

## CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA  
45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
(415) 904-5260



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March 22, 1996

**TO:** COASTAL COMMISSIONERS AND INTERESTED PARTIES

**FROM:** Peter M. Douglas, Executive Director  
Steven F. Scholl, District Director  
Robert Merrill, Coastal Planner

**SUBJECT:** **CITY OF ARCATA LCP AMENDMENT NO. 1-95  
(MISCELLANEOUS REVISIONS TO LUP AND LAND USE  
AND DEVELOPMENT GUIDE) CERTIFICATION REVIEW:**  
Concurrence with the Executive Director's determination that the action of the City of Arcata accepting the Commission's certification of LCP Amendment No. 1-95 is legally adequate. (For Commission review at the meeting of April 10, 1996 in Carmel.)

BACKGROUND:

The City of Arcata submitted LCP Amendment No. 1-95 in January of 1995. The amendment to the Arcata LCP as proposed by the City, would have made various revisions to the LUP and Implementing Ordinance aimed at simplifying and updating the City's LCP including (1) combining the City's Coastal Land Use and Development Guide with a companion guide that applies outside of the City's coastal zone, (2) creating a new Wetlands and Creek Protection Combining Zone and revising the City's wetland fill policies, (3) revising and adding housing provisions to the LCP to implement the recently adopted housing element, (4) revising provisions of the LCP relating to the Categorical Exclusion Order that excludes certain development in the City's coastal permit jurisdiction from coastal development permit requirements, (5) expanding text describing agricultural lands, farmed wetlands, the role of the Coastal Conservancy in agricultural land protection, and (6) updating references to organizations and plans.

The Commission found the bulk of the proposed revisions to the LUP as submitted to be consistent with the policies of Chapter 3 of the Coastal Act and the bulk of the proposed revisions to the Implementation Program as submitted to be consistent with and adequate to carry out the LUP. However, the Commission found that several modifications to the LCP Amendment would be appropriate. Therefore, the Commission denied both parts of the amendment request as submitted and then approved both the LUP and IP parts of the amendment with a total of eight modifications.

**CITY OF ARCATA LCP AMENDMENT NO. 1-95 (MISCELLANEOUS REVISIONS TO LUP AND LAND USE AND DEVELOPMENT GUIDE) CERTIFICATION REVIEW**

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**B. EFFECTIVE CERTIFICATION.**

On January 3, 1996, the City Council held a public hearing and adopted Resolution No. 956-30 which acknowledged receipt of the Commission's resolution of certification, stated the Council's agreement to issue permits in conformance with the modified LCP, and formally approved the necessary changes to the City's Implementation Program (see Attachment B). On January 17, 1996, the City Council adopted Ordinance No. 1246, which finalized the necessary changes to the Zoning Map to implement the amendment (see Attachment C).

As provided in Sections 13544 and 13544.5 of the California Code of Regulations, for the amendment to become effective, the Executive Director must determine that the City of Arcata's actions are legally adequate and report that determination to the Commission. Unless the Commission objects to the determination, the certification of Arcata LCP Amendment No. 1-95 shall become effective upon the filing of a Notice of Certification for the LCP amendment with the Secretary for Resources, as provided in Public Resources Code Section 2180.5(d)(2)(V).

**C. STAFF RECOMMENDATION**

Staff recommends that the Commission concur with the determination of the Executive Director that the action of the City of Arcata accepting the Commission's certification of Arcata LCP Amendment No. 1-95 is legally adequate, as noted in the attached letter, Attachment A (to be sent after Commission concurrence).

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**CALIFORNIA COASTAL COMMISSION**

NORTH COAST AREA  
45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
(415) 904-5260



April , 1996

The Honorable Carl E. Pellatz  
Mayor  
City of Arcata  
736 "F" Street  
Arcata, CA 95521

**RE: Effective certification of the City of Arcata's Local Coastal Program Amendment No. 1-95 (Miscellaneous Revisions to LUP and Land Use and Development Guide)**

Dear Mayor Pellatz:

The Executive Director of the Coastal Commission has reviewed City Council Resolution No. 956-30, and Ordinance No. 1246 for effective certification of Arcata LCP Amendment No. 1-95 (major). The City's resolution indicates that the City acknowledges receipt of and accepts the Commission's resolution for certification with suggested modifications and that the City agrees to issue permits in conformance with the modified Land Use Plan and Implementation Program.

The Executive Director has found that the City's resolution and ordinances fulfill the requirements of Section 13544.5(a) of the California Code of Regulations. In accordance with Sections 13544(b) and 13544.5(b) of the regulations, the Director has determined that the City's actions are legally adequate.

The Coastal Commission concurred with this determination at its meeting of April 10, 1995, in Carmel. Commission approval and the amendment process itself are now complete. If you have any questions, please contact Robert Merrill in our San Francisco office.

Sincerely,

STEVEN F. SCHOLL  
District Director

cc: Lia Sullivan, Community Development Department

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ATTACHMENT A

RESOLUTION 956-30

A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF ARCATA  
ADOPTING THE ARCATA CREEKS MANAGEMENT PLAN  
AS PART OF THE ARCATA GENERAL PLAN  
AND THE ARCATA COASTAL LAND USE PLAN.

WHEREAS, the City Council of the City of Arcata adopted a Local Coastal Program on May 3, 1989; and

WHEREAS, the City Council of the City of Arcata has an adopted General Plan which has been updated from time to time; and

WHEREAS, the City Council and the State of California recognize the necessity of amending the General Plan and Local Coastal Program from time to time to reflect changing needs; and

WHEREAS, the City Council of the City of Arcata adopted the Arcata Creeks Management Plan on August 21, 1991, by Resolution No. 912-37; and

WHEREAS, the California Coastal Commission, in reviewing the City of Arcata's Local Coastal Program Amendment No. 9, has required that said amendment be modified by adopting the Arcata Creeks Management Plan as part of the Arcata Coastal Land Use Plan; and

WHEREAS, the Planning Commission of the City of Arcata, following an advertised public hearing, has recommended that the Coastal Land Use Plan and Arcata General Plan be amended to include the Arcata Creeks Management Plan, and that the Negative Declaration be approved, and forwarded its recommendation to the City Council through adoption of Resolution No. PC-95-13; and

WHEREAS, after holding an advertised public hearing, the City Council has found that said amendments of the Arcata General Plan and Arcata Coastal Land Use Plan are warranted by the data presented; and

WHEREAS, in adopting the Arcata Creeks Management Plan as part of the Arcata General Plan and Arcata Coastal Land Use Plan, the Arcata Planning Commission adopted the Findings attached as Exhibit "B."

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Arcata approves Negative Declaration prepared on the proposed amendment and adopts the Arcata Creeks Management Plan, attached to this Resolution as Exhibit "A", as part of the Arcata Coastal Land Use Plan and Arcata General Plan.

BE IT FURTHER RESOLVED that the Director of Community Development is directed to forward a copy of this resolution and said amendment to the California Coastal Commission pursuant to the provisions of Public Resources Code Sections 30000 et seq; and

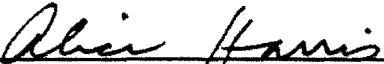
BE IT FURTHER RESOLVED that the following findings are hereby made:

1. By adoption of this Resolution, the City of Arcata hereby accepts the modifications required by the Coastal Commission to certify said revised Coastal Land Use Plan, which is the General Plan portion of the Arcata Local Coastal program, and directs staff to transmit this Resolution to the Coastal Commission for final certification.
2. This Resolution shall take effect immediately upon approval by the City Council for the area of the City not within the Coastal Zone. For area of the City located within the Coastal Zone, and for purposes of State Certification of the City's Local Coastal Program, this amendment is submitted as a program that shall take effect immediately upon Coastal Commission approval of said amendment.
3. The Arcata Local Coastal Program is intended to be carried out in a manner fully in conformance with the provisions of the Public Resources Code Section 30000 et seq.
4. Findings of approval attached as Exhibit "B".

Dated: January 3, 1996

ATTEST:

APPROVED:

  
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City Clerk, City of Arcata

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

ORDINANCE NO. 1246

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING CERTAIN SECTIONS OF THE ARCATA LAND USE AND DEVELOPMENT GUIDE (LUDG), TITLE IX OF THE ARCATA MUNICIPAL CODE, IN ORDER TO COMPLY WITH MODIFICATIONS REQUIRED BY THE CALIFORNIA COASTAL COMMISSION; AND ADOPTING THE RELATED NEGATIVE DECLARATION.

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

Section 1: Amendment of LUDG Subsection 1-0228.4 (i).

Subsection 1-0228.4 (i) of SECTION 1-0228 WETLAND AND CREEK PROTECTION COMBINING OR :WCP ZONE, ARTICLE 2, CHAPTER 1 of the Arcata Land Use and Development Guide, is hereby amended to read as follows:

- (i) Wetland(s): those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

In the Coastal Zone, wetlands shall be defined as lands where the water table is at, or near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent or drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salt or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep water habitats.

Section 2: Amendment of LUDG Subsections 1-0408.2 (b)(8) and (9).

Subsections 1-0408.2 (b)(8) and (9) of SECTION 1-0408 COASTAL DEVELOPMENT PERMITS, ARTICLE 4, CHAPTER 1 of the Arcata Land Use and Development Guide, is hereby amended to read as follows:

8. Changes, expansion or restoration of a residential or non-residential non-conforming use, as allowed in subsections 1-0310.4 (Nonconforming Residential Uses and Structures) and 1-0310.5 (Nonresidential Nonconforming Uses and Structures).

Section 3: Amendment of LUDG Subsections 1-0410.3(d)(2) and (3).

Subsections 1-0410.3 (d)(2) and (3) of SECTION 1-0410 HEARINGS AND APPEALS FOR COASTAL DEVELOPMENT PERMITS, ARTICLE 4, CHAPTER 1 of the Arcata Land Use and Development Guide, is hereby amended to read as follows:

- (2) The grounds for an appeal pursuant to subdivision (1) of subsection 1- 0410.3 (d) Appealable Areas and Types of Development, above, shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program and the public access policies set forth in the public access policies of the Coastal Act.
- (3) Any action described in subdivision (1) of subsection 1-0410.3 (d) Appealable Areas and Types of Development, above, shall become final after the tenth working day unless an appeal is filed within that time.

Section 4: Amendment of LUDG Subsections 10309.1, 1-0309.3 and 1-0309.5 (b).

Subsections 10309.1, 1-0309.3 and 1-0309.5 (b) of SECTION 1-0309 DENSITY BONUS, ARTICLE 3, CHAPTER 1 of the Arcata Land Use and Development Guide, is hereby amended to read as follows:

Section 1-0309.1 Purpose.

These regulations are intended to encourage the provision of housing for people with moderate, low, or very low incomes, through a system of development density incentives in areas of Arcata not located in the Coastal Zone.

Section 1-0309.3 Application.

These provisions shall apply to all new residential developments located in the Forest/Hillside (F/H); Rural Residential (R-R); Low Density (R-L); Medium Density (R-M); Medium-High Density (R-MH); or High Density (R-H) residential districts. Additionally, the density bonus provisions for developments for the handicapped and elderly (subsection 1-0309.12 Special Density Bonus Provisions for Housing Developments to Serve the Handicapped or Elderly) shall also apply in the Central Business District (CBD).

Section 1-0309.5 Density Bonus Schedule.

- (b) The minimum average lot size allowed in the F-H, R-R, and R-L zones, shall be decreased by twenty (20) percent, provided that at least twenty (20) percent of the lots in the proposed land division are provided for housing to serve low or moderate income persons. Such reservation may occur by providing the reserved lots, without charge, to a nonprofit

housing provider which has been approved by the City of Arcata or by the construction and sale or rental of dwelling units at prices or rent levels which are affordable by persons of low or moderate incomes.

Section 5: Amendment of LUDG Subsections 1-0408.4.

Subsection 1-0408.4 of SECTION 1- 0408 COASTAL DEVELOPMENT PERMITS, ARTICLE 4, CHAPTER 1 of the Arcata Land Use and Development Guide, is hereby amended to read as follows:

Section 1-0408.4 Findings.

A Coastal Development Permit may only be granted if the development conforms with the certified Local Coastal Program. In addition, for development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act.

Section 6: Amendment of LUDG Subsections 1-0408.6 (f).

Subsection 1-0408.6 (f) of SECTION 1-0408 COASTAL DEVELOPMENT PERMITS, ARTICLE 4, CHAPTER 1 of the Arcata Land Use and Development Guide, is hereby amended to read as follows:

- (f) Exception. When immediate action by a person or public agency performing a public service is required to protect life and public property from imminent danger or to restore, repair, or maintain public works, utilities, or services destroyed, damaged, or interrupted by natural disaster, serious accident, or in other cases of emergency, the requirements of obtaining any permit under this chapter may only be waived upon notifying the Executive Director of the Coastal Commission of the type and location of the work within three days of the disaster or discovery of the danger, whichever occurs first. Nothing in this section authorizes permanent erection of structures valued at more than twenty-five thousand dollars (\$25,000).

Section 7: Amendment of LUDG Subsections 1-0410.2(d).

Subsections 1-0410.2 (d) of SECTION 1-0410 HEARINGS AND APPEALS FOR COASTAL DEVELOPMENT PERMITS, ARTICLE 4, CHAPTER 1 of the Arcata Land Use and Development Guide, is hereby amended to read as follows:

- (d) Appeal Period. For Coastal Development Permits, the decision of the Zoning Administrator, Planning Commission or City Council, whichever is the appropriate review authority to approve an application, shall become effective ten (10) working days following receipt by the Coastal Commission of



the final local notice of the appropriate review authority's decision, unless an appeal has been filed. Such notice shall include the conditions of approval and written findings and the procedures for appeal of the local decision to the Coastal Commission.

Section 8: Adoption of Negative Declaration.

The City Council hereby determines that there is no potential for any significant environmental effect as a result of the proposed amendments and there is no need for mitigation measures. The City Council further approves a Negative Declaration based upon information contained in the Initial Study report, which is a complete and adequate informational document prepared in compliance with CEQA.

Section 9: Acceptance of Modifications and Transmittal to the Coastal Commission.

By adoption of this Ordinance, the City of Arcata hereby accepts the modifications required by the Coastal Commission to certify said revised LUDG, which is the implementation program of the Arcata Local Coastal program, and directs staff to transmit this Ordinance to the Coastal Commission for final certification.

Section 10: Effective Date of this Ordinance.

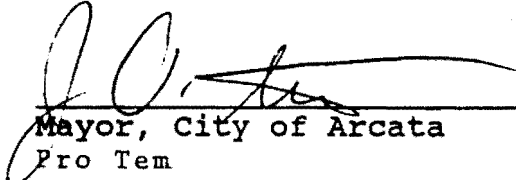
This Ordinance will take effect thirty (30) days after its approval by the City Council or upon California Coastal Commission approval, whichever is later.

DATED: January 17, 1996

ATTEST:

APPROVED:

  
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City Clerk, City of Arcata

  
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Mayor, City of Arcata  
Pro Tem

ATTACHMENT C