

## CALIFORNIA COASTAL COMMISSION

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

**F 6a**

Filed: March 31, 1997  
90th Day: June 29, 1997  
Staff: Robert Merrill  
Staff Report: May 23, 1997  
Meeting of: June 13, 1997  
Commission Action:

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: Steve Scholl, North Coast District Director  
Robert Merrill, North Coast District Manager

SUBJECT: **CITY OF ARCATA LCP AMENDMENT NO. 1-97, MAJOR  
(LAKE)** (For public hearing and Commission action at the June 13,  
1997 meeting in San Rafael)

**SYNOPSIS**AMENDMENT DESCRIPTION

The proposed amendment would amend the Arcata LCP, effectively certified in October, 1989, to to redesignate and rezone an approximately 0.6-acre parcel at 575 "H" Street from "Coastal Residential Medium Density (C-R-M) to Coastal Central Business District Commercial (C-CBD).

SUMMARY OF STAFF RECOMMENDATION

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

The subject property lies two blocks from the center of the Central Business District, adjacent to areas already designated and zoned for Central Business District (CBD) use. In addition, the parcel has been developed and used for approximately the last 30 years as a commercial use that is consistent with the CBD designation and zone. Given that (1) the site is within the City's designated urban services boundary and has adequate services to accommodate the range of uses and densities allowed under the CBD designation and zone, and (2) the site is located within a largely developed area well away from the shoreline and sensitive resources, the greater intensity of use that the LCP amendment would allow for the site will have no adverse impacts on coastal resources.

**CITY OF ARCATA LCP AMENDMENT  
NO. 1-97, MAJOR (LAKE)**

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The motion and resolution for approval of the LUP amendment portion of the proposed LCP amendment are found on page 2. The motion and resolution for approval of the IP amendment portion of the proposed LCP amendment are found on page 6.

ANALYSIS CRITERIA

To approve the amendment to the Land Use Plan (LUP), the Commission must find the LUP, as amended, will remain consistent with the policies of Chapter 3 of the Coastal Act. To approve the amendments to the zoning ordinance, the Commission must find that the Implementation Plan (IP), as amended, will conform with and adequately carry out the policies of the LUP.

ADDITIONAL INFORMATION

For additional information about the proposed amendment, please contact Robert Merrill at the North Coast Area office at the above address (415) 904-5260. Please mail correspondence to the Commission to the same address.

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I. STAFF RECOMMENDATION, MOTIONS, AND FINDINGS FOR THE (LUP AMENDMENT)  
PORTION OF AMENDMENT NO. 1-97, MAJOR (LAKE)

A. APPROVAL OF THE LUP AMENDMENT PORTION OF AMENDMENT NO. 1-97 AS SUBMITTED

MOTION 1:

"I move that the Commission certify Amendment No. 1-97 to the City of Arcata Land Use Plan as submitted by the City."

Staff recommends a YES vote. An affirmative vote by a majority of the appointed Commissioners is needed to pass the motion.

RESOLUTION I:

The Commission hereby certifies Amendment No. 1-97 to the Land Use Plan of the City of Arcata Local Coastal Program for the specific reasons discussed in the following findings on the grounds that, as submitted, this amendment and the LUP as thereby amended meet the requirements and are consistent with the policies of Chapter 3 of the Coastal Act. This amendment is consistent with applicable decisions of the Commission that guide local government actions pursuant to Section 30625(c) and approval will not have significant environmental effects within the meaning of the California Environmental Quality Act.

**CITY OF ARCATA LCP AMENDMENT  
NO. 1-97, MAJOR (LAKE)**

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B. FINDINGS FOR APPROVAL OF THE LUP AMENDMENT PORTION OF AMENDMENT  
NO. 1-97, MAJOR (LAKE) AS SUBMITTED:

1. Amendment Description/Background:

a. Amendment.

The proposed amendment would redesignate from Coastal-Residential Medium Density (C-R-M) to Coastal-Central Business District Commercial (C-CBD) a 0.6-acre parcel in the developed portion of the City of Arcata at 575 "H" Street, at the intersection of "H" and Sixth Streets, south of Arcata Square (see Exhibits 1-3).

The LUP portion of the City of Arcata's Local Coastal Program consists of (a) the Coastal Land Use Element of the General Plan, and (b) the Coastal General Plan and Zoning Land Use Map. The map is also considered to be part of the Implementation Plan portion of the LCP. The proposed LCP amendment would simply change the designations for the area shown in the Coastal General Plan and Zoning Land Use Map. No changes to the text of the Coastal Land Use Element is proposed.

b. Background of Amendment Request.

The parcel affected by the proposed amendment request is currently developed with a commercial structure, most recently used as a pizza parlor (see Exhibit 4). The parcel has been used for commercial purposes since before passage of the Coastal Act. Despite its historic commercial use, when the City of Arcata LCP was certified, the parcel was designated and zoned by the City as Coastal-Residential Medium Density (C-R-M). Under this designation and zoning, the existing structure and its use are nonconforming and subject to conditional use permits to change from one nonconforming use to another. The proposed new designation and zoning would allow any use allowed in the Central Business District, including mixed commercial and residential uses. The LCP amendment would thus accommodate plans of the property owner to provide certain offices and other kinds of commercial uses in the building without the need for a conditional use permit, and eliminate the need for the property owner to obtain conditional use permits in the future for similar changes.

2. Site Description:

The approximately 0.6-acre parcel is located near the heart of the City, approximately two blocks south of Arcata Square at the southwest corner of H and Sixth Streets (see Exhibit 2). The parcel is known as 575 H Street, Assessor Parcel No. 21-165-03. The existing commercial building on the site is 3,000 square feet in size and occupies the northeast corner of the property. The balance of the property is paved with a 31-space parking lot. The surrounding uses include other Central Business District commercial uses across Sixth Street to the north, and medium density residential uses to the east, south, and west. The site is essentially flat. A culverted section of

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NO. 1-97, MAJOR (LAKE)**

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Jolly Giant Creek, a tributary of Arcata Bay, passes along the east side of the parcel (see Exhibit 3). However, the culvert is buried underground and the parcel contains no environmentally sensitive habitat. Because this section of Jolly Giant Creek was once an open watercourse subject to tidal action, the parcel lies within the Commission's retained permit jurisdiction, even though the creek is currently not visible at the site.

3. Consistency of Redesignation with LUP Policies.

To approve the proposed change to the Coastal General Plan and Zoning Land Use Map, the Commission should consider whether the new land use designation for the site would be consistent with the existing LUP and its policies, which are contained in the Coastal Land Use Element of the General Plan, as well as consistent with the policies of Chapter 3 of the Coastal Act.

The only portion of the Coastal Land Use Element that appears relevant to the proposed amendment request is Section II, "Coastal Land Use Map," which lists the Coastal Land Use designations. The Section indicates that the designations are the same as those used elsewhere in the City's General Plan. The General Plan description of the CBD indicates that residential uses are allowable and specifies that the "...designation includes retail, professional office, civic, hotel, theater and similar uses." As noted previously, the site is developed with a commercial structure that the owner intends to use for a variety of commercial and office uses. As the General Plan description of the CBD includes these uses, the proposed designation is consistent with the General Plan's and, by extension, the LUP's description of the CBD.

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

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

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

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NO. 1-97, MAJOR (LAKE)**

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4. Locating and Planning New Development.

Section 30250(a) of the Coastal Act states that new development shall be located within or near existing developed areas able to accommodate it or in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. The intent of this policy is to channel development toward more urbanized areas where services are provided and potential impacts to resources are minimized.

The area affected by the proposed amendment is within the City's designated urban services boundary and has adequate services. The City provides water to users in Arcata purchased from the Humboldt Bay Municipal Water District, which obtains its supply from the Mad River. The City also provides sewer service. The proposed new designation could potentially allow higher residential densities than the current designation because the CBD allows residential development of unspecified density as a permitted use. However, even at full build-out of the City under existing land use designations and with the potential increase in density under the proposed amendment, the City indicates that current public services would still be adequate to accommodate all of the development.

The proposed land use designation change will not adversely affect coastal resources. As noted, the CBD designation would allow greater residential densities in the affected area. Such increase in density and the intensification of use of an area can sometimes lead to increased cumulative impacts on coastal resources. However, the proposed amendment should not lead to increased cumulative impacts as (1) the site is already built out with a commercial building, (2) the site is within the central core of the urban area, (3) the site contains no environmentally sensitive habitat areas, (4) the site is not located between the first public road and the sea where shoreline coastal access would be a major consideration, (5) none of the currently allowable or proposed land uses would displace any previously designated coastal dependent use, and (6) new development that results from the proposed change in land use designation could be designed in a manner that would be compatible with the visual character of the area.

Therefore, the proposed amendment is consistent with Section 30250(a) of the Coastal Act because (a) the area affected by the amendment is located in a developed urban area with adequate public services able to accommodate the proposed uses, and (b) the amendment will not result in any adverse effects, either individually or cumulatively, on coastal resources.

5. CEQA

Pursuant to SB 1873, which amended the California Environmental Quality Act (CEQA), the Coastal Commission is the lead agency in terms of meeting CEQA requirements for local coastal programs. In approving the proposed amendment,

**CITY OF ARCATA LCP AMENDMENT  
NO. 1-97, MAJOR (LAKE)**

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the Commission must make a finding consistent with Section 21080.5 of the Public Resources Code. Section 21080.5(d)(2)(i) of the Public Resources Code requires that the Commission not approve or adopt an LCP:

. . . if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

As discussed in the findings above, the proposed Land Use Plan amendment as submitted will not result in significant environmental effects within the meaning of CEQA. The Commission therefore finds, the LCP amendment, as submitted, is consistent with Section 21080.5(d)(2)(i) of the Public Resources Code.

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II. STAFF RECOMMENDATION, MOTIONS, AND FINDINGS FOR THE IMPLEMENTATION PLAN AMENDMENT PORTION OF AMENDMENT NO. 1-97

A. APPROVAL OF THE IMPLEMENTATION PLAN AMENDMENT PORTION OF AMENDMENT NO. 1-97 AS SUBMITTED

MOTION 2:

"I move that the Commission reject Amendment No. 1-97 to the City of Arcata's Implementation Plan as submitted by the City."

Staff recommends a NO vote which would result in approval of this amendment as submitted. Only an affirmative (yes) vote on the motion by a majority of the Commissioners present can result in rejection of the amendment.

RESOLUTION II:

The Commission hereby approves the certification of Major Amendment No. 1-97 to the Implementation Plan of the City of Arcata Local Coastal Program on the grounds that the amendment to the Zoning Ordinance conforms with, and is adequate to carry out the provisions of the Land Use Plan as certified. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the approval of this amendment will have on the environment.

B. FINDINGS FOR APPROVAL OF THE IMPLEMENTATION PLAN AMENDMENT PORTION OF PART A OF AMENDMENT NO. 1-93 AS SUBMITTED

1. Proposed Implementation Plan Amendment.

As noted previously, the City's LCP uses the same classifications for both its LUP designations and Zoning Districts. Thus the proposed amendment to the Coastal General Plan and Zoning Land Use Map described in Section I is the

**CITY OF ARCATA LCP AMENDMENT  
NO. 1-97, MAJOR (LAKE)**

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same amendment proposed to the Implementation Plan. The amendment would rezone from Coastal-Residential Medium Density (C-R-M) to Coastal-Central Business District Commercial (C-CBD) a 0.6-acre parcel in the developed portion of the City of Arcata at 575 "H" Street, at the intersection of "H" and Sixth Streets, south of Arcata Square (see Exhibits 2 and 3).

The Implementation Plan portion of the City of Arcata's LCP consists of (a) the Coastal Land Use and Development Guide (CLUDG), which includes the Coastal Zoning and Subdivision Ordinances, (b) the Coastal General Plan and Zoning Land Use Map, and (c) the Coastal Wetlands Map. As is the case with the proposed change to the LUP, the proposed amendment to the Implementation Program of the City's LCP simply involves a change in designation for the area shown in the Coastal General Plan and Zoning Land Use Map (see Exhibit 3). No changes to the Coastal Wetlands Map or to the text of the Coastal Zoning and Subdivision Ordinances are proposed.

2. Adequacy of Implementation Program Changes.

As noted, the City's map of LUP designations and zoning districts is one in the same and the City uses the same classifications for both its land use designations and its zoning districts. Thus, changing what the map shows for a particular area automatically changes in a consistent manner both the land use designation and zoning. Therefore, the Commission finds that proposed Amendment No. 1-97 to the Coastal Land Use and Development Guide is consistent with and adequate to carry out the Land Use Plan, as amended by LCP Amendment No. 1-97.

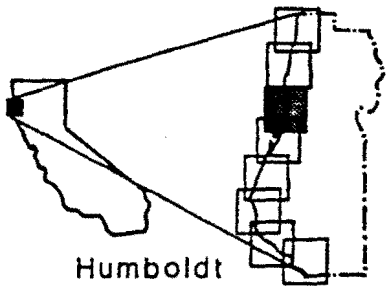
3. CEQA.

Pursuant to SB 1873, which amended the California Environmental Quality Act (CEQA), the Coastal Commission is the lead agency in terms of meeting CEQA requirements for local coastal programs. In approving the proposed amendment, the Commission must make a finding consistent with Section 21080.5 of the Public Resources Code. Section 21080.5(d)(2)(i) of the Public Resources Code requires that the Commission not approve or adopt an LCP:

. . . if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

As discussed in the findings above, the proposed Implementation Plan amendment as submitted will not result in significant environmental effects within the meaning of CEQA. The Commission therefore finds, the LCP amendment, as submitted, is consistent with Section 21080.5(d)(2)(i) of the Public Resources Code.

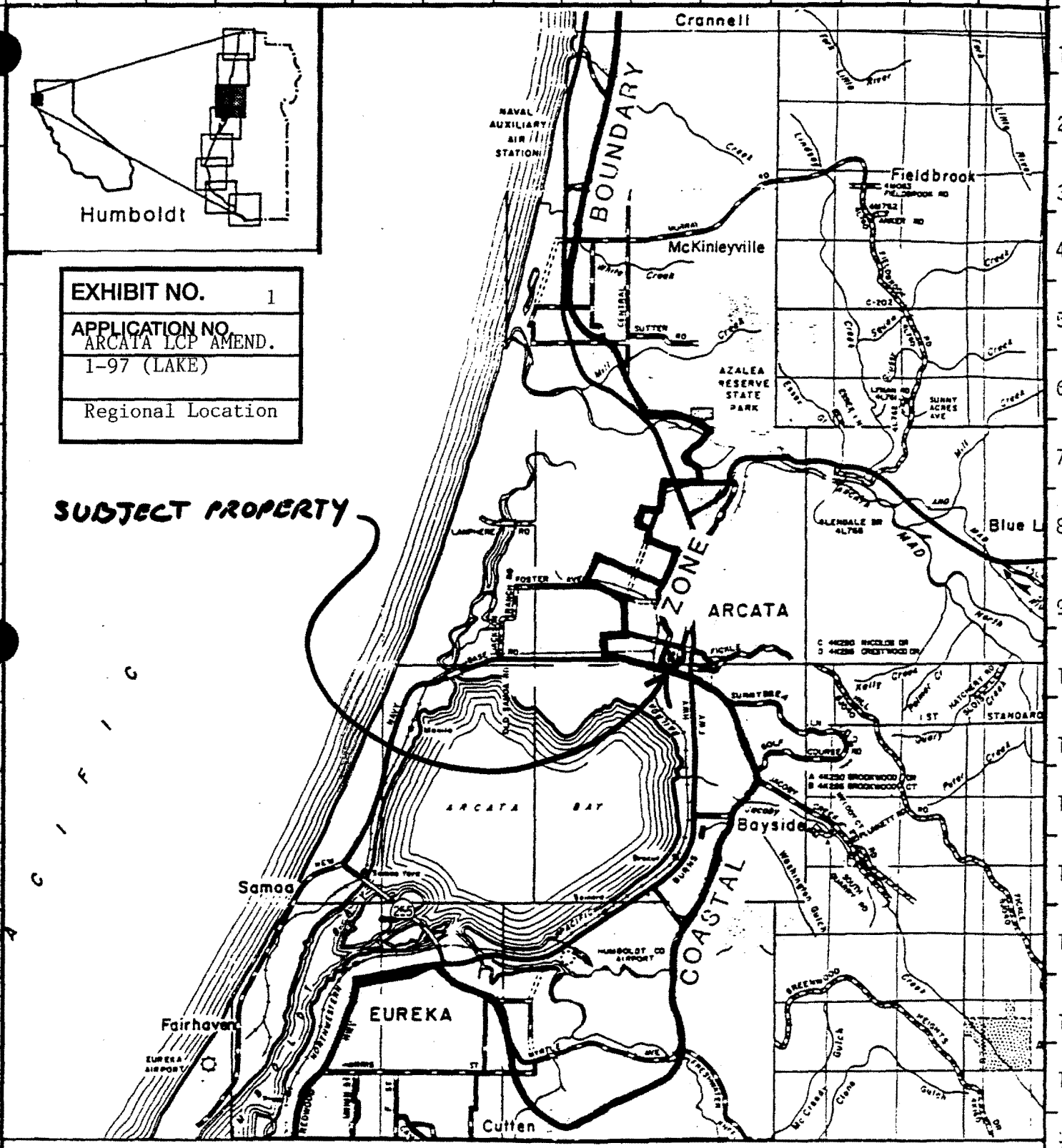
A B C D E F G H I J K L M N O



Humboldt

EXHIBIT NO.	1
APPLICATION NO.	ARCATA LCP AMEND.
	1-97 (LAKE)
Regional Location	

**SUBJECT PROPERTY**



California Coastal Commission

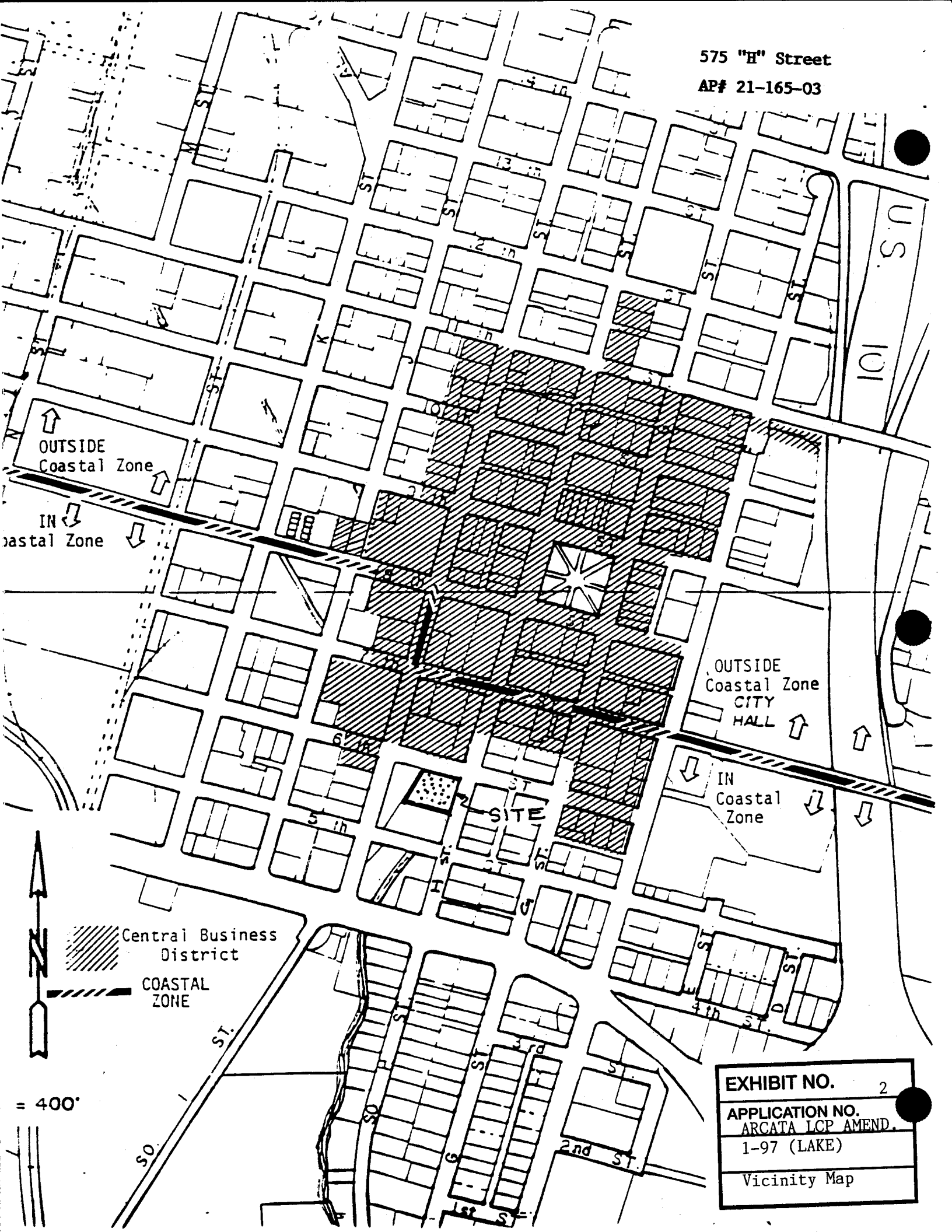
LOCATION MAP





575 "H" Street

AP# 21-165-03



↑  
OUTSIDE  
Coastal Zone

IN  
Coastal Zone

OUTSIDE  
Coastal Zone  
CITY  
HALL

IN  
Coastal  
Zone

SITE

Central Business  
District

COASTAL  
ZONE

= 400'

EXHIBIT NO.	2
APPLICATION NO.	ARCATA LCP AMEND.
	1-97 (LAKE)
Vicinity Map	

SITE

H ST.

CULVERTED AREA  
OF JOLLY GIANT  
CREEK

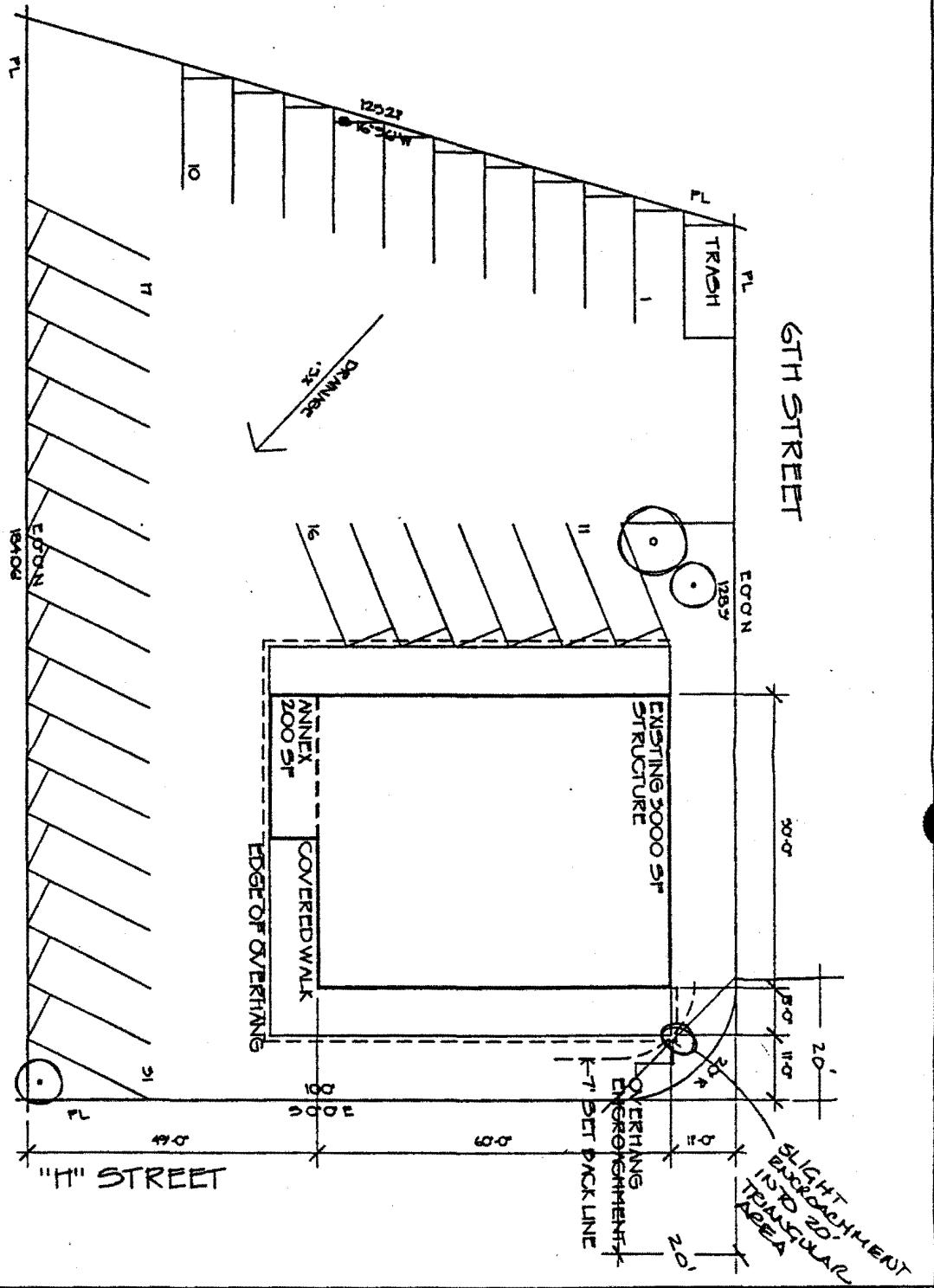
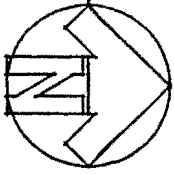
EXHIBIT NO.	3
APPLICATION NO.	ARCATA LCP AMEND.
	1-97 (LAKE)
Jolly Giant Creek	

NO SCALE

EA

F

**SITE PLAN**  
SCALE 1" = 20'



<b>SITE</b>		<b>ANALYSIS</b>	
APN 21-165-03	WATER COMMUNITY SERVICES DISTRICT	R-M ZONING	
LOC 375 "H" STREET	SEWER COMMUNITY SERVICES DISTRICT	LOT SIZE 19854 SF	
ARCATA, CALIFORNIA	UTILITY PACIFIC GAS AND ELECTRIC	31 PARKING SPACES	
<b>OWNER</b>		<b>AGENT</b>	
BOB LAKE 740 EDWARDS STREET TRINIDAD, CALIFORNIA 95570 PH (707) 671-0151		RAY WOLFE CONSTRUCTION INC. 5460 ERICSONWAY STE A ARCATA, CA 95521 PH (707) 822-4285 FX (707) 822-3802	
		<b>EXHIBIT NO.</b> 4	
		<b>APPLICATION NO.</b> ARCATA LCP AMEND.	
		1-97 (LAKE)	
		Existing Development	

RESOLUTION NO. 967-28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA  
AMENDING THE ARCATA COASTAL GENERAL PLAN MAP  
FOR THE PROPERTY AT 575 "H" STREET,  
SAID MAP BEING A 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, which has been updated from time to time; 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 "Arcata Coastal General Plan & Zoning Land Use Map" is the General Plan map with respect to both the Local Coastal Program and the Arcata General Plan; and

WHEREAS, the Planning Commission of the City of Arcata, following an advertised public hearing, has recommended that the Arcata Coastal General Plan Land Use Plan Map be amended as shown in Exhibit "A" attached and that the Negative Declaration be approved, and has forwarded its recommendation to the City Council through adoption of Resolution No. PC-97-03; 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;

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

- \* adoption of the Negative Declaration prepared on said amendment;
- \* amendment of the Coastal General Plan Land Use Map for the property described in Exhibit "A" and further identified as Assessor's Parcel Number 21-165-03, from "Coastal Residential Medium Density (C-R-M)" to "Coastal Central Business District Commercial (C-CBD)", subject to Conditions of Approval listed in Exhibit "B" attached.

EXHIBIT NO.	5
APPLICATION NO.	ARCATA LCP AMEND.
	1-97 (LAKE)
	LUP Amendment
	Resolution (1 of 7)

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

1. This Resolution shall take effect immediately upon Coastal Commission approval of said amendment.
2. 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.
3. Findings of approval listed in Exhibit "C" attached.

**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.

Dated: February 5, 1997

ATTEST:

APPROVED:

*Alvin Harris*  
City Clerk, City of Arcata

*[Signature]*  
Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Resoluti adopted at a regular meeting of the City Council of the City of Arcata, Humbol this 5th day of February, 1997, by the following vote:

AYES: Hanan, Kirkpatrick, Ornelas, Stewart, Test

NOES: None

ABSENT: None

ABSTENTIONS: None

City Clerk, City of Arcata

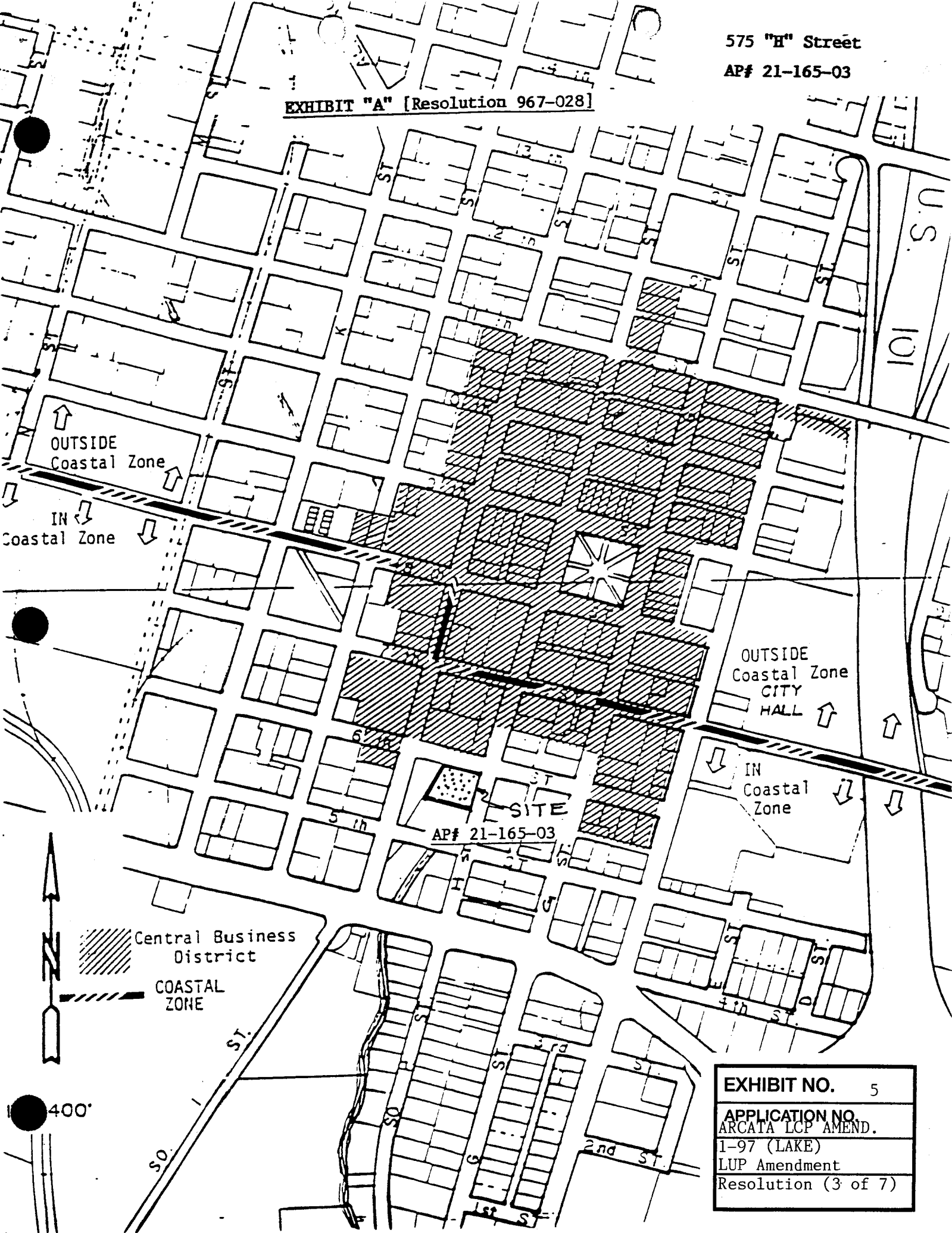
*Alvin Harris*

EXHIBIT NO.	5
APPLICATION NO.	ARCATA LCP AMEND.
	1-97 (LAKE)
	LUP Amendment
	Resolution (2 of 7)

575 "H" Street

AP# 21-165-03

**EXHIBIT "A" [Resolution 967-028]**



OUTSIDE Coastal Zone  
CITY HALL

SITE  
AP# 21-165-03

EXHIBIT NO.	5
APPLICATION NO.	ARCATA LCP AMEND.
	1-97 (LAKE)
	LUP Amendment
	Resolution (3 of 7)

Central Business District

COASTAL ZONE

400'

**EXHIBIT "B"**

[RESOLUTION 967-28]

CONDITIONS OF APPROVAL FOR FILE # 967-045-GPA-ZA-END

1. Following the effective date of the "Arcata Coastal General Plan & Zoning Land Use Map" amendment, the applicant shall do one of the following prior to new occupancy of the building, obtaining a building permit in preparation for new occupancy of the building, or within one (1) calendar year, whichever comes first:
  - a. the applicant provide information as to compliance with the vision clearance area; or
  - b. obtain a vision clearance waiver; or
  - c. bring the overhang into compliance with the code (for which Design Review Committee approval is first required).
2. Prior to occupancy of the building under the new zoning, the applicant shall comply with the conditions set forth in the 11/25/96 "Memorandum" from Department of Public Works, incorporated herein as Attachment 1 to this exhibit.

<b>EXHIBIT NO.</b>	5
<b>APPLICATION NO.</b>	ARCATA LCP AMEND.
	1-97 (LAKE)
	LUP Amendment
	Resolution (4 of 7)

ATTACHEMENT 1 to EXHIBIT "B" [Resolution 967-028]

File # 967-045-GPA-ZA-END

RECEIVED

DEC 12 1996

STAFF MEMORANDUM

City of Arcata  
Planning & Building Dept.

DATE: November 25, 1996

TO: Lia Sullivan, Associate Planner

FROM: Duane K. Greenwood, Director of Public Works *DKG*

SUBJECT: Public Works Comments Regarding  
575 "H" Street AP #21-165-03 and  
Zoning Change request File# 967-045-GPA

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The Public Works Department has the following conditions of approval for the above referenced parcel:

1. *Parking lot to be restriped to meet ADA requirements (i.e., minimum 2 ADA spaces, one of which must be Van accessible).*
2. *All broken and uneven sections of sidewalk posing potential tripping hazards shall be removed and replaced along property street frontage.*
3. *ADA sidewalk curb ramp shall be installed at the corner of 6<sup>th</sup> and "H" Streets.*
4. *Roof drains shall be inspected to ensure there is no discharge into the City wastewater collection system.*
5. *All applicable utility sewer cleanouts, grease traps, and water double check valves must be installed and/or properly serviced.*
6. *A minimum of 8 on site bicycle parking spaces must be provided.*

DKG:mlc

greenwood\memos\lia.doc

EXHIBIT NO.	5
APPLICATION NO.	ARCATA LCP AMEND.
	1-97 (LAKE)
	LUP Amendment
	Resolution (5 of 7)



**EXHIBIT "C"**

**FINDINGS OF APPROVAL FOR RESOLUTION 967-28**

The following findings are adopted:

**Required General Plan Amendment Findings per LUDG Section 5-0203:**

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

[Staff has followed state planning law in preparing the amendments.]

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

[The map amendment has been reviewed for, and found in compliance with, applicable policies of the Coastal Land Use Plan and General Plan. Approval of the amendment would not create internal conflicts. See also Findings G, H and I.]

**Required Zoning Amendment Findings per LUDG 1-0403 and 1-0204, amending the Zoning Map (Section 1-0203):**

- (C) *That the proposed amendment is consistent with the General Plan in accordance with the California Government Code, Section 65860; and*

[See Finding B, above.]

- (D) *That the public health, safety, and general welfare require the adoption of the proposed amendment.*

[Information provided in the applicant's project application material and the *Initial Study* support this conclusion.]

**Recommended Findings: Other findings, appropriate to this project are:**

- (E) *Based on an Initial Study, a Mitigated Negative Declaration is appropriate for this project pursuant to the California Environmental Quality Act (CEQA)*

[Environmental review, pursuant to CEQA, was required because of the zoning and general plan land use designation change involved. An initial study was prepared and concluded that there would not be a significant environmental impact and that no other potential impacts warranted mitigation.]

EXHIBIT NO.	5
APPLICATION NO.	ARCATA LUP AMEND.
	1-97 (LAKE)
	LUP Amendment
	Resolution (6 of 7)

- (F) *State law (AB 3158) requires special findings where minimal fish or wildlife impacts are expected as a result of a project. The project is not in an area of sensitive habitat or other sensitive resources. The City concludes that the proposed use will not adversely impact wildlife and finds that this project will have a "de minimis" impact on fish and wildlife.*

[Information provided in the applicant's project application material and the *Initial Study* support this conclusion.]

- (G) *The existing commercial use of the site is consistent with uses intended in the Central Business District zone.*

[The existing commercial building is currently vacant. Its previous use as a restaurant is principally permitted in the C-CBD zone.]

- (H) *The site is determined to be in the immediate vicinity of the Plaza, consistent with Chapter V. ECONOMIC ENVIRONMENT Policy 9 which states, in part: "The Central Business District should be defined as those blocks in the immediate vicinity of the Plaza."*

[Information provided in the staff report and the *Initial Study* support this conclusion.]

- (I) *While the site is located between the first public road and the sea, the proposed land use designation change will not significantly adversely affect coastal resources and access.*

[Information provided in the applicant's project application material, Coastal jurisdiction maps, and the *Initial Study* support this conclusion.]

- (J) *The proposed land use designation is not inconsistent with the Arcata Coastal General Plan. The proposed CBD zone does allow a higher density of residential development than the current zone. In the unlikely event that such development would occur, current public services can accommodate the higher density and coastal resources and access would not be significantly affected.*

[Information provided in the staff report and the *Initial Study* support this conclusion.]

- (K) *Based on testimony presented at the public hearing, the City Council hereby finds and determines that a bar would have an adverse impact on the neighborhood, particularly adjacent residential uses, and therefore would not be an appropriate use at this site.*

EXHIBIT NO.	5
APPLICATION NO.	ARCATA LUP AMEND.
	1-97 (LAKE)
	LUP Amendment
	Resolution (7 of 7)

EXHIBIT NO.	6
APPLICATION NO. ARCATA LCP AMEND.	
1-97 (LAKE) Amendment Ordinance	
(1 of 3)	

ORDINANCE NO. 1263

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA  
 AMENDING THE ARCATA MUNICIPAL CODE,  
 TITLE IX - LAND USE AND DEVELOPMENT GUIDE;  
 CHAPTER 1; ARTICLE 2; SECTION 1-0203 COASTAL ZONING MAP  
 FOR THE PROPERTY AT 575 "H" STREET.

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

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

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

The property shown in Exhibit "A" and further identified as Assessor's Parcel Number 21-165-03 is hereby rezoned from "Coastal Residential Medium Density" (C-R-M) to "Coastal Central Business District Commercial" (C-CBD).

**SECTION 2. Adoption of Mitigated Negative Declaration**

The City Council hereby determines that the Initial Study Report prepared for this project is a complete and adequate environmental document prepared in compliance with the California Environmental Quality Act, the "CEQA Guidelines", and the implementing ordinance of the City of Arcata. Based upon information in the Initial Study Report and the record, the Council further determines that there is no potential for any significant environmental effect as a result of the proposed amendment.

**SECTION 3. Severability**

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

**SECTION 4. Limitation of Actions**

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

**SECTION 5. Effective Date**

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

EXHIBIT NO.	6
APPLICATION NO.	ARCATA LCP AMEND.
	1-97 (LAKE)
	Amendment Ordinance
	(2 of 3)

**SECTION 6. Effective Date**

This Ordinance amends the Local Coastal Program of the City of Arcata and shall not be effective until the amendment is certified by the California Coastal Commission. The Community Development Department is hereby directed to transmit the ordinance to the California Coastal Commission for certification. This amendment is submitted as a program that shall take effect immediately upon certification by the California Coastal Commission.

**SECTION 7. Implementation of Local Coastal Program**

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.

Dated: February 19, 1997

ATTEST:

APPROVED:

*Alina Harris*  
 City Clerk, City of Arcata

*J. C. [Signature]*  
 Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1263, passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California, on the 19th day of February, 1997, by the following vote:

AYES: Hanan, Kirkpatrick, Ornelas, Stewart, Test

NOES: None

ABSENT: None

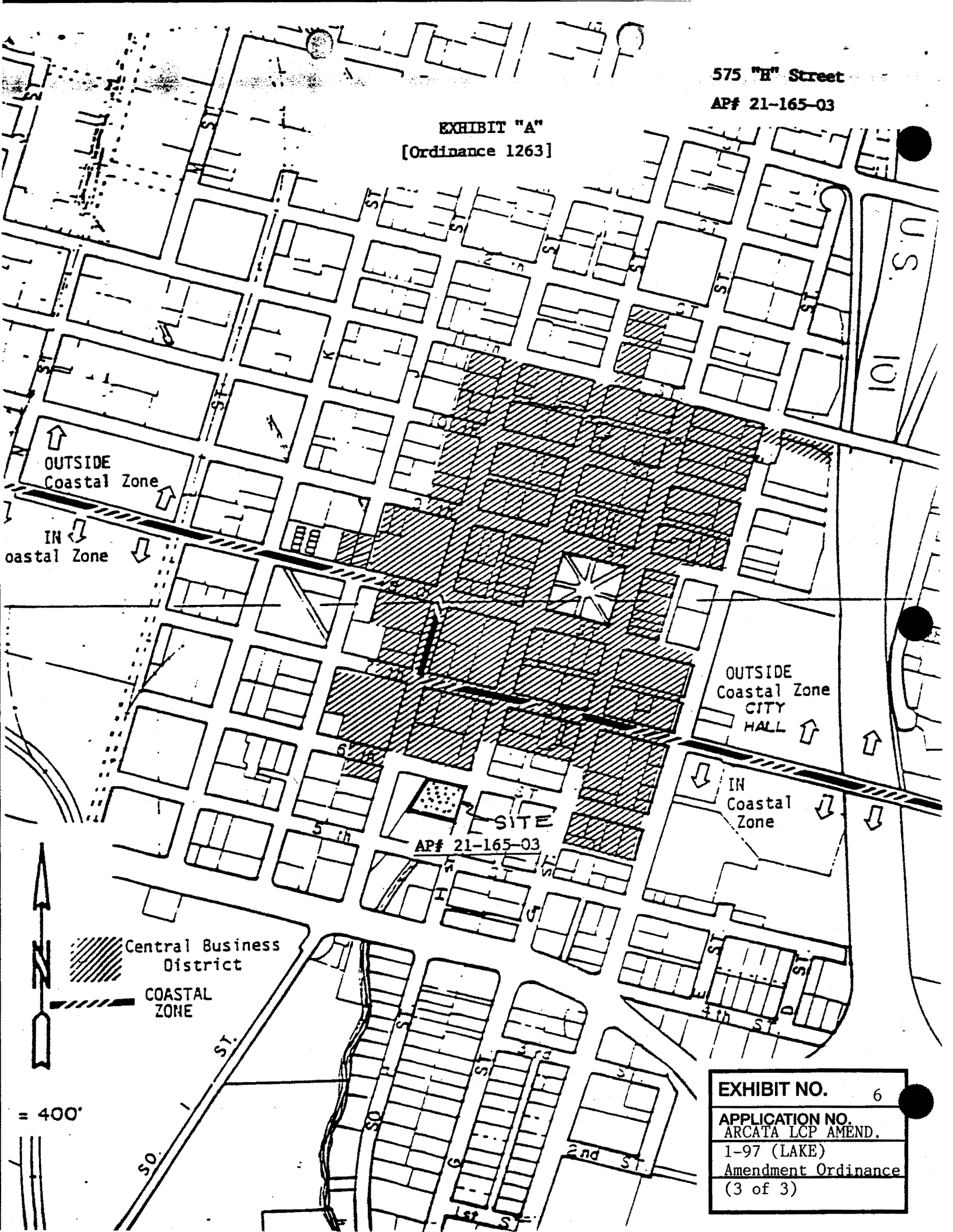
ABSTENTIONS: None

*Alina Harris*  
 City Clerk, City of Arcata

575 "H" Street

AP# 21-165-03

**EXHIBIT "A"**  
[Ordinance 1263]



U.S.  
101

↑  
OUTSIDE  
Coastal Zone

↑ ↓  
IN  
Coastal Zone

OUTSIDE  
Coastal Zone  
CITY  
HALL ↑

↓  
IN  
Coastal Zone

SITE  
AP# 21-165-03

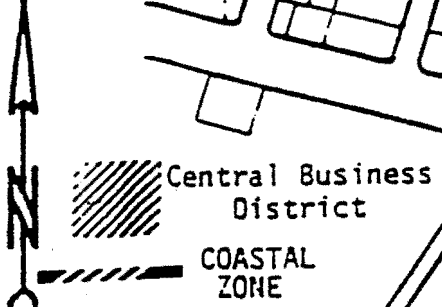


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