

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST AREA

45 FREMONT, SUITE 2000

SAN FRANCISCO, CA 94105-2219

(415) 904-5260



June 11, 1996

**TO: Commissioners and Interested Persons**

**FROM: Steven F. Scholl, District Director  
Robert S. Merrill, Coastal Planner**

**SUBJECT: PROPOSED DE MINIMIS AMENDMENT (NO. 1-96) TO THE CITY OF ARCATA  
LOCAL COASTAL PROGRAM**

The City of Arcata is proposing that its certified Local Coastal Program (LCP) be amended to allow certain minor expansions or additions to residential uses without a use permit, as is currently required. This LCP amendment request was filed as complete on May 1, 1996, under Section 30514 of the Coastal Act and Title 14, Section 13553 of the California Code of Regulations.

The purpose of this notice is to advise interested parties of the determination by the Executive Director that the filed LCP amendment is "de minimis" under Section 30514 of the Coastal Act. A de minimis LCP amendment is a change to a local government's LCP which has no impact, either individually or cumulatively, on coastal resources.

In this case, the proposed LCP amendment is a procedural change relating to the approval of minor expansions or additions to structures occupied by a non-conforming residential use. Under Subsection 1-0310.4(b) of Section 1-0310, Article 3, Chapter 2 of the existing zoning ordinance, a nonconforming residential use may be enlarged, extended, or increased in number of residential units, subject to the approval of a conditional use permit. The only limitation imposed in the code is that the proposed expansion must conform with all other requirements of the zoning district in which it is located. The proposed change would add an exception to Subsection 1-0310.4(b) to allow certain minor expansions of non-conforming uses to occur without the requirement of obtaining a use permit. Those minor expansions that could proceed without a use permit are those that: (1) increase residential floor area by only 100 square feet or less, (2) are located within a residential district, (3) do not increase the number of residential units, (4) involve structures where this exception has not previously been applied, and (5) are in conformance with all other applicable standards of the zoning ordinance. A copy of the City's Resolution forwarding the LCP Amendment to the Commission for certification containing as an attachment the full text of the proposed amendment is attached to this notice as Attachment One.

The Executive Director has determined that the proposed amendment will have no impact on coastal resources because: (1) the minor expansions allowed by the amendment are already allowed under the certified LCP by use permit, (2) the expansions would not increase residential density as only expansions that do not increase the number of units and are 100 square feet or less are allowed, (3) other provisions of the zoning code, including those that protect public access, wetlands, and other coastal resources must still be complied with.

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Pursuant to Section 30514 of the Coastal Act, the Executive Director is hereby reporting in writing this determination to the Commission at its June 12, 1996 hearing, located at the Marin County Board of Supervisors Chambers at the Marin County Civic Center in San Rafael. No public comments on the amendment were received by the City during its review of the amendment. Pursuant to Section 340514(d)(3)(C) of the Coastal Act, if three or more members of the Commission do not object to the de minimis determination, then the LCP amendment will be deemed approved and will take effect ten days after the date of the Commission's meeting. Alternatively, if three or more members of the Commission object to the Executive Director's determination that the proposed amendment is de minimis, then the proposed amendment shall be set for a public hearing at a later date as a major LCP amendment.

For additional information, please contact Robert Merrill at the North Coast office in San Francisco (415)904-5260.

8823p

RESOLUTION NO. 956-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA REQUESTING THAT THE CALIFORNIA COASTAL COMMISSION CERTIFY AN AMENDMENT TO THE ARCATA LOCAL COASTAL PROGRAM (LCP) AS REPRESENTED BY ORDINANCE 1244.

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

WHEREAS, the Arcata Coastal Land Use And Development Guide (CLUDG) is the implementation document of the Arcata LCP; and

WHEREAS, the City Council of the City of Arcata revised the CLUDG to be part of the revised Arcata Land Use And Development Guide (LUDG) and adopted said revision on May 7, 1994, by Ordinance 1233; and

WHEREAS, the Coastal Commission has certified said revision, subject to certain modifications by the City; and

WHEREAS, the City is in the process of completing the required modifications; and

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

WHEREAS, after holding advertised public hearings, the City Council has adopted Ordinance No. 1244 amending the LUDG;

NOW, THEREFORE, BE IT RESOLVED that the Director of Community Development is hereby directed to forward a copy of this resolution and Ordinance No. 1244 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. The Arcata Local Coastal Program is intended to be carried out in a manner fully in conformity with the provisions of the Public Resources Code Section 30000 et seq;
2. 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 but shall not be effective until the revised LUDG, adopted by Ordinance No. 1233, is effective.

DATED: October 18, 1995

ATTEST:

Alicia Harris  
City Clerk, City of Arcata

APPROVED:

[Signature]  
Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Resolution No. 956-22, passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California, held on the 18th day of October, 1995, by the following vote:

AYES: Blaser, Kirkpatrick, Pellatz, Test, Schaub

NOES: None

ABSENT: None

ABSTENTIONS: None

Alicia Harris  
City Clerk, City of Arcata

(draft) ORDINANCE NO. 1244

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING SUBSECTION 1-0310.4 (b), OF SECTION 1-0310, ARTICLE 3 CHAPTER 1 OF THE ARCATA LAND USE AND DEVELOPMENT GUIDE AS ADOPTED BY ORDINANCE NO. 1233; AND ADOPTING THE RELATED NEGATIVE DECLARATION FOR COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

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

Section 1: Amendment of Subsection 1-0310.4 (b). Subsection 1-0310.4 (b) of SECTION 1-0310, ARTICLE 3, CHAPTER 2 of the Arcata Land Use and Development Guide, is hereby amended as follows:

[New language is shown in boldface type; deleted language is shown in ~~strikeout~~ type.]

Subsection 1-0310.4(b) Expansion of a Nonconforming Residential Use. A nonconforming residential use may be enlarged, extended, or increased in number of residential units. **Except as provided herein, any such expansion shall be subject to the approval of a Conditional Use Permit by the Zoning Administrator as specified in Section 1-0402, CONDITIONAL USE PERMITS, and any other all applicable requirements of that zoning district this Title. Exception: Any expansion consisting of 100 s.f. or less to a nonconforming residential use located in a residential district may be permitted without the requirement for a conditional use permit, provided that: a) the number of units is not increased and b) this exemption may be used one time only on any given structure and c) the expansion is in conformance with all other applicable standards of this Title.**

Section 2: Effective Date. This Ordinance will take effect thirty (30) days after its approval by the Mayor except that, in that portion of the City of Arcata that is located, within the California Coastal Zone, the amendment shall be effective immediately upon California Coastal Commission approval.

INTRODUCED: October 4, 1995

ADOPTED: October 18, 1995

ORDINANCE NO. 1244

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA  
AMENDING THE ARCATA LAND USE AND DEVELOPMENT GUIDE,  
ARTICLE 3, CHAPTER 1, SECTION 1-0310  
AS ADOPTED BY ORDINANCE NO. 1233; AND  
ADOPTING THE RELATED NEGATIVE DECLARATION FOR  
COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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City Clerk, City of Arcata

APPROVED:

  
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Mayor, City of Arcata