

CALIFORNIA COASTAL COMMISSION

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Filed: February 4, 2008
90th Day: May 4, 2008
Staff: Melissa B. Kraemer
Staff Report: March 28, 2008
Hearing Date: April 11, 2008
Commission Action:

TO: Commissioners and Interested Parties

FROM: Peter M. Douglas, Executive Director
Robert S. Merrill, North Coast District Manager
Melissa B. Kraemer, Coastal Planner

SUBJECT: **City of Arcata LCP Amendment No. ARC-MAJ-1-08 (Alliance Meadow)**
(Meeting of April 11, 2008 in Santa Barbara)

SYNOPSIS:

Amendment Description:

The proposed amendment would amend the City's Local Coastal Program (LCP), effectively certified in October 1989, to add the "Planned Development" Combining Zone (:PD) designation to the Coastal-Residential-Low Density base zoning district (C-R-L) to facilitate the future residential development of a 2.5-acre area currently consisting of three contiguous parcels (APNs 507-331-047, -048, and -049) ranging in size from 13,440 sq. ft. to 1.21 acres, located at the northwestern corner of the intersection of Alliance Road and 27th Street (see Exhibit Nos. 1, 2, 3, and 6). The Planned Development Combining Zone is intended to allow greater flexibility in residential types, sizes, styles, and affordability while providing larger open space areas and protection of natural resources.

Summary of Staff Recommendation:

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

CITY OF ARCATA LCP AMENDMENT (ALLIANCE MEADOW)

NO. ARC-MAJ-1-08

PAGE 2

The proposed amendment would amend the Arcata Municipal Code, Title IX, the Land Use and Development Guide, Chapter 1, Article 2, Section 1-0203, *Zoning Map*, to add the Planned Development Combining Zone (:PD) to Assessor Parcel Numbers 207-331-047, -048, and -049. The three parcels comprise an approximately 2.5-acre area currently designated with a Coastal-Residential-Low Density base zoning district (C-R-L). As the City has a combined General Plan Land Use and Zoning Map, amendments to both the Land use Plan (LUP) and the Implementation Plan (IP) portions of the LCP are needed (in both cases, the same LUP/zoning map would be amended).

The subject site is referred to as Alliance Meadow properties and is located at the northwestern corner of the intersection of Alliance Road and 27th Street. The property is surrounded by residential development to the west, north, and south, a municipal building to the east (City of Arcata water pumping station), and agricultural pasturelands further to the east across Alliance Road. Bisecting the property are underground water lines within a 45-foot-wide right-of-way easement held by the Humboldt Bay Municipal Water District.

The Planned Development Combining Zone is intended to allow greater flexibility in residential types, sizes, styles, and affordability while providing larger open space areas and protection of natural resources. The presence of underground water mains and a utility easement currently restricts the use for residential purposes of a broad swath of the property. Applying the PD combining zone to the site would allow the property owner to increase the density of development on the site to the maximum permissible density under the base land use and zoning designation for the site by relaxing standards for minimum lot size, lot width, yard setback requirements, and building height. The designation of a site with a combining zone does not expand the allowable uses and does not increase the maximum allowable density of units or people per acre permissible under the base zoning and land use plan designation. The impetus for the proposed amendment is a proposed planned development project, the Alliance Meadow Planned Development, which would require, after certification of the proposed LCP amendment, a future planned development permit, subdivision, and coastal development permit from the City. The City adopted a Mitigated Negative Declaration for the project in September of 2007.

Staff believes that the proposed new land use and zoning designation for the site is appropriate given the existing LUP and its policies and is consistent with the policies of Chapter 3 of the Coastal Act. The existing LUP encourages the use of the PD zoning, and the existing IP allows for the PD district to be combined with any residentially zoned area. Staff believes that the PD combining zone is appropriate to add to the zoning designation for the subject property, as the site can accommodate the maximum allowable density of units or people per acre permissible under the base zoning and land use plan designation without adversely affecting coastal resources. The site does not contain sensitive coastal resources, and the area is largely surrounded by other residential development. The presence of the underground water mains and utility easement currently restricts the use for residential purposes of a broad swath of the property. Staff further believes that the proposed amendment is consistent with Section 30250(a) of the Coastal Act (locating and planning new development) 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. Finally, staff believes that the proposed amendment to the Implementation Program would be consistent with and adequate to carry out the certified Land Use Plan.

The appropriate motions and resolutions to adopt the staff recommendation are found on pages 3-4.

Analysis Criteria:

The relationship between the Coastal Act and a local government's Local Coastal Program (LCP) can be described as a three-tiered hierarchy, with the Coastal Act setting generally broad statewide policies. The Land Use Plan (LUP) portion of the LCP incorporates and refines Coastal Act policies for the local jurisdiction, giving guidance as to the kinds, locations, and intensities of coastal development. The Implementation Plan (IP) of an LCP typically sets forth zone districts and site development regulations through legally enforceable ordinances which specify how coastal development is to proceed on a particular parcel. The LUP must be consistent with the Coastal Act. The IP must conform with and be adequate to carry out the policies of the LUP.

Additional Information:

For additional information about the LCP Amendment, please contact Melissa Kraemer at the North Coast District Office at (707) 445-7833. Please mail correspondence to the Commission at the above address.

I. MOTIONS, STAFF RECOMMENDATIONS, AND RESOLUTIONS FOR LCP AMENDMENT NO. ARC-MAJ-1-08

A. Land Use Plan (LUP) Amendment No. ARC-MAJ-1-08:

Motion 1: *I move that the Commission certify Land Use Plan Amendment No. ARC-MAJ-1-08 as submitted by the City of Arcata.*

Staff Recommendation to Certify:

Staff recommends a **YES** vote. Passage of the motion will result in certification of the land use plan 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 Land Use Plan Amendment:

The Commission hereby certifies the Land Use Plan Amendment No. ARC-MAJ-1-08 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 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. Implementation Plan (IP) Amendment No. ARC-MAJ-1-08:

Motion 2: *I move that the Commission reject Implementation Program Amendment No. ARC-MAJ-1-08 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 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 to Certify the Implementation Program As Submitted:

The Commission hereby certifies the Implementation Program for the City of Arcata as submitted and adopts the findings set forth below on grounds that the Implementation Program conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan as amended, and certification of the Implementation Program 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 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.

II. FINDINGS FOR APPROVAL OF BOTH LUP AND IP AMENDMENTS

A. Site Description

The subject site is referred to as Alliance Meadow properties and is located at the northwestern corner of the intersection of Alliance Road and 27th Street (Assessor Parcel Numbers 207-331-047, -048, and -049) (see Exhibit Nos. 1, 2, and 3). The property is approximately three miles inland from the ocean shoreline and two miles north of Arcata Bay. The total area affected by the LCP amendment is approximately 2.5 acres in size, and the three parcels range in size from 13,440 sq. ft. to 1.21 acres. Currently the site is mostly undeveloped except for a single family residence on APN 207-331-047 and a shed on APN 207-331-049. The property is surrounded by residential development to the west, north, and south, a municipal building to the east (City of Arcata water pumping station), and agricultural pasturelands further to the east across Alliance Road. The property is comprised of level terrain dominated by mostly nonnative grasses and

herbs, with blackberry brambles lining portions of the fenced perimeter of property and contains no known environmentally sensitive habitat areas. Bisecting the property are underground water lines within a 45-foot-wide right-of-way easement held by the Humboldt Bay Municipal Water District.

B. Amendment Description

The proposed amendment would amend the Arcata Municipal Code, Title IX, the Land Use and Development Guide, Chapter 1, Article 2, Section 1-0203, *Zoning Map*, to add the Planned Development Combining Zone (:PD) to Assessor Parcel Numbers 207-331-047, -048, and -049. The three parcels comprise an approximately 2.5-acre area currently designated with a Coastal-Residential-Low Density base zoning district (C-R-L). As the City has a combined General Plan Land Use and Zoning Map, amendments to both the Land use Plan and the Implementation Plan portions of the LCP are needed (in both cases, the same LUP/zoning map would be amended). See Exhibit No. 6 for reference.

C. Purpose of Amendment / Project Description

The Planned Development Combining Zone is intended to allow greater flexibility in residential types, sizes, styles, and affordability while providing larger open space areas and protection of natural resources. Section 1-0222.5 of the PD Combining District standards of the City's certified Implementation Plan specifically allows exceptions to base zone standards for open space, density, lot area, width, depth, ground coverage, yards, height, parking, loading, sign, and landscaping requirements where it can be demonstrated that such exceptions would result in more desirable development. The designation of a site with a combining zone does not expand the allowable uses and does not increase the maximum allowable density of units or people per acre permissible under the base zoning and land use plan designation. Applying a PD Combining Zone does facilitate development of a site to the maximum density permissible under the base zoning and land use designation by relaxing standards for minimum lot size, lot width, yard setback requirements and building height.

The impetus for the proposed amendment is a proposed planned development project, the Alliance Meadow Planned Development, which would require, after certification of the proposed LCP amendments, a future planned development permit, subdivision, and coastal development permit from the City. The City adopted a Mitigated Negative Declaration for the project in September of 2007.

The Alliance Meadow Planned Development is intended to cluster dwelling units closer together in part due to the water line easement bisecting the parcel. In addition, the Alliance Meadow Planned Development would allow greater common open space and is intended to reduce the overall cost of home ownership in addition to supplying a minimum of three affordable housing units. The Alliance Meadow Planned Development would split the three existing parcels into 21 separate parcels. The development proposes a mix of dwelling unit (DU) types with a total of 18 new DUs (and one existing single family residence to remain) ranging in size from approximately 1,000 square feet to 1,500 square feet on lots that range in size from approximately 1,325 square feet to 3,960 square feet. These would include six detached single

family residences, three sets of two attached DUs, one set of three attached DUs, and one set of four attached DUs. The attached DUs would be developed on common property lines with zero lot line setbacks. All the DUs would be for single family residential uses located on individual lots. Thus, the Alliance Meadow Planned Development will not conform to existing Coastal Residential Low Density development standards for lot width, lot size, open space, yard setback, and building height. In addition, the development proposes to use various low-impact design techniques such as rain gardens, bioswales, and percolation trenches. Parcel A would consist of open space and landscaping and would be held in common by the Alliance Meadow Home Owners Association. Parcel B would consist of streets within the subdivision to be dedicated to the City.

The Commission notes that the proposed amendment would amend the LCP to add the Planned Development Combining Zone (:PD) to the subject parcels and would not approve the specific planned development project described above. As noted above, the specific project that is the impetus for the LCP amendment would require a planned development permit, a coastal development permit, and a subdivision approval. Whether or not this particular project is ultimately granted the necessary permits and is developed, certification of the LCP Amendment would permanently change the land use and zoning designation to add the PD Combining Zone. This new designation would apply to any future development proposal made for the site. Therefore, the Commission must evaluate the consistency of the range of development proposals that might come forward under the proposed land use plan designation for consistency with the Coastal Act rather than the consistency of the specific project currently proposed.

III. FINDINGS SPECIFIC TO APPROVAL OF THE LUP PORTION OF AMENDEMENT NO. ARC-MAJ-1-08 AS SUBMITTED

A. Analysis Criteria

To approve the amendments to the Land Use Plan (LUP), the Commission must find the LUP, as amended, will remain consistent with the policies of Chapter 3 of the Coastal Act.

B. Consistency of Proposed Redesignation with Chapter 3 Policies of the Coastal Act

1. Locating and Planning New Development

Coastal Act Section 30250 states, in applicable part, the following with respect to locating and planning new development:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the

area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

The intent of this policy is to channel development toward more urbanized area where services are proved and potential impacts to resources are minimized.

The proposed amendment is intended to allow clustered development to enable the site to be developed to the maximum permitted density under the certified base Coastal Low Density Residential land use and zoning designation for the site. Future development is limited by the presence of the underground water mains and utility easement bisecting the property, which restrict the use for residential purposes of a broad swath of the property. The LCP amendment would allow the site to be developed to the maximum permitted density under the certified base Coastal Low Density Residential land use and zoning designation for the site. The greater development that would be accommodated by applying the proposed PD combining zone to the site would have a greater demand for water and sewer capacity services than the demand that would result from the more limited development allowed by the base Coastal Low Density Residential zoning to 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 including 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. The certified LUP expresses density limits in terms of people per net acre. Policy J-6 of the LUP allows for 6.1 to 24 persons per net acre for areas designated Coastal Low Density Residential. The PD combining zone does not affect the maximum allowable density of persons per net acre permissible under the base land use plan and zoning designation. However, the PD combining zone does increase the allowable floor area over what is allowed by the base zone and land use designation. Section 1-0222.4 of the certified IP reads as follows:

Section 1-0222.4 Residential Density Requirements Where Applicable. In applications involving residential dwellings, the amount of residential floor area permitted in a :PD District shall be determined by first subtracting the areas of all street right-of-way and equivalent private vehicular access ways, areas over twenty-five percent (25%) slope, and areas occupied by creeks, sloughs, or other waterways, from the gross area of the Planned Development, and multiplying the resulting net area of the development by the maximum Floor Area Ratio required in the Principal District with which the :PD District is combined. The Planning Commission may allow an increase of up to twenty percent (20%) over the amount of floor area permitted depending upon the nature of the site and design of the structures in relation to the surrounding area. Specifically, the following design characteristics shall be considered by the Planning Commission when a development requests a density above that permitted by the base zone:

1. *the amount and design of common open space*
2. *the extent of site disturbance*
3. *provision of major recreational facilities*
4. *architectural/site design merit*
5. *energy-efficient construction*
6. *amount and design of proposed landscaping*
7. *impacts on neighboring properties*
8. *impacts on traffic and circulation pattern*
9. *provision of laundry facilities, covered parking, or other special amenities*

This twenty percent (20%) increase in the permitted floor area is in addition to any increase permitted by the Density Bonus Regulations specified in Section 1-0309.

Section 1-0222.4 allows the floor area of development to be increased within the PD combining district by as much as 20 percent. As noted previously, applying a PD Combining Zone does facilitate development of a site to the maximum density permissible under the base zoning and land use designation by relaxing standards for minimum lot size, lot width, yard setback requirements and building height. As noted, given the presence of the underground water mains and utility easement bisecting the property, applying the PD combining zone to the site would allow the property owner to increase the density of development on the site to the maximum permissible density under the base land use and zoning designation for the site. Higher 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 significant adverse 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 priority allowable or proposed land uses would displace any previously designated priority use under the Coastal Act.

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.

2. ESHA and Wetlands Protection

Coastal Act Section 30240 states the following with respect to environmentally sensitive habitat areas (ESHA):

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would

significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Coastal Act Section 30231 states the following with respect to water quality protection:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

A wetland delineation and biological assessment was completed for the subject property (Winzler & Kelly, February 2006), and no wetlands or sensitive species or habitat were identified or expected to occur on the site. The site is currently zoned for residential use and is surrounded by residential development to the west, north, and south, a municipal building to the east (City of Arcata water pumping station), and agricultural pasturelands further to the east across Alliance Road. Therefore, the proposed amendment is consistent with Section 30240 and 30231 of the Coastal Act because the area affected by the amendment is not located within or adjacent to any environmentally sensitive habitat areas, coastal waters, or wetlands and thus will not adversely impact such areas.

3. Hazards

Coastal Act Section 30253 states the following, in part, with respect to minimizing hazards:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

...

The area affected by the amendment is not located in an area of high geologic, flood, or fire hazard. Although the subject property is located in a "moderate liquefaction area" according to the Arcata General Plan maps, an R-1 Engineering and Geotechnical Engineering Report and addendum were prepared for the proposed Alliance Meadow Planned Development (SHN September 2006), and the report concludes that the risk due to liquefaction is moderate to low. Furthermore, there are no known earthquake faults on the site or adjacent properties. According to the 1985 General Plan, Plate D "Matthews Dam Failure Inundation Map," the subject property is located within the anticipated maximum reach of flood waters resulting from catastrophic failure of the dam. However, this risk is extremely low given that the dam is located

approximately 100 miles southeast of the subject site, and any future development of the site would require an early-warning system and evacuation plan for persons living and working in areas subject to floodwaters as a result of catastrophic failure of the Matthews Dam.

Therefore, the proposed amendment is consistent with Section 30253 of the Coastal Act because the development facilitated by the amendment can be designed and managed to minimize risks to life and property in an area of geologic and flood hazard.

4. Public Access

The public access policies of the Coastal Act include Sections 30210, 30211, and 30212, which require the provision of maximum public access opportunities, with limited exceptions. Section 30210 states that maximum access and recreational opportunities shall be provided consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. Section 30211 states that development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. Section 30212 states that public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, adequate access exists nearby, or agriculture would be adversely affected.

The proposed amendment is consistent with the public access policies of the Coastal Act, as the subject site is not located between the nearest public road and the sea or the shoreline of any water body in the coastal zone. The subject property is located at the inland edge of the coastal zone and does not occur on any route designated as a Public Access Corridor. Therefore, public access to and along the coast would not be affected by the proposed amendment.

5. Protection of Visual Resources

Coastal Act Section 30251 states the following with respect to protection of visual resources:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The above policy protects visual resources in the coastal zone by ensuring that public views to and along the ocean and scenic coastal areas are protected and that new development does not detract from the visual quality of an area and shall be compatible with the character of surrounding areas.

The proposed amendment is consistent with the visual resources protection policy cited above. As the site is approximately three miles from the ocean shoreline and two miles from the shoreline of Arcata Bay, future development that would be accommodated by the LCP amendment will not affect views to and along the ocean and scenic coastal areas. Furthermore, the future development that would be accommodated by the LCP amendment would be compatible with the character of the surrounding area given the mix of surrounding land uses and building styles and the location within a largely developed urban area. Therefore, the Commission finds that the proposed amendment is consistent with the visual resources protection policies of the Coastal Act.

C. Appropriateness of Proposed Redesignation of 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 is consistent with the existing LUP and its policies, which are contained in the Coastal Land Use Element of the General Plan.

Use of the PD zoning is encouraged in Section V-6 and Policy J-7 of the LUP, which state:

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 open spaces while insuring substantial compliance to the base district regulations.

The LCP amendment would facilitate development of the site in the future to the maximum density allowed under the Coastal Residential Low Density LUP and zoning designation currently certified for the subject property. As discussed in the previous findings, the subject property does not contain sensitive coastal resources that would need to be protected by limiting the development of housing on the site below the maximum density permitted by the LCP. The Commission finds that the PD combining zone is appropriate to add to the zoning designation for the subject property due to the presence of the underground water mains and utility easement restricting the use for residential purposes of a broad swath of the property. Therefore, the Commission finds that the new land use designation for the site would be consistent with the existing LUP and its policies.

IV. FINDINGS SPECIFIC TO APPROVAL OF THE IMPLEMENTATION PLAN (IP) PORTION OF AMENDEMNT NO. ARC-MAJ-1-08 AS SUBMITTED

A. Analysis Criteria

Section 30513 of the Coastal Act establishes the criteria for Commission action on proposed amendments to certified Implementation Programs (IP). Section 50513 states, in applicable part:

...The commission may only reject zoning ordinances, zoning district maps, or other implementing actions on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection specifying the provisions of land use plan with which the rejected zoning ordinances do not conform or which it finds will not be adequately carried out together with its reasons for the action taken.

To approve the amendment, the Commission must find that the amended Implementation Plan will conform with and adequately carry out the provisions of the LUP as certified. The proposed amendment to the Implementation Program would conform with and adequately carry out the certified Land Use Plan.

B. Conformance With & Adequacy of Implementation Plan Changes to Carry Out LUP

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 as amended.

1. Conformance with LUP designation

As noted previously, the City has a combined LUP and Zoning map, and all properties share the same land use and zoning designation. Thus, any changes to the map automatically ensure conformity between the LUP and zoning designations.

2. Conformance with LUP Policy J-7 on PD Zoning

As discussed above, Policy J-7 of the Coastal Land Use Element encourages the use of PD zoning and 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 open spaces while insuring substantial compliance to the base district regulations.

The Commission finds that the PD combining zone is appropriate to add to the zoning designation for the subject property due to the presence of the underground water mains and utility easement restricting the use for residential purposes of a broad swath of the property. Therefore, the Commission finds that the new land use designation for the site would be consistent with the existing LUP and its policies.

Given that application of the PD combining zone would be consistent with the directives of Policy J-7 of the LUP to encourage the use of PD zoning, the Commission finds that proposed Amendment No. ARC-MAJ-12-08 to the City of Arcata Implementation Plan conforms with and is adequate to carry out the Land Use Plan.

V. CALIFORNIA ENVIRONMENTAL QUALITY ACT (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.

VI EXHIBITS:

1. Regional Location Map
2. Vicinity Map
3. Assessors Parcel Map
4. City Resolution No. 078-26
5. Amendment Ordinance No. 1371
6. Land Use and Zoning Map

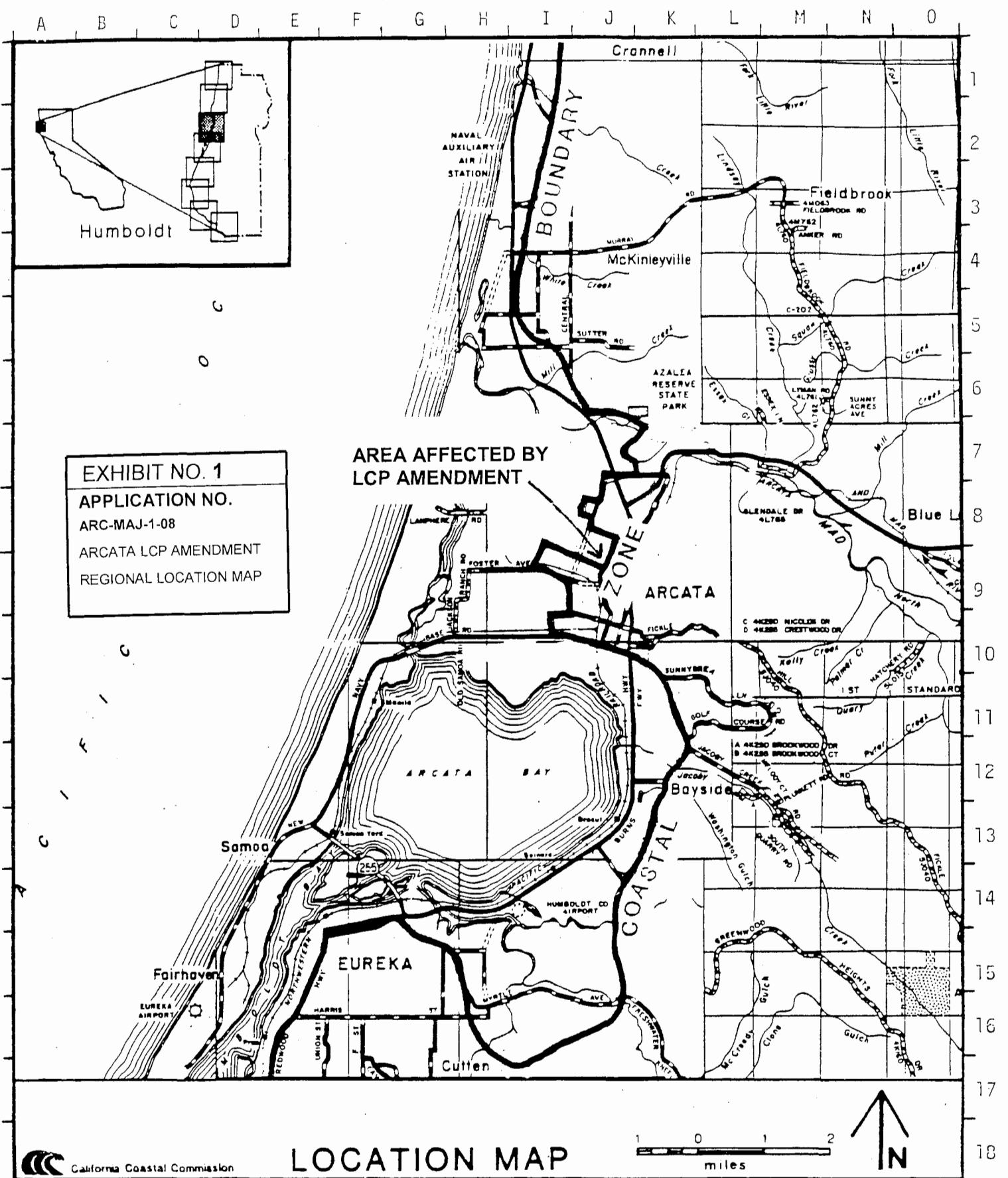


EXHIBIT NO. 1
APPLICATION NO.
 ARC-MAJ-1-08
 ARCATA LCP AMENDMENT
 REGIONAL LOCATION MAP

**AREA AFFECTED BY
 LCP AMENDMENT**

LOCATION MAP

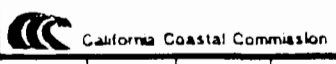


Exhibit 1

Alliance Meadow Zone Amendment

File Number 067-053-PD-TTM-ZA-CDP

Subject Parcels:
Assessor Parcel Numbers:
507-331-047, -048, and -049



EXHIBIT NO. 2
APPLICATION NO.
ARC-MAJ-1-08
ARCATA LCP AMENDMENT
VICINITY MAP

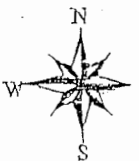
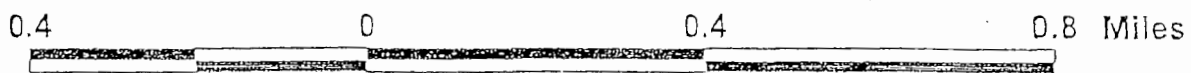


EXHIBIT NO. 4
APPLICATION NO. ARC-MAJ-1-08 ARCATA LCP AMENDMENT CITY RESOLUTION (1 of 7)

RESOLUTION NO. 078-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA
ADOPTING A LOCAL COASTAL PLAN MAP AMENDMENT TO CHANGE THE
GENERAL PLAN DESIGNATION OF THE ALLIANCE MEADOWS PROPERTY AT
THE NORTHWEST CORNER OF THE INTERSECTION OF
ALLIANCE ROAD AND 27TH STREET, ALSO KNOWN AS
ASSESSOR'S PARCEL NUMBERS 507-331-047, -048, AND -049, TO ADD THE
PLANNED DEVELOPMENT COMBINING ZONE (:PD) TO THE COASTAL-
RESIDENTIAL-LOW DENSITY BASE ZONING DISTRICT (C-R-L)

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

WHEREAS, the City of Arcata adopted a combined General Plan Land Use and Zoning Map by Ordinance 1262 on May 7, 1997, that is still in effect for portions of the City located in the Coastal Zone; and,

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

WHEREAS, pursuant to the requirements of state and local law, the Planning Commission, on July 24, 2007, and September 11, 2007, conducted duly noticed and advertised public hearings to consider the proposed amendment, at which time all interested persons were given an opportunity to be heard; and,

WHEREAS, the Planning Commission, following said hearings did adopt, on September 11, 2007, Planning Commission Resolution 07-03, thereby recommending that the City Council adopt the proposed amendment; and,

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

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

Section 1. Local Coastal Plan Amendment. The Local Coastal Plan amendment consists of amending the 1987 General Plan Land Use and Zoning Map to add the Planned Development Combining zone (:PD) to the Coastal-Residential-Low Density (C-R-L) base zoning district of the Alliance Meadows properties, also known as Assessor's Parcel Numbers 507-331-047, -048, and -049, as shown on the attached map as Exhibit 1.

Section 2. Negative Declaration. Based on the Initial Study Report and the recommendation of the Planning Commission, a Negative Declaration of environmental impact for the proposed 1987 General Plan Land Use and Zoning Map amendment is hereby adopted.

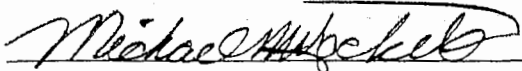
Section 3. Findings. The City Council hereby approves the Findings of Approval, attached as Exhibit 2.

Section 4. Effective Date. The Local Coastal Plan Amendment will take effect automatically upon California Coastal Commission approval.

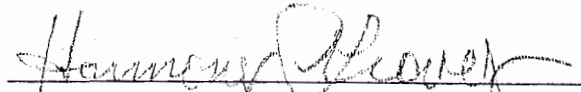
DATED: December 5, 2007

ATTEST:

APPROVED:



City Clerk, City of Arcata



Mayor, City of Arcata

Clerk's Certificate

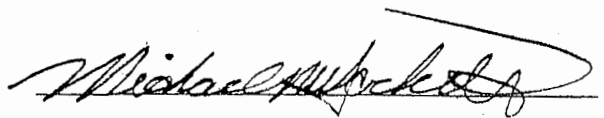
I hereby certify that the foregoing is a true and correct copy of **Resolution No. 078-26**, passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California, held on the 5th day of December, 2007, by the following vote:

AYES: STILLMAN, GROVES, MACHI, PITINO

NOES: NONE

ABSENT: NONE

ABSTENTIONS: WHEETLEY



City Clerk, City of Arcata

FINDINGS

As Approved by City Council on December 5, 2007

The following findings are made in approving the Zone Amendment and Coastal Development Permit. The findings are written in *italics*. A discussion of how the finding can be made, for the project request, will follow the stated criteria. This discussion will be bracketed ([]) and in normal type. *NOTE: The Arcata Planning Commission considered additional Findings related to the proposed Alliance Meadow Planned Development – see Planning Commission 07/24/07 Staff Report Attachment C – Finding.*

I. REQUIRED ZONING AMENDMENT FINDINGS per LUDG 1-0403.3:

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

[The proposed zoning amendment is in conformance with the 1987 General Plan as follows:

I *Urban Services Boundary*

The proposed zone amendment is within the Urban Services Boundary of the City of Arcata. Community sewer and water services are available to serve the parcels subject to the zone amendment to add the Planned Development Combining Zone.

II *Coastal Land Use Map*

The subject parcel is designated Coastal Residential – Low Density (C-R-L). The proposed zone amendment is intended to add the Planned Development Combining zone to the base zoning district to allow flexibility in the housing types. Future development requires a Planned Development Permit, subdivision and a Coastal Development Permit. Based on application material for the Alliance Meadow project it is anticipated the project will provide densities within the recommended 20 persons per net acre standard. The 1.96 net acre subject area may support up to 39 persons, thus based on the latest census data the project may support up to 18 dwelling units ($1.96 \times 20 = 39$ persons per net acre / 2.16 persons per household = 18 dwelling units). As noted in the Coastal Land Use Element the persons per net acre figures are not intended to be a fixed number but indicate approximate numbers of persons each zone can be expected to accommodate. The persons per net acre were revised from 24 to 20 persons per net acre pursuant to City Council Resolution 945-25 (Nov. 16, 1995). Note: State Law requires local jurisdictions to grant density bonuses to affordable housing projects.

III *Environmental Constraints*

According to the Arcata General Plan maps, the subject property is located in a “moderate liquefaction area”. An R-1 Engineering and Geotechnical Engineering Report and addendum were prepared for the proposed project by SHN Consulting Engineers and Geologists (SHN, September, 2006 Report). The report concludes that the risk due to liquefaction is moderate to low and includes recommendations to limit potential liquefaction impacts.

No adverse effects associated with rupture of a known earthquake fault will occur, as there are no known earthquake faults on the site or adjacent properties. According to the SHN,

September 2006 Report, the Little Salmon Fault, a Type A fault is located 8.4 kilometers and the Fickle Hill Fault, a Type B fault is located 2 kilometers from the planned development site. The author of the report concludes the site can be developed for the proposed residential uses provided the specific recommendations found within said report are followed.

According to the 1985 General Plan, Plate D "Matthews Dam Failure Inundation Map", the parcel is located within the anticipated maximum reach of flood waters resulting from catastrophic failure of the dam. Future development requires an early-warning system and evacuation plan for persons living and working in areas subject to floodwaters as a result of catastrophic failure of the Matthews Dam.

A wetland delineation was completed (Winzler & Kelly, February 2006). The delineation resulted in no wetlands or rare and endangered plants or animal or habitat at the site.

The California Historical Resources Information System's regional clearinghouse, the North Coastal Information Center (NCIC) states there is a low probability of finding sites or other evidence of cultural activity and recommends approval of the project with no special conditions or further review required.

IV Development Constraints

The proposed development will not restrict access to the shoreline and will not require the diking, filling or dredging of Bay waters. The project site does not include any wetlands, estuaries or sensitive habitat areas. A Humboldt Bay Municipal Water District water line easement and services bisects the property. The ultimate project design includes provisions for setbacks and construction standards for structures located near the water lines.

V Urban Development

The project site is not located on any route designated as a Public Access Corridor. In addition, urban services are available for the project and will not require extension of urban services in the Coastal Planning Area. Planned Developments are encouraged to provide a variety of housing types, land uses and sufficient usable open space through innovative design. The proposed zone amendment is intended to add the Planned Development Combining zone to the Coastal Residential – Low Density zoning district as a means of providing affordable housing by allowing a diversification in housing types.

VI Public Facilities

The project site does not contain any public facilities. In addition, the parcel is not located along access routes to Arcata Bay, Arcata Marsh or any area designated as a public recreational facility.]

I-B For development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, the development is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act.

[The project site is not between the nearest public road and the sea or shoreline of any water body in the coastal zone; therefore, this finding is not required.]

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

[The proposed zone amendment to add the Planned Development Combining Zone is intended to provide affordable housing options through innovative design such as

clustered housing units consistent with the uses allowed in the C-R-L base zoning district. The proposed amendment is encouraged in the 1987 General Plan and zoning ordinance to support a variety of housing types. The future development is intended to provide affordable housing units due to the common wall development and smaller lot sizes. The City Council will review and take action on the proposed Alliance Meadows Planned Development after the Coastal Commission certifies the zone amendment. The proposed uses for the site will be compatible with the existing residential land uses in the neighborhood.]

III. REQUIRED COASTAL DEVELOPMENT PERMIT FINDINGS PER LUDG SECTION 1-0408.4.

III-A The proposed development conforms to the Certified Local Coastal Program.

[The proposed zone amendment to the existing zoning designation of Coastal Residential Low Density [C-R-L], is consistent with urban development policies that encourage the use of the Planned Development zoning as a means of providing a variety of housing types. As noted above the Planned Development Combining zone amendment is anticipated to be consistent with the density limits enumerated in the local coastal plan (up to 20 persons/net acre) (2000 census data indicates 2.16 persons per household). No coastal access exists on or adjacent to the proposed development, thus the proposed zone amendment will not restrict public access to the shoreline or increase the potential for adverse affects to coastal resources. The proposed project also conforms to the in-fill policies of the Local Certified Coastal Program as it provides opportunities for a variety of housing types within an established residential area within the Urban Services Boundary. No sensitive habitat areas are located on or within the immediate vicinity of the proposed zone amendment. The property is not located within a Coastal Scenic Area. Based on the above the project can be found to be consistent with the Local Coastal Program.]

III. ENVIRONMENTAL FINDINGS.

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

[Prior to making a decision of the project application, the Planning Commission/City Council has received and considered the Initial Study Report and proposed Negative Declaration, together with all written and oral comments thereon received at or before the public hearing conducted on July 25, 2007, September 11, 2007 and December 5, 2007. The Negative Declaration adopted herein reflects the Planning Commission's, City Council's and the City of Arcata staff's independent judgment and analysis.

1. The proposed Negative Declaration was prepared and circulated pursuant to the CEQA Guidelines and applicable state and local law. A Notice of Intent to Adopt the Mitigated Negative Declaration was provided in accordance with the foregoing.
2. The administrative record for the final Negative Declaration includes the Initial Study Report (with attachments), the written and oral comments received, and the response to said comments. The Arcata Community Development Department, located at 736 "F" Street, Arcata, is the custodian of the documents and other materials that constitute the record of proceedings upon which the Planning Commission/City Council's decision is based.
3. The Initial Study shows that the project, in light of the whole record before the Agency will not cause significant effects on the environment.

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

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

[State law (AB 3158) requires special findings when minimal fish or wildlife impacts are expected as a result of a project. Information provided in the Initial Study and Negative Declaration support this conclusion. The project site does not contain any forested, wet, or other areas considered as unique biological areas. The proposed zone amendment is currently a procedural matter that will not have the potential to adversely impact fish or wildlife. Note: Senate Bill 1535 no longer allows a lead agency to exempt a project from filing the California Department of Fish and Game (DFG) fees, or make a "de minimus" impact finding. The City understands the zone amendment is not vested until the Coastal Commission certifies the proposed zone amendment and obtains a waiver of fees from DFG or pay the fees after all project approvals are obtained.]

ORDINANCE NO. 1371

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING THE ARCATA MUNICIPAL CODE, TITLE IX, THE LAND USE AND DEVELOPMENT GUIDE, CHAPTER 1, ARTICLE 2, SECTION 1-0203, ZONING MAP, TO ADD THE PLANNED DEVELOPMENT (:PD) COMBINING ZONE TO ASSESSOR PARCEL NUMBERS 507-331-047; - 048; and -049.

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

SECTION 1. Amendment of the 1987 General Plan Land Use and Zoning Map

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

The property identified as project site on Exhibit 1 is hereby rezoned to include the Planned Development (:PD) Combining zone to the base Coastal - Residential – Low Density (C-R-L) zone district. The property is also described as follows: Alliance Meadows properties at the northwest corner of Alliance Road and 27th Street; Assessor Parcel Numbers 507-331-047; -048; and -049.

SECTION 2. Findings of Approval

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

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

SECTION 3. Severability

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

SECTION 4. Limitation of Actions

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

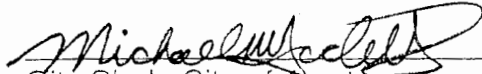
EXHIBIT NO. 5
APPLICATION NO.
ARC-MAJ-1-08
ARCATA LCP AMENDMENT
AMENDMENT ORDINANCE
(1 of 3)

SECTION 5. Effective Date

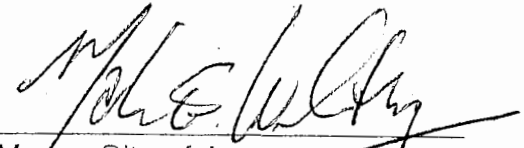
This ordinance shall take effect thirty (30) days after its adoption by the City Council.

DATED: December 19, 2007

ATTEST:



City Clerk, City of Arcata



Mayor, City of Arcata

CLERK'S CERTIFICATE

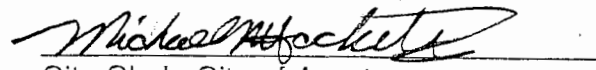
I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1371 passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 19th day of Dec., 2007, by the following vote:

AYES: WHEETLEY, GROVES, MACHI, PITINO, STILLMAN

NOES: NONE

ABSENT: NONE

ABSTENTIONS:



City Clerk, City of Arcata

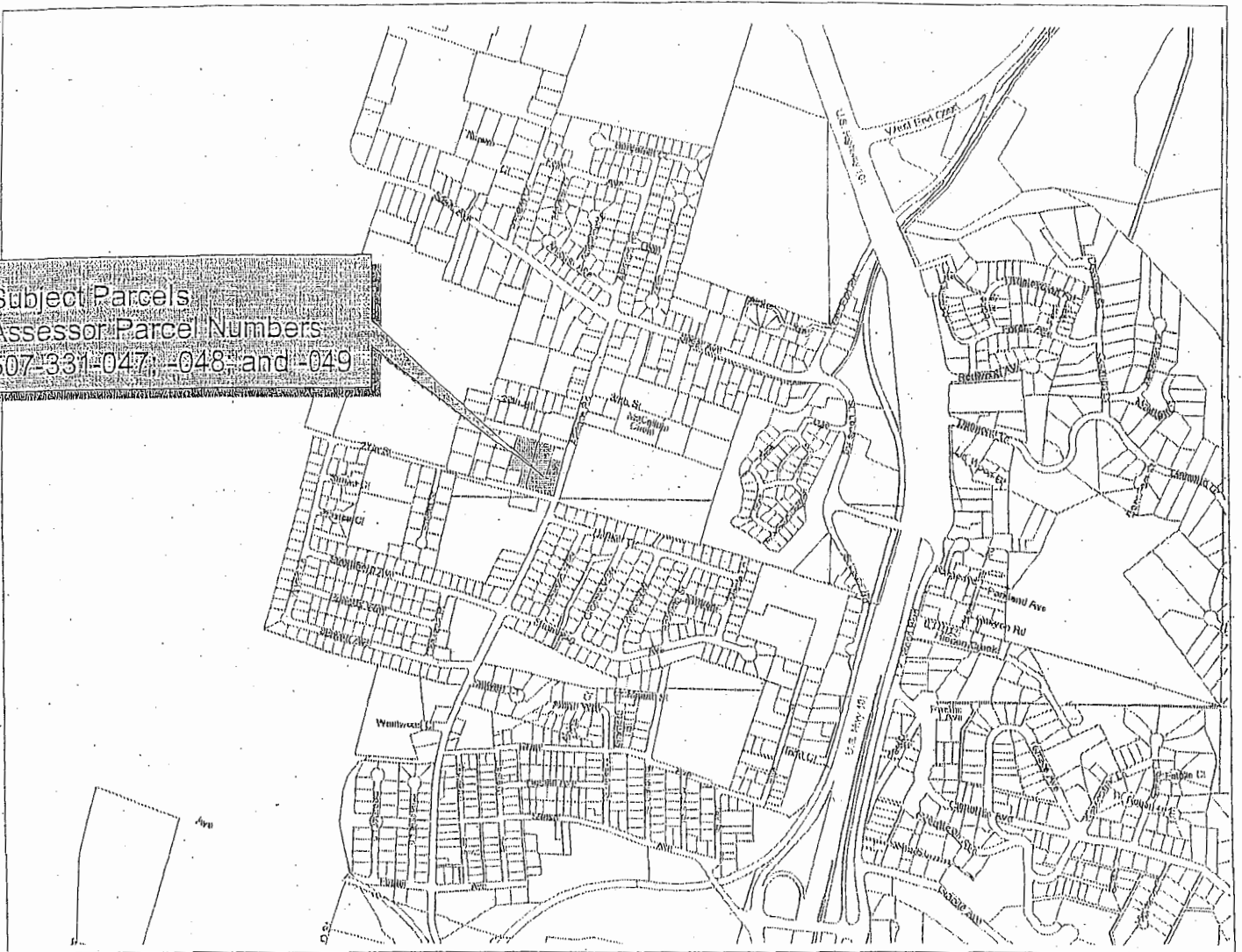
2 of 3

Exhibit 1

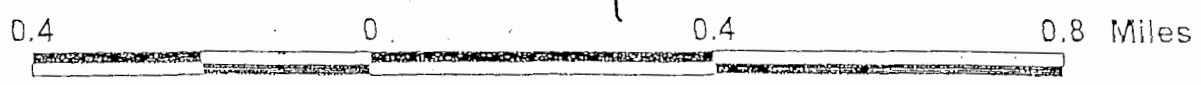
Alliance Meadow Zone Amendment

File Number 067-053-PD-TTM-ZA-CDP

Subject Parcels
Assessor Parcel Numbers:
507-331-047, -048 and -049



3 of 3



City of Arcata Section "D" LAND USE PLAN AND ZONING MAP

RF 1:9,000

Mapscale in Feet

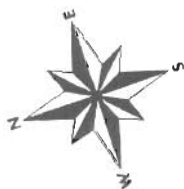
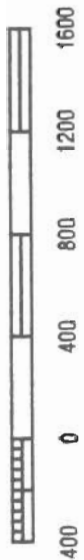
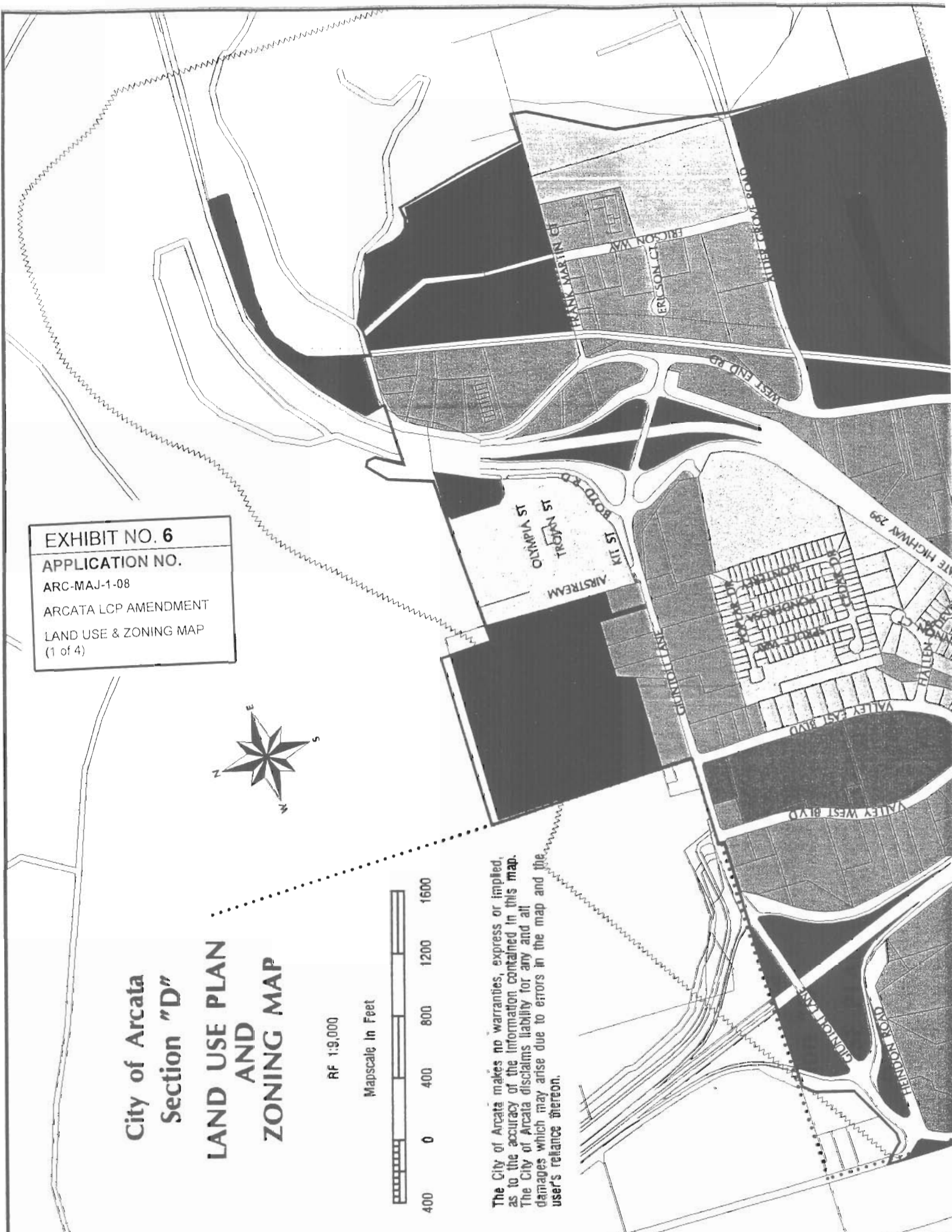


EXHIBIT NO. 6
APPLICATION NO.
 ARC-MAJ-1-08
 ARCATA LCP AMENDMENT
 LAND USE & ZONING MAP
 (1 of 4)

The City of Arcata makes no warranties, express or implied, as to the accuracy of the information contained in this map. The City of Arcata disclaims liability for any and all damages which may arise due to errors in the map and the user's reliance thereon.



- Resource Protection [NRP]
- Exclusive [A-E]
- Agriculture [R-A]
- [F/H]
- [R-R]
- Residential - Low Density [R-L]
- Residential - Medium Density [R-M]
- Residential - Medium High Density [R-MH]
- Residential - High Density [R-H]
- General Commercial [C-G]
- Central Business District [CBD]
- Thoroughfare Commercial [C-T]
- Industrial Commercial [I-C]
- Heavy Industrial [I-H]
- Public Facility [P-F]
- Public Facility - Parks [P]
- Sphere of Influence
- Parcel Boundary
- Railroad
- Coastal Zone Boundary
- Sphere of Influence
- Arcata City Section

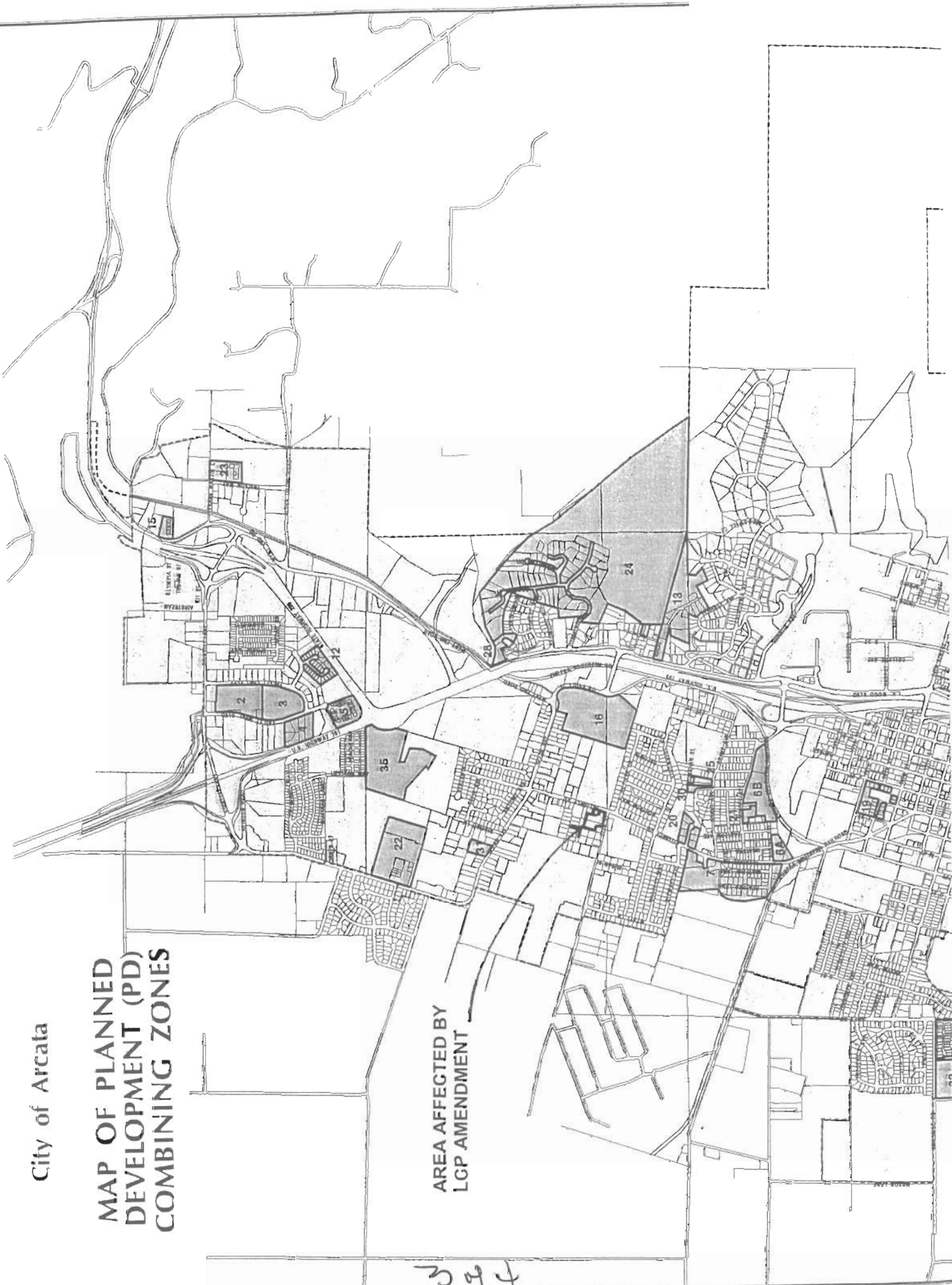


2094

City of Arcata

MAP OF PLANNED
DEVELOPMENT (PD)
COMBINING ZONES

AREA AFFECTED BY
LGP AMENDMENT



132



RF 1:24,000

Mapscale in Miles



PLANNED DEVELOPMENT
COMBINING ZONE

CITY OF ARCATÁ BOUNDARY

This map is for informational purposes only. The City of Arcata, including any employees and sub-contractors, makes no warranties, express or implied, as to the accuracy of the information contained in this map. The City of Arcata, including any employees and sub-contractors, disclaims liability for any and all damages which may arise due to errors in the map and the user's reliance thereon.

REFER TO THE LAND USE PLAN AND ZONING MAP FOR "BASE" ZONING. THIS MAP REPRESENTS ZONING SPECIFIED IN SECTION 1-0220 PLANNED DEVELOPMENT COMBINING ZONE OF THE ARCATÁ LAND USE AND DEVELOPMENT GUIDE (LUDG).