

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

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Filed:	January 13, 1997
60th Day:	March 14, 1997
Staff:	Robert Merrill
Staff Report:	February 21, 1997
Meeting of:	March 13, 1997
Commission Action:	

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: Peter Douglas, Executive Director  
Steve Scholl, North Coast District Director  
Robert Merrill, North Coast Planner

SUBJECT: **CITY OF ARCATA LCP AMENDMENT NO. 3-96 (PAYNE)** (For public hearing and Commission action at the March 13, 1997 meeting in Carmel)

SYNOPSIS

AMENDMENT DESCRIPTION

The proposed amendment would amend the the Implementation Program of the Arcata LCP, effectively certified in October, 1989, to apply a Planned Development Combining Zone to an industrial-commercial parcel along the south side of Eighth Street, west of L Street (APN 21-174-05). The parcel would be rezoned from Coastal Industrial Commercial District (C-I-C) to Coastal Industrial Commercial District with Planned Development Combining Zone (C-I-C:PD). (RSM-E)

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission, upon completion of the public hearing, approve the amendment request as submitted. Policy 5-7 of the Land Use Plan encourages the use of Planned Development Zoning to, among other things, provide for a variety of land uses and open space through innovative design. Applying the :PD combining zone to the parcel as proposed would conform with and carry out Policy 5-7. Given the location of the parcel within a largely developed area well away from the shoreline and sensitive resources, the greater intensity of use that the zoning amendment would allow for the site will have no adverse impacts on coastal resources.

ANALYSIS CRITERIA

To approve the proposed amendment to the zoning ordinance, the Commission must find that the Implementation Plan (IP), as amended, will conform with and will adequately carry out the policies of the LUP.

# CITY OF ARCATA LCP AMENDMENT NO. 3-96 (PAYNE)

Page 2

## ADDITIONAL INFORMATION

For additional information about the proposed Amendment, please contact Robert Merrill at the North Coast Area office at the above address (415) 904-5260. Please mail correspondence to the Commission to the same address.

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## STAFF RECOMMENDATION

### I. MOTION AND RESOLUTION

#### MOTION:

"I move that the Commission reject Amendment No. 3-96 to the City of Arcata's Implementation Plan as submitted by the City."

Staff recommends a NO vote which would result in approval of this amendment as submitted. Only an affirmative (yes) vote on the motion by a majority of the Commissioners present can result in rejection of the amendment.

#### RESOLUTION:

The Commission hereby approves the certification of Major Amendment No. 3-96 to the Implementation Plan of the City of Arcata Local Coastal Program on the grounds that the amendment to the Zoning Ordinance conforms with, and is adequate to carry out the provisions of the Land Use Plan as certified. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the approval of this implementation will have on the environment.

### II. FINDINGS FOR APPROVAL AS SUBMITTED

#### A. Amendment Description/Background:

##### 1. Amendment.

The proposed amendment consists entirely of a change to the Implementation Program portion of the LCP and does not change the LUP. The proposed amendment would apply a Planned Development Combining Zone to an industrial parcel along the south side of Eighth Street, west of L Street (APN 21-174-05). The parcel would be rezoned from Coastal Industrial Commercial District (C-I-C) to Coastal Industrial Commercial District with Planned Development Combining Zone (C-I-C:PD). See Exhibits 1-3.

The implementation plan portion of the City of Arcata's LCP consists of (a) the Coastal Land Use and Development Guide (CLUDG), which includes the Coastal Zoning and Subdivision Ordinances, (b) the Coastal General Plan and Zoning Land Use Map, and (c) the Coastal Wetlands Map.

## CITY OF ARCATA LCP AMENDMENT NO. 3-96 (PAYNE)

Page 3

The proposed amendment to the Implementation Program of the City's LCP simply involves a change in designation for a particular parcel. Zoning designations are shown on the Coastal General Plan and Zoning Land Use Map. However, the map does not show combining zones. The City maintains a separate file containing a list of all the districts with combining zones. Thus, although the proposed amendment will change the zoning for the subject property, there will be no apparent change in the text or maps that comprise the LCP itself.

### 2. Background of Amendment Request.

The proposed amendment would affect one vacant industrial/commercial parcel on the west side of the City. The property owners, Tom Payne and Pam Tuson, applied to the City to add the Planned Development combining Zone (:PD) to accommodate a 29,040-square-foot office development to be known as "North Bay Office Plaza."

The Planned Development Combining Zone (:PD) allows a parcel to be used for certain land uses that are not principally permitted uses in the base zone and allows certain exceptions to other requirements of the base zone. As stated in Section 1-0222 of the zoning ordinance,

"The purpose of the :PD District is to allow diversification in the relationships of various buildings, structures, and open spaces in building groups and the allowable heights of the buildings and structures, while insuring substantial compliance to the district regulations and other provisions of the Chapter in order that the intent of this Chapter in requiring adequate standards related to the public health, safety, and general welfare, shall be observed without unduly inhibiting the advantages of modern large-scale site planning for residential, commercial, or industrial purposes. Mixed uses, such as residential and commercial uses, may be permitted in the :PD District."

The :PD combining zone allows any use or combination of uses which are ordinarily allowed as principally permitted or conditional uses under the base zoning district for the property. The combining zone also allows uses that are not principally permitted and not conditionally permitted uses provided that the development will include other uses which are either permitted outright or conditionally permitted in the base zoning district.

Among the standards of development set forth in the base zoning districts that the :PD combining zone allows exceptions for are those specifying usable open space, lot area, width, depth, ground coverage, yards, height, parking, loading, sign, and landscaping requirements. However, such exceptions can only be granted when it can be demonstrated that such exceptions would result in a more desirable development.

The :PD combining zone can only be combined with certain base zones, (industrial zones are included), and can only be applied to parcels of a certain size, depending on the base district. All development in a :PD

## CITY OF ARCATA LCP AMENDMENT NO. 3-96 (PAYNE)

Page 4

combining zone requires a Planned Development Permit and applications for such a permit must be accompanied by a Development Plan.

The Planned Development Combining Zone would accommodate the proposed North Bay Office Plaza development by (1) relaxing parking requirements that otherwise would apply in the district to allow a proposed 68-space parking lot to satisfy the parking requirements for the development and (2) allowing for a mixed use development that includes certain uses that wouldn't ordinarily be allowed as principally permitted uses in the Coastal Industrial Commercial district. These uses include (a) general business offices, such as advertising agencies, news organizations, health services administration, children's service administration, vocational services administration, etc., (b) personal services, such as financial planners, massage therapy, etc., (c) professional services, such as appraisers, architects, planning consultants, legal services, real estate, etc. (d) public services and administrative offices, such as government offices, (e) other business, such as accountants and travel agencies, and (f) restaurants. Some of these uses are already conditionally permitted uses in the Coastal Industrial Commercial zone and some are not.

The City approved issuance of a planned development permit and coastal development permit simultaneously with approval of the proposed Implementation Plan amendment, contingent upon Coastal Commission approval of the Implementation Program amendment.

### B. Site Description:

The 58,919-square-foot (1.35-acre) parcel is located along the south side of Eighth Street, west of L Street (Assessors Parcel No. 21-174-05) in the western part of the City (see Exhibits 1 and 2). The site is within walking distance of the central business district of the City.

The parcel is on the south side of the street and is surrounded by other commercial and industrial development including professional offices, wholesale/warehousing, and light manufacturing administrative offices to the north, wholesale/warehousing, and light manufacturing administrative offices to the west, a lumber mill to the south, and a vacant parcel to the east that is also currently zoned as Coastal Industrial Commercial.

The essentially flat parcel contains no environmentally sensitive habitat and is located several miles from both Arcata Bay to the south, and the ocean to the west.

The property is within the coastal permit jurisdiction of the City of Arcata. The Commission has adopted a Categorical Exclusion Order over the site and the surrounding area which would ordinarily allow a wide range of development to proceed without the need for property owners to obtain a coastal development permit. However, a coastal development permit is required for the proposed North Bay Office Plaza because the project also requires a Planned

## CITY OF ARCATA LCP AMENDMENT NO. 3-96 (PAYNE)

Page 5

Development Permit and projects requiring such permits are not covered by the categorical exclusion order.

### C. Locating and Planning New Development.

Section 30250(a) of the Coastal Act states that new development shall be located within or near existing developed areas able to accommodate it or in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. The intent of this policy is to channel development toward more urbanized areas where services are provided and potential impacts to resources are minimized.

The zoning amendment is proposed primarily to allow office uses and certain other kinds of commercial uses that are not principally permitted uses in the base Coastal Industrial Commercial zoning district for the site. It is possible that the range of new uses that would be allowed by applying the PD combining zone as proposed would lead to greater demand for water and sewer capacity services than the demand that would result from the more limited range of uses allowed just by the base Coastal Industrial Commercial zoning for the site. However, even if greater demand for services does result from approval of the amendment and subsequent development of the site in accordance with the new zoning, adequate services are available to accommodate the demand. The area affected by the proposed amendment is within the City's designated urban services boundary. The City provides water to users in Arcata purchased from the Humboldt Bay Municipal Water District, which obtains its supply from the Mad River. The City also provides sewer service. According to City staff, even at full build-out of the City under existing land use designations and with the potential increase in density under the proposed amendment, current public services would still be adequate to accommodate all of the development.

The proposed land use designation change will not adversely affect coastal resources. As noted, applying the Planned Development combining zone to the site could allow a greater density or intensity of use of the parcel. Such increases in the density or intensity of use of a site can sometimes lead to increased cumulative impacts on coastal resources. However, the proposed amendment should not lead to such impacts as (1) the site is within a largely developed portion of the City, (2) the site contains no environmentally sensitive habitat areas, (3) the site is not located between the first public road and the sea where shoreline coastal access would be a major consideration, and (4) none of the currently allowable or proposed land uses would displace any previously designated coastal dependent use.

Therefore, the proposed amendment is consistent with Section 30250(a) of the Coastal Act because (a) the area affected by the amendment is located in a developed area and has adequate water, sewer, and other services to accommodate the range of new uses allowed under the proposed combining zone, and (b) the amendment will not result in any adverse effects, either individually or cumulatively, on coastal resources.

## **CITY OF ARCATA LCP AMENDMENT NO. 3-96 (PAYNE)**

Page 6

### **D. Adequacy of Implementation Program Changes.**

Applying the proposed Planned Development combining zone on the subject property as proposed under the Implementation Plan amendment request would conform with and adequately implement the LUP.

The LUP policies are contained in the Coastal Land Use Element of the General Plan. Policy J-7 of the Coastal Land Use Element encourages the use of Planned Development zoning. Policy J-7 states the following:

"The City shall encourage the use of Planned Development zoning as a means of providing a variety of housing types, land uses, and sufficient usable open space through innovative design. The Planned Development District should allow diversification in the relationship of buildings, structures, and opens spaces while insuring substantial compliance to the base district regulations."

Given that application of the Planned Development :PD combining zone would be consistent with the directives of Policy J-7 of the LUP to encourage the use of Planned Development zoning, the Commission finds that proposed Amendment No. 3-96 to the City of Arcata Implementation Plan conforms with and is adequate to carry out the Land Use Plan.

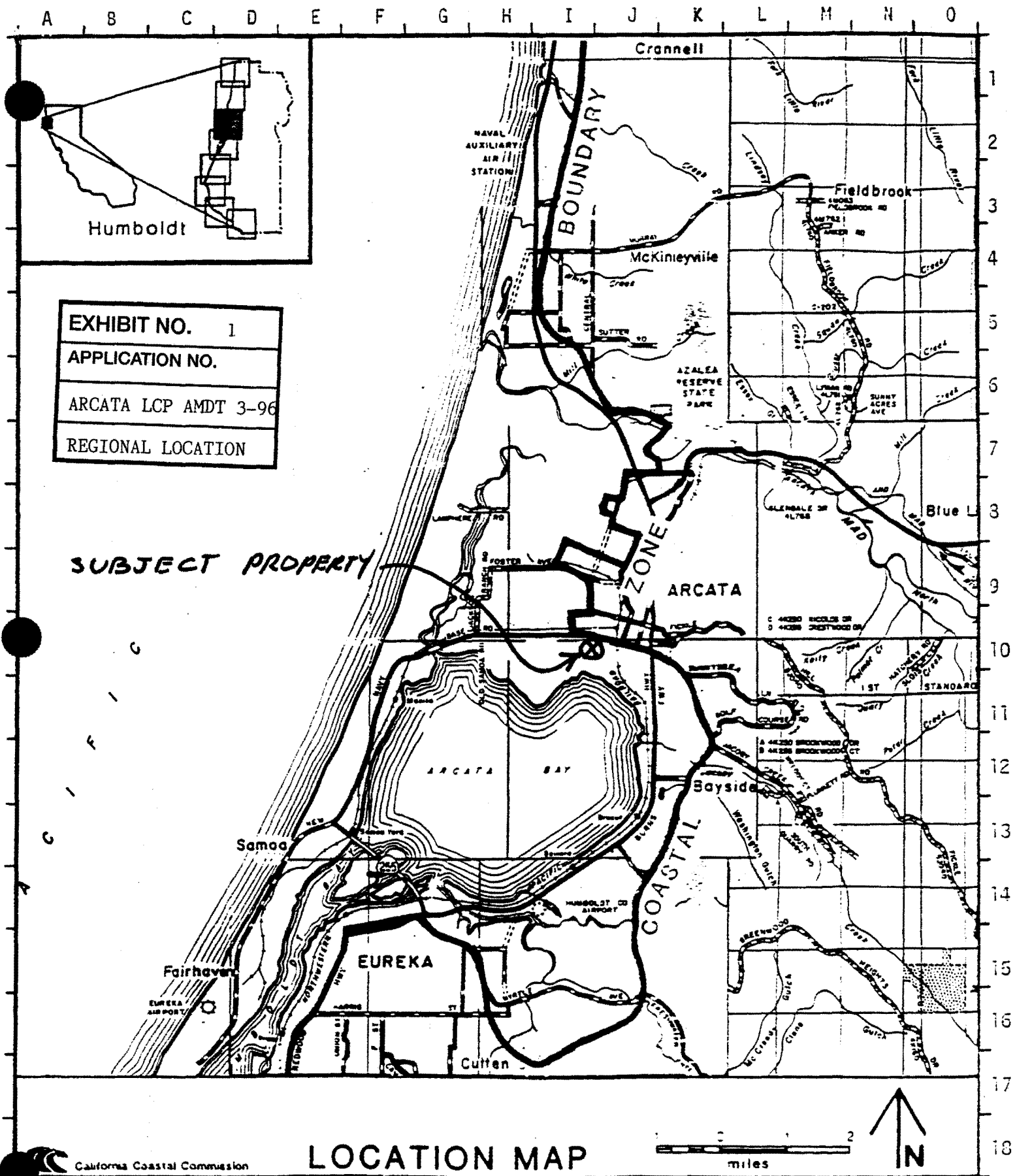
### **E. California Environmental Quality Act.**

Pursuant to SB 1873, which amended the California Environmental Quality Act (CEQA), the Coastal Commission is the lead agency in terms of meeting CEQA requirements for local coastal programs. In approving the proposed amendment, the Commission must make a finding consistent with Section 21080.5 of the Public Resources Code. Section 21080.5(d)(2)(i) of the Public Resources Code requires that the Commission not approve or adopt an LCP:

. . . if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

As discussed in the findings above, the proposed Implementation Program amendment as submitted will not result in significant environmental effects within the meaning of CEQA. The Commission therefore finds, the LCP amendment, as submitted, is consistent with Section 21080.5(d)(2)(i) of the Public Resources Code.

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Ordinance 1256

North Bay Office Plaza property



EXHIBIT NO.  
APPLICATION NO.  
ARCATA LCP AND  
VICINITY MAP



ORDINANCE NO. 1256

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA  
AMENDING THE ARCATA MUNICIPAL CODE,  
TITLE IX - LAND USE AND DEVELOPMENT GUIDE;  
CHAPTER I, ARTICLE 2 - COASTAL ZONING MAP;  
TO APPLY THE :PD COMBINING ZONE TO NORTH BAY OFFICE PLAZA,  
A. P. 21-174-05

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

**SECTION 1. Amendment of the Coastal Zoning Map**

Section 1-0203 of Article 2 of Chapter 1 of the Arcata Land Use and Development Guide, Title IX of the Arcata Municipal Code, said section being the Zoning Map and Coastal Zoning Map, is hereby amended as follows:

The *North Bay Office Plaza* property described in Exhibit "A," Parcel 1 of Parcel Map 2868, Book 26 of Parcel Maps, pages 30 and 31; and further identified as Assessor's Parcel Number 21-174-05, is hereby rezoned from *Coastal-Industrial Commercial District (C-I-C)* to *Coastal-Industrial Commercial District with Planned Development Combining Zone (C-I-C:PD)*.

**SECTION 2. Adoption of Negative Declaration**

The City Council hereby determines that the Initial Study Report prepared for this project is a complete and adequate environmental document prepared in compliance with the California Environmental Quality Act, the *CEQA Guidelines*, and the implementing ordinance of the City of Arcata. Based upon information in the Initial Study Report and the record, the Council further determines that there is no potential for any significant environmental effect as a result of the proposed amendment and there is no need for mitigation measures.

**SECTION 3. Severability**

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

EXHIBIT NO. 3
APPLICATION NO.
ARCATA LCP AMDT 3-96
RESOLUTION (1 OF 2)

#### SECTION 4. Limitation of Actions

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

#### SECTION 5. Effective Date

This ordinance amends the *Coastal Zoning Map* of the Local Coastal Program of the City of Arcata and shall not be effective until the amendment is certified by the California Coastal Commission. The Community Development Department is hereby directed to transmit the ordinance to the California Coastal Commission for certification. The ordinance shall take effect thirty (30) days after its adoption by the City Council or immediately upon its certification by the California Coastal Commission, whichever is later.

DATED: August 21, 1996

ATTEST:

Alicia Harris  
City Clerk, City of Arcata

Carl E. Fellatz  
Mayor, City of Arcata

#### CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1256, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 21st day of August, 1996, by the following vote:

AYES: Blaser, Kirkpatrick, Pellatz, Schaub, Test

NOES: None

ABSENT: None

ABSTENTIONS: None

EXHIBIT NO.	4
APPLICATION NO.	
ARCATA LCP AMDT	3-96
RESOLUTION	(2 OF 2)

Alicia Harris  
City Clerk, City of Arcata