council, whichever is the appropriate review authority to approve an application, shall become effective ten (10) working days following receipt by the Coastal Commission of

the final local notice of the appropriate review authority's decision, unless an appeal has been filed. Such notice shall include the conditions of approval and written findings and the procedures for appeal of the local decision to the Coastal Commission.

Section 8: Adoption of Negative Declaration.

The City Council hereby determines that there is no potential for any significant environmental effect as a result of the proposed amendments and there is no need for mitigation measures. The City Council further approves a Negative Declaration based upon information contained in the Initial Study report, which is a complete and adequate informational document prepared in compliance with CEQA.

Section 9: Acceptance of Modifications and Transmittal to the Coastal Commission.

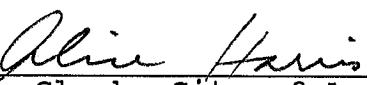
By adoption of this Ordinance, the City of Arcata hereby accepts the modifications required by the Coastal Commission to certify said revised LUDG, which is the implementation program of the Arcata Local Coastal program, and directs staff to transmit this Ordinance to the Coastal Commission for final certification.

Section 10: Effective Date of this Ordinance.

This Ordinance will take effect thirty (30) days after its approval by the City Council or upon California Coastal Commission approval, whichever is later.

DATED: January 17, 1996

ATTEST:

  
\_\_\_\_\_  
Alie Harris  
City Clerk, City of Arcata

APPROVED:

  
\_\_\_\_\_  
J. O. Stein  
Mayor, City of Arcata  
Pro Tem.

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1246, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 17th day of January, 1996, by the following vote:

**AYES:** Blaser, Kirkpatrick, Schaub, Test

**NOES:** None

**ABSENT:** Pellatz

**ABSTENTIONS:** None

Alie Harris  
City Clerk, City of Arcata

EXHIBIT "A"

FINDINGS TO APPROVE ORDINANCE 1246

In order to approve Zoning changes per LUDG Section 1-0403.3 certain Findings must be made. The Planning Commission and Arcata City Council have evaluated the factual circumstances and determine that the facts justify the conclusions stated in the following findings.

Each finding is underlined. A discussion, supporting the finding, follows the finding and is bracketed ([]).

Required Findings: (per LUDG Section 1-0403.3)

- (A) That the proposed amendment is consistent with the General Plan in accordance with the California Government Code, Section 65860; and

[The amendments represent modifications required for Coastal Commission certification of the Arcata Land Use And Development Guide (LUDG) within the portion of the City that is located within the Coastal Zone. The amendments are consistent with the General Plan insofar as the Coastal Land Use Plan (CLUP) is based on compliance with the Coastal Act. The amendments are intended to carry out and support the General Plan, and are therefore consistent.]

- (B) That the public health, safety, and general welfare require the adoption of the proposed amendment.

[Insofar as the amendments appear to be necessary to comply with Coastal Commission requirements, this statement is true.]

Recommended Findings: The following findings are also appropriate to this action:

- (C) A Negative Declaration has been adopted for this project, pursuant to the California Environmental Quality Act (CEQA).

[The Negative Declaration is adopted as attached to the Planning Commission staff report, the Memorandum dated December 6, 1995 (Attachment 2). No comments on the Negative Declaration were received during the public hearings.]

ORDINANCE NO. 1233

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA ADOPTING A REVISED LAND USE AND DEVELOPMENT GUIDE AND COASTAL LAND USE AND DEVELOPMENT GUIDE, IN A SINGLE DOCUMENT, TO BE KNOWN AS *THE ARCATA LAND USE AND DEVELOPMENT GUIDE*, FOR THE CITY OF ARCATA.

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

Section 1: Ordinance No. 1071 (Title IX of the Arcata Municipal Code); and Ordinance 1151 (adopting the Arcata Land Use and Development Guide); and all subsequent amendments thereto adopted prior to December 7, 1994, are hereby repealed.

Section 2: The document known as the *"Arcata Land Use and Development Guide and Arcata Coastal Land Use and Development Guide Amendments* and attached hereto as Exhibit "A" is hereby adopted, in its entirety, as the Arcata Land Use and Development Guide (LUDG).

Section 3: The findings attached hereto as Exhibit "B" are hereby adopted.

Section 4: This Ordinance will take effect thirty (30) days after its approval by the Mayor with respect to the area of the City outside the California Coastal Zone, and upon adoption, by the Arcata City Council, of a resolution accepting Coastal Commission approval, with respect to the area of the City inside the California Coastal Zone.

Section 5: The new Arcata Land Use and Development Guide (LUDG) includes the implementation provisions of the Arcata Local Coastal Plan, which shall be enforced in that section of the City within the Coastal Zone.

INTRODUCED: November 16, 1994

DATED: December 7, 1994

ATTEST:

Alie Harris  
City Clerk, City of Arcata

APPROVED:

Clifford S. Salter  
Mayor, City of Arcata

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1233 passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County on the seventh day of December, 1994, by the following vote:

AYES: Blaser, Kirkpatrick, Pellatz, Schaub, Test

NOES: None

ABSENT: None

Alie Harris  
City Clerk, City of Arcata

EXHIBIT "B"

FINDINGS OF APPROVAL FOR ORDINANCE 1233

The following findings are adopted:

- (1) That the proposed amendment is consistent with the General Plan in accordance with the California Government Code, Section 65860; and
- (2) That the public health, safety, and general welfare require the adoption of the proposed amendment.
- (3) The City declares that, in order to require dedication of park land or fees in lieu thereof as provided for by California Government Code 66477 (the Quimby Act), the City shall use the average number of persons per unit, calculated City-wide, obtained from the most recent available federal census. The City further declares that, pursuant to 66477 (b), the City shall use the standard of five acres per 1,000 persons for the reason that the existing ratio within the City is in excess of five acres of parkland per 1,000 residents.
- (4) Based on an Initial Study, a Negative Declaration is appropriate for this project pursuant to the California Environmental Quality Act (CEQA). Mitigation measures noted in the Negative Declaration are included as conditions of approval.
- (5) The differences between standards inside and outside the Coastal Zone, with respect to creeks and wetlands, (Section 1-0228 :WCP Combining Zone and Section 1-0312 Diking, Filling or Dredging) are necessary to:
  - recognize the special needs of sensitive coastal resources;
  - take into account the unique nature of Arcata's wetlands outside the Coastal Zone (the majority of which are human-made wetlands, seasonal wetlands associated with agricultural lands, and wetlands associated with creeks);
  - to allow property owners to retain some development rights wherever possible in order to avoid taking of private property where the City has no ability to provide financial compensation;
  - to meet the City's obligation under state and federal law to effectively manage and protect these resources; and
  - comply with the City's General Plan.

(6) The City of Arcata is extremely concerned about the long-term affordability of housing which is provided specifically for moderate, low, and very low income households. It is noted, however, that the City has had a system in place for approximately ten years allowing for density bonuses where developers provide a specified number of affordable units and developers have chosen not to use the density bonus option. The City is now attempting to expand the incentives available to developers of affordable housing, without imposing additional requirements which become disincentives.

The Arcata Planning Commission considered the issue of whether a fifteen year period of affordability would be sufficient to prevent speculation on these housing units. After considering public testimony on this subject the Commission concluded that a certain amount of speculation is inevitable on such things and that fifteen years is a sufficient period to prevent speculation in most cases.

After considering public testimony on the subject, the Arcata Planning Commission [and City Council] have determined that a fifteen year period of affordability is sufficient to protect the interests of lower income households, without creating a disincentive for the development of affordable housing units.

RESOLUTION 945-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA REQUESTING THAT THE CALIFORNIA COASTAL COMMISSION APPROVE AMENDMENT NO. 9 TO THE ARCATA LOCAL COASTAL PLAN AS REPRESENTED BY RESOLUTION 945-26 AND ORDINANCE 1233.

WHEREAS, the City Council of the City of Arcata adopted a Local Coastal Plan on May 3, 1989; and

WHEREAS, the City Council and the State of California recognize the necessity of amending the Local Coastal Plan from time to time to reflect changing needs; and

WHEREAS, after holding advertised public hearings, the City Council adopted Resolution 945-26 on November 16, 1994 and Ordinance 1233 on December 7, 1994, and adopted the related *Negative Declaration* in order to revise the *Arcata Coastal Land Use and Development Guide*, combine the *Arcata Coastal Land Use and Development Guide* and the *Arcata Land Use and Development Guide* into a single document, and make related as well as several minor changes to the *Arcata Coastal Land Use Plan*, said documents being attached as Exhibits of Resolution 945-26 and Ordinance 1233.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Arcata requests that the California Coastal Commission approve the amendments to the Arcata Local Coastal Plan described in this Resolution.

BE IT FURTHER RESOLVED that the following findings are hereby made:

1. The Arcata Local Coastal Program is intended to be carried out in a manner fully in conformity with the provisions of the Public Resources Code Section 30000 et seq.
2. For purposes of State Certification of the City's Local Coastal Program, this amendment is submitted as a program that shall take effect immediately upon approval, by the City Council, of a Resolution accepting Coastal Commission approval of said amendment.

DATED: December 7, 1994

ATTEST:

APPROVED:

Alie Harris  
City Clerk, City of Arcata

Ch. S. Smith  
Mayor, City of Arcata

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Resolution No. 945-32 passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California held on the 7th day of December, 1994, by the following vote:

AYES: Blaser, Kirkpatrick, Pellatz, Schaub, Test

NOES: None

ABSENT: None

Alie Harris  
City Clerk, City of Arcata

RESOLUTION 945-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA APPROVING LOCAL COASTAL PLAN AMENDMENT NO. 9 AMENDING THE ARCATA LOCAL COASTAL PLAN FOR AND ADOPTING THE RELATED NEGATIVE DECLARATION FOR COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, the City Council of the City of Arcata adopted a Local Coastal Plan on May 3, 1989; and

WHEREAS, the *Arcata Coastal Land Use Plan* is the General Plan document of the Arcata Local Coastal Plan; and

WHEREAS, the City Council and the State of California recognize the necessity of amending the Coastal Land Use Plan from time to time to reflect changing needs; and

WHEREAS, the Planning Commission of the City of Arcata, following an advertised public hearing, has recommended that the Coastal Land Use Plan Amendment and Negative Declarations be approved, and sent its recommendation to the City Council through adoption of Resolution No. PC-94-10; and

WHEREAS, after holding an advertised public hearing, the City Council has found that said amendment of the Coastal Land Use Plan is warranted by the data presented; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Arcata approves Negative Declaration prepared on the proposed amendment and approves the Coastal Land Use Plan Amendments shown on Exhibit "A" to this Resolution.

BE IT FURTHER RESOLVED that the Director of Community Development is directed to forward a copy of this resolution and said amendment to the California Coastal Commission pursuant to the provisions of Public Resources Code Sections 30000 et seq; and

BE IT FURTHER RESOLVED that the following findings are hereby made:

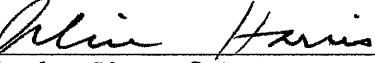
1. The Arcata Local Coastal Program is intended to be carried out in a manner fully in conformity with the provisions of the Public Resources Code Section 30000 et seq.

2. For purposes of State Certification of the City's Local Coastal Program, this amendment is submitted as a program that shall take effect immediately upon adoption, by the City Council, of a Resolution accepting Coastal Commission approval of said amendment. The amendment shall be effective immediately upon adoption of said resolution but shall not be effective until such local review and adoption, following Coastal Commission approval, has taken place.

BE IT FURTHER RESOLVED that findings, recommended by the Planning Commission and attached as Exhibit "B," are also adopted.

DATED: November 16, 1994

ATTEST:

  
Alie Harris

City Clerk, City of Arcata

APPROVED:

  
Jim Gallo

Mayor, City of Arcata

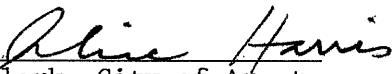
Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Resolution No. 945-26 passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California held on the sixteenth day of November, 1994, by the following vote:

AYES: Blaser, Kirkpatrick, Pellatz, Schaub, Test

NOES: None

ABSENT: None

  
Alie Harris

City Clerk, City of Arcata

EXHIBIT "A" OF RESOLUTION 945-26

CITY OF ARCATA GENERAL PLAN COASTAL LAND USE ELEMENT

TABLE OF CONTENTS

LEGEND

\* CODE SECTIONS IN WHICH THERE ARE AMENDMENTS.

[deleted text] DELETED TEXT.

\* NEW TEXT.

Section I	Urban Services Boundary
* Section II	Coastal Land Use Map
* Section III	Environmental Constraints
* Section IV	Development Constraints
* Section V	Urban Development
* Section VI	Public Facilities
* Appendix A	Shoreline Access
* Appendix B	Recreation and Visitor Serving Facilities
Appendix C	[Housing: deleted in 1987]
* Appendix D	Water and Marine Resources
* Appendix E	Diking, Dredging, Filling, and Shoreline Structures
Appendix F	Commercial Fishing and Recreational Boating
* Appendix G	Agriculture
* Appendix H	Hazard Areas
* Appendix J	Locating and Planning New Development
* Appendix K	Coastal Visual Resources and Special Communities
* Appendix L	Public Works
Appendix M	Industrial Development
<u>Appendix N</u>	<u>Coastal Wetland Map</u>

CITY OF ARCATA GENERAL PLAN  
COASTAL LAND USE ELEMENT  
POLICIES  
[Excerpts containing proposed amendments]

LEGEND

[deleted text] DELETED TEXT.

underlined text NEW TEXT.

Section I. URBAN SERVICES BOUNDARY [no changes proposed]

Section II. COASTAL LAND USE MAP

II-1. The City shall adopt the following Coastal Land Use designation which shall serve as the basis for developing specific zoning districts. With the Exception of Forest Hillside and Residential Agriculture, these [These] are the same designations as used in the [existing] General Plan for areas not within the Coastal Zone. Note that the p/na (persons per net acre) figures are not intended be fixed numbers but indicate approximate numbers of persons each zone can be expected accommodate.

**Residential**

- \* Coastal Rural Residential (up to [12] 6 p/na)
- \* Coastal Low Density Residential (up to [24] 20 p/na)
- \* Coastal Medium Density Residential (up to [45] 42 p/na)
- \* Coastal Medium-High Density Residential (up to [75] 67 p/na)
- \* Coastal High Density Residential (up to [115] 88 p/na)

[p/na = persons per net acre]

**Commercial**

- \* Coastal General Commercial
- \* Coastal Central Business District Commercial (CBD)
- \* Coastal Thoroughfare Commercial

**Industrial**

- \* Coastal Industrial Commercial
- \* Coastal Heavy Industrial

**Public and Quasi-Public**

- \* Coastal Public Facility
- \* Coastal Public Facility (Parks)
- \* Coastal Natural Resource Protection

**Agricultural**

\* Coastal Agriculture Exclusive (60 ac. min. parcel area)

**Section III. ENVIRONMENTAL CONSTRAINTS**

III-3. To protect structures and critical facilities in the Coastal Zone, and to provide protection of existing habitat values, the City shall encourage and promote flood protection and stormwater drainage management practices which [manage] address flooding problems and drainage on a watershed basis.

- [(a) The City shall encourage the expansion of James Creek Flood Control District to include the watersheds of James, Jelly Giant, Gretzman, Campbell, and Beith Greeks, or shall otherwise coordinate with the County to alleviate existing flooding problems.]
- (a) The City shall establish a Stormwater Utility to address stormwater drainage and flood control, including management of all waterways (creeks, sloughs, drainage ditches) and drainage structures City-wide.
- (b) The [newly formed district of designated agency] stormwater master plan shall evaluate alternate flood control measures and select a flood control plan that improves drainage and minimizes potential hazards in the Coastal Zone.
- (c) In evaluating alternates, emphasis shall be placed on improvement of drainage. However, enlarging of existing tidegates, dredging of presently undredged sections of creek, or construction of new structures shall be allowed only when no less environmentally damaging alternate is feasible, only when adequate mitigation is provided, and only when not located within a wetland. If mitigation for said development is provided in the form of a fully approved restoration project such development may be permitted in a wetland.
- (d) The City shall seek funding to develop a comprehensive stream maintenance program for streams within its jurisdiction. This program shall provide for stream rehabilitation projects designed to improve flow capacity, minimize channel erosion, and enhance aquatic and riparian habitat; annual channel inspection to identify and remove barriers to anadromous fish, debris dams, and obsolete flood control or scientific study facilities.

- (e) The City shall seek assistance and ultimately develop a comprehensive plan that identifies storm drain, point and non-point pollution sources, educates the public and businesses about the nature of waste treatment and its importance to Arcata's Creeks, and requires pre-treatment of waste by the identified pollution sources.

- III-6. To protect riparian habitats and to minimize erosion run-off, and interference with surface water flow, the City shall [establish Riparian Buffer Areas along all] adopt a Creeks Management Plan addressing streams and sloughs within [the] Arcata's Coastal Zone.

The City shall add a new [section, Riparian Buffer Areas,] combining zone, applying to creek and riparian areas and implementing the creek management plan, to Article [4] 2 of the City's Coastal Land Use and Development Guide. This new section will formalize the city's commitment to protection of riparian habitat by defining and identifying such habitat and applying the following regulations within the buffer area.

- (a) New development and redevelopments shall maintain or restore a natural vegetation buffer strip along all designated streams. This buffer strip shall be subject to the following definitions:

[Distinct Riparian Vegetation - 100 feet from the outer edge of the existing riparian corridor: all of Jaesby Creek. Existing riparian corridor includes these areas adjacent to the creek that are presently dominated by trees and other vegetation characteristic of streamside vegetation.]

[Channeled Creeks - 25 from the center line of the creek: all of Gretzman Creek, lower Beith Creek, all of Campbell Creek, and Jelly Giant Creek above Buteher's Slough; and Janes Creek above McDaniel's Slough.]

[Sloughs - 25 feet from the outer edge of the slough area; McDaniel Slough, Ganner Slough, and Buteher Slough.]

Creek Zone - the area that is twenty-five (25) feet outward from the top of bank, or the area bounded by the FEMA Flood Zone A line, whichever is greater, except that in no case will the creek zone on either side of a creek be wider than 100 feet from the average low flow line of that creek.

Riparian Corridor - areas (along creeks) identified as "riparian corridors" on the Arcata Coastal Wetlands Map. By virtue of their wetland characteristics, riparian corridors will be

regulated as wetlands where the riparian corridors extend beyond the creek zone.

Channeled Creeks - all of Grotzman Creek, lower Beith Creek, all of Campbell Creek, and Jolly Giant Creek above Butcher's Slough, and Janes Creek above McDaniel's Slough.

Sloughs - McDaniel Slough, Gannon Slough, and Butcher Slough.

- (b) Indigenous vegetation shall be retained in the [buffer areas] creek zone.
- (c) Fencing that crosses a stream channel, that acts as a barrier to anadromous fish, or acts as a collector of debris shall not be permitted.
- (d) Where opportunities arise, the City shall require fencing along channels to prevent further bank erosion by livestock.

#### Section IV. DEVELOPMENT CONSTRAINTS

IV-3. The City shall adopt a Coastal Wetlands Map showing the location of wetlands, riparian corridors and uplands within the Coastal Zone. All development within the areas identified on the map as wetland or riparian corridor shall require compliance with the [Coastal Wetlands Development Standards of] Wetland and Creek Protection Combining Zone standards set forth in the Coastal Land Use and Development Guide. The City shall also develop regulations for areas in the Coastal Zone that are not designated on the Coastal Wetlands Map but are determined to be wetlands.

The City shall establish a Wetlands Buffer Area to protect the areas shown as wetlands on the Coastal Wetlands Map. The purpose of the Wetland Buffer Area is to identify areas, in the vicinity of a wetland, that may need special development restrictions in order to protect the wetland.

All development within the buffer areas shall comply with the [Wetlands Buffer Area Development Standards of] Wetland and Creek Protection Combining Zone standards set forth in the Coastal Land Use and Development Guide.

The City may establish a "Modified Wetland Buffer Area" to be designated once development restrictions are specified within a Wetland Buffer Area. The purpose of the Modified Wetland Buffer Area is to avoid unnecessary development restrictions on properties not containing the wetland, even though those properties were

initially in the Wetland Buffer Area, once protective restrictions for a wetland have been set in place. If a wetland is adequately protected from development, the Wetland Buffer Area should be modified to exclude those properties, development on which will not affect the wetland.

The City shall designate and zone all areas shown as wetlands or riparian corridor on the Coastal Wetlands Map as either Coastal Agriculture Exclusive, Coastal Natural Resource Protection, or Coastal Public Facility. The :WCP Wetland and Creek Protection Combining Zone will also apply to these areas. Wetland Buffer Areas, and setback areas specifically required to protect the wetlands shall also automatically carry the :WCP Wetland and Creek Protection Combining Zone standards set forth in the Coastal Land Use and Development Guide.

IV-9. [beginning with the last sentence] The location of the wetlands shall be determined by the use of the adopted Coastal Wetlands Map except that it is not the intent of this policy to exclude, from regulation, wetlands not shown on the Coastal Wetlands Map.

IV-10. If land divisions are allowed creating new parcels mapped as wetlands on the adopted Coastal Wetlands Map, such divisions shall require the recordation of deed restrictions providing that no filling would be allowed in the wetland portion of the parcel in connection with the new development other than that permitted under Section 30233 of the Coastal Act or the [Coastal Wetland Development Standards] :WCP Wetland and Creek Protection Combining Zone standards set forth in the Coastal Land Use and Development Guide. [and that] The deed restriction shall further provide that the use of the newly created parcel would be limited to grazing or similar agricultural uses consistent with the Coastal Agricultural Exclusive zoning district.

IV-20. [This policy was recently added per LCP Amendment No. 1-92; City file # is LCP Amendment #5; no changes proposed]

New residential uses, other than caretaker's quarters, shall only be permitted in industrial areas where the potential impacts on the residents have been addressed and the residents themselves will not create hardships for the operators of the industries. special Use Permit criteria have been developed to implement this policy.

## Section V. URBAN DEVELOPMENT [no changes proposed]

## Section VI. PUBLIC FACILITIES

VI-8. The City shall seek funding to establish a system of foot trails and interpretive sites along the Arcata Bay shore subject to the following guidelines:

- (a) All planning and development in the area that is both south of Samoa Boulevard and west of Highway 101 and which is identified as wetlands or riparian corridor shall be subjected to review by the [Marsh and Wildlife Sanctuary Task Force] Arcata Wetlands and Creeks Advisory Committee, or its equivalent, for consistency with the goals and management of the Marsh and Wildlife Sanctuary.

[no changes to remaining portion of this policy]

VI-10. The City shall maintain the existing facilities of the Arcata Marsh and Wildlife Sanctuary and construct new facilities consistent with the plan developed by the [then] Marsh Task Force or its equivalent (currently the Arcata Wetlands and Creeks Advisory Committee) and adopted by the City Council.

CITY OF ARCATA GENERAL PLAN  
COASTAL LAND USE ELEMENT  
TECHNICAL REPORT AND POLICY RECOMMENDATIONS  
[Excerpts containing proposed amendments]

LEGEND

[deleted text]      **DELETED TEXT.**

underlined text      **NEW TEXT.**

**Appendix A SHORELINE ACCESS**

**POLICY RECOMMENDATIONS**

A-3 The City shall seek funding to establish a system of foot trails and interpretive sites along the Arcata Bay shore subject to the following guidelines:

- (a) All planning and development in the area that is both south of Samoa Boulevard and west of Highway 101 and which is identified as wetlands or riparian corridor shall be subjected to review by the [Marsh and Wildlife Sanctuary Task Force] Arcata Wetlands and Creeks Advisory Committee, or its equivalent, for consistency with the goals and management of the Marsh and Wildlife Sanctuary.

[no changes to remaining portion of this policy]

**Appendix B RECREATION AND VISITOR SERVING FACILITIES**

**POLICY RECOMMENDATIONS**

B-4 The City shall maintain the existing facilities of the Arcata Marsh and Wildlife Sanctuary and construct new facilities consistent with the plan developed by the [then] Marsh Task Force or its equivalent (currently the Arcata Wetlands and Creeks Advisory Committee) and adopted by the City Council.

**Appendix C [HOUSING: deleted in 1987]**

## Appendix D WATER AND MARINE RESOURCES

EXISTING CONDITIONS; Maintenance Programs; add, following the last paragraph:

The City Council reconstituted the Task Force into the Wetlands and Creeks Advisory Committee in 1992. This Committee serves in an advisory capacity on matters relating to policies affecting creeks, wetland and tideland resources in Arcata.

### POLICY RECOMMENDATIONS

D-1 To protect riparian habitats and to minimize erosion run-off, and interference with surface water flow, the City shall [establish Riparian Buffer Areas along all] adopt a Creeks Management Plan addressing streams and sloughs within [the] Arcata's Coastal Zone.

The City shall add a new [section; Riparian Buffer Areas;] combining zone, applying to creek and riparian areas and implementing the creek management plan, to Article [4] 2 of the City's Coastal Land Use and Development Guide. This new section will formalize the city's commitment to protection of riparian habitat by defining and identifying such habitat and applying the following regulations within the buffer area.

(a) New development and redevelopments shall maintain or restore a natural vegetation buffer strip along all designated streams. This buffer strip shall be subject to the following definitions:

[Distinct Riparian Vegetation - 100 feet from the outer edge of the existing riparian corridor: all of Jaesby Creek. Existing riparian corridor includes these areas adjacent to the creek that are presently dominated by trees and other vegetation characteristic of streamside vegetation.]

[Channeled Creeks - 25 from the center line of the creek: all of Gretzman Creek, lower Beith Creek, all of Campbell Creek, and Jelly Giant Creek above Buteher's Slough; and Janes Creek above McDaniel's Slough.]

[Sloughs - 25 feet from the outer edge of the slough area; McDaniel Slough, Ganner Slough, and Buteher Slough.]

Creek Zone - the area that is twenty-five (25) feet outward from the top of bank, or the area bounded by the FEMA Flood Zone A line, whichever is greater, except that in no case will the creek zone on either side of a creek be wider than 100 feet from the average low flow line of that creek.

Riparian Corridor - areas (along creeks) identified as "riparian corridors" on the Arcata Coastal Wetlands Map. By virtue of their wetland characteristics, riparian corridors will be regulated as wetlands where the riparian corridors extend beyond the creek zone.

Channeled Creeks - all of Grotzman Creek, lower Beith Creek, all of Campbell Creek, and Jolly Giant Creek above Butcher's Slough, and Janes Creek above McDaniel's Slough.

Sloughs - McDaniel Slough, Gannon Slough, and Butcher Slough.

- (b) Indigenous vegetation shall be retained in the [buffer areas] creek zone.
  - (c) Fencing that crosses a stream channel, that acts as a barrier to anadromous fish, or acts as a collector of debris shall not be permitted.
  - (d) Where opportunities arise, the City shall require fencing along channels to prevent further bank erosion by livestock.
- D-2 The City shall seek funding to develop a comprehensive stream maintenance program for streams within its jurisdiction. This program shall provide for stream rehabilitation projects designed to improve flow capacity, minimize channel erosion, and enhance aquatic and riparian habitat; annual channel inspection to identify and remove barriers to anadromous fish, debris dams, and obsolete flood control or scientific study facilities.
- D-4 The City shall seek assistance and ultimately develop a comprehensive plan that identifies storm drain, point and non-point pollution sources, educates the public and businesses about the nature of waste treatment and its importance to Arcata's Creeks, and requires pre-treatment of waste by the identified pollution sources.
- D-5 If land divisions are allowed creating new parcels mapped as wetlands on the adopted Coastal Wetlands Map, such divisions shall require the recordation of deed restrictions providing that no filling would be allowed in the wetland portion of the parcel in connection with the new development other than that permitted under Section 30233 of the Coastal Act or the [Coastal Wetland Development Standards] :WCP Wetland and Creek Protection Combining Zone standards set forth in the Coastal Land Use and Development

Guide. [and that] The deed restriction shall further provide that the use of the newly created parcel would be limited to grazing or similar agricultural uses consistent with the Coastal Agricultural Exclusive zoning district.

- D-6 The City shall adopt a Coastal Wetlands Map showing the location of wetlands, riparian corridors and uplands within the Coastal Zone. All development within the areas identified on the map as wetland or riparian corridor shall require [a Coastal Wetlands Development Standards of] compliance with the Wetland and Creek Protection Combining Zone standards set forth in the Coastal Land Use and Development Guide. The City shall also develop regulations for areas in the Coastal Zone that are not designated on the Coastal Wetlands Map but are determined to be wetlands.

The City shall establish a Wetlands Buffer Area to protect the areas shown as wetlands on the Coastal Wetlands Map. The purpose of the Wetland Buffer Area is to identify areas, in the vicinity of a wetland, that may need special development restrictions in order to protect the wetland.

All development within the buffer areas shall comply with the [Wetlands Buffer Area Development Standards of] Wetland and Creek Protection Combining Zone standards set forth in the Coastal Land Use and Development Guide.

The City may establish a "Modified Wetland Buffer Area" to be designated once development restrictions are specified within a Wetland Buffer Area. The purpose of the Modified Wetland Buffer Area is to avoid unnecessary development restrictions on properties not containing the wetland, even though those properties were initially in the Wetland Buffer Area, once protective restrictions for a wetland have been set in place. If a wetland is adequately protected from development, the Wetland Buffer Area should be modified to exclude those properties, development on which will not affect the wetland.

The City shall designate and zone all areas shown as wetlands or riparian corridor on the Coastal Wetlands Map as either Coastal Agriculture Exclusive, Coastal Natural Resource Protection, or Coastal Public Facility or with the :WCP Wetland and Creek Protection Combining Zone. Wetland Buffer Areas, and setback areas specifically required to protect the wetlands shall automatically carry the :WCP Wetland and Creek Protection Combining Zone standards set forth in the Coastal Land Use and Development Guide.

## Appendix E DIKING, DREDGING, FILLING, AND SHORELINE STRUCTURES

### POLICY RECOMMENDATIONS

E-5 The City shall adopt a Coastal Wetlands Map showing the location of wetlands, riparian corridors and uplands within the Coastal Zone. All development within the areas identified on the map as wetland or riparian corridor shall require compliance with the [Coastal Wetlands Development Standards of] Wetland and Creek Protection Combining Zone standards set forth in the Coastal Land Use and Development Guide.

E-7 The City shall establish a Wetlands Buffer Area to protect the areas shown as wetlands on the Coastal Wetlands Map. The purpose of the Wetland Buffer Area is to identify areas, in the vicinity of a wetland, that may need special development restrictions in order to protect the wetland.

All development within the buffer areas shall comply with the [Wetlands Buffer Area Development Standards of] Wetland and Creek Protection Combining Zone standards set forth in the Coastal Land Use and Development Guide.

The City shall designate and zone all areas shown as wetlands or riparian corridor on the Coastal Wetlands Map as either Coastal Agriculture Exclusive, Coastal Natural Resource Protection, [or] Coastal Public Facility or with the :WCP Wetland and Creek Protection Combining Zone. Wetland Buffer Areas, and setback areas specifically required to protect the wetlands shall automatically carry the :WCP Wetland and Creek Protection Combining Zone standards set forth in the Coastal Land Use and Development Guide.

E-8 The City may establish a "Modified Wetland Buffer Area" to be designated once development restrictions are specified within a Wetland Buffer Area. The purpose of the Modified Wetland Buffer Area is to avoid unnecessary development restrictions, once protective restrictions for a wetland have been set in place, on property that would normally be located in the Wetland Buffer Area but for which the specified wetland protection renders development restrictions no longer necessary in the Modified Wetland Buffer Area.

## Appendix F COMMERCIAL FISHING AND RECREATIONAL BOATING

[no changes to this Appendix]

## Appendix G AGRICULTURE

### EXISTING CONDITIONS

#### Definitions

[In the Open Space and Conservation Element of the Arcata General Plan, a definition of agricultural land is quoted from the *California State Supplement to Laws Relating to Conservation and Planning*:

"Agricultural land - land actively used for the purpose of producing an agricultural commodity for commercial purposes. Land may be considered to be actively used notwithstanding the fact that in the course of good agricultural practice it is permitted to lie idle for a period of up to one year."]

The Open Space and Conservation Elements Technical Report, prepared for the 1989 Arcata General Plan revision of the Arcata General Plan Open Space and Conservation Element, describes agricultural land as follows:

"Agricultural land and soils are defined by the productivity of the soil and by the use (or availability to be used) of the land for producing food and fiber. Agricultural land also provides important visual open space."

The actual adopted General Plan policies focus on "agriculturally suitable land" which is identified (Arcata General Plan Chapter I. Urban Development and Community Design; Policy 2, footnote (1)) as being:

"Areas which are currently in agricultural production and/or underlain by soils of Grades 1 or 2 (above 60%) on the Soil Index."

The Element goes on to specify that (Chapter II. Conservation; Policy 3):

"Agriculturally suitable land should be preserved for agricultural use, wherever possible."

#### Coastal Conservancy Projects [sub-heading of "Other Recreational Activities"]

The Coastal Conservancy can assist in the preservation of agricultural lands and farmed wetlands by:

The selective acquisition of: (1) prime agricultural lands proposed for conversion to non-agricultural use to prevent urban intrusions into agricultural areas, to protect lands not now in agricultural production but needed to meet long-term food needs, and to assemble lands into parcels of economic size; and (2) farmed wetlands in order to promote continued agricultural use of farmed wetlands.

There are currently [ne] only a few prime agricultural areas in Arcata's Coastal Zone that would qualify for Conservancy protection. However, there are a number of farmed wetland agricultural areas that would qualify for Conservancy Protection. There may also be prime agricultural areas in the City's Sphere of Influence that would qualify for Conservancy protection if they were ever annexed.

#### POLICY RECOMMENDATIONS

G-4. [beginning with the last sentence] The location of the wetlands shall be determined by the use of the adopted Coastal Wetlands Map except that it is not the intent of this policy to exclude, from regulation, wetlands not shown on the Coastal Wetlands Map.

#### Appendix H HAZARD AREAS

##### EXISTING CONDITIONS

The City of Arcata has adopted Seismic Safety and Public Safety Elements of the General Plan. These elements, adopted in December of 1975, included an analysis of the Arcata Coastal Zone. Because of significant new developments in the understanding of local geology, including mapping by the state of [a "Special Studies Zone"] an "earthquake fault zone" (pursuant to the Alquist-Priolo Earthquake Fault Zoning Act) where surface fault rupture is suspected, the City [is preparing] adopted a new Seismic Safety Element in 1987.

#### POLICY RECOMMENDATIONS

H-4. To protect structures and critical facilities in the Coastal Zone, and to provide protection of existing habitat values, the City shall encourage and promote flood protection and stormwater drainage management practices which [manage] address flooding problems and drainage on a watershed basis.

[(a) The City shall encourage the expansion of Janes Creek Flood Control District to include the watersheds of Janes, Jelly Giant, Gretzman, Campbell, and Beith Creeks, or shall otherwise coordinate with the County to alleviate existing flooding problems.]

(a) The City shall establish a Stormwater Utility to address stormwater drainage and flood control, including management of all waterways (creeks, sloughs, drainage ditches) and drainage structures City-wide.

(b) The [newly formed district of designated agency] stormwater master plan shall evaluate alternate flood control measures and select a flood control plan that improves drainage and minimizes potential hazards in the Coastal Zone.

## Appendix J LOCATING AND PLANNING NEW DEVELOPMENT

### POLICY RECOMMENDATIONS

J-6 The City shall adopt the following Coastal Land Use designation which shall serve as the basis for developing specific zoning districts. With the Exception of Forest Hillside and Residential Agriculture, these [These] are the same designations as used in the [existing] General Plan for areas not within the Coastal Zone. Note that the p/na (persons per net acre) figures are not intended be fixed numbers but indicate approximate numbers of persons each zone can be expected accommodate.

#### Residential

- \* Coastal Rural Residential (up to [12] 6 p/na)
- \* Coastal Low Density Residential (up to [24] 20 p/na)
- \* Coastal Medium Density Residential (up to [45] 42 p/na)
- \* Coastal Medium-High Density Residential (up to [75] 67 p/na)
- \* Coastal High Density Residential (up to [115] 88 p/na)

[p/na = persons per net acre]

#### Commercial

- \* Coastal General Commercial
- \* Coastal Central Business District Commercial (CBD)
- \* Coastal Thoroughfare Commercial

#### Industrial

- \* Coastal Industrial Commercial
- \* Coastal Heavy Industrial

#### Public and Quasi-Public

- \* Coastal Public Facility
- \* Coastal Public Facility (Parks)
- \* Coastal Natural Resource Protection

#### Agricultural

- \* Coastal Agriculture Exclusive (60 ac. min. parcel area)

## Appendix K COASTAL VISUAL RESOURCES AND SPECIAL COMMUNITIES

TABLE 1. SCENIC ROUTES WITHIN THE COASTAL ZONE [to be fully consistent with adopted Appendix K: Arcata's Scenic Routes of the Arcata General Plan, the following scenic route should read as follows:]

Highway 101 from Bayside Cut-off to the Mad River.	<u>Landscaping, agricultural land.</u>	Utilize natural vegetation for landscaping. Encourage billboard removal and keep the area between the highway and the Bay open. <u>Maintain agricultural areas.</u>
--	--	---

## Appendix L PUBLIC WORKS

### EXISTING CONDITIONS

#### Flood Control

Lands south and west of Arcata, as well as most of the East Bay plain, were originally salt marsh. Through diking and filling, these areas have been converted to agricultural, commercial, and residential uses. However, because of low elevations and high water table, flooding still occurs.

Dikes have been constructed along the perimeter of the Bay and the banks of Janes Creek/McDaniel Slough, Gannon Slough, and Jacoby Creek. The major work on these dikes was done in the early 1900's with minimal maintenance being provided by the City and members of the Reclamation District 768 in subsequent years.

The City once maintain[s]ed [its] permits to dredge Janes Creek north of 11th Street and all of Jolly Giant Creek[. Most] with most dredging occur[s]ing in the urban sections of Janes Creek. The City no longer dredges within the creek channels on a regular basis, and would obtain separate permits should dredging be necessary. No dredging [takes] took place on Jacoby Creek, which [is] has been allowed to flood adjacent agricultural lands.

Changes in the City's flood control practices [have been] were proposed, [and are discussed] in a report titled "Initial Study for the Proposed Expansion of the Janes Creek Maintenance District and Related Projects." At the time this report was written, the Janes Creek Storm Maintenance District did not include area within the Coastal Zone.

The report, prepared by the Humboldt County Natural Resources Division, deals with the proposal to expand Janes Creek [Flood Control] Stormwater Drainage Maintenance District to include watersheds of Janes within the Coastal Zone], Jolly Giant, Grotzman, and Beith Creeks. The plan includes the following projects.

- Construct new and larger tidegates on McDaniel Slough where it empties into Humboldt Bay.
- Install a 10' x 7' concrete box culvert under 11th Street replacing the existing 6' arch culvert.
- Install a 72-inch culvert under 17th Street, and excavate a channel from Jolly Giant Creek to McDaniel Slough to divert peak flows from Jolly Giant Creek to McDaniel Slough.
- Excavate a channel from the southwest side of the Greenview Area Subdivision, west [ef] to Liscomb Slough.
- Annual maintenance of Janes Creek/McDaniel Slough, Jolly Giant Creek, Grotzman Creek and Beith Creek has been estimated at \$30,000 per year. It involves maintaining channels by removal of silt and aquatic growth within the streams.

The purpose of the expansion proposal [is] was to give the Janes Creek Storm Maintenance District the authority and the tax base to finance storm maintenance projects within the watershed. The projects listed above are intended to speed storm waters through the City and adjacent areas with a minimum damage of property, and to reduce the necessity for emergency flood control measures.

Although the District was never expanded, the City continued with plans to implement the proposed projects.

Currently (1994), the City and the County are making plans to dissolve the Janes Creek Storm Management District. Only three parcels in the district remain in unincorporated area; once the City has annexed these parcels, the district will be dissolved and the remaining funds in the District account will transfer to the City for stormwater management.

In 1993, the City of Arcata created a Stormwater Utility to address stormwater drainage and flood control, including management of all waterways (creeks, sloughs, drainage ditches) and drainage structures City-wide. The Utility program includes establishing stormwater ordinances and regulations; a stormwater master plan; development of a drainage system inventory; and continuing an active program of public education and involvement.

The Stormwater Utility is currently (1994) preparing the drainage system inventory of all waterways and drainage structures affecting drainage within the City. The inventory is preparatory to hiring a consultant to develop a stormwater master plan.

In the meantime, the City will continue with projects proposed in the plan for the expansion of the Janes Creek Storm Drainage Maintenance District. [Expansion] Creation of the [flood control district] Stormwater Utility to manage drainage and control flooding on a watershed basis is environmentally sound and not in conflict with the

Coastal Act. However, some of the proposed projects associated with the [expansion] current district could severely alter wildlife habitat along McDaniel Slough.

Of the proposed projects, those likely to have the greatest effect on the natural environment are (1) enlarging of the tidegates on McDaniel Slough and (2) dredging of presently undredged stretches of creek. McDaniel Slough between the tidegates and Samoa Boulevard was flanked by freshwater marsh which fluctuates in size according to rainfall and streamflow. This marsh provides a nesting and feeding area for waterfowl. Enlarging the tidegates would reduce seasonal flooding in this area, and thereby reduce the extent of the marsh habitat.

Dredging is not proposed for the lower reaches of McDaniel Slough (this area is still unincorporated). According to the Natural Resources Division analysis, this would have changed the existing view of a freshwater marsh to one of a meandering slough. Dredging Janes Creek along West End Road (Arlington Way) is not expected to change existing views significantly.

Removing the tidegates at the mouth of McDaniel Slough was also discussed in this report, as well as the proposed County mitigation bank restoration proposed for the site. The following effects may occur if the tidegates are removed:

- The freshwater marsh would become an estuary.
- Slough water would become brackish and unsuitable for irrigation.
- Salt water intrusion into local wells could occur.
- Extensive dredging required for diking of the banks would damage the land/water interface.
- Anadromous salmonids (salmon and trout) would have free access to the upper sections of the stream.

#### POLICY RECOMMENDATIONS

- L-1. To protect structures and critical facilities in the Coastal Zone, and to provide protection of existing habitat values, the City shall encourage and promote flood protection and stormwater drainage management practices which [manage] address flooding problems and drainage on a watershed basis.
- [{(a) The City shall encourage the expansion of Janes Creek Flood Control District to include the watersheds of Janes, Jelly Giant, Gretzman, Campbell, and Beith Creeks, or shall otherwise coordinate with the County to alleviate existing flooding problems.}]

- (a) The City shall establish a Stormwater Utility to address stormwater drainage and flood control, including management of all waterways (creeks, sloughs, drainage ditches) and drainage structures City-wide.
- (b) The [newly formed district of designated agency] stormwater master plan shall evaluate alternate flood control measures and select a flood control plan that improves drainage and minimizes potential hazards in the Coastal Zone.

#### Appendix M INDUSTRIAL DEVELOPMENT

[no changes to this Appendix]

EXHIBIT "B"

FINDINGS OF APPROVAL FOR RESOLUTION 945-26

The following findings are adopted:

- (1) That the requirements of State Planning Law have been followed in the preparation of the General Plan amendments; and
- (2) That the portions of the General Plan which are proposed to be changed will conform to the remainder of the Plan.
- (3) Based on an Initial Study, a Negative Declaration is appropriate for this project pursuant to the California Environmental Quality Act (CEQA). Mitigation measures noted in the Negative Declaration are included as conditions of approval.

RESOLUTION 956-30

A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF ARCATA  
ADOPTING THE ARCATA CREEKS MANAGEMENT PLAN  
AS PART OF THE ARCATA GENERAL PLAN  
AND THE ARCATA COASTAL LAND USE PLAN.

WHEREAS, the City Council of the City of Arcata adopted a Local Coastal Program on May 3, 1989; and

WHEREAS, the City Council of the City of Arcata has an adopted General Plan which has been updated from time to time; and

WHEREAS, the City Council and the State of California recognize the necessity of amending the General Plan and Local Coastal Program from time to time to reflect changing needs; and

WHEREAS, the City Council of the City of Arcata adopted the Arcata Creeks Management Plan on August 21, 1991, by Resolution No. 912-37; and

WHEREAS, the California Coastal Commission, in reviewing the City of Arcata's Local Coastal Program Amendment No. 9, has required that said amendment be modified by adopting the Arcata Creeks Management Plan as part of the Arcata Coastal Land Use Plan; and

WHEREAS, the Planning Commission of the City of Arcata, following an advertised public hearing, has recommended that the Coastal Land Use Plan and Arcata General Plan be amended to include the Arcata Creeks Management Plan, and that the Negative Declaration be approved, and forwarded its recommendation to the City Council through adoption of Resolution No. PC-95-13; and

WHEREAS, after holding an advertised public hearing, the City Council has found that said amendments of the Arcata General Plan and Arcata Coastal Land Use Plan are warranted by the data presented; and

WHEREAS, in adopting the Arcata Creeks Management Plan as part of the Arcata General Plan and Arcata Coastal Land Use Plan, the Arcata Planning Commission adopted the Findings attached as Exhibit "B."

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Arcata approves Negative Declaration prepared on the proposed amendment and adopts the Arcata Creeks Management Plan, attached to this Resolution as Exhibit "A", as part of the Arcata Coastal Land Use Plan and Arcata General Plan.

BE IT FURTHER RESOLVED that the Director of Community Development is directed to forward a copy of this resolution and said amendment to the California Coastal Commission pursuant to the provisions of Public Resources Code Sections 30000 et seq; and

BE IT FURTHER RESOLVED that the following findings are hereby made:

1. By adoption of this Resolution, the City of Arcata hereby accepts the modifications required by the Coastal Commission to certify said revised Coastal Land Use Plan, which is the General Plan portion of the Arcata Local Coastal program, and directs staff to transmit this Resolution to the Coastal Commission for final certification.
2. This Resolution shall take effect immediately upon approval by the City Council for the area of the City not within the Coastal Zone. For area of the City located within the Coastal Zone, and for purposes of State Certification of the City's Local Coastal Program, this amendment is submitted as a program that shall take effect immediately upon Coastal Commission approval of said amendment.
3. The Arcata Local Coastal Program is intended to be carried out in a manner fully in conformance with the provisions of the Public Resources Code Section 30000 et seq.
4. Findings of approval attached as Exhibit "B".

Dated: January 3, 1996

ATTEST:

Alie Harris  
City Clerk, City of Arcata

APPROVED:

Carl E. Peltier  
Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Resolution No. 956-30, passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California, on this 3rd day of January, 1996, by the following vote:

**AYES:** Blaser, Kirkpatrick, Schaub, Test, Pellatz

**NOES:** None

**ABSENT:** None

**ABSTENTIONS:** None

Alvin Harris  
\_\_\_\_\_  
City Clerk, City of Arcata

EXHIBIT "A"

RESOLUTION 956-30

ARCATA CREEKS MANAGEMENT PLAN

Adopted - August 21, 1991

Introduction

Past and present land uses have radically altered the condition of Arcata's creeks from their original condition. Tidegates prevent or severely limit access for anadromous fish to all but Jacoby and Jolly Giant Creeks. Except for Jacoby Creek, the riparian forests have been completely removed from at least half of each stream channel. Pollutants from a variety of sources degrade the appearance and the health of the creeks. Fish are rarely observed. Through most of their lower reaches, creeks have been relegated to the status of "drainage ditches."

With good planning and management, Arcata's creeks can provide a wide range of unique benefits. Without good planning and management these benefits are lost and the costs associated with flood damage, erosion, sedimentation, and water pollution increase and are passed on to the community.

Purpose

The purpose of the Arcata Creeks Management Plan is to provide guidance for management of creeks that flow through Arcata in order to provide the fullest realization of the creeks' beneficial uses.

The beneficial uses of Arcata's creeks are as follows: flood control, fresh water habitat, riparian habitat, scenic enjoyment, water quality, education, public safety, fish habitat (fish spawning, fish migration), open space, recreation, marine habitat, and ground water recharge.

Opportunities to restore and protect Arcata's creeks fall into two broad categories:

1) New and Modified Development Along Creeks

The potential impacts of new development represent the most urgent set of issues. Therefore, this plan emphasizes recommendations for protection and management of undeveloped creek corridors and erosion and grading control ordinances.

In addition, the management plan gives guidance for the review of proposed new activities with potential impact on Creek Zones. For purposes of this plan, a Creek Zone is defined as follows:

- a) A Creek Zone shall be the area that is 25 feet outward from the top of bank, or the area bounded by the FEMA 100 year flood plain line whichever is

greater; except in no case will the creek zone on either side of a creek be wider than 100 feet from the average low flow line of that creek.

b) The top of the bank shall be 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 verify the top of the bank.

## 2) Existing Development and Practices in the Creek Zones

The management plan encourages the elimination, or minimization, of impact to creeks from existing uses and conditions through education, technical assistance, and in some cases, new ordinances. The City may also initiate projects and encourage voluntary restoration and enhancement of degraded stream resources.

The management of creeks in the Community Forest and Jacoby Creek Forest are described in the Forest Management Plan.

### Arcata's Creeks

The creeks governed by this management plan are shown in Figure 1. These creeks are as follows: Janes Creek (including North Fork South Fork and McDaniels Slough), Sunset Creek, Jolly Giant Creek (including Butchers Slough), Campbell Creek, Fickle Hill Creek, Grotzman Creek, Beith Creek, Jacoby Creek and Washington Gulch. Also included are Liscom Slough, Mad River and Gannon Slough. The Arcata City Council may consider additions to this list at any time. Although the community is concerned about all of these bodies of water, it is recognized that the City does not have the authority to regulate activities outside the City limits.

A creek is a channel for water that flows from higher to lower points within a basin of land. These basins are known as watersheds. The condition of Arcata's creeks is a direct result of the conditions in their watersheds. Arcata's watershed boundaries are shown in Figure 2. Upstream or upslope activities can significantly affect the creek resources. Erosion control recommendations in this plan apply throughout all watersheds.

### Implementation of this Management Plan

This plan sets forth policies and implementation measures. The implementation measures provide a checklist for measuring progress. Some implementation measures require immediate attention. Some implementation measures, such as fish habitat restoration, will be accomplished over a number of years; while others, such as creek maintenance, will be ongoing.

Overall, the implementation measures create a long list of "things to do." The greatest benefits will be obtained from this plan if responsibility for its implementation is assigned.

#### Urgent Recommendations:

(see Policies and Implementation section for additional details)

1. Establish creek zone combining districts in City's Land Use and Development Guide, to apply to creek zones which will require special management considerations.
2. Prepare and adopt an erosion control ordinance and amendments to the existing grading ordinance.
3. Install creek name signs at major points where city roads cross a creek to give immediate identity to Arcata's creeks.

### POLICIES AND IMPLEMENTATION

Under each of the following topic headings, one or more policies are followed by implementation measures.

#### I. CREEK ZONE MANAGEMENT

1. Policy: The City shall manage creek zones to minimize risks from flood hazards while maximizing the benefits to the natural environment. It is noted that well managed creek zones provide adequate space for the movement of flood waters, fish and wildlife habitat, open space and recreational opportunities while minimizing public expense.

##### Implementation:

A. Establish Creek Zone combining districts in City's Land Use and Development Guide, to apply to creek zones which will require special management considerations. Include provisions to assure that each legally created lot within a stream zone contains a building site, unless Federal Emergency Management Agency requirements render the entire lot unbuildable.

B. The City's policy shall be that residential structures shall not be sited in the Creek Zone. An exception to the policy may be made only if a residence cannot be sited on a legally created parcel unless it is sited in the Creek Zone.

C. Establish a process for identifying creek zone boundaries on individual lots. Where necessary to analyze a proposed development project, require the applicant to provide top of bank or FEMA 100 year flood plain delineations.

D. Develop specific criteria for optimum stream channel configuration and capacity, habitat restoration, recreation, and access for creek zones.

E. Activities prohibited within Creek Zones will include:

1. Excavating or grading placing fill or debris;
2. Construction of any structure;
3. Removal, destruction or significant alteration of the natural vegetation; and
4. Fencing that crosses through a creek channel, that acts as a barrier to anadromous fish, or that acts as a collector of debris.

Exceptions to prohibited activities will include:

1. Construction or maintenance of utility lines crossing a creek zone;
2. Maintenance by a public agency or adoptors of recognized Adopt-A-Creek projects: including but not limited to removal of sediment buildup in creek beds for flood control purposes and removal of vegetation for flood control purposes;
3. Resource restoration projects;
4. Maintenance of existing roads, driveways and structures; or
5. Maintenance of existing trails or the construction of new foot trails as provided in the Park and Recreation Master Plan.
6. Agricultural operations.
7. Removal of hazardous trees.
8. Forest practices as permitted by the State of California.
9. Existing aggregate extraction concerns operating under permit from applicable agencies.
10. Construction of uses permitted by the base zoning, on legally created lots. Provided, however, that such construction would be required to meet all federal flood insurance requirements and provided that the ordinance implementing the Creeks Management Plan may specify the maximum buildable area on such lots.

F. Develop a program to acquire Creek Zone easements. Where possible, these easements are to be acquired at the time of new developments. As used in this plan, "Development" refers to any work for which discretionary land use approval, a grading permit or building permit is required by the City of Arcata, excluding the construction of a single family dwelling on an existing legally created parcel. Construction of a second unit shall be considered to be "Development" per this definition. In other cases they could be acquired through donations by land owners. Such easements should specify the activities which could

occur within the affected stream zones in order to support the purposes of this management plan.

G. Consider providing incentives for developers of parcels which may include:

- Density bonuses in exchange for Creek Zone maintenance or enhancement.
- Inclusion of Creek Zone areas within required open space for the development, thereby resulting in a net increase in permitted density. This could be done in one of the following ways:
  - By allowing the Creek Zone to serve as 100% of the required open space (rather than the current limit of 50% for multi-family projects); or
  - By calculating stream zone open space with a multiplier (e.g. 125%) to allow for a density bonus or an increase in the permitted floor area of a development.
  - By allowing for exceptions from solar design requirements for buildings where necessary to encourage the planting and maintenance of trees for riparian shading.

2. Policy: The City recognizes the importance of the remaining unculverted sections of creeks as providing the beneficial uses defined earlier. The City shall not approve any additional culverting of creeks unless such culverting is found to be necessary to control flooding or it is determined by the City Engineer that, without culverting, any development of properties adjacent to the creek is not possible.

#### Implementation:

A. Where a culvert with a cross-sectional area greater than 452 square inches is used to cross a creek, the invert of the pipe shall be placed below the silt line of the creek to a depth that is equal to 20% of the depth of the pipe.]

B. In reviewing plans for proposed creek crossings, the aesthetic benefits of bridges, when compared to culverts, will be considered.

## II. FLOOD HAZARD MANAGEMENT

1. Policy: The City shall minimize damages and hazards due to flooding in accordance with FEMA (Federal Emergency Management Agency) guidelines.

**Implementation:**

**A. At a minimum, new development shall be in accordance with FEMA requirements.**

**B. Identify appropriate overall flood hazard reduction strategy and action by the following:**

**a. Require developers to analyze and mitigate major increases in runoff from new development;**

**b. The City shall develop a regular stream channel inspection and maintenance schedule;**

**c. Any major modification or maintenance of channel capacity should be reviewed by the Planning Commission in a public hearing forum;**

**d. Identify potential flood levels as accurately as possible;**

**e. Analyze the hazards posed by a range of flood levels (such as 25, 50, 100 year return intervals);**

**f. Assess the costs and benefits of possible actions to avoid, reduce or mitigate those hazards. Actions may include:**

**1. Relocation or flood proofing of existing structures that are at risk;**

**2. Modification and maintenance of channel capacity;**

**3. Development of a regular stream channel inspection and maintenance schedule.**

**g. Requiring developers to analyze potential increases in runoff from new development.**

**h. Avoiding, or mitigating the impact of, the increased runoff from new development.**

**C. In the event of a flood: Map all high water lines along flooded watercourses, record observations of any problems created by the flooding, and assess the magnitude of the event.**

**III. EROSION CONTROL**

**1. Policy: The City shall minimize soil erosion throughout Arcata's watersheds.**

**Implementation:**

- A. Prepare and adopt an erosion control ordinance and amendments to the existing grading ordinance.
- B. Continue to monitor all Timber Harvest Plans within Arcata's watersheds.
- C. Identify, analyze, prioritize and correct existing and potential erosion problem areas including: roads, trails, streambanks, and graded channels.

**IV. SEDIMENTATION**

- 1. **Policy:** To reduce the need for dredging and to protect instream habitat the City shall minimize the accumulation of sediment in Arcata's creeks.

**Implementation:**

- A. Identify, locate, quantify and correct sedimentation problems in Arcata's creeks.
- B. Assess the effectiveness of sediment traps and construct more sediment traps, where appropriate.
- C. Investigate opportunities to modify creeks to improve sediment routing consistent with other objectives of this plan.
- D. Encourage the reestablishment of a dense mature tree canopy over the creeks, in order to shade-out sediment trapping instream vegetation.
- E. Encourage livestock exclusion fencing on all creekside agricultural properties.

**V. RIPARIAN VEGETATION**

- 1. **Policy:** The City shall promote healthy riparian vegetation along Arcata's creeks. (Healthy riparian vegetation has trees and a variety of other native shrubs and plants which shade the creeks, stabilize the stream banks and filter sediment, maintain flood control and provide habitat and travel corridors for wildlife.)

**Implementation:**

- A. Identify and classify the condition of existing riparian vegetation.
- B. Establish programs to promote healthy riparian vegetation.

- C. The City shall review development to minimize the disturbance of riparian vegetation.
- 2. Policy: The City shall promote restoration of degraded riparian vegetation within Arcata's Creek Zones.

Implementation:

- D. Require restoration as a condition of approval for new development of parcels in Creek Zones.
- E. In already-developed areas, promote and encourage reestablishment and protection of native riparian species.
- F. Restoration and maintenance of riparian habitat shall integrate considerations for solar access and fire safety.

## VI. FISH AND WILDLIFE

- 1. Policy: The City shall promote restoration of creeks to a healthy condition for fish and wildlife.

Implementation:

- A. Conduct baseline habitat inventories and assessments.
- B. Conduct surveys of abundance and distribution of fish and wildlife.
- C. Identify restoration objectives for each creek.
- D. Prepare habitat restoration plans for each creek.
- E. Consider the feasibility of establishing a sportfishing management program which will include any fishing areas, stocking schedules and hatchery contributions and any refuge areas.

## VII. WATER QUALITY

- 1. Policy: The City shall protect and improve stream water quality.

Implementation:

- A. Establish monitoring program for stream water quality.
- B. Identify point and non-point pollution sources.
- C. Identify solutions to pollution problems by eliminating illegal sources where feasible and enforcing regulations.
- D. Define proper emergency response by City and other agencies to be contacted.

## VIII. WATER QUANTITY

1. Policy: The City shall protect instream flows.

Implementation:

A. Determine if actions are necessary to prevent future streamflow diversions.

## IX. RECREATION AND PUBLIC ACCESS

1. Policy: The City shall make optimum use of Creek Zones for recreation and public access.

Implementation:

A. Identify, describe and make recommendations regarding:

1. Stream reaches suitable for public access/recreation;

2. Site-specific constraints and opportunities;

3. Relationship of specific sites to corridor as a whole;

4. Appropriate types of use;

5. Means to incorporate streamside public access/recreation into new subdivision plans.

B. Integrate recreational use with floodplain and habitat management considerations.

C. Make specific plans to acquire and develop the Janes Creek Linear Park and the Mad River Access as identified in the Master Plan of Parks and Recreation.

D. Coordinate stream zone management with recreational management at existing and future public facilities.

## X. PUBLIC AWARENESS, EDUCATION AND INVOLVEMENT

1. Policy: The City shall promote public awareness of creek resources and their benefits.

Implementation:

A. Establish and maintain Adopt-a-Creek Program.

B. Provide clear identification of Arcata's creeks by installing creek name signs at all points where City roads cross a stream.

- C. Label all storm drains (determine color codes for each watershed).
- D. Paint street surfaces (i.e. with fish symbols) under which creeks flow.
- E. Produce an Arcata Creeks video.
- F. Continue to distribute the Stream Care Guide.
- G. Establish and maintain an Arcata natural history and restoration section in City library and Marsh Interpretive Center.
- H. Provide descriptive list of desirable plant species, creekside native plant landscaping information, including habitat and channel capacity and stability considerations.
- I. Publicize examples of urban riparian vegetation.
- J. Promote pollution control and alternatives to pollutants.
- K. Continue to promote the work of Humboldt State University and Arcata High School students in improving local creeks.

## XI. DATA BASE

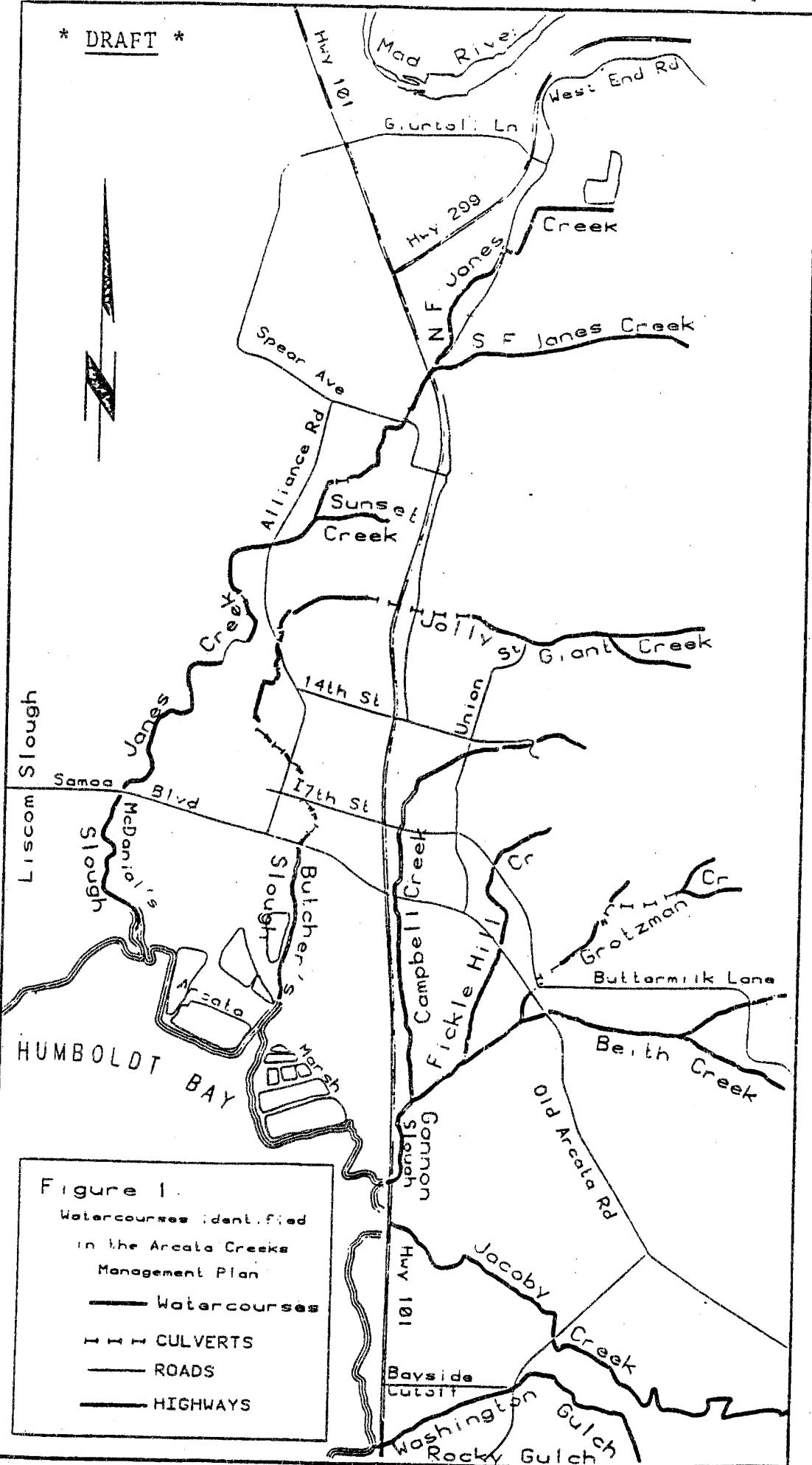
- 1. Policy: Maintain an Arcata creeks data base and reference collection.

### Implementation:

- A. Continue to locate and map open drainage channels within the City of Arcata.
- B. Utilize the City's Geographic Information System mapping program to record and display site-specific information.
- C. Establish on-going monitoring programs including streamflow, rainfall, sediment transport, water quality, channel morphology, and ecological characteristics. During and after large storms, every effort should be made to document the location of any flooding and other pertinent observations.

Vector; creekiii; 9/9/91

\* DRAFT \*



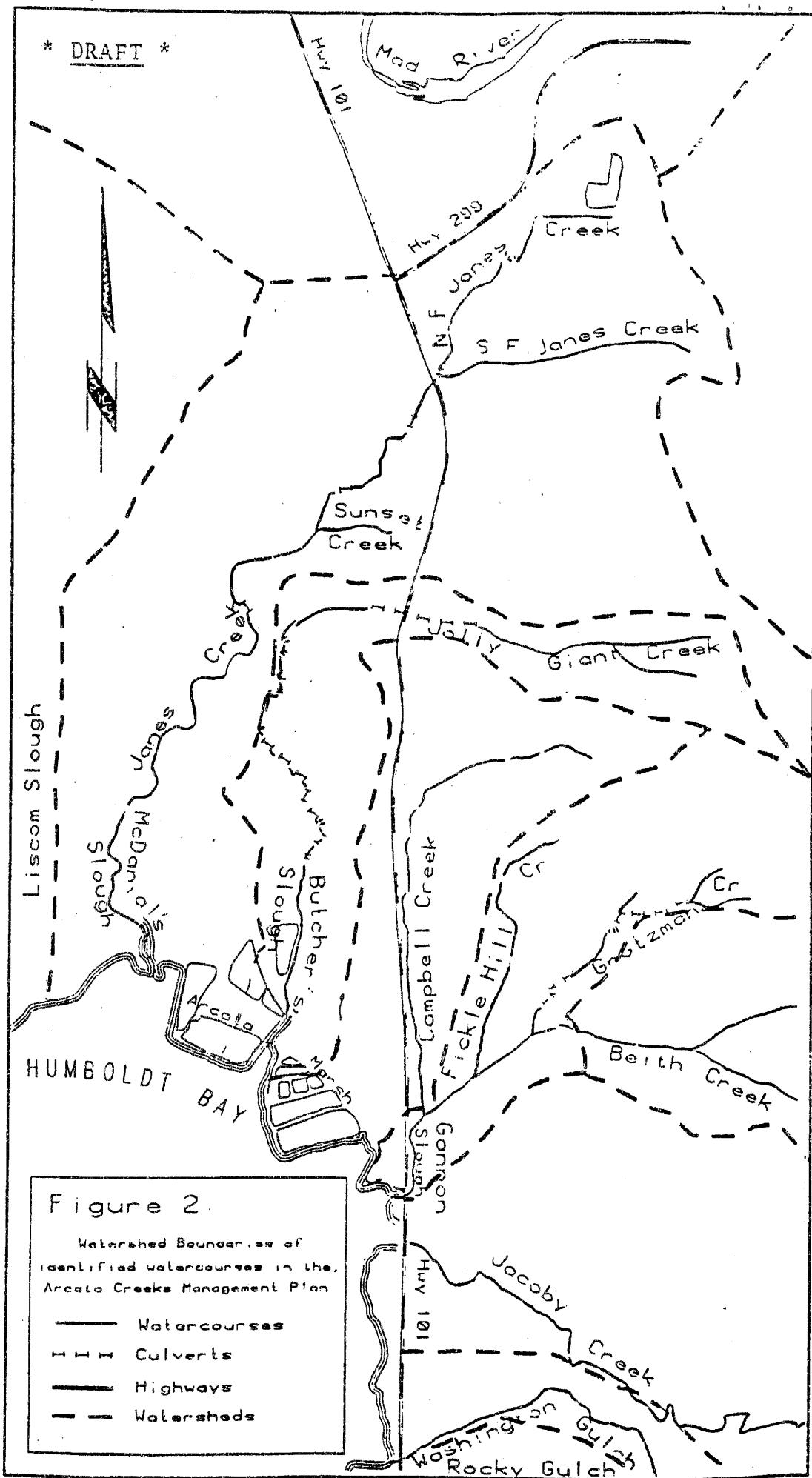


EXHIBIT "B"

FINDINGS OF APPROVAL FOR RESOLUTION 956-30

The following findings are adopted:

- (1) That the requirements of State Planning Law have been followed in the preparation of the General Plan amendments; and
- (2) That the portions of the General Plan which are proposed to be changed will conform to the remainder of the Plan.
- (3) Based on an Initial Study, a Negative Declaration is appropriate for this project pursuant to the California Environmental Quality Act (CEQA). No mitigation measures were necessary.

*Alma*

ORDINANCE NO. 1244

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA  
AMENDING THE ARCATA LAND USE AND DEVELOPMENT GUIDE,  
ARTICLE 3, CHAPTER 1, SECTION 1-0310  
AS ADOPTED BY ORDINANCE NO. 1233; AND  
ADOPTING THE RELATED NEGATIVE DECLARATION FOR  
COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

Section 1: Amendment of Subsection 1-0310.4 (b). Subsection  
1-0310.4 (b) of SECTION 1-0310, ARTICLE 3, CHAPTER 2 of the  
Arcata Land Use and Development Guide, is hereby amended as  
follows:

Subsection 1-0310.4(b). Expansion of a Nonconforming  
Residential Use. A nonconforming residential use may be  
enlarged, extended, or increased in number of residential  
units. Except as provided herein, any such expansion shall  
be subject to the approval of a Conditional Use Permit by  
the Zoning Administrator as specified in Section 1-0402,  
CONDITIONAL USE PERMITS, and all applicable requirements of  
this Title. Exception: Any expansion consisting of 100  
s.f. or less to a nonconforming residential use located in a  
residential district may be permitted without the  
requirement for a conditional use permit, provided that: a)  
the number of units is not increased and b) this exemption  
may be used one time only on any given structure and c) the  
expansion is in conformance with all other applicable  
standards of this Title.

Section 2: Effective Date. This Ordinance will take effect  
thirty (30) days after its approval by the Mayor except that in  
that portion of the City of Arcata that is located within the  
California Coastal Zone, the amendment shall be effective  
immediately upon California Coastal Commission approval.

DATED: October 18, 1995

ATTEST:

Alma Harris  
City Clerk, City of Arcata

APPROVED:

Chas M  
Mayor, City of Arcata

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1244, passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California, on the 18th day of October, 1995, by the following vote:

AYES: Blaser, Kirkpatrick, Pellatz, Test, Schaub

NOES: None

ABSENT: None

ABSTENTIONS: None

Ali Hani  
City Clerk, City of Arcata

RESOLUTION NO. 956-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA  
REQUESTING THAT THE CALIFORNIA COASTAL COMMISSION CERTIFY  
AN AMENDMENT TO THE ARCATA LOCAL COASTAL PROGRAM (LCP)  
AS REPRESENTED BY ORDINANCE 1244.

WHEREAS, the City Council of the City of Arcata adopted a Local Coastal Program (LCP) on May 3, 1989; and

WHEREAS, the Arcata Coastal Land Use And Development Guide (CLUDG) is the implementation document of the Arcata LCP; and

WHEREAS, the City Council of the City of Arcata revised the CLUDG to be part of the revised Arcata Land Use And Development Guide (LUDG) and adopted said revision on May 7, 1994, by Ordinance 1233; and

WHEREAS, the Coastal Commission has certified said revision, subject to certain modifications by the City; and

WHEREAS, the City is in the process of completing the required modifications; and

WHEREAS, the City Council and the State of California recognize the necessity of amending the Local Coastal Plan from time to time to reflect changing needs; and

WHEREAS, after holding advertised public hearings, the City Council has adopted Ordinance No. 1244 amending the LUDG;

NOW, THEREFORE, BE IT RESOLVED that the Director of Community Development is hereby directed to forward a copy of this resolution and Ordinance No. 1244 to the California Coastal Commission pursuant to the provisions of Public Resources Code Sections 30000 et seq; and

BE IT FURTHER RESOLVED that the following findings are hereby made:

1. The Arcata Local Coastal Program is intended to be carried out in a manner fully in conformity with the provisions of the Public Resources Code Section 30000 et seq;
2. For purposes of State Certification of the City's Local Coastal Program, this amendment is submitted as a program that shall take effect immediately upon Coastal

Commission approval of said amendment but shall not be effective until the revised LUDG, adopted by Ordinance No. 1233, is effective.

DATED: October 18, 1995

ATTEST:

Alice Harris  
City Clerk, City of Arcata

APPROVED:

Ch. Keh  
Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Resolution No. 956-22, passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California, held on the 18th day of October, 1995, by the following vote:

AYES: Blaser, Kirkpatrick, Pellatz, Test, Schaub

NOES: None

ABSENT: None

ABSTENTIONS: None

Alice Harris  
City Clerk, City of Arcata

RESOLUTION NO. 967-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA APPROVING AMENDMENT NO. 47 TO THE ARCATA GENERAL PLAN AND AMENDMENT NO. 12 OF THE ARCATA LOCAL COASTAL PLAN FOR AMENDING THE COASTAL WETLANDS MAP OF THE LAND USE PLAN, AND ADOPTING THE RELATED NEGATIVE DECLARATION FOR COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

**WHEREAS**, the City Council of the City of Arcata adopted a General Plan on December 20, 1975; and

**WHEREAS**, the City Council of the City of Arcata adopted a Local Coastal Plan on May 3, 1989; and

**WHEREAS**, the City Council and the State of California recognize the necessity of amending the General Plan and Local Coastal Plan from time to time to reflect changing needs; and

**WHEREAS**, after holding an advertised public hearing, the City Council has found that said amendment of the General Plan and Local Coastal Plan is warranted by the data presented; and

**WHEREAS**, the Planning Commission of the City of Arcata approved the General Plan and Local Coastal Plan Amendment and Negative Declaration and sent its recommendation to the City Council through adoption of Resolution No. PC-96-17;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Arcata hereby approves the Negative Declaration prepared on the proposed amendment and approves the Coastal General Plan change as shown on Exhibit "A" to this Resolution, attached hereto; and

**BE IT FURTHER RESOLVED** that the Director of Community Development is hereby directed to forward a copy of this resolution and said amendment to the California Coastal Commission pursuant to the provisions of Public Resources Code Sections 30000 et seq; and

**BE IT FURTHER RESOLVED** that the following findings are hereby made:

1. The Arcata Local Coastal Program, as amended, is intended to be carried out in a manner fully in conformity with the provisions of the Public Resources Code Section 30000, et seq.

2. For purposes of State Certification of the City's Local Coastal Program, this amendment is submitted as a program that shall take effect immediately upon adoption by the City Council of a Resolution accepting Coastal Commission approval of said amendment. The amendment shall be effective immediately upon adoption of said resolution but shall not be effective until such local review and adoption, following Coastal Commission approval, has taken place.

DATED: October 2, 1996

ATTEST:

Alie Harris  
City Clerk, City of Arcata

APPROVED:

Carl Pellatz  
Mayor, City of Arcata

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Resolution No. 967-17 passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California, held on the 2nd day of October, 1996, by the following vote:

AYES: Blaser, Kirkpatrick, Pellatz, Schaub, Test

NOES: None

ABSENT: None

ABSTENTIONS: None

Alie Harris  
City Clerk, City of Arcata

RESOLUTION 967-17  
EXHIBIT "A"

**COASTAL WETLAND  
MAP REVISED**



0

250

500

750

1000 Feet



RESOLUTION NO. 967-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA  
AMENDING RESOLUTION NO. 967-17

**WHEREAS**, the City Council of the City of Arcata adopted Resolution No. 967-17 on October 2, 1996; and

**WHEREAS**, said Resolution approved Amendment No. 47 of the Arcata General Plan and Amendment No. 12 of the Arcata Local Coastal Program, said amendments pertaining to revisions of the "Arcata Coastal Wetlands Map", as described in Exhibit "A" to said Resolution; and

**WHEREAS**, said Resolution directed the Director of Community Development to forward a copy of said Resolution and said amendment to the California Coastal Commission; and

**WHEREAS**, said Resolution specifies, in Finding 2, that the amendments approved therein would not be effective until local review and adoption, after Coastal Commission approval had taken place; and

**WHEREAS**, the City Council intends that the amendments adopted by said Resolution take place immediately upon certification by the Coastal Commission:

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Arcata hereby amends Resolution No. 967-17 to delete Finding 2 and replace it with the following Finding:

2. For purposes of State Certification of the City's Local Coastal Program, this amendment is submitted as a program that shall take effect immediately upon certification by the Coastal Commission.

DATED: November 20, 1996

ATTEST:

Alie Harris  
City Clerk, City of Arcata

APPROVED:

Carl Pellatz  
Mayor, City of Arcata

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Resolution No. 967-21 passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California, held on the 20th day of November, 1996, by the following vote:

AYES: Blaser, Kirkpatrick, Pellatz, Test

NOES: None

ABSENT: Schaub

ABSTENTIONS: None

Alie Harris  
City Clerk, City of Arcata

## ORDINANCE NO. 1255

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING TITLE IX OF THE MUNICIPAL CODE, LAND USE AND DEVELOPMENT GUIDE, CHAPTER III, ARTICLE 4: GRADING, RESCINDING SAID ARTICLE AND ADOPTING A NEW ARTICLE 4: GRADING, AND EROSION AND SEDIMENT CONTROL.

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

#### **SECTION 1. Rescission of existing Article 4: Grading**

The existing Article 4, titled "Grading," of Chapter III of Title IX of the Arcata Municipal Code, said Title being the Arcata Land Use And Development Guide (LUDG), is hereby rescinded.

#### **SECTION 2. Adoption of new Article 4: Grading, and Erosion and Sediment Control**

A new Article 4 of Chapter III of Title IX of the Arcata Municipal Code, titled "Grading, and Erosion and Sediment Control" is hereby adopted and shall read as follows:

#### **"ARTICLE 4: GRADING, AND EROSION AND SEDIMENT CONTROL**

SECTION 3-0401	General Purpose and Scope
SECTION 3-0402	Incorporation of Uniform Building Code (UBC)
SECTION 3-0403	Definitions
SECTION 3-0404	Permits Required
SECTION 3-0405	Application Submittal Requirements
SECTION 3-0406	Application Review and Approval
SECTION 3-0407	Standards
SECTION 3-0408	Enforcement and Penalties

#### **SECTION 3-0401 GENERAL PURPOSE AND SCOPE**

The purpose of this Article is to establish minimum standards and regulations for grading activities. The intent is to promote the public safety and general welfare by preventing unreasonable or unnecessary erosion and sediment production and related degradation of natural resources and the City's stormwater drainage systems.

## SECTION 3-0402 INCORPORATION OF UNIFORM BUILDING CODE (UBC)

The provisions of this Article supplement and are in addition to the requirements of the latest edition of the Uniform Building Code's Chapter on Excavation and Grading (Chapter 70). Projects which include grading shall also comply with the provisions of that Chapter.

## SECTION 3-0403 DEFINITIONS

The following definitions shall govern the interpretation and enforcement of this Article:

- a. **Bench** A relatively level step excavated into earth material on which fill is to be placed.
- b. **BMP** Best Management Practices, as defined by the State Water Resources Control Board's *Best Management Practices Construction Handbook*.
- c. **Channel, or drainage way** A natural or artificial open watercourse with definite bed and banks which periodically or continuously contains moving water or forms a connecting link between two bodies of water.
- d. **Discharge** The outflow rate of surface water.
- e. **Drainage improvement** Any element in a drainage system which is made or improved by a human.
- f. **Erosion** The weathering away of the ground surface as a result of the movement of wind or water.
- g. **Erosion and Sediment Control Plan** A plan which fully indicates necessary land treatment and structural measures, including a schedule of timing for their installation, which will effectively minimize soil erosion and sediment yield. Such measures shall be in accordance with standards shown in the *City of Arcata Erosion and Sediment Control Handbook*.
- h. **Excavation** The physical removal of earth material.
- i. **Fill** The deposit of earth material caused or placed by artificial means.
- j. **Grading** Any excavating, filling, or any combination thereof.
- k. **Land disturbing activity** Any land change which may result in soil erosion from water, wind and the movement of sediments onto adjacent properties. Such activities include but are not limited to clearing, grading, excavating, transporting and filling of land.
- l. **Mulch** A natural or artificial layer of material placed on exposed earth to provide more desirable moisture and temperature relationships for plant growth. It is also used to control the occurrence of unwanted vegetation.
- m. **Sediment** Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, or gravity.
- n. **Sediment Detention Basin** A sediment detention basin is a reservoir which retains flows sufficiently to cause deposition of transported sediment.
- o. **Short Form [Erosion and Sediment Control Plan]** A simplified form, issued by the Building Official, for erosion and sediment control plans for certain qualifying minor grading projects.
- p. **Storm water runoff** The waters which result from rainfall within a tributary drainage basin; flowing over the surface of the ground; or collected in channels or conduits.
- q. **Swale** A low lying stretch of land which gathers or carries surface water runoff.

- r. Terrace A relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

## SECTION 3-0404 PERMITS REQUIRED

### A. General Requirement

Except as provided in this Article, no person shall commence or perform any grading, clearing of vegetation, or other land-disturbing activity without having first obtained a grading permit from the Building Official. In the following areas of special consideration, no grading or clearing of vegetation shall commence without also obtaining approval by the Director of Community Development, Director of Environmental Services, and City Engineer:

1. Geologic/Seismic Safety hazard areas: The Falor-Korbel Fault Hazard Management Zone, areas identified as "medium risk" and "high risk" landslide hazard areas, and areas identified as having a high liquefaction potential, as shown on the Arcata Public Safety and Seismic Safety Element Maps.
2. Areas within the Forest/Hillside or F-H zoning *district*.

### B. Exceptions

Except in areas of special consideration as noted above, a grading permit shall not be required if the work meets any of the following conditions:

1. clearing of vegetation does not exceed 1,000 square feet in area, or does not expose or disturb soil surface;
2. cultivation of land for agricultural purposes, provided that normal and customary agricultural practices are followed which minimize potential erosion;
3. grading associated with timber harvesting which has been authorized pursuant to regulations of the California Department of Forestry and Fire Protection;
4. refuse disposal sites controlled by regulations of other agencies;
5. excavations for wells or tunnels or utilities;
6. the excavation does not exceed four (4) feet in vertical depth at its deepest point, measured from the original surface, and does not exceed 200 square feet in area;
7. the fill does not exceed three (3) feet in vertical height at its highest point, measured from the natural ground surface, and does not cover more than 200 square feet;
8. exploratory excavations under the direct supervision of soils engineers or engineering geologists which do not exceed an aggregate area of 200 square feet; or
9. an excavation below finished grade for basements and footings of a building if authorized by a valid building permit. This exception does not affect the requirement of a grading permit for any fill made with the material from such excavation.
10. excavations for cemetery graves.

**C. Grading in Geologic Hazard Areas.**

All grading located in geologic hazard areas, as shown on the Arcata Public Safety and Seismic Safety Element Maps, shall be subject to the Geologic Hazard Review Procedures described in Article 3 of Chapter IV of this Title. Reports or waivers required pursuant to said procedures shall be included with any grading permit application. Final Soil Grading and Geologic Grading Reports shall also be required for all grading activities in these areas, except that borings and related analyses will be sufficient in liquefaction hazard areas.

**D. Grading and Clearing in the Coastal Zone.**

When any proposed development or grading in the Coastal Zone requires a grading permit, a Coastal Development Permit pursuant to Section 1-0408 *Coastal Development Permits* shall be required, except as specifically excluded in section 1-0408.2(b) of this Title.

**E. Compliance with CEQA.**

All grading activities shall comply with the California Environmental Quality Act (CEQA) and Article 1 of Chapter IV of this Title.

**SECTION 3-0405 APPLICATION SUBMITTAL REQUIREMENTS**

**A. General**

An application for a grading permit shall include a completed City application form and the following materials, each of which is described in the subsequent parts of this section:

1. A site map and report.
2. A grading plan.
3. An erosion and sediment control plan, except that a short form may be submitted if all of the following conditions are met:
  - a. the existing or natural slope is less than 15%;
  - b. the total area of grading is less than one-quarter acre; and
  - c. the proposed grading is not within a creek zone or wetland and springs are not present.
4. Applicable City fees for processing the permit application.

**B. Site Map and Report**

The site map shall be derived from base maps available from the City or other base maps of equal quality. It shall be of a scale large enough to distinguish existing and proposed features of the site but not smaller than one inch equals 50 feet (1"=50'). The site map and report shall include the following:

1. The exterior boundaries of the property on which the grading is to be performed.
2. Existing site conditions, including any structures, and contour lines which shall conform to minimum intervals as follows:
  - a. two-foot contours for slopes equal to or less than 15%.
  - b. five-foot contours for slopes over 15%.
3. A soil description, including type and erodability.
4. Evaluation of subsurface information where the stability will be lessened by proposed grading or filling, or where any of the following conditions are discovered or proposed:
  - a. where a fill slope is to be placed above a cut slope.
  - b. where proposed cuts exceed twenty feet in height unless in competent rock as determined by an engineering geologist.
  - c. Where side hill fills are to be placed on existing slopes steeper than 15%.
  - d. Wherever groundwater from either the grading project or adjoining properties is likely to reduce the stability.
  - e. Where the topography is indicative of landslides, as determined by an engineering geologist or City liquefaction map.
  - f. Location where drainage leaves/will leave the property.
5. Where any of the particular conditions listed above or other weaknesses are found, subsurface investigations shall consist of drilling, excavations, or observations of naturally exposed soil and bedrock exposures at sufficient intervals and depths to indicate the type of material or condition to be encountered at final grading. The person or firm making the investigation shall submit a written report of their findings and recommendations.

#### **C. Grading Plan**

Grading plans shall include the following information which may be shown on the site map:

1. Elevations, dimensions, including quantity, location, and extent of proposed cut and fill.
2. A report showing extent and manner of tree cutting and vegetation clearing, including a plan for disposing of cut trees and vegetation.
3. Provision for stockpiling topsoil.

#### **D. Erosion and Sediment Control Plans**

The following requirements apply to erosion and sediment control plans, except when a Short Form is permitted pursuant to paragraph A of this section:

1. **Preparation:** The plan shall be prepared by a person or firm qualified by training and experience to have expert knowledge of erosion and sediment control methods.
2. **Implementation measures:** The proposed measures may be based on recommendations contained in the latest editions of the *State of California Erosion and Sediment Control Handbook* or *State Water Resources Control Board Best*

*Management Practice Construction Handbook.*

3. Standards: The plan shall conform to the requirements in the sections on "Standards" and "Implementation" of Articles IV and V, respectively.
4. Construction Schedule: A construction schedule for the contractor shall be included in the plan. The schedule shall provide for prompt establishment of protective vegetation.
5. Sediment Detention Measures: The following information shall be required only when work is to be undertaken in the winter period from October 15 to April 15:
  - a. The location and dimensions of sediment basins.
  - b. The hydrologic and sediment transport data used to determine the proper capacity of the needed basins.
  - c. The construction procedure and schedule.
  - d. The source of borrow material.
  - e. The maintenance schedule.
  - f. The type and manner of vegetating the erodible slopes.
  - g. Location of natural drainageways, curbs, and drop inlets.
  - h. Methods to prevent vehicle tracking of mud onto public roadways.
6. Fill Slopes: Where fill slopes are to be constructed, the following information shall be included:
  - a. Location of fill area.
  - b. Slope and height of fill.
  - c. Slope and condition of original ground.
  - d. The number and dimensions of benches.
  - e. Source of fill material.
  - f. Ability of fill to support vegetation.
  - g. Percent organic content of fill.
  - h. Maximum thickness of layers of fill to be compacted.
  - i. Percent Compaction.
  - j. Methods of protecting the slope surface of the fill.
7. Cut Slopes: Where slopes are to be formed from cuts, the following information shall be included:
  - a. Location of cuts.
  - b. Slope and height of cuts.
  - c. Identification of cuts to be vegetated or not subject to erosion.
  - d. Number and width of drainage terraces provided.
  - e. The ability of the ground to support vegetation.
8. Disposal of Spoil Material: Information concerning the disposal of spoil materials shall include the following:
  - a. Type of spoil material.
  - b. Location of disposal area.
  - c. Method of processing and disposing of spoil material.
  - d. Procedures to prevent soil loss to adjacent watercourses.
9. Stockpile: Stockpiled material shall be identified according to:

- a. Source of material.
  - b. Location, slope, and height of stockpile.
  - c. Duration that the material is to be stockpiled.
  - d. Provisions to prevent erosion and sediment loss from rain and wind action.
10. Dust Control: The following provisions for dust control shall be included:
  - a. Measures to keep dust to a minimum during equipment operation.
  - b. Measures to prevent wind erosion of exposed soil.
11. Slope Surface Stabilization: The following shall be included:
  - a. Temporary mulching, seeding, or other stabilization measures to be used to protect exposed critical areas during construction or other land disturbance.
  - b. Earth and paved interceptors and diversions to be installed at the top of cut or fill slopes where there is a potential for surface runoff.
12. Removal of Vegetation and Revegetation Plan. When vegetation is to be removed, the following information shall be provided:
  - a. A description and list of vegetation to be removed and the criteria used to determine removal.
  - b. The methods of removing and disposing of vegetation.
  - c. Measures to protect existing vegetation, particularly trees.
  - d. A revegetation plan, including temporary and permanent revegetation measures; areas to be revegetated; type and quantity of seeds or plants; type and quantity of mulch; and method and schedule of seeding, mulching, planting and fertilizing.
13. Additional Information: The Building Official may require the submittal of additional information when necessary to judge the adequacy of the planned erosion and sediment control measures.

#### **E. City Processing Fees**

Applicable City fees shall be submitted at the time of making application. The City fee schedule for plan checking and grading permits shall be as set forth in the UBC and is based upon the extent (cubic yards) of the grading operation. An additional fee may be established to compensate the City for its costs in review and approval of applications which include an erosion and sediment control plan, except where a short form has been determined to be adequate. The amount of the additional fee shall be as established by resolution of the City Council.

### **SECTION 3-0406 APPLICATION REVIEW AND APPROVAL**

#### **A. Submittal of Applications**

All required information and materials shall be submitted at the time of making application. All application materials, including a completed City application form, shall be submitted to the Building Official.

**B. Review and Approval of Applications**

Upon receipt of a complete application, the application shall be reviewed by the Building Official or his or her designee. In considering an application, the Building Official shall refer the application materials to the Environmental Services and Public Works Departments and to other agencies for their review and recommendations. The final determination as to the adequacy of the application materials and conformance of the proposed grading with the requirements of this Article shall be made by the Building Official with the consent of the City Engineer.

**C. Approval Criteria**

Approval of a grading permit and/or erosion and sediment control plan shall not be granted by the Building Official unless or until a determination is made that the project is in substantial compliance with the provisions of this Article and any other applicable provisions of City law and policy.

**D. Terms and Conditions of Grading Permits**

In approving an application, the Building Official may require any revisions or conditions as are necessary to achieve compliance with the requirements of this Article. The following terms and conditions shall be attached to all grading permits.

1. All soil erosion and sediment control measures shall be implemented in strict compliance with this Article and in accordance with approved erosion and sediment control plans.
2. All erosion and sediment control measures shall be adequately maintained by the permittee for a period of three years or until the site is stabilized as determined by the City of Arcata.
3. If the City determines that the work does not comply with the provisions of the approved erosion and sediment control plan or with the provisions of this Article, the Building Official may issue a Stop Work Order stopping all work until such time as compliance is assured.
4. The costs of any remedial work determined by the Building Official to be necessary to protect completed work or to prevent damage shall be the responsibility of the permittee.

**E. Appeals**

Appeals from decisions under this Article may be made by any aggrieved person to the City of Arcata in writing within ten days from the date of such decision. The appellant shall be entitled to a hearing before the Planning Commission within thirty days from the date of appeal. The appeal request shall be noticed and conducted in the manner specified in Section 1-0405 of this Title, *Hearings And Appeals*.

## SECTION 3-0407 STANDARDS

All grading or other land-disturbing activities, grading plans and erosion and sediment control plans shall conform to the standards set forth in this Section and to any additional applicable standards in sections 1-0228, *Wetland And Creek Protection Combining (WCP) Zone*, and 1-0312, *Diking, Filling, Or Dredging*, of this Title.

### A. General Standards

All grading or other land-disturbing activities and erosion and sediment control plans shall conform to the following general principles:

1. The design, scope, and location of the proposed *grading* shall be compatible with adjacent areas and should result in minimal disturbance of the terrain and natural land features.
2. The *grading* shall preserve, match, or blend with the natural contours and undulations of the land.
3. Whenever practicable, trees and native vegetation should be retained to stabilize hillsides, retain moisture, reduce erosion, siltation and nutrient run-off, and to preserve the natural scenic beauty of the area.
4. Scars from cuts and fills should be minimized; the amount of cuts and fills should be reduced and sharp angles at the top and sides of all necessary cut and fill slopes should be rounded off. Where a cut or fill slope occurs between two *lots*, the slope should normally be made a part of the downhill *lot*.
5. Geologic hazards and adverse soil conditions shall be mitigated.
6. All cleared slopes in cuts and fills and other areas vulnerable to erosion shall be stabilized.
7. Construction, clearing of vegetation, or disturbance of the soil shall be limited to areas of proven stability.
8. Sediment or other material deposited off the site shall not exceed that which would have been deposited if the land had been left in its natural state.
9. The natural geologic erosion of hillsides, slopes, graded areas, cleared areas, filled areas, or stream banks should not be exceeded.
10. New or modified erosion and sediment control techniques may be used provided there is mutual agreement between the City and permittee that the technique meets the intent of the erosion and sediment control plan and this Article.

### B. Sediment Control Standards

1. Sediment being transported by runoff water shall be retained on-site through the use of sediment basins, silt traps, or similar measures.
2. On-site surface runoff shall be collected and disposed of at non-erosive velocities to the point of discharge into the common natural watercourse of the drainage area.

3. Concentration of surface water runoff shall only be permitted in swales or watercourses.
4. In order to prevent polluting discharges from occurring, approved erosion and sediment control devices shall be required for all grading and filling. Control devices and measures which may be required include, but are not limited to, the following:
  - a. Energy absorbing devices to reduce the velocity of runoff water.
  - b. Sediment controls such as sediment debris basins and sediment traps. Any trapped sediment shall be removed to a disposal site approved by the permit-issuing authority.
5. Temporary seeding and mulching shall be required once an area is denuded for fourteen days after October 15. Oil treatment is unacceptable.
6. Mud shall be prevented from being tracked onto the public roadway by either:
  - a. Travel over a temporary gravel construction entrance.
  - b. Washing off vehicle tires before entering a public road.
7. All existing or newly-installed storm drainage structures shall be protected from sediment clogging by providing inlet protection for area drains and curb drains.
8. A vegetative barrier shall be retained around property boundaries.

**C. Standards for Revegetation**

1. A permanent vegetative cover shall be established on denuded areas not otherwise stabilized.
2. Permanent vegetation shall not be considered established until a ground cover is achieved which is mature enough to control soil erosion satisfactorily and to survive severe weather conditions.
3. The type of plants used shall: be self-sustaining, require little or no maintenance, and not increase the fire hazard.
4. Native plant species are encouraged.

**D. Slope Construction Standards**

1. Slopes, both cut and fill, shall not be steeper than two-to-one (2:1) unless a thorough geological and engineering analysis indicates that steeper slopes are safe and erosion and sediment control measures are specified.
2. Long or steep slopes should be terraced at regular intervals to slow runoff and provide a place for sediment to settle out.

**E. Standards for Protection of Watercourses and Drainage Inlets**

1. Fills shall not encroach on natural watercourse or constructed channels except as specified in Chapter 1, Article 3, Section 1-0312 *Diking, Filling, or Dredging*.
2. Grading equipment shall not cross or disturb creek zones.

3. Excavated materials shall not be deposited or stored in or alongside watercourses where the materials can be washed away by high water or storm runoff.
4. Any storm drain inlet protection measure which completely blocks the drain entrance shall not be used. Straw bales or filter fabric wraps are to be used in a manner which does not cause erosion, or flooding into roadway.

**F. Standards for Disposal of Excavated Materials**

1. Some or all of the topsoil on the site shall be stockpiled for use on areas to be revegetated.
2. Stockpiled soil shall be located so that if erosion occurs, it would not become a source for off-site sediment damage.
3. Stockpiled soil shall be located sufficient distance from streams or drainageways so that surface runoff cannot carry sediment downstream.
4. Stockpiled soil shall be promptly backfilled and compacted into trenches and pits to reduce the risk of erosion and sediment.
5. Mulch or other protective coverings shall be applied on stockpiled material which will be exposed through the winter season or which faces a high risk of intensive summer rains.
6. Excavated material not used at the site shall be disposed of at a location approved by the City of Arcata.

**SECTION 3-0408 ENFORCEMENT AND PENALTIES**

**A. Inspection and Enforcement**

The provisions of this Article shall be enforced by the Building Official and City Engineer. The engineer for a project may be required to inspect work and certify compliance with the approved grading plan, erosion and sediment control plan, and the provisions of this Article.

**B. Completion Reports**

Upon completion of the rough grading work and at the final completion of the work, the Building Official or City Engineer may require the following reports:

1. An As-graded Plan prepared by the civil engineer including a certification that the work was done in accordance with the final approved grading plan.
2. A Soil Grading Report prepared by the soil engineering geologist including a certification as to the adequacy of the site for the intended use and as affected by geological features.

**C. Penalties for Violations**

Violations of the provisions of this Article shall be enforced pursuant to Chapter 3 of Title I of the Arcata Municipal Code. Violations may also be subject to stop work orders, corrective action orders, and suspension of issuance of occupancy permits."

**SECTION 3. Amendments of various Code sections to achieve consistency with the new Article 4: Grading, and Erosion and Sediment Control**

The following sections of Title IX are hereby amended as follows:

**A. Deletion of paragraph 4 of Section 0-0103**

Paragraph 4 of Section 0-0103 is hereby deleted.

**B. Amendment of a portion of Section 0-0104, subsection titled "City-wide Ordinances"**

The portion of Section 0-0104 titled "City-wide Ordinances" is hereby amended to read as follows:

- \* Grading, and Erosion and Sediment Control. Applies when the topography is to be altered, vegetation removed, or soil disturbed, for construction or other purposes.

**C. Amendment of Section 1-0408.2 (b) 5. (Categorical Exclusions from Coastal Development Permits)**

Section 1-0408.2(b)5. is hereby amended to read as follows:

5. Grading as provided in Section 3-0404 A. 4., 6., 7., 8., 9., except in a wetland, riparian corridor, or buffer area as defined in Section 1-0228 :WCP COMBINING ZONE.

**D. Amendment of Section 3-0504 (c)**

Section 3-0504(c) is hereby amended to read as follows:

**SECTION 3-0504 OTHER REGULATIONS**

- (c) No development in the Forest/Hillside District or in any other residential district when these standards apply shall be approved unless it is consistent with the purposes of this Article, the purposes of the Forest/Hillside District regulations, the provisions of Article 4 (GRADING, AND EROSION AND SEDIMENT CONTROL) of this Chapter, the Hillside Development principles at Section 3-0502 HILLSIDE DEVELOPMENT PRINCIPLES, and the relevant standards

contained in the Arcata Basic Subdivision Design Standards Handbook, if the development entails a subdivision.

E. Amendment of Section 4-0505, definition of "Floodplain Management Regulations"

Section 4-0505 is hereby amended to read as follows:

**SECTION 4-0505 DEFINITIONS**

Floodplain Management Regulations means zoning Articles, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, and grading, and erosion and sediment control ordinance) and other applications of the police power. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**SECTION 4. Categorical Exemption from CEQA**

The amendments herein are hereby declared categorically exempt from the California Environmental Quality Act (CEQA) per Section 15308 of the CEQA Guidelines. Per said exemption, CEQA exempts "... *actions taken by regulatory agencies .... to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.*" This amendment enhances protective measures of the grading regulations and does not permit construction activities beyond, or relaxation of standards, provided in Title IX prior to adoption of this amendment.

**SECTION 5. Severability**

If any part 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 6. 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 7. Effective Date**

This Ordinance amends the Local Coastal Program of the City of Arcata and shall not be effective until the amendment is certified by the California Coastal Commission. The Community Development Department is hereby directed to transmit the ordinance to the California Coastal Commission for certification. This amendment is submitted as a program that shall take effect

immediately upon Council adoption of a Resolution accepting California Coastal Commission certification, but shall not be effective until such local review and adoption has taken place.

#### **SECTION 8. Implementation of Local Coastal Program**

The Arcata Local Coastal Program is intended to be carried out in a manner fully in conformance with the provisions of the Public Resources Code Section 30000 et seq.

**DATED:** September 18, 1996

**ATTEST:**

Alie Harris  
City Clerk, City of Arcata

Carl E. Pellatz  
Mayor, City of Arcata

#### **CLERK'S CERTIFICATE**

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1255, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 18th day of September, 1996, by the following vote:

**AYES:** Blaser, Kirkpatrick, Pellatz, Schaub, Test

**NOES:** None

**ABSENT:** None

**ABSTENTIONS:** None

Alie Harris  
City Clerk, City of Arcata

**RESOLUTION No. 990-30**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA ACCEPTING THE CALIFORNIA COASTAL COMMISSION CERTIFICATION OF AN AMENDMENT TO THE ARCATA COASTAL PROGRAM CONTAINED IN ORDINANCE NO. 1255, ADOPTING NEW ARTICLE 4 TO TITLE IX OF THE ARCATA MUNICIPAL CODE; GRADING, EROSION AND SEDIMENT CONTROL.

**WHEREAS**, the City Council of the City of Arcata adopted certain amendments to the City's certified Local Coastal Program (LCP) on September 18, 1996; and

**WHEREAS**, said amendments involved Land Use Plan and Land Use Implementation text changes related to regulations on grading, erosion, and sediment control; and

**WHEREAS**, the City Council of the City of Arcata submitted said amendments to the Coastal Commission for certification; and

**WHEREAS**, the Coastal Commission certified said amendments on July 15, 1999; and

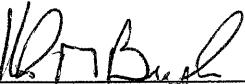
**WHEREAS**, Ordinance No. 1255, was submitted to the Coastal Commission for certification "... as a program that shall take effect immediately upon Council adoption of a Resolution accepting California Coastal Commission certification, but shall not be effective until such local review has taken place."

**NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:**

1. The City Council has reviewed and accepts the action of the Coastal Commission to certify the amendments to the City's Local Coastal Program, said amendments being contained in Ordinance No. 1255.
2. The amendments in Ordinance No. 1255 shall take effect immediately upon adoption of this resolution.

DATED: October 6, 1999

ATTEST:

  
\_\_\_\_\_  
Karen Bush  
City Clerk, City of Arcata

APPROVED:

  
\_\_\_\_\_  
Robert J. Davis  
Mayor, City of Arcata

Clerk's Certificate

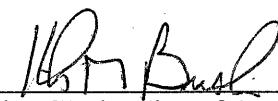
I hereby certify that the foregoing is a true and correct copy of Resolution No. 990-30 passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California held on the 6th day of October, 1999, by the following vote:

AYES: Hanan, Noble, Ornelas, Stewart, Test

NOES: None

ABSENT: None

ABSTAIN: None

  
\_\_\_\_\_  
City Clerk, City of Arcata

*Alma*

**ORDINANCE NO. 1256**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA  
AMENDING THE ARCATA MUNICIPAL CODE,  
TITLE IX - LAND USE AND DEVELOPMENT GUIDE;  
CHAPTER I, ARTICLE 2 - COASTAL ZONING MAP;  
TO APPLY THE :PD COMBINING ZONE TO NORTH BAY OFFICE PLAZA,  
A. P. 21-174-05**

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

**SECTION 1. Amendment of the Coastal Zoning Map**

Section 1-0203 of Article 2 of Chapter 1 of the Arcata Land Use and Development Guide, Title IX of the Arcata Municipal Code, said section being the Zoning Map and Coastal Zoning Map, is hereby amended as follows:

The *North Bay Office Plaza* property described in Exhibit "A," Parcel 1 of Parcel Map 2868, Book 26 of Parcel Maps, pages 30 and 31; and further identified as Assessor's Parcel Number 21-174-05, is hereby rezoned from *Coastal-Industrial Commercial District* (C-I-C) to *Coastal-Industrial Commercial District with Planned Development Combining Zone* (C-I-C:PD).

**SECTION 2. Adoption of Negative Declaration**

The City Council hereby determines that the Initial Study Report prepared for this project is a complete and adequate environmental document prepared in compliance with the California Environmental Quality Act, the *CEQA Guidelines*, and the implementing ordinance of the City of Arcata. Based upon information in the Initial Study Report and the record, the Council further determines that there is no potential for any significant environmental effect as a result of the proposed amendment and there is no need for mitigation measures.

**SECTION 3. 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 4. 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 5. Effective Date

This ordinance amends the *Coastal Zoning Map* of the Local Coastal Program of the City of Arcata and shall not be effective until the amendment is certified by the California Coastal Commission. The Community Development Department is hereby directed to transmit the ordinance to the California Coastal Commission for certification. The ordinance shall take effect thirty (30) days after its adoption by the City Council or immediately upon its certification by the California Coastal Commission, whichever is later.

DATED: August 21, 1996

ATTEST:

Alie Harris

City Clerk, City of Arcata

Carl E. Pellatz

Mayor, City of Arcata

#### CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1256, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 21st day of August, 1996, by the following vote:

AYES: Blaser, Kirkpatrick, Pellatz, Schaub, Test

NOES: None

ABSENT: None

ABSTENTIONS: None

Alie Harris  
City Clerk, City of Arcata

EXHIBIT "A"

Ordinance 1256

North Bay Office Plaza property



*Alme*

**ORDINANCE NO. 1254**

**AN ORDINANCE OF THE CITY OF ARCATA AMENDING THE ARCATA MUNICIPAL CODE, TITLE IX - LAND USE AND DEVELOPMENT GUIDE; CHAPTER I - ZONING CODE; ARTICLE 2 - ZONING DISTRICTS; TO DELETE REQUIREMENTS FOR LANDSCAPING WITHIN THE CBD ZONE AND ADDING DESIGN REVIEW CRITERIA FOR PROJECTS THEREIN**

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

**SECTION 1. Deletion of landscape requirement within the CBD zone**

Section 1-0217.3 of Article 2 of Chapter 1 of Title IX of the Arcata Municipal Code is hereby amended to delete item (i) as follows:

- (i) *Landscaping and Screening.* Ten (10) percent of *lot area* as prescribed in Section 1-0307 LANDSCAPING AND SCREENING.

Subsequent items shall be renumbered accordingly.

**SECTION 2. Addition of new design review criteria applicable to the CBD District**

A new Section 1-0217.4, Design Review Criteria, is hereby added to Article 2 of Chapter 1 to read as follows:

**"Section 1-0217.4      Downtown Design Review Criteria:** The provisions of this section establish design review guidelines for certain project applications pertaining to lands within the CBD zone which require approval by the Design Review Committee pursuant to this Title.

**A. APPLICABILITY**

The provisions of this section shall apply only to design review applications for projects which include new structures or substantial alterations of or additions to existing development within the CBD zone. For purposes of this section, substantial alteration shall mean any project which proposes any of the following: 1) a change in the bulk, mass or volume of an existing building; 2) a change in the roof form or height of an existing building; 3) a change in the major elements of the structural system of an existing building; 4) a substantial change in the amount or pattern of window or door openings in the street facade of an existing building; or 5) any group of individual changes to an existing structure which has a cumulative cost equal to fifty (50) percent of the value of the existing structure prior to the alterations.

## B. PRELIMINARY REVIEW.

Preliminary conceptual review by the Design Review Committee of a proposed project shall be required prior to submittal of a formal application for design review approval. The purposes of the preliminary review shall be to: 1) provide early guidance to applicants regarding the appropriate approach to design for the particular project and site so that any necessary adjustments can be made to the initial design prior to preparation of final application materials, and 2) provide guidance as to the appropriate *project enhancements* to include in the project's design.

## C. DESIGN GUIDELINES.

In addition to the provisions of Article 2 of Chapter 4 of this Title, any development which is subject to the provisions of this section shall comply with the following design criteria:

1. All development shall be designed to be in harmony with the historical character of other structures in the immediate area in terms of:
  - a. exterior materials
  - b. exterior colors
  - c. window sizes, shapes, and placement
  - d. roof form and shape
  - e. architectural details such as trims, cornices, eaves, and others
  - f. the visual organization or composition of the facade
  - g. consistency in the visual rhythms of facade elements
  - h. the proportion of window and door openings to the total facade area
  - i. setback of structures from the street parcel line
  - j. orientation of facades, store windows and signs to pedestrians rather than vehicles
2. New structures within the Plaza Overlay or Combining District shall comply with the following additional standards:
  - a. All buildings shall have a minimum height of two stories.
  - b. All floors of any building must be built parallel to and at the front property line or provide an enhanced paving plaza between the building face and the front property line (except as provided in c.).
  - c. Any building located at a corner intersection shall incorporate architectural features at the ground floor which emphasize pedestrian circulation, such as building cut-offs, walk-through arcades, pedestrian plazas and other similar elements.
  - d. Pedestrian access for all buildings shall be oriented to the major street upon which it is located.
3. Any proposed new structure shall either provide 10 percent of site area in landscaping or incorporate an appropriate combination of project enhancements from the following list in lieu of meeting the landscape standard. Any addition to an existing structure or substantial alteration to existing development shall be required to incorporate an appropriate combination

of the project enhancements in lieu of landscaping. Eligible project enhancements include, but are not limited to, the following:

- a. recessed entryways
- b. sidewalk and/or entry mosaics or decorative tile
- c. flower beds
- d. foundation plantings
- e. planted wall trellises
- f. window boxes
- g. other landscape planting areas
- h. features within the public right-of-way such as street trees and street furniture
- i. special paving materials within parking lots
- j. fountains or other water features
- k. courtyards, defined as unroofed, walled areas with or without landscaping
- l. arcades, defined as covered passageways with or without arches or colonnades, possibly including shops on either or both sides
- m. outdoor spaces for public use
- n. architectural ornamentation or decorative features
- o. balconies or decks on upper floors
- p. awnings
- q. secondary rear pedestrian entryways

The final determination as to the appropriate enhancements to be incorporated into individual projects shall be made by the Design Review Committee.

5. The following standards shall apply to parking facilities in the CBD District:
  - a. parking lots shall be landscaped in accord with the provisions of Section 1-0306, LANDSCAPING AND SCREENING.
  - b. parking lots and structures shall be located, to the extent practicable, to the rear of buildings.
  - c. parking lots shall not be located between the front property line and the front of the primary building.
  - d. Vehicular entry points to parking lots shall receive special paving accents where the driveway crosses the public sidewalk; wherever possible, parking access should be provided from alleys or side streets rather than an arterial street.
  - e. Bumpers or tire stops shall be provided in all parking lot areas abutting a sidewalk, street, building or alley so that car bumpers do not overhang.

#### **D. ACTION BY THE DESIGN REVIEW COMMITTEE.**

In considering any project application subject to the provisions of this section, the Design Review Committee shall make a finding prior to approval that the design is in substantial compliance with the criteria and guidelines contained herein."

### **SECTION 3. Amendment of Section 1-0225.2**

Section 1-0225.2 of Article 2 of Chapter 1 of Title IX of the Municipal Code is hereby amended to delete item (a) as follows:

- (a) The minimum *landscaping* requirements specified in subsection 1-0217.3(i) *Landscaping and Screening* (CENTRAL BUSINESS DISTRICT COMMERCIAL DISTRICT; Other Regulations). The *screening* requirements for *parking lots* specified in subsections 1-0306.2(g) *Parking Lot Landscaping*, (h) Off-street Loading *Landscaping* and (j) *Height Requirements* (LANDSCAPING AND SCREENING) will continue to apply.

Subsequent items shall be renumbered accordingly.

### **SECTION 4. Adoption of Negative Declaration**

The City Council hereby determines that the Initial Study Report prepared for this project is a complete and adequate environmental document prepared in compliance with the California Environmental Quality Act, the *CEQA Guidelines*, and the implementing ordinance of the City of Arcata. Based upon information in the Initial Study Report and the record, the Council further determines that there is no potential for any significant environmental effect as a result of the proposed amendments and there is no need for mitigation measures.

### **SECTION 5. 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 6. 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 7. Effective Date**

This ordinance amends the Local Coastal Program of the City of Arcata and shall not be effective until the amendment is certified by the California Coastal Commission. The Community Development Department is hereby directed to transmit the ordinance to the California Coastal Commission for certification. The ordinance shall take effect thirty (30) days after its adoption by the City Council or immediately upon its certification by the California Coastal Commission, whichever is later.

DATED: July 3, 1996

ATTEST:

Alice Harris  
City Clerk, City of Arcata

Carl E. Pellatz  
Mayor, City of Arcata

**CLERK'S CERTIFICATE**

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1254, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 3rd day of July, 1996, by the following vote:

AYES: Blaser, Kirkpatrick, Schaub, Test, Pellatz

NOES: None

ABSENT: None

ABSTENTIONS: None

Alice Harris  
City Clerk, City of Arcata

ORDINANCE NO. 1263

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA  
AMENDING THE ARCATA MUNICIPAL CODE,  
TITLE IX - LAND USE AND DEVELOPMENT GUIDE;  
CHAPTER 1; ARTICLE 2; SECTION 1-0203 COASTAL ZONING MAP  
FOR THE PROPERTY AT 575 "H" STREET.

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

**SECTION 1. Amendment of the Zoning Map**

Section 1-0203 of Article 2 of Chapter 1 of the Arcata Land Use and Development Guide, Title IX of the Arcata Municipal Code, said section being the Zoning Map and Coastal Zoning Map, is hereby amended as follows:

The property shown in Exhibit "A" and further identified as Assessor's Parcel Number 21-165-03 is hereby rezoned from "Coastal Residential Medium Density" (C-R-M) to "Coastal Central Business District Commercial" (C-CBD).

**SECTION 2. Adoption of Mitigated Negative Declaration**

The City Council hereby determines that the Initial Study Report prepared for this project is a complete and adequate environmental document prepared in compliance with the California Environmental Quality Act, the "CEQA Guidelines", and the implementing ordinance of the City of Arcata. Based upon information in the Initial Study Report and the record, the Council further determines that there is no potential for any significant environmental effect as a result of the proposed amendment.

**SECTION 3. 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 4. 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 if the date of adoption of this ordinance.

**SECTION 5. Effective Date**

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

## SECTION 6. Effective Date

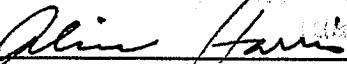
This Ordinance amends the Local Coastal Program of the City of Arcata and shall not be effective until the amendment is certified by the California Coastal Commission. The Community Development Department is hereby directed to transmit the ordinance to the California Coastal Commission for certification. This amendment is submitted as a program that shall take effect immediately upon certification by the California Coastal Commission.

## SECTION 7. Implementation of Local Coastal Program

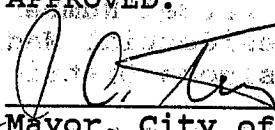
The Arcata Local Coastal Program is intended to be carried out in a manner fully in conformance with the provisions of the Public Resources Code Section 30000 et seq.

Dated: February 19, 1997

ATTEST:

  
Alie Harris  
City Clerk, City of Arcata

APPROVED:

  
O.C. Brown  
Mayor, City of Arcata

## CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1263, passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California, on the 19th day of February, 1997, by the following vote:

AYES: Hanan, Kirkpatrick, Ornelas, Stewart, Test

NOES: None

ABSENT: None

ABSTENTIONS: None

  
Alie Harris  
City Clerk, City of Arcata

575 "H" Street  
AP# 21-165-03

**EXHIBIT "A"**  
**[Ordinance 1263]**

**EXHIBIT "A"**

[Ordinance 1263]

**OUTSIDE  
Coastal Zone**

IN    
 tal Zone

OUTSIDE  
Coastal Zone  
CITY  
HALL

IN  
Coastal  
Zone

AP# 21-165-03

## Central Business District

## COASTAL ZONE

17

$$= 400^\circ$$

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RESOLUTION NO. 967-28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA  
AMENDING THE ARCATA COASTAL GENERAL PLAN MAP  
FOR THE PROPERTY AT 575 "H" STREET,  
SAID MAP BEING A PART OF THE ARCATA GENERAL PLAN AND  
THE ARCATA COASTAL LAND USE PLAN.

**WHEREAS** the City Council of the City of Arcata adopted a Local Coastal Program on May 3, 1989, which has been updated from time to time; and

**WHEREAS**, the City Council of the City of Arcata has an adopted General Plan which has been updated from time to time; and

**WHEREAS**, the City Council and the State of California recognize the necessity of amending the General Plan and Local Coastal Program from time to time to reflect changing needs; and

**WHEREAS**, the "Arcata Coastal General Plan & Zoning Land Use Map" is the General Plan map with respect to both the Local Coastal Program and the Arcata General Plan; and

**WHEREAS**, the Planning Commission of the City of Arcata, following an advertised public hearing, has recommended that the Arcata Coastal General Plan Land Use Plan Map be amended as shown in Exhibit "A" attached and that the Negative Declaration be approved, and has forwarded its recommendation to the City Council through adoption of Resolution No. PC-97-03; and

**WHEREAS**, after holding an advertised public hearing, the City Council has found that said amendments of the Arcata General Plan and Arcata Coastal Land Use Plan are warranted by the data presented;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Arcata approves the following:

- \* adoption of the Negative Declaration prepared on said amendment;
- \* amendment of the Coastal General Plan Land Use Map for the property described in Exhibit "A" and further identified as Assessor's Parcel Number 21-165-03, from "Coastal Residential Medium Density (C-R-M)" to "Coastal Central Business District Commercial (C-CBD)", subject to Conditions of Approval listed in Exhibit "B" attached.

**BE IT FURTHER RESOLVED** that the following findings are hereby made:

1. This Resolution shall take effect immediately upon Coastal Commission approval of said amendment.
2. The Arcata Local Coastal Program is intended to be carried out in a manner fully in conformance with the provisions of the Public Resources Code Section 30000 et seq.
3. Findings of approval listed in Exhibit "C" attached.

**BE IT FURTHER RESOLVED** that the Director of Community Development is directed to forward a copy of this resolution and said amendment to the California Coastal Commission pursuant to the provisions of Public Resources Code Sections 30000 et seq.

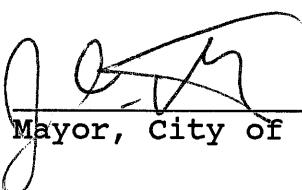
Dated: February 5, 1997

ATTEST:

  
\_\_\_\_\_  
Alie Harris

City Clerk, City of Arcata

APPROVED:

  
\_\_\_\_\_  
John D. Fink  
Mayor, City of Arcata

CLERK'S CERTIFICATE

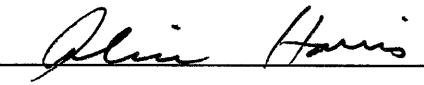
I hereby certify that the foregoing is a true and correct copy of Resolution adopted at a regular meeting of the City Council of the City of Arcata, Humboldt this 5th day of February, 1997, by the following vote:

AYES: Hanan, Kirkpatrick, Ornelas, Stewart, Test

NOES: None

ABSENT: None

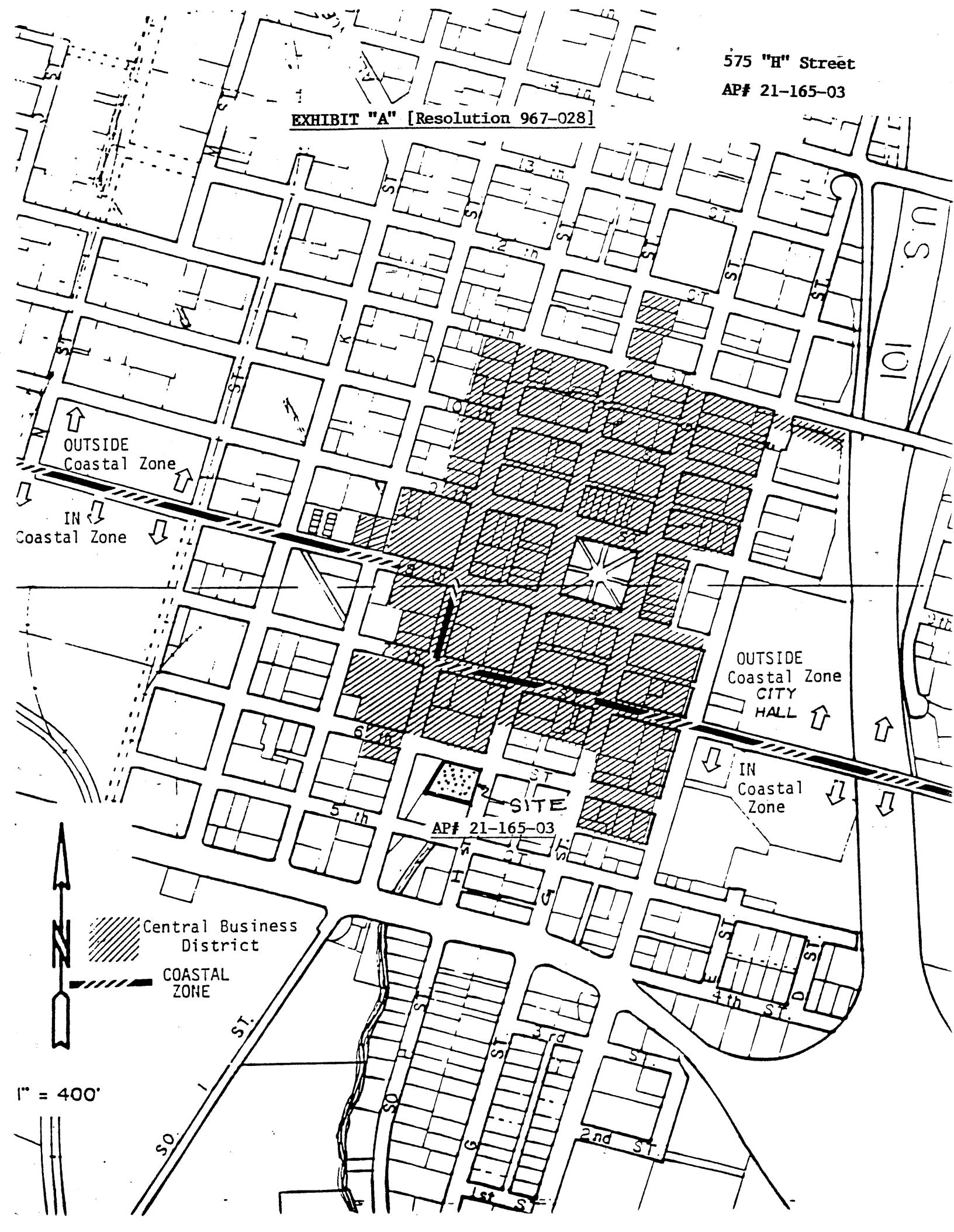
ABSTENTIONS: None

  
\_\_\_\_\_  
Alie Harris

City Clerk, City of Arcata

575 "H" Street  
AP# 21-165-03

EXHIBIT "A" [Resolution 967-028]



**EXHIBIT "B"**

[RESOLUTION 967-28]

**CONDITIONS OF APPROVAL FOR FILE # 967-045-GPA-ZA-END**

1. Following the effective date of the "Arcata Coastal General Plan & Zoning Land Use Map" amendment, the applicant shall do one of the following prior to new occupancy of the building, obtaining a building permit in preparation for new occupancy of the building, or within one (1) calendar year, whichever comes first:
  - a. the applicant provide information as to compliance with the vision clearance area; or
  - b. obtain a vision clearance waiver; or
  - c. bring the overhang into compliance with the code (for which Design Review Committee approval is first required).
2. Prior to occupancy of the building under the new zoning, the applicant shall comply with the conditions set forth in the 11/25/96 "Memorandum" from Department of Public Works, incorporated herein as Attachment 1 to this exhibit.

ATTACHEMENT 1 to EXHIBIT "B" [Resolution 967-028]

File # 967-045-GPA-ZA-END

RECEIVED

STAFF MEMORANDUM

DEC 12 1996

City of Arcata  
Planning & Building Dept.

DATE: November 25, 1996

TO: Lia Sullivan, Associate Planner

FROM: Duane K. Greenwood, Director of Public Works *DKG*

SUBJECT: Public Works Comments Regarding  
575 "H" Street AP #21-165-03 and  
Zoning Change request File# 967-045-GPA

---

The Public Works Department has the following conditions of approval for the above referenced parcel:

1. *Parking lot to be restriped to meet ADA requirements (i.e., minimum 2 ADA spaces, one of which must be Van accessible).*
2. *All broken and uneven sections of sidewalk posing potential tripping hazards shall be removed and replaced along property street frontage.*
3. *ADA sidewalk curb ramp shall be installed at the corner of 6<sup>th</sup> and "H" Streets.*
4. *Roof drains shall be inspected to ensure there is no discharge into the City wastewater collection system.*
5. *All applicable utility sewer cleanouts, grease traps, and water double check valves must be installed and/or properly serviced.*
6. *A minimum of 8 on site bicycle parking spaces must be provided.*

DKG:mlc

greenwood\memos\lia.doc

## EXHIBIT "C"

### FINDINGS OF APPROVAL FOR RESOLUTION 967-28

The following findings are adopted:

#### Required General Plan Amendment Findings per LUDG Section 5-0203:

- (A) *That the requirements of State Planning Law have been followed in the preparation of the General Plan amendments; and*

[Staff has followed state planning law in preparing the amendments.]

- (B) *That the portions of the General Plan which are proposed to be changed will conform to the remainder of the Plan.*

[The map amendment has been reviewed for, and found in compliance with, applicable policies of the Coastal Land Use Plan and General Plan. Approval of the amendment would not create internal conflicts. See also Findings G, H and I.]

#### Required Zoning Amendment Findings per LUDG 1-0403 and 1-0204, amending the Zoning Map (Section 1-0203):

- (C) *That the proposed amendment is consistent with the General Plan in accordance with the California Government Code, Section 65860; and*

[See Finding B, above.]

- (D) *That the public health, safety, and general welfare require the adoption of the proposed amendment.*

[Information provided in the applicant's project application material and the *Initial Study* support this conclusion.]

#### Recommended Findings: Other findings, appropriate to this project are:

- (E) *Based on an Initial Study, a Mitigated Negative Declaration is appropriate for this project pursuant to the California Environmental Quality Act (CEQA)*

[Environmental review, pursuant to CEQA, was required because of the zoning and general plan land use designation change involved. An initial study was prepared and concluded that there would not be a significant environmental impact and that no other potential impacts warranted mitigation.]

(F) *State law (AB 3158) requires special findings where minimal fish or wildlife impacts are expected as a result of a project. The project is not in an area of sensitive habitat or other sensitive resources. The City concludes that the proposed use will not adversely impact wildlife and finds that this project will have a "de minimis" impact on fish and wildlife.*

[Information provided in the applicant's project application material and the *Initial Study* support this conclusion.]

(G) *The existing commercial use of the site is consistent with uses intended in the Central Business District zone.*

[The existing commercial building is currently vacant. Its previous use as a restaurant is principally permitted in the C-CBD zone.]

(H) *The site is determined to be in the immediate vicinity of the Plaza, consistent with Chapter V. ECONOMIC ENVIRONMENT Policy 9 which states, in part: "The Central Business District should be defined as those blocks in the immediate vicinity of the Plaza."*

[Information provided in the staff report and the *Initial Study* support this conclusion.]

(I) *While the site is located between the first public road and the sea, the proposed land use designation change will not significantly adversely affect coastal resources and access.*

[Information provided in the applicant's project application material, Coastal jurisdiction maps, and the *Initial Study* support this conclusion.]

(J) *The proposed land use designation is not inconsistent with the Arcata Coastal General Plan. The proposed CBD zone does allow a higher density of residential development than the current zone. In the unlikely event that such development would occur, current public services can accommodate the higher density and coastal resources and access would not be significantly affected.*

[Information provided in the staff report and the *Initial Study* support this conclusion.]

(K) *Based on testimony presented at the public hearing, the City Council hereby finds and determines that a bar would have an adverse impact on the neighborhood, particularly adjacent residential uses, and therefore would not be an appropriate use at this site.*

ORDINANCE NO. 1262

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA  
ADOPTING A NEW ZONING MAP AND COASTAL ZONING MAP,  
SECTION 1-0203 OF TITLE IX OF THE ARCATA MUNICIPAL CODE  
AND RELATED TEXT AMENDMENTS TO SAID TITLE.

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

**SECTION 1. Rescission of existing Zoning Map and Coastal Zoning Map.** The existing Zoning Map and Coastal Zoning Map, adopted on November 20, 1985, by Ordinance No. 1071 and on November 15, 1989, by Ordinance No. 1151, respectively, as subsequently amended and as referenced in Section 1-0203 of Title IX of the Arcata Municipal Code, said Title being the Arcata Land Use And Development Guide (LUDG), is hereby rescinded and shall be of no further force or effect.

**SECTION 2. Amendment of Section 1-0203, " Zoning Map."** The existing Section 1-0203 is hereby rescinded and replaced with a new Section 1-0203 to read as follows:

**"SECTION 1-0203 ADOPTION OF ZONING MAP**

The designations, locations and boundaries of the zoning districts referred to in this title are hereby established by and delineated upon the map entitled "Land Use Plan and Zoning Map," which is hereby adopted and by this reference incorporated herein as a part of this title. The map hereby adopted supersedes the maps, and all subsequent amendments thereto, adopted by Ordinances 1071 and 1151. The Coastal Zoning Map shall consist of that portion of the territory of the City of Arcata delineated within the boundary of the Coastal Zone as established and maintained on official maps by the California Coastal Commission, and as generally shown on the Land Use Plan and Zoning Map adopted herein. The map consists of five (5) sections, A through E, which taken together encompass the entire territory of the City.

Amendments to the map hereby adopted shall be effected by ordinance in accordance with the procedures and requirements provided in Section 1-0403 of this title, and such amendments shall become a part of this title and section by reference. Ordinances amending the map shall be listed in a Table of Ordinances and entitled "Table of Zoning Map Amendments" which shall be incorporated herein. The Community Development Director shall cause to be prepared and maintained an official Land Use Plan and Zoning Map which incorporates all amendments. The official map shall be a public document on file at the Arcata Community Development Department and shall be available for review and purchase by the public."

**SECTION 3. Amendment of Section 1-0205, "Pre-Zoning."** The existing Section 1-0205 is hereby rescinded and replaced with a new Section 1-0205 to read as follows:

**"SECTION 1-0205 ADOPTION OF PRE-ZONING MAP**

For certain unincorporated territory within the City's sphere of influence as adopted by the Humboldt County Local Agency Formation Commission, the designations, locations and boundaries of the zoning districts referred to in this title are hereby established by and delineated upon the map entitled "Sphere of Influence Land Use Plan and Zoning Map," which is hereby adopted and by this reference incorporated herein as a part of this title. The map hereby adopted supersedes the maps, and all subsequent amendments thereto, adopted by Ordinances 1071 and 1151. The zonings for any area shown on the map shall be effective immediately upon completion of annexation of that area to the City. The method of amending the map shall be as provided in Section 1-0403 of this title."

**SECTION 4. Amendment of Subsection 1-0222.1, "Application and Minimum Area."** The existing subsection 1-0222.1 is hereby rescinded and replaced with a new subsection 1-0222.1, to read as follows:

**Section 1-0222.1 Applicability and Scope**

**(a) Applicability.**

A :PD Zone may be combined with any Residential, Commercial, or Industrial District, the Forest/Hillside District, or the Residential Agriculture District. The regulations in this Section (1-0222) shall apply in any Principal District with which a :PD Zone is combined.

**(b) Adoption of Map of :PD Combining Zone.**

The designations, locations and boundaries of the Planned Development Combining Zone are hereby established by and delineated upon the map entitled "Map of Planned Development Combining Zones," which is hereby adopted and by this reference incorporated herein as a part of this title. The map hereby adopted supersedes all previously adopted designations of :PD zones.

Amendments to the map shall be effected by ordinance in accordance with the procedures and requirements provided in Section 1-0403 of this title, and such amendments shall become a part of this title and section by reference. Ordinances amending the map shall be listed in a Table of Ordinances and entitled "Table of :PD Map Amendments" which shall be incorporated herein. The Community Development Director shall cause to be prepared and maintained an official Map of Planned Development Combining Zones which incorporates all amendments. The official map shall be a public document on file at the Arcata Community Development Department and shall be available for review and purchase by the public.

(c) Scope.

The PD combining zone permits exceptions to the usable open space; density; lot area, width and depth; ground coverage; yard; height; parking; loading; sign; and landscaping requirements of the Principal District where such exceptions are warranted as set forth in subsection 1-0222.5."

**SECTION 5. Amendment of Section 5-0102, "Single Land Use Map."** The existing Section 5-0102 is hereby rescinded and replaced with a new Section 5-0102 to read as follows:

**"SECTION 5-0102 COMBINED LAND USE PLAN AND ZONING MAP**

It is the finding of the City Council that the City of Arcata is of a sufficiently comprehensible scale and that its planning process is sufficiently advanced that the General Plan can be applied on a "parcel" by "parcel" basis. In order to eliminate confusion and possible inconsistency between the General Plan and zoning, the City of Arcata shall utilize a combined General Plan Land Use Plan and Zoning Map for all territory within the City and the unincorporated portion of the sphere of influence."

**SECTION 6 Adoption of Negative Declaration.** The City Council hereby determines that the Initial Study Report prepared for this project is a complete and adequate environmental document prepared in compliance with the California Environmental Quality Act, the CEQA Guidelines, and the implementing ordinance of the City of Arcata. Based upon information in the Initial Study Report and the record, the Council further determines that there is no potential for any significant environmental effect as a result of the proposed amendment.

**SECTION 7. Severability.** If any part 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 8. 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.

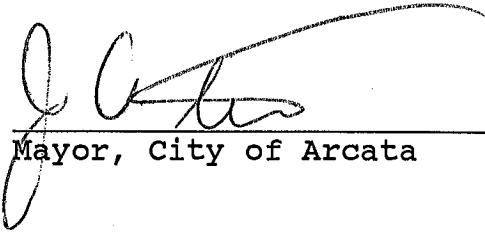
**SECTION 9. Effective Date.** This Ordinance amends the Local Coastal Program of the City of Arcata and shall not be effective until the amendment is certified by the California Coastal Commission. The Community Development Department is hereby directed to transmit the ordinance to the California Coastal Commission for certification. This amendment is submitted as a program that shall take effect immediately upon Council adoption of a Resolution accepting California Coastal Commission certification, but shall not be effective until such local review and adoption has taken place.

**SECTION 10. Implementation of Local Coastal Program.** The Arcata Local Coastal Program as amended is intended to be carried out in a manner fully in conformance with the provisions of the Public Resources Code Section 30000 et. seq.

DATED: May 7, 1997

ATTEST:

Alie Harris  
City Clerk, City of Arcata

  
Jim Ober  
Mayor, City of Arcata

**CLERK'S CERTIFICATE**

I hereby certify that the foregoing is a true and correct copy of Ordinance No.1262, adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 7th day of May, 1997, by the following vote:

**AYES:** Hanan, Kirkpatrick, Ornelas, Stewart, Test

**NOES:** None

**ABSENT:** None

**ABSTENTIONS:** None

Alie Harris  
City Clerk City of Arcata

**LIST OF PLANNED DEVELOPMENT (PD) COMBINING ZONES**

February 6, 1997

#	ORD. # [if known]	ADOPTED [if known]	"BASE" ZONE	PROJECT/PD PERMIT NAME	SECTION	ACTIVE PD PERMIT
1	*/1043	04/18/84	C-I-C	Rainbow Mini-Storage	A	X
2	*		G-C	Valley West Shopping Center	D	X
3	*		G-C	<i>The Courtyards</i> (Storre property)	D	X
4	883	11/03/76	C-T	Area west of Valley West Blvd.	D	X
5	*		R-MH	Ville de Valle Estates	D	X
6A	*		R-MH	Franke property west (Foster Ave.)	C	
6B	*		R-MH	Franke property east (Sunset Ave.)	C	
7	870 1261	02/18/76 01/15/97	R-MH G-C	Westwood Manor area	C	X
8	*		C-R-MH	Hoyle property	E	X
9A	*	02/21/73	C-R-MH	Grove Apartments property	E	X
9B	788	02/21/73	C-R-MH	Pickwick Apartment property	E	X
10	880 1148	10/06/96 08/16/89	C-R-MH C-NRP	Wayne/Prince property	E	X
11	*/1148	08/16/89	C-R-MH C-NRP	Beard property	E	X
12	890	04/21/77	R-MH	Hallen Drive area	D	X
13	894 1170 1190	07/20/77 01/02/91 05/20/92	R-M	Aldersprings PD	B	X
14	906	07/05/78	I-C	Creamery Building	C	X
15	915	02/21/79	I-C	West End Rd.	D	X
16	954	11/05/80	R-M	Sorenson property	C	

#	ORD. # [if known]	ADOPTED [if known]	"BASE" ZONE	PROJECT/PD PERMIT NAME	SECTION	ACTIVE PD PERMIT
17	*		C-R-MH	Colony Inn	E	X
18	*		C-R-MH	Debets Property	E	X
19	957	12/03/80	R-L	Stewart School	A	X
20	987	01/06/82	R-MH	Stewart Manor	C	X
21	998	06/02/82	R-MH	Raymond	C	X
22	1006	11/03/92	P-F	Mad River Medical Complex	D	X
23	1031	10/05/83	I-C	Garment Building/Cruz & Wolfe etc. (Aldergrove Industrial Park)	D	X
24	1104	04/29/87	F/H	Woodland Heights	B	X
25	1118	04/22/88	R-L	Garnett Street (Cook)	C	X
26	1127	11/07/88	R-R	Gorge PD	E	X
27	1172	01/16/91	R-R	Bayside Gables PD	E	X
28	1176	07/03/91	R-M	Camp Curtis Apartments	B	X
29	1180	09/18/91	R-A	Milan PD	E	X
30	1195	08/05/92	R-L	Pontoni	C	X
31	1203	12/02/92	R-R	Girard	D	X
32	1206	05/05/93	R-L	Universal Forest Products (Windsong)	C	X
33	1222	03/02/94	C-R-M	Marsh Commons Co-Housing project	A	X
34	1256	08/21/96	C-I-C	Payne PD	C	X

\* Ordinance adopting PD zone is unknown; believed to occurred prior to or during adoption of Ordinance 884.

RESOLUTION NO. 967-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA  
ADOPTING A GENERAL PLAN / COASTAL PLAN AMENDMENT  
CONSISTING OF NEW LAND USE MAPS WITH RELATED TEXT CHANGES, AND  
APPROVAL OF A RELATED MAP AND TEXT AMENDMENT TO THE LAND USE  
AND DEVELOPMENT GUIDE, TITLE IX OF THE ARCATA MUNICIPAL CODE

**WHEREAS**, the City has a Land Use and Development Guide (LUDG) which was adopted by Ordinance No. 1071 on November 20, 1985, and a Coastal Land Use and Development Guide (CLUDG) which was adopted by Ordinance No. 1151 on November 15, 1989, both documents comprising Title IX of the Arcata Municipal Code and referred to as the LUDG;

**WHEREAS**, the City of Arcata has a combined General Plan Land Use and Zoning Map, per LUDG Section 5-0102;

**WHEREAS**, the Land Use Plan and Zoning Map has been amended from time to time since the original adoption;

**WHEREAS**, not all of the various individual amendments were properly consolidated onto the maps adopted in 1985 and 1989, and as a result the City has not been able to provide a correct, updated map to the public;

**WHEREAS**, the City subsequently prepared an unofficial facsimile of the General Plan map using the GIS system, and discrepancies were uncovered between the originally adopted maps, the resolution maps adopting individual amendments, and the GIS facsimile map;

**WHEREAS**, the Planning Commission determined to review the various maps and adopting resolutions to ascertain the correct and properly adopted zoning and land use designations for the various land areas within the City;

**WHEREAS**, the Planning Commission conducted numerous study sessions in 1995 and 1996 at which times it reviewed the various maps and resolutions and made preliminary determinations as to the correct and properly adopted designations and directed that the corrected maps and related text be set for public hearing for adoption as the official land use plan and zoning maps;

**WHEREAS**, the Planning Commission determined that several City-owned sites with existing public facility uses were not designated in the Public Facilities (P-F) district, which is the appropriate district for such uses, and directed that the proposed amendment include redesignation of those sites to the P-F land use designation;

**WHEREAS**, pursuant to the requirements of state and local law the Planning Commission conducted on February 25, 1997, a duly noticed and advertised public hearing to consider the proposed amendments, at

which time all interested persons were given an opportunity to be heard;

**WHEREAS**, the Planning Commission, following said hearing and on said date did adopt Planning Commission Resolution 97-04, thereby recommending that the City Council adopt the proposed amendments;

**WHEREAS**, pursuant to the requirements of state and local law the City Council has conducted a duly noticed and advertised public hearing to consider the proposed amendments, at which time all interested persons were given an opportunity to be heard;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Arcata hereby adopts the following:

**Section 1. General Plan Amendment.** The General Plan amendment consists of the following changes:

- a. The existing General Plan Land Use Map is hereby rescinded.
- b. The land use designations shown on the Coastal General Plan Land Use Map (said map having been adopted by Resolution 878-18 and as subsequently amended) for the area within the City boundaries and within the unincorporated portion of the sphere of influence are hereby rescinded. The remaining land-use designations within the planning area and the circulation system designations shall continue to be a part of the General Plan.
- c. A new general plan land-use map, said map comprising sheets A through E and being titled "Land Use Plan and Zoning Map", is hereby adopted and is attached hereto as Exhibit "A". This map provides land-use designations for all land areas within the existing City boundary.
- d. A new general plan land-use map, said map being titled "Sphere of Influence Land-Use Plan and Zoning Map", is hereby adopted and is attached hereto as Exhibit "B". This map provides land-use designations for unincorporated portions of the City's sphere of influence.
- e. The first paragraph of the text of the What Is A General Plan? section of the General Plan Introduction is hereby amended to read as follows:

"This General Plan is a composite of many policies, programs and intended actions to govern the future physical development of the City of Arcata and the surrounding Planning Area. The policies are designed to preserve and enhance existing development, and to provide for orderly and appropriate new development to meet the needs of the area over the next twenty years. Although the Plan covers the period from 1985 to 2000, the emphasis in this planning document is on action which should be taken in the more immediate future. Accompanying the set of policies and implementation recommendations included in this

report is a General Plan Map, which has been prepared in two sections: one for the City of Arcata and its immediate vicinity (Map 1), and one at a smaller scale for the entire Planning Area (Map 2). Map 1 shall consist of five (5) separate sheets, for Sections A through E respectively, which together encompass the entire territory of the City. Map 1 also includes a separate map sheet for the unincorporated portion of the sphere of influence. Map 2 consists of two sheets with land-use designations for the planning area and circulation system designations for the city and planning Area. Sheet A encompasses areas more distant from the City, while sheet B applies to land areas immediately adjacent to the sphere of influence."

**Section 2. Negative Declaration.** Based on the Initial Study Report and the recommendation of the Planning Commission, a Negative Declaration of environmental impact for the proposed general plan and LUDG amendment is hereby adopted.

**Section 3. Findings.** The City Council hereby approves the Findings of Approval, attached as Exhibit "C".

**Section 4. Implementation of Local Coastal Program.** The Arcata Local Coastal Program as amended is intended to be carried out in a manner fully in conformance with the provisions of the Public Resources Code Section 30000 et. seq.

**Section 5. Effective Date.** This resolution amends the Land Use Plan portion of the Local Coastal Program of the City of Arcata and shall not be effective until the amendment is certified by the California Coastal Commission. The Community Development Department is hereby directed to transmit the resolution to the California Coastal Commission for certification. This amendment is submitted as a program that shall take effect immediately upon Council adoption of a Resolution accepting California Coastal Commission certification, but shall not be effective until such local review and adoption has taken place.

DATED: April 16, 1997

ATTEST:

Alie Harris  
City Clerk, City of Arcata

APPROVED:

J. O. D.  
Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Resolution No. 967-27, passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California, on the 16th day of April, 1997, by the following vote:

**AYES:** Hanan, Kirkpatrick, Ornelas, Stewart, Test.

**NOES:** None

**ABSENT:** None

**ABSTENTIONS:** None

*Alice Harris*  
\_\_\_\_\_  
City Clerk, City of Arcata

EXHIBIT "C"

Findings of Approval for Resolution 967-27

The findings are written in *italics*. A discussion of how the finding can be made, for the project request, will follow the stated criteria. This discussion will be bracketed ([]) and in normal type.

The following findings are adopted:

SECTION 1. Environmental Findings.

- (A) *Based on an Initial Study and comments received and responded to, a Negative Declaration is appropriate for this project pursuant to the California Environmental Quality Act (CEQA). No mitigation measures were necessary.*

[Environmental review, pursuant to CEQA, was required because of the zoning and general plan land use designations are involved. An initial study was prepared and concluded that there would not be a significant environmental impact and that no potential impacts warranted mitigation.]

- (B) *State law (AB 3158) requires special findings where minimal fish or wildlife impacts are expected as a result of a project. The project is not in an area of sensitive habitat or other sensitive resources. The City concludes that the proposed use will not adversely impact wildlife and finds that this project will have a "de minimis" impact on fish and wildlife.*

[Information provided in the *Initial Study* support this conclusion.]

SECTION 2. Findings Related To The General Plan Amendments.

Required General Plan Amendment Findings per LUDG Section 5-0203:

- (A) *That the requirements of State Planning Law have been followed in the preparation of the General Plan amendments; and*

[Staff has followed state planning law in preparing the amendments.]

- (B) *That the portions of the General Plan which are proposed to be changed will conform to the remainder of the Plan.*

[The map and text amendments have been reviewed for, and found in compliance with, applicable policies of the Coastal Land Use Plan and General Plan. Approval of the amendment would not create internal conflicts.]

**SECTION 3. Findings Related To The Arcata Land Use And Development (LUDG) Amendments.**

Required LUDG Amendment Findings per LUDG 1-0403:

- (A) *That the proposed amendment is consistent with the General Plan in accordance with the California Government Code, Section 65860; and*

[See Section 2., above.]

- (B) *That the public health, safety, and general welfare require the adoption of the proposed amendment.*

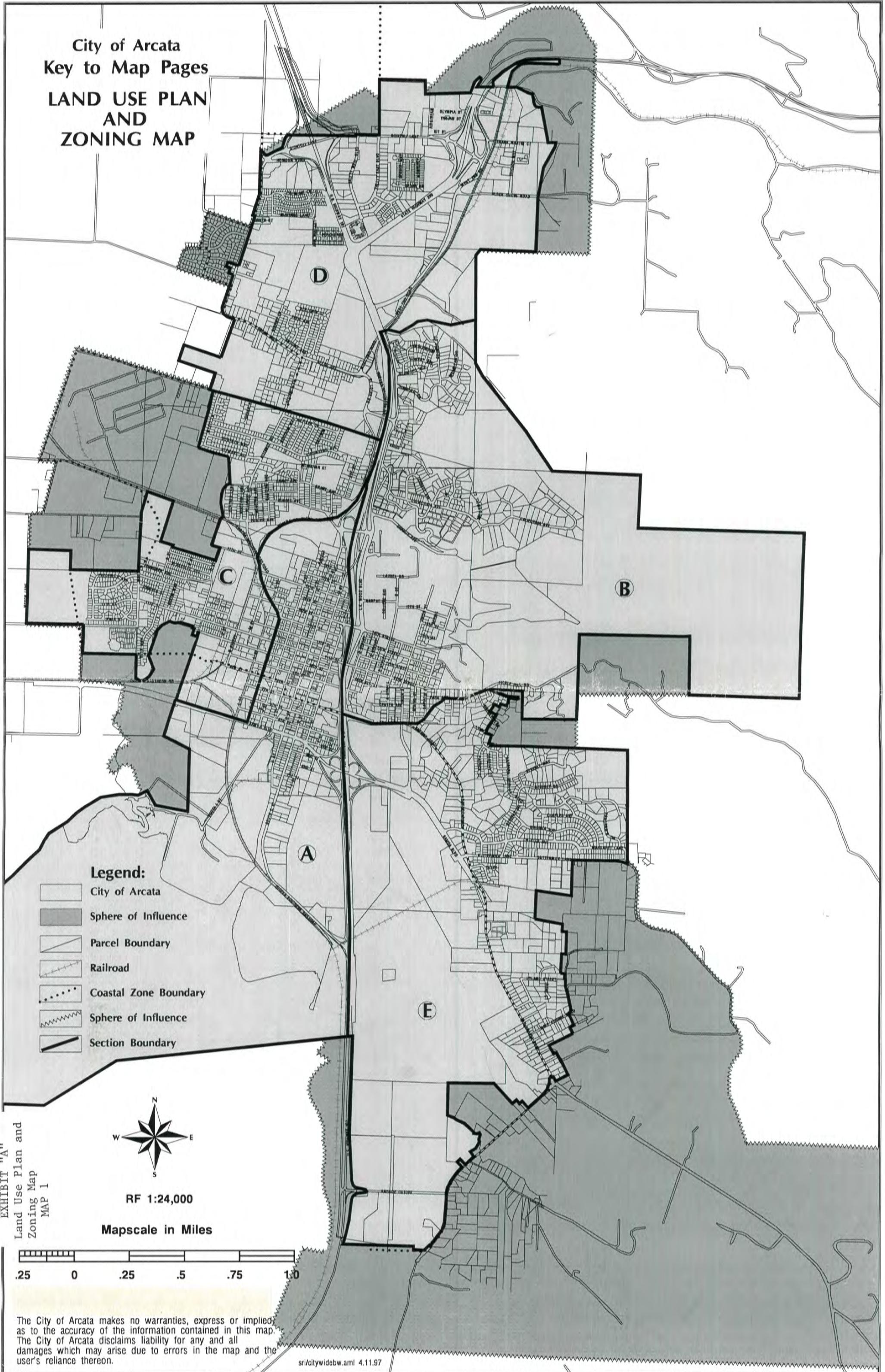
[Information provided in the *Initial Study* supports this conclusion. Further, the proposed amendments are necessary for accurate and accessible General Plan and Zoning information.]

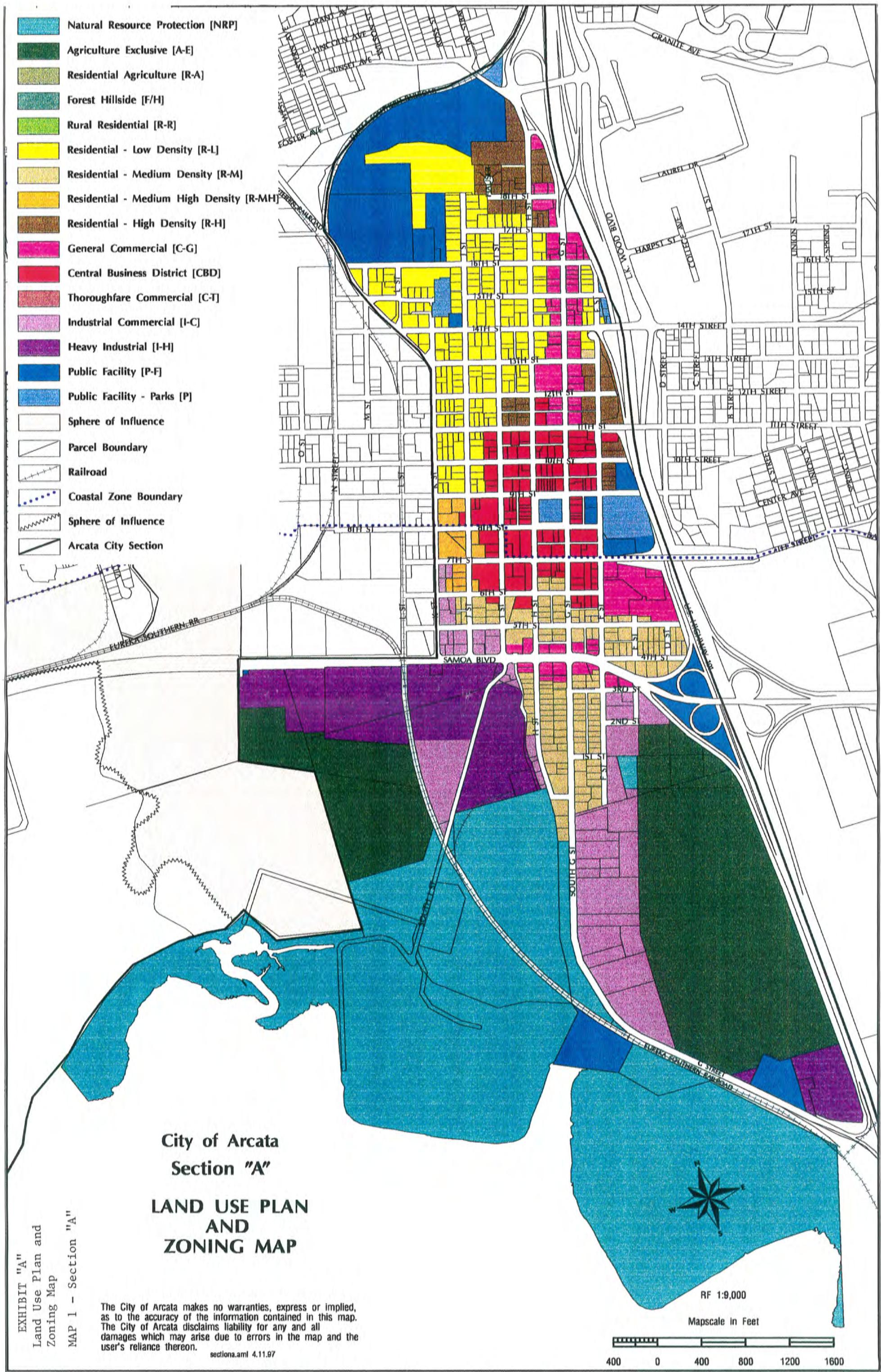
**SECTION 4. Findings Related To The Local Coastal Program Amendments.**

- (A) *The amendments are consistent with the Arcata Local Coastal Program and are intended to advance the purposes of and be fully in conformance with the provisions of the Public Resources Code Section 30000 et seq.*

[The proposed amendments make no changes that affect the Coastal Zone, other than adoption of a new map format that includes areas both inside and outside the Coastal Zone, and text changes related to the new map format.]

**City of Arcata  
Key to Map Pages  
LAND USE PLAN  
AND  
ZONING MAP**





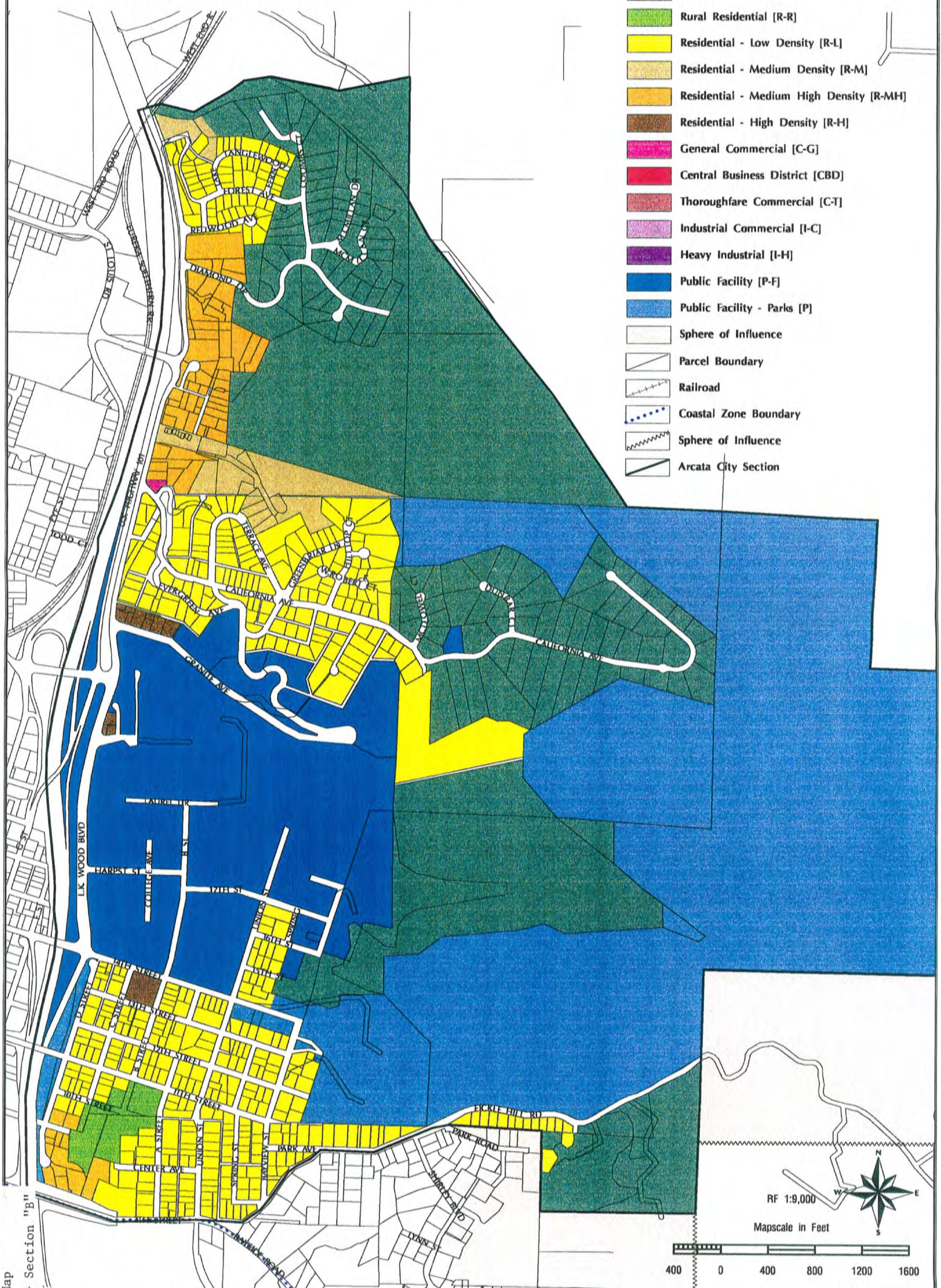
# City of Arcata

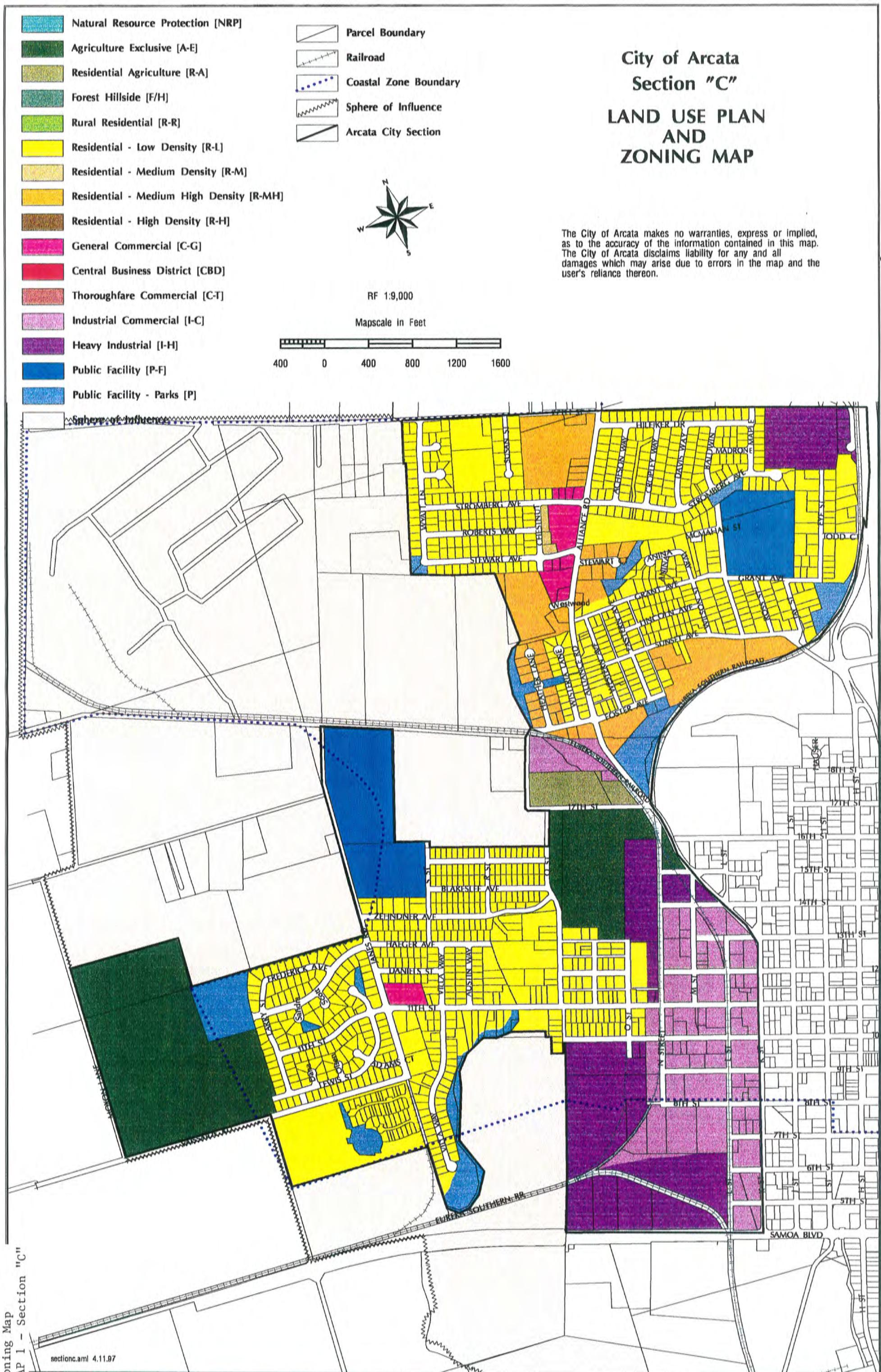
## Section "B"

### LAND USE PLAN AND ZONING MAP

The City of Arcata makes no warranties, express or implied, as to the accuracy of the information contained in this map. The City of Arcata disclaims liability for any and all damages which may arise due to errors in the map and the user's reliance thereon.

- Natural Resource Protection [NRP]
- Agriculture Exclusive [A-E]
- Residential Agriculture [R-A]
- Forest Hillside [F/H]
- Rural Residential [R-R]
- Residential - Low Density [R-L]
- Residential - Medium Density [R-M]
- Residential - Medium High Density [R-MH]
- Residential - High Density [R-H]
- General Commercial [C-G]
- Central Business District [CBD]
- Thoroughfare Commercial [C-T]
- Industrial Commercial [I-C]
- Heavy Industrial [I-H]
- Public Facility [P-F]
- Public Facility - Parks [P]
- Sphere of Influence
- Parcel Boundary
- Railroad
- Coastal Zone Boundary
- Sphere of Influence
- Arcata City Section





**City of Arcata  
Section "D"**

# LAND USE PLAN AND ZONING MAP

RF 1:9,000

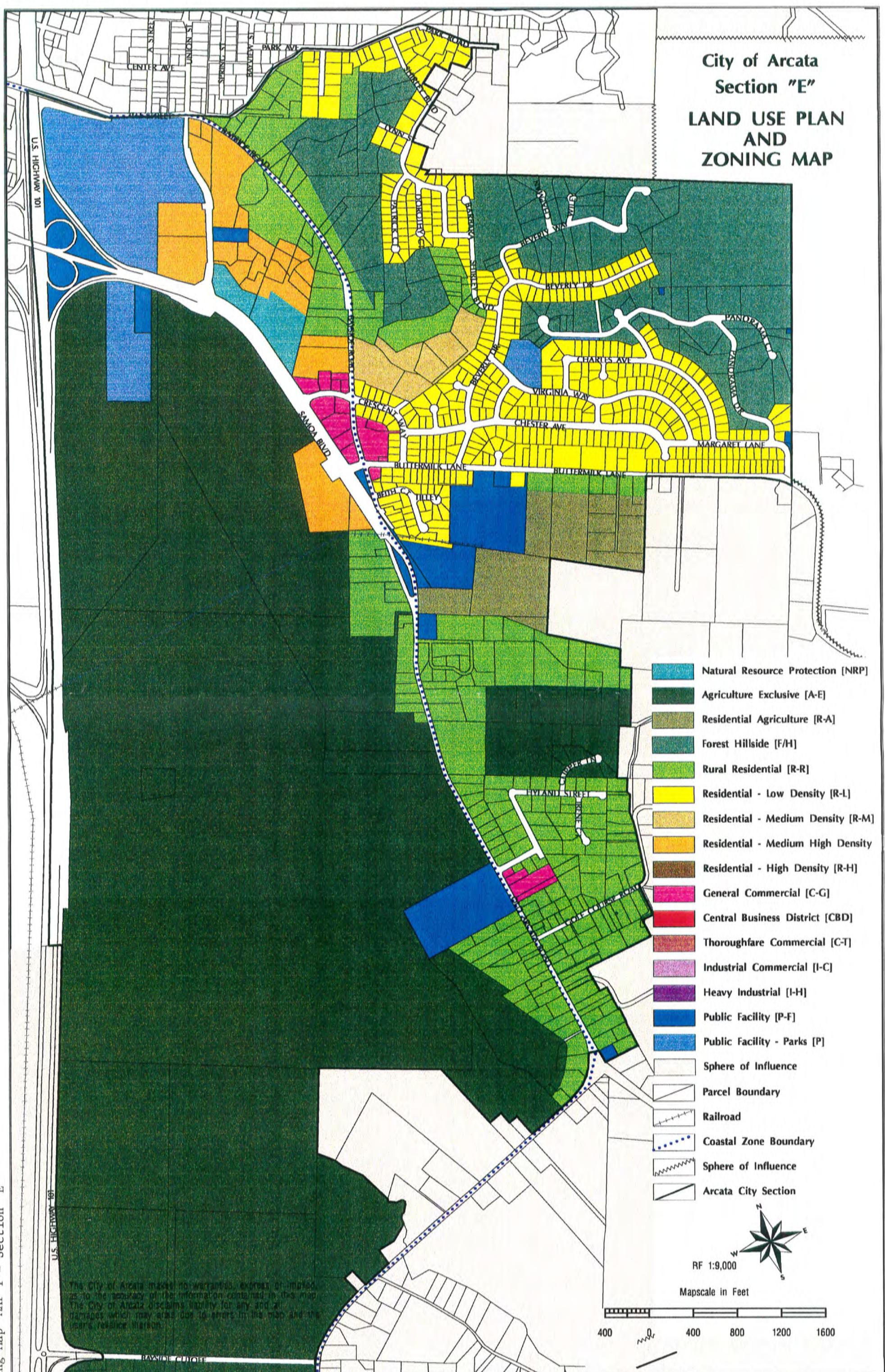
Mapscale in Feet

The City of Arcata makes no warranties, express or implied, as to the accuracy of the information contained in this map. The City of Arcata disclaims liability for any and all damages which may arise due to errors in the map and the user's reliance thereon.

EXHIBIT "A"  
Land Use Plan and  
Zoning Map  
MAP 1 - Section "D"

**City of Arcata  
Section "E"**

**LAND USE PLAN  
AND  
ZONING MAP**



City of Arcata

**Sphere of Influence**

**Land Use Plan  
and  
Zoning Map**

- Natural Resource Protection [NRP]
- Agriculture Exclusive [A-E]
- Residential Agriculture [R-A]
- Forest Hillside [F/H]
- Rural Residential [R-R]
- Residential - Low Density [R-L]
- Residential - Medium Density [R-M]
- Residential - Medium High Density [R-MH]
- Residential - High Density [R-H]
- General Commercial [C-G]
- Central Business District [CBD]
- Thoroughfare Commercial [C-T]
- Industrial Commercial [I-C]
- Heavy Industrial [I-H]
- Public Facility [P-F]
- Public Facility - Parks [P]
- No Pre-Zoning

- Parcel Boundary
- Railroad
- Coastal Zone Boundary
- Sphere of Influence



RF 1:24,000

Mapscale in Miles

.25 0 .25 .5 .75 1.0

The City of Arcata makes no warranties, express or implied, as to the accuracy of the information contained in this map. The City of Arcata disclaims liability for any and all damages which may arise due to errors in the map and the user's reliance thereon.

## **ORDINANCE NO. 1325**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING THE ARCATA MUNICIPAL CODE, TITLE IX, THE LAND USE AND DEVELOPMENT GUIDE, CHAPTER I, ARTICLE 2, SECTION 1-0203, ZONING MAP, TO AMEND THE ZONING DISTRICT TO COASTAL CENTRAL BUSINESS DISTRICT (C-CBD) FOR A PARCEL AT 712 "J" STREET (AP# 021-154-005)

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

### **SECTION 1. Amendment of the Zoning Map**

Section 1-0203, Zoning Map, of Article 2 of Chapter 1 of the Arcata Land Use and Development Guide, Title IX of the Arcata Municipal Code, said section being the Zoning Map, is hereby amended as follows:

The property identified as project site on Exhibit 1 is hereby rezoned from Coastal Residential Medium High Density (C-RMH) to Coastal Central Business District (C-CBD). The property is described as follows: McBain property at the northeast corner of 7<sup>th</sup> and "J" Streets, 712 "J" Street; AP# 021-154-005.

### **SECTION 2. Findings of Approval**

Based upon information received in the public hearing, including the staff report and attachments, the following findings are hereby adopted.

1. The proposed amendment is consistent with the General Plan in accordance with the California Government Code, Section 65860.
2. The public health, safety, and general welfare require the adoption of the proposed amendment.

### **SECTION 3. 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 4. 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 5. Effective Date**

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

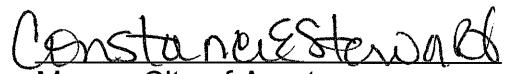
DATED: August 15, 2001

ATTEST:



---

City Clerk, City of Arcata



Constance Stewart  
Mayor, City of Arcata

## **CLERK'S CERTIFICATE**

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1325, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 15<sup>th</sup> day of August, 2001, by the following vote:

AYES: Machi, Ornelas, Stewart, Test

NOES: None

ABSENT: Noble

ABSTENTIONS: None



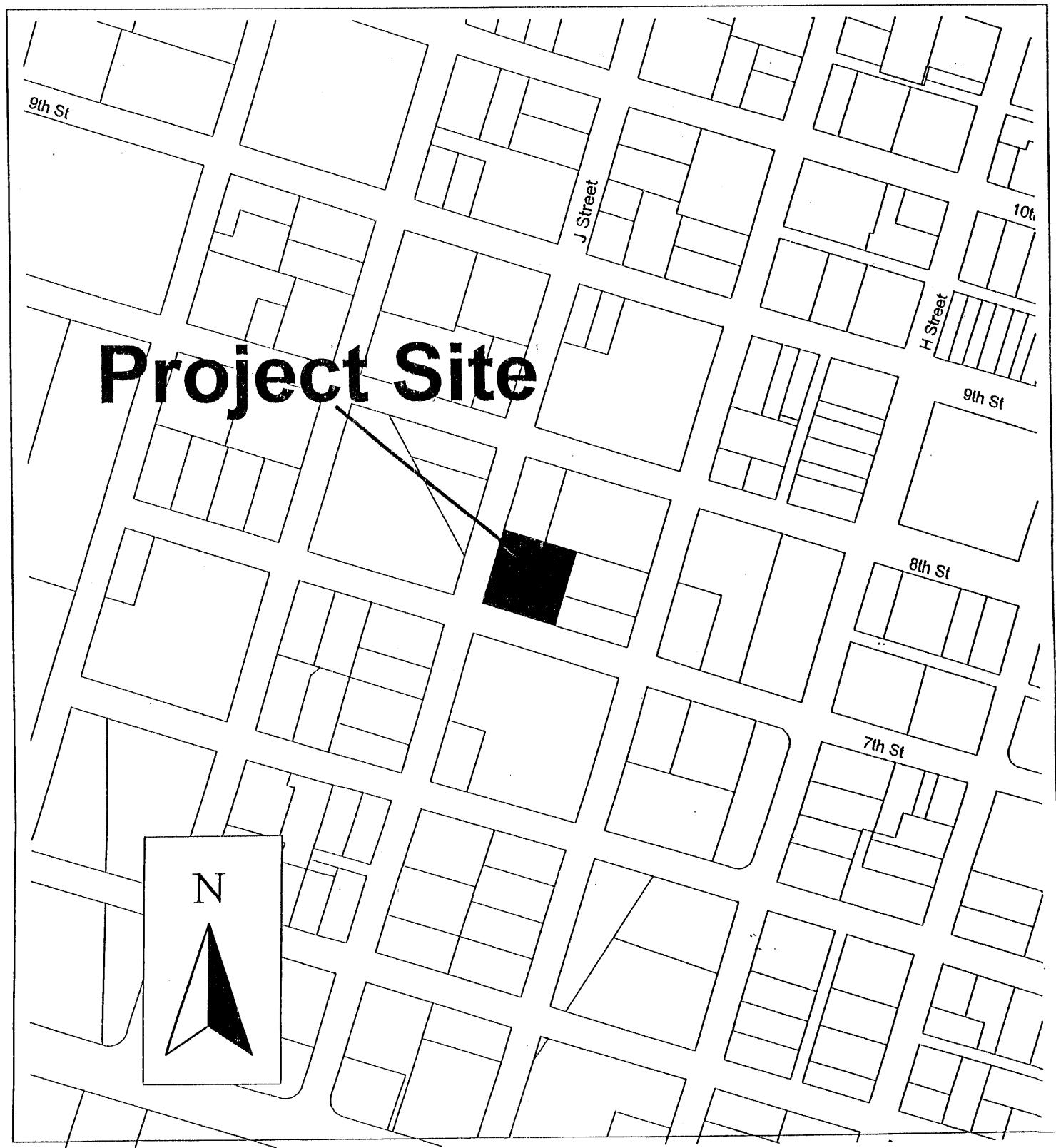
---

City Clerk, City of Arcata

# Exhibit 1

## Location Map

### 7th and "J" Streets



## RESOLUTION 012-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA ADOPTING A GENERAL PLAN MAP AMENDMENT TO CHANGE THE GENERAL PLAN DESIGNATION OF THE MCBAIN PROPERTY AT 712 "J" STREET FROM COASTAL RESIDENTIAL MEDIUM HIGH DENSITY (C-R-MH) TO COASTAL CENTRAL BUSINESS DISTRICT (C-CBD)

**WHEREAS**, the City of Arcata has an adopted General Plan which has been updated from time to time, and a Coastal Land Use Plan which was adopted by Resolution 878-18 on October 21, 1987, both documents being referred to henceforth as the General Plan; and

**WHEREAS**, the City of Arcata adopted a combined General Plan Land Use and Zoning Map, by Ordinance 1262 on May 7, 1997; and

**WHEREAS**, the Land Use Plan and Zoning Map may be amended from time to time since the original adoption in recognition of the changing needs of the City of Arcata; and

**WHEREAS**, pursuant to the requirements of state and local law the Planning Commission conducted, on July 24, 2001, a duly noticed and advertised public hearing to consider the proposed amendment, at which time all interested persons were given an opportunity to be heard; and

**WHEREAS**, the Planning Commission, following said hearing and on said date, did adopt Planning Commission Resolution 01-06, thereby recommending that the City Council adopt the proposed amendment; and

**WHEREAS**, pursuant to the requirements of state and local law the City Council has conducted a duly noticed and advertised public hearing to consider the proposed amendment, at which time all interested persons were given an opportunity to be heard;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Arcata hereby adopts the following:

**Section 1. General Plan Amendment.** The General Plan amendment consists of amending the General Plan Land Use Map to change the designation of the McBain property at 712 "J" Street, as shown on the attached map as Exhibit 1, from Coastal Residential Medium High Density (C-R-MH) to Coastal Central Business District (C-CBD).

**Section 2. Negative Declaration.** Based on the Initial Study Report and the recommendation of the Planning Commission, a Negative Declaration of environmental impact for the proposed general plan and LUDG amendment is hereby adopted.

**Section 3. Findings.** The City Council hereby approves the Findings of Approval, attached as Exhibit 2.

**Section 4. Conditions.** The City Council hereby approves the Conditions of Approval, attached as Exhibit 3.

**Section 5. Effective Date.** This Resolution is effective August 1, 2001.

DATED: August 1, 2001

**ATTEST:**



---

City Clerk, City of Arcata



---

Constance E Stewart  
Mayor, City of Arcata

**CLERK'S CERTIFICATE**

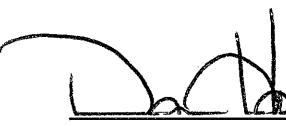
I hereby certify that the foregoing is a true and correct copy of Resolution 012-08, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 1<sup>st</sup> day of August, 2001, by the following vote:

AYES: Machi, Noble, Ornelas, Stewart, Test

NOES: None

ABSENT: None

ABSTENTIONS: None



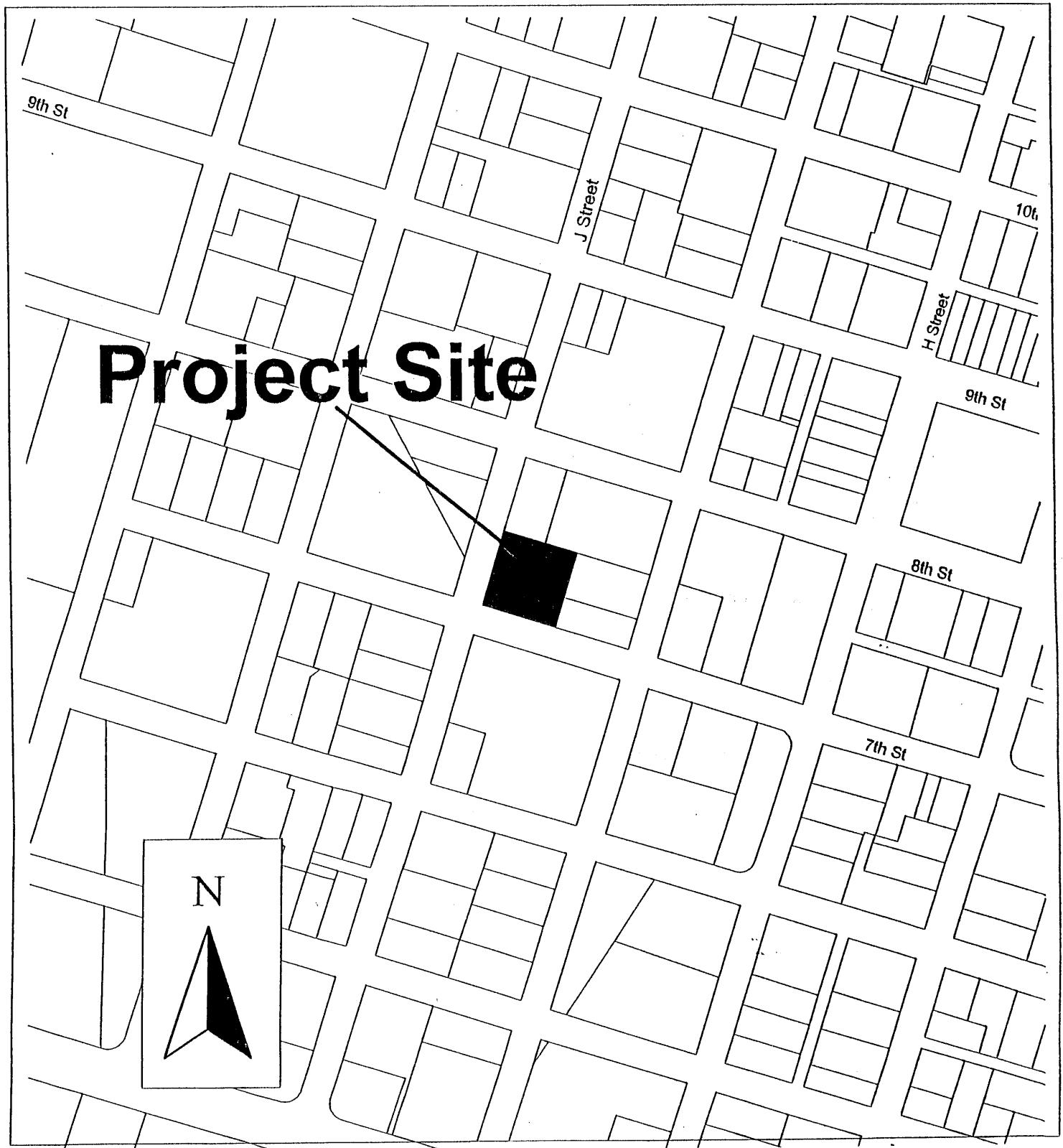
---

City Clerk, City of Arcata

# Exhibit 1

## Location Map

### 7th and "J" Streets



## EXHIBIT 2

### Findings of Approval for Resolution 012-08

The following findings are made in approving the General Plan Amendment, file # 001-097-ZA-GPA. The findings are written in *italics*. A discussion of how the finding can be made, for the project request, will follow the stated criteria. This discussion will be bracketed ([]) and in normal type.

The following findings are adopted:

#### **I. REQUIRED GENERAL PLAN AMENDMENT FINDINGS per LUDG 5-0203:**

- I-A. *That the requirements of State Planning Law have been followed in the preparation of the General Plan amendments; and*

[Section 65353 of the State Planning Law requires that the Commission hold at least one public hearing prior to approving a recommendation on the amendment of a general plan, and that the general plan amendment be noticed at least 10 days prior to the hearing date. Staff has completed such noticing requirements.]

Section 65354 of State Planning Law requires that a recommendation for approval of a general plan amendment shall be made by the affirmative vote of not less than a majority of the total membership of the Commission. Of the seven members of the Commission, four recommended approval of the General Plan Amendment.]

- I-B. *That the portions of the General Plan which are proposed to be changed will conform to the remainder of the Plan.*

[The General Plan amendment has been reviewed, and found to comply with, applicable policies of the Coastal Land Use Plan and General Plan. Approval of the amendment would not create internal inconsistencies within the Plan.]

#### **II. REQUIRED ZONING AMENDMENT FINDINGS per LUDG 1-0403.3:**

- II-A. *That the proposed amendment is consistent with the General Plan in accordance with the California Government Code, Section 65850.*

[The proposed zoning amendment is in conformance with the General Plan amendment which is being processed concurrently.]

- II-B. *That the public health, safety, and general welfare require the adoption of the proposed amendment.*

[LUDG Section 1-0403.6 indicates that whenever in its consideration of an application, the City Council finds that a proposed rezoning would only be in the public interest provided that development is carried out in accordance with a detailed development plan the City Council may grant approval or modified approval pursuant to such a development plan. The City Council may set a time limit after which the property shall automatically revert to the district regulations applicable immediately prior to approval of the rezoning action, unless construction shall have begun by said time.

The proposed project includes development of professional offices and housing units. A development plan that describes the proposed development is required as a condition of approval of the zoning and general plan amendment application. With this condition, the public health, safety, and general welfare will be furthered by adoption of the proposed amendment by providing a transition between existing residential and commercial developments surrounding the project site. The proposed uses for the site will be compatible with the existing land uses in the neighborhood.]

### **III. ENVIRONMENTAL FINDINGS.**

- III-A.** *Pursuant to an initial study report, the proposed project is found to not have a significant effect on the environment and a Negative Declaration is adopted in conformance with the California Environmental Quality Act (CEQA).*

[Prior to making a decision of the project application, the Planning Commission has received and considered the Initial Study Report and proposed Negative Declaration, together with all written and oral comments thereon received at or before the public hearing conducted on July 24, 2001. The Negative Declaration adopted herein reflects the Planning Commission's and the City of Arcata staff's independent judgment and analysis.

1. The proposed Negative Declaration was prepared and circulated pursuant to the CEQA Guidelines and applicable state and local law. A Notice of Intent to Adopt the Negative Declaration was provided in accordance with the foregoing.
2. The administrative record for the final Negative Declaration includes the Initial Study Report (with attachments), the written and oral comments received, and the response to said comments. The Arcata Community Development Department, located at 736 "F" Street, Arcata, is the custodian of the documents and other materials which constitute the record of proceedings upon which the Planning Commission's decision is based.

3. There is no substantial evidence, in light of the whole record before the Agency, that the project may have a significant adverse effect on the environment.
4. No mitigation measures are proposed for the project.
5. The Initial Study Report is a complete and adequate informational document and the Negative Declaration is hereby adopted.]

*III-B. The City concludes that the proposed use will not adversely impact wildlife and finds that this project will have a “de minimus” impact on fish and wildlife.*

[State law (AB 3158) requires special findings where minimal fish or wildlife impacts are expected as a result of a project. Information provided in the Initial Study support this conclusion. The existing site does not provide any significant habitat or contain any significant vegetation.]

### EXHIBIT 3

#### Conditions of Approval for Resolution 012-08

The Zoning and General Plan Amendment is approved subject to the conditions set forth herein. The conditions of approval are arranged according to the timing of compliance and the City Department or Agency that establishes compliance with the condition.

- A. AUTHORIZED AMENDMENT:** The McBain Zoning and General Plan Amendment and Planned Development Permit, file #001-097-ZA-GPA, is hereby approved.
- A-1 AUTHORIZED USES.** The following uses proposed by the Applicant are hereby authorized by the Zoning and General Plan Amendment: professional offices and residential units.
- B. PRIOR TO ISSUANCE OF ANY BUILDING PERMIT.** The following requirements shall be met prior to City issuance of any building or grading permit for the project site:

#### Community Development Department:

- B-1 DEVELOPMENT PLAN.** A development plan shall be submitted for review and approval by the Community Development Director. The development plan shall depict the proposed structures on the property, which shall be at most two stories in height. The development plan shall also list the proposed uses, which shall include professional offices and residential units to facilitate the implementation of the General Plan:2020 by providing a transition between residential and commercial uses, minimizing impacts and conflicts in use. Other commercial uses shall not be allowed on the property without an amendment to the development plan and public notice of such amendment. The creek shall be daylighted, if feasible, in conjunction with the City's Environmental Services Department's City wide program to daylight creeks wherever possible.

## **RESOLUTION NO. 012-33**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA ADOPTING A LOCAL COASTAL PLAN MAP AMENDMENT TO CHANGE THE GENERAL PLAN DESIGNATION OF THE MCBAIN PROPERTY AT 712 "J" STREET FROM COASTAL RESIDENTIAL MEDIUM HIGH DENSITY (C-R-MH) TO COASTAL CENTRAL BUSINESS DISTRICT (C-CBD) TO SUPERCEDE RESOLUTION NO. 012-08**

**WHEREAS**, the City of Arcata has an adopted General Plan which has been updated from time to time, and a Coastal Land Use Plan which was adopted by Resolution 878-18 on October 21, 1987, both documents being referred to henceforth as the General Plan; and

**WHEREAS**, the City of Arcata adopted a combined General Plan Land Use and Zoning Map, by Ordinance 1262 on May 7, 1997; and

**WHEREAS**, the Land Use Plan and Zoning Map may be amended from time to time since the original adoption in recognition of the changing needs of the City of Arcata; and

**WHEREAS**, pursuant to the requirements of state and local law the Planning Commission conducted, on July 24, 2001, a duly noticed and advertised public hearing to consider the proposed amendment, at which time all interested persons were given an opportunity to be heard; and

**WHEREAS**, the Planning Commission, following said hearing and on said date, did adopt Planning Commission Resolution 01-06, thereby recommending that the City Council adopt the proposed amendment; and

**WHEREAS**, pursuant to the requirements of state and local law the City Council has conducted a duly noticed and advertised public hearing to consider the proposed amendment, at which time all interested persons were given an opportunity to be heard; and

**WHEREAS**, the City of Arcata intends to carry out the Local Coastal Plan in a manner fully consistent with the California Coastal Act;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Arcata hereby adopts the following:

**Section 1. Local Coastal Plan Amendment.** The Local Coastal Plan amendment consists of amending the General Plan Land Use Map to change the designation of the McBain property at 712 "J" Street, as shown on the attached map as Exhibit 1, from Coastal Residential Medium High Density (C-R-MH) to Coastal Central Business District (C-CBD).

**Section 2. Negative Declaration.** Based on the Initial Study Report and the recommendation of the Planning Commission, a Negative Declaration of environmental impact for the proposed general plan and LUDG amendment is hereby adopted.

**Section 3. Findings.** The City Council hereby approves the Findings of Approval, attached as Exhibit 2.

**Section 4.** **Conditions.** The City Council hereby approves the Conditions of Approval, attached as Exhibit 3.

**Section 5. Effective Date.** The Local Coastal Plan Amendment will take effect automatically upon California Coastal Commission approval.

DATED: November 7, 2001

**ATTEST:**



City Clerk, City of Arcata

**APPROVE:**



Mayor, City of Arcata

**CLERK'S CERTIFICATE**

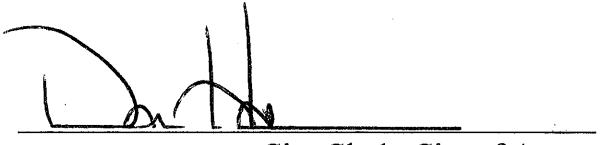
I hereby certify that the foregoing is a true and correct copy of Resolution No. 012-08, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on November 7, 2001, by the following vote:

AYES: Machi, Noble, Ornelas, Stewart

NOES: None

ABSENT: Test

ABSTENTIONS: None

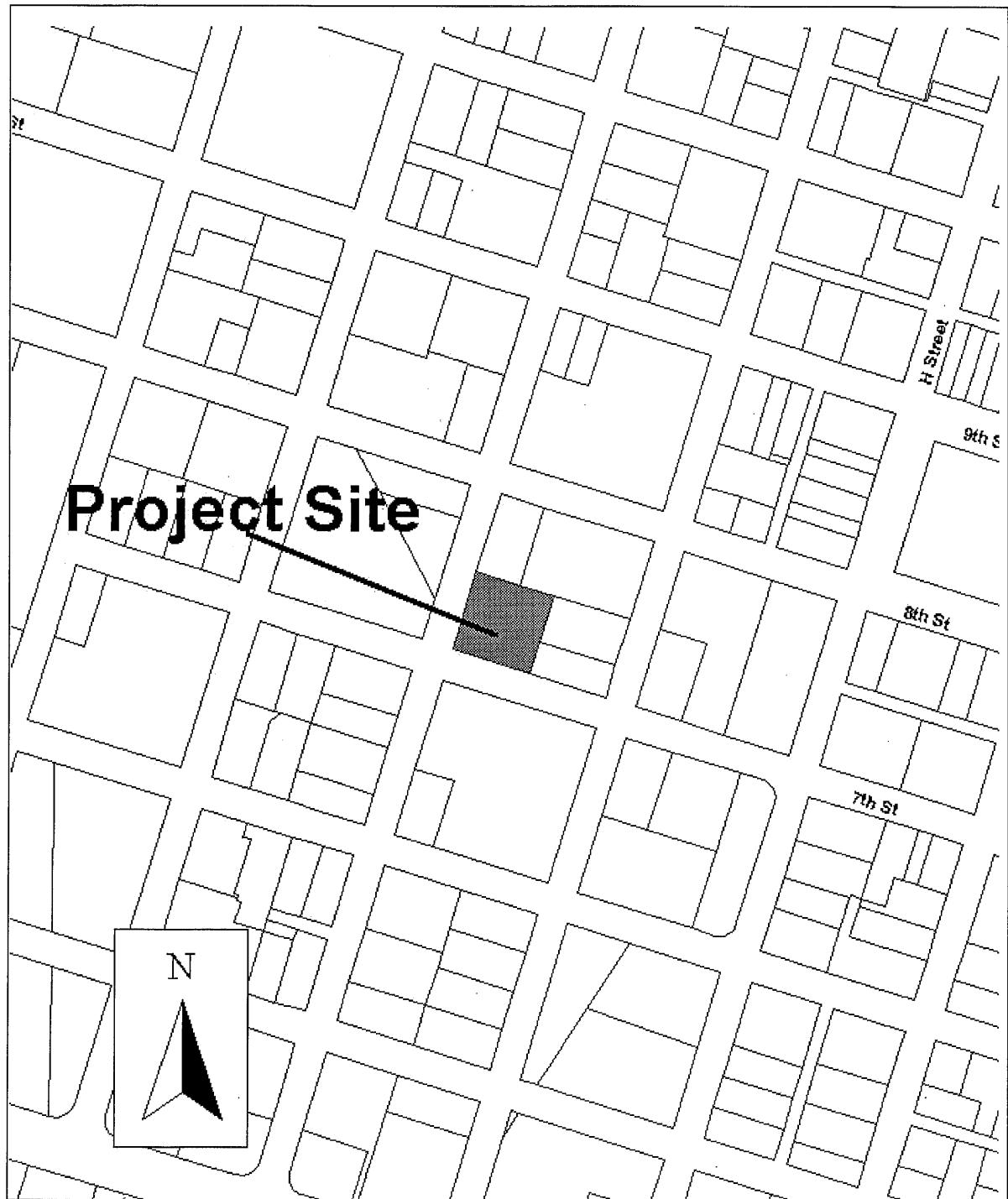


City Clerk, City of Arcata

# Exhibit 1

## Location Map

7th and "J" Street



## EXHIBIT 2

### Findings of Approval for Resolution 012-33

The following findings are made in approving the General Plan Amendment, file # 001-097-ZA-GPA. The findings are written in *italics*. A discussion of how the finding can be made, for the project request, will follow the stated criteria. This discussion will be bracketed ([]) and in normal type.

The following findings are adopted:

**I. REQUIRED GENERAL PLAN AMENDMENT FINDINGS per LUDG 5-0203:**

- I-A. *That the requirements of State Planning Law have been followed in the preparation of the General Plan amendments; and*

[Section 65353 of the State Planning Law requires that the Commission hold at least one public hearing prior to approving a recommendation on the amendment of a general plan, and that the general plan amendment be noticed at least 10 days prior to the hearing date. Staff has completed such noticing requirements.]

Section 65354 of State Planning Law requires that a recommendation for approval of a general plan amendment shall be made by the affirmative vote of not less than a majority of the total membership of the Commission. Of the seven members of the Commission, four recommended approval of the General Plan Amendment.]

- I-B. *That the portions of the General Plan which are proposed to be changed will conform to the remainder of the Plan.*

[The General Plan amendment has been reviewed, and found to comply with, applicable policies of the Coastal Land Use Plan and General Plan. Approval of the amendment would not create internal inconsistencies within the Plan.]

**II. REQUIRED ZONING AMENDMENT FINDINGS per LUDG 1-0403.3:**

- II-A. *That the proposed amendment is consistent with the General Plan in accordance with the California Government Code, Section 65850.*

[The proposed zoning amendment is in conformance with the General Plan amendment which is being processed concurrently.]

- II-B. *That the public health, safety, and general welfare require the adoption of the proposed amendment.*

[LUDG Section 1-0403.6 indicates that whenever in its consideration of an application, the City Council finds that a proposed rezoning would only be in the public interest provided that development is carried out in accordance with a detailed development plan the City Council may grant approval or modified approval pursuant to such a development plan. The City Council may set a time limit after which the property shall automatically revert to the district regulations applicable immediately prior to approval of the rezoning action, unless construction shall have begun by said time.

The proposed project includes development of professional offices and housing units. A development plan that describes the proposed development is required as a condition of approval of the zoning and general plan amendment application. With this condition, the public health, safety, and general welfare will be furthered by adoption of the proposed amendment by providing a transition between existing residential and commercial developments surrounding the project site. The proposed uses for the site will be compatible with the existing land uses in the neighborhood.]

### **III. ENVIRONMENTAL FINDINGS.**

#### **III-A. *Pursuant to an initial study report, the proposed project is found to not have a significant effect on the environment and a Negative Declaration is adopted in conformance with the California Environmental Quality Act (CEQA).***

[Prior to making a decision of the project application, the Planning Commission has received and considered the Initial Study Report and proposed Negative Declaration, together with all written and oral comments thereon received at or before the public hearing conducted on July 24, 2001. The Negative Declaration adopted herein reflects the Planning Commission's and the City of Arcata staff's independent judgment and analysis.

1. The proposed Negative Declaration was prepared and circulated pursuant to the CEQA Guidelines and applicable state and local law. A Notice of Intent to Adopt the Negative Declaration was provided in accordance with the foregoing.
2. The administrative record for the final Negative Declaration includes the Initial Study Report (with attachments), the written and oral comments received, and the response to said comments. The Arcata Community Development Department, located at 736 "F" Street, Arcata, is the custodian of the documents and other materials which constitute the record of proceedings upon which the Planning Commission's decision is based.

3. There is no substantial evidence, in light of the whole record before the Agency, that the project may have a significant adverse effect on the environment.
4. No mitigation measures are proposed for the project.
5. The Initial Study Report is a complete and adequate informational document and the Negative Declaration is hereby adopted.]

*III-B. The City concludes that the proposed use will not adversely impact wildlife and finds that this project will have a "de minimus" impact on fish and wildlife.*

[State law (AB 3158) requires special findings where minimal fish or wildlife impacts are expected as a result of a project. Information provided in the Initial Study support this conclusion. The existing site does not provide any significant habitat or contain any significant vegetation.]

### EXHIBIT 3

#### Conditions of Approval for Resolution 012-33

The Zoning and General Plan Amendment is approved subject to the conditions set forth herein. The conditions of approval are arranged according to the timing of compliance and the City Department or Agency that establishes compliance with the condition.

- A. **AUTHORIZED AMENDMENT:** The McBain Zoning and General Plan Amendment and Planned Development Permit, file #001-097-ZA-GPA, is hereby approved.
- A-1 **AUTHORIZED USES.** The following uses proposed by the Applicant are hereby authorized by the Zoning and General Plan Amendment: professional offices and residential units.
- B. **PRIOR TO ISSUANCE OF ANY BUILDING PERMIT.** The following requirements shall be met prior to City issuance of any building or grading permit for the project site:

#### Community Development Department:

- B-1 **DEVELOPMENT PLAN.** A development plan shall be submitted for review and approval by the Community Development Director. The development plan shall depict the proposed structures on the property, which shall be at most two stories in height. The development plan shall also list the proposed uses, which shall include professional offices and residential units to facilitate the implementation of the General Plan:2020 by providing a transition between residential and commercial uses, minimizing impacts and conflicts in use. Other commercial uses shall not be allowed on the property without an amendment to the development plan and public notice of such amendment. The creek shall be daylighted, if feasible, in conjunction with the City's Environmental Services Department's City wide program to daylight creeks wherever possible.

## ORDINANCE NO. 1371

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING THE ARCATA MUNICIPAL CODE, TITLE IX, THE LAND USE AND DEVELOPMENT GUIDE, CHAPTER I, ARTICLE 2, SECTION 1-0203, ZONING MAP, TO ADD THE PLANNED DEVELOPMENT (:PD) COMBINING ZONE TO ASSESSOR PARCEL NUMBERS 507-331-047; - 048; and -049.

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

### **SECTION 1. Amendment of the 1987 General Plan Land Use and Zoning Map**

Section 1-0203, Zoning Map, of Article 2 of Chapter 1 of the Arcata Land Use and Development Guide, Title IX of the Arcata Municipal Code, said section being the Zoning Map, is hereby amended as follows:

The property identified as project site on Exhibit 1 is hereby rezoned to include the Planned Development (:PD) Combining zone to the base Coastal - Residential - Low Density (C-R-L) zone district. The property is also described as follows: Alliance Meadows properties at the northwest corner of Alliance Road and 27<sup>th</sup> Street; Assessor Parcel Numbers 507-331-047; -048; and -049.

### **SECTION 2. Findings of Approval**

Based upon information received in the public hearing, including the Alliance Meadow staff report and attachments, the following findings are hereby adopted.

1. The proposed amendment is consistent with the General Plan in accordance with the California Government Code, Section 65860.
2. The public health, safety, and general welfare require the adoption of the proposed amendment.

### **SECTION 3. 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 4. Limitation of Actions**

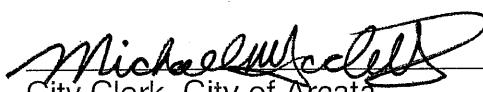
Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

## SECTION 5. Effective Date

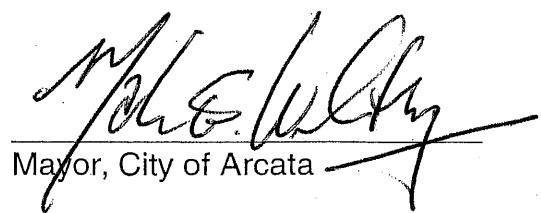
This ordinance shall take effect thirty (30) days after its adoption by the City Council.

DATED: December 19, 2007

ATTEST:



City Clerk, City of Arcata



Mayor, City of Arcata

## CLERK'S CERTIFICATE

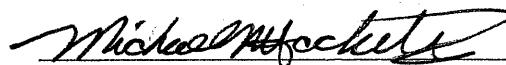
I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1371, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 19<sup>th</sup> day of Dec., 2007, by the following vote:

AYES: WHEETLEY, GROVES, MACHI, PITINO, STILLMAN

NOES: NONE

ABSENT: NONE

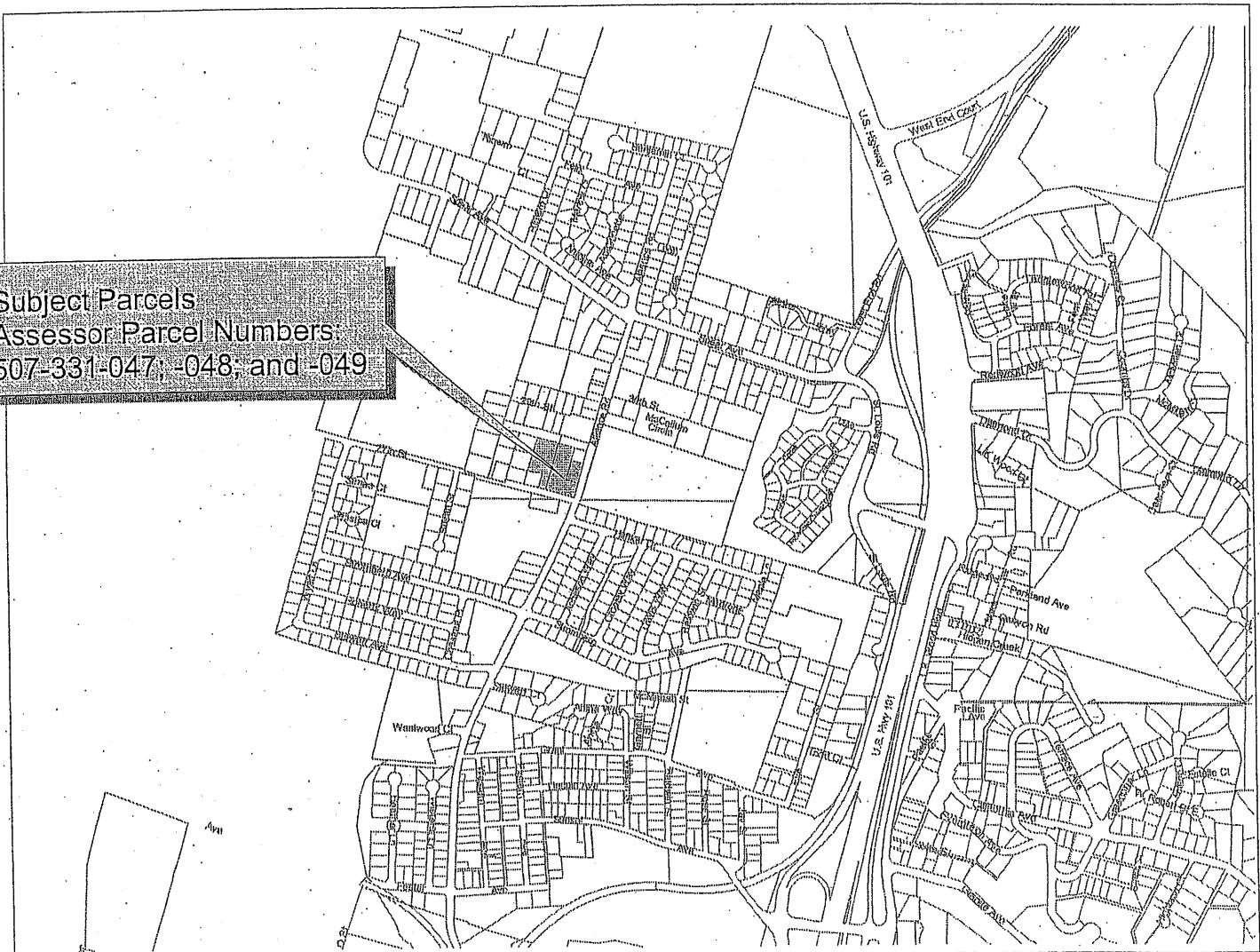
ABSTENTIONS:



City Clerk, City of Arcata

**Exhibit 1**  
**Alliance Meadow Zone Amendment**  
**File Number 067-053-PD-TTM-ZA-CDP**

Subject Parcels  
Assessor Parcel Numbers:  
507-331-047, -048, and -049

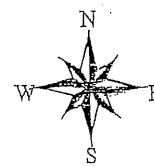


0.4

0

0.4

0.8 Miles





# Proof of Publication



## STATE OF CALIFORNIA County of Humboldt

This space is for the County Clerk's Filing Stamp

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the matter referred to herein. I am the "principal" clerk of the publisher of **THE ARCATA EYE** a newspaper of general circulation, published once a week, Tuesdays in the City of Arcata, county of Humboldt, and which has been adjudged a newspaper of general circulation by the Superior Court of the County of Humboldt, State of California, under the date of Feb 17, 2000, Court Decree Number CV0000020; that the notice of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

Run Dates 12/25

all in the year 2007

I certify (or declare) under penalty of perjury that the foregoing is true correct

Dated at Arcata, California

28<sup>th</sup> this day of December 2007

Signature: Joanne James  
Terrence McNally or Joanne James  
707-826-7535

Proof of Publication of: Ord. 1371

CITY OF ARCATA  
LEGAL NOTICE  
ADOPTION OF  
ORDINANCE NO.  
1371

I hereby certify that at a regular meeting held on December 5, 2007, the Arcata City Council introduced Ordinance No. 1371, summarized below, Amending the Arcata Municipal Code, Title IX—The Land Use and Development Guide; Chapter 1; Article 2; Section 1-0203—Zoning Map, to add the Planned Development (PD) Combining Zone to Assessor's Parcel Numbers 507-331-047; -048; and -049, at which time the reading in full thereof was unanimously

waived and approval granted for reading the ordinance by title only. Ordinance No. 1371 was passed and adopted at a regular City Council meeting held on December 19, 2007, by the following vote:  
AYES: Wheatley, Stillman, Machi, Pitino, Groves.  
NOES: None.  
ABSENT: None.  
ABSTENTIONS: None.

Michael  
Hackett, City Clerk,  
City of Arcata  
SUMMARY OF  
ORDINANCE NO.  
1371  
AN ORDINANCE



# Proof of Publication





# Proof of Publication



## STATE OF CALIFORNIA County of Humboldt

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the matter referred to herein. I am the "principal" clerk of the publisher of **THE ARCATA EYE** a newspaper of general circulation, published once a week, Tuesdays in the City of Arcata, county of Humboldt, and which has been adjudged a newspaper of general circulation by the Superior Court of the County of Humboldt, State of California, under the date of Feb 17, 2000, Court Decree Number CV000020; that the notice of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

Run Dates

12/11

all in the year 2007

I certify (or declare) under penalty of perjury that the foregoing is true correct.

Dated at Arcata, California

this 11<sup>th</sup> day of December 2007

Signature: Terrence McNally or Joanne Frances  
Terrence McNally or Joanne Frances  
707-826-7535

This space is for the County Clerk's Filing Stamp

### Introduction of Proof of Publication of: Ordinance 1371

## CITY OF ARCATA

## LEGAL NOTICE

## INTRODUCTION OF

## ORDINANCE NO.

1371

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## SUMMARY OF

## ORDINANCE NO.

1371

## AN ORDINANCE

## OF THE CITY

## COUNCIL OF THE

## CITY OF ARCATA

## A M E N D I N G

## THE ARCATA

## MUNICIPAL CODE,

## TITLE IX—THE

## LAND USE AND

## DEVELOPMENT

## GUIDE; CHAPTER

## 1; ARTICLE 2;

## SECTION 1-0203—

## ZONING MAP, TO

## ADD THE PLANNED

## DEVELOPMENT (:

## PD) COMBINING

## ZONE TO ASSESSOR'S

## PARCEL NUMBERS

507-331-047; -048;

and -049, at which

time the reading

in full thereof

was unanimously

waived and

approval granted

for reading the

ordinance by

title only. Motion

to introduce

Ordinance No.

1371 was passed

by the following

vote: AYES:

Groves, Machi,

Pitino, Stillman,

NOES: None.

ABSENT: None.

ABSTENTIONS:

Wheetley,

Michael

Hackett, City Clerk,

City of Arcata



# Proof of Pu



# ation



# Proof of Publication



## Continued Introduction of Ordinance 1371

The proposed zone amendment and Coastal Development Permit for the Alliance Meadows project are intended to add the Planned Development Combining Zone to the Coastal-Residential-Low Density base zoning district to facilitate the future residential development. The Planned Development designation is intended to allow greater flexibility in residential types, sizes, styles, and affordability, while providing larger open space areas and protection of natural resources. The California Coastal Commission must certify the zone amendment prior to it becoming effective.

The full text of Ordinance No. 1371 is available for public inspection at the office of the City Clerk, Arcata City Hall, 736 F Street, Arcata, CA, Monday through Friday, between 9:00 a.m. and 5:00 p.m., except during the hour of 12:00 to 1:00 p.m. Ordinance No. 1371 may be considered for adoption at the regularly scheduled meeting of the Arcata City Council to be held on December 19, 2007, and, if adopted at that time, will take effect January 18, 2008.

**RESOLUTION NO. 078-26**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA  
ADOPTING A LOCAL COASTAL PLAN MAP AMENDMENT TO CHANGE THE  
GENERAL PLAN DESIGNATION OF THE ALLIANCE MEADOWS PROPERTY AT  
THE NORTHWEST CORNER OF THE INTERSECTION OF  
ALLIANCE ROAD AND 27TH STREET, ALSO KNOWN AS  
ASSESSOR'S PARCEL NUMBERS 507-331-047, -048, AND -049, TO ADD THE  
PLANNED DEVELOPMENT COMBINING ZONE (:PD) TO THE COASTAL-  
RESIDENTIAL-LOW DENSITY BASE ZONING DISTRICT (C-R-L)**

**WHEREAS**, the City of Arcata has an adopted General Plan which has been updated from time to time, and a Coastal Land Use Plan which was adopted by Resolution 878-18 on October 21, 1987, both documents being referred to henceforth as the 1987 General Plan; and,

**WHEREAS**, the City of Arcata adopted a combined General Plan Land Use and Zoning Map by Ordinance 1262 on May 7, 1997, that is still in effect for portions of the City located in the Coastal Zone; and,

**WHEREAS**, the Land Use Plan and Zoning Map may be amended from time to time since the original adoption in recognition of the changing needs of the City of Arcata; and,

**WHEREAS**, pursuant to the requirements of state and local law, the Planning Commission, on July 24, 2007, and September 11, 2007, conducted duly noticed and advertised public hearings to consider the proposed amendment, at which time all interested persons were given an opportunity to be heard; and,

**WHEREAS**, the Planning Commission, following said hearings did adopt, on September 11, 2007, Planning Commission Resolution 07-03, thereby recommending that the City Council adopt the proposed amendment; and,

**WHEREAS**, the City of Arcata intends to carry out the Local Coastal Plan in a manner fully consistent with the California Coastal Act.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Arcata hereby adopts the following:

**Section 1. Local Coastal Plan Amendment.** The Local Coastal Plan amendment consists of amending the 1987 General Plan Land Use and Zoning Map to add the Planned Development Combining zone (:PD) to the Coastal-Residential-Low Density (C-R-L) base zoning district of the Alliance Meadows properties, also known as Assessor's Parcel Numbers 507-331-047, -048, and -049, as shown on the attached map as Exhibit 1.

**Section 2. Negative Declaration.** Based on the Initial Study Report and the recommendation of the Planning Commission, a Negative Declaration of environmental impact for the proposed 1987 General Plan Land Use and Zoning Map amendment is hereby adopted.

**Section 3. Findings.** The City Council hereby approves the Findings of Approval, attached as Exhibit 2.

**Section 4. Effective Date.** The Local Coastal Plan Amendment will take effect automatically upon California Coastal Commission approval.

**DATED:** December 5, 2007

**ATTEST:**



City Clerk, City of Arcata

**APPROVED:**



Mayor, City of Arcata

**Clerk's Certificate**

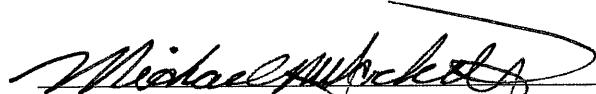
I hereby certify that the foregoing is a true and correct copy of **Resolution No. 078-26**, passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California, held on the 5th day of December, 2007, by the following vote:

**AYES:** STILLMAN, GROVES, MACHI, PITINO

**NOES:** NONE

**ABSENT:** NONE

**ABSTENTIONS:** WHEETLEY



City Clerk, City of Arcata

# Exhibit 1

## Alliance Meadow Zone Amendment

### File Number 067-053-PD-TTM-ZA-CDP



0.4

0

0.4

0.8 Miles

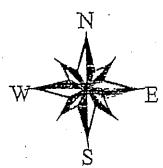


EXHIBIT 2  
File # 067-053-PD-TTM-ZA-CDP  
Alliance Meadow Resolution Zoning Amendment

**FINDINGS**

*As Approved by City Council on December 5, 2007*

The following findings are made in approving the Zone Amendment and Coastal Development Permit. The findings are written in *italics*. A discussion of how the finding can be made, for the project request, will follow the stated criteria. This discussion will be bracketed ([]) and in normal type. *NOTE: The Arcata Planning Commission considered additional Findings related to the proposed Alliance Meadow Planned Development – see Planning Commission 07/24/07 Staff Report Attachment C – Finding.*

**I. REQUIRED ZONING AMENDMENT FINDINGS per LUDG 1-0403.3:**

- I-A. *That the proposed amendment is consistent with the General Plan in accordance with the California Government Code, Section 65850.*

[The proposed zoning amendment is in conformance with the 1987 General Plan as follows:

I *Urban Services Boundary*

The proposed zone amendment is within the Urban Services Boundary of the City of Arcata. Community sewer and water services are available to serve the parcels subject to the zone amendment to add the Planned Development Combining Zone.

II *Coastal Land Use Map*

The subject parcel is designated Coastal Residential – Low Density (C-R-L). The proposed zone amendment is intended to add the Planned Development Combining zone to the base zoning district to allow flexibility in the housing types. Future development requires a Planned Development Permit, subdivision and a Coastal Development Permit. Based on application material for the Alliance Meadow project it is anticipated the project will provide densities within the recommended 20 persons per net acre standard. The 1.96 net acre subject area may support up to 39 persons, thus based on the latest census data the project may support up to 18 dwelling units ( $1.96 \times 20 = 39$  persons per net acre / 2.16 persons per household = 18 dwelling units). As noted in the Coastal Land Use Element the persons per net acre figures are not intended to be a fixed number but indicate approximate numbers of persons each zone can be expected to accommodate. The persons per net acre were revised from 24 to 20 persons per net acre pursuant to City Council Resolution 945-25 (Nov. 16, 1995). Note: State Law requires local jurisdictions to grant density bonuses to affordable housing projects.

III *Environmental Constraints*

According to the Arcata General Plan maps, the subject property is located in a “moderate liquefaction area”. An R-1 Engineering and Geotechnical Engineering Report and addendum were prepared for the proposed project by SHN Consulting Engineers and Geologists (SHN, September, 2006 Report). The report concludes that the risk due to liquefaction is moderate to low and includes recommendations to limit potential liquefaction impacts.

No adverse effects associated with rupture of a known earthquake fault will occur, as there are no known earthquake faults on the site or adjacent properties. According to the SHN,

September 2006 Report, the Little Salmon Fault, a Type A fault is located 8.4 kilometers and the Fickle Hill Fault, a Type B fault is located 2 kilometers from the planned development site. The author of the report concludes the site can be developed for the proposed residential uses provided the specific recommendations found within said report are followed.

According to the 1985 General Plan, Plate D "Matthews Dam Failure Inundation Map", the parcel is located within the anticipated maximum reach of flood waters resulting from catastrophic failure of the dam. Future development requires an early-warning system and evacuation plan for persons living and working in areas subject to floodwaters as a result of catastrophic failure of the Matthews Dam.

A wetland delineation was completed (Winzler & Kelly, February 2006). The delineation resulted in no wetlands or rare and endangered plants or animal or habitat at the site.

The California Historical Resources Information System's regional clearinghouse, the North Coastal Information Center (NCIC) states there is a low probability of finding sites or other evidence of cultural activity and recommends approval of the project with no special conditions or further review required.

#### *IV Development Constraints*

The proposed development will not restrict access to the shoreline and will not require the diking, filling or dredging of Bay waters. The project site does not include any wetlands, estuaries or sensitive habitat areas. A Humboldt Bay Municipal Water District water line easement and services bisects the property. The ultimate project design includes provisions for setbacks and construction standards for structures located near the water lines.

#### *V Urban Development*

The project site is not located on any route designated as a Public Access Corridor. In addition, urban services are available for the project and will not require extension of urban services in the Coastal Planning Area. Planned Developments are encouraged to provide a variety of housing types, land uses and sufficient usable open space through innovative design. The proposed zone amendment is intended to add the Planned Development Combining zone to the Coastal Residential – Low Density zoning district as a means of providing affordable housing by allowing a diversification in housing types.

#### *VI Public Facilities*

The project site does not contain any public facilities. In addition, the parcel is not located along access routes to Arcata Bay, Arcata Marsh or any area designated as a public recreational facility.]

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

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

*I-B. That the public health, safety, and general welfare require the adoption of the proposed amendment.*

[The proposed zone amendment to add the Planned Development Combining Zone is intended to provide affordable housing options through innovative design such as

clustered housing units consistent with the uses allowed in the C-R-L base zoning district. The proposed amendment is encouraged in the 1987 General Plan and zoning ordinance to support a variety of housing types. The future development is intended to provide affordable housing units due to the common wall development and smaller lot sizes. The City Council will review and take action on the proposed Alliance Meadows Planned Development after the Coastal Commission certifies the zone amendment. The proposed uses for the site will be compatible with the existing residential land uses in the neighborhood.]

### **III. REQUIRED COASTAL DEVELOPMENT PERMIT FINDINGS PER LUDG SECTION 1-0408.4.**

#### **III-A** *The proposed development conforms to the Certified Local Coastal Program.*

[The proposed zone amendment to the existing zoning designation of Coastal Residential Low Density [C-R-L], is consistent with urban development policies that encourage the use of the Planned Development zoning as a means of providing a variety of housing types. As noted above the Planned Development Combining zone amendment is anticipated to be consistent with the density limits enumerated in the local coastal plan (up to 20 persons/net acre) (2000 census data indicates 2.16 persons per household). No coastal access exists on or adjacent to the proposed development, thus the proposed zone amendment will not restrict public access to the shoreline or increase the potential for adverse affects to coastal resources. The proposed project also conforms to the in-fill policies of the Local Certified Coastal Program as it provides opportunities for a variety of housing types within an established residential area within the Urban Services Boundary. No sensitive habitat areas are located on or within the immediate vicinity of the proposed zone amendment. The property is not located within a Coastal Scenic Area. Based on the above the project can be found to be consistent with the Local Coastal Program.]

### **III. ENVIRONMENTAL FINDINGS.**

#### **III-A.** *Pursuant to an initial study report, the proposed project is found to not have a significant effect on the environment and a Negative Declaration is adopted in conformance with the California Environmental Quality Act (CEQA).*

[Prior to making a decision of the project application, the Planning Commission/City Council has received and considered the Initial Study Report and proposed Negative Declaration, together with all written and oral comments thereon received at or before the public hearing conducted on July 25, 2007, September 11, 2007 and December 5, 2007. The Negative Declaration adopted herein reflects the Planning Commission's, City Council's and the City of Arcata staff's independent judgment and analysis.

1. The proposed Negative Declaration was prepared and circulated pursuant to the CEQA Guidelines and applicable state and local law. A Notice of Intent to Adopt the Mitigated Negative Declaration was provided in accordance with the foregoing.
2. The administrative record for the final Negative Declaration includes the Initial Study Report (with attachments), the written and oral comments received, and the response to said comments. The Arcata Community Development Department, located at 736 "F" Street, Arcata, is the custodian of the documents and other materials that constitute the record of proceedings upon which the Planning Commission/City Council's decision is based.
3. The Initial Study shows that the project, in light of the whole record before the Agency will not cause significant effects on the environment.

4. There is no substantial evidence, in light of the whole record before the Agency, that the project may have a significant adverse effect on the environment.
5. The Initial Study Report is a complete and adequate informational document and the Negative Declaration is hereby adopted.]

*III-B. The City concludes that the proposed use will not adversely impact wildlife and finds that this project will have a "de minimus" impact on fish and wildlife.*

[State law (AB 3158) requires special findings when minimal fish or wildlife impacts are expected as a result of a project. Information provided in the Initial Study and Negative Declaration support this conclusion. The project site does not contain any forested, wet, or other areas considered as unique biological areas. The proposed zone amendment is currently a procedural matter that will not have the potential to adversely impact fish or wildlife. Note: Senate Bill 1535 no longer allows a lead agency to exempt a project from filing the California Department of Fish and Game (DFG) fees, or make a "de minimus" impact finding. The City understands the zone amendment is not vested until the Coastal Commission certifies the proposed zone amendment and obtains a waiver of fees from DFG or pay the fees after all project approvals are obtained.]