

## CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

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

November 4, 1988



TO: COMMISSIONERS AND INTERESTED PERSONS TU 15a

FROM: Edward Y. Brown, District Director  
B. Noah Tilghman, Assistant District Director  
Linda Locklin, Coastal Planner

SUBJECT: STAFF RECOMMENDATION AND PROPOSED FINDINGS  
FOR CITY OF ARCATA CATEGORICAL EXCLUSION E-88-3  
For Public Hearing and Commission Action at the Commission's  
meeting in Marina Del Rey, November 15-18, 1988

### SYNOPSIS

#### Background:

Public Resources Code, Section 30610(e) authorizes the Commission to exclude from the permit requirements of the Coastal Act, any category of development within a specifically defined geographic area if certain findings are made. The Commission must find that such an exclusion will not result in a potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along, the coast. A categorical exclusion may only be adopted after a public hearing and by a two-thirds vote of the appointed members.

The City of Arcata's Local Coastal Program was certified with suggested modifications by the Commission as resubmitted, on May 10, 1988. The City has not completed compliance with the modifications. It should also be noted that the Commission previously conditionally approved a Categorical Exclusion for the City in 1981 (E-81-4). This Exclusion was not exercised by the City.

#### Categorical Exclusion Request:

The City of Arcata has requested that certain development be excluded from Coastal Development Permit requirements. The requested exclusion would apply to several types of development: minor public works, permitted uses, variances up to 10%, lot line adjustments, conditionally permitted uses approved by the Zoning Administrator, changes, expansions, or restoration of residential or non-residential non-conforming uses.

#### Staff Recommendation

Staff Recommends that the Commission adopt order of Categorical Exclusion No. E-88-3 as conditioned, the findings, declarations and conditions in support of the order, and the attached Negative Declaration.

#### Further Information

For further information regarding the proposed exclusion or the staff recommendation, contact Linda Locklin of the North Coast District Office at the above address and telephone.

CITY OF ARCATA  
CATEGORICAL EXCLUSION ORDER E-88-3

The Commission by a two-thirds vote of its appointed members hereby adopts an order, pursuant to Public Resource Code Section 30610(e) and 30610.5(b) which excludes the following category of development in the designated areas of the coastal zone of the City of Arcata from the permit requirements of the California Coastal Act of 1976. However, no development located on tide or submerged lands, beaches, lots immediately adjacent to the inland extent of any beach, or the mean high tide line of the sea where there is no beach and all lands and water subject or potentially subject to public trust (except those areas specifically exempted pursuant to Public Resources Code Section 30613) is excluded by this order. The Commission hereby orders that the following developments within the excludable area shall not require a coastal development permit.

**I. CATEGORY OF EXCLUDED DEVELOPMENT**

1. Minor public works projects costing less than \$50,000 (1987 base) with allowance for inflation.
2. Permitted uses in all zones.
3. Variances up to 10% of their original requirement as defined in Section 1-0401.4(a).
4. Ministerial projects.
5. Grading as provided in Section 3-0402.1 subsections (b), (c), (d), (g), (h), (i) except in a wetland, riparian corridor, or buffer area as defined in Section 1-0302.2.
6. Lot line adjustments as defined in Section 2-0403 not resulting in the creation of substandard or new parcels.
7. Parcel Mergers as defined in Section 2-0802.
8. Changes, expansion or restoration of a residential or non-conforming use as allowed in Section 1-0310.5 and 1-0310.6 of the Coastal Land Use and Development Guide.

**II. FINDINGS**

The Commission further finds and declares as follows:

**1. Environmentally Sensitive Habitat/Water Resources:**

Public Resources Code Section 30240(a) provides that environmentally sensitive habitats shall be protected from significant disruption and that only those uses dependent upon the resources within the habitat may be allowed in such areas. In addition, Section 30240(b) requires that development in areas adjacent to environmentally sensitive habitats be sited and designed to protect the habitat. Coastal Act Section 30231 requires the protection and,

where feasible, restoration of the biological productivity and quality of coastal waters, streams, wetlands, and estuaries through, among other means, controlling runoff and maintaining natural vegetation buffer areas that protect riparian habitats.

In approving the City of Arcata's LCP in May of this year, the Commission found that the City contains areas of significant wetland resources, and concurred with the City's policies which require protection of those areas. However, the Commission suggested that the City to modify their Coastal Wetland Map to include three wetland areas that had not been included on this map. While the City is in the process of complying with this modification, they have not yet completed this task.

The submitted Categorical Exclusion map contains two areas proposed for exclusion which contain wetland resource areas. As the extent of those two wetland areas, (a parcel north of Samoa Boulevard, east of Union, Beard parcel, and the western edge of parcels located west of Samoa Boulevard) have yet to be determined, it is not possible to categorically exclude these areas from permit review.

Additionally, the certified LCP requires a 100 foot buffer from a wetland. As the final wetland mapping for the LCP has not been completed, it is not possible to categorically exclude permits within this potential buffer area.

Section 30610(e) of the Coastal Act states that the Commission can only exclude development from the permit process if there is no potential for any significant adverse effect, either individually or cumulatively. As detailed above, the Commission can not make this determination of no significant impact at this time, as the final wetland maps have not been prepared or approved. Therefore, the Commission must condition the exclusion map to be revised to avoid these wetland resource areas as noted on Exhibit 1. Only as so conditioned, can the Commission find that there will be no significant effect upon coastal resources.

Once the City has received final approval by the Commission for the Coastal Wetlands Map, as required for LCP certification, the City could revise the Categorical Exclusion Map in accordance with the Coastal Wetlands Map.

## 2. Conditionally Permitted Uses:

Section 13542(e) of the Coastal Commission's Regulations states in part that "Categorical Exclusions ... shall be adopted by the Commission for those categories of development which the Commission certifies as being allowed by right in the local jurisdiction ..." (emphasis added).

The City proposes to exclude all conditionally permitted uses approved by the Zoning Administrator. As the Commission's Regulations specifically state that only uses allowed by right are eligible for exclusion, the City's exclusion must be accordingly modified to delete this section.

In approving a previous Categorical Exclusion, conditionally granted to the City in 1981, the Commission required the City to delete the request to exclude conditionally permitted uses. This was based upon Section 13542(e) of the Coastal Act which only allows the exclusion of those categories of development which are allowed by Right. This Exclusion, like the LCP approval of 1981, was never exercised by the City.

3. Consistency with Section 30610(e) of the Coastal Act:

Except for the items noted above, Coastal Wetlands Map and conditionally permitted uses, the Commission finds that the proposed Categorical Exclusion is consistent with Section 30610(e) of the Coastal Act, as there will be no significant adverse effect, either cumulatively or individually on coastal resources or on public access to or along the coast.

The categorical exclusion does not propose to exclude any development between the first public road and the sea. Therefore, there will be no impact upon public access to the sea and the exclusion is therefore consistent with Section 30210-12 of the Coastal Act.

The areas shown for exclusion are located in areas where all the necessary facilities are available to serve the development, i.e. sewer, water, roads. Therefore, the exclusion is consistent with Section 30250(a) of the C.A. as the exclusion is located in existing developed areas.

4. LCP Certification

As stated above, the Commission has recently certified the LCP, subject to modifications which have not been satisfied. Section 13247(b) of the Commission's Administrative Regulations state that a categorical exclusion is automatically terminated upon the effective delegation of development review authority (certified L.C.P.), to avoid having this categorical exclusion terminate when the LCP is certified, which is expected in the near future, and as the categorical is conditioned upon a revised coastal wetlands map which was a modification suggested by the Commission in the LCP approval, this exclusion is conditioned so that it will not become effective until the LCP is effectively certified.

III. CONDITIONS

This Order of Categorical Exclusion is subject to all of the following terms and conditions pursuant to the referenced sections of the Coastal Act.

1. This Categorical Exclusion shall not apply to any lands or waters subject to the public trust except where these lands have been transferred per Section 30613 of the Coastal Act, where the Commission, after consultations with the State Lands Commission, has determined that such lands are filled and developed and are located within an area which is committed to urban uses. Otherwise, tide and submerged land, beaches, and lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, and all lands and waters subject to the public trust shall not be part of this order.

2. This Order pursuant to Public Resources Code Section 30610, shall not become effective until the Executive Director of the Coastal Commission has determined in writing that the local government has taken the necessary action to carry out the exclusion order pursuant to Section 13244 of the Coastal Commission regulations.

3. This exclusion shall not become effective until the City's LCP has become effectively certified.

4. This exclusion shall apply to the permit requirements of the Coastal Act of 1976, and the City of Arcata's certified LCP, pursuant to Public Resources Code Section 30610(e) and 30610.6(b), and shall not be construed to exempt any person from the permit requirements of any other federal, state or local government agency.

5. The City of Arcata shall maintain a record of any other permits which may be required for categorically excluded development, which shall be made available to the Commission or any interested person upon request.

6. Development under this exclusion shall conform to the provisions of City of Arcata certified Local Coastal Program in effect on the date this exclusion is adopted by the Commission.

7. In the event an amendment of the Local Coastal Program of the City of Arcata is certified by the Coastal Commission pursuant to Section 30514 of the Coastal Act, development under this Order shall comply with the amended Local Coastal Program, except where the terms and conditions of those Order specify more restrictive development criteria. However, such amendment shall not authorize the exclusion of any category of development not excluded herein, nor shall such amendment alter the geographic areas of the exclusion.

8. Any development not falling within this exclusion remains subject to the Coastal Development Permit requirements of the Coastal Act of 1976, or the City of Arcata's certified LCP.

9. This exclusion shall not become effective until the City submits a revised request deleting conditionally permitted uses and a revised map deleting the exclusion area from the Coastal Wetlands Map as adopted by the Commission on May 10, 1988, including a 100 ft. buffer zone, to the Executive Director for his review and approval.

10. Rescission and Revocation.

Pursuant to Title 14 of the California Administrative Code Section 13243(e) the Commission hereby declares that the order granting this exclusion may be rescinded at any time, in whole or in part, if the Commission finds by a majority vote of its appointed membership after public hearing that the terms and conditions of the exclusion order no longer support the findings specified in Public Resources Code Section 30610(e). Further, the Commission declares that this order may be revoked at any time that the terms and conditions are violated.

IV. CEQA CONFORMANCE

See Negative Declaration on next page.

Staff Recommendation:

Staff recommends that the Commission adopt the following Negative Declaration, for the City of Arcata Categorical Exclusion.

NEGATIVE DECLARATION

(Categorical Exclusion No. E-88-3)

The Categorical Exclusion by the California Coastal Commission, pursuant to Public Resources code Sections 30610(e) and 30610.5(b), will exclude from the permit requirement of the Coastal Act of 1976 a specified category of development in designated areas of the coastal zone in the City of Arcata. Section 1-0406.2(b) of the zoning regulations will implement the exclusion.

This exclusion does not apply to development upon any lands and waters subject or potentially subject to the public trust (except where those lands have been transferred per Section 30613 of the Coastal Act), such as tide and submerged lands, beaches, and lots immediately adjacent to the inland extent of any beach, or of the mean high tideline of the sea where there is no beach.

Only developments which meet all applicable policies and criteria of the certified City of Arcata Local Coastal Program are proposed for exclusion. The exclusion will be limited to minor public works, permitted uses, variances up to 10%, lot line adjustments, changes, expansions, or restoration of residential or non-residential non-conforming uses.

Findings:

Provisions for Categorical Exclusions

Public Resources Code Section 30610(e) states that no coastal development permit shall be required for...

"Any category of development, or any category of development within a specifically defined geographic area, that the Commission, after public hearing, and by two thirds vote of its appointed members, has described or identified and with respect to which the Commission has found that there is no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along the coast..."

Public Resources Code Section 30610.5(b) additionally requires that the following findings and provisions must be made:

30610.5 (in part)

Every exclusion... shall be subject to terms and conditions to assure that no significant change in density, height or nature of uses will occur without further proceedings under this division, and an order granting an exclusion under Subdivision (e) of Section 30610... may be revoked at any time by the Commission, if the conditions of exclusion are violated."

The Commission has certified the City of Arcata's Local Coastal Program (LCP, with suggested modifications, for the coastal zone of the city. The LCP's land use policies and regulations govern development within the areas proposed for categorical exclusion. The categories of development proposed for exclusion are a permitted use in those areas. The Local Coastal Program has identified the geographic locations of most of the significant coastal resources and provides mitigation techniques to avoid adverse impacts on the coastal environment. The LCP policies require that the environmental effects of the excluded development must be mitigated by site-specific development standards which are development permit will still be required for those locations where the resources of greatest importance under the Coastal Act are concentrated. Where such resources as sensitive habitats are concerned, public review of development provided in the coastal permit process should maximize conformity of the development with the applicable LCP policies designed to protect those resources.

Accordingly, the Commission finds that the exclusion, as so conditioned and mitigated, has no potential for significant adverse effect, either individually or cumulatively, on coastal resources or on public access to or along the coast.

This exclusion, as mitigated, will have no significant effect on the environment for purposes of the California Environmental Quality Act of 1970.

**Mitigation Measures:**

In certifying the City's LCP, the Commission found that it was consistent with the Coastal Act policies. All development exempted pursuant to this exclusion must conform to the policies, standards, ordinances and other regulations of the City in effect on the effective date of the Commission's Order of Exclusion. Thus, it does not appear that mitigation measures other than compliance with the approved LCP and City ordinances, and conditions of the exclusion order, are required to ensure that the proposed exclusion has no impact, either individually or cumulatively, on coastal resources.

## Section 1-0406 COASTAL DEVELOPMENT PERMITS

Section 1-406.1 Purpose and Scope. These provisions are intended to prescribe the procedures for the accommodation of those areas within the coastal zone that are subject to a granting of a Coastal Development Permit from the City as specified in the Coastal Act and Title 14 of the California Administrative Code.

### Section 1-0406.2 Applicability.

- (a) When a proposed development as defined in Appendix A is located in the Coastal Zone (as defined by the California Coastal Act) a coastal development permit shall be required in addition to any other approval or permit required in this chapter. Coastal Development Permits within areas of former tidelands remain in the Primary Jurisdiction of the Coastal Commission (see post-certification map). Applications for Coastal Development Permits within the Primary Jurisdiction must be submitted to the Coastal Commission rather directly rather than the City.
- (b) Exclusions: Activities in area categorically excluded from coastal development permits by the Coastal Commission and activities not subject to the definition of development shall not be subject to the requirements of this section. These excluded areas are defined on the "Areas Categorically Excluded from Coastal Development Permit" map contained in Appendix C herein. The following activities within this area shall not require a coastal development permit:
  1. Minor public works projects costing less than \$50,000 (1987 base) with allowances for inflation.
  2. Permitted uses in all zones.
  3. Variances up to 10% of their original requirement as defined in Section 1-0401.4(a).
  4. Ministerial projects.
  5. Grading as provided in Section 3-0402.1 subsections (b), (c), (d), (g), (h), (i) except in a wetland, riparian corridor, or buffer area as defined in Section 1-0312.2.
  6. Lot line adjustments as defined in Section 2-0403 not resulting in the creation of substandard or new parcels.
  7. Parcel Mergers as defined in Section 2-0802.
  8. All conditionally permitted uses approved by the Zoning Administrator.

EXHIBIT NO. A
APPLICATION NO.
E-88-3
City of Arcata
Proposed Exclusion
California Coastal Commission

PROPOSED  
CATEGORICAL EXCLUSION MAP  
FOR THE CITY OF ARCATA

MAP 1

Coastal Zone Boundary

Categorical Exclusion Area

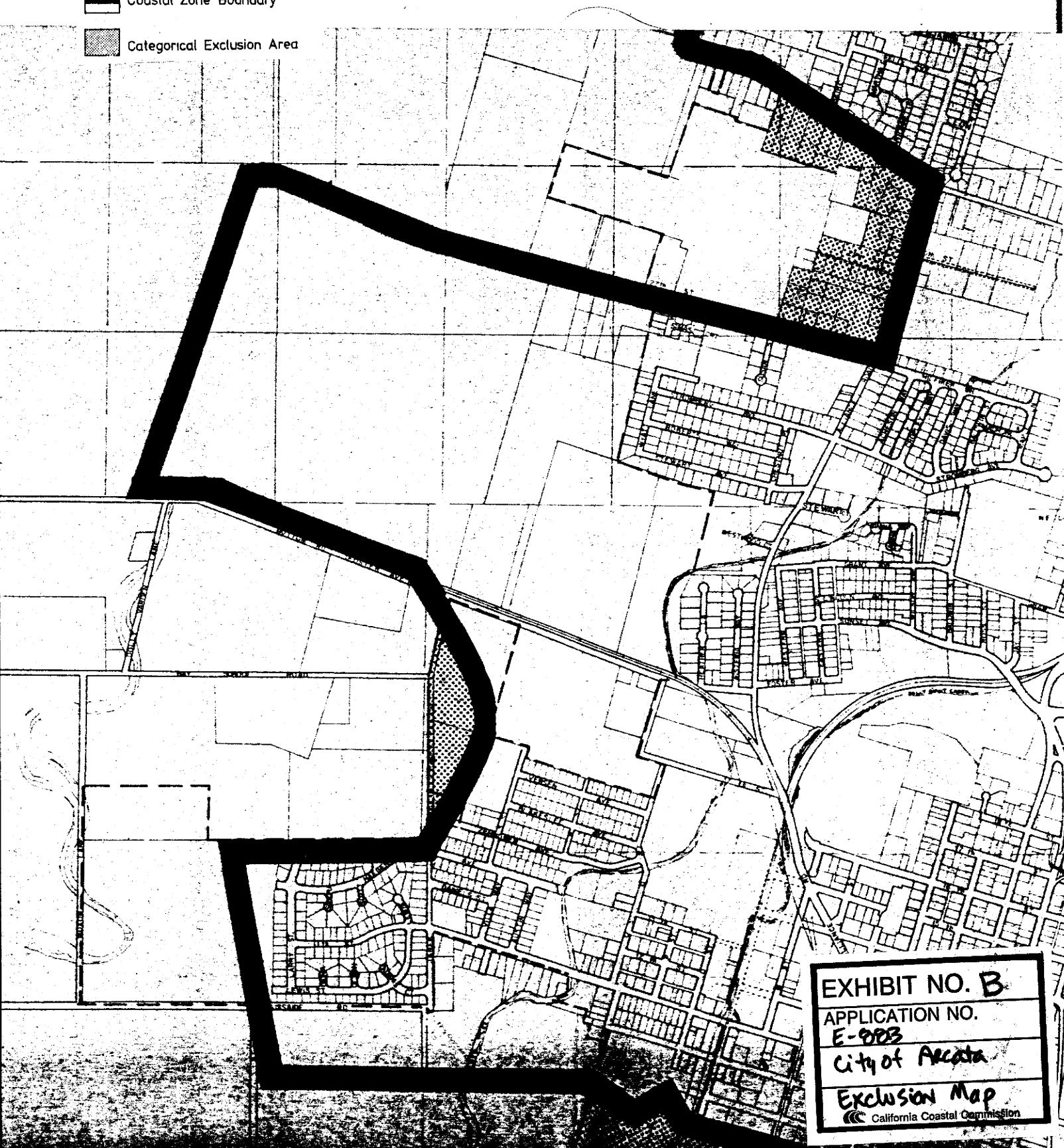


EXHIBIT NO. B

APPLICATION NO.

E-8823

City of Arcata

Exclusion Map

California Coastal Commission

MAP 2

AREA  
RECOMMENDED  
FOR DELETION  
FROM  
EXCLUSION  
(in accordance  
with LCP  
modification)

EXHIBIT NO. B

APPLICATION NO.

E-BB-3

City of Arcata

Exclusion Map

California Coastal Commission

MAP 3

AREA  
RECOMMENDED  
FOR DELETION  
FROM EXCUSION

(in accordance  
with LCP modification)

WESTERN  
edge of  
EXCUSION area

CITY BOUNDARY

EXHIBIT NO. B

APPLICATION NO.

E-88-3

City of Arcata

Exclusion Map

California Coastal Commission

Mail to: State Clearinghouse, 1400 Tenth Street, Room 121, Sacramento, CA 95814 — 916/445-0613

NOTICE OF COMPLETION AND ENVIRONMENTAL DOCUMENT TRANSMITTAL FORM

See NOTE below

SCH #: 88 100414

1. Project Title: City of Arcata Categorical Exclusion #E-88-3

2. Lead Agency: California Coastal Commission 3. Contact Person: Linda Locklin

3a. Street Address: 631 Howard St., 4th Floor 3b. City: San Francisco

3c. County: San Francisco, CA 3d. zip: 94105-3973 3e. Phone: (415) 543-8555

PROJECT LOCATION 4. County: Humboldt 4a. City/Community: Arcata

4b. Assessor's Parcel No. \_\_\_\_\_ 4c. Section \_\_\_\_\_ 4d. Township \_\_\_\_\_ 4e. Range \_\_\_\_\_

5a. Cross Streets: \_\_\_\_\_ 5b. For Rural, Nearest Community: \_\_\_\_\_

6. Within 2 miles: a. State California b. Air-ports None c. Rail-ways Eureka Southern d. Water-ways Humboldt Bay

7. DOCUMENT TYPE 8. LOCAL ACTION TYPE 9. DEVELOPMENT TYPE

<u>CEQA</u>	<u>01. General Plan Update</u>	<u>01. Residential: Units _____ Acres _____</u>
<u>01. NOP</u>	<u>02. New Element</u>	<u>02. Office: Sq. Ft. _____ Acres _____ Employees _____</u>
<u>02. Early Cons</u>	<u>03. General Plan Amendment</u>	<u>03. Shopping/Commercial: Sq. Ft. _____ Acres _____ Employees _____</u>
<u>03. Neg Dec</u>	<u>04. Master Plan</u>	<u>04. Industrial: Sq. Ft. _____ Acres _____ Employees _____</u>
<u>04. Draft EIR</u>	<u>05. Annexation</u>	<u>05. Water Facilities: MGD _____</u>
<u>05. Supplement/Subsequent EIR (Prior SCH No. _____)</u>	<u>06. Specific Plan</u>	<u>06. Transportation: Type _____</u>
	<u>07. Community Plan</u>	<u>07. Mining: Mine _____</u>
	<u>08. Redevelopment</u>	<u>08. Power: Type _____</u>
<u>NEPA</u>	<u>09. Rezone</u>	<u>09. Waste Treatment _____</u>
<u>09. NOI</u>	<u>10. Land Division (Subdivision, Parcel Map, Tract Map, etc.)</u>	<u>10. OCS Related _____</u>
<u>10. FONSI</u>	<u>11. Use Permit</u>	<u>11. Other: _____</u>
<u>OTHER</u>	<u>12. Waste Mgmt Plan</u>	
<u>13. Joint Document</u>	<u>13. Cancel Ag Preserve</u>	
<u>14. Final Document</u>		
<u>15. Other _____</u>	<u>14. X Other Coastal Permit Exclusion</u>	

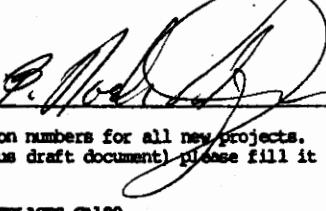
10. TOTAL ACRES: \_\_\_\_\_ 11. TOTAL JOBS CREATED: \_\_\_\_\_

12. PROJECT ISSUES DISCUSSED IN DOCUMENT 13. FUNDING (approx) Federal \$ N/A State \$ N/A Total \$ N/A

<u>01. Aesthetic/Visual</u>	<u>08. Flooding/Drainage</u>	<u>15. Septic Systems</u>	<u>23. Water Quality</u>
<u>02. Agricultural Land</u>	<u>09. Geologic/Seismic</u>	<u>16. Sewer Capacity</u>	<u>24. Water Supply</u>
<u>03. Air Quality</u>	<u>10. Jobs/Housing Balance</u>	<u>17. Social</u>	<u>25. X Wetland/Riparian</u>
<u>04. Archaeological/Historical</u>	<u>11. Minerals</u>	<u>18. Soil Erosion</u>	<u>26. Wildlife</u>
<u>05. Coastal Zone</u>	<u>12. Noise</u>	<u>19. Solid Waste</u>	<u>27. Growth Inducing</u>
<u>06. Economic</u>	<u>13. Public Services</u>	<u>20. Toxic/Bazardous</u>	<u>28. Incompatible Landuse</u>
<u>07. Fire Hazard</u>	<u>14. Schools</u>	<u>21. Traffic/Circulation</u>	<u>29. Cumulative Effects</u>
		<u>22. Vegetation</u>	<u>30. Other _____</u>

14. PRESENT LAND USE AND ZONING: Existing, partially developed parcels zoned for public facility, Residential and Commercial.

15. PROJECT DESCRIPTION: Exclusion from the requirement to obtain a coastal development permit. If approved, would apply to minor public works, permitted uses, variances up to 10%, lot line adjustments, conditionally permitted uses approved by the Zoning Administrator, changes, expansion or restoration of residential or non-residential non-conforming use.

16. SIGNATURE OF LEAD AGENCY REPRESENTATIVE:  DATE: 9/30/88

NOTE: Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. from a Notice of Preparation or previous draft document) please fill it in.

EXHIBIT NO. C

APPLICATION NO.  
E-88-3

Neg. Dec. for

Cat. Ex.

 California Coastal Commission

REVIEWING AGENCIES

<input checked="" type="checkbox"/> Resources Agency	<input checked="" type="checkbox"/> Caltrans District
<input type="checkbox"/> Boating/Waterways	<input type="checkbox"/> Dept. of Transportation Planning
<input type="checkbox"/> Conservation	<input type="checkbox"/> Aeronautics
<input checked="" type="checkbox"/> Fish and Game	<input type="checkbox"/> California Highway Patrol
<input type="checkbox"/> Forestry	<input checked="" type="checkbox"/> Housing & Community Dev't.
<input type="checkbox"/> Colorado River Board	<input type="checkbox"/> Statewide Health Planning
<input type="checkbox"/> Dept. Water Resources	<input type="checkbox"/> Health
<input type="checkbox"/> Reclamation	<input type="checkbox"/> Food & Agriculture
<input type="checkbox"/> Parks and Recreation	<input type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Office of Historic Preservation	<input type="checkbox"/> Public Works
<input type="checkbox"/> Native American Heritage Commission	<input type="checkbox"/> Corrections
<input type="checkbox"/> S.F. Bay Cons. & Dev't. Commission	<input type="checkbox"/> General Services
<input type="checkbox"/> Coastal Commission	<input type="checkbox"/> OLA
<input type="checkbox"/> Energy Commission	<input type="checkbox"/> Santa Monica Mountains
<input checked="" type="checkbox"/> State Lands Commission	<input type="checkbox"/> TRPA
<input checked="" type="checkbox"/> Air Resources Board	<input checked="" type="checkbox"/> OPR - OLGA
<input checked="" type="checkbox"/> Solid Waste Management Board	<input checked="" type="checkbox"/> OPR - Coastal
<input type="checkbox"/> SWRCB: Sacramento	<input type="checkbox"/> Bureau of Land Management
<input checked="" type="checkbox"/> RWQCB: Region #	<input type="checkbox"/> Forest Service
<input type="checkbox"/> Water Rights	<input checked="" type="checkbox"/> Other: US Fish and Wildlife Service
<input checked="" type="checkbox"/> Water Quality	<input type="checkbox"/> Other: _____

FOR SCH USE ONLY

Date Received at SCH \_\_\_\_\_ Catalog Number \_\_\_\_\_  
Date Review Starts \_\_\_\_\_ Applicant \_\_\_\_\_  
Date to Agencies \_\_\_\_\_ Consultant \_\_\_\_\_  
Date to SCH \_\_\_\_\_ Contact \_\_\_\_\_ Phone \_\_\_\_\_  
Clearance Date \_\_\_\_\_ Address \_\_\_\_\_  
Notes: \_\_\_\_\_

**EXHIBIT NO. C**

APPLICATION NO:

**E-88-3**

**Neg. Dec. for**

**Cat. Ex.**

California Coastal Commission

## CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

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

EXHIBIT NO. C

APPLICATION NO.

E-98-3

Neg. Dec.

California Coastal Commission

GEORGE DEUKMEJIAN, Governor

CITY OF ARCATA CATEGORICAL EXCLUSIONNOTICE OF PREPARATION OF NEGATIVE DECLARATION  
BY THE CALIFORNIA COASTAL COMMISSION

Pursuant to the requirements of Public Resources Code Section 21092 and by the authority vested in it by Public Resources Code Sections 21082.1 and 30610(e), the California Coastal Commission, as the lead agency for the project identified below, proposes to prepare a Negative Declaration for this project and will accept comments thereon.

The project consists of the adoption of an Order of Categorical Exclusion pursuant to Section 30610(e) and 30610.5(b) of the California Coastal Act, to exempt the following specific type of development, within the particularly described areas of the coastal zone, from the requirement to obtain a coastal development permit:

1. Minor public works projects costing less than \$50,000 (1987 base) with allowances for inflation.
2. Permitted uses in all zones.
3. Variances up to 10% of their original requirement as defined in Section 1-0401.4(a).
4. Ministerial projects.
5. Grading as provided in Section 3-0402.1 subsections (b), (c), (d), (g), (h), (i) except in a wetland, riparian corridor, or buffer area as defined in Section 1-0302.2.
6. Lot line adjustments as defined in Section 2-0403 not resulting in the creation of substandard or new parcels.
7. Parcel Mergers as defined in Section 2-0802.
8. All conditionally permitted uses approved by the Zoning Administrator.
9. Changes, expansion or restoration of a residential or non-conforming use as allowed in Section 1-0310.5 and 1-0310.6 of the Coastal Land Use and Development Guide.

Comments must be received no later than October 31, 1988, at the Commission district office, 631 Howard St., 4th Floor San Francisco, CA 94105, Attention: Linda Locklin. It is anticipated that the Commission will take action at its November 8-11 meeting in Marina Del Rey. Please call (415) 543-8555 for further information.

CATEGORICAL EXCLUSION #E-88-3

CITY OF ARCATA

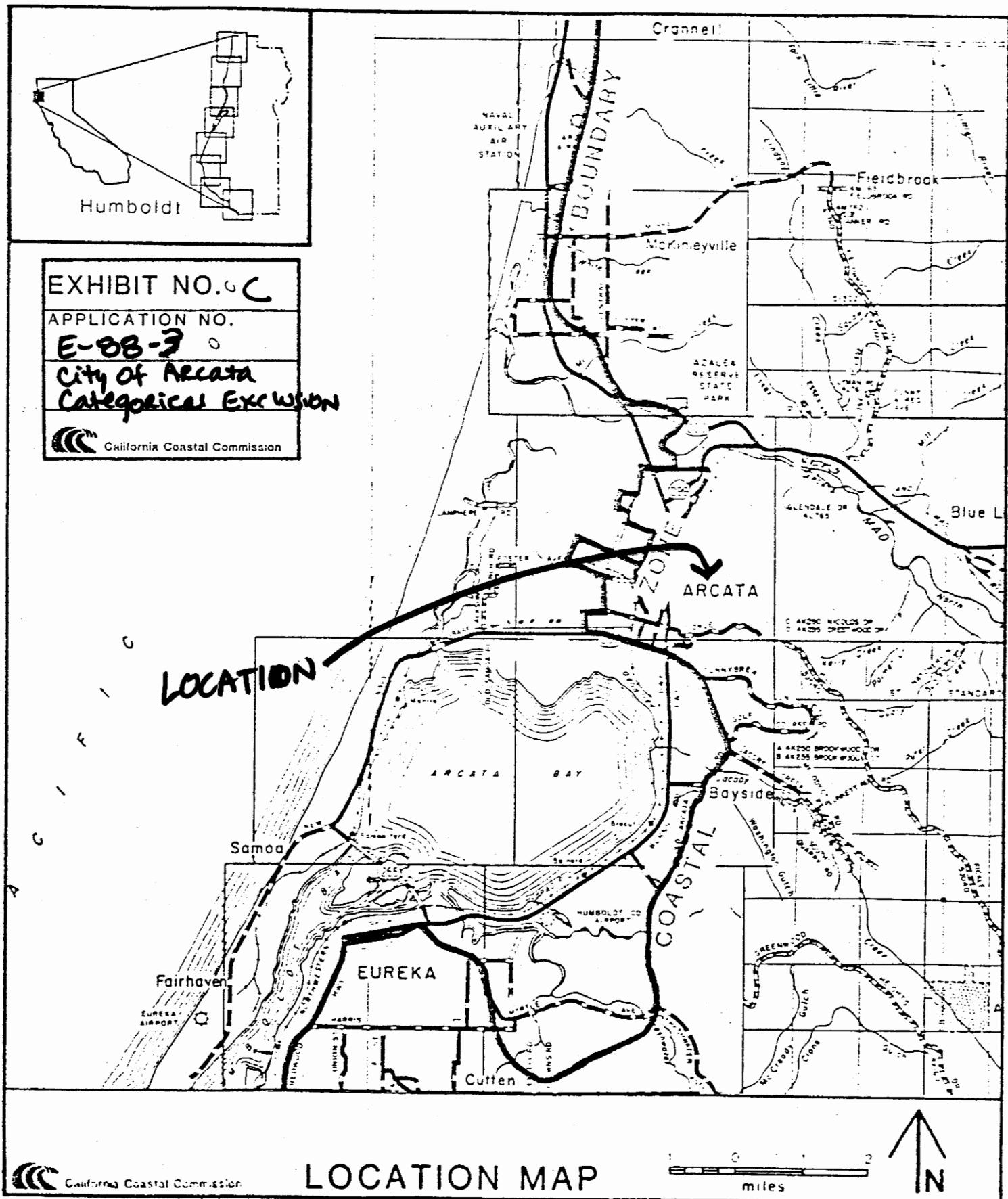
Initial Evaluation per CEQA

PROJECT DESCRIPTION

The proposed project is the exclusion from coastal development permit review for minor public works, permitted uses, variances up to 10%, lot line adjustments, conditionally permitted uses approved by the zoning administrator, changes, expansion, or restoration of residential or non-residential non-conforming use.

A more detailed project description and location maps may be found in the attached Categorical Exclusion request submitted by the City of Arcata.

EXHIBIT NO. C
APPLICATION NO.
E-88-3
Neg. Dec.
California Coastal Commission



## APPENDIX I

ENVIRONMENTAL CHECKLIST FORM  
(To Be Completed By Lead Agency)

## I. Background

1. Name of Proponent California Coastal Commission (on behalf of the City of Arcata)
2. Address and Phone Number of Proponent 631 Howard Street, 4th Floor, San Francisco, CA 94105-3973, (415) 543-8555
3. Date of Checklist Submitted 9/30/88
4. Agency Requiring Checklist Not Applicable
5. Name of Proposal, if applicable City of Arcata Categorical Exclusion

## II. Environmental Impacts

(Explanations of all "yes" and "maybe" answers are required on attached sheets.)

	Yes	Maybe	No
1. Earth. Will the proposal result in:			
a. Unstable earth conditions or in changes in geologic substructures?			X
b. Disruptions, displacements, compaction or overcovering of the soil?			X
c. Change in topography or ground surface relief features?			X
d. The destruction, covering or modification of any unique geologic or physical features?			X
e. Any increase in wind or water erosion of soils, either on or off the site?			X
f. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake?			X
g. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?			X

EXHIBIT NO.		
APPLICATION NO.		
E-88-3		
Neg. Dec.		
 California Coastal Commission		

Yes   Maybe   No

2. Air. Will the proposal result

- a. Substantial air emissions or deterioration of ambient air quality? \_\_\_\_\_ X
- b. The creation of objectionable odors? \_\_\_\_\_ X
- c. Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally? \_\_\_\_\_ X

3. Water. Will the proposal result in:

- a. Changes in currents, or the course of direction of water movements, in either marine or fresh waters? \_\_\_\_\_ X
- b. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff? \_\_\_\_\_ X
- c. Alterations to the course or low of flood waters? \_\_\_\_\_ X
- d. Change in the amount of surface water in any water body? \_\_\_\_\_ X
- e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity? \_\_\_\_\_ X
- f. Alteration of the direction or rate of flow of ground waters? \_\_\_\_\_ X
- g. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations? \_\_\_\_\_ X
- h. Substantial reduction in the amount of water otherwise available for public water supplies? \_\_\_\_\_ X
- i. Exposure of people or property to water related hazards such as flooding or tidal waves? \_\_\_\_\_ X

4. Plant Life. Will the proposal result in:

- a. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)? \_\_\_\_\_ X

- |   | <u>Yes</u> | <u>Maybe</u> | <u>No</u> |
|---|------------|--------------|-----------|
| b. Reduction of the numbers of any unique, rare or endangered species of plants?  | —          | X            | —         |
| c. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?   | —          | —            | X         |
| d. Reduction in acreage of any agricultural crop?   | —          | X            | —         |
| <b>5. Animal Life.</b> Will the proposal result in:   |            |              |           |
| a. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms or insects)?           | X          | —            | —         |
| b. Reduction of the numbers of any unique, rare or endangered species of animals?   | —          | X            | —         |
| c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?   | —          | —            | X         |
| d. Deterioration to existing fish or wildlife habitat?  | —          | X            | —         |
| <b>6. Noise.</b> Will the proposal result in:   |            |              |           |
| a. Increases in existing noise levels?  | —          | —            | X         |
| b. Exposure of people to severe noise levels?   | —          | —            | X         |
| <b>7. Light and Glare.</b> Will the proposal produce new light or glare?  | —          | —            | X         |
| <b>8. Land Use.</b> Will the proposal result in a substantial alteration of the present or planned land use of an area?   | —          | —            | X         |
| <b>9. Natural Resources.</b> Will the proposal result in:   |            |              |           |
| a. Increase in the rate of use of any natural resources?  | —          | —            | X         |
| <b>10. Risk of Upset.</b> Will the proposal involve:  |            |              |           |
| a. A risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation) in the event of an ac upset conditions? | —          | —            | X         |

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	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
b. Possible interference with an emergency response plan or an emergency evacuation plan?	—	—	X
11. Population. Will the proposal alter the location, distribution, density, or growth rate of the human population of an area?	—	—	X
12. Housing. Will the proposal affect existing housing, or create a demand for additional housing?	—	—	X
13. Transportation/Circulation. Will the proposal result in:			
a. Generation of substantial additional vehicular movement?	—	—	X
b. Effects on existing parking facilities, or demand for new parking?	—	—	X
c. Substantial impact upon existing transportation systems?	—	—	X
d. Alterations to present patterns of circulation or movement of people and/or goods?	—	—	X
e. Alterations to waterborne, rail or air traffic?	—	—	X
f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?	—	—	X
14. Public Services. Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:			
a. Fire protection?	—	—	X
b. Police protection?	—	—	X
c. Schools?	—	—	X
d. Parks or other recreational facilities?	—	—	X
e. Maintenance of public facilities, including roads?	—	—	X
f. Other governmental services?	—	—	X
15. Energy. Will the proposal result in:			
a. Use of substantial amounts of	—	—	X

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	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
b. Substantial increase in demand upon existing sources or energy, or require the development of new sources of energy?	—	—	X
16. Utilities. Will the proposal result in a need for new systems, or substantial alterations to the following utilities: sewer & septic systems, storm water drainage, power & natural gas, communication systems, waste & solid waste disposal	—	—	X
17. Human Health. Will the proposal result in:			
a. Creation of any health hazard or potential health hazard (excluding mental health)?	—	—	X
b. Exposure of people to potential health hazards?	—	—	X
18. Aesthetics. Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?	—	—	X
19. Recreation. Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?	—	—	X
20. Cultural Resources.			
a. Will the proposal result in the alteration of or the destruction of a prehistoric or historic archaeological site?	—	—	X
b. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object?	—	—	X
c. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?	—	—	X
d. Will the proposal restrict existing religious or sacred uses within the potential impact area?	—	—	X
21. Mandatory Findings of Significance.			
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate			

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- |   | <u>Yes</u>               | <u>Maybe</u>             | <u>No</u>                           |
|---|--------------------------|--------------------------|-------------------------------------|
| important examples of the major periods of California history or prehistory?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)          | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**III. Discussion of Environmental Evaluation**  
(Narrative description of environmental impacts.)

**IV. Determination**  
(To be completed by the Lead Agency.)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION WILL BE PREPARED.

I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

9/30/88

Date

*B. Noah Tilghman*, Asst. Dist. Director

Signature

For California Coastal Commission

(Note: This is only a suggested form. Public agencies are free to devise their own format for initial studies.)

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## DISCUSSION OF POSSIBLE ENVIRONMENTAL IMPACTS

### A. Plant and Animal Life

The recently conditionally certified Local Coastal Program identifies known wetlands in Arcata's coastal zone. The Commission adopted one modification to the Land Use Plan, which required a revision to the coastal wetlands map, to incorporate additional wetland areas. To date, the City is reviewing these wetland areas in consultation with the Department of Fish and Game, to determine the extent of the wetland habitat. (Therefore, the LCP has not yet been effectively certified by the Commission.) The proposed exclusion includes the following areas which are potentially wetland: a) parcel north of Samoa Boulevard, east of Union (Beard Parcel), and b) the western edge of parcels located west of Samoa Boulevard (see Exclusion map).

The LCP also requires a 100 ft. buffer from a wetland. Due to the fact that the wetland mapping has not been completed, it is not possible to determine if the exclusion provides for the 100 ft. buffer.

### B. Other Issues

Section 13542(e) of the Coastal Commission's Regulations states in part that "Categorical Exclusions ... shall be adopted by the Commission for those categories of development which the Commission certifies as being allowed by right in the local jurisdiction ..." (emphasis added).

The City proposes to exclude all conditionally permitted uses approved by the Zoning Administrator. As the Commission's Regulations specifically state that only uses allowed by right are eligible for exclusion, the City's exclusion must be accordingly modified to delete this section.

3265P

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State of California

The Resources Agency

## Memorandum

11/4

To : 1. Projects Coordinator  
Resources Agency

Date : October 27, 1988

2. Linda Locklin  
California Coastal Commission  
631 Howard Street, 4th Floor  
San Francisco, CA 94105-3973

From : Department of Fish and Game

Subject: SCH 88100414, City of Arcata Categorical Exclusion #E-88-3, Humboldt County

The Department of Fish and Game has reviewed the subject application by the City of Arcata for a Categorical Exclusion. The proposal would exclude certain types of developments within a specific portion of the coastal zone of the City of Arcata from the requirement to obtain a coastal development permit.

The City of Arcata does not have a certified Local Coastal Plan (LCP) approved by the California Coastal Commission. One reason for this situation is the need for clarification of the wetland boundary within the LCP area. A portion of this undefined wetland boundary is within the proposed Categorical Exclusion area.

The Department recommends against the issuance of any permits for projects which would result in the net loss of either wetland acreage or wetland habitat values.

The Department recommends that any Commission action regarding the requested Categorical Exclusion be deferred until the wetland boundary is finalized, or if the Commission cannot delay action upon the requested Categorical Exclusion, that the request be denied.

If you have any questions or comments, please contact Donald L. Lollock, Chief, Environmental Services Division, 1416 Ninth Street, Sacramento, CA 95814 or by telephone at (916) 445-1383.

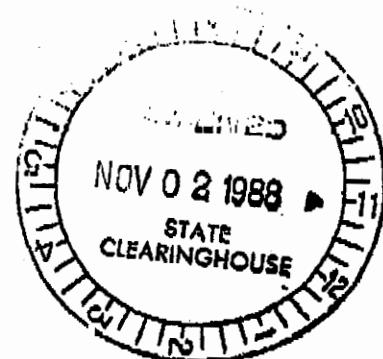
*Robert C. Fletcher*  
Pete Bontadelli  
Director

EXHIBIT NO. D

APPLICATION NO.  
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CDFG Comment  
Letter

California Coastal Commission



Response to Comments

Department of Fish and Game

Comments noted regarding the need to protect wetland habitat area. Proposed conditions 3 and 9 address this concern.

EXHIBIT NO. E
APPLICATION NO.
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Response to
Comments

 California Coastal Commission