

## CALIFORNIA COASTAL COMMISSION

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# W22a

Filed:	January 11, 2002
90 <sup>th</sup> Day:	April 9, 2001
Staff:	Jim Baskin
Staff Report:	February 15, 2002
Hearing Date:	March 6, 2002
Commission Action:	

TO: Commissioners and Interested Parties

FROM: Peter M. Douglas, Executive Director  
Steve Scholl, Deputy Director  
Robert S. Merrill, North Coast District Manager  
Jim Baskin, Coastal Planner

SUBJECT: **City of Arcata LCP Amendment No. ARC-MAJ-1-01 (McBain-Trush-Woo), (Coastal Residential - Medium-High Density (C-R-MH) to Coastal Central Business District (C-CBD) Land Use and Zoning Designations).** (Meeting of March 6, 2002, in Santa Barbara)

## SYNOPSIS:

### Amendment Description:

The proposed amendment would amend the Arcata LCP, effectively certified in October, 1989, to redesignate and rezone an approximately 0.35-acre parcel at 712 "J" Street from "Coastal Residential Medium-High Density (C-R-MH) to Coastal Central Business District (C-CBD).

### Summary of Staff Recommendation:

Staff recommends that the Commission, upon completion of the public hearing, approve the amendment requested as submitted.

The subject parcel is located approximately two blocks southwest from its downtown commercial core area, adjacent to areas already designated and zoned for Central Business District (CBD) use. In addition, the parcel has been developed and used for the last several decades as a new automobile sales lot, a commercial use consistent with the CBD designation and zone. Given that: (1) the site is within the City's designated urban services boundary and

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has adequate services to accommodate the range of uses and densities allowed under the CBD designation and zone; and (2) the site is located within a developed area well away from the shoreline that currently contains no environmentally sensitive habitat, the greater intensity of use that the LCP amendment would allow for the site will have no adverse impacts on coastal resources.

The motions and resolutions for approval of the LCP amendment are found on pages 2-3.

Analysis Criteria

To approve the amendment to the Land Use Plan (LUP), the Commission must find that the Land Use Plan, as amended, would be in conformity with the policies of Chapter 3 of the Coastal Act. To approve the amendment to the Implementation Plan (IP), the Commission must find that the Implementation Plan, as amended, conforms with and is adequate to carry out the policies of the Land Use Plan (LUP) portion of the City's certified LCP.

Additional Information:

For further information, please contact Jim Baskin at the North Coast District Office (707) 445-7833. Correspondence should be sent to the District Office at the above address.

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**I. STAFF RECOMMENDATION AND MOTIONS FOR LCP AMENDMENT NO. ARC-MAJ-1-01 (McBAIN-TRUSH-WOO)**

**A. APPROVAL OF THE LUP AMENDMENT PORTION OF AMENDMENT NO. ARC-MAJ-1-01 AS SUBMITTED**

**MOTION 1:** I move that the Commission certify Land Use Plan Amendment No. ARC-MAJ-1-01 as submitted by the City of Arcata.

**STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:**

Staff recommends a YES vote. Passage of the motion will result in certification of the land use plan amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

**RESOLUTION TO CERTIFY THE LAND USE PLAN AMENDMENT:**

The Commission hereby certifies the Land Use Plan Amendment No ARC-MAJ-1-01 as submitted by the City of Arcata and adopts the findings set forth below on the grounds that the amendment conforms with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment complies with the California Environmental Quality Act because either: 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen

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any significant adverse effects of the plan on the environment; or 2) there are no further feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

**B. APPROVAL OF THE IP AMENDMENT PORTION OF AMENDMENT NO. ARC-MAJ-1-01 AS SUBMITTED**

**MOTION 2:** I move that the Commission reject Implementation Program Amendment No. ARC-MAJ-1-01 for the City of Arcata as submitted.

**STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:**

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**RESOLUTION :**

The Commission hereby certifies the Implementation Program Amendment No. ARC-MAJ-1-01 for the City of Arcata as submitted and adopts the findings set forth below on grounds that the Implementation Program as amended, conforms with and is adequate to carry out the provisions of the Land Use Plan, as amended and certified, and certification of the Implementation Program Amendment will meet the requirements of the California Environmental Quality Act, because either: 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment; or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program Amendment.

**II. FINDINGS FOR APPROVAL OF THE LUP PORTION OF AMENDMENT NO. ARC-MAJ-1-01 (McBAIN-TRUSH-WOO) AS SUBMITTED:**

1. Amendment Description/Background.

a. Amendment Description

The proposed amendment would redesignate from "Coastal - Residential Medium-High Density" (C-R-MH) to "Coastal - Central Business District" (C-CBD) a 0.35-acre parcel in the developed portion of the City of Arcata at 712 "J" Street, at the intersection of "J" and Sixth Streets, two blocks southwest of the Arcata Plaza (see Exhibit Nos. 1, 2, and 3).

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The LUP portion of the City of Arcata's Local Coastal Program consists of: (a) the Coastal Land Use Element of the General Plan; and (b) the Coastal General Plan / Zoning Map. No changes to the text of the Coastal Land Use Element are proposed.

b. Background of Amendment Request

On October 4, 2000 and August 15, 2001, the City of Arcata amended its land use plan and coastal zoning map, respectively, to reclassify a 0.35-acre parcel planned and zoned as Coastal Residential Medium-High Density (C-R-MH) to Coastal Central Business District (C-CBD). Until the Commission certified the amendments, the project site effectively remains planned and zoned for residential land use.

This amendment was initiated by Scott and Rebecca McBain, William Trush, and Shari Woo to facilitate development of a professional office use at the site. The subject property's current planning and zoning designations for medium-high-density (42-67 persons/acre) residential use do not provide for development of professional offices as either a principal or conditionally permitted use. The site has been used for many years as an automobile sale lot, a nonconforming use. The car lot use has been discontinued and any renewed use of the property must conform to current planning and zoning regulations. Accordingly, in order for the applicants to pursue development of a professional office use at the site, the City's amendments to the property's coastal land use and zoning designations must first be certified by the Commission.

Although several alternative sites zoned for professional office uses exist throughout Arcata, the applicants have stated that they have encountered difficulties with finding a vacant office site that would adequately accommodate their firm's needs. The applicants operate McBain and Trush, an environmental consulting firm specializing in riverine fisheries habitat and enhancement projects. The applicants believe that the subject parcel which they have since purchased, would provide an adequate site for development of new facilities for their firm. The site is especially appealing to the owner/applicants as a portion of Jolly Giant Creek, a Class I watercourse, flows beneath the site in an enclosed culvert that was installed many years before Coastal Act permit review requirements came into effect. The firm's principals have indicated that their office construction would include plans to "daylight" this section of the creek as a stream restoration demonstration project.

The City has expressed support for the project and in adopting the proposed plan and zoning designation changes, have concluded that the amendments are in conformity with, the policies of Chapter 3 of the Coastal Act, and conform with and inadequate to carry out the provisions of the certified land use plan, respectively. This decision was further based on findings that the amendment would: (1) not have a significant adverse effect on the environment, including fish and wildlife habitat; (2) be in the public interest; and (3) be required to protect the public health, safety, and general welfare.

The City has applied to the Commission for certification of this amendment to its Land Use Plan (LUP) and Implementation Plan (IP). The proposed amendment would revise the land use plan

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and zoning district designations for the subject .35-acre parcel from "Coastal Residential Medium-High Density" (C-R-MH) to "Coastal Central Business District" (C-CBD).

2. Site Description.

The approximately 0.35-acre parcel is located near the heart of the City, two blocks southwest of the Arcata Plaza at the northeast corner of "J" and Sixth Streets (see Exhibit No. 2). The parcel is known as 712 "J" Street, Assessor Parcel No. 21-154-05. The lot is vacant with a gravel surface and has been used for many years as a new automobile parking lot for an adjacent car dealership. No other structural improvements exist on the site. The site is essentially flat. A culverted section of Jolly Giant Creek, a Class I coastal stream, passes beneath the parcel (see Exhibit No. 3). However, as the stream is contained within a culvert that is buried underground, and there are no wetlands at ground level, the land to be developed does not contain any environmentally sensitive habitat.

Uses in the surrounding area include other Central Business District commercial, professional office, and civic uses across Sixth Street to the south, east and northeast. A single family residence adjoins the parcel to the northwest. A mobilehome park is situated to the west across "J" Street from the site.

3. Appropriateness of Proposed Redesignation of the Site Given the Existing Certified LUP Provisions.

To approve the proposed change to the Coastal General Plan and Land Use Zoning Map, the Commission should consider whether the new land use designation for the site: (1) is appropriate, given the existing LUP and its policies, which are contained in the Coastal Land Use Element of the General Plan; and (2) is consistent with the policies of Chapter 3 of the Coastal Act.

The only portion of the Coastal Land Use Element that appears to be relevant to the proposed amendment request is Section II, "Coastal Land Use Map" which lists the Coastal Land Use designations. The section indicates that the designations are the same as those used elsewhere in the City's General Plan. The General Plan description of the CBD that has been incorporated into the Coastal Land Use Element indicates that residential uses are allowable and specifies that the "...designation includes retail, professional office, civic, hotel, theater and similar uses." As noted previously, the site is vacant with a graveled surface used primarily for display parking of automobiles. Based on information presented at the City's plan and zoning amendment hearings, the owner/applicants intend to develop the site with a two-story structure to house their environmental consulting firm. The proposed development would require a coastal development permit from the City. As the certified description of the CBD includes the proposed use, the proposed designation is consistent with the certified LUP's description of the CBD.

Policy 9 of Chapter V, "Economic Environment," of the General Plan discusses the intent of the Coastal Central Business District (CBD). This policy states, in part, the following:

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*The Central Business District should be defined as those blocks in the immediate vicinity of the Plaza, and positive action for its enhancement as the main activity center in Arcata should be encouraged. The City should support the development of the CBD as a pedestrian-oriented, mixed retail, entertainment and services shopping area by encouraging a diversity of commercial uses there.*

To be consistent with this policy, the area affected by the proposed amendment would need to be within the "immediate vicinity of the Plaza." As the affected area is only two blocks from the Plaza and adjacent to other areas already designated CBD, the Commission finds that the affected area is within the immediate vicinity of the Plaza and is consistent with Policy 9 of Chapter V of the General Plan which has been incorporated into the LUP. Therefore, for both of the above reasons, the Commission finds that the new land use designation for the site would be consistent with the existing LUP and its policies.

4. Consistency of Proposed Redesignation with the Locating and Planning New Development Policies of Chapter 3.

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 within or near adequate public services and where it will not have significant adverse effects, whether 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 area affected by the proposed amendment is within the City's designated urban services boundary and has adequate services. The City provides water to users within Arcata purchased from the Humboldt Bay Municipal Water District, which obtains its supply from the Mad River. The City also provides sewer service, fire and police protection, and solid waste collection and recycling services. Although the owners of the site envision developing an office use as discussed above, the proposed new C-CBD designation could potentially allow residential uses, including residential development with higher densities than the current designation's 42-67 persons/acre allowance because the CBD allows residential development of unspecified density as a permitted use. However, even at full build-out of the City under existing land use designations and the potential increase in density under the proposed amendment, the City indicates that current public services would still be adequate to accommodate all of the development.

The proposed land use designation change would not adversely affect coastal resources. As noted, the CBD designation would allow for greater residential densities in the affected area. Such increase in density and the intensification of use of an area can lead to significant adverse impacts on coastal resources. However, the proposed amendment should not lead to significant adverse impacts on coastal resources as: (1) the site is already cleared, graded and surfaced; (b) the site is within the central core of the urban area; (3) the site currently contains no environmentally sensitive habitat areas; (4) the site is not located between the first public road and the sea where shoreline access would be a major consideration; (5) none of the currently

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allowable or proposed uses would displace any previously designated coastal-dependent use; and (6) new development that results from the proposed change in land use designation could be designed in a manner that would be compatible with the visual character of the area.

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 with adequate public services able to accommodate the proposed uses; and (b) the amendment will not result in any adverse effects, either individually or cumulatively, on coastal resources.

5. CEQA.

In addition to making a finding that the amendment is in full compliance with the Coastal Act, the Commission must make a finding consistent with Section 21080.5 of the Public Resources Code. Section 21080.5(d)(2)(A) 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 effects which the activity may have on the environment.*

As discussed in the findings above, the amendment request as submitted is consistent with the California Coastal Act and will not result in significant environmental effects within the meaning of the California Environmental Quality Act.

**III. FINDINGS FOR APPROVAL OF THE IMPLEMENTATION PLAN PORTION OF AMENDMENT NO. ARC-MAJ-1-01 (McBAIN-TRUSH-WOO) AS SUBMITTED:**

1. Proposed Implementation Plan Amendment.

As noted previously, the City's LCP uses the same classification for both its LUP designations and zoning districts. Thus, the proposed amendment to the Coastal General Plan and Zoning Land Use Map described in Section I is the same amendment proposed to the Implementation Plan. The amendment would rezone from "Coastal - Residential Medium-High Density" (C-R-MH) to "Coastal - Central Business District" (C-CBD) a 0.35-acre parcel in the developed portion of the City of Arcata at 712 "J" Street, at the intersection of "J" and Sixth Streets, southwest of the Arcata Plaza (see Exhibit Nos. 2 and 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. As is the case with the proposed change to the LUP, the proposed amendment to the Implementation Plan of the City's LCP simply involves a change in designation for the area shown in the Coastal General Plan and Zoning Land Use Map (see Exhibit No. 3). No changes

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to the Coastal Wetlands Map or the text of the Coastal Zoning and Subdivision Ordinances are proposed.

2. Adequacy of Implementation Plan Changes.

As noted, the City's map of LUP designations and zoning districts is the same and the City uses the same classifications for both its land use designations and its zoning districts. Thus, changing what the map shows for a particular area automatically changes in a consistent manner both the land use designation and zoning. Therefore, the Commission finds that proposed Amendment No. ARC-MAJ-1-01 to the Coastal Land Use and Development Guide is consistent with and adequate to carry out the Land Use Plan, as amended by LCP Amendment No. ARC-MAJ-1-01.

3. CEQA.

In addition to making a finding that the amendment is in full compliance with the Coastal Act, the Commission must make a finding consistent with Section 21080.5 of the Public Resources Code. Section 21080.5(d)(2)(A) 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 effects which the activity may have on the environment.*

As discussed in the findings above, the amendment request as submitted is consistent with the California Coastal Act and will not result in significant environmental effects within the meaning of the California Environmental Quality Act.

**III. EXHIBITS:**

1. Location Map
2. Vicinity Map
3. Land Use and Zoning Map
4. City Resolution
5. Amendment Ordinance

A B C D E F G H I J K L M N O

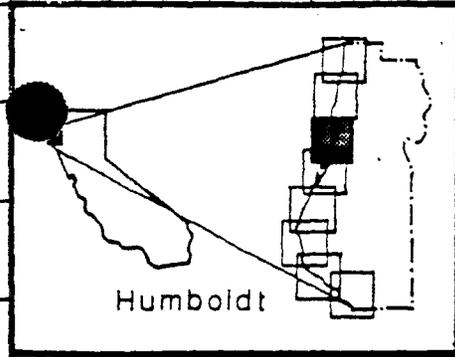
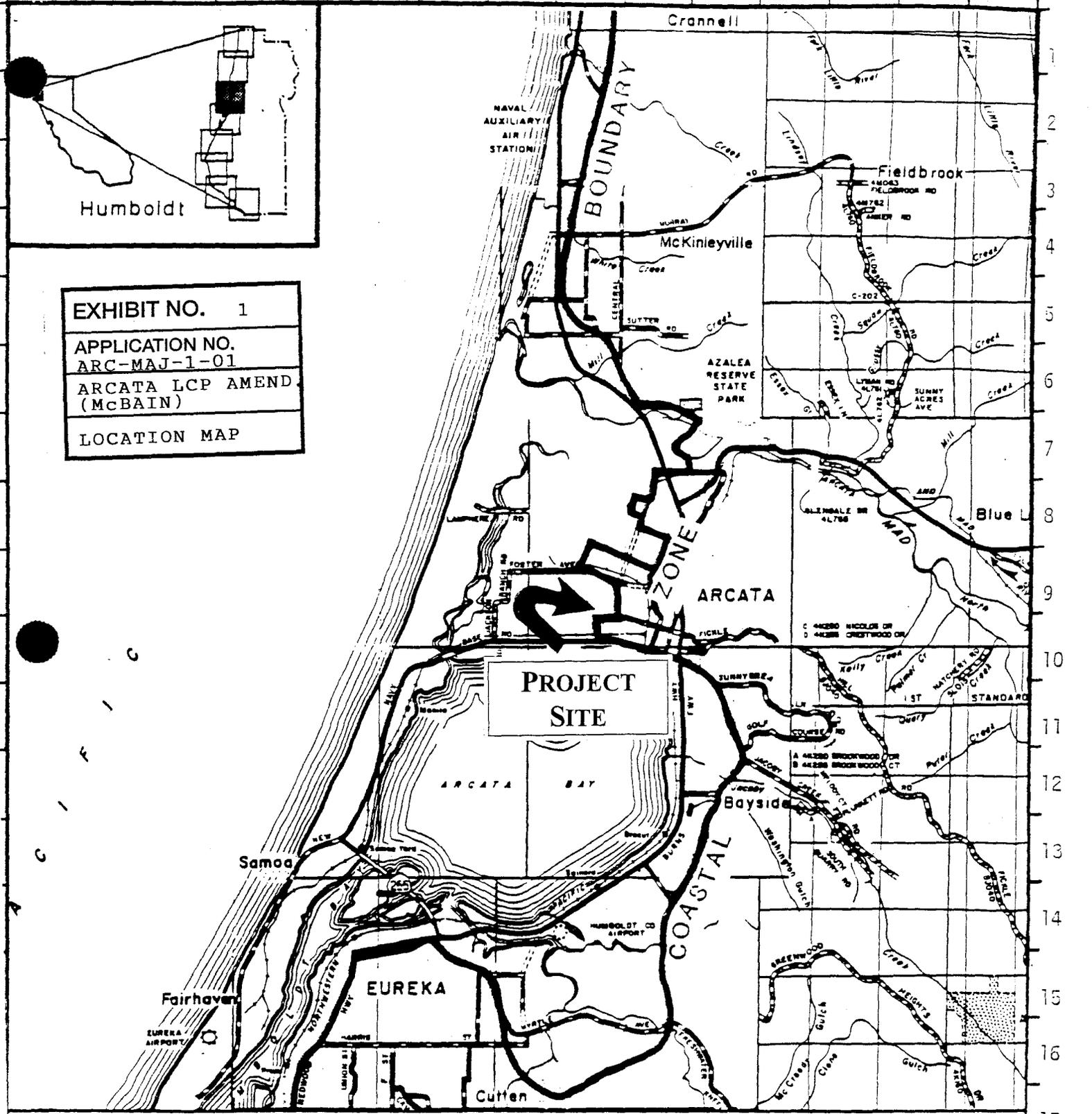


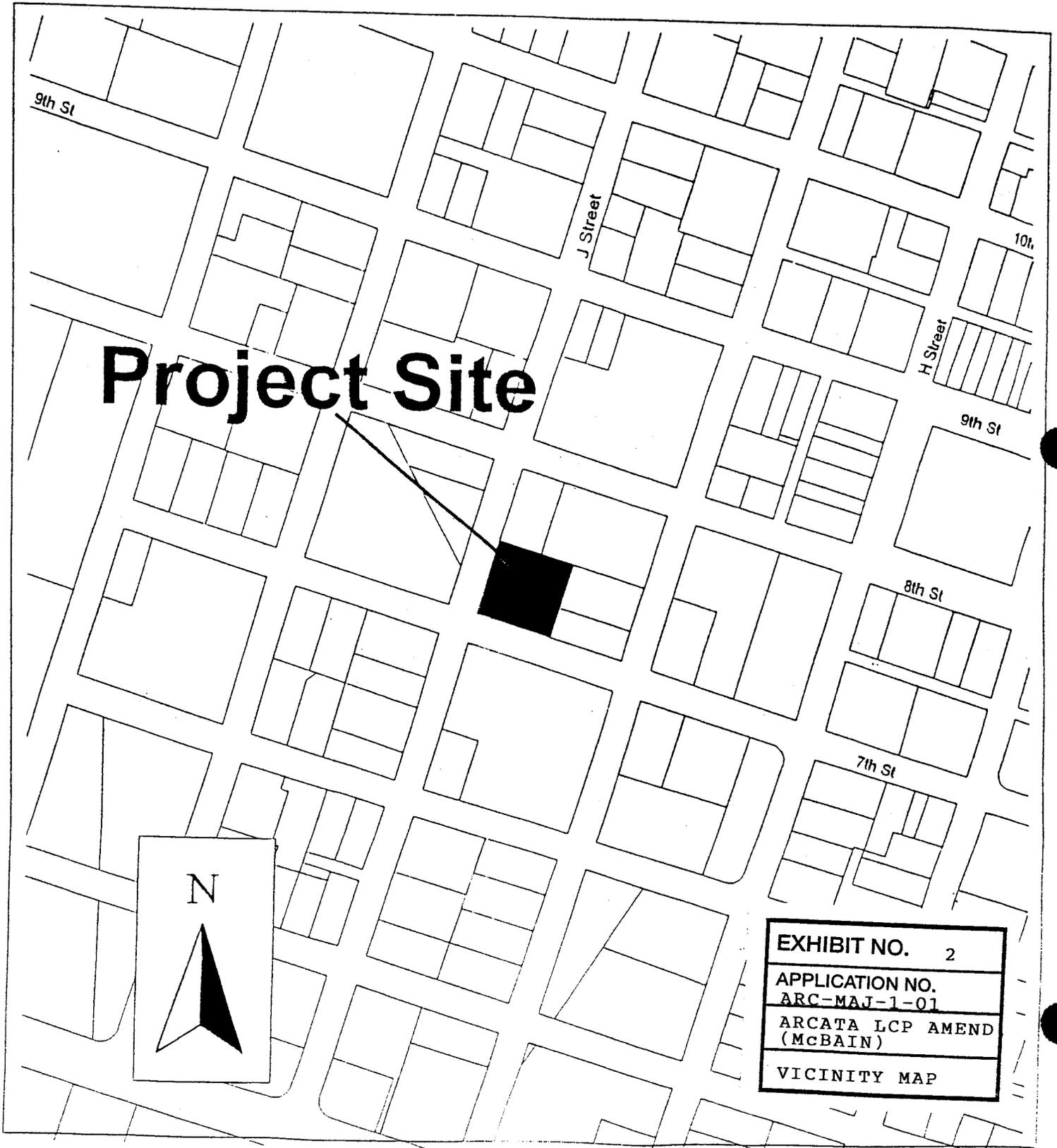
EXHIBIT NO. 1  
 APPLICATION NO. ARC-MAJ-1-01  
 ARCATA LCP AMEND (McBAIN)  
 LOCATION MAP

LOCATION MAP



# Location Map

## 7th and "J" Streets



**Proposed Re-Zone**  
**Zoning and Land Use**  
**Current Zoning**

9th Street

**APN 021-154-005**  
**Current Zoning = R-MH**

K Street

J Street

8th Street

I Street

7th Street

6th Street

 APN 021-154-005  
 Parcels

Current Zoning and Land Use

-  Residential - Low Density [R-L]
-  Residential - Medium Density [R-M]
-  Residential - Medium High Density [R-MH]
-  Central Business District [CBD]
-  Industrial Commercial [I-C]

**EXHIBIT NO.** 3  
**APPLICATION NO.**  
 ARC-MAJ-1-01  
 ARCATA LCP AMEND.  
 (MCBAIN)  
**LAND USE AND**  
**ZONING MAP**



0 50 100 150 200 Feet

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 warranties, express or implied, as to the accuracy of the information contained  
 herein. 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  
 user's reliance thereon. d:\projects\ibkang\p011015\_1 Arcstation

EXHIBIT NO.	4
APPLICATION NO.	ARC-MAJ-1-01
ARCATA LCP AMEND.	(MCBAIN)
CITY RESOLUTION	(1 of 7)

**RESOLUTION NO. 012-33**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARC  
ADOPTING A LOCAL COASTAL PLAN MAP AMENDMENT TO CHANGE THE  
GENERAL PLAN DESIGNATION OF THE MCBAIN PROPERTY AT 712 "J" STREET  
FROM COASTAL RESIDENTIAL MEDIUM HIGH DENSITY (C-R-MH) TO COASTAL  
CENTRAL BUSINESS DISTRICT (C-CBD) TO SUPERCEDE RESOLUTION NO. 012-08**

**WHEREAS**, the City of Arcata has an adopted General Plan which has been updated from time to time, and a Coastal Land Use Plan which was adopted by Resolution 878-18 on October 21, 1987, both documents being referred to henceforth as the General Plan; and

**WHEREAS**, the City of Arcata adopted a combined General Plan Land Use and Zoning Map, by Ordinance 1262 on May 7, 1997; and

**WHEREAS**, the Land Use Plan and Zoning Map may be amended from time to time since the original adoption in recognition of the changing needs of the City of Arcata; and

**WHEREAS**, pursuant to the requirements of state and local law the Planning Commission conducted, on July 24, 2001, a duly noticed and advertised public hearing to consider the proposed amendment, at which time all interested persons were given an opportunity to be heard; and

**WHEREAS**, the Planning Commission, following said hearing and on said date, did adopt Planning Commission Resolution 01-06, thereby recommending that the City Council adopt the proposed amendment; and

**WHEREAS**, pursuant to the requirements of state and local law the City Council has conducted a duly noticed and advertised public hearing to consider the proposed amendment, at which time all interested persons were given an opportunity to be heard; and

**WHEREAS**, the City of Arcata intends to carry out the Local Coastal Plan in a manner fully consistent with the California Coastal Act;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Arcata hereby adopts the following:

**Section 1. Local Coastal Plan Amendment.** The Local Coastal Plan amendment consists of amending the General Plan Land Use Map to change the designation of the McBain property at 712 "J" Street, as shown on the attached map as Exhibit 1, from Coastal Residential Medium High Density (C-R-MH) to Coastal Central Business District (C-CBD).

**Section 2. Negative Declaration.** Based on the Initial Study Report and the recommendation of the Planning Commission, a Negative Declaration of environmental impact for the proposed general plan and LUDG amendment is hereby adopted.

**Section 3. Findings.** The City Council hereby approves the Findings of Approval, attached as Exhibit 2.

**Section 4. Conditions.** The City Council hereby approves the Conditions of Approval, attached as Exhibit 3.

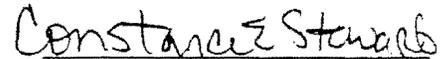
**Section 5. Effective Date.** The Local Coastal Plan Amendment will take effect automatically upon California Coastal Commission approval.

DATED: November 7, 2001

ATTEST:

APPROVE:

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

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

### CLERK'S CERTIFICATE

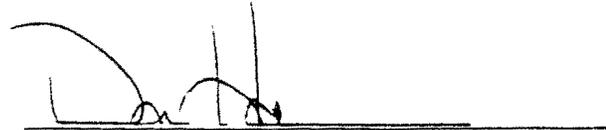
I hereby certify that the foregoing is a true and correct copy of Resolution No. 012-08, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on November 7, 2001, by the following vote:

AYES: Machi, Noble, Ornelas, Stewart

NOES: None

ABSENT: Test

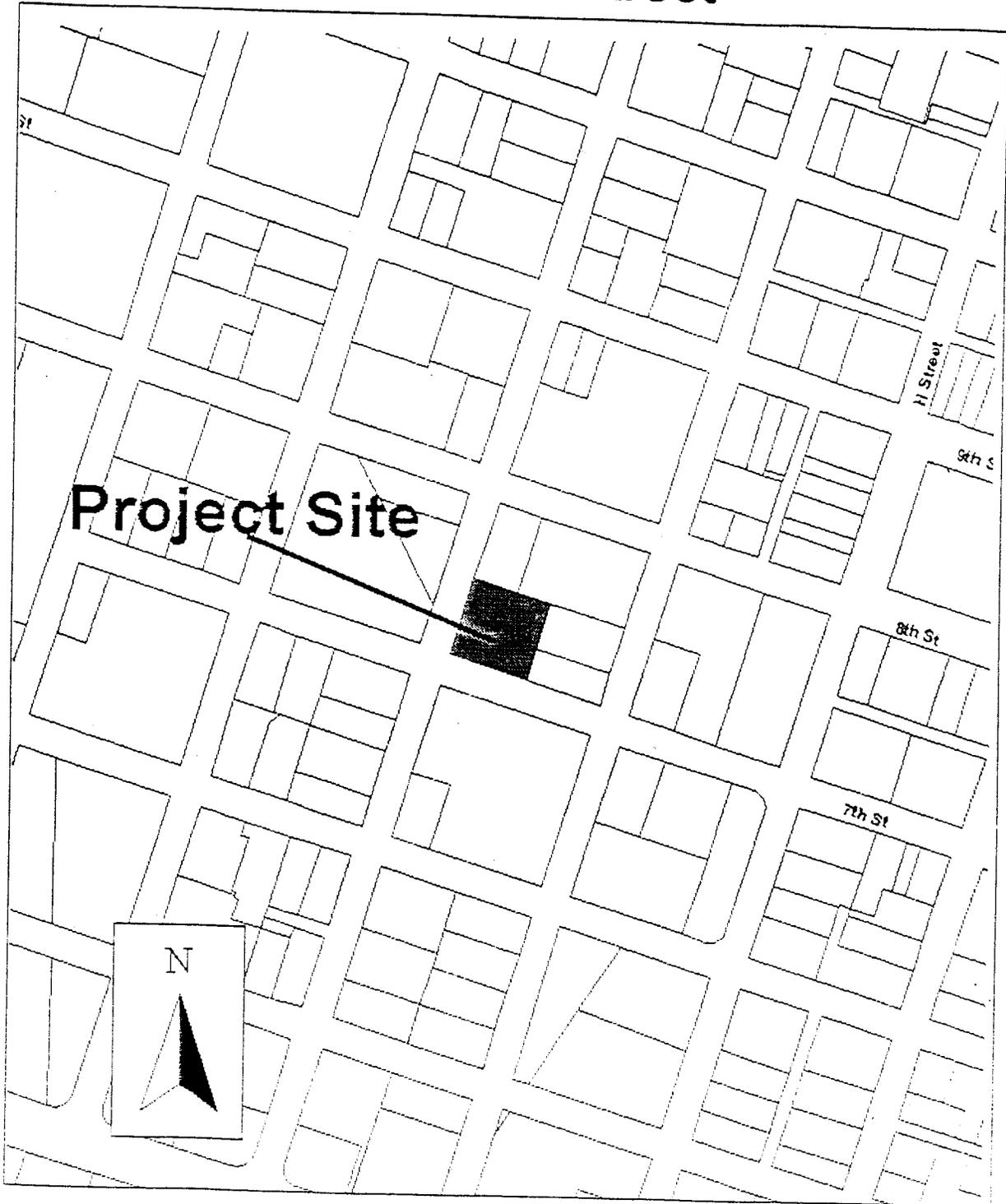
ABSTENTIONS: None

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

# Exhibit 1

## Location Map

7th and "J" Street



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EXHIBIT 2

Findings of Approval for Resolution 012-33

The following findings are made in approving the General Plan Amendment, file # 001-097-ZA-GPA. The findings are written in *italics*. A discussion of how the finding can be made, for the project request, will follow the stated criteria. This discussion will be bracketed ([]) and in normal type.

The following findings are adopted:

**I. REQUIRED GENERAL PLAN AMENDMENT FINDINGS per LUDG 5-0203:**

*I-A. That the requirements of State Planning Law have been followed in the preparation of the General Plan amendments; and*

[Section 65353 of the State Planning Law requires that the Commission hold at least one public hearing prior to approving a recommendation on the amendment of a general plan, and that the general plan amendment be noticed at least 10 days prior to the hearing date. Staff has completed such noticing requirements.

Section 65354 of State Planning Law requires that a recommendation for approval of a general plan amendment shall be made by the affirmative vote of not less than a majority of the total membership of the Commission. Of the seven members of the Commission, four recommended approval of the General Plan Amendment.]

*I-B. That the portions of the General Plan which are proposed to be changed will conform to the remainder of the Plan.*

[The General Plan amendment has been reviewed, and found to comply with, applicable policies of the Coastal Land Use Plan and General Plan. Approval of the amendment would not create internal inconsistencies within the Plan.]

**II. REQUIRED ZONING AMENDMENT FINDINGS per LUDG 1-0403.3:**

*II-A. That the proposed amendment is consistent with the General Plan in accordance with the California Government Code, Section 65850.*

[The proposed zoning amendment is in conformance with the General Plan amendment which is being processed concurrently.]

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

[LUDG Section 1-0403.6 indicates that whenever in its consideration of an application, the City Council finds that a proposed rezoning would only be in the public interest provided that development is carried out in accordance with a detailed development plan the City Council may grant approval or modified approval pursuant to such a development plan. The City Council may set a time limit after which the property shall automatically revert to the district regulations applicable immediately prior to approval of the rezoning action, unless construction shall have begun by said time.

The proposed project includes development of professional offices and housing units. A development plan that describes the proposed development is required as a condition of approval of the zoning and general plan amendment application. With this condition, the public health, safety, and general welfare will be furthered by adoption of the proposed amendment by providing a transition between existing residential and commercial developments surrounding the project site. The proposed uses for the site will be compatible with the existing land uses in the neighborhood.]

### III. ENVIRONMENTAL FINDINGS.

III-A. *Pursuant to an initial study report, the proposed project is found to not have a significant effect on the environment and a Negative Declaration is adopted in conformance with the California Environmental Quality Act (CEQA).*

[Prior to making a decision of the project application, the Planning Commission has received and considered the Initial Study Report and proposed Negative Declaration, together with all written and oral comments thereon received at or before the public hearing conducted on July 24, 2001. The Negative Declaration adopted herein reflects the Planning Commission's and the City of Arcata staff's independent judgment and analysis.

1. The proposed Negative Declaration was prepared and circulated pursuant to the CEQA Guidelines and applicable state and local law. A Notice of Intent to Adopt the Negative Declaration was provided in accordance with the foregoing.
2. The administrative record for the final Negative Declaration includes the Initial Study Report (with attachments), the written and oral comments received, and the response to said comments. The Arcata Community Development Department, located at 736 "F" Street, Arcata, is the custodian of the documents and other materials which constitute the record of proceedings upon which the Planning Commission's decision is based.

3. There is no substantial evidence, in light of the whole record before the Agency, that the project may have a significant adverse effect on the environment.
4. No mitigation measures are proposed for the project.
5. The Initial Study Report is a complete and adequate informational document and the Negative Declaration is hereby adopted.]

*III-B. The City concludes that the proposed use will not adversely impact wildlife and finds that this project will have a "de minimus" impact on fish and wildlife.*

[State law (AB 3158) requires special findings where minimal fish or wildlife impacts are expected as a result of a project. Information provided in the Initial Study support this conclusion. The existing site does not provide any significant habitat or contain any significant vegetation.]

EXHIBIT 3

Conditions of Approval for Resolution 012-33

The Zoning and General Plan Amendment is approved subject to the conditions set forth herein. The conditions of approval are arranged according to the timing of compliance and the City Department or Agency that establishes compliance with the condition.

- A. **AUTHORIZED AMENDMENT:** The McBain Zoning and General Plan Amendment and Planned Development Permit, file #001-097-ZA-GPA, is hereby approved.
- A-1 **AUTHORIZED USES.** The following uses proposed by the Applicant are hereby authorized by the Zoning and General Plan Amendment: professional offices and residential units.
- B. **PRIOR TO ISSUANCE OF ANY BUILDING PERMIT.** The following requirements shall be met prior to City issuance of any building or grading permit for the project site:

Community Development Department:

- B-1 **DEVELOPMENT PLAN.** A development plan shall be submitted for review and approval by the Community Development Director. The development plan shall depict the proposed structures on the property, which shall be at most two stories in height. The development plan shall also list the proposed uses, which shall include professional offices and residential units to facilitate the implementation of the General Plan:2020 by providing a transition between residential and commercial uses, minimizing impacts and conflicts in use. Other commercial uses shall not be allowed on the property without an amendment to the development plan and public notice of such amendment. The creek shall be daylighted, if feasible, in conjunction with the City's Environmental Services Department's City wide program to daylight creeks wherever possible.

**ORDINANCE NO. 1325**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING THE ARCATA MUNICIPAL CODE, TITLE IX, THE LAND USE AND DEVELOPMENT GUIDE, CHAPTER I, ARTICLE 2, SECTION 1-0203, ZONING MAP, TO AMEND THE ZONING DISTRICT TO COASTAL CENTRAL BUSINESS DISTRICT (C-CBD) FOR A PARCEL AT 712 "J" STREET (AP# 021-154-005)

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

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

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

The property identified as project site on Exhibit 1 is hereby rezoned from Coastal Residential Medium High Density (C-RMH) to Coastal Central Business District (C-CBD). The property is described as follows: McBain property at the northeast corner of 7<sup>th</sup> and "J" Streets, 712 "J" Street; AP# 021-154-005.

**SECTION 2. Findings of Approval**

Based upon information received in the public hearing, including the staff report and attachments, the following findings are hereby adopted.

1. The proposed amendment is consistent with the General Plan in accordance with the California Government Code, Section 65860.
2. The public health, safety, and general welfare require the adoption of the proposed amendment.

**SECTION 3. Severability**

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

**SECTION 4. Limitation of Actions**

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

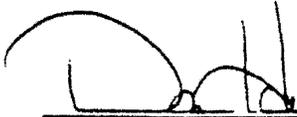
<b>EXHIBIT NO.</b>	5
<b>APPLICATION NO.</b>	ARC-MAJ-1-01
<b>ARCATA LCP AMEND.</b>	(McBAIN)
<b>AMENDMENT</b>	
<b>ORDINANCE</b>	(1 of 2)

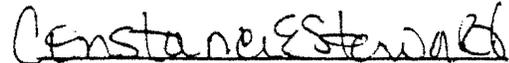
**SECTION 5. Effective Date**

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

DATED: August 15, 2001

ATTEST:

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

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

**CLERK'S CERTIFICATE**

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1325, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 15<sup>th</sup> day of August, 2001, by the following vote:

AYES: Machi, Ornelas, Stewart, Test

NOES: None

ABSENT: Noble

ABSTENTIONS: None

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