

## **ORDINANCE NO. 1377**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING THE ARCATA MUNICIPAL CODE, TITLE IX, TO REPLACE THE LAND USE AND DEVELOPMENT GUIDE (LUDG) WITH A COMPREHENSIVE LAND USE CODE (LUC) AND TO AMEND THE EXISTING ZONING MAP**

**WHEREAS**, the City finds it necessary to replace the existing Land Use and Development Guide (LUDG) with a new comprehensive Land Use Code (LUC) to provide consistency with the goals, policies, and direction of the adopted General Plan: 2020; and

**WHEREAS**, the City finds it necessary to replace the existing Land Use and Development Guide (LUDG) with a new comprehensive Land Use Code (LUC) to provide an updated implementation tool for the adopted General Plan: 2020; and

**WHEREAS**, the Land Use Plan Map and Zoning Map has been amended from time to time since the original adoptions; 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 City finds it necessary to amend the 1997 Land Use and Zoning Map into a new Zoning Map that would change zoning designations to be consistent with the adopted and anticipated amended General Plan: 2020 Land Use Plan Map; and

**WHEREAS**, the City of Arcata has an adopted General Plan: 2020 and the City finds it necessary to amend the General Plan: 2020 to be consistent with an adopted comprehensive Land Use Code (LUC); and

**WHEREAS**, pursuant to the requirements of state and local law, the Planning Commission conducted eighty duly noticed public hearings to consider the proposed comprehensive Land Use Code, associated mapping, and General Plan: 2020 amendments, at which time all interested persons were given an opportunity to be heard; and

**WHEREAS**, the Planning Commission, following said hearings did adopt resolutions, thereby recommending that the City Council approve and adopt the recommended direction on a new comprehensive Land Use Code, amended Zoning Map, amended Land Use Plan Map, and amended General Plan: 2020; and

**WHEREAS**, pursuant to the requirements of state and local law, the City Council conducted six duly noticed public hearings to consider the proposed comprehensive Land Use Code, associated mapping amendments, and General Plan: 2020 amendments, at which time all interested persons were given an opportunity to be heard; and

**WHEREAS**, the City Council approves the pertinent Land Use Plan (Arcata General Plan: 2020) text and mapping amendments as well as adopts the pertinent Implementation Plan (Zoning Map and Land Use Code) amendments by numbered ordinance, with accompanying copies of the final approved amendments; and

**WHEREAS**, the City intends to transmit the Local Coastal Program (LCP) amendment application to the California Coastal Commission, for certification review. This review includes the Arcata General Plan: 2020 and Land Use Map as amended, the Arcata Zoning Map as amended, and the Arcata Land Use Code as adopted; and

**WHEREAS**, the LCP amendments include changes to the City's LCP Land Use Plan through amendments to the plan designations for various properties; and

**WHEREAS**, the City LCP will take effect automatically upon California Coastal Commission approval.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Arcata does hereby ordain as follows:

### **SECTION 1. Land Use Code Adoption**

Title IX of the Arcata Municipal Code is hereby amended through the replacement of the Land Use and Development Guide (LUDG) with a comprehensive Land Use Code (LUC) as identified and shown in Exhibits 1, 5, 6, 7, and 8.

### **SECTION 2. Zoning Map Amendments**

Title IX of the Arcata Municipal Code is hereby amended through the replacement of the 1997 Land Use and Zoning Map with the amended Zoning Map as shown in Exhibit 2.

### **SECTION 3. General Plan: 2020 Text and Mapping Amendments**

General Plan: 2020 and the associated Land Use Plan Map are hereby amended to reflect consistency with the adopted Land Use Code and the amended Zoning Map as shown in Exhibits 3 and 4.

## **SECTION 4. 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 5. 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 6. Effective Date**

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

DATED: September 3, 2008

ATTEST:

[REDACTED]

City Clerk, City of Arcata

APPROVED:

[REDACTED]

Mayor City of Arcata

## **CLERK'S CERTIFICATE**

I hereby certify that the foregoing is a true and correct copy of **Ordinance No. 1377**, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 3<sup>rd</sup> day of September, 2008, by the following vote:

**AYES: WHEETLEY, STILLMAN, MACHI, GROVES, PITINO.**

**NOES: NONE.**

**ABSENT: NONE.**

**ABSTENTIONS: NONE.**

[REDACTED]  
City Clerk, City of Arcata

# **CITY OF ARCATA LAND USE CODE**

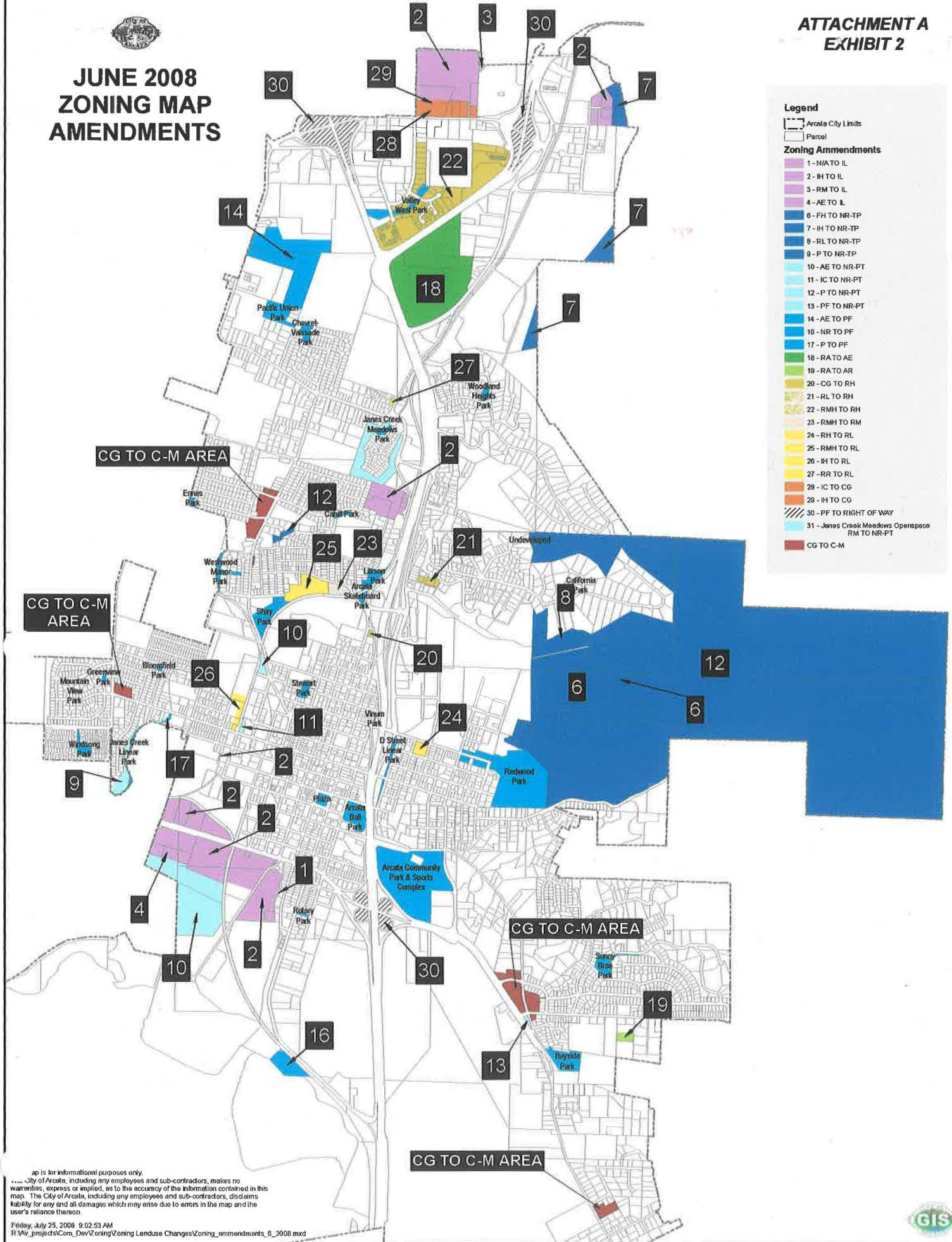
**MUNICIPAL CODE - TITLE 9**

**MAY 2008**



**ATTACHMENT A**  
**EXHIBIT 2**

# JUNE 2008 ZONING MAP AMENDMENTS



ap is for informational purposes only.  
.... City of Arcata, including any employees and sub-contractors, makes no warranties, expressed or implied, as to the accuracy of the information contained in this map. The City of Arcata, including any employees and sub-contractors, disclaims liability for any and all damages which may arise due to errors in the map and the maps relating thereto.

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## **City of Arcata**

### **General Plan: 2020 Proposed Language Amendments**

The following proposed General Plan Amendments are intended to coincide with the Arcata Land Use Code (LUC) review and approval process. For the most part, these clarify or specify Arcata General Plan: 2020 (AGP) requirements that are carried forward in the Land Use Code. These are referenced in the tables below, and where they result in impacts, they are further discussed in the Initial Study for the Land Use Code. The proposed General Plan Amendments have been carried forward from Attachment A-2 in the Land Use Code process. A short discussion in brackets ([ ]) follows each of the topical areas below, and may identify whether further evaluation is warranted.

Tables LU-2, LU-4, LU-6 and LU-9 in the AGP included development standards to guide the preparation of the Land Use Code. Now that the Land Use Code has been drafted, these development standards can be transferred to their appropriate location in the Land Use Code. The density range is retained in the AGP because it is a recognized standard that can be addressed in a general plan Land Use Element per the 2003 California General Plan Guidelines.

## **LAND USE ELEMENT**

### **1. Planning Commission Recommended General Plan Amendment:**

Table LU-2	Pg. 2-10	Revise or delete Residential Development Standards. If Development Standards are retained, amend R-M minimum lot size to 3000 sq. ft.
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#### **Staff Discussion:**

[Refer to the Land Use Code (Article 2; Chapter 9.24; Tables 2-5, 2-6, 2-7, 2-8 and 2-9) for Residential Development Standards. Removing the development standards from the AGP assists with applying a Planned Development overlay, which allows for adjustment of development standards if necessary.]

### **TABLE LU-2 RESIDENTIAL LAND USE CLASSIFICATIONS**

ALLOWABLE USES	R-VL	R-L	R-M	R-H
RESIDENTIAL				
Single-family dwellings	X	X	X	
Mobile/manufactured homes	X	X	X	X
Mobile home park			X	
Duplex dwellings		X	X	X
Multi-family dwellings			X	X
Planned developments	X	X	X	X
Group residential		X	X	X
SECONDARY USES				
Small residential care facilities	X	X	X	X
Accessory (2 <sup>nd</sup> ) dwelling unit	X	X	X	X
Bed and Breakfast Inns	X	X	X	
Home Occupations	X	X	X	X
DEVELOPMENT STANDARDS/DENSITY				
Density Range	2 or fewer primary units per acre	From 2 to a maximum of 7.25 units per acre	From 7.26 to a maximum of 15 units per acre	From 15.01 to a maximum of 32 units per acre

Maximum Floor Area Ratio*	0.20	0.50	0.50	0.60
Minimum Lot Size/Average	20,000 sq. ft.	4,000 sq. ft. with 6,000 sq. ft. average	6,000 sq. ft.	6,000 sq. ft.
Minimum Open Space	80%	50%	50%	40%

## 2. Planning Commission Recommended General Plan Amendment:

Table LU-4	Pg. 2-12	Revise or delete Commercial Development Standards. Amend Table LU-4 to show the allowable uses within the C-M district.
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### Staff Discussion:

[Refer to the Land Use Code (Article 2; Chapter 9.26; Tables 2-11, 2-12, 2-13, 2-14 and 2-15) for Commercial, Industrial, and Public Facility Development Standards. The Commercial-Mixed (C-M) General Plan Designation has been incorporated into Table LU-4 below to correct an internal inconsistency within the AGP. The C-M designation addresses the concept of mixed-use neighborhood centers as reflected Policies LU-1d and LU-3b of the AGP. The C-M designation is designed to encourage neighborhood-oriented commercial services and residential units on the upper floors where feasible. The distinction between the C-M and C-G designations would be the level of activities that could be allowed; the C-M designation, as currently drafted in the LUC, would not allow for example, a nightclub to be located in this zone district.]

**TABLE LU-4 COMMERCIAL LAND USE CLASSIFICATIONS**

ALLOWABLE USES	C-C	C-G	C-VS	C-M
<u>SALES OF GOODS &amp; SERVICES</u>				
General retail sales and services	X	X		X
Specialty retail sales and services	X	X	X	X
Personal service establishments	X	X		X
Shopping centers	X	X		X
High-impact retail commercial uses	X	X	X	
Wholesale trade and warehousing		X		
Transient lodging	X	X	X	X
Travel trailer [RV] park			X	
Animal sales and services		X		X
<u>MOTOR VEHICLE RELATED SALES &amp; SERVICE</u>		X	X	
Motor vehicle sales and rentals		X	X	
Motor vehicles services		X	X	
Gas sales				
<u>RESTAURANTS, BARS, TAVERNS AND PUBS</u>	X	X	X	X
<u>NIGHTCLUBS</u>	X	X	X	
<u>COMMERCIAL RECREATION / ENTERTAINMENT</u>				
Indoor recreation services	X	X		X
Outdoor recreation uses and services		X	X	
Theaters	X	X	X	X

BUSINESS AND PROFESSIONAL OFFICES				
Offices designed to serve customer traffic	X	X		X
Offices designed to attract little customer traffic	X	X		X
Health services	X	X		X
EDUCATIONAL, CULTURAL & RELIGIOUS USES				
Libraries, museums, art galleries, and similar uses	X	X		X
Mortuaries and funeral homes		X		
PUBLIC & SEMI-PUBLIC USES				
Government administrative offices	X	X		X
Post offices	X	X		X
RESIDENTIAL				
Multi-family residential	X	X		X
DEVELOPMENT STANDARDS				
Maximum Structure Height	45 ft.	35 ft.	45 ft.	
Minimum Lot Size	5,000 sq. ft.	5,000 sq. ft.	10,000 sq. ft.	
Minimum Landscape	10%* of lot area <small>*in-lieu credits available</small>	10% of lot area	15% of lot area	
Maximum Floor Area Ratio*	3.00	2.00	2.00	

### 3. Planning Commission Recommended General Plan Amendment:

Table LU-6	Pg. 2-15	Revise or delete Industrial / Public Facility Development Standards. Add Low Impact Manufacturing classification to Table LU-6.
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#### Staff Discussion:

[Refer to the Land Use Code (Article 2; Chapter 9.26; Tables 2-11, 2-16, 2-17 and 2-18) for Commercial, Industrial, and Public Facility Development Standards. The Low Impact Manufacturing and Processing use category was added to Table LU-6 to address an internal inconsistency within the AGP.]

#### TABLE LU-6 INDUSTRIAL / PUBLIC FACILITY LAND USE CLASSIFICATIONS

ALLOWABLE USES	I-L	I-G	PF
SALES OF GOODS AND SERVICES			
Personal services establishments	X		
High impact commercial uses	X		
Outdoor sales and storage of merchandise	X		
Wholesale trade and warehousing	X	X	
Animal sales and services	X	X	
MOTOR VEHICLE-RELATED SALES AND SERVICES			
Motor vehicle sales and rentals	X		
Motor vehicle services	X		
Gas stations	X		
RESTAURANTS AND NIGHTCLUBS	X		

COMMERCIAL RECREATION / ENTERTAINMENT Indoor recreation services	X		
BUSINESS AND PROFESSIONAL OFFICES Offices designed to serve customer traffic Offices designed to attract little customer traffic	X X		
EDUCATIONAL, CULTURAL & RELIGIOUS USES			X
RESIDENTIAL	X		
PUBLIC & SEMI-PUBLIC USES			X
HIGH IMPACT MANUFACTURING & PROCESSING		X	
MODERATE IMPACT MANUFACTURING & PROCESSING	X	X	
LOW IMPACT MANUFACTURING & PROCESSING	X	X	
<b>DEVELOPMENT STANDARDS</b>			
Maximum Structure Height	45 ft.	50 ft.	50 ft.
Minimum Lot Size	6,000 sq. ft.	1 acre	None
Minimum Landscape	10% of lot area	10% of lot area	10% of lot area
Maximum Floor Area Ratio*	1.50	1.50	1.50

#### 4. Planning Commission Recommended General Plan Amendment:

Table LU-9	Pg. 2-20	Revise or delete Agricultural / Natural Resource Development Standards. Amend AR and NR land use districts to add agricultural processing. Amend NR land use district to add single-family residence.
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#### Staff Discussion:

[Refer to the Land Use Code (Article 2; Chapter 9.22; Tables 2-2 and 2-3) for Agricultural and Natural Resource Development Standards.]

#### TABLE LU-9 AGRICULTURAL AND NATURAL RESOURCE LAND USE CLASSIFICATIONS

ALLOWABLE USES	A-E	A-R	NR
RESIDENTIAL Single-family dwellings Mobile / manufactured homes Secondary residential uses Bed & Breakfast (as secondary use with use permit)	X X X X	X X X X	X
COMMERCIAL RECREATION & ENTERTAINMENT Coastal-dependent recreation	X		X
AGRICULTURE, MINING, SILVICULTURE & AQUACULTURE General agriculture, except keeping confined animals Agriculture, including keeping of confined animals Agriculture-related processing facilities Commercial greenhouse operations Aggregate and other mining Silvicultural operations Aquacultural operations	X X X X X X X X	X X X X	X X X

NATURAL RESOURCE CONSERVATION USES		X	X	X
<b>DEVELOPMENT STANDARDS/DENSITY</b>				
Density Range		1 primary residential unit per parcel (and a secondary unit)	1 primary residential unit per parcel (and a secondary unit)	1 unit per existing parcel
Maximum Structure Height		35 ft.	35 ft.	35 ft.
Minimum Lot Size		20 acres (60 ac. in coastal zone)	2.5 acres	20 acres
Maximum Floor Area Ratio*		.10 / Higher with Conditional Use Permit	.10	NA

## SPECIFIC CONSIDERATIONS

The Land Use Element includes specific considerations for certain parcels and uses, organized by land use designation. These considerations are more specific than the level of detail in the majority of the Land Use Element, and were intended to guide the development of the Land Use Code. Many of these considerations are now being implemented through provisions in the Land Use Code, and by adding a “SC” suffix designation to certain parcels on the Amended Zoning Map.

**TABLE LU-3 SPECIFIC CONSIDERATIONS FOR CERTAIN RESIDENTIAL AREAS**

AREA	SPECIFIC CONSIDERATIONS
Plum Village	Residential development shall be limited to twelve units of which three (25%) will be affordable units and the wetlands area shall be retained. [Wedemeyer/Lewis property]
Spear Ave. & St. Louis Rd.	Residential development shall include a mix of housing types and shall be clustered to maintain creek course and riparian areas as open space. [Sorensen property]
<u>Sunset at Baldwin APNs 505-121-021 &amp; 505-121-019</u>	Residential development shall be clustered to preserve Jolly Giant Creek course and wetland areas as open space, and to reserve right-of-way for the future extension of Foster Street to Sunset Avenue. Baldwin should be extended to intersect with the extension of Foster. Access to residential development should be from Foster and Baldwin. [Franke property]  <u>The eastern portion of the site may be used for a public facility use to allow for a new Fire Station on this site. A public facility specific consideration shall be placed on the Sunset Avenue sites per PC Resolution 08-07.</u>
Giuntoli Lane at Hwy 299	Residential development shall be designed to attenuate noise impacts from Hwy 299. Multifamily units shall be the predominant unit type. Special consideration should be given to internal and external access. This property has a Planned Development (PD) overlay. [Peugh-King property]

**TABLE LU-5 SPECIFIC CONSIDERATIONS FOR CERTAIN COMMERCIAL AREAS**

AREA	SPECIFIC CONSIDERATION
Giuntoli Lane at State Route 101	Commercial development should include consolidated access points, parking that is screened, and setbacks from the Mad River. This property is within the urban services boundary, must be annexed, and has a Planned Development (PD) overlay [Graham Property].

TABLE LU-7 SPECIFIC CONSIDERATIONS FOR CERTAIN INDUSTRIAL AREAS

AREA	EXISTING USE	CONSIDERATION
"K" Street Industrial Area	I-L	Provide live-work spaces; revitalize older industrial uses.
West End Road Corridor	I-L and I-G	Promote more intensive industrial uses.
Aldergrove Industrial Park	I-L	Coordinated light industrial development, with increased landscaping.
Giuntoli Lane/ Valley East area (Zanzi) APNs 507-141-037 & 507-141-042	I-L and I-G	Planned Development for entire property to minimize access points on Giuntoli, and coordinate land uses, interior circulation, shared parking, and overall building layout. Constraints include setback area along Mad River. <u>APN 507-141-042 may allow for a public facility type use to accommodate a future City park along the Mad River. A special consideration for this parcel shall include dual (Industrial Limited [IL] and/or Public Facilities [PF]) land use activities.</u>
Northcoast Hardwoods site (Samoa Blvd.)	I-G	Planned Development for entire property to minimize access points on Samoa, and coordinate land uses, interior circulation, shared parking, and overall building layout.
Winkel Property - Little Lake Industries (South I Street)	I-L	Planned development for entire site to encourage: <ol style="list-style-type: none"> <li>1. An area not less than 25-feet wide adjacent and parallel to "I" Street shall be a landscape buffer between heavy manufacturing uses to the west and internal development on the site. Landscaping within the buffer strip shall include a dense planting of trees of species appropriate to the coastal environment.</li> <li>2. A multi-use coastal access pathway shall be included along the entire landscape buffer to connect the Samoa Boulevard area to the Arcata Marsh and bay shoreline.</li> <li>3. The former marsh areas at the southern portion of the property (south of the railroad tracks) shall be restored or recreated.</li> <li>4. A small portion of the site adjacent to the Marsh Commons area, or along Butcher Slough, may be suitable for limited residential development.</li> <li>5. A small portion of the site adjacent to the restored marsh area may be suitable as a site for an "eco-lodge" or other eco-tourism uses focused on coastal recreation.</li> <li>6. The northern portion of the site east of the landscape buffer may be developed as a "business park" with light industrial and business-service uses. Comprehensive development standards for the business park area, including sidewalks, landscaping, and building design, shall be included in the master plan for the site.</li> <li>7. A creekside conservation area shall also be required parallel to the top of the bank of Butcher Slough.</li> </ol>

**TABLE LU-8 SPECIFIC CONSIDERATIONS FOR CERTAIN PUBLIC FACILITY AREAS**

AREA	SPECIFIC CONSIDERATION
Mad River Hospital Area <u>APN's 507-191-033, 507-191-076, 507-291-032 &amp; 507-191-077</u>	Hospital development <u>on APN's 507-191-077 and 507-291-032, in conjunction with an overall Master Site Plan</u> , should retain 50% contiguous open space, have adequate provisions for on site retention of stormwater, be compatible in scale with surrounding uses, provide <u>permanent open space or conservation easements</u> to the City of Arcata or a land trust, and limit extent of impervious surfaces (e.g. parking lots) as much as possible through a Planned Development. <u>A conservation easement shall address provisions to: preserve prime ag soils; encourage limited ag activities; and promote trail systems, wellness gardens, and health related outdoor activities.</u> On APN 507-291-032, north of Weeot Way, a residential specific consideration shall be placed on this site that would allow for the development of hospital related housing, including, but not limited to: life care facilities, assisted living facilities, medical related group quarters, medical services-extended care facilities, temporary housing for family members of hospital patients, or housing for doctors, nurses, and hospital staff per PC Resolution 08-11. If a Master Site Plan for the Mad River Hospital Area is not approved by the Year 2020 for the Public Facility (PF) Land Use Designated areas on APN's 507-191-077 and 507-291-032, then consideration should be given to reverting the PF designated lands back to an Agriculture Exclusive (A-E) designation.
M Street Fire Station Site <u>APNs 020-127-004 &amp; 005 &amp; 020-128-002</u>	Provided for a residential overlay to this site to make it compatible with adjacent residential - low density neighborhood to the west. The special consideration should be considered if a new fire station is constructed south of the intersection of Sunset Avenue at Baldwin Street. Residential overlay considerations shall be placed on the "M" Street site, per PC Resolution 08-07

**TABLE LU-10 SPECIFIC CONSIDERATIONS FOR CERTAIN AGRICULTURAL AREAS**

AREA	SPECIFIC CONSIDERATION
<u>Arcata Bay Storage</u> <u>APN 021-121-010</u>	<u>Provide for agriculture-related manufacturing due to aggregate fill deposits on the Arcata Bay Storage site per PC Resolution 08-09.</u>

## LAND USE PLAN MAP

[The following are General Plan Amendments to the Land Plan Map. These are necessary for certain property owner initiated zoning amendments to be consistent with the AGP.]

Slack & Winzler, and Industrial Electric Properties per PC Resolution 08-05 (APNs 503-251-011, 021-191-002, 006, & 007, 505-251-011 & 013)	IG to IL
Meserve and Kirkpatrick Properties per PC Resolution 08-06 (APNs 503-372-002, 003, 004 & 005, 505-022-011 & 012)	IG to IL
Franke Property per PC Resolution 08-07 (APN 505-121-021)	RL to RM
Zanzi Property per PC Resolution 08-08 (APN 507-141-037)	IG to GC
Cahill Property per PC Resolution 08-10 (APN 020-113-013)	RL to IL

## GROWTH MANAGEMENT ELEMENT

### 5. Planning Commission Recommended General Plan Amendment:

Policy GM-4b	Pg. 2-33	Amend this policy to reflect emergency sewer connections and resulting annexations within the Urban Services Boundary as described in the Land Use Code.
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**Staff Discussion:** [Proposed changes are indicated in the underline format below.]



**GM-4b Services outside City boundary.** The City shall not extend sewer mains or new water mains or provide new service connections to portions of the Planning Area outside the City Limits except under the following conditions:

- 1. Emergency sanitary sewer connection.** The City may provide an emergency sewer line extension provided the following conditions are met:
  - a. The property is located within the City Urban Services Boundary for water and sewer.
  - b. The property is adjacent to the City limits.
  - c. The on-site sewage disposal system has failed.
  - d. It is not feasible to replace or repair the on-site sewage disposal system as evidenced by a letter from the County of Humboldt Division of Environmental Health.

- e. The on-site sewage disposal system failure is considered a health hazard by the County of Humboldt Division of Environmental Health.
- f. The owner has submitted a complete application to the City of Arcata for annexation of the property within 18 months from the date that sanitary sewer service was provided.
- g. LAFCo has approved the emergency sanitary sewer connection.
- h. The sewer connection shall be sized to only accommodate the failed system.

2. The City may contract to provide sewer services to other service districts subject to the following guidelines:

- a. Only those areas with existing contracts as of December 31, 1998 shall be served.
- b. No new contracts for services shall be approved.
- c. No new connections shall be allowed to the sewer lines in the area between the City Limits and the Arcata Planning Area Boundary.

## OPEN SPACE ELEMENT

### **6. Planning Commission Recommended General Plan Amendment:**

OS-5a	Pg. 4-8	Amend Policy OS-5a to allow a 25% slope threshold to address land disturbance. Bring this policy into conformance with the intent of the Hillside Development Standards found within Policy PS-3c on page 6-10.
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**Staff Discussion:** [A review of the Planning Commission Minutes of November 7, 2006 in conjunction with a review of the following General Plan: 2020 Policies has indicated that no revision to Policy OS-5a is needed at this time:

- LU-2a Residential Land Use Classifications
- OS-5a Designation of open space for public safety
- OS-5b Development limitations and management for health and safety hazard areas
- D-4c Grading and hillside subdivisions
- D-4d Retention of natural features

- PS-3a Slope stability hazards
- PS-3b Grading standards for erosion and sedimentation control
- PS-3c Hillside development standards
- PS-3e Geotechnical reports]

**OS-5a Designation of open space for public safety.** Designated open space for public safety is shown on Figure OS-a. Setbacks for seismic faults and liquefaction zones, unstable soils or steep slopes, mapped Flood Hazard Zone A, areas susceptible to wildland fire, and watershed/reservoir safety zones, shall be established as part of the development review process. Where severe safety considerations exist (e.g., within the Alquist-Priolo Zone), open space easements shall be granted to the City to protect people and property from health and safety hazards.

Open space areas, with slopes 15% or greater shall retain their natural landform features; excavation shall be restricted, according to the City's adopted grading ordinance, and removal of vegetation shall be limited to selected thinning of timber stands and removal of hazard trees.



Open Space areas that are flood-prone may be used for agricultural and recreational purposes but shall be kept free from urban development. A flood plain overlay zone shall be applied to all Natural Resource [NR] and Agricultural [AE] areas subject to inundation according to the Flood Insurance Rate Map (Flood Hazard Boundary Map) developed by the Federal Emergency Management Agency (FEMA) or the Federal Insurance Administration.

## RESOURCE CONSERVATION & MANAGEMENT ELEMENT

### 7. Planning Commission Recommended General Plan Amendment:

Policy RC-6g	Pg. 4-32	Community Forest Boundary setback may have to be revisited depending on the action taken on Chapter 9.52 within the new Land Use Code.
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**Staff Discussion:** [No revision needed at this time.]

**RC-6g Setbacks.** Development adjacent to the Community Forest boundary shall be setback at least 150 feet, unless this would make the use of the parcel infeasible for its designated purpose. However, larger setbacks may be required to prevent exposure to potential hazards and to maintain forest integrity.

## 8. Planning Commission Recommended General Plan Amendment:

Policy RC-3a(2)	Pg. 4-22	Change from one to two parameters protocol for all non-coastal wetlands.
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**Staff Discussion:** [The proposed AGP amendment includes a revision of Policy RC-3a which defines “wetlands.” In this proposed amendment, two or more of the parameters must be present within that portion of the City outside the coastal zone to be recognized as a wetland. This is discussed further under Biological Resources in the Initial Study for the Land Use Code.]

### RC-3a Requirement for wetland delineation and study.

2. For purposes of this plan, wetlands shall include coastal zoned lands where one or more of the following three characteristics are present or non-coastal zoned lands where two or more of the following three characteristics are present:
  - a. source of water (surface or subsurface) which is present for sufficient periods to promote hydric soils formation or growth of hydrophytic plant species;
  - b. hydric soils; or
  - c. hydrophytic plants.

## 9. Planning Commission Recommended General Plan Amendment:

Policy RC-2 & RC-3		Replace reference to SPA & WPA with Environmental Buffer Area (EBA).
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**Staff Discussion:** [Proposed changes are indicated in the strike-out and underline format below.]

RC-2b ~~Streamside Protection Areas (SPA)~~Environmental Buffer Area (EBA). A streamside protection area is hereby established along both sides of the streams identified on the City Watercourse Map. The purpose of the ~~SPA~~EBA is to remain in a natural state in order to protect streams' ecosystems and their associated riparian habitat areas. The ~~SPA~~EBA shall include:

1. In areas where existing development, as defined in the Land Use Code, is adjacent to the stream, the ~~SPA~~EBA shall be not less than 25 feet outward on both sides of the stream, measured from the top of bank.
2. In all other locations within the City, the ~~SPA~~EBA shall be not less than 100 feet outward on both sides of the stream, measured from the top of bank.
3. In locations within the City having significant areas of riparian vegetation exceeding 100 feet in width measured from the top of bank, the ~~SPA~~EBA shall be expanded to encompass all of the riparian vegetation, except in no case

shall the ~~SPA-EBA~~ exceed 250 feet in width from the top of bank on either side of the stream.

~~SPAs-EBAs~~ outside of the City shall follow the policies in the Humboldt County Framework Plan, regarding Streamside Management Areas.

**RC-2c Allowable uses and activities in ~~streamside protection~~Environmental Buffer areas**. The following compatible land uses and activities may be permitted in ~~SPAs-EBAs~~, subject to all other policies in this Element, including those requiring avoidance of impacts and other mitigation requirements:

1. Outside the Coastal Zone:

- a. agricultural operations compatible with maintenance of riparian resources;
- b. fencing along property boundaries and along ~~SPA-EBA~~ setback boundaries to prevent bank erosion and degradation of natural riparian vegetation by livestock;

**RC-2f Conservation easement.** Dedication of a conservation easement, or equivalent deed restriction, encompassing the area within the ~~SPA-EBA~~ shall be required as a condition of approval of any discretionary planning permit, including design review, when any portion of the project site falls within an ~~SPA-EBA~~. Such easements may be conveyed to the City of Arcata, to another governmental agency which shall manage the easement to protect the ~~SPA's-EBA's~~ functions, or to an appropriate non-profit entity.

**RC-2h Restoration of degraded creek resources.** Portions of Janes, Jolly Giant, Campbell, and Grotzman Creeks are culverted or covered, causing degradation of creek resources. Streams such as Janes Creek have tide gates which are barriers that prevent anadromous salmonids from accessing critical habitat. Furthermore, recreational use has degraded riparian vegetation along upland reaches of certain creeks (e.g., Jolly Giant, Campbell, and Jacoby Creeks) within Redwood Park and the Community Forest. Lack of vegetation along creek courses can cause erosion, resulting in water and airborne impacts. Restoration activities for improving degraded stream resources shall include:

1. Uncovering of creek courses in public rights-of-way, as part of public works improvement projects.
2. Encouraging landowners to restore degraded ~~SPA-EBA~~ and stream resources, including native riparian vegetation establishment and exotic species removal, as part of a new development or renovation.
3. Controlling uses that are damaging to upland reaches of creeks in the Community Forest and Redwood Park.

4. Removing or modifying barriers such as tide gates that prevent migrating anadromous salmonids which are federally listed endangered species from reaching their critical habitat.
5. Exclusionary fencing to keep livestock out of the ~~SPA~~EBA.

RC-3c **Designation of ~~Wetland Protection Areas (WPA)~~Environmental Buffer Areas (EBAs).** An ~~WPA~~EBA shall be established to separate all permitted development from adjacent existing wetlands which are to be preserved in a natural state and new wetland areas which are created as a mitigation. The ~~WPA's~~EBA's purpose is to remain in a natural state in order to protect wetland ecosystems and their associated habitat areas from destruction or degradation. The extent of the ~~WPA~~EBA shall be established based upon analyses and recommendations contained in a site-specific wetland delineation study, but shall include the wetland area and a setback area which shall generally range from a 50 foot minimum to a 100 foot maximum. Specific findings, based on evidence provided for City review, shall be required for setbacks less than 100 feet.

RC-3d **Allowable uses and activities in ~~Wetland Protection Areas~~Environmental Buffer Areas.** The following compatible land uses and activities may be permitted in WPAs, subject to all other policies in this Element, including those requiring avoidance of impacts and other mitigation requirements:

1. Resource restoration or enhancement projects.
2. Farming, consistent with policy RC-3!
3. Outdoor recreation activities, such as bird watching, hiking, boating, horseback riding, and similar activities.
4. Education, scientific research, and use of nature trails.
5. Drainage ditches when compatible with wetland function.
6. Minor modification of existing, serviceable structures.
7. Fencing to prevent livestock from degrading wetlands and riparian vegetation.

Any use, construction, grading, or removal of vegetation which is not listed above shall be prohibited.

RC-3f **Review and approval of projects affecting ~~Wetland Protection Areas~~Environmental Buffer Areas.** Applications for development on any parcel which is located partially or wholly within a ~~WPA~~EBA shall be subject to the requirements of Policy RC-1 and RC-3.

RC-3g **Conservation easements.** Dedication of a conservation easement, or equivalent deed restriction, encompassing the area within the ~~WPA~~EBA shall be required as a condition of approval of any discretionary action, including design review, when any portion of the project site falls within an ~~WPA~~EBA. Such easements may be conveyed to the City of Arcata, another governmental agency, or City-approved non-profit entity which shall manage the easement to protect the ~~WPA's~~EBA's functions.

**10. Planning Commission and Consultant Recommended General Plan Amendment:**

Policy RC-8b	Pg. 4-35	Change "using 30% less energy" to "achieve a minimum of 15% greater energy efficiency".
Policy RC-8b	Pg. 4-35	Add the following to policy RC-8b: Explore and, if appropriate, adopt energy efficiency standards for existing residential and commercial buildings upon substantial remodel. Consider requiring energy efficiency inspections, disclosure, and retrofits at change of ownership based on cost-effective and commercially available energy efficiency measures.

**Staff Discussion:** [Proposed changes are indicated in the strike-out and underline format below.]

RC-8b **Encouragement of energy efficiency and conservation.** The City shall coordinate with energy suppliers and agencies to educate residents, property owners, and business operators about the need for and benefits of conserving energy. The City shall maintain and distribute current information about building insulation; energy efficient appliances, lighting, and heating; other conservation measures and materials; and home power alternatives.

The City shall continuously seek and implement cost-effective steps to reduce City energy use. The City shall attempt to reduce the City's total consumption of purchased energy by at least 20% (in energy units, not cost) by the year 2010.

The City shall adopt the goals of the national "Energy Star Program" (or its successor programs) for all City construction projects and all construction projects assisted by grants for which the City is an applicant. These goals include using 30% less energy achieving a minimum of 15% greater energy efficiency than would a building designed with existing Title 24 standards.

Explore and, if appropriate, adopt energy efficiency standards for existing residential and commercial buildings upon substantial remodel. Consider requiring energy efficiency inspections, disclosure, and retrofits at change of ownership based on cost-effective and commercially available energy efficiency measures.

**11. Planning Commission Recommended General Plan Amendment:**

Policy RC-8d		Add new policy: <b>Restoration for Greenhouse Gases Absorption.</b> Foster and restore forests and other terrestrial ecosystems that offer significant carbon mitigation potential.
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**Staff Discussion:** [The California State Legislature adopted and the Governor signed AB 32, the California Global Warming Solutions Act in 2006. AB 32 focuses on reducing greenhouse gases (GHG) in California. Recent CEQA case law has prompted the need to analyze potential cumulative impacts of GHG emissions and global climate change in CEQA documents. This is

discussed further under Air Quality and Cumulative Impacts in the Initial Study for the Land Use Code.]

RC-8d **Restoration for Greenhouse Gases Absorption.** Foster and restore forests and other terrestrial ecosystems that offer significant carbon mitigation potential.

## DESIGN ELEMENT

### 12. Planning Commission Recommended General Plan Amendment:

Policy D-7B	Pg. 5-17	Change “residential land-use zones” to “multi-family land-uses.”
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**Staff Discussion:** [Single-family development is not required to submit landscaping plans per Section 9.34.020A of the Land Use Code.]

D-7b **Planting area required.** A minimum landscape planting area shall be required in all commercial, industrial, and multi-family residential land-uses ~~zones~~; these shall be contained in the zoning ordinance and expressed as a percent of site area.

## HISTORICAL PRESERVATION ELEMENT

### 13. Planning Commission Recommended General Plan Amendment:

Policy H-4C	Pg. 4-28	Design Review guidelines within a NCA may need to be revised to reflect the intent of the new Land Use Code.
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**Staff Discussion:** [No revision needed.]

H-4c **Design review.** All structures located within an NCA, including single-family houses, historic structures identified in specific plans, and existing structures with exterior alterations or renovation of more than 25 percent of the floor and/or exterior wall area, shall be subject to approval. Prior to approval, the finding must be made that the design will be compatible with the existing character of the NCA.

### 14. Planning Commission Recommended General Plan Amendment:

Policy H-5b	Pg. 5-32	Amend to reflect an automatic 180-day delay after receiving an application for a demolition.
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**Staff Discussion:** [No change to General Plan Policies H-4c and H-5b are required at this time. However, the Land Use Code is proposed for further amendments per Exhibit 2.]

**H-5b Waiting period for demolition of designated landmarks.** Any approved demolition permit for designated historical landmarks shall be automatically subject to a delay of 180 days before the building permit for demolition may be issued by the City.

Table HP-1	Pg.5-35	Update Designated Historical Sites List.
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**Staff Discussion:** [At least five recent listings will be added.]

		Throughout text, change name from "Historic Landmarks Commission" to "Historic and Design Review Commission."
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**Staff Discussion:** [The name change will be incorporated into the Design Element.]

Section 5.6	Pg. 5-37	Amend Implementation Measures with regard to references to the "Historic Landmarks Commission".
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**Staff Discussion:** [These changes clarify administrative matters with historical preservation and design review. None of these would have an environmental effect as identified in the Initial Study for the Land Use Code.]

## 5.6 IMPLEMENTATION MEASURES

#	IMPLEMENTATION MEASURE	RESPONSIBLE PARTY	TIME FRAME
LU-1	<p><b>Historic Landmarks, conservation easements (LUC Amendment)</b></p> <p>A. Revise development standards for designated landmarks (delete additional uses, restrict conversion of res. structures in res. zones to non-residential uses, add other incentives).</p> <p>B. Revise Historical Landmarks combining zone re: demolition controls.</p> <p>C. Add authority for conservation (facade) easements.</p> <p>D. Define role of <u>Historical Landmarks and Design Review Commission</u>.</p> <p>E. Add requirement for demolition permit.</p> <p>F. Create authority for Mills Act contracts.</p>	Community Development Dept./ Planning Commission	Year 1
H-1	<p><b>Create <u>Historic Landmarks and Design Review Commission</u></b></p> <p>The City shall appoint a <u>Historic Landmarks and Design Review Commission</u> for the purpose of pursuing Certified Local Government status, developing a Noteworthy Structure List and promoting other historic preservation activities. This includes coordinating with HSU for listing of State owned historic structures.</p>	City Council	Year 1

H-2	<b>Historic resources inventory</b> Update historical resources inventory (add structures throughout the City based on age, and add Bayside area to inventory).	Comm. Devel. Dept./ <u>Historical Landmarks and Design Review</u> Commission	Year 2
H-3	<b>Certified local government status</b> Apply to the State Office of Historic Preservation for Certified Local Government status.	Historical <u>Landmarks and Design Review</u> Commission	Year 2
H-4	<b>Training and information program</b> Develop a design brochure(s) and a brochure on benefits of landmark designation.	Historical <u>Landmarks and Design Review</u> Commission	Year 2
H-5	<b>Noteworthy Structures List</b> <u>The Historical Landmarks Committee and Design Review Commission</u> shall prepare and maintain a noteworthy structures list.	Historical <u>Landmarks and Design Review</u> Commission	Year 1

## PUBLIC SAFETY ELEMENT

Policy PS-7D	Pg. 6-17	Remove reference to Ombudsman position and / or police review commission.
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PS-7d **Independent review.** The Arcata Police Department has an established review procedure for investigating complaints against law enforcement personnel. Complaints may also be referred to the Humboldt County Grand Jury. ~~In addition, the City shall establish an Ombudsman position and/or police review commission whose membership reflects the diversity of the City's population and whose duties include:~~

- ~~1. Providing a means for independent, prompt, and impartial investigation and/or mediation of complaints brought against the City Police Department.~~
- ~~2. Setting and reviewing law enforcement policies, practices, and procedures.~~

## GLOSSARY

**Staff Discussion:** [Article 10 (Glossary) of the Land Use Code is intended to replace the AGP Glossary to promote consistency.]

#### LEGEND

**AMMENDED GENERAL PLAN LAND USE DESIGNATIONS  
RESULTING FROM APPLICANT INITIATED REQUESTS.**

- A - I-G TO I-L
- B - C-G-I-L TO C-G
- C - R-L TO I-G
- D - R-L TO R-M
- E - R-H TO R-M

#### **ADDITIONAL PARKLANDS AND RESOURCE AREA**

- 1 - R-VL TO PF (Woodland Heights Park)
- 2 - R-M TO PF (James Creek Meadows Park)
- 3 - R-L TO PF (Bloomfield Park)
- 4 - N/A TO PF (Rotary Park)
- 5 - R-L/PF TO PF (Redwood Park)
- 6 - R-M TO NR (James Creek Meadows Openspace)

#### OTHER GENERAL PLAN CORRECTIONS

7 - PF TO R-L (Trinity Hospital)

**C-G TO C-M DESIGNATION FOR SPECIFIC COMMERCIAL NEIGHBORHOOD CENTERS**

Bayside, Sunny Brae, Greenview, Westwood

**JUNE 2008  
GENERAL PLAN  
LAND USE MAP  
AMENDMENTS**

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**GIS**

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**Attachment A**  
**Exhibit 5**

CITY OF ARCATA MUNICIPAL CODE – TITLE 9 – LAND USE CODE

Permit Approval or Disapproval

9.72.040

C. **Review authority for Design Review.** Design Review shall be conducted by the Historic and Design authorityReview Commission (HDRAHDRC) or Planning Commission as established by the Council.

1. **Type "A" Design Review.** Type "A" Design Review shall be approved or disapproved by the HDRC provided that:

- The proposed project is exempt from CEQA or only the "No Impact" box is checked for all categories with the exception of Section V. Cultural Resources on the Initial Study for a project. If the proposed project is not statutorily or categorically exempt from CEQA, the application shall be referred to the Planning Commission for hearing and decision.
- The HDRC may choose to defer action and refer any Design Review application to the Planning Commission for hearing and decision; and

2. **Type "B" Design Review.** Type "B" Design Review shall be approved or disapproved by the Planning Commission for all projects not determined to be Type "A." As per Section 9.72.040H.2, the HDRC shall provide a recommendation to the Planning Commission for all Type "B" Design Review applications.

D. **Application filing and processing.** An application for a Design Review shall be prepared, filed, and processed in compliance with Chapter 9.70 (Permit Application Filing and Processing). The application shall be accompanied by the information identified in the Department handout for Design Review applications.

E. **Preliminary Design Review.**

- Request for advice.** An application for Preliminary Design Review may be filed to request the advice of the Historic and Design Review authorityCommission before filing an application for formal City action or permit issuance.
- Design Review authority discretion.** The Historic and Design Review authorityHistoric and Design Review Commission may choose to not provide Preliminary Design Review.
- Effect of review.** Preliminary Design Review is advisory only and shall not be considered as a formal approval or disapproval.

F. **Standards for Design Review.** In addition to the purposes of this Section identified in Subsection A, above, the Historic and Design Review authorityHistoric and Design Review Commission shall ensure that the project complies with this Section and Subsection 9.28.060 (D) (1) (Considerations for review within the NCA) by:

- Providing architectural design, building height and massing, and scale appropriate to and compatible with other structures on the site and in the immediate vicinity of the site;
- Providing attractive and desirable site layout and design, including, but not limited to, building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc;
- Providing efficient and safe public access, circulation, and parking;

Attachment A  
Exhibit 5

CITY OF ARCATA MUNICIPAL CODE – TITLE 9 – LAND USE CODE

Permit Approval or Disapproval

9.72.050

4. Providing appropriate open space and landscaping, including the use of water efficient landscaping;
5. Showing consistency with the General Plan, Local Coastal Program, and any applicable specific plan; and
6. Complying with any applicable design guidelines or design review policies.

**G. Project review and noticing.** Each application for Design Review shall be reviewed by either the HDRA HDRC or the Planning Commission to ensure that the proposal complies with all applicable requirements of this Land Use Code. Each project will be listed on an agenda that will be posted at City Hall at least 72 hours in advance of the meeting and published in a local newspaper at least 24 hours in advance of the meeting. Any project referred to the HDRA HDRC, or Planning Commission as noted above, as a result of subsections B2, B3, or B6 shall be noticed in compliance with Chapter 9.74 (Public Hearings).

**H. Historic and Design Review authority**Historic and Design Review Commission **action.**

1. **Approval or disapproval.** For projects not subject to review by the Planning Commission or City Council, the HDRA HDRC may approve or disapprove the design as submitted, or suggest alterations, changes, or modifications as appropriate, or impose conditions, all in compliance with the standards identified in this Section, and additional standards as may be adopted and published by the HDRA HDRC from time to time.
2. **Recommendation.** For projects subject to review and approval by the Planning Commission or City Council (e.g. Planned Developments, Conditional Use Permits, and Subdivisions), the HDRA HDRC shall provide a recommendation to the decision-making body. HDRA HDRC review shall be conducted prior to review by the Planning Commission or City Council. If the Planning Commission or City Council determines that significant changes have occurred to a major development, the project will be referred back to the HDRA HDRC for final recommendations prior to action by the decision-making body.
3. **Deadline for Design Review authority action.** The HDRA HDRC shall act upon each application within two meetings or 30 days, whichever comes later, from the first consideration of the proposal, unless the applicant consents to further continuances.

**I. Conditions of approval.** The Historic and Design Review authority may impose any conditions deemed reasonable and necessary to carry out the purpose of this Section. The violation of any condition so imposed shall constitute a violation of this Section and may constitute grounds for revocation.

**J. Post decision procedures.** The procedures and requirements in Chapter 9.76 (Appeals), Chapter 9.79 (Permit Implementation, Time Limits, and Extensions), and those related to revocation in Article 9 (Land Use Code Administration), shall apply following the decision on an application for Design Review.

**9.72.050 - Emergency Permit**

- A. Purpose.** This Section provides procedures for the issuance of Emergency Permits in compliance with the Coastal Act and with the City of Arcata's Emergency Operation Plan.
- B. Applicability.** In the event of an emergency (see definition for "Emergency"), the Zoning Administrator may issue a permit to authorize emergency work in compliance with this Section, Coastal Act Section 30624, and California Code of Regulations Section 13329.

**E. Refunds.**

1. **Disapproval.** Required application fees cover City costs for public hearings, mailings, staff time, and the other activities involved in processing applications. Therefore, no refund due to a disapproval shall be allowed.
2. **Withdrawal.** If an application is withdrawn, the Director may authorize a partial refund of application fees based upon the pro-rated costs to-date and the status of the application at the time of withdrawal.

**Table 7-1 - Review Authority**

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

**Administrative and Legislative**

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

**Planning Permit/Development Approval**

Alterations & Demolitions	9.53		Decision	Appeal	Appeal
Coastal Permit (CP)	9.72.030	Decision (3)		Decision	Appeal (4)
Design Review (DR)	9.72.040		Decision	<u>Decision/Appeal (5)</u>	Appeal
Emergency Permit	9.72.050	Decision (2)		Appeal	Appeal
Hillside Development Permit	9.52.070	Decision(2)		Appeal	Appeal
Master Sign Plan	9.38.030	Recommend	Decision		Appeal
Minor Use Permit (MUP)	9.72.080	Decision (2)		Appeal	Appeal
Tree Removal Permit	9.58.050	Decision (2)		Appeal	Appeal
Planned Development Permit (PD)	9.72.070	Decision (2)		Decision	Appeal
Sign Permit	9.38.030	Decision (2)	Decision		Appeal
Use Permit (UP)	9.72.080	Recommend		Decision	Appeal
Variance	9.72.090		<u>Decision</u>	Decision	Appeal
Zoning Clearance	9.72.100	Issuance		Appeal	Appeal

Notes:

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

**9.70.050 - Recreation Fee for New Construction**

- A. **Title.** This Section may be cited as the "Arcata Recreation Fee for New Construction Ordinance."
- B. **Purpose.** The fee imposed under this Section is solely for the purpose of raising revenue for park acquisition and improvements. This Section is not enacted for regulatory purposes. This Section is intended to supplement the Park Land Dedication procedure in the Subdivision Ordinance (see Section 9.86.030), and it is applicable only for projects not subject to parkland in lieu requirements.
- C. **Imposition of fee.** The Recreation Fee, at the rates identified in the City's Fee Schedule, is hereby imposed upon every person who constructs, or causes to be constructed, any residential, commercial, or industrial structure or portion thereof, including any mobile home pad, in the City, in which a person has an equity, title, or other interest either as owner, lessee, or otherwise.
- D. **Fee rates.** The fee rates on residential, commercial, or industrial construction, including the construction of mobile home pads, imposed under this Section shall be identified in the City's Fee Schedule. The fee rate for residential, commercial, or industrial units shall be based on the valuation of the units being constructed.
- E. **Time of payment.** The amount of fee imposed for the construction of any residential, commercial, or industrial structure, or portion thereof, shall be due and payable at the time a Building Permit is issued authorizing construction, and the amount of fee imposed for the construction of any mobile home pad shall be due and payable at the time a permit is issued to construct and install electrical or plumbing equipment to service the mobile home pad (whichever permit is issued first).
- F. **Refund.** There shall be a refund of the fee in the event the Building Permit expires, or is revoked, before the facilities for which it was issued are constructed or installed.

### 9.53.060 - Demolition or Removal

Any demolition or removal of a structure within the City shall first require ~~HDRA~~~~HDRC~~ to review a demolition or moving permit, as applicable, and in compliance with the requirements of this Section and CEQA.

A. **Notification of application.** When an application is filed for a demolition or moving permit, the Director shall notify the ~~HDRA~~~~HDRC~~ at their next regularly scheduled meeting, and by mail to all property owners within a 300-foot radius (500-foot radius for projects not subject to CEQA exemptions), and to the Historical Sites Society of Arcata.

B. **Required delay of action.** The demolition or removal of a structure designated :HL is prohibited during the 180 days following the date that an application for demolition or moving is ~~filed with~~~~approved by~~ the ~~Department~~~~HDRC~~, unless the delay time period is waived by the HDRC in compliance with Subsection B.2. The purpose of this automatic delay is to provide sufficient time for steps necessary to preserve the structure.

1. **Extension of time period.** The Council may require that the delay period for demolition or removal for a structure designated :HL be extended for up to an additional 180 days after first finding that it is extremely probable that, within the additional time period:

- a. Satisfactory arrangements can be made to relocate the structure to an acceptable site, or
- b. A qualified public or private buyer will be found to purchase the structure.

The Council shall take action to extend the delay period at a public hearing, no later than 30 days prior to the expiration of the original 180 day time period. The total delay period shall be no more than 12 months from the date the application for a demolition or moving permit for a structure designated :HL is filed with the Department.

2. **Waiver of time period.** The owner of a designated Historic Landmark may ~~apply to the Council for request that the HDRC issue~~ a waiver of any or all of the time period delaying demolition or removal. The Council may grant a waiver only after first finding that:

- a. Only in rare cases, satisfactory arrangements have been made to relocate the structure to an acceptable site after it has gone through the permitting process for a demolition or removal;
- b. The structure has been substantially destroyed by fire, wind, flood, earthquake, or other calamity as identified through Section 9.72.050 (Emergency Permit) so that it is of no further historic or architectural value to the community;
- c. The demolition or removal is of an outbuilding or other structure that does not contribute to the historic resource or;
- d. The action is the demolition of a portion of the structure that does not contribute to the historic resource.

### 9.53.040 - Historical Resources Eligibility, Listing and Management

**A. Purpose and applicability.** The Council shall have the authority to approve the designation of buildings, structures, sites (prehistoric, historic, traditional ethnic and Native American), objects, districts, and cultural landscapes as eligible for listing at the local, State or National level.

**B. Procedure for designation of a Historic Landmark, Historic District, Cultural Landscape or Neighborhood Conservation Area.** The application for the designation of a district, site, area, or structure may be initiated by the owner, HSSA, Council, Planning Commission or HDRAHDRC. If initiated by the HSSA or the City, the owner shall be notified and will be able to contest the process.

- 1. Significance Criteria for listing.** In order to be eligible for listing, a district, site, area or structure should retain historical integrity and meet one or more of the following criteria:
  - a. The building, site or area is a significant representative of a distinct architectural period, type, style, or way of life.
  - b. The building, site or area is at least 50 years old, or in rare cases has achieved architectural or cultural significance in less than 50 years.
  - c. The building, site or area is connected with a person or event important to local, state or national history.
  - d. The architect or builder is famous or well-recognized.
  - e. The building's style, construction method, materials, or finishes are unusual or significant.
  - f. The building contains original materials or craftsmanship of high or unusual value.
  - g. The building or site's unique location or singular physical characteristic(s) represent an established and familiar visual feature or landmark of a neighborhood, community, or the City.
- 2. Referral.** The City shall refer a proposed :HL combining zone, district, Neighborhood Conservation Area, or cultural landscape designation for review and comment to the HSSA.
- 3. Notice and hearing.** Public notice shall be provided, and public hearings on a proposed rezoning to designate a :HL combining zone, historic district, Neighborhood Conservation Area, or cultural landscape shall be conducted by the HDRAHDRC, Planning Commission, and Council in compliance with Chapter 9.92 Amendments and 9.74 Public Hearings. In addition, notice of the hearings shall be provided to the HSSA, property owners, and adjacent property owners.
- 4. Notice of designation.** When a historical resource has been designated by the Council, the City Clerk shall promptly notify the owners of the affected property and record notification of the designation with the County Recorder's office in compliance with State law, per Public Resource Code 5029(b).



# 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

8/26

all in the year 2008

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

Dated at Arcata, California

this 27 day of August 2008

Signature: Joanne Frances  
Terrence McNally or Joanne Frances  
707-826-7535

Proof of Publication of: Adopt 1377

### Summary of Ordinance No. 1377

An Ordinance of the City Council of the City of Arcata Amending the Arcata Municipal Code, Title IX, to Replace the Land Use and Development Guide (LUDG) with a Comprehensive Land Use Code (LUC) and to Amend the Existing Zoning Map, 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. 1377 was passed by the following vote: AYES: Wheatley, Stillman, Machi, Groves, Pitino. NOES: None. ABSENT: None. ABSTENTIONS: None. Michael Hackett, City Clerk, City of Arcata

The full text of Ordinance No. 1377 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. 1377 may be considered for adoption at the regularly scheduled meeting of the Arcata City Council to be held on September 3, 2008, and, if adopted at that time, will take effect October 3, 2008.



# Proof of Publication



# 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 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

9/9

all in the year 2008

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

Dated at Arcata, California

this 9<sup>th</sup> day of September 2008

Signature: Joanne Frances  
Terrence McNally or Joanne Frances  
707-826-7535

Proof of Publication of:

Adopt

Intro. 1377

CITY OF ARCATA  
LEGAL NOTICE  
INTRODUCTION OF  
ORDINANCE NO.  
1377

I hereby certify that at a regular meeting held on August 20, 2008, the Arcata City Council re-introduced Ordinance No. 1377, summarized below. An Ordinance of the City Council of the City of Arcata Amending the Arcata Municipal Code, Title IX, to Replace the

Land Use and Development Guide (LUDG) with a Comprehensive Land Use Code (LUC) and to Amend the Existing Zoning Map, at which time the reading in full thereof was unanimously waived and approval granted for reading the ordinance by title only. Ordinance No. 1377 was passed and adopted at a regular City Council meeting held on September 3, 2008, by the following vote:

AYES: Wheatley, Stillman, Machi, Groves, Pitino. NOES: None.

ABSENT: None. ABSTENTIONS: None.

Michael Hackett, City Clerk, City of Arcata. Summary of Ordinance No. 1377. Ordinance No. 1377 will facilitate the replacement of the City's current Land Use and Development Guide with a new, comprehensive Land Use Code to provide consistency with the General Plan: 2020; amend the City's Zoning Map to make it consistent with the General Plan: 2020's Land Use Plan Map; and amend the General Plan: 2020 and associated Land Use Plan Map to reflect consistency with the adopted Land Use Code and amended Zoning Map.

The full text of Ordinance No. 1377 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. The ordinance will take effect October 3, 2008. BY ORDER OF THE CITY COUNCIL. Dated: September 3, 2008. APPROVED: Mark E. Wheatley, Mayor. ATTEST: Michael Hackett, City Clerk.



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