

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
710 E STREET • SUITE 200
EUREKA, CA 95501
VOICE (707) 445-7833
FACSIMILE (707) 445-7877



F10a

MEMORANDUM

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Date: August 9, 2011

To: Commissioners and Interested Parties

From: Peter M. Douglas, Executive Director
Robert S. Merrill, District Manager – North Coast District
James R. Baskin AICP, Coastal Program Analyst – North Coast District

Subject: **Addendum to Commission Meeting for Friday, August 12, 2011
North Coast District Item F10a, Local Coastal Program Amendment No.
ARC-MAJ-1-09 (LCP Update) – City of Arcata**

On July 29, 2011, the staff report for the above-encaptioned Local Coastal Program amendment was published which contained a set of voluminous attachments and exhibits setting forth the “suggested modifications” recommended by the staff to bring the proposed amended planning and regulatory documents into conformance with the Coastal Act to allow for their certification by the Commission. Given the time-intensity for preparing the numerous modifications, the staff report did not include any substantive analysis of the City’s proposed amendments or provide the rationale for the various suggested modifications in a set of written “findings.” This supplemental reportage will be provided in the staff recommendation for the Commission’s September 7-9, 2011 meeting when the subject proposed LCP amendment will again be before the Commission for action on its requested certification. In the interim, to aid the reader in focusing in on the more substantive changes staff has suggested to the City’s proposal, this addendum provides a summary listing of the modifications being suggested by staff with notations as to where in the various attachments these various recommended changes may be read in their entirety.

This addendum also provides a copy of the comment letter received from Humboldt Baykeeper regarding the subject LCP amendment.

ATTACHMENTS

Comment Letter from Humboldt Baykeeper, dated August 2, 2011, received August 8, 2011

SUMMARY OF SUGGESTED MODIFICATIONS LOCAL COASTAL PROGRAM AMENDMENT NO. ARC-MAJ-1-09 (LCP UPDATE)

ARCATA GENERAL PLAN:2020 AND LOCAL COASTAL PLAN (LUP)

Introduction

- **Expand on definitions of “Goals,” “Principles,” “Objectives,” Implementation Programs;” introduce “Other Initiatives”** (pp. I-11 – I-12)
- Append “general policies” section for resolving inter-/intra-document policy conflicts (pp. I-13 – I-15)
- Enumerate CDP governing/non-governing policies (pp. I-22 – I-23)

Chapter 1 Community Vision Statement

- No modifications suggested

Chapter 2 Community Development

Land Use Element

Policy Group LU-1 Overall Land Use Pattern: Land Use Plan Map

- Delete non-coastal references and non-LCP policies; relocate non-regulatory, declaratory statements to *Other Initiatives* (various locations)
- **Append general policies from Introduction as enumerated policies** (pp. 2-5 – 2-7)
- Modify LU-1g for consistency with PRC 30255 (p. 2-10)

Policy Group LU-2 Residential Land Use

- Delete non-coastal references and non-LCP policies; relocate non-regulatory, declaratory statements to *Other Initiatives* (various locations)
- **Delete certain uses from R-VL designation entry on Table LU-2 to maintain resource/urban lands transitional function** (p. 2-12)

Policy Group LU-3 Commercial Land Use

- Delete non-coastal references and non-LCP policies; relocate non-regulatory, declaratory statements to *Other Initiatives* (various locations)
- **Delete/qualify certain use types in text of C-VS designation and on Table LU-4 to ensure primacy of designation’s visitor-serving intent** (p. 2-14)

Policy Group LU-4 Industrial Land Use

- Delete non-coastal references and non-LCP policies; relocate non-regulatory, declaratory statements to *Other Initiatives* (various locations)
- **Strike LU-4g as an outright prohibition of oil and gas development inconsistent with Coastal Act; append new permitting parameters based on provisions of PRC 30250(b), 30255, 30262, 30263, and 30515 for the location or accommodation of coastal dependent and other priority uses, including oil and gas development; standing for petitioning LCP amendment for oil and gas development accommodation** (pp. 2-18 – 2-20)

Policy Group LU-5 Public Facilities

- Delete non-coastal references and non-LCP policies; relocate non-regulatory, declaratory statements to *Other Initiatives* (various locations)

Policy Group LU-6 Agricultural and Natural Resource Lands

- Delete non-coastal references and non-LCP policies; relocate non-regulatory, declaratory statements to *Other Initiatives* (various locations)
- Delete AR designation (p. 2-24)
- **Delete certain agricultural-incompatible uses in AE zoning district, reduce residential density, and restrict “farm dwelling” as sole permissible SFR form predicated upon demonstration of functionally necessity of residence’s presence to the farm’s operation on Table LU-9 and in revised/appended LU-6 policies** (pp. 2-25 – 2-28)
- **Delete certain resource-incompatible uses from NR-PT on Table LU-9** (p. 2-25)
- Append new NR-WSP uses column in Table LU-9 (p. 2-25)

Growth Management Element

Policy Group GM-1 Planning Area

- Delete non-coastal references and non-LCP policies; relocate non-regulatory, declaratory statements to *Other Initiatives* (various locations)
- Delete extra-legal discussions and policies in re: pre-planning of unincorporated lands (pp. 2-30 – 2-31, 2-34 – 2-35)

Policy Group GM-2 Sphere of Influence

- Delete non-coastal references and non-LCP policies; relocate non-regulatory, declaratory statements to *Other Initiatives* (various locations)
- Delete extra-legal discussions and policies in re: pre-planning of unincorporated lands (pp. 2-37 – 2-38)

Policy Group GM-3 Annexations

- Delete non-coastal references and non-LCP policies; relocate non-regulatory, declaratory statements to *Other Initiatives* (various locations)
- Delete extra-legal discussions and policies in re: annexations of unincorporated lands (pp. 2-38 – 2-40)

Policy Group GM-4 Urban Services and Urban Services Boundary

- **Insert new location-of-development/ priority-uses policies for PRC 30213, 30220, 30221, 30222, 30222.5, 30223, 30224, 30234, 30234.5, 30250, 30252, 30255, and 30260 conformance**(pp. 2-40 – 2-42)
- Expand on language of GM-4a GM-4c to include services capacities limitations of PRC 30250(a) and 30254 in re: USB expansion(pp. 2-42 – 2-43)

Transportation Element

Policy Group T-4 Streets and Highways Plan and Policy

- Delete non-coastal references and non-LCP policies; relocate non-regulatory, declaratory statements to *Other Initiatives* (various locations)
- Insert new CCT policy (pp. 2-72 – 2.73)

Policy Group T-5 Bicycle and Pedestrian Facilities

- Delete non-coastal references and non-LCP policies; relocate non-regulatory, declaratory statements to *Other Initiatives* (various locations)

Policy Group T-7 Rail and Freight Transportation

- Delete non-coastal references and non-LCP policies; relocate non-regulatory, declaratory statements to *Other Initiatives* (various locations)

Public Facilities & Infrastructure Element

Policy Group PF-1 Water Supply and Delivery

- Delete non-coastal references and non-LCP policies; relocate non-regulatory, declaratory statements to *Other Initiatives* (various locations)

Policy Group PF-2 Wastewater Collection, Treatment and Disposal

- Delete non-coastal references and non-LCP policies; relocate non-regulatory, declaratory statements to *Other Initiatives* (various locations)

Policy Group PF-3 Stormwater Management

- Delete non-coastal references and non-LCP policies; relocate non-regulatory, declaratory statements to *Other Initiatives* (various locations)
- **Insert WQU-authored suggested modifications in re: requisite use of BMPs, LID, post-development stormwater plan requirements** (pp. 2-90 – 2-93)

Policy Group PF-5 Public Facilities

- Delete non-coastal references and non-LCP policies; relocate non-regulatory, declaratory statements to *Other Initiatives* (various locations)

Chapter 4 Environmental Quality and Management

Open Space Element

Policy Group OS-1 Overall Open Space System

- Delete non-coastal references and non-LCP policies; relocate non-regulatory, declaratory statements to *Other Initiatives* (various locations)

Policy Group OS-2 Natural Resources Protection and Enhancement

- Delete non-coastal references and non-LCP policies; relocate non-regulatory, declaratory statements to *Other Initiatives* (various locations)

Policy Group OS-3 Open Space for Managed Production of Resources

- Delete non-coastal references and non-LCP policies; relocate non-regulatory, declaratory statements to *Other Initiatives* (various locations)

Policy Group OS-4 Open Space for Outdoor Recreation/ Coastal Access

- Append prefacing PRC 30210, 30211, 30212, 30213, and 30214 equivalent policies (pp. 4-7 – 4-10)

- Delete extra-jurisdictional access points from OS-4b inventory (pp. 4-7, 4-9)

Policy Group OS-5 Open Space in Health and Safety Hazard Areas

- Relocate hazards-themed policies to Chapter 6 (p. 4-11)

Resource Conservation & Management Element

Policy Group RC-1 Natural Biological Diversity/ Ecosystem Function

- Delete non-coastal references and non-LCP policies; relocate non-regulatory, declaratory statements to *Other Initiatives* (various locations)
- Append prefacing PRC 30240 policy equivalent (pp. 4-19 – 4-20)
- **Expand definition of ESHA; qualify non-exhaustiveness of listed ESHA types/locations** (pp. 4-19 – 4-20)
- **Unify ESHA buffer and buffer width provisions** (pp. 4-21 – 4-22)
- **Append new Economic Viability Determination policy for addressing applicant assertions of regulatory takings** (p. 4-24)

Policy Group RC-2 Streams Conservation & Management

- Delete non-coastal references and non-LCP policies; relocate non-regulatory, declaratory statements to *Other Initiatives* (various locations)
- Append prefacing PRC 30230, 30231, and 30236 policy equivalents (pp. 4-24 – 4-25, 4-28)
- **Unify ESHA buffer and buffer width provisions** (p. 4-25)
- Delete provisions for requisite application of :SP overlay (p. 4-25)
- Append GP:2020 non-coastal policy in re: conservation easements (p. 4-27)

Policy Group RC-3 Wetlands Management

- Delete non-coastal references and non-LCP policies; relocate non-regulatory, declaratory statements to *Other Initiatives* (various locations)
- Append prefacing PRC 30233 policy equivalent (pp. 4-29 – 4-30)
- **Augment wetland delineation study requirements** (pp. 4-28 – 4-29, 4-32 – 4-33)
- **Qualify non-exhaustiveness of Wetlands Map locations/extents** (p. 4-32)
- **Unify ESHA buffer and buffer width provisions** (p. 4-30)
- **Establish default 4:1 areal compensatory replacement mitigation ratio**
- Delete provisions for requisite application of :WP overlay (p. 4-32)
- Limit compatible agricultural uses on diked/reclaimed Public Trust lands to existing operations (p. 4-34)

Policy Group RC-4 Open Waters of Arcata Bay & Tidelands

- Delete non-coastal references and non-LCP policies; relocate non-regulatory, declaratory statements to *Other Initiatives* (various locations)
- Append prefacing PRC 30233, 30234 policy equivalents (pp. 4-36 – 4-38)

Policy Group RC-5 Agricultural Resources Management

- Delete non-coastal references and non-LCP policies; relocate non-regulatory, declaratory statements to *Other Initiatives* (various locations)
- Append prefacing PRC 30241, 30241.5, 30242, and 30243 (soils conservation) policy equivalents (pp. 4-38 – 4-40)

- *Append other precedental policies for protecting agricultural lands, in re: land divisions, qualified location of structural improvements, size and bulk restrictions, avoiding off-site impacts to adjoining agricultural lands* (pp. 4-40 – 4-41)

Policy Group RC-7 Water Resources Management

- Delete non-coastal references and non-LCP policies; relocate non-regulatory, declaratory statements to *Other Initiatives* (various locations)
- *Insert WQU-authored suggested modifications in re: requisite use of BMPs, LID, post-development stormwater plan requirements* (pp. 4-43 – 4-48)

Air Quality Element

Policy Group AQ-1 Point and Area Sources of Air Pollutants

- Delete non-coastal references and non-LCP policies; relocate non-regulatory, declaratory statements to *Other Initiatives* (various locations)
- Append prefacing PRC 30253(c) policy equivalent (p. 4-59)

Chapter 5 Design & Historical Preservation

Design Element

Policy Group D-3 Scenic Routes, Resources and Landscape Features

- Delete non-coastal references and non-LCP policies; relocate non-regulatory, declaratory statements to *Other Initiatives* (various locations)
- Append prefacing PRC 30251 policy equivalent (p. 5-8)
- Delete extra-jurisdictional scenic highway segments and entryway locations from D-3a inventory (p. 5-8)

Policy Group D-4 Subdivision Design

- Append non-coastal GP:2020 subdivision design policies (pp. 5-9 – 5-11)

Historical Preservation Element

Policy Group HP-1 Historic Landmarks

- No modifications suggested

Policy Group HP-7 Archaeological and Cultural Resources

- Delete non-coastal references and non-LCP policies; relocate non-regulatory, declaratory statements to *Other Initiatives* (various locations)
- Append prefacing PRC 30244 policy equivalent (p. 5-34)
- Updated reference to NCIC to THPO in re: identification of consultation entity (pp. 5-34 – 5-35)

Chapter 6 Health & Safety

Public Safety Element

Policy Group PS-1 Emergency Preparedness

- Delete non-coastal references and non-LCP policies; relocate non-regulatory, declaratory statements to *Other Initiatives* (various locations)
- Append prefacing PRC 30253(a) policy equivalent (pp. 6-4 – 6-5)
- **Modify critical facilities design criterion in PS-1d to conform with state seismic safety law** (p. 6-4)

Policy Group PS-2 Seismic Hazards

- Delete non-coastal references and non-LCP policies; relocate non-regulatory, declaratory statements to *Other Initiatives* (various locations)
- Append prefacing PRC 30253(a) policy equivalent (pp. 6-4 – 6-5)
- Modify report preparer's credential requirements to match licensing boards' (p. 6-5)
- Update references to hazards studies (p. 6-6)

Policy Group PS-3 Other Geologic Hazards

- Delete non-coastal references and non-LCP policies; relocate non-regulatory, declaratory statements to *Other Initiatives* (various locations)
- Append prefacing PRC 30253(a) & (b) policy equivalents (p. 6-8)
- Append bluff-top/cliff-face development evaluation and development standards (pp. 6-8 – 6-10)
- Modify report preparer's credential requirements to match licensing boards' (p. 6-14)

Policy Group PS-4 Flood Hazards

- Delete non-coastal references and non-LCP policies; relocate non-regulatory, declaratory statements to *Other Initiatives* (various locations)
- Append prefacing PRC 30253(a) policy equivalent (p. 6-14)
- Append new references to tsunami hazards studies/models (p. 6-14)
- **Append new sea level rise policy in re: incorporation into technical analyses** (p. 6-15)
- **Append new tsunami hazard avoidance/minimization policies in re: elevation above inundation/runup depths for new, land division-borne permanent residences, building resiliency, requirement for approved tsunami safety plan** (pp. 6-15 – 6-16)

Policy Group PS-5 Fire Hazards

- Delete non-coastal references and non-LCP policies; relocate non-regulatory, declaratory statements to *Other Initiatives* (various locations)
- Append prefacing PRC 30253(a) policy equivalent (p. 6-19)

Policy Group PS-6 Hazardous Materials

- Delete non-coastal references and non-LCP policies; relocate non-regulatory, declaratory statements to *Other Initiatives* (various locations)
- Append prefacing PRC 30232 policy equivalent (p. 6-20)

Glossary

- Append new glossary appendix with specified Coastal Act definitions included (pp. A-1 – A-14)

TITLE 9 LAND USE CODE (IP)

ARTICLE 1 Land Use Code Applicability

Chapter 9.10 - Purpose and Applicability of Land Use Code

- Append “general principles” section in re: resolving inter-/intra-document provision conflicts (p. 1-2)
- **Modify list of CDP-governing LUC sections at 9.10.020 to include omitted incorporated-by-reference and those needed for adequate LUP implementation** (p. 1-3)

Chapter 9.12 – Zoning Map

- Append separate listing of Coastal Zone zoning districts at 9.12.020, Table 1-1, including omitted NR-WSP sub-district designation (pp. 1-8 – 1-9)
- **Strike provision at 9.12.030 in re: effectuation of pre-zoning designation upon annexation (without Commission certification)** (pp. 1-9 – 1-10)

ARTICLE 2 Zoning Districts & Allowable Land Uses

Chapter 9.20 - Development and Land Use Approval Requirements

- Add overall LCP consistency to list of requisite findings for use authorizations at 9.20.030.A.3 (p. 2-4)

Chapter 9.22 - Agricultural and Resource Zoning Districts

- Delete non-coastal references and non-LCP provisions (various locations)
- Delete AR zoning district (pp. 2-7, 2-9 – 2-11)
- **Delete certain agricultural-incompatible uses from AE, reduce residential density, and restrict “farm dwelling” as sole permissible SFR form where demonstrated as functionally needed for farm’s operation on Table 2-1 and 2-2** (pp. 2-9 – 2-11)
- **Delete certain resource-incompatible uses from NR-PT on Table 2-1** (pp. 2-9 – 2-11)
- Append omitted NR-WSP uses into Table 2-1 (pp. 2-9 – 2-10)

Chapter 9.24 - Residential Zoning Districts

- Delete non-coastal references and non-LCP provisions (various locations)
- **Delete certain uses from R-VL designation on Table 2-4 to maintain resource/urban lands transitional function** (pp. 2-14 – 2-14)

Chapter 9.26 - Commercial, Industrial, and Public Facility Zoning Districts

- Delete non-coastal references and non-LCP provisions (various locations)
- **Qualify certain use types in C-VS at 9.26.020.D and on Table 2-10 to ensure primacy of designation’s visitor-serving intent** (pp. 2-25 – 2-26)

Chapter 9.28 - Combining Zones

- Clarify at 9.28.020.A application of combining zone is through LCP amendment process (p. 2-37)
- Modify scope of :NH combining zone as including tsunami hazard areas at 9.28.050.B.4 (p. 2-41)
- **Delete 9.28.100 (Wetland :WP and Stream Protection :SP Combining Zones)** (p. 2-45)

ARTICLE 3 Site Planning and Project Design Standards

Chapter 9.30 - Standards for all Development and Land Uses

- Insert notice of non-obviation of requirements for obtaining CDP at 9.30.040 when height exception granted (p. 3-6)
- Append outdoor lighting standards to prohibit direct illumination of ESHA at 9.30.070.A (p. 3-12)

Chapter 9.31 - Density Bonuses

- ***Insert qualifier at 9.31.020, 9.31.030.B, 9.31.040.A, 9.31.060.B, and 9.31.110.C in re: amount of density bonus not to be inconsistent with LCP policies*** (pp. 3-21 – 3-24, 3-26, 3-29)

Chapter 9.32 - Affordable Housing Requirements

- Label chapter as “not a part” for purposes of CDP governance (p. 3-30)

Chapter 9.34 - Landscaping Standards

- Insert prohibition against use of problematic/invasive plants at 9.34.060.A (p. 3-46)

Chapter 9.36 - Parking and Loading

- No modifications suggested

Chapter 9.38 – Signs

- No modifications suggested

ARTICLE 4 Standards for Specific Land Uses

Chapter 9.40 - Sex-Oriented Business Regulations

- Label chapter as “not a part” for purposes of CDP governance (p. 4-2)

Chapter 9.42 - Standards for Specific Land Uses

- Label chapter sub-sections .020-.050, .070.164, and .180 as “not a part” for purposes of CDP governance (p. 4-3)
- Delete B&Bs as permissible use in R-VL zoning districts at 9.42.060.A & B to maintain resource/urban lands transitional function (p. 4-8)
- ***Insert supplemental criteria at 9.42.170.H in re: ministerial CDP approval of SDUs consistent with LCP policies*** (pp. 4-29 – 4-30)

Chapter 9.44 - Telecommunications Facilities

- ***Insert caveat at 9.44.030.A of chapter’s applicability provided not in conflict with TCA preemptions*** (p. 4-35)
- Insert notice of non-obviation of requirements for obtaining CDP at 9.44.040.A when authorization of telecommunications facility granted (p. 4-36)

ARTICLE 5 Resource Management

Chapter 9.50 - Agricultural Preservation - Right-to-Farm

- **Insert new subsections at 9.50.020 through .050 for application requirements, review procedures, supplemental findings, and development standards for development within and adjacent to agricultural lands** (pp. 5-3 – 5-10)

Chapter 9.52 - Hillside Development

- No modifications suggested

Chapter 9.53 - Historical Resource Preservation

- No modifications suggested

Chapter 9.54 - Resource Conservation

- Label chapter as “not a part” for purposes of CDP governance (p. 5-36)

Chapter 9.56 - Solar Siting and Solar Access

- Label chapter as “not a part” for purposes of CDP governance (p. 5-39)

Chapter 9.58 - Tree Preservation and Hazardous Tree Removal

- Insert notice of non-obviation of requirements for obtaining CDP at 9.58.020.B.1 when authorization for tree removal granted (pp. 2-25 – 2-26)

Chapter 9.59 - Environmentally Sensitive Habitat Areas Protection and Preservation

- **Clarify at 9.59.020 applicability of chapter provisions to all City areas regardless of whether designated NR-WSP, :SP, or :WP or not** (p. 5-50)
- **Supplement definition of “wetlands for conformance with PRC 30121 and 14 CCR 13577(b)** (pp. 5-51 – 5-52)
- **Append new subsection 9.59.045 setting forth reduced buffer adequacy evaluation criteria** (pp. 5-52 – 5-54)
- **Delete provisions for requisite application of :WP and :SP overlays** (p. 5-58)

ARTICLE 6 Site Development Regulations

Chapter 9.60 - Flood Hazard Mitigation Standards

- Augment subsection 9.60.060 to include tsunami risk exposure and sea level rise evaluation criteria; review procedures, supplemental findings, and development standards for development within and in proximity to flood prone areas (pp. 6-5 – 6-7)

Chapter 9.61 - Public Access and Recreational Opportunities

- **Insert new chapter addressing requirements for protection and provision of public access facilities; OTD proffering/acceptance** (pp. 6-13 – 6-30)

Chapter 9.62 - Geologic Hazard Review

- Augment subsection 9.62.010 through .040 to include contemporary geologic risk exposure evaluation criteria; review procedures, supplemental findings, and development standards for development within and in proximity to instability prone areas (pp. 6-31, 6-36 – 6-41)

Chapter 9.64 - Grading, Erosion, and Sediment Control

- No modifications suggested

Chapter 9.66 - Urban Runoff Pollution Control

- ***Insert WQU-authored suggested modifications in re: requisite use of BMPs, LID, post-development stormwater plan requirements*** (pp. 6-52, 6-54 – 6-55, 6-58 – 6-71)

Chapter 9.68 - Visual Resources Protection

- ***Insert new chapter addressing requirements for assessment of proposed new development effects on view to/along coast/scenic areas, supplemental findings, and development standards*** (pp. 6-72 – 6-74)

ARTICLE 7 Planning Permit Procedures

Chapter 9.70 - Permit Application Filing and Processing

- Clarify multiple hearing body authority for issuance of emergency permits in Table 7-1 (p. 7-4)
- Insert reference to 14 CCR 13569 at 9.70.060.B in re: conformance of public hearing notice with Coastal Act administrative regulations (p. 7-8)

Chapter 9.72 - Permit Approval or Disapproval

- Expand on purpose statement of 9.72.030.A & B to more comprehensively reflect contents of chapter subsection (pp. 7-10 – 7-11)
- Expand on/append new permit exemption provisions in 9.72.030B.2.f, 9.72.030B.8 through 9.72.030C for consistency with PRC 30610 and 14 CCR 13250 et seq. (pp. 7-11 – 7-17)
- Further detail CDP application content and processing requirements at 9.72.030D through 9.72.030.S(pp. 7-19 – 7-24)
- Append new procedures for open space and public access easements (pp. 7-24 – 7-25)
- ***Append new subsection 9.72.035 Economic Viability Determination procedures for addressing assertions of regulatory takings*** (pp. 7-25 – 7-26)
- Insert qualifier at 9.72.090.B in re: limitations on granting of variances for resulting development that would be inconsistent with ESHA/hazardous area buffers, other coastal resource protections (p. 7-38)

Chapter 9.74 - Public Hearings

- Append de minimis permit waiver provisions (p. 7-44)
- Append new subsection at 9.74.055 for dual-jurisdictional development site consolidated permitting by CCC PRC (pp. 7-44 – 7-45)
- Augment public notice procedures for continued hearing items at 9.74.060.B (p. 7-45)
- Append Permit Streamlining Act compliance requirements and procedures at 9.74.080 (pp. 7-45 – 7-46)

Chapter 9.76 – Appeals

- Notice of Final Local Action (p. 7-49)
- Standing to appeal (p. 7-51)
- Areas and Types of Appealable Development (pp. 7-51)

Chapter 9.78 - Environmental Impact Assessment

- EIR Statement of Overriding Considerations not to Resolve LCP policy conflicts (p. 7-63)

Chapter 9.79 - Permit Implementation, Time Limits, and Extensions

- No modifications suggested

ARTICLE 8 Subdivision Regulations and Procedures

Chapter 9.80 - Applicability and Administration of Subdivision Regulations

- Append criterion for resolving CCA/SMA conflicts, mutual applicability at 9.80.030.B (p. 8-3)

Chapter 9.81 - Tentative Map Filing and Processing

- Insert notice of non-obviation of requirements for obtaining CDP at 9.81.050.F, 9.91.090.A, and 9.81.090.D when tentative map approval granted (p. 8-8)

Chapter 9.82 - Parcel Maps and Final Maps

- Insert notice of non-obviation of requirements for obtaining CDP at 9.82.120.C when amendment to recorded map granted (p. 8-16)

Chapter 9.84 - Additional Subdivision Procedures

- Insert notice of non-obviation of requirements for obtaining CDP at 9.84.020.A when certificate of compliance issued (p. 8-19)
- Insert notice of non-obviation of requirements for obtaining CDP at 9.84.040.A when condominium conversion approval granted (p. 8-20)
- Insert notice of non-obviation of requirements for obtaining CDP at 9.84.070.D when reversion to acreage approval granted (p. 8-24)

Chapter 9.86 - Dedications and Exactions

- No modifications suggested

Chapter 9.88 - Subdivision Design and Improvement Requirements

- Append rural land division criteria at 9.88.030.C for conformance with PRC 30250(a) (pp. 8-32 – 8-33)

ARTICLE 9 Land Use Code Administration

Chapter 9.90 - Nonconforming Uses, Structures, and Parcels

- Insert notice of non-obviation of requirements for obtaining CDP at 9.90.020 and 9.90.050.F when approval or regulatory exemptions of nonconforming use or structural change/repair/replacement/rehabilitation/continuance/modification granted (p. 9-3)

Chapter 9.92 – Amendments

- No modifications suggested

Chapter 9.94 - Growth Management

- Label chapter sub-sections .020-.080, and .100 as “not a part” for purposes of CDP governance (p. 9-12)

- Insert PRC 30250, 30254 criteria at 9.94.090.A and 9.94.110.E in re: location of new development, formation/expansion/modification of service districts (i.e., Urban Services Boundary) (p. 9-16)

Chapter 9.96 - Enforcement and Penalties

- No modifications suggested

ARTICLE 10 Glossary

Chapter 9.100 – Definitions

- Revise/append definitions as needed for vertical consistency with CCA and LUP definitions (various locations)

LAND USE PLAN AND ZONING MAPS

LAND USE MAP

Villa Way Estates / McDaniel Slough Area

- Apply proposed Natural Resources – Public Trust land use designation over whole of floodplain area (APN 505-351-022).

Former Industrial Electric Service Company Agricultural Area

- Retain currently-certified Agricultural Exclusive land use designation on the southwest quarter of the former industrial-commercial site bounded on the west by the southern extension of Slaughter House Road (APN 505-251-011).

Former Intertidal Margins of Humboldt Bay in Commission’s Original/Retained Jurisdictional Area

- Insert cross-hatching over the intertidal portions of the portions of the land use plan map within the Commission’s coastal development permitting jurisdiction proposed for Natural Resources, Agricultural Exclusive and Public Facility, Light Industrial, and Industrial General designations and attach notation of associated limitations on City’s permitting authority over the area.

Rotary Park

- Apply Public Facility designation to developed neighborhood park developed within former vacated street right-of-way (Former First Street between South “F” and “E” Streets).

ZONING MAP

Villa Way Estates / McDaniel Slough Area

- Apply proposed Natural Resources – Public Trust zoning designation over whole of floodplain area (APN 505-351-022).

Former Industrial Electric Service Company Agricultural Area

- Retain currently-certified Agricultural Exclusive zoning designation on the southwest quarter of the former industrial-commercial site bounded on the west by the southern extension of Slaughter House Road (APN 505-251-011).

Northcoast Hardwoods and Little Lake Industries Sites

- Apply Planned Development Combining Zone Overlay to properties proposed for Light Industrial redesignation (APNs 021-201-005, -006, -007, -008, -009, -010, 503-231-022, and 503-232-013).

Former Intertidal Margins of Humboldt Bay in Commission’s Original/Retained Jurisdictional Area

- Insert cross-hatching over the intertidal portions of the portion of the zoning map within the Commission’s coastal development permitting jurisdiction proposed for Natural Resources, Agricultural Exclusive and Public Facility, Light Industrial, and Industrial General designations and attach notation of associated limitations on City’s permitting authority over the area.

Rotary Park

- Apply Public Facility zoning designation to developed neighborhood park developed within former vacated street right-of-way (Former First Street between South “F” and “E” Streets).



August 2, 2011

Robert Merrill, Director
North Coast District Office
California Coastal Commission
710 E Street, Suite 200
Eureka CA 95501

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CALIFORNIA
COASTAL COMMISSION

Re: City of Arcata LCP Amendment No. ARC-MAJ-1-09 (LCP Update) (Meeting of August 12, 2011), Item F10a-8-2011

Mr. Merrill and Coastal Commissioners,

On behalf of the Board and Staff of Humboldt Baykeeper, the following comments are submitted regarding the City of Arcata's Proposed Local Coastal Plan ("LCP") Update. Humboldt Baykeeper works to safeguard our coastal resources for the health, enjoyment, and economic strength of the Humboldt County through education, scientific research, and enforcement of laws to fight pollution. We thank you for this opportunity to provide comments regarding the City of Arcata's proposed LCP Update.

Humboldt Baykeeper would like to thank Coastal Commission Staff for their work in preparing a LCP Update that meets the requirements of the Coastal Act, protecting our invaluable coastal resources.

General Comments

Humboldt Baykeeper supports the majority of staff's recommendations for revisions to the LCP Update submitted for certification by the City of Arcata. Separating the Coastal Zone policies from those applicable to the inland portions of the City should further clarify and will result in more easily implemented requirements for those portions of the City of Arcata that lie within the Coastal Zone.

Specific Comments

Sea Level Rise

We strongly support the modifications requiring new development to plan for sea level rise, with special consideration for critical infrastructure. Sea level rise is an issue of paramount importance for any area that lies in the Coastal Zone. As sea levels rise, areas vulnerable to flooding during major storms will continue to expand, as well as increasing the risk of the rare but catastrophic event of a major tsunami.

People, infrastructure, and property are already located in areas vulnerable to flooding from a 100-year event. Sea level rise will cause more frequent—and more damaging—floods to those already at risk and will increase the size of the coastal floodplain, placing new areas at risk to flooding.

California cities must develop strategies for adaptation and long-term planning to most effectively protect their residents from hazards related to sea level rise, including flooding, erosion, and inundation. The measures will protect life and property as well as coastal resources.

Maps prepared by the Pacific Institute in 2009 projecting sea level rise along with changes in coastal base flooding show potential inundation of the Arcata area extending uniformly through the area almost to the extent of the current coastal zone boundary (See http://www.pacinst.org/reports/sea_level_rise/hazmaps/Arcata_South.pdf). Potential threats to the Arcata area from sea level rise specifically include potential inundation of the Arcata Wastewater Treatment Plant, as well as the loss of other valuable infrastructure such as roads. Coastal wetlands must be preserved and restored in order to help protect infrastructure and other development from damage from sea level rise and storm surge.

As sea level rises and the 100-year floodplain expands, coastal ecosystems will undergo changes of an unprecedented scale and magnitude. Approximately 90% of Humboldt Bay's salt marshes have been destroyed by diking, draining, and conversion. It is important to implement measures now so that sea level rise will not eliminate the small amount that remains.

With long-term planning, the Humboldt Bay area has a high potential for wetlands to migrate inland rather than being completely lost to coastal inundation. We commend the City of Arcata's leadership in efforts to restore and expand coastal wetlands. These efforts will help developed areas of the City withstand sea level rise and storm damage, while protecting this rare and sensitive habitat and the species it supports. Humboldt Baykeeper supports the work of the Coastal Commission and the City of Arcata in planning for and adapting to changing conditions. We support the inclusion of planning requirements for a minimum of 55" sea level rise hazard analysis for any development that falls within the Coastal Zone, especially for critical

infrastructure such as wastewater treatment plants. Additionally, including the provision that the best available and most recent scientific information be used in this analysis allows for the creation of long range planning documents, such as the LCP Update here, while not turning away from the reality that our knowledge and the science that informs it are changing rapidly.

Conclusion

Humboldt Baykeeper appreciates the opportunity to comment on the proposed LCP Update. We look forward to reviewing and commenting on additional changes that may occur prior to the Commission voting on the proposal in September and will provide additional comments at that time.

_____/s/_____
Michelle D. Smith
Staff Attorney
Humboldt Baykeeper
217 E Street
Eureka, CA 95501

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
710 E STREET • SUITE 200
EUREKA, CA 95501-1865
VOICE (707) 445-7833
FACSIMILE (707) 445-7877

MAILING ADDRESS:
P. O. BOX 4908
EUREKA, CA 95502-4908



F10a

TO: Commissioners and Interested Parties

DATE: July 28, 2011

FROM: Peter M. Douglas, Executive Director
Robert S. Merrill, District Manager – North Coast District
James R. Baskin AICP, Coastal Program Analyst – North Coast District

SUBJECT: **City of Arcata LCP Amendment No. ARC-MAJ-1-09 (LCP Update)
(Meeting of August 12, 2011)**

TIMELINE SYNOPSIS

The proposed LCP Amendment was submitted on April 17, 2009 and filed on June 23, 2010. The 90-day time limit for the Commission to act on the proposed LCPA was September 21, 2010. A one-year time extension was granted by the Commission on August 11, 2010. As such, the last date for Commission action on this item is September 21, 2011.

The Commission and City staff request that the Commission: (1) open and continue the hearing at its August 12, 2011 meeting and invite public comment on the City's proposed LCPA and the Commission staff's suggested modifications; and (2) vote on the proposed LCPA at the Commission's September 7-9 meeting in Crescent City.

STAFF NOTES

1. Attachments and Exhibits to the Staff Report

There are 4 Attachments and 13 Exhibits to this Staff Report. These documents comprise over a thousand pages. Due to their size and in order to reduce paper consumption, reproduction, and mailing costs, both the attachments and exhibits are available as digital downloads from the Commission's website. In addition, the Commissioners and the City of Arcata are being mailed a disc containing the staff report, the recommended suggested modifications contained in Attachments 1-4, and Exhibits Nos. 1-13. Commission staff will also provide several hard copies of the report, including its attachments and exhibits at the August 12, 2011 meeting.

Attachment Nos. 1-3 to the staff report are key components of the staff recommendation, as all of the recommended suggested modifications are shown merged into both the text of the City's proposed updated Land Use Plan (Attachment No. 1) and the City's proposed updates to the coastal zoning and development regulations sections of its Municipal Code (Attachment No. 2). These full text versions of the City's proposed LCP Amendment, with suggested modifications, show how the suggested modifications fit into the context of the City's proposed LCP documents. Attachment No. 3 consist of comparison matrices, showing side-by-side the existing-certified, proposed-to-be-amended, and staff's suggested-to-be-modified versions of the text policies and standards of the LUP intended for bringing the LCP update into conformance with the Coastal Act, respectively. In addition, Attachment No. 4 depicts the proposed site-specific changes in land use and zoning designations as well as Commission staff's suggested modification relating to these reclassifications.

Regarding the exhibits, Exhibit Nos. 6-7 (Proposed Amended LUP "Arcata General Plan:2020 and Local Coastal Land Use Plan" with related graphics) and 9 (Proposed Amended IP "Land Use Code" and zoning map) contain the proposed LCP amendment as submitted by the City without the staff's suggested modifications. Exhibit Nos. 1-5, 8, 10 through 12 contain maps of the location and geographic extent of the City's coastal zone portion, proposed amended land use plan and zoning maps, maps of proposed site-specific plan and zoning changes, and the various resolutions and ordinances locally adopting the LCP updates and transmitting the LCP amendment to the Commission.

2. Areas of Known Controversy

Over the last several months, Commission staff has met with City representatives to discuss the progress of the LCP amendment's certification review. As part of these meetings, Commission staff has identified several substantial issues of the proposed amended LCP's conformance with the Coastal Act and has provided the City with categorical identification of the types of suggested modifications the staff had developed to be forwarded to the Commission for consideration. The City has expressed general reservations as to the scope and number of suggested modifications that have been compiled by Commission staff, and voiced concerns over the workload implications acceptance of such changes may have on the City's limited staff and resources. With this publication of the specific suggested modifications, the City will now have an opportunity to review the staff recommendation in detail. Commission staff will continue to work with City staff to address their concerns and hopefully resolve such issues to the extent possible prior to the August and September hearings on the LCP amendment.

3. Background

The City of Arcata has put forth a considerable effort over the past decade to prepare and submit the proposed amendment to the City's LCP, which constitutes the first comprehensive update since the LCP was originally certified in its totality in 1988. Although the Commission has certified several LCP amendments since the time of original certification, the City has used this

CITY OF ARCATA LCP AMENDMENT NO. ARC-MAJ-1-09 (LCP UPDATE)

PAGE 3

LCP Amendment as a significant opportunity to bring the LCP up to date with current planning and development standards, particularly with regard to the protection of the City's coastal resources. Overall, the LCP Amendment as proposed by the City constitutes a far more comprehensive, detailed, and improved LCP than the City's currently certified Land Use Plan and zoning ordinance.

Commission staff notes that despite the significant improvements to the City's LCP as part of the proposed amendment, the changes included in the Suggested Modifications are numerous. However, it is important to note that many of the changes are largely due to reorganization of the City's proposed LUP and IP that evolved from discussions between Commission staff and City staff during the review of the amendment submittal. As explained in greater detail below, the Land Use Plan (LUP) and Implementation Plan (IP), consisting of various zoning and development regulations appearing under various titles of the Municipal Code, as submitted by the City for certification were originally prepared to apply to both inland and coastal portions of the City. Commission staff and City staff agreed that developing a separate *Coastal* Land Use Plan, to apply specifically to the geographic portion of the City located within the coastal zone, would provide greater clarity of the documents, improve the usability and administration of the LCP, and ensure consistency with the Coastal Act. The City would continue to apply the existing General Plan to the geographic areas of the City that are outside the coastal zone. Given this decision to maintain separate general plans for portions of the City inside and outside of the coastal zone, many of the suggested modifications reflect necessary changes that stem from this reorganization. A similar two-part format is recommended for the implementing Land Use Code.

Additionally, several of the changes included in the Suggested Modifications reflect "friendly modifications" requested by the City. Lastly, many changes included in the Suggested Modifications are a result of the LUP having been prepared several years prior to the preparation of the IP, thus necessitating the addition or deletion of various policies, programs, text, and other references to ensure consistency between the LUP and IP, as well as changes in state and federal law over the intervening timeframe.

SUMMARY OF AMENDMENT REQUEST

The proposed LCP amendment consists of a comprehensive update of the City's currently certified Land Use Plan (LUP) and Implementation Program (IP), originally certified in 1983. Both the General Plan Coastal Policies (LUP), formatted in entirely different organizational format than the currently certified LUP, and the amendments to various chapters of the Coastal Zone Zoning Regulations (IP) have been submitted to the Commission for certification. These documents constitute an update of the majority of the City's land use regulatory policies and programs.

The City adopted a new General Plan in October 2000 to replace the currently certified LUP. Although many of the currently-certified policies and standards would be either included in the updated, reformatted LUP, or with minor revisions not effecting their scope or bearing, the

updated LUP contains numerous new policies addressing a variety of coastal resource issues not previously covered in the currently-certified LUP.

The City also adopted amendments to its currently certified coastal zoning and development ordinance in October 2008, entitled the “Land Use Code,” to carry out the policies of the updated LUP (also serially amended in October 2008 in conjunction with the Land Use Code’s adoption) in a consistent manner, and to update numerous provisions within IP. Changes to the zoning districts’ prescriptive development standards are also proposed to bring them into a standardized format. The amendments to the LUP and IP entail a comprehensive update to the City’s regulation of all aspects of its built and natural environments. In addition, the amended coastal program also addresses a myriad of contemporary niche land use topics, including the granting of density incentives for development of affordable housing, providing for mixed-use live/work units, placing limitations on formula restaurants, and regulating medical marijuana facilities.

SUMMARY OF STAFF RECOMMENDATION

1. **No Commission Action Recommended**

Staff recommends that the Commission utilize the August 12, 2011 hearing as an opportunity for both the City and the public at large to provide testimony to the Commission with respect to the relative merits of the proposed amended LCP and staff’s suggested modifications thereto. Accordingly, no specific action with respect to the requested certification of the coastal program changes has been provided at this time. Prior to the Commission’s September 7-9, 2011 meeting, when the Commission must take action on the program amendment, staff will prepare recommendations and findings for the Commission’s consideration regarding the requested certification.

2. **Suggested Modifications for Policy Changes and Implementation Measures Necessary for Compliance with the Coastal Act**

As noted, numerous suggested modifications are being recommended to bring the proposed updated LCP into consistency with the policy mandated and requisite implementation standards and procedures set forth in the Coastal Act and its administrative regulations. These modifications range from major revisions, such as the inclusion of requisite Coastal Act policy coverage and the insertion of detailed public notice, hearing and appeal procedures, heretofore missing from the LUP and IP, respectively, to minor changes, such as rephrasing advisory wording (“should” “may”) into mandatory terms (“shall” “must”) consistent with the compulsory nature of a given policy. Examples of these significant suggested modifications include:

- Revisions to the land use designation descriptions and policies within the LUP’s land use element to establish recognized and permissible land uses within each category or planning area in conformance with specific protections for public access facilities, recreational, and coastal-dependent and coastal-related development, and other priority uses, including coastal agriculture, ESHA protection, avoiding and minimizing risks in hazard prone areas, and protecting sites with significant visual resources, as directed by Chapter 3 of the Coastal Act.

- Insertion of policies and standards within the LUP’s transportation element to implement the construction of the portions of the California Coastal Trail through the City.
 - Expanding upon the stormwater policies within the LUP’s *Public Facilities and Infrastructure* component to include water quality protective measures and actions developed by the Commission’s Water Quality Unit in coordination with state and regional water quality control boards, as mandated by Coastal Act Section 30230 and 30231.
 - Insertion of policies within the LUP’s *Environmental Quality and Management* chapter to address the protection of biological resources; delineation of, use restrictions in and near, and safeguarding of, environmentally sensitive habitat areas; protection of coastal water quality; and the conservation and/or preservation of coastal agricultural lands, as directed by Coastal Act 30230, 30231, 30233, 30236, 20340, 30241, 30241.5, and 30242.
 - Insertion of policies within LUP Section 7: *Public Safety* element to comprehensively address avoidance and minimization of risks to persons and property of all classes of natural and anthropogenic hazards per Coastal Act Section 30253.
 - Insertion of expanded procedures and criteria within the implementation measures comprising the coastal zoning title of the City Code to establish minimum public notice and hearing standards for the issuance and appeals of coastal development permits as required by Coastal Act Sections 30620, and detailed in Title 14, Sections 13560 through 13577, California Code of Regulations.
 - Revisions to the “Specific Land Uses” section to reflect current state law with regard to ministerial approval of second dwelling units, the granting of density bonus incentives, and development of small wind generator facilities.
3. Summary of Reasons for Numerous Suggested Modifications Other Than Policy Changes Necessary for Compliance with the Coastal Act

The changes included in the Suggested Modifications recommended by staff are numerous for several reasons. In addition to policy changes necessary for compliance with the Coastal Act described above, many of the changes included in the Suggested Modifications are recommended for reasons generally described below:

A. Distinguishing “Policies” Governing Coastal Development Permit Issuance from “Other Initiatives”

Many changes included in the Suggested Modifications involve moving proposed text and/or policy language from one sub-section to another, namely “policies” that are not intended to directly govern the issuance of coastal development permits through the setting of development limitations, requirements, or prohibitions, or to used as a basis for reviewing plan consistency of a land use plan or zoning amendment. In contrast, these

provisions state City-adopted positions on various issues, give endorsements to other parties' efforts, make pledges of support for certain outcomes or endeavors, or commit the City to continued or future actions and/or practices. To better highlight the specifications and qualifications which bear more directly on development from the remaining provisions, staff is recommending that a new sub-section be added to each policy suite of the LUP, titled "Other Initiatives," and that all such permit non-governing provisions be relocated thereunder, and parenthetically annotated as having been "[Moved to *Other Initiatives*]."

B. Emphasizing Development as the Subject of Regulations

Stylistically, the majority of the proposed updated LUP policies are written with "the City" identified as the grammatical subject (e.g., "*The City* shall require site-specific investigations prior to the construction of all high intensity and/or public use structures.") Such phrasing can result in confusion as to the breadth of the policy's applicability. For example, questions have been raised as to whether the policy is limited solely to City-initiated development projects or, whether another hearing body other than the City, such as the Coastal Commission in considering an appeal of a locally issued coastal development permit, may apply the policy. Accordingly, staff recommends that these policies be rewritten into passive voice, with the development or regulatory article being the subject rather than the City (i.e., "*Site-specific investigations of seismic hazards* shall be required prior to the construction of all high intensity and/or public use structures.")

C. Collating Thematic Policies

Several of the Suggested Modifications are proposed purely for organizational purposes, primarily to relocate LUP policies which tangentially relate to the subject heading to a section or sub-section where they would be more directly in context. These changes are identified with an endnote indicating where the section or sub-section into which the policy has been moved (e.g., [Relocated to *SECTION 1B ESHA – Policies*]).

D. "Friendly Modifications"

Changes included in the Suggested Modifications recommended by staff include some "friendly modifications" that are changes that have either: (1) been requested by the City following submittal of the LCP Amendment to provide further clarification, delete outdated provisions, and/or make typographic and other corrections to proposed language; or (2) represent entirely new language proposed by Commission staff with the concurrence of the City to augment development application review procedures to establish a factual basis by which findings can be adopted for permitting actions. In cases where the changes proposed by the City are more than just minor edits and corrections, they are identified at the end of the text as [CITY REQUESTED MODIFICATION] as an informational note for purposes of review. Significant new language modifications suggested by Commission staff and agreed to by City staff counterparts are parenthetically identified with a [COMMISSION-CITY NEGOTIATED MODIFICATION] endnote.

I. Reorganization / Recodification

The amendments to the General Plan (LUP) and Coastal Zone Zoning Regulations (IP) submitted by the City for certification were originally prepared to apply to both inland and coastal portions of the City. As submitted, the City had designated certain policies throughout the General Plan elements or sections with a “wave” symbol (☩) intended to distinguish those policies meant to apply solely in the coastal zone. In addition, as submitted, the General Plan contains policies applying in both the coastal zone and throughout the inland portions as well.

Following several discussions between Commission staff and City staff during the course of review of the LCP Amendment, it was decided that developing a separate coastal general plan element (herein referred to as the Coastal Land Use Plan) and consolidating the various zoning and development regulations appearing throughout the Municipal Code into a unified coastal land use and development code (Title 9 “Land Use Code” to apply specifically to the geographic portion of the City located within the coastal zone would provide greater clarity of the documents, improve the usability and administration of the LCP, and ensure consistency with the Coastal Act. The City would continue to apply the existing General Plan and the other portions of its Municipal Code to the geographic areas of the City that are outside the coastal zone. Given this decision to maintain separate General Plans and Land Use and Development Codes for portions of the City inside and outside of the coastal zone, Commission staff and City staff have tentatively agreed to do away with the ☩ symbols and reorganized the coastal zone-specific portions of the updated General Plan into a separate document. This reorganization makes it clear that development in the coastal zone must be consistent with all applicable policies contained within the Coastal Land Use Plan (LUP) and not just those denoted with a ☩ symbol. Moreover, separate coastal and non-coastal plan and development regulation titles would allow the City to amend portions of their code pertaining to inland development outside of the coastal zone without first seeking certification of the amendment as would be necessitated under a City-wide regulatory format.

These features of the reorganization are specifically reflected in the changes included as Attachment Nos. 1 through 4, which involve organization-related directive modifications and text changes to the Summary, and applicability sections of the LUP.

FORMAT OF SUGGESTED MODIFICATIONS

Staff has prepared Attachment Nos. 1 and 2 showing in “book format” all of the Suggested Modifications merged into the text of the City’s proposed coastal General Plan (Exhibit No. 1), and the City’s zoning and development regulations titles (Exhibit No. 2). This full text version of the City’s proposed LCP Amendment with suggested modifications shows how the suggested modifications fit into the context of the City’s proposed documents.

KEY TO SUGGESTED MODIFICATIONS

1. Organization

The Suggested Modifications are numbered to correspond with the compilation of changes made to each particular section of the General Plan (LUP) and to each particular chapter of the Coastal Zone Zoning Regulations (IP). In addition, suggested modifications involving directives to the City are numbered and grouped by topic (e.g., “Organization,” “LUP Maps,” etc.).

2. Typography

The City’s proposed LUP language is shown in regular text while the suggested modifications are shown in **bold double-underline** (text to be added) and ~~**bold double-strikethrough**~~ (text to be deleted). The proposed City textual changes to the currently-certified IP are shown in single-underline (text to be added) and ~~single-strikethrough~~, with staff’s recommended suggested modifications shown in **bold double-underline** and ~~**bold double-strikethrough**~~, respectively.

3. Numeration

The addition of new policies and the deletion or relocation of proposed policies will affect the numbering of policies and standards throughout the LUP and IP. The numbering has been changed as necessary as part of the suggested modifications. Where suggested modifications involve adding entirely new policies to the LUP or relocating LUP policies to other sections or sub-sections, staff has either renumbered all subsequent policies, or in the case of wholly new IP chapters used intervening numeration in keeping with preceding and subsequent chapters. Moreover, one of the suggested modifications addressing overall document format (“Organization/Recodification”) directs the City to correct all sequential numbering, nomenclature, and cross-referencing, and consolidate all IP provisions into a discrete coastal land use plan and zoning and development regulation title when it prepares the final LCP documents for submission to the Commission for effective certification pursuant to Sections 13544 and 13544.5 of the Commission’s administrative regulations (Title 14, California Code of Regulations, Section 13001 et seq.)

SUGGESTED MODIFICATIONS

Staff recommends the following suggested modifications to the proposed LUP amendment be adopted. Suggested Modification Nos. 1-13 and 15-25 each modify a separate prefacing discussion, element, article, and the glossaries of the Land Use Plan and Implementation Program. The suggested modifications are included in Attachment No. 1 showing the suggested modifications as they apply directly to the entire text of the City’s proposed Coastal General Plan. The suggested-to-be-modified language in Attachment Nos. 1 and 2, shown in **bold double underline**, represents language that the Commission suggests be added and the language shown in ~~**bold double-strikethrough**~~ represents language that the Commission suggests be deleted from the language as originally submitted. Suggested modifications that do not involve direct text changes, but are directives to the City (i.e., mapping and document formatting

Suggested Modification Nos. 14, 15, 26, and 27) are shown in *bold italics*, or as notations on the maps within Attachment No. 4.

1. **Suggested Modification No. 1: (General Plan Introduction)**
All changes to LUP *Introduction* preface shown in Attachment No. 1.
2. **Suggested Modification No. 2: (Land Use Element)**
All changes to the *Land Use Element* of LUP Chapter 2 *Community Development* shown in Attachment No. 1.
3. **Suggested Modification No. 3: (Growth Management Element)**
All changes to the *Growth Management Element* of LUP Chapter 2 *Community Development* shown in Attachment No. 1.
4. **Suggested Modification No. 4: (Transportation Element)**
All changes to the *Transportation Element* of LUP Chapter 2 *Community Development* shown in Attachment No. 1.
5. **Suggested Modification No. 5: (Public Facilities and Infrastructure Element)**
All changes to the *Public Facilities and Infrastructure Element* of LUP Chapter 2 *Community Development* shown in Attachment No. 1.
6. **Suggested Modification No. 6: (Open Space Element)**
All changes to the *Open Space Element* of LUP Chapter 4 *Environmental Quality and Management* shown in Attachment No. 1.
7. **Suggested Modification No. 7: (Resource Conservation and Management Element)**
All changes to the *Resources Conservation and Management Element* of LUP Chapter 4 *Environmental Quality and Management* shown in Attachment No. 1.
8. **Suggested Modification No. 8: (Air Quality Element)**
All changes to the *Resources Conservation and Management Element* of LUP Chapter 4 *Environmental Quality and Management* shown in Attachment No. 1.
9. **Suggested Modification No. 9: (Design Element)**
All changes to the *Design Element* of LUP Chapter 5 *Design and Historic Preservation* shown in Attachment No. 1.
10. **Suggested Modification No. 10: (Historic Preservation Element)**
All changes to the *Historic Preservation Element* of LUP Chapter 5 *Design and Historic Preservation* shown in Attachment No. 1.
11. **Suggested Modification No. 11: (Public Safety Element)**
All changes to the *Public Safety Element* of LUP Chapter 6 *Health and Safety* shown in Attachment No. 1.

12. **Suggested Modification No. 12: (Noise Element)**

All changes to the *Noise Element* of LUP Chapter 6 *Health and Safety* shown in Attachment No. 1.

13. **Suggested Modification No. 9 (Glossary)**

All changes to the *Glossary* shown in Attachment No. 1.

LAND USE DIAGRAM

14. **Suggested Modification No. 10 (LUP Map)**

All changes to the LUP Map as follows:

- a. ***Villa Way Estates / McDaniel Slough Area: Apply proposed Natural Resources – Public Trust land use designation over whole of floodplain area (APN 505-351-022).***
- b. ***Former Industrial Electric Service Company Agricultural Area: Retain currently-certified Agricultural Exclusive land use designation on the southwest quarter of the former industrial-commercial site bounded on the west by the southern extension of Slaughter House Road (APN 505-251-011).***
- c. ***Former Intertidal Margins of Humboldt Bay in Commission’s Original/Retained Jurisdictional Area: Insert cross-hatching over the intertidal portions of the portions of the land use plan map within the Commission’s coastal development permitting jurisdiction proposed for Natural Resources, Agricultural Exclusive and Public Facility, Light Industrial, and Industrial General designations and attach notation of associated limitations on City’s permitting authority over the area.***
- d. ***Rotary Park: Apply Public Facility designation to developed neighborhood park developed within former vacated street right-of-way (Former First Street between South “F” and “E” Streets).***

REORGANIZATION

15. **Suggested Modification No. 11 (Organization)**

All changes to the organization of the LUP as follows:

- a. ***Delete “wave” (☞) symbols from all Elements of the Coastal Land Use Plan.***
- b. ***Number all policies and table entries in appropriate sequential order and correct all policy cross-references prior to submission to the Commission for certification pursuant to Sections 13544 and 13544.5 of the California Code of Regulations.***

- c. *List all policies that constitute the LCP in Introduction section of the Coastal Land Use Plan Policy Document.*
- d. *Revise descriptive narrative text as necessary to conform narrative text to any associated policy(ies) that have been added or revised through suggested modifications.*
- e. *Change all references to “General Plan” to “Coastal Land Use Plan” throughout the LUP and the Zoning title.*
- f. *Publish the updated Coastal Land Use Plan incorporating all of the above suggested modifications under separate cover from that of the updated non-coastal Arcata General Plan:2020.*

COASTAL LAND USE CODE (IMPLEMENTATION PLAN)

- 16. **Suggested Modification No. 16: (Title 9 – Land Use Code, Article 1 - Land Use Code Applicability)**
All changes to Article 1 - Land Use Code Applicability shown in Attachment No. 2.
- 17. **Suggested Modification No. 17: (Title 9 – Land Use Code, Article 2 - Zoning Districts & Allowable Land Uses)**
All changes to Article 2- Zoning Districts & Allowable Land Uses shown in Attachment No. 2.
- 18. **Suggested Modification No. 18: (Title 9 – Land Use Code, Article 3 - Site Planning and Project Design Standards)**
All changes to Article 3- Site Planning and Project Design Standards shown in Attachment No. 2.
- 19. **Suggested Modification No. 19: (Title 9 – Land Use Code, Article 4 - Standards for Specific Land Uses)**
All changes to Article 4- Standards for Specific Land Uses shown in Attachment No. 2.
- 20. **Suggested Modification No. 20: (Title 9 – Land Use Code, Article 5 - Resource Management)**
All changes to Article 5- Resource Management shown in Attachment No. 2.
- 21. **Suggested Modification No. 21: (Title 9 – Land Use Code, Article 6 - Site Development Regulations)**
All changes to Article 6- Site Development Regulations shown in Attachment No. 2.
- 22. **Suggested Modification No. 22: (Title 9 – Land Use Code, Article 7 - Planning Permit Procedures)**
All changes to Article 7- Planning Permit Procedures shown in Attachment No. 2.

23. **Suggested Modification No. 23: (Title 9 – Land Use Code, Article 8 - Subdivision Regulations and Procedures)**
All changes to Article 8- Subdivision Regulations and Procedures shown in Attachment No. 2.
24. **Suggested Modification No. 24: (Title 9 – Land Use Code, Article 9 - Land Use Code Administration)**
All changes to Article 9- Land Use Code Administration shown in Attachment No. 2.
25. **Suggested Modification No. 25: (Title 9 – Land Use Code, Article 10 - Glossary)**
All changes to Article 10- Glossary shown in Attachment No. 2.

ZONING MAPS

26. **Suggested Modification No. 26 (Zoning Map)**
All changes to the Zoning Map (Title 9 – Land Use Code, Chapter 9.12 –Zoning Map, Section 9.12.020 – Zoning Map and Zoning Districts) as follows:
 - a. *Villa Way Estates / McDaniel Slough Area: Apply proposed Natural Resources – Public Trust zoning designation over whole of floodplain area (APN 505-351-022).*
 - b. *Former Industrial Electric Service Company Agricultural Area: Retain currently-certified Agricultural Exclusive zoning designation on the southwest quarter of the former industrial-commercial site bounded on the west by the southern extension of Slaughter House Road (APN 505-251-011).*
 - c. *Northcoast Hardwoods and Little Lake Industries Sites: Apply Planned Development Combining Zone Overlay to properties proposed fir Light Industrial redesignation (APNs 021-201-005, -006, -007, -008, -009, -010, 503-231-022, and 503-232-013).*
 - d. *Former Intertidal Margins of Humboldt Bay in Commission’s Original/Retained Jurisdictional Area: Insert cross-hatching over the intertidal portions of the portion of the zoning map within the Commission’s coastal development permitting jurisdiction proposed for Natural Resources, Agricultural Exclusive and Public Facility, Light Industrial, and Industrial General designations and attach notation of associated limitations on City’s permitting authority over the area.*
 - e. *Rotary Park: Apply Public Facility zoning designation to developed neighborhood park developed within former vacated street right-of-way (Former First Street between South “F” and “E” Streets).*

REORGANIZATION

27. **Suggested Modification No. 27 (Organization/Recodification)**
All changes to the organization of the IP as follows:

- a. *Revise descriptive narrative text as necessary to conform narrative text to any associated policy(ies) that have been added, revised, or rechaptered through suggested modifications.*
- b. *Number all chapters and sections, including table entries, in appropriate sequential order and correct all policy and standards cross-references prior to submission to the Commission for certification pursuant to Sections 13544 and 13544.5 of the California Code of Regulations.*
- c. *Change all references to “General Plan” to “Coastal Land Use Plan” throughout the Land Use Code title.*
- d. *Change all references to “Land Use Code” to “Coastal Land Use Code” throughout the Land Use Code title.*
- e. *Publish the updated Coastal Zone Zoning Regulations implementation measures as Title 9c –Coastal Land Use Code, Chapters 9C.10 through 9C.100, incorporating all of the above suggested modifications.*

ADDITIONAL INFORMATION

1. Availability of LCP Amendment Materials

To save duplication resources, the text of the City’s entire currently certified LCP is not included in its entirety as an exhibit to the staff report. However, the City’s existing certified LCP is available for review on-line at the Commission’s website at <http://www.documents.coastal.ca.gov/reports/2011/08/F10a-8-2011.pdf> or by contacting the North Coast District office. Copies of the City’s entire currently certified LCP will also be available at the Commission hearings on this LCP Amendment. The staff report available on-line at the Commission’s website contains color versions of the proposed land use plan and zoning maps.

2. Point of Contact

For further information please contact James R. Baskin at the North Coast District Office (707) 445-7833. Correspondence should be sent to the North Coast District Office at 710 E Street, Suite 200, Eureka, CA, 95501. All LCP Amendment documents are also available for review at the North Coast District office located at the same address.

ATTACHMENTS:

1. Suggested Modifications to the Proposed Amended Land Use Plan (Book Format)
2. Suggested Modifications to the Proposed Amended Implementation Plan (Book Format)
3. Suggested Modifications to the Proposed Amended Land Use Plan (Spreadsheet Format)
4. Proposed Site-specific Land Use and Zoning Changes and Suggested Modifications

EXHIBITS:

1. Location Map
2. Vicinity Map
3. Post-certification Coastal Development Permit Jurisdiction Map
4. Categorical Exclusion Order E-88-3 Map
5. Coastal Wetlands Map
6. Proposed Amended Land Use Plan
7. Proposed Amended Land Use Plan Figures
8. Proposed Amended Land Use Plan Map
9. Proposed Amended Implementation Plan
10. Proposed Amended Zoning Map
11. Resolution of Transmittal
12. Ordinance of Adoption
13. City Correspondence